

<u>1/9</u> (1-34)	<u>1/10</u> (35-83)	<u>1/14</u> (84-92)
<u>1/15</u> (93-122)	<u>1/16</u> (123-141)	<u>1/17</u> (142-152)
<u>1/22</u> (153-165)	<u>1/23</u> (166-190)	<u>1/24</u> (191-202)
<u>1/28</u> (203-221)	<u>1/29</u> (222-230)	<u>1/30</u> (231-238)
<u>1/31</u> (239-251)	<u>2/4</u> (252-266)	<u>2/5</u> (267-282)
<u>2/6</u> (283-292)	<u>2/7</u> (293-306)	<u>2/11</u> (307-316)
<u>2/12</u> (317-331)	<u>2/13</u> (332-348)	<u>2/14</u> (349-374)
<u>2/15</u> (375-383)	<u>2/18</u> (384-394)	<u>2/19</u> (395-404)
<u>2/20</u> (405-419)	<u>2/25</u> (420-428)	<u>2/26</u> (429-450)
<u>2/27</u> (451-473)	<u>2/28</u> (474-494)	<u>3/4</u> (495-504)
<u>3/5</u> (505-515)	<u>3/6</u> (516-532)	<u>3/7</u> (533-557)
<u>3/8</u> (558-563)	<u>3/11</u> (564-576)	<u>3/12</u> (577-607)
<u>3/13</u> (608-625)	<u>3/14</u> (626-643)	<u>3/15</u> (644-649)
<u>3/25</u> (650-662)	<u>3/26</u> (663-694)	<u>3/27</u> (695-742)
<u>3/28</u> (743-780)	<u>4/2</u> (781-933)	<u>4/3</u> (934-956)
<u>4/4</u> (957-978)	<u>4/8</u> (979-990)	<u>4/9</u> (991-1016)
<u>4/10</u> (1017-1095)	<u>4/11</u> (1096-1128)	<u>4/15</u> (1129-1164)
<u>4/16</u> (1165-1186)	<u>4/17</u> (1187-1343)	<u>4/18</u> (1344-1373)
<u>4/22</u> (1374-1390)	<u>4/23</u> (1391-1487)	<u>4/24</u> (1488-1540)
<u>4/25</u> (1541-1574)	<u>4/29</u> (1575-1592)	<u>4/30</u> (1593-1660)
<u>5/1</u> (1661-1891)	<u>5/2</u> (1892-1930)	<u>5/6</u> (1931-1974)
<u>5/7</u> (1975-2101)	<u>5/8</u> (2102-2301)	<u>5/9</u> (2302-2358)
<u>5/13</u> (2359-2441)	<u>5/14</u> (2442-2551)	<u>5/15</u> (2552-2857)
<u>5/16</u> (2858-3126)	<u>5/17</u> (3127-3328)	<u>8/27</u> (3329-3331)
<u>9/4</u> (3332-3333)	<u>9/11</u> (1-52)	

Journal of the House

NINETY-SEVENTH GENERAL ASSEMBLY
of the
STATE OF MISSOURI
FIRST REGULAR SESSION

FIRST DAY, WEDNESDAY, JANUARY 9, 2013

The House was called to order at twelve o'clock noon by the Honorable Robin Carnahan, Secretary of State.

Prayer by Father Leo Spezia, Most Sacred Heart Catholic Church, Eureka, MO.

O God, Whose divine wisdom embraces our universe, how blest are You. How great Thou art. As we gather for this session of the Missouri House of Representatives, we begin with an attitude of gratitude and thanksgiving.

Thank You for our military personnel, all law enforcement officers, and our fire service and emergency service personnel throughout our great state and nation, who protect and serve Your people and guard their lives and property. It is with thanksgiving that we pause to remember the persons who have made the ultimate sacrifice to help ensure Missouri's safety. We thank them for their service.

Rally the Republicans and Democrats around Your common good so that our great state will truly become one of opportunity for all – including the least, the last, and the lost.

Bless every elected official of our state. Bless them, their families, and their leadership.

O God, the One Who has always been, and always will be, the true maker of just laws, we give You the honor and the glory. Bless our state this day and always. We ask this in Your Name. Amen.

The Pledge of Allegiance to the flag was recited.

The Missouri State Highway Patrol, Troop F Color Guard, presented the Colors.

ADDRESS BY SECRETARY OF STATE ROBIN CARNAHAN

Good Afternoon. I'm Secretary of State Robin Carnahan. Welcome to the opening of the 97th Regular Session of the Missouri General Assembly.

First, I want to thank those of you who are returning to continue your service to our state. And I want to give a very special congratulations and thank you to the 50 new members who are taking the oath of office for the first time.

My job today is to preside over the opening of this session until a Temporary Speaker is chosen.

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But, before we get to that, I'll follow the longstanding tradition of saying a few words before handing over the gavel one last time.

This is the fourth time I've been honored to preside over the opening of a new legislative session, and every time I have the same feeling.

Like most visitors who walk through these doors, I'm first struck by the beauty and majesty of this place. But, quickly my thoughts turn to the history that's been made here. Right here in this room.

Think about it: Millions of Missouri children and parents are better off because of difficult votes your predecessors took to invest in our schools and teachers, and to ensure our kids have access to affordable, quality healthcare.

This room has witnessed important votes to protect our citizens; help small business owners; invest in our roads; help the sick, disabled and less fortunate; and provide retirement security and decent healthcare to our seniors. And that only scratches the surface of the important work that has passed through this chamber.

Over the coming days, you, too, will have the opportunity to make history. You'll be asked to make difficult choices...to balance the costs and benefits of various programs that could have a profound impact on millions of lives.

And the ugly, seldom talked-about truth is, every one of you will be asked to cast votes on issues before you've had enough time and information to fully understand the consequences. And you'll very likely be asked to vote in situations when you find none of the choices appealing.

When that day comes, and inevitably it will, the question each of you will need to answer for yourself is: How will you decide whether to vote yea or nay?

Of course, the easiest and most obvious path is to go along with your party's leaders and vote the way they want you to.

That's playing it safe. But that certainly isn't why your friends and neighbors back home voted to send you here...they expect more of you. And I'm guessing you expect more of yourselves.

So how else will you be able to make those tough choices when a difficult vote is called?

Some of you may fall back on trying to fit your vote neatly into some ideological box...something easy to explain. Is it pro-freedom, pro-business, anti-tax? You name it.

But the reality is, very few issues you'll be asked to vote on are that simplistic. And besides, oversimplifying complicated policy questions also isn't why your neighbors voted to send you here.

Of course, some of you may be tempted to turn to lobbyists or special interest groups for information and guidance on how to vote...you don't need me to tell you how folks back home might react to that.

Or you can choose to do what people back home expect of you when those tough votes come...by tuning out all the noise and thinking hard about how your vote will affect them. Those families with sick kids and jobs with no insurance, those working parents struggling with more than one job just to cover the bills, that aging WWII veteran or that 18-year-old student who may not have driver's licenses, but sure don't want to lose their right to vote.

It's your job, indeed it's your solemn obligation, to think about those people not about politics when you decide how to vote...think about those real Missourians whose lives will be impacted, for better or worse, by choices you make.

Your friends and neighbors sent you to this majestic chamber to represent the interests of your community because they trust your judgment. They trust your integrity. They trust that you will work hard at understanding all the trade-offs, all the complications, and all the implications, to speak your mind and look out for their interests...rich and

poor; old and young; business owners and union workers; healthy and sick; liberal and conservative; Republican and Democrat.

They trust that you'll look beyond the partisan rhetoric and lobbyist influence peddling and work to find common ground and commonsense compromises that solve real problems and keep Missouri moving down the path of a prosperous future.

Every Missourian you represent has hopes and fears about that future. Your job in the coming months is to pass laws that are fair and create opportunities for all of those who are ready to work hard and play by the rules. But it's also your job to look out for our most vulnerable citizens and ensure they, too, are treated with dignity and respect.

I hope that you take a few minutes today, and indeed every day when you look in the mirror, to remind yourself why you are here and think about the history that's been made in this room.

Think about the responsibility you've been entrusted with...not only to make history, but also to do good. For our children, families and the millions of Missourians whose lives and futures depend on the votes you'll cast here.

That will be your lasting legacy.

May God bless you as you go about this important work.

COMMUNICATION FROM THE SECRETARY OF STATE

To the Honorable House of Representatives of the 97th General Assembly, First Regular Session, of the State of Missouri:

In compliance with Section 115.525, Revised Statutes of Missouri, I have the honor to lay before you herewith a list of the names of the members of the House of Representatives for the 97th General Assembly (First Regular Session) of the State of Missouri, elected at the General Election held on November 6, 2012.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the official seal of my office this 8th day of January, 2013.

/s/ ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI HOUSE OF REPRESENTATIVES 97th General Assembly, First Regular Session

District	Name
1st	Mike Thomson
2nd	Casey Guernsey
3rd	Nate Walker
4th	Craig Redmon
5th	Lindell F. Shumake
6th	Tim Remole
7th	Mike Lair
8th	James W. (Jim) Neely
9th	Delus Johnson
10th	Pat Conway
11th	Galen Wayne Higdon, Jr.
12th	Ken Wilson
13th	Nick Marshall
14th	Ron Schieber
15th	Jon Carpenter

16th	Noel J. Shull
17th	Myron Neth
18th	Jay Swearingen
19th	John Joseph Rizzo
20th	John A. Mayfield
21st	Ira Anders
22nd	Brandon Ellington
23rd	Randy D. Dunn
24th	Judy Morgan
25th	Jeremy LaFaver
26th	Gail McCann Beatty
27th	Bonnaye V. Mims
28th	Tom McDonald
29th	Noel Torpey
30th	Mike Cierpiot
31st	Sheila Solon
32nd	Jeanie Lauer
33rd	Donna Pfautsch
34th	Jeff Grisamore
35th	Gary Cross
36th	Kevin McManus
37th	Joe Runions
38th	T.J. Berry
39th*	Joe Don McGaugh
40th	Jim Hansen
41st	Ed Schieffer
42nd	Bart Korman
43rd	Jay D. Houghton
44th	Caleb Rowden
45th	Chris Kelly
46th	Stephen Webber
47th	John A. Wright
48th	Dave Muntzel
49th	Jeanie Riddle
50th	Caleb Jones
51st	Dean A. Dohrman
52nd	Stanley Cox
53rd	Glen Kolkmeier
54th	Denny Hoskins
55th	Rick Brattin
56th	Chris Molendorp
57th	Wanda Brown
58th	David Wood
59th	Mike Bernskoetter
60th	Jason (Jay) Barnes
61st	Dave Schatz
62nd	Tom Hurst
63rd	Bryan Spencer
64th	Robert Cornejo
65th	Anne Zerr
66th	Tommie Pierson
67th	Steve Webb
68th	Keith English
69th	Margo McNeil
70th	Bill Otto
71st	Susan Meredith

72nd	Mary Nichols
73rd	Courtney Curtis
74th	Sharon L. Pace
75th	Rochelle Walton Gray
76th	Chris Carter
77th	Kimberly M. Gardner
78th	Penny V. Hubbard
79th	Michael Butler
80th	Mike Colona
81st	Jacob W. Hummel
82nd	Michele Kratky
83rd	Gina Mitten
84th	Karla May
85th	Clem Smith
86th	Rory Ellinger
87th	Stacey Newman
88th	Jill Schupp
89th	John J. Diehl, Jr.
90th	Rick Stream
91st	Jeanne Kirkton
92nd	Genise D. Montecillo
93rd	Bob Burns
94th	Vicki Lorenz Englund
95th	Marsha Haefner
96th	Mike Leara
97th	John C. McCaherty
98th	Dwight Scharnhorst
99th	Andrew Koenig
100th	Sue Allen
101st	Don Gosen
102nd	Kurt Bahr
103rd	Doug Funderburk
104th	Kathie Conway
105th	Mark A. Parkinson
106th	Chrissy Sommer
107th	Ron Hicks
108th	Chuck Gatschenberger
109th	Paul Curtman
110th	Timothy W. Jones
111th	Michael Frame
112th	Paul Wieland
113th	Jeff Roorda
114th	T.J. McKenna
115th	Elaine Freeman Gannon
116th	Kevin Engler
117th	Linda Black
118th	Ben Harris
119th	Dave Hinson
120th	Jason T. Smith
121st	Keith Frederick
122nd	Steve Lynch
123rd	Diane Franklin
124th	Rocky Miller
125th	Warren D. Love
126th	Randy Pike
127th	Mike Kelley

128th	Sue Entlicher
129th	Sandy Crawford
130th	Jeff Messenger
131st	Sonya Murray Anderson
132nd	Charlie Norr
133rd	Eric W. Burlison
134th	Elijah Haahr
135th	Lincoln Hough
136th	Kevin Austin
137th	Lyndall Fraker
138th	Don Phillips
139th	Kevin Elmer
140th	Lynn Morris
141st	Tony Dugger
142nd	Robert Ross
143rd	Jeffrey Pogue
144th	Paul Fitzwater
145th	Shelley (White) Keeney
146th	Donna Lichtenegger
147th	Kathy Swan
148th	Holly Rehder
149th	Steve Hodges
*150th	Kent Hampton
151st	Dennis Fowler
152nd	Todd Richardson
153rd	Steve Cookson
154th	Shawn Rhoads
155th	Lyle Rowland
156th	Jeff Justus
157th	Don Ruzicka
158th	Scott Fitzpatrick
159th	Bill Lant
160th	Bill Reiboldt
161st	William (Bill) White
162nd	Charlie Davis
163rd	Tom Flanigan

*Litigation pending on this race

LETTERS OF RESIGNATION

December 21, 2012

Governor Jay Nixon
State Capitol, Room 216
Jefferson City, MO 65101

Dear Governor Nixon:

I am writing to notify you that effective immediately I resign from my current position as State Representative of the 132nd House District in the 96th General Assembly, and also resign from my newly-elected position as State Representative of the 157th House District in the 97th General Assembly.

The past six years have been wonderful and have allowed me to make a difference for our state. Serving the people of Lawrence County and this great state has been one of the most rewarding and fulfilling experiences of my life. I appreciate the support of my constituents and colleagues during those years.

This is a blessed state and I know it will continue to be served with excellence.

Respectfully,

/s/ Don Ruzicka
State Representative
132nd District

January 3, 2013

The Honorable Jay Nixon
State Capitol, Room 216
Jefferson City, MO 65101

Dear Governor Nixon:

Pursuant to Section 21.090, RSMo, I hereby submit my resignation, effective immediately, as state representative-elect for the 76th District of the Missouri House of Representatives, and request that you call a special election to fill the vacancy as soon as possible.

Sincerely,

/s/ Chris Carter
Representative-Elect
76th District

The following roll call indicated a majority of the Representatives present:

AYES: 159

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Molendorp	Montecillo	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Pace	Parkinson	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson

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Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shumake	Smith 85	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Jones (110)	

NOES: 000

PRESENT: 001

Shull

ABSENT WITH LEAVE: 001

Frederick

VACANCIES: 002

The following Representatives advanced to the bar and subscribed to the oath of office, which was administered by the Honorable Richard B. “Rick” Teitelman, Chief Justice of the Supreme Court of Missouri.

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Molendorp	Montecillo	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Pace	Parkinson	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 85
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webb	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Jones (110)

NOMINATIONS FOR TEMPORARY SPEAKER

Representative Guernsey nominated Representative Shelley Keeney as temporary Speaker of the House.

Representative Burlison seconded the nomination.

Representative Kelly (45) nominated Representative Steve Webb as temporary Speaker of the House.

Representative Webb withdrew his nomination.

Representative Diehl moved that nominations cease and Representative Keeney be elected by acclamation.

Which motion was adopted.

Representative Keeney assumed the Chair.

NOMINATIONS FOR SPEAKER

Representative Swan nominated Representative Timothy W. Jones for Speaker of the House.

Representative Funderburk seconded the nomination.

Representative McCann Beatty nominated Representative Jake Hummel as Speaker of the House.

Representative Hummel withdrew his nomination.

Representative Diehl moved that nominations cease and Representative Jones (110) be elected by acclamation.

Which motion was adopted.

The following committee was appointed to escort Representative Jones (110) to the dais: Representatives Jones (50), Riddle, Hubbard, Elmer, Webb, Kelly (45), Crawford, Burlison, Barnes, Richardson, Allen, former Representatives Danie Moore and Kenny Jones.

Representative Jones (110) subscribed to the oath of office which was administered by the Honorable Dan Pelikan, Judge of the 11th Circuit Court of Missouri.

Speaker Jones assumed the Chair.

ADDRESS BY SPEAKER TIMOTHY W. JONES

Friends and colleagues:

Let me first say thank you for the immense honor you have given me to serve as your Speaker. I am truly blessed to be able to lead such a remarkable group of public servants and I am excited to work with each and every one of you in the coming months to advance the policy items that mean the most to you and to all the people of your districts.

Let me also thank the members, past and present, who so graciously escorted me to the dais to receive this honor. Thank you for your support and friendship.

Let me give extra special thanks to my good friend Danie Moore, the former Lady from Callaway, who made the trip to Jefferson City today to serve on the escort committee. Danie was a mentor and a friend during my first years here in the House. She was an immense help to me as I learned my way in this legislative body. I know there are many of you who can say the same. Thank you, Lady from Callaway, for being such a conscientious public servant and such a giving and caring soul.

And thank you to another of my mentors...someone who has given me sage advice throughout my entire life...who has helped make me the man and the legislator I am today...someone who happens to be my uncle...and the father of our colleague, the Gentleman from Moniteau. Please join me in welcoming the former Gentleman from Moniteau...our friend and fellow public servant...my uncle, Kenny Jones. Thank you for being a guiding force in my life and for teaching me what it means to serve with honesty and integrity.

Thanks as well to the Chief Justice of the Missouri Supreme Court, Richard Teitelman, for swearing us in as members of the House, to Judge Dan Pelikan for administering the oath of office I have taken as your Speaker, and to our House Chaplains, Monsignor Kurwicz and Father Spezia, for providing us with their spiritual guidance as we embark on this important legislative session.

Let me also take a few moments to thank my family for the support they have given me as I have pursued this dream of public service. A heartfelt thank you to my parents who are with us today and to all of my family and friends, many of whom have driven great distances to share in this moment with me. Your love and support have enabled and empowered me to make this incredible journey. It's a journey that has meant long hours here in the Capitol, travel to all four corners of our great state, long hours and days away from home, and apart from my loving wife, Suzanne, and our beautiful daughters, Katherine and Abigail. Even as my duties here have kept me away from the people I love the most, they have never wavered in their commitment to support me, to ground me, and to remind me what truly matters most in my life. Without the encouragement and the love they have given me over the years, I would not be here today. Suzanne, Katie, Abby – thank you for giving me the opportunity to make this dream a reality. I could not have done it without you.

The truth is, when you make sacrifices such as these – and we all make them when we choose to serve – you do so with the hope that the precious moments you miss in your personal life are outweighed by the opportunity you gain in your public life to do something truly remarkable, not just for the ones you love – but for every man, woman and child who calls our great state of Missouri home.

As I've traveled around the state over the course of the last few months and during the last six years as I have served as a state representative, I've had the opportunity to meet with and learn the stories of so many outstanding Missourians. From single parents who have overcome adversity to provide a brighter future for their children, to business owners who have found a way to not only survive but thrive in the face of challenging economic times, to farm families who have endured and overcome some of the toughest years in memory. All have markedly different backgrounds and experiences, but all share the common traits of diligence and determination that have allowed them to succeed in the face of adversity. All have an unrelenting desire to see Missouri become a state where our opportunities outnumber our obstacles—where government can maintain a level playing field that gives all Missourians the chance to make their dreams a reality.

In all that we do, the people expect us to abide by a simple rule – that government shall serve not as the ruler of the people, but that the will of the people shall rule their government. As our state motto forever reminds us, the welfare of the people shall be the supreme law of the land. It is a motto that should be in our hearts and our minds with every action we take as public servants.

As we embark on the 2013 legislative session, we have within our grasp the ability to make our state stronger and more prosperous than it has ever been.

The people of this state sent the largest Republican caucus in the history of the Missouri House to Jefferson City to advance a bold and ambitious policy agenda – one that will mean more and better jobs for those in need of work, innovative solutions to our current and future energy needs, and outside-the-box thinking when it comes to reforming a system of education that has far too often failed to meet the needs of our young people.

Over the last few months I have met with many of you across the state to discuss the agenda items we want to address during this session. From our discussions and our conversations – from the input I have received from the people we are elected to serve – we have developed what I refer to as the “Triple E Agenda.” It’s an agenda I believe that can make Missouri the strongest state in the nation in the areas of Economic Development, Energy Policy, and Education.

Economic Development and Job Creation

Regardless of our party affiliations – or the area of the state from which we hail – we all can agree that effective economic development and job creation policies are essential to ensure a bright future for Missouri.

While our economy has begun to show signs of life and the unemployment rate continues to be significantly below the national average, it is clear we must do more to make Missouri’s business climate one that is friendly to existing and potential employers, and that encourages the creation of good-paying jobs that will allow Missouri families to prosper.

One of my top priorities for this legislative session is to reform our medical malpractice system—so we can protect Missouri businesses and our entire system of health care from frivolous lawsuits and encourage new job creation. When the Supreme Court struck down the caps last year, it opened a floodgate of lawsuits that threaten to drive the cost of medical malpractice insurance through the roof, which will increase the cost of care and will encourage the use of so-called “defensive medicine.” The truth is, unless we take action to fix this problem, we will see millions of dollars in the health care industry diverted away from care from health care investment – from health care education – from creating health care jobs—and instead those precious dollars will be needed for legal defense costs.

These are facts that cannot be denied.

Unless we act, health care costs will increase and health care quality will decline as many of our best doctors will inevitably flee the state. That is why we will work this session to stave off this looming threat by reinstating a reasonable cap – by making reforms that will ensure health care providers are not in danger of being targeted by harmful, needless litigation. We must also work to improve our business climate by making Missouri’s employment law standards comparable to national standards. Court decisions have pushed employment laws above and beyond what is required by federal law – something that has negatively impacted our ability to attract new employers to our state and maintain the ones that are already doing business here. It’s time to give Missouri employers the kind of certainty in the legal system that will allow them to focus on growing their businesses and creating jobs rather than worrying about unnecessary lawsuits.

Another element to improving our business climate and encouraging economic development will be to improve our workers’ compensation system. We must make sure that both workers’ compensation and the Second Injury Fund remain solvent to ensure employers are protected from the costs of workplace accidents. If the insolvent Second Injury Fund cannot be salvaged without unfairly penalizing job creators with excessive taxation – we must follow the lead of many other states and begin the task of winding down this fund which has been mismanaged for decades.

One of the most critical components of the economic development portion of our Triple E Agenda is focused on maintaining and creating incentive tools that work.

This session I want to see this legislative body make a commitment to “Cut, Cap and Create.”

Missouri has a significant number of tax credit programs – 61 in all – and it is no secret not all of these programs are accomplishing a useful goal. It will be a House priority to make changes this session that encourage oversight over these programs – eliminate the credits that do not work – cap programs at a reasonable level to provide budget certainty, create new programs that are fiscally responsible, have significant taxpayer protections and that are immediately fiscally positive.

Our benevolent tax credits must be part of this discussion as well. These credits have been instrumental in helping so many worthwhile causes, from pregnancy resource centers to food pantries. This year we must work to reinstate the credits that have helped our charitable organizations to do so much for so many.

We also must give careful consideration to ways we can supplement our economic development efforts by improving our state’s infrastructure. We must work to make sure our roads and bridges – our essential transportation routes – are maintained, are repaired, and are rebuilt and that our essential state services – and the college campuses where young minds are prepared for the future – have the resources and facilities they need to succeed. This means giving serious consideration to a bonding proposal that could generate billions of dollars for these crucial projects. It will help us meet the demands we face today as well as those our state will face in the future.

Energy Policy

The second component of the Triple E I will ask this body to focus their efforts on this year deals with our state’s energy future. We must work to ensure Missouri embraces responsible energy policies that will encourage affordable energy prices and technological development. We must continue to explore and pursue opportunities with the Department of Energy to develop the small modular reactor industry here in our state.

We must ensure Missouri becomes part of this incredibly exciting industry of the future. We must also work to ensure our regulatory framework does not impede Missourians from using existing energy sources or pursuing new developments using our God-given natural resources like coal and natural gas. Only by using an “all of the above” energy framework can we hope to achieve energy independence.

In all that we do, we must adhere to the free-market principles that have made this country great. The free market should dictate and drive our energy independent future – not government subsidies which engage in artificial market controls and support crony capitalism. Exciting new energy endeavors are part and parcel of this equation, but we must also embrace the abundance of natural resources laid out before us.

Education Reform

The final E in the House agenda is education funding and reform. Although we may at times differ in our opinions of how to reach our goals, we can all agree that a strong, effective education system – as guaranteed by our state constitution – is the key to ensuring prosperity for future generations of Missourians.

One of the top concerns we must address this session is protecting education funding from continued encroachment by the Governor’s welfare expansion funding demands. It is irresponsible to place the immediate benefits of entitlement funding ahead of education. The students of today will become the job creators and business and community leaders of tomorrow.

Our children deserve access to the highest quality education available, but our schools will not be able to provide this level of education if their funding is consistently slashed to the bone to fund an ever-increasing, bloated entitlement system that is full of waste, fraud and abuse.

We must also work to improve and reform our education system in general. Our two largest school districts are failing. We must provide these districts and every other district in our state the tools to ensure that effective teaching, not bureaucracy, is the number one priority.

A key component of accomplishing this goal is to ensure schools are able to evaluate teacher performance. Hold poor teachers accountable for their actions while rewarding the overwhelming majority of good and excellent teachers. Our antiquated, overly bureaucratic education system is the antithesis of innovation and excellence. Teachers should be rewarded for their performance and encouraged to boldly engage in the technological innovations that will create the highly skilled workforce of tomorrow that we so desperately need.

We must enhance local control of the education system. There is no one-size-fits-all approach to education. We should recognize that local districts and parents need to have more influence over their curriculum and policies. Innovative policies exercised at the local level could provide a road map for success to schools across our state.

Finally, we must work to ensure that parents are provided the opportunity to be involved in their children's education. Education cannot just begin and end at the schoolhouse door. It must continue at home, and parents should take an active role in ensuring their children are learning what they need to succeed. This can be accomplished by providing parents more power to intervene in failing school districts and force the necessary changes to ensure access to an effective education.

I hope you will follow with me this session as we place these three components at the forefront of our discussions. While I think these issues are the key to building a better Missouri, there are many other policy issues that will reach this floor, in this Chamber, for discussion in the months to come.

Whether it's creating a fiscally responsible spending plan that makes the best possible use of your taxpayer dollars...

...protecting the rights of millions of hardworking men and women who are employed in Missouri
...defending the time-honored traditions of farming, hunting and fishing that have made this state the great place it is today

...ensuring that all life is held sacred and our children are able to grow into healthy, productive adults
...or standing in defense of the rights and freedoms that our founding fathers handed down to us more than 200 years ago...

we will have important decisions to make that extend beyond these policy goals we have outlined with my Triple E Agenda.

With every decision we make, I hope we can keep in mind all of the Missourians out there who are counting on us to make the right decisions to put the policies in place that will pave the way for prosperity.

They have sent our caucus here in record numbers – a veto-proof super majority – because we have proven to be effective leaders in our communities and because they now expect us to lead the way on issues that matter to Missouri's families and businesses in all parts of our great state.

The citizens who entrusted us with this duty want nothing more than a government that removes the barriers to success rather than creates them...

... that keeps the playing field level rather than tipped in favor of one group or another
...that focuses its attention on the needs of all the people rather than the political schemes of a powerful few.

I have asked some of these remarkable people to join us here today as special guests.

Outstanding Missourians like Rhonda Broussard, who founded the St. Louis Language Immersion School.

I am thrilled to have Rhonda with us today as one of our special guests. I ask all of you to join me in recognizing her for the groundbreaking work she has done to provide a world-class education to hundreds of Missouri children.

The more than 500 young people her school educates come from all walks of life and 44 different zip codes. And while they have different backgrounds, they share in the immense opportunity to receive an education that will give them fluency in a foreign language, a mastery of the English language, and an undeniable educational advantage that will open the doors of opportunity for them both now and in the future.

With her hard work and determination and the incredible vision she has shared with the young people of the City of St. Louis Rhonda Broussard has shown us what our system of education can look like when we embrace innovation and support creative solutions. Her work has made, and will continue to make, a profound positive impact in the lives of hundreds, and soon-to-be thousands, of young people.

Rhonda, for your hard work, your dedication and your desire to make a difference the members of the Missouri House say thank you, and we pledge to continue to support policies that will allow dreams like yours to become reality.

We're blessed to have Rhonda with us today. We're equally blessed to have another outstanding Missourian in the Chamber with us from Northeast Missouri. Please join me in welcoming Cindy O'Laughlin.

Cindy and her husband Russell are the proud owners of a small, family-run business that is such a key component in our state's economic success. First begun by Russell's father, O'Laughlin, Incorporated has been in operation for six decades and has expanded from a small dump truck operation to a flourishing, multifaceted business that provides a variety of services to individuals and larger corporations throughout the state providing jobs for nearly 50 employees in three different small Missouri communities.

O'Laughlin Inc., like thousands of small businesses across Missouri and across our nation, is a vital part of the rural communities in which it operates. Not only do Cindy and Russell provide good-paying jobs with benefits to dozens of industrious Missourians, they donate their time, effort and, yes, their money, to make their communities stronger and more vibrant.

When we talk here in this chamber about the policies we support and how they impact business owners, we are talking about exceptional Missourians like Cindy and Russell O'Laughlin. The decisions we make here help create a business environment that allows businesses like hers to succeed through good, old-fashioned hard work and determination and her success, and the success of so many other small businesses, is what drives our economic engine and allows our state to move in a more positive and prosperous direction.

Cindy, we thank you for all that you and your family have done to create such a successful Missouri business that supports Missouri communities and provides jobs to hard-working Missourians. As a legislature, we pledge to you that we will continue to support policies that keep your tax burden low, the bureaucratic red tape to a minimum, and allow you to continue the tradition of success that your family started 60 years ago.

For our final outstanding Missourian... it was more than 40 years ago that he immigrated to the United States from his native country of Chile. Today he lives and owns a successful business in Wildwood. Please help me make Sergio Cuevas feel welcome.

It has been my privilege to get to know Sergio and to learn his story – a story that personifies the American dream.

Sergio left behind a country oppressed by a communist regime to come to our great nation where he was able to quickly climb the ladder of success. He obtained a quality education, developed his business acumen as a salesman and a supervisor, and ultimately achieved his dream of owning and operating his own business.

He started his Missouri-based business in 2003 with one employee and one contract. Today, Clean-Tek Floor Solutions employs more than a dozen Missourians and has worked successfully with private businesses and governmental agencies on both the state and federal level. From the work his company has done with our department of transportation to waterproof 15 Missouri bridges, to the cleaning services Clean-Tek has provided to Lambert International Airport, Sergio and his employees have developed a reputation for providing quality work and exemplary service.

Sergio's dream was made possible because he left behind a country that was oppressed by an overly intrusive government where his freedoms were suppressed and his rights were ignored. He came here to our nation and our state where we defend these freedoms – where government stays out of the way so enterprising individuals like Sergio have the opportunity to succeed.

Sergio, we appreciate the commitment you have made to making your dream come true right here in Missouri and for being such a vital part of our state's growing economy. Our promise to you is that we will continue to protect the freedoms and rights that inspired you to leave your homeland and make the journey to America four decades ago, and we will keep government out of your way as you continue to grow and expand your business in the decades to come.

All three of these outstanding Missourians may seem to have little in common, but they share with each other, and with us, the dream of a Missouri where jobs are plentiful, our children have access to a quality system of education, and our energy needs are met in a safe and affordable way.

And it is together that we can move our state in the direction of achieving these goals of placing policy into practice and turning sound bites into substantive change.

This session I challenge all of you to put aside any differences we may have – whether partisan, regional or otherwise – and work together to advance an agenda I believe will position Missouri for both immediate and long-term prosperity.

The opportunity lies ahead. While the hours will be long and the challenges numerous, I know we, as a collective of conscientious and compassionate public servants, have the dedication and the determination necessary to make a difference.

Our work begins today.

It begins now.

Let me once again say thank you for providing me this incredible honor of serving you as your Speaker – for allowing me to work with you on matters that will make our great state of Missouri that much greater.

May God bless you all, and may God bless the people of the great state of Missouri.

NOMINATION FOR SPEAKER PRO TEM

Representative Curtman nominated Representative Jason Smith as Speaker Pro Tem of the House.

Representative Rehder seconded the nomination.

Representative Hummel nominated Representative Gail McCann Beatty for Speaker Pro Tem of the House.

Representative McCann Beatty withdrew her nomination.

Representative Diehl moved that nominations cease and Representative Smith (120) be elected by acclamation.

Which motion was adopted.

The following committee was appointed to escort Representative Smith (120) to the dais: Representatives Kelly (45), Fitzwater, Dugger, Rehder, Black, Entlicher, Lichtenegger, Hubbard, Torpey, McCaherty and Barnes.

Representative Smith (120) subscribed to the oath of office which was administered by the Honorable Bill Hickle, Judge of the 25th Circuit Court of Missouri.

Speaker Pro Tem Smith assumed the Chair.

ADDRESS BY SPEAKER PRO TEM SMITH

Before I say anything else, let me simply say thank you.

Thank you to my family and friends who have supported me in my efforts to serve the people of Missouri. Without their love and encouragement I would not be here today.

Let me also thank each of you...my colleagues here in the Missouri House...for giving me the immense honor of serving as your Speaker Pro Tem. For those of you who have served with me for years now...we have developed friendships that will endure long past our time in this chamber. For those of you who are joining us for the first time, I look forward to the relationships that we are sure to build...and the memories we will make in what I hope will be a productive final two years for me here in Jefferson City.

As your Speaker Pro Tem, I want each of you to know that my door will always be open. Regardless of the side of the aisle you are on, I will be here to help you in any way I can. There will be times that we disagree...and inevitably there will be some differences...but at the end of the day we are all bound by the same purpose...to do what is right and best for the people of the great state of Missouri.

As I begin my final two years of service...I do so with an unwavering belief that now, more than ever, the legislature must act to protect Missouri from the encroachment of an overreaching federal government...a government that is out of touch with reality...and threatening to re-define the basic relationship our founders envisioned between the people and their government.

These are perilous times as the rights of states continue to be threatened by a seemingly endless list of mandates and regulations handed down from above. From the job-killing, economy-crippling edicts contained in the ill-conceived federal health care plan...to the cumbersome and invasive regulatory efforts that threaten to put a stranglehold on many of the family farmers and small businesses that drive our economy...to the endless sea of bloated bureaucracy that transforms even the most mundane inquiry from a private citizen into a herculean task...the actions of our federal government have time and time again reminded us that we, as states, must fend for ourselves...that we will not receive help from our federal counterparts when it comes to defending the conservative principles of fiscal responsibility and a limited and responsive government.

With every action taken by these out of touch Washington D.C. bureaucrats...we are sent one very clear message...that they have forgotten it is we, the states and the people, who created the federal government...not the other way around. Instead they ignore the intentions of our founding fathers...by acting as if the federal government created the states.

But we know the great men who founded this nation believed otherwise. In fact it was Thomas Jefferson, who clearly spelled out their intentions when he said, "I consider the foundation of the Constitution as laid on this ground that 'all powers not delegated to the United States, by the Constitution, nor prohibited by it to the states, are reserved to the states or to the people.' And yet, Congress has defied the will of our founders...and worked to seize a boundless field of power...and in doing so, has encroached on the rights of states. Their arrogant disregard for the very nature of our system of government has given birth to policies that ignore our freedoms and trample on our rights, and with every action they have taken, they have forced states like ours to rally together to defend our sovereignty. So as we take action as states to stand in defense of our people...we simply follow the role defined by the men who created this nation.

I'm proud to say here in Missouri we have slapped away the overreaching hand of the federal government...with our passage of both the Health Care Freedom Act and last year's Proposition E...and with the many actions we have taken to defend our personal freedoms and embrace fiscal responsibility. In Missouri, we do not need the threats of "fiscal cliffs" and maxed-out "debt limits" to balance our budget and keep our fiscal house in order.

And we are not alone in our defense of the liberties of the people and in the conservative principles that have made this nation great. As we look across the nation, we see other states following our lead in telling the federal government it has gone too far. Furthermore, we see now that our states are truly the laboratories of democracy.

While Capitol Hill is firmly entrenched in a mindset of overtaxing and overspending...states are taking new and innovative approaches to solving the problems of their constituents...and bolstering their economies for long-term success.

From Texas where they are embracing revolutionary new ideas to help ensure all young people can afford a college education so they can train the workers of the future...to Kansas where they have taken bold steps to lower the tax burden, develop the workforce and put effective economic development tools in place...states are showing us the kind of leadership that is sorely lacking in Washington, D.C.

When it comes to a shining example of a government that embraces fiscally responsible spending...a commitment to reducing the size of bureaucracy and increasing the attention paid to the needs of the people...and a vision for the future that holds promise and hope rather than mountains of debt...it is the states we must look to for inspiration.

Our federal government, with a fiscal cliff solution that cuts spending far too little...and increases the tax burden far too much...has proven once and for all that it is too big and too out of touch to adequately address the needs of the people of the United States. And so, we as state legislators stand ready to answer the call to duty that our constituents elected us to carry out.

Here in Missouri, we will continue to provide Missouri-based solutions to the problems we face as Missourians.

As your Speaker Pro Tem, I hope you will stand with me to defend the traditional rights of farmers, hunters and fishermen. These proud and long-standing traditions that have been handed down from generation to generation have been under siege by Washington D.C. special interests and federal bureaucrats. These out-of-state radicals have sought to destroy an important part of the Missouri way of life.

Together we can stand in defense of our many farmers, hunters and fishermen...with language that will protect and preserve the time-honored traditions that Missouri families have carried on for generations...and that will forever enshrine this vital way of life that must continue if future generations are to have the kind of Missouri, and the kind of America, that our forefathers envisioned.

I also ask you to join me this session in taking a stand against our federal government on the issue of welfare reform. For more than a decade now the welfare-to-work program has been a successful model for helping put people back on their feet and back to work. Now the politicians in D.C. have opened the door to transform the system into a true entitlement program with handouts to those who have no desire to be productive members of society. This year in Missouri we will send the message loudly and clearly that we will reject their plans for a system that would encourage dependency on government handouts...and instead support a program that puts our neediest citizens on a path to gainful employment and self-sufficiency.

We have the opportunity this session to do great things for the people of Missouri...an opportunity to remind our federal government that we the people, and we the states, have the answers to the problems the career politicians in Washington, D.C. have been unable or unwilling to solve.

Across this nation, state legislatures just like ours are coming together to provide innovative solutions that should serve as inspiration for a federal government that has clearly lost its way.

Here in the people's House, we serve the will of those who elected us to office, and with every action we take, and every vote we make, we do so for the good of the families we serve.

Our founding fathers envisioned a government of citizen-legislators...and as I look across the chamber today, I see that vision is reality here in Missouri.

At a time when our federal government continues to stand in the way of progress and innovation...as it has grown too big and too burdensome...states have led the way. With the decisions we make together we send a message to the people of Missouri...and to the out-of-touch bureaucrats in Washington, D.C....that we, as a state, have done it better...and will continue to do it better both now and in the future.

Thank you again for giving me the immense honor of serving as your Speaker Pro Tem.

May God bless each and every one of you...and may God bless the great state of Missouri.

Speaker Jones resumed the Chair.

Pursuant to Section 9.141, RSMo, the Bill of Rights was read by Joy McMillan.

Speaker Jones resumed the Chair.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Carson Ross and Rylan Ross.

HOUSE RESOLUTIONS

Representative Diehl offered **House Resolution No. 1**, which was read.

HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Rules of the House of Representatives of the Ninety-sixth General Assembly, and all amendments thereto, be the temporary Rules of the House of Representatives, Ninety-seventh General Assembly, until or unless otherwise ordered.

On motion of Representative Diehl, **House Resolution No. 1** was adopted.

Representative Diehl offered **House Resolution No. 2**, which was read.

HOUSE RESOLUTION NO. 2

BE IT RESOLVED, that the following be elected permanent officers of the House of Representatives of the Ninety-seventh General Assembly.

Chief Clerk. D. Adam Crumbliss
Doorkeeper. Don Knollmeyer
Sergeant-at-Arms. Ralph Robinett
Chaplain. Reverend Monsignor Robert Kurwicki

On motion of Representative Diehl, **House Resolution No. 2** was adopted.

The following officers subscribed to the oath of office, which was administered by the Honorable Timothy W. Jones, Speaker of the House.

Chief Clerk. D. Adam Crumbliss
Doorkeeper. Don Knollmeyer
Sergeant-at-Arms. Ralph Robinett
Chaplain. Reverend Monsignor Robert Kurwicki

Representative Diehl offered **House Resolution No. 3**, which was read.

HOUSE RESOLUTION NO. 3

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-seventh General Assembly, First Regular Session, inform the Senate that the House is duly convened and is now in session ready for consideration of business.

BE IT FURTHER RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-seventh General Assembly is hereby instructed to inform the Senate that the House of Representatives is now duly organized with the following officers to wit:

Speaker. Timothy W. Jones
Speaker Pro Tem. Jason Smith
Chief Clerk. D. Adam Crumbliss
Doorkeeper. Don Knollmeyer
Sergeant-at-Arms. Ralph Robinett
Chaplain. Reverend Monsignor Robert Kurwicki

On motion of Representative Diehl, **House Resolution No. 3** was adopted.

Representative Diehl offered **House Resolution No. 4**, which was read.

HOUSE RESOLUTION NO. 4

BE IT RESOLVED, that a message be sent to the Governor of the State of Missouri to inform His Excellency that the House of Representatives and the Senate of the Ninety-seventh General Assembly, First Regular Session of the State of Missouri, are now regularly organized and ready for business, and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

On motion of Representative Diehl, **House Resolution No. 4** was adopted.

Representative Diehl offered **House Resolution No. 5**.

HOUSE RESOLUTION NO. 5

WHEREAS, the members of the Missouri House of Representatives take great pride in recognizing those outstanding public servants who have consistently performed their official duties with the highest degree of dedication, competence, and integrity; and

WHEREAS, the Honorable Robin Carnahan is to be praised and commended for the conscientious and effective manner in which she has performed her duty of presiding over the deliberations of the House of Representatives prior to its temporary organization, one of the numerous responsibilities of the Secretary of State pursuant to the Constitution of the Great State of Missouri; and

WHEREAS, since taking the oath in January 2005, the Honorable Robin Carnahan has distinguished herself through tireless commitment to each and every one of her responsibilities as Secretary of State; and

WHEREAS, since taking office, Secretary Carnahan has focused on providing excellent customer service, protecting investors, cutting red tape and costs of Missouri, businesses and ensuring the integrity and fairness of our elections; and

WHEREAS, as the state's chief elections official, Secretary Carnahan is dedicated to ensuring integrity and fairness in Missouri elections. Since taking office, she has partnered with local election officials to clean up Missouri's voter rolls by establishing the state's first statewide voter registration list and improved election day operations by recruiting and training additional poll workers:

NOW THEREFORE BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninety-seventh General Assembly, join unanimously in expressing sincere appreciation and deep gratitude to the Honorable Robin Carnahan for the proud and faithful manner in which she has served this legislative body and in wishing her only the best in her continuing endeavors after completing her service as Missouri's Secretary of State; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Honorable Robin Carnahan as a mark of our esteem for her.

On motion of Representative Diehl, **House Resolution No. 5** was adopted.

Representative Diehl offered **House Resolution No. 6.**

HOUSE RESOLUTION NO. 6

WHEREAS, as the Ninety-seventh General Assembly of the State of Missouri convenes on Wednesday, January 9, 2013, the members of the Missouri House of Representatives proudly acknowledge services rendered to the General Assembly by distinguished public servants of this fair state; and

WHEREAS, the Honorable Richard B. Teitelman, Chief Justice of the Supreme Court of Missouri, deserves countless words of praise and commendation for the selfless manner in which he has given his valuable time to administer the oath of office to members of this legislative body in accordance with Missouri law; and

WHEREAS, during the inaugural session of the House of Representatives, Chief Justice Teitelman displayed the highest degree of dedication in continuing the long-established tradition of rendering a sense of both dignity and solemnity in the prestigious ceremony which marks the official beginning of each legislator's two-year term in office as an elected representative of the people of Missouri; and

WHEREAS, it is entirely fitting and proper that this legislative body should take pause to applaud the numerous laudable achievements of the Honorable Richard B. Teitelman during his exemplary legal career:

NOW THEREFORE BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninety-seventh General Assembly, join unanimously in expressing our most sincere thanks and deepest appreciation to the Honorable Richard B. Teitelman for the devoted and faithful manner in which he has served this body and further extend our very best wishes for continued great success and even more outstanding accomplishments in executing his numerous varied duties and responsibilities as Chief Justice of our State's Highest Court; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Honorable Richard B. Teitelman as a mark of our esteem for him.

On motion of Representative Diehl, **House Resolution No. 6** was adopted.

HOUSE CONCURRENT RESOLUTIONS

Representative Diehl offered **House Concurrent Resolution No. 1**, which was read.

HOUSE CONCURRENT RESOLUTION NO. 1

BE IT RESOLVED, by the House of Representatives of the Ninety-seventh General Assembly, First Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 7:00 p.m., Monday, January 28, 2013, to receive a message from His Excellency, the Honorable Jeremiah W. (Jay) Nixon, Governor of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Governor of the State of Missouri and inform His Excellency that the House of Representatives and Senate of the Ninety-seventh General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

On motion of Representative Diehl, **House Concurrent Resolution No. 1** was adopted.

Representative Diehl offered **House Concurrent Resolution No. 2**, which was read.

HOUSE CONCURRENT RESOLUTION NO. 2

BE IT RESOLVED, by the House of Representatives of the Ninety-seventh General Assembly, First Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:30 a.m., Wednesday, January 23, 2013, to receive a message from the Honorable Richard B. (Rick) Teitelman, Chief Justice of the Supreme Court of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Chief Justice of the Supreme Court of the State of Missouri and inform His Honor that the House of Representatives and the Senate of the Ninety-seventh General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Honor may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

On motion of Representative Diehl, **House Concurrent Resolution No. 2** was adopted.

HOUSE RESOLUTIONS

Representative Cierpiot offered House Resolution No. 7.

Representative Flanigan offered House Resolution No. 8.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 9 through House Resolution No. 21

HOUSE CONCURRENT RESOLUTION

Representative Sommer, et al., offered House Concurrent Resolution No. 3.

INTRODUCTION OF HOUSE CONCURRENT RESOLUTION

The following House Concurrent Resolution was read the first time and copies ordered printed:

HCR 4, introduced by Representative Scharnhorst, relating to submission of a proposed federal balanced budget amendment to the United States Constitution.

INTRODUCTION OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were read the first time and copies ordered printed:

HJR 2, introduced by Representative Black, relating to the general assembly.

HJR 3, introduced by Representatives Elmer, Jones (50), Morris, Lichtenegger, Davis, Koenig, Burlison, Curtman, Haahr, Korman, Hoskins, Richardson and Hough, relating to property taxation.

HJR 4, introduced by Representatives Neth, Dugger and Entlicher, relating to the term limit reform act.

HJR 5, introduced by Representative Dugger, relating to elections.

HJR 6, introduced by Representatives White and Burlison, relating to limitation of liability for noneconomic damages.

HJR 7, introduced by Representatives Smith (120), Jones (110), Riddle, Diehl, Scharnhorst, Barnes, Jones (50), Flanigan, Walker, Lichtenegger, Franklin, Haefner, Conway (104), Redmon, Fraker, Allen, Love, Hicks, Brown, Anderson, Pike, Wood, Hurst, Crawford, Remole, Entlicher, Wilson, Swan, Rehder, Cornejo, Dohrman, Cookson, Kelley (127) and Rowland, relating to the right to hunt, fish, and farm.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 26, introduced by Representative Lant, relating to an income tax deduction for storm shelters.

HB 28, introduced by Representatives Lichtenegger, Hinson and Richardson, relating to natural disaster ordinances.

HB 29, introduced by Representatives Lichtenegger, Zerr, Diehl and Allen, relating to insurance reimbursement for physical therapist services.

HB 30, introduced by Representative Scharnhorst, relating to insurance coverage for physical therapy services.

HB 31, introduced by Representative Gatschenberger, relating to alternatives-to-abortion agencies.

HB 32, introduced by Representative Guernsey, relating to property assessments.

HB 33, introduced by Representative Guernsey, relating to government meetings and records.

HB 34, introduced by Representative Guernsey, relating to wages for work done on behalf of a school.

HB 35, introduced by Representative Higdon, relating to alcohol regulation fees.

HB 36, introduced by Representative Higdon, relating to peace officer safety alerts.

HB 37, introduced by Representatives Roorda and Colona, relating to retailer hours on Thanksgiving Day.

HB 38, introduced by Representative Roorda, relating to altering or falsifying drug or alcohol tests or test results.

HB 39, introduced by Representative Roorda, relating to the Agreement Among the States to Elect the President by National Popular Vote Act.

HB 40, introduced by Representative Roorda, relating to taxation of unauthorized substances.

HB 41, introduced by Representative Rowland, relating to declarations of candidacy.

HB 42, introduced by Representative Rowland, relating to prohibition on certain policies that infringe on private property rights.

HB 43, introduced by Representative Rowland, relating to the school calendar.

HB 44, introduced by Representative Korman, relating to renewable energy definitions.

HB 45, introduced by Representative Hinson, relating to building codes.

HB 46, introduced by Representative Guernsey, relating to unmanned aerial surveillance.

HB 47, introduced by Representative Cross, relating to tanning facilities.

HB 48, introduced by Representative Dugger, relating to elections.

HB 49, introduced by Representative Dugger, relating to county annual budgets.

HB 50, introduced by Representative Lair, relating to school accreditation.

HB 51, introduced by Representatives Miller, Franklin, Wood and Fitzpatrick, relating to water quality standards for Missouri beaches.

HB 52, introduced by Representatives Miller, Pike and Fitzpatrick, relating to insurance reimbursement.

HB 53, introduced by Representative Gatschenberger, relating to insurance coverage.

HB 54, introduced by Representative Dugger, relating to recounts of votes.

HB 55, introduced by Representatives Flanigan and Allen, relating to amnesty for certain taxes.

HB 56, introduced by Representatives Thomson, Dugger, Ruzicka, Franklin, Fitzwater, Smith (120), Johnson, Rowland, Redmon, Phillips, Houghton, Hansen, Walker, Lichtenegger, Pike, Neely, Gatschenberger, Kolkmeier, Brown, Love, Remole and Crawford, relating to career and technical education.

HB 57, introduced by Representatives Fitzpatrick, Miller and Curtman, relating to the unlawful detention of citizens.

HB 58, introduced by Representative Molendorp, relating to portable electronics devices.

HB 59, introduced by Representative Engler, relating to licensure of nursing home administrators.

HB 60, introduced by Representative Engler, relating to the removal of weeds and trash in certain cities.

HB 61, introduced by Representative Engler, relating to the passage of ordinances in the city of Farmington.

HB 62, introduced by Representative Gatschenberger, relating to drivers' license examination fees.

HB 63, introduced by Representative Gatschenberger, relating to property tax bills.

HB 64, introduced by Representatives Burlison, Jones (110), Diehl, Anderson, Morris, Keeney, Brattin, Lant, Richardson, Allen, Jones (50), Reiboldt, Elmer, Frederick, Schatz, White, Cookson and Stream, relating to labor organizations.

HB 65, introduced by Representative Lant, relating to qualifications of certain aldermen.

HB 66, introduced by Representative Burlison, relating to fire protection district audits.

HB 67, introduced by Representative Higdon, relating to local law enforcement agencies.

HB 68, introduced by Representatives Kelley (127), Bahr, Berry, Davis, Reiboldt, Fitzwater, Entlicher, Crawford, Hoskins, Spencer, Remole, Lant, Gatschenberger, Anders and Black, relating to the designation of pancreatic cancer awareness month.

HB 69, introduced by Representatives Kelley (127), Davis, Bahr, Spencer, Remole, Gatschenberger and Black, relating to certain court actions against correctional facilities.

HB 70, introduced by Representatives Kelley (127), Brattin, Burlison, Berry, Davis, Bahr, Reiboldt, Jones (110), McCaherty, Fitzwater, Crawford, Entlicher, Redmon, Diehl, Fraker, Richardson, Jones (50), Gatschenberger, Smith (120), Keeney, Remole, Parkinson, Ruzicka, Lant and Black, relating to teachers and school administrators carrying concealed firearms on school premises.

HB 71, introduced by Representative Fraker, relating to motor vehicle fee offices.

HB 72, introduced by Representative Barnes, relating to tanning facilities.

HB 73, introduced by Representatives Barnes, Davis and Burlison, relating to drug courts.

HB 74, introduced by Representative Gatschenberger, relating to political subdivisions.

HB 75, introduced by Representative Gatschenberger, relating to political subdivisions.

HB 76, introduced by Representatives Rowland and Cookson, relating to Missouri school improvement program standards.

HB 77, introduced by Representatives Burlison, Jones (110), Brattin, Diehl, Lichtenegger, Lant, Morris, Reiboldt, Elmer, Frederick, Bahr, Schatz, White, Dugger, Ross, Cookson, Anderson and Kelley (127), relating to labor organizations.

HB 78, introduced by Representative Johnson, relating to the Missouri Jobs for Education Program.

HB 79, introduced by Representative Johnson, relating to the Missouri International Business Advertising Fund.

HB 80, introduced by Representative Johnson, relating to a tax credit for construction of data centers.

HB 81, introduced by Representative Johnson, relating to the Missouri international agriculture exchange website.

HB 82, introduced by Representative Johnson, relating to corporate income taxation.

HB 83, introduced by Representative Berry, relating to a tax credit for processed biomass engineered fiber fuel.

HB 84, introduced by Representatives Berry and Neth, relating to fines and court costs for traffic violations.

HB 85, introduced by Representatives Kelley (127), Davis, Bahr, Reiboldt, Spencer, Remole, Lant and Black, relating to emergency utility response permits.

HB 86, introduced by Representatives Ruzicka, Lair and Higdon, relating to charges in criminal cases.

HB 87, introduced by Representatives Burlison, Davis, Funderburk, Jones (110), Diehl, Morris, Neth, Bahr, White, McCaherty, Kratky, Kelley (127), Lant, Phillips, Gatschenberger, Black and Korman, relating to certain benevolent tax credits.

HB 88, introduced by Representative Burlison, relating to drug courts.

HB 89, introduced by Representative Colona, relating to the crime of failure to secure a firearm.

HB 90, introduced by Representatives Gosen, Molendorp and Wieland, relating to intervention of insurers in civil lawsuits.

HB 91, introduced by Representatives Lichtenegger, Jones (110), Burlison and Bahr, relating to labor organizations.

HB 92, introduced by Representative Gatschenberger, relating to concealed carry endorsements.

HB 93, introduced by Representatives Lichtenegger, Torpey, Hampton and Elmer, relating to retirement benefits.

HB 94, introduced by Representatives Miller and Hicks, relating to license and permit fees for certain nonresidents.

HB 95, introduced by Representatives White, Brattin and Burlison, relating to labor organizations.

HB 96, introduced by Representative White, relating to tax increment financing.

HB 97, introduced by Representatives White and Burlison, relating to the prevailing wage on low-income housing.

HB 98, introduced by Representatives White and Burlison, relating to prevailing wages.

HB 99, introduced by Representative White, relating to health insurance providers.

HB 100, introduced by Representative White, relating to the adult health care consent act.

HB 101, introduced by Representative White, relating to child abuse.

HB 102, introduced by Representative White, relating to adoption proceedings.

HB 103, introduced by Representatives Kelley (127), Berry, Davis, Reiboldt, Remole and Black, relating to all-terrain and utility vehicle use in municipalities.

HB 104, introduced by Representatives Solon and Cierpiot, relating to neighborhood improvement districts.

HB 105, introduced by Representatives Kelley (127), Davis, Bahr, Spencer, Lant, Gatschenberger and Black, relating to withholding tax returns.

HB 106, introduced by Representatives Kelley (127), Davis, Reiboldt, Spencer, Gatschenberger and Black, relating to the sex offender registry.

HB 107, introduced by Representative Berry, relating to adoption.

HB 108, introduced by Representatives Kelley (127), Davis, Lant and Black, relating to making a false declaration.

HB 109, introduced by Representative Berry, relating to caffeinated malt beverages.

HB 110, introduced by Representatives Smith (120), Walker, Lichtenegger, Franklin, Haefner, Conway (104), Scharnhorst, Gatschenberger, Pike, Entlicher, Crawford, Rowland and Solon, relating to vacancies in certain statewide offices.

HB 111, introduced by Representatives Solon, Cierpiot and Torpey, relating to school enrollment options for students from unaccredited districts.

HB 112, introduced by Representatives Burlison, Jones (110), Diehl, Molendorp, Morris, Richardson, Smith (120), Frederick, Lant, Allen, Brattin, Gosen, Bahr, Schatz, Cookson, Stream, Koenig, Kelley (127) and Phillips, relating to claims arising out of the rendering of or failure to render health care services.

HB 113, introduced by Representatives Davis and Solon, relating to uniformed military voters.

HB 114, introduced by Representatives Davis and Solon, relating to educational credits for veterans.

HB 115, introduced by Representatives Davis and Solon, relating to the disclosure of private information to employers.

HB 116, introduced by Representative Dugger, relating to county government accounts audits.

HB 117, introduced by Representative Dugger, relating to initiative and referendum petitions.

HB 118, introduced by Representative Shull, relating to closed meetings.

HB 119, introduced by Representative Berry, relating to the net metering and easy connection act.

HB 120, introduced by Representative Rowland, relating to teacher contracts.

HB 121, introduced by Representative Barnes, relating to the appointment of guardians ad litem.

HB 122, introduced by Representative Dugger, relating to overweight vehicles hauling recyclable waste.

HB 123, introduced by Representatives Neth and Berry, relating to transient guest taxes.

HB 124, introduced by Representative Gatschenberger, relating to the manufacturing jobs act.

HB 125, introduced by Representatives Sommer, Berry and Kelley (127), relating to qualifications of voters.

HB 126, introduced by Representative Sommer, relating to nominations of candidates for special elections.

HB 127, introduced by Representatives Sommer, Berry and Kelley (127), relating to the presidential primary date.

HB 128, introduced by Representatives Sommer, Berry and Kelley (127), relating to property tax bills.

HB 129, introduced by Representative Gatschenberger, relating to Missouri state employee benefits.

HB 130, introduced by Representatives Gosen, Rowland, Conway (104), Haefner, Cierpiot, Solon, Sommer and Kelley (127), relating to gold star license plates.

HB 131, introduced by Representative Stream, relating to the treatment of eating disorders.

HB 132, introduced by Representative Stream, relating to health insurance coverage.

HB 133, introduced by Representatives Gosen, Molendorp and Wieland, relating to reinsurance.

HB 134, introduced by Representatives Allen, Flanigan, Zerr, Hough, Haefner and Lichtenegger, relating to school safety.

HB 135, introduced by Representatives Diehl and Jones (110), relating to the authority of political subdivisions to enter into design-build contracts.

HB 136, introduced by Representatives Hinson and Lichtenegger, relating to math and science coursework.

HB 137, introduced by Representatives Hinson, Miller, Rowland, Lichtenegger and Bahr, relating to state implementation of federal programs.

HB 138, introduced by Representative Dugger, relating to county annual budgets.

HB 139, introduced by Representatives McManus, Hummel, Englund, LaFaver, Morgan, McCann Beatty, Anders, English, Carpenter, Meredith, Ellinger, Swearingen, Conway (10), Burns, Mims, Dunn, Montecillo, Black, Roorda, Nichols, Schupp, Kratky, May, Harris, Newman, Pace, Otto, Norr, McNeil, Butler, Webb, Runions, Webber, Pierson, McKenna, Wright, McDonald, Kirkton, Mayfield, Walton Gray, Schieffer, Hodges, Rizzo, Mitten and Kelly (45), relating to ethics.

HB 140, introduced by Representative Thomson, relating to transient guest taxes for tourism purposes.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SR 2**.

SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate, that the Secretary of the Senate inform the House of Representatives that the Senate of the First Regular Session of the Ninety-seventh General Assembly is duly convened and is now in session and ready for consideration of business;

BE IT FURTHER RESOLVED that the Secretary of the Senate notify the House of Representatives that the Senate is now organized with the election of the following named officers:

President Pro Tem.....	Tom Dempsey
Secretary of Senate.....	Terry L. Spieler
Sergeant-at-Arms.....	Bill Smith

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 1**.

SENATE CONCURRENT RESOLUTION NO. 1

BE IT RESOLVED by the Senate, the House of Representatives concurring therein, that the President Pro Tem of the Senate and the Speaker of the House appoint a committee of thirty-six members, one-half from the Senate and one-half from the House to cooperate in making all necessary plans and arrangements for the participation of the General Assembly in the inauguration of the executive officials of the State of Missouri on January 14, 2013; and

BE IT FURTHER RESOLVED that the joint committee be authorized to cooperate with any other committees, officials or persons planning and executing the inaugural ceremonies keeping with the traditions of the great State of Missouri.

COMMUNICATIONS

January 8, 2013

D. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
201 W. Capitol Avenue
Jefferson City, MO 65101

Re: Possible Personal Interest in Legislation

Dear Mr. Crumbliss:

Pursuant to Section 105.461, RSMo, I am hereby filing a written report of a possible personal interest in legislation on which the House of Representatives may vote during the legislative session. I am a minority owner in a craft brewery located within the state of Missouri.

In compliance with Section 105.461, RSMo, please publish this letter in the Journal of the House.

Thank you for your attention to this matter.

Sincerely,

/s/ Don Gosen
Representative
101st District

January 8, 2013

D. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
201 W. Capitol Avenue
Jefferson City, MO 65101

Re: Possible Personal Interest in Legislation

Dear Mr. Crumbliss:

Pursuant to Section 105.461, RSMo, I am hereby filing a written report of a possible personal interest in legislation on which the House of Representatives may vote during the legislative session. I am a licensed insurance producer and own an insurance agency located within the state of Missouri.

In compliance with Section 105.461, RSMo, please publish this letter in the Journal of the House.

Thank you for your attention to this matter.

Sincerely,

/s/ Don Gosen
Representative
101st District

January 8, 2013

D. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
201 W. Capitol Avenue
Jefferson City, MO 65101

Re: Possible Personal Interest in Legislation

Dear Mr. Crumbliss:

Pursuant to Section 105.461, RSMo, I am hereby filing a written report of a possible personal interest in legislation on which the House of Representatives may vote during the legislative session. I am a Notary in the state of Missouri.

In compliance with Section 105.461, RSMo, please publish this letter in the Journal of the House.

Thank you for your attention to this matter.

Sincerely,

/s/ Don Gosen
Representative
101st District

January 9, 2013

D. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
201 W. Capitol Avenue
Jefferson City, MO 65101

RE: Possible Personal Interest in Legislation

Dear Mr. Crumbliss:

Pursuant to Section 105.461, RSMo, I am hereby filing a written report of a possible personal interest in legislation on which the House of Representatives may vote during the legislative session. I am a retired member of the Public School Retirement System (PSRS).

In compliance with Section 105.461, RSMo, please publish this letter in the Journal of the House.

Thank you for your attention to this matter.

Sincerely,

/s/ Mike Lair
Representative
District 7

WITHDRAWAL OF HOUSE JOINT RESOLUTION

TO: Chief Clerk D. Adam Crumbliss

FROM: Representative Tony Dugger

DATE: December 18, 2012

SUBJECT: Removal of **House Joint Resolution No. 1**

I respectfully request that **House Joint Resolution No. 1**, which proposes a constitutional amendment specifying that general law may require a person to provide valid government-issued photo identification in order to vote in an election, be removed.

If you have any questions or wish to discuss this request further, please feel free to contact my office.

WITHDRAWAL OF HOUSE BILLS

December 4, 2012

The Honorable Tim Jones
Speaker, Missouri House of Representatives
Room 308, State Capitol
201 W. Capitol Ave.
Jefferson City, MO 65101

Dear Speaker Jones:

I respectfully ask permission to withdraw **House Bill No. 27**. Due to a change in the language the bill will need to be re-filed under a different number.

Thank you for your assistance in this matter.

Sincerely,

/s/ Bill Lant
District 159

TO: D. Adam Crumbliss, Chief Clerk

FROM: Representative Tony Dugger

DATE: January 9, 2013

SUBJECT: Withdrawal of **House Bill No. 49**

I respectfully request that **House Bill No. 49**, which authorizes a county to amend its budget to reflect any increases or decreases in revenues that could not have been estimated or anticipated when the budget was adopted, be withdrawn.

If you have any questions regarding this matter feel free to contact my office.

LETTER OF OBJECTION

January 9, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
Missouri State Capitol
Jefferson City, MO 65101

Dear Mr. Crumbliss:

We the undersigned hereby object to the swearing-in of candidate Kent Hampton as state representative for the 150th District pending the outcome of a valid election to determine who should represent the district in the Missouri House of Representatives during the 97th General Assembly.

Pursuant to RSMo. 115.600, the election authority for Dunklin County petitioned the court for a new election in the 150th District due to mistakes by the election authority that cast doubt on the validity of the November 6, 2012, general election in that district. A judge has agreed the November 6 results are not valid and has ordered a new election.

None of the parties to the court action – including Candidate Hampton – has claimed that the November 6 results are valid and even Candidate Hampton has agreed that a new election must be held. The dispute remaining to be resolved by the courts is whether the law authorizes a partial new election in only certain precincts or if an entirely new election must be held.

As a result, it was improper to administer the oath of office to Candidate Hampton and seat him in the 97th General Assembly when he hasn't yet been validly elected to the office and resolution of the situation remains pending. Should Candidate Hampton lose the upcoming new election in the 150th District, any votes he casts prior to that time could be called into question and potentially jeopardize the validity of legislative actions.

Sincerely,

/s/ Jake Hummel
House Minority Floor Leader
State Representative District 81

/s/ Gail McCann Beatty
House Assistant Minority Floor Leader
State Representative District 26

Valda Stroesser and Sarah Alsager of Jefferson City, MO, sang the National Anthem.

The benediction was given by Monsignor Robert A. Kurwicki.

"Behold," saith the Lord, "I have set before thee an open door." (Revelation 3:8)

Almighty God, as we enter the door of a new year and of a new session of the House of Representatives we pause in Your presence to offer unto You the devotion of our hearts and to pray for guidance, strength, and wisdom as we face the crucial days and weeks that lie ahead.

In this high hour of a new beginning give to us, the new leaders of our House and people, a deep sense of humility, a broad spirit of understanding, a great attitude of good will, and a real faith in You that we may govern well, by the votes we cast this year, for the good of all and that freedom and justice may live long in Missouri. In this time of transition may there be a spirit of unity among us and may we go forward together to a greater House and a better state.

And the House says, "Amen!"

RECESS

Representative Diehl moved that the House stand in recess for the reading of the Preamble and Article I of the Missouri State Constitution and then stand adjourned until 10:00 a.m., Thursday, January 10, 2013.

The Preamble and Article I of the Missouri State Constitution were read by members of the 97th General Assembly.

ADJOURNMENT

Pursuant to the motion of Representative Diehl, the House adjourned until 10:00 a.m., Thursday, January 10, 2013.

HOUSE CALENDAR

SECOND DAY, THURSDAY, JANUARY 10, 2012

HOUSE CONCURRENT RESOLUTIONS FOR SECOND READING

HCR 4

HOUSE JOINT RESOLUTION FOR SECOND READING

HJR 2 through HJR 7

HOUSE BILLS FOR SECOND READING

- 1 HB 26
- 2 HB 28 through HB 48
- 3 HB 50 through HB 140

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

SECOND DAY, THURSDAY, JANUARY 10, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

*The Lord give thee wisdom and understanding....that thou mayest keep the law of the Lord, thy god.
(I Chronicles 22:12)*

O God of all goodness, in this sacred moment we bow at the altar of prayer thanking You for this glorious state in which we live. May we now and always prove ourselves a people mindful of Your presence, eager to do Your will, and ready to serve our fellow citizens. Save us from bitterness and discord. Mold us into a people united in purpose and principle, in faith and fortitude.

Grant Your wisdom to all members of this House of Representatives, especially our Speaker. Direct their decisions, prosper their planning, and expedite their efforts as they seek to promote the welfare of Missouri and the good of its citizens. As a result of our endeavors may peace come and justice rise to new life in our state, and happiness live in every human heart.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

OATH OF OFFICE

Representative-elect Frederick advanced to the bar and subscribed to the oath of office, which was administered by the Honorable Timothy W. Jones, Speaker of the House.

The Journal of the first day was approved as printed by the following vote:

AYES: 153

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Gannon
Gardner	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins

Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeier	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
May	Mayfield	McCaherty	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Parkinson	Pfautsch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	Walton Gray
Webb	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 002

Colona Swearingen

PRESENT: 000

ABSENT WITH LEAVE: 006

Anders	Funderburk	McGaugh	Roorda	Smith 85
Webber				

VACANCIES: 002

Speaker Pro Tem Smith assumed the Chair.

HOUSE RESOLUTIONS

Representative Diehl offered House Resolution No. 31.

HOUSE RESOLUTION NO. 31

RULES OF THE HOUSE OF REPRESENTATIVES [96th] 97th GENERAL ASSEMBLY

TIME OF MEETING

Rule 1. The time of meeting by the House, unless otherwise ordered, shall be 10:00 a.m.

CONSTITUTIONAL MAJORITY DEFINED

Rule 2. The term “constitutional majority”, as used herein, shall mean eighty-two members of the House.

ORDER OF BUSINESS

Rule 3. The first of each day, after the House is called to order, shall be employed as follows unless otherwise ordered by the House:

- (a) Prayer.
- (b) Pledge of Allegiance to the American Flag.
- (c) Order of Business:

- (i) Reading and approval of the Journal of the previous day's session.
- (ii) Introduction and first reading of House Joint Resolutions.
- (iii) Introduction and first reading of House Bills.
- (iv) Second reading of House Bills and Joint Resolutions.
- (v) Reports of regular standing committees.
- (vi) Reports of special standing committees.
- (vii) Bills, reports and other business on the table.
- (viii) House Joint Resolutions to be perfected and printed.
- (ix) House Bills to be perfected and printed.
- (x) Third reading of House Joint Resolutions.
- (xi) Third reading of House Bills.
- (xii) Messages from the Senate.
- (xiii) First reading of Senate Joint Resolutions and Senate Bills.
- (xiv) Second reading of Senate Joint Resolutions and Senate Bills.
- (xv) Third reading of Senate Joint Resolutions.
- (xvi) Third reading of Senate Bills.
- (xvii) Introduction of petitions, memorials, remonstrances and resolutions.
- (xviii) Adoption of petitions, memorials, remonstrances and resolutions.
- (xix) Such other orders of business as deemed necessary pursuant to law.

HEADINGS ON HOUSE CALENDAR

Rule 4. There shall be provided on the House calendar the following divisions:

- (a) House Bills for second reading.
- (b) House Joint Resolutions for second reading.
- (c) House Bills to be perfected and printed.
- (d) House Joint Resolutions to be perfected and printed.
- (e) House Appropriation Bills to be perfected and printed.
- (f) House Revision Bills to be perfected and printed.
- (g) House Bills - Federal Mandate to be perfected and printed.
- (h) House Bills to be perfected and printed - laid over informally.
- (i) House Joint Resolutions to be perfected and printed - laid over informally.
- (j) House Appropriation Bills to be perfected and printed - laid over informally.
- (k) House Revision Bills to be perfected and printed - laid over informally.
- (l) House Bills - Federal Mandate to be perfected and printed - laid over informally.
- (m) House Bills to be agreed to and placed upon third reading and final passage.
- (n) House Joint Resolutions to be agreed to and placed upon third reading and final passage.
- (o) House Appropriation Bills to be agreed to and placed upon third reading and final passage.
- (p) House Revision Bills to be agreed to and placed upon third reading and final passage.
- (q) House Bills - Federal Mandate to be agreed to and placed upon third reading and final passage.
- (r) House Bills to be agreed to and placed upon third reading and final passage - laid over informally.
- (s) House Joint Resolutions to be agreed to and placed upon third reading and final passage - laid over informally.
- (t) House Appropriation Bills to be agreed to and placed upon third reading and final passage - laid over informally.
- (u) House Revision Bills to be agreed to and placed upon third reading and final passage - laid over informally.
- (v) House Bills - Federal Mandate to be agreed to and placed upon third reading and final passage - laid over informally.
- (w) House Bills reported out of committee by consent and placed upon the Consent Calendar for Perfection.
- (x) House Bills perfected by consent to be agreed to and placed upon third reading and final passage.
- (y) Rules Committee Calendar, House Bills or Joint Resolutions to be perfected and printed.
- (z) Rules Committee Calendar, House Bills or Joint Resolutions to be perfected and printed - laid over informally.
- (aa) Rules Committee Calendar, House Bills or Joint Resolutions to be agreed to and placed upon third reading and final passage.
- (bb) Rules Committee Calendar, House Bills or Joint Resolutions to be agreed to and placed upon third reading and final passage - laid over informally.

- (cc) Rules Committee Calendar, Senate Bills or Joint Resolutions to be agreed to and placed upon third reading and final passage.
- (dd) Rules Committee Calendar, Senate Bills or Joint Resolutions to be agreed to and placed upon third reading and final passage - laid over informally.
- (ee) Senate Bills for second reading.
- (ff) Senate Joint Resolutions for second reading.
- (gg) Senate Bills for third reading and final passage.
- (hh) Senate Joint Resolutions for third reading and final passage.
- (ii) Senate Revision Bills for third reading and final passage.
- (jj) Senate Bills - Federal Mandate for third reading and final passage.
- (kk) Senate Bills for third reading and final passage - laid over informally.
- (ll) Senate Joint Resolutions for third reading and final passage - laid over informally.
- (mm) Senate Revision Bills for third reading and final passage - laid over informally.
- (nn) Senate Bills - Federal Mandate for third reading and final passage - laid over informally.
- (oo) Senate Bills for third reading and final passage - Consent Calendar.
- (pp) Courtesy Resolutions Calendar.
- (qq) House Resolutions and Concurrent Resolutions Calendar.
- (rr) Senate Concurrent Resolutions Calendar.
- (ss) Bills in Conference.
- (tt) House Bills with Senate Amendments.
- (uu) House Bills taken from Committee, as provided by the Constitution.
- (vv) Such other calendars as deemed necessary.

FIRST AND SECOND READING OF BILLS

Rule 5. A bill shall be read the first time by journal entry of the title of the bill on the legislative day of its filing. It shall be second read on the following legislative day by journal entry of the title of the bill. The reading of a bill by its title shall be deemed sufficient reading unless the further reading be called for. If the further reading be called for and no objection made, the bill shall be read at length; if, however, objection be made, the question shall be determined by the majority of the members present.

ORDERS OF THE DAY

Rule 6. Upon recess or adjournment, the Majority Floor Leader shall advise the entire membership of the business anticipated to be conducted during the remainder of the legislative day and during the next legislative day.

ELECTION OF OFFICERS GENERALLY

Election; Oath; Compensation

Rule 7. The House shall elect by recorded vote the following officers at the commencement of the first regular session of each general assembly: its presiding officer, who shall be called Speaker of the House, a Speaker Pro Tem, a Chief Clerk, a Sergeant-at-Arms, a Doorkeeper and a Chaplain, who shall hold office during all sessions until the convening of the succeeding General Assembly, unless sooner removed by a vote of the majority of the members. Each shall receive such compensation as may be provided for by law. Each shall take an oath to support the Constitution of the United States and of this State and to faithfully demean himself or herself in office and to keep the secrets of the House. Said oath shall be administered to the Speaker and Speaker Pro Tem by a Judge of the Supreme Court, Court of Appeals or a Circuit Court and by the Speaker to the other officers. All other officers of the House shall be appointed by, and serve at the pleasure of, the Speaker and receive such compensation as provided by law.

SPEAKER

Speaker to Call Members to Order

Rule 8. The Speaker shall take the chair at the hour to which the House has been adjourned and immediately call the members to order, and on the appearance of a quorum, shall cause the journal of the preceding day to be read (unless otherwise ordered by the House), which may then be corrected by the House.

Parliamentary Rulings; Referral to Parliamentary Committee

Rule 9. Parliamentary rulings may be made only by the Speaker or the Speaker Pro Tem. At their option or at the request from a member of the Parliamentary Committee they may refer points of order to the Parliamentary Committee for an advisory opinion. In their absence rulings shall be made by a parliamentary committee. The Committee on Parliamentary Procedure shall be composed of the Speaker, the Majority Floor Leader and the Minority Floor Leader, or their designees. No member who is temporarily in the Chair may rule on points of order, except the Speaker or Speaker Pro Tem, until and unless the Parliamentary Committee has been called and ruled. It shall be the duty of the temporary Speaker to call said Parliamentary Committee at the time the point of order is raised and before any discussion on said point of order takes place. It shall be at the Speaker's discretion whether members may speak on points of order.

Speaker May Speak on Points of Order

Rule 10. The Speaker may speak on points of order in preference to any other member, arising from his/her seat for that purpose, and shall decide questions of order, subject to an appeal to the House, upon which appeal no member shall speak more than once, except by leave of the House. No member shall inquire of another member nor debate with other members on points of order but shall address his/her remarks only to the chair.

Appeal from a Ruling of the Chair

Rule 11. Should there be an appeal from any ruling of the chair, the question, "Shall the chair be sustained?" shall be immediately put and determined before the House proceeds to other business.

Speaker Has General Supervision of Hall

Rule 12. The Speaker shall have general direction and supervision of the House and shall preserve decorum and order in the Hall.

Supervision of House Employees

Rule 13. The Speaker shall have general supervision and control over all employees of the House.

Speaker May Substitute Member to Perform Duties

Rule 14. The Speaker may substitute any member to perform the duties of the Chair in the absence of the Speaker Pro Tem.

Speaker Shall Sign Bills

Rule 15. The Speaker shall sign all bills, and perform all other duties in relation thereto, as required by the Constitution. He/she shall also sign all joint resolutions and addresses; and all writs, warrants and subpoenas issued by order of the House shall be under his/her hand, attested by the Chief Clerk.

Speaker May Clear Hall

Rule 16. In case of disturbance or disorderly conduct in the lobbies or galleries, the Speaker, temporary Speaker or Chairman of the Committee of the Whole House shall have power to order the same cleared. They shall not, however, have the power to remove members from the floor of the House, except by a majority vote of those present.

Manner of Putting Questions

Rule 17. The Speaker shall rise to state and put questions. Questions shall be in the following form: "As many as are in favor (by electronic roll call) vote 'Aye'. As many as are opposed (if by electronic roll call) vote 'No'". (Or if by voice vote say "Aye" or "No.") If the Speaker doubts on a voice vote, voting shall be ordered by electronic device. The Speaker may require a recorded vote on any motion.

OTHER OFFICERS

Speaker Pro Tem

Rule 18. The Speaker Pro Tem shall perform the duties of Speaker during the sickness or absence of the Speaker, except while some member is discharging such duties as a substitute under Rule 14.

Chief Clerk

Rule 19. It shall be the duty of the Chief Clerk to serve also as Chief Administrator of the House and to attend the House during its sittings. The Chief Clerk, under the direction of the Speaker, shall prepare and keep the House Journal and

seasonably record the proceedings of the House; keep regular files of House papers; attest all writs, warrants and subpoenas issued by order of the House; keep an account of all fines imposed by the House; maintain a record of the members' attendance; keep an account of the traveling and expense allowances of all the members; transmit to the Senate messages, communications, copies and documents of the House; keep a docket of proceedings on all bills, resolutions and acts; and execute the commands of the House from time to time.

Sergeant-at-Arms; Doorkeeper and Chaplain

Rule 20. (a) SERGEANT-AT-ARMS. It shall be the duty of the Sergeant-at-Arms to attend the House during its sittings; to execute the commands of the House from time to time, together with such process issued by authority thereof as shall be directed to him/her by the Speaker. He/she shall preserve order in the galleries and lobby and keep the entry to the aisle cleared during the session of the House.

(b) DOORKEEPER. It shall be the duty of the Doorkeeper, subject to the orders of the Speaker, to attend the sittings of the House. The Doorkeeper shall allow no person to come or remain within the Hall or galleries except as are admitted by the rules or orders of the House. He/she shall execute the commands of the Speaker in relation to his/her duties and shall obey such other orders as may be made by the House.

(c) CHAPLAIN. It shall be the duty of the Chaplain, or a person designated by the Speaker, to attend at the commencement of each day's sitting of the House, to open the sessions thereof with a prayer, visit any member who may be sick, and to preach in the Hall of the House of Representatives whenever requested by a vote of the House.

Employees

Rule 21. The House may employ, and the Speaker appoint, such employees as are necessary to perform the duties of the House. No person shall be initially hired by the House of Representatives who is related to any member of the House within the fourth degree, by consanguinity or by affinity.

COMMITTEES

By Whom Appointed; Composition of Membership

Rule 22. All regular standing, conference, interim and statutory committees shall be appointed by the Speaker who, when appointing a committee, shall designate a member thereof as chairman, designate another member as vice-chairman and designate the total number of members to serve on each committee, except the minority members of each regular standing committee shall be appointed by the Minority Floor Leader. The vice-chairman **or a designee of the chair** shall preside at all committee meetings in the absence of the chairman. The Speaker of the House, the Speaker Pro Tem, the Majority Floor Leader, the Assistant Majority Floor Leader, the Majority Whip, the Minority Floor Leader, the Assistant Minority Floor Leader and the Minority Whip shall be ex-officio members of all committees of the House, and the chair of the budget committee and one member of said committee designated by the Minority Leader shall be ex-officio members of all appropriations committees of the House, for the purpose of a quorum and inquiry but shall have no vote unless they are duly appointed members of said committee. The membership of all regular standing committees and all other committees and commissions, unless otherwise provided by the act or resolution creating them, shall be composed as nearly as may be, of majority and minority party members in the same proportion as the number of majority and minority party members in the House bears to the total membership of the House, except for the Ethics Committee. The Ethics Committee shall consist of an equal number of members from the majority and minority party. The Speaker may appoint such special standing committees as he/she deems necessary. Any special standing committee shall have the authority and duties of a regular standing committee if so designated by the Speaker. The Minority Floor Leader may make recommendations to the Speaker regarding minority membership of special standing committees. The Speaker may dissolve and/or discharge the members of any conference, interim, or special standing committee at any time and reappoint the members thereof.

Time of Sitting

Rule 23. No committee shall meet except during those times so designated by the Speaker. No committee shall sit during the session of the House without leave of the House.

The Regular Standing Committees Enumerated

Rule 24. The regular standing committees of the House shall be as follows:

1. Administration and Accounts.
2. Agriculture Policy.
3. Agri-Business.

4. Appropriations - Agriculture and Natural Resources.
5. Appropriations - Education.
6. Appropriations - General Administration.
7. Appropriations - Health, Mental Health and Social Services.
- 8. Appropriations - Infrastructure and Job Creation.**
- [8.] **9.** Appropriations - Public Safety and Corrections.
- [9.] **10.** Appropriations - **Revenue**, Transportation, and Economic Development.
- [10.] **11.** Budget.
- [11.] **12.** Children [and Families] , **Families, and Persons with Disabilities.**
- [12.] **13.** Corrections.
- [13.] **14.** Crime Prevention and Public Safety.
- [14.] **15.** Downsizing State Government.
- [15.] **16.** Economic Development.
- [16.] **17.** Elections.
- [17.] **18.** Elementary and Secondary Education.
- [18.] **19.** Emerging Issues in [Animal] Agriculture.
- [19.] **20.** Ethics.
- [20.] **21.** Financial Institutions.
- [21.] **22.** Fiscal Review.
- [22.] **23.** General Laws.
- 24. Government Oversight and Accountability.**
- [23.] **25.** Health Care Policy.
- [24.] **26.** Health Insurance.
- [25.] **27.** Higher Education.
- [26.] **28.** Insurance Policy.
- [27.] **29.** International Trade [and Job Creation].
- [28.] **30.** Judiciary.
- [29.] **31.** Local Government.
- [30.] **32.** Professional Registration and Licensing.
- [31.] **33.** Retirement.
- [32.] **34.** Rules.
- [33.] Rural Community Development.]
- [34.] **35.** Small Business.
- [35.] Tax Reform.]
36. Tourism and Natural Resources.
37. Transportation.
- [38.] Transportation Funding and Public Institutions.]
- [39.] **38.** Urban Issues.
- [40.] **39.** Utilities.
- [41.] **40.** Veterans.
- [42.] **41.** Ways and Means.
- [43.] **42.** Workforce Development and Workplace Safety.

Duties of the Regular Standing Committees

Rule 25. (1) Administration and Accounts.

(a) *Duties generally.* The Committee on Administration and Accounts shall superintend and have sole and complete control of all financial obligations and business affairs of the House except those employees appointed by or assigned to the Speaker, or assigned to the Budget Committee Chair, the Speaker Pro Tem, the Majority Floor Leader, the Minority Floor Leader and the Officers of the House. The committee shall provide for the receiving and receipt of all supplies, equipment and furnishings purchased for the account of the House, and shall further provide for the use and distribution thereof.

(b) *Funds for operation of member's individual offices.* The committee shall also prescribe rules governing the expenditure of funds allotted to individual members for the operation of their offices. Such rules shall be applied equally to, and shall require the equal treatment of, all members with regard to the expenditure of such funds. Subject to such rules, each member shall have discretion to expend such funds, for the use of his or her office, without the approval of the committee.

(c) *Allotment of offices, chamber seats and parking spaces.* Each member shall be allotted his or her own office, chamber seat and parking assignment. The committee shall assign all offices, chamber seats, and parking spaces under its control and reserved for members. The committee may make assignments to the party caucuses for those caucuses to assign to their respective members. The House officers, the floor leaders and assistant floor leaders of each party, the Budget Committee Chair, and the chairman and ranking minority member of the Administration and Accounts Committee, without respect to the seniority of those members, shall have priority with respect to such assignments within their respective caucuses.

(d) *Duties of the Chief Clerk in Respect to Committee.* The Chief Clerk of the House may be authorized to act for the committee, but only in the manner and to the extent as may have been previously authorized by the committee. Such authorization shall be entered in the minutes of the committee. The Chief Clerk shall maintain financial records for the House of Representatives in accordance with generally accepted accounting principles. The Chief Clerk of the House shall keep a detailed accounting of all transactions and shall furnish each member of the committee and the Speaker with a copy of such account on a quarterly basis.

(e) Issue Development Standing Committees. The committee may approve and prescribe regulation of Issue Development Standing Committees. Any group of House members may seek the designation of an Issue Development Standing Committee by applying to the Administration and Accounts Committee Chair. The application shall include the issue of study and the proposed members of the committee. All findings and recommendations of the approved committees shall be forwarded to the Administration and Accounts Committee Chair. All approved Issue Development Standing Committees shall be afforded the same rights and privileges as a regular standing committee.

(2) *The Committee on Agriculture Policy.* The Committee on Agriculture Policy may consider and report upon bills and matters referred to it relating to the protection, promotion and encouragement of agriculture in this state.

(3) *Committee on Agri-Business.* The Committee on Agri-Business may consider and report upon bills and matters referred to it relating to the protection, promotion and encouragement of agri-business in the state.

(4) *The Committee on Appropriations - Agriculture and Natural Resources.* The Committee on Appropriations - Agriculture and Natural Resources shall report to the Budget Committee upon all bills, measures, and questions referred to it by the Budget Committee pertaining to the appropriations and disbursements of public money for the funding of the Department of Agriculture, the Department of Natural Resources and the Department of Conservation.

(5) *The Committee on Appropriations - Education.* The Committee on Appropriations - Education shall report to the Budget Committee upon all bills, measures, and questions referred to it by the Budget Committee pertaining to the appropriations and disbursements of public money for the funding of the Department of Elementary and Secondary Education and the Department of Higher Education.

(6) *The Committee on Appropriations - General Administration.* The Committee on Appropriations - General Administration shall report to the Budget Committee upon all bills, measures, and questions referred to it by the Budget Committee pertaining to the appropriations and disbursements of public money for the funding of the Public Debt, Elected Officials, Office of Administration, the General Assembly, [the Department of Revenue,] the Judiciary and the Public Defender.

(7) *The Committee on Appropriations - Health, Mental Health and Social Services.* The Committee on Appropriations - Health, Mental Health and Social Services shall report to the Budget Committee upon all bills, measures, and questions referred to it by the Budget Committee pertaining to the appropriations and disbursements of public money for the funding of the Department of Health and Senior Services, the Department of Mental Health and the Department of Social Services.

(8) The Committee on Appropriations - Infrastructure and Job Creation. The Committee on Appropriations - Infrastructure and Job Creation shall report to the Budget Committee upon all bills, measures, and questions referred to it by the Budget Committee pertaining to the appropriations and disbursements of public money for the funding of infrastructure and job creation.

[(8)] (9) *The Committee on Appropriations - Public Safety and Corrections.* The Committee on Appropriations - Public Safety and Corrections shall report to the Budget Committee upon all bills, measures, and questions referred to it by the Budget Committee pertaining to the appropriations and disbursements of public money for the funding of the Departments of Public Safety and Corrections.

[(9)] (10) *The Committee on Appropriations - Revenue, Transportation, and Economic Development.* The Committee on Appropriations - Revenue, Transportation, and Economic Development shall report to the Budget Committee upon all bills, measures, and questions referred to it by the Budget Committee pertaining to the appropriations and disbursements of public money for the funding of the Department of Transportation, the Department of Economic Development, the Department of Revenue, the Department of Insurance and the Department of Labor and Industrial Relations.

[(10)] (11) *The Committee on Budget.*

(a) The Committee on Budget shall have the responsibility of filing all appropriations bills, assigning of those bills to the appropriate appropriations committees and shall report upon all bills recommended to it by the respective appropriation committee and any other bills, measures, or questions referred to it pertaining to the appropriation and disbursement of public money.

(b) *Other duties.* The Committee may consider and report upon any bill or resolution referred to it which, in the opinion of the Speaker, merits special consideration. The Committee may also consider and report upon bills and matters referred to it relating to the reorganization, consolidation and abolition of boards, bureaus, commissions and other offices and buildings of the state, including the Division of Facilities Management, Design and Construction, the capitol grounds and the state and legislative library. The Committee is empowered to study and investigate the efficiency and economy of all branches of Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, waste, conflicts of interests and the improper expenditure of Government funds in transactions, contracts and activities of Government or Government officials and employees. The Committee is authorized to hold hearings, sit and act at any time or place within the State of Missouri during the recess and adjournment periods of the House, administer oaths, and take testimony, either orally or by sworn written statement. If the Committee, after hearing, and upon findings incorporated in a report, deems that a particular activity, bureau, agency, committee, commission, department or any other entity of state government should be discontinued, it shall report such finding to the House for further action by the House. The Committee shall also consider and report upon bills and matters referred to it relating to the efficiency of government in the state.

[(11)] (12) *The Committee on Children [and Families] , Families, and Persons with Disabilities.* The Committee on Children [and Families] , **Families, and Persons with Disabilities** may consider and report upon bills and matters referred to it relating to the Department of Social Services, the Department of Health and Senior Services, and other matters relating to the fostering and promotion of children [and families] , **families, and persons with disabilities** in this state.

[(12)] (13) *The Committee on Corrections.* The Committee on Corrections may consider and report upon bills and matters referred to it relating to adult and juvenile penal and correctional problems, the administration of correctional institutions, and the state penitentiary.

[(13)] (14) *The Committee on Crime Prevention and Public Safety.* The Committee on Crime Prevention and Public Safety may consider and report upon bills and matters referred to it relating to criminal laws, law enforcement and public safety matters.

[(14)] (15) *The Committee on Downsizing State Government.* The Committee on Downsizing State Government may consider matters referred to it relating to reducing the size of state government and its programs.

[(15)] (16) *The Committee on Economic Development.* The Committee on Economic Development may consider matters referred to it relating to commerce, industrial growth, expansion, and development.

[(16)] (17) *The Committee on Elections.* The Committee on Elections may consider and report upon bills and matters referred to it relating to elections and election contests involving members of the House.

[(17)] (18) *The Committee on Elementary and Secondary Education.* The Committee on Elementary and Secondary Education may consider and report upon bills and matters referred to it relating to elementary and secondary education and life-long learning in this state, including teachers, financing, property, indebtedness and curriculum.

[(18)] (19) *The Committee on Emerging Issues in [Animal] Agriculture.* The Committee on Emerging Issues in [Animal] Agriculture may consider matters referred to it relating to the production, processing, selling, marketing, and distribution of animals, livestock, and poultry in the agricultural industry.

[(19)] (20) *The Committee on Ethics.* The Committee on Ethics may consider and report upon complaints referred to it relating to a member of the House involving the commission of a crime, misconduct, willful neglect of duty, corruption in office or other complaints relating to the ethical conduct of a member. The committee is authorized to sit and act at any time or place within the State of Missouri during the recess and adjournment periods of the House, administer oaths, and take testimony, either orally or by sworn written statement.

[(20)] (21) *The Committee on Financial Institutions.* The Committee on Financial Institutions may consider and report upon bills and matters referred to it relating to banks, banking, savings and loans, credit unions, and other financial institutions.

[(21)] (22) *The Committee on Fiscal Review.* The Committee on Fiscal Review shall consider any bill which requires net additional expenditures of state money in excess of \$100,000 or which reduces net state revenue by more than \$100,000 in any of the three fiscal years immediately following the effective date of the bill. Any such House bill, after having been perfected and ordered printed by the House, shall be referred to the Committee on Fiscal Review for its consideration prior to the bill's submission to the House for third reading and final passage. Any House bill with Senate amendment(s) or any House bill with a Senate substitute which requires net additional expenditure of state money

in excess of \$100,000 or which reduces net state revenue by more than \$100,000 in any of the three fiscal years immediately following the effective date of the bill shall be referred to the Committee on Fiscal Review for its consideration prior to the bill's submission to the House. Any such Senate bill, after having been approved by the regular or special standing committee to which it was referred, shall be referred to the Committee on Fiscal Review for its consideration prior to its submission to the House for third reading and final passage. Any Senate or House bill amended so as to increase net expenditures or reduce net revenues shall, upon timely motion adopted by the members, be referred to the Committee on Fiscal Review. Such motion shall only be timely for a House bill when the sponsor or handler of the House bill moves that the bill be Third Read and passed and before the Speaker restates that motion. The primary sponsor or, in the case of a Senate bill, the floor handler of a bill referred to the Committee on Fiscal Review shall be entitled to a hearing on the bill but such hearing shall be limited to the reception of testimony by the primary sponsor or floor handler, as the case may be, in person and none other, without leave of the committee Chair. For the purposes of this rule, "net" is defined as the sum of revenues and expenditures, after reductions and increases brought about by a bill have been calculated. The Committee on Fiscal Review may, with the consent of the House sponsor or floor handler, amend an effective date onto any bill referred to the Committee.

[(22)] **(23) *The Committee on General Laws.*** The Committee on General Laws may consider matters referred to it relating to general or miscellaneous issues as determined by the Speaker of the House.

(24) *The Committee on Government Oversight and Accountability.* **The Committee on Government Oversight and Accountability may consider and report on bills and matters referred to it relating to the oversight of government programs and policies and to ensure accountability of the executive and judicial branches of government.**

[(23)] **(25) *The Committee on Health Care Policy.*** The Committee on Health Care Policy may consider and report upon bills and matters referred to it relating to the health care of the citizens of the State, including mental health, and the Departments of Health and Mental Health. The Committee may also consider and report on bills and matters referred to it relating to Medicaid and related matters.

[(24)] **(26) *The Committee on Health Insurance.*** The Committee on Health Insurance may consider and report upon bills and matters referred to it relating to insurance coverage for health and medical issues.

[(25)] **(27) *The Committee on Higher Education.*** The Committee on Higher Education may consider and report on bills and matters referred to it related to higher education, including matters relating to financing, facilities, staff, curriculum and related matters.

[(26)] **(28) *The Committee on Insurance Policy.*** The Committee on Insurance Policy may consider and report upon bills and matters referred to it relating to insurance, insurance companies and the Department of Insurance.

[(27)] **(29) *The Committee on International Trade [and Job Creation].*** The Committee on International Trade [and Job Creation] may consider and report upon bills and matters referred to it relating to international commerce and development [and the creation and retention of jobs].

[(28)] **(30) *The Committee on Judiciary.*** The Committee on Judiciary may consider and report upon bills and matters referred to it relating to the judicial branch of the State and the practices and procedures of the courts of this State, and on matters pertaining to civil and administrative laws and procedures, and on matters relating to the ethics of public officials.

[(29)] **(31) *The Committee on Local Government.*** The Committee on Local Government may consider and report upon bills and matters referred to it relating to counties, cities, towns, villages, other political subdivisions of the State and local government generally.

[(30)] **(32) *The Committee on Professional Registration and Licensing.*** The Committee on Professional Registration and Licensing may consider and report upon bills and matters referred to it relating to the licensing of professionals in this state and consumer protection issues.

[(31)] **(33) *The Committee on Retirement.*** The Committee on Retirement may consider and report upon bills and matters referred to it relating to the retirement and pensions of state and local officials and employees and senior citizen issues generally.

[(32)] **(34) *The Committee on Rules*** (a) *Duties generally.* The Committee on Rules shall formulate and present for consideration the rules of the House; shall consider and report upon all propositions to amend or change the rules, which propositions shall stand referred without reading or consideration and without discussion, explanation, or debate to the Committee on Rules, and upon any bill which merits special consideration.

(b) *Duties related to printing and proofing bills.* The Committee shall supervise the printing of all bills ordered perfected and printed, assuring that procedures are followed in which all amendments to every such bill are incorporated therein before the bill is printed and that the printed copies of the bill on the desks of the members are true and accurate copies of the bill as ordered perfected and printed. The Committee shall also supervise the printing of all bills which are

truly agreed and finally passed, assuring that procedures are followed in which every bill is a true copy of the bill as passed with clerical errors corrected.

(c) *Duties relating to the issuance of courtesy resolutions.* A courtesy resolution is a non-controversial resolution in the nature of congratulations on the birth of a child, celebration of a wedding anniversary, congratulations of an outstanding citizen achievement or a similar event which is in the practice and procedure of the House to consider as a courtesy resolution. While the House is in session, the resolutions that have been issued under the supervision of the Committee shall be printed in the House Journal by number. Any resolution that is not a courtesy resolution shall require action by the House as provided for by the House Rules.

(d) *Petition to remove from perfection calendar.* Upon petition of two-thirds (2/3) of the regular standing committee chairmen recommending a House Bill or Joint Resolution be removed from the regular perfection calendar and placed on the Rules Committee Calendar to be perfected and printed, the Committee on Rules shall have authority to consider and remove any House Bill or Joint Resolution from the regular perfection calendar and place it upon the Rules Committee Calendar, House Bills or Joint Resolutions to be perfected and printed. And any bill so placed upon said calendar shall, after being perfected and printed, be placed upon the Rules Committee Calendar, House Bills or Joint Resolutions to be agreed to and placed upon third reading and final passage.

(e) *Petition to remove from third reading calendar.* Upon petition of two-thirds (2/3) of the regular standing committee chairmen, the Committee on Rules shall have the authority to consider and remove any Senate Bill or Joint Resolution from the regular third reading calendar and place it upon the Rules Committee Calendar, Senate Bills or Joint Resolutions to be agreed to and placed upon third reading and final passage. The Committee has the privilege of reporting at any time and the consideration of its report shall have precedence over all other business. Any bill placed upon the Rules Committee Calendar, House Bills or Joint Resolutions to be perfected and printed, by the Committee on Rules may be recommitted to the same committee by a Constitutional majority of the elected members, and if this occurs the bill shall be returned to its place on the Perfection Calendar from which it had been removed.

(f) *Review of Bills Reported from Regular Standing or Special Standing Committees.*

1. Whenever a committee reports a bill with a recommendation that it “Do Pass” or “Without Recommendation”, the bill shall stand automatically referred to the Committee on Rules. The Committee on Rules is hereby authorized to:

- a. Report the bill “Do Pass” to the House without a limitation on time of debate on the bill or amendments.
- b. Report the bill “Do Pass” to the House with a limitation on the time of debate.
- c. Send the bill back to the originating committee in the form as originally referred by the Speaker.

When the Committee on Rules sends the bill back to the originating committee, that committee may amend the bill and report the bill again without the need to reconsider the initial vote by which the committee voted the bill “Do Pass”.

2. When a bill is automatically referred to the Committee on Rules with a recommendation that it “Do Pass - Consent”, the Rules Committee shall review the bill for the purpose of determining whether or not it should have “consent” status. The Committee on Rules may decide, by a majority of those present, whether or not to place the bill on the appropriate “Consent” calendar. When the Committee on Rules declines to place the bill on the appropriate “Consent” calendar, it may consider whether or not to report the bill to the House with a “Do Pass” recommendation, without “consent” status. The authority of the Committee on Rules with respect to limiting debate shall apply to bills reported by it as “Do Pass - Consent”.

3. When a bill is automatically referred to the Committee on Rules with a recommendation that it “Do Pass - Federal Mandate”, the Committee on Rules shall review the bill for the purpose of determining whether or not it should have “federal mandate” status. The Committee on Rules may decide, by a majority of those present, whether or not to place the bill on the appropriate “Federal Mandate” calendar. When the Committee on Rules declines to place the bill on the appropriate “Federal Mandate” calendar, it may consider whether or not to report the bill to the House with a “Do Pass” recommendation, without “federal mandate” status. The authority of the Committee on Rules with respect to limiting debate shall apply to bills reported by it as “Do Pass - Federal Mandate”.

4. When the Rules Committee shall place a limitation on the time of floor debate on a bill, or on amendments, such time shall be divided equally between, and controlled by, the floor handler of the bill and the floor leader of the political party other than that of the floor handler, or their respective designee(s). The floor handler shall always have the right to have the final one minute of designated time. If time has been allocated and unused by either side and no member from that side is seeking recognition, the Speaker may declare additional time waived and recognize the members of the other side to complete use of their time. Nothing in this rule shall entitle any member to speak longer than the House Rules otherwise allow.

5. In reviewing bills automatically referred to it from another committee, the Committee on Rules may, but is not required to, take such testimony as it deems appropriate to make its decisions. The committee shall not amend any bill that was not initially referred to the Committee on Rules.

(g) When a committee has reported a bill “Do Pass” with committee amendment(s), the Committee on Rules shall take such action as it deems proper on the entire package of the bill with committee amendment(s) as though the committee amendment(s) were already incorporated into the bill.

(h) If the Committee on Rules is the original committee to which a bill is referred, when the Committee reports such bill “Do Pass” or “Without Recommendation”, such bill shall not be subject to the automatic referral referenced in Rule 25[(32)] (34)(f)1. above. However, in reporting such bill, the Committee on Rules may take any action on such bill as though the bill were referred to it after a “Do Pass” or “Without Recommendation” report from another committee.

[(33)] *The Committee on Rural Community Development.* The Committee on Rural Community Development may consider and report upon bills and matters referred to it relating to policies to improve communities and the quality of life of citizens located outside of metropolitan areas and larger cities of the state.]

[(34)] (35) *The Committee on Small Business.* The Committee on Small Business may consider and report upon bills and matters referred to it relating to the establishment, growth, development, expansion, retention, and operations of small businesses in the State.

[(35)] *The Committee on Tax Reform.* The Committee on Tax Reform may consider and report upon bills and matters referred to it relating to reforming and equalizing the state tax code and its burden on taxpayers of this state.]

(36) *The Committee on Tourism and Natural Resources.* The Committee on Tourism and Natural Resources may consider and report upon bills and matters referred to it relating to the Department of Natural Resources, the Department of Conservation, fish and game laws of this state, preservation and protection of the natural resources of this state, development and promotion of travel, tourism, recreation, the arts, and cultural affairs.

(37) *The Committee on Transportation.* The Committee on Transportation may consider and report upon bills and matters referred to it relating to the Department of Transportation, all means of transportation, including roads, highways, bridges, ferries, airports, railroads and other means of transportation. The Committee may also consider and report upon bills and matters referred to it relating to motor vehicles and traffic regulations.

[(38)] *The Committee on Transportation Funding and Public Institutions.* The Committee on Transportation Funding and Public Institutions may consider and report upon bills and matters referred to it relating to the funding of public and private transportation infrastructure and resources of this state and issues related to state hospitals, charitable institutions, and other state properties.]

[(39)] (38) *The Committee on Urban Issues.* The Committee on Urban Issues may consider and report upon bills and matters referred to it relating to urban and metropolitan areas of this state.

[(40)] (39) *The Committee on Utilities.* The Committee on Utilities may consider and report upon bills and matters referred to it relating to the development, uses and regulation of utilities, communications and technology and the development, use and conservation of energy and other energy-related concerns, environmental impact and pollution and public health and safety as it relates to the issue of energy.

[(41)] (40) *The Committee on Veterans.* The Committee on Veterans may consider and report upon bills and matters referred to it relating to terrorism and security against terrorism; veterans affairs and the promotion and strengthening of states rights and military and naval affairs of the State.

[(42)] (41) *The Committee on Ways and Means.* The Committee on Ways and Means may consider and report upon bills and matters referred to it relating to the taxes of the State, tax credits, revenue and public debt of the State, and the interest thereon, and the administration of taxation and revenue laws. The Committee may also inquire into and suggest to the House such changes, if any, that should be made in respect to existing sources of revenue and such new sources of revenue, if any, that in the judgment of the Committee should be considered by the House. The Committee may also inquire into and suggest to the House such changes, if any, that should be made in respect to eliminating any existing sources of revenue, if any, that in the judgment of the Committee should be considered by the House.

[(43)] (42) *The Committee on Workforce Development and Workplace Safety.* The Committee on Workforce Development and Workplace Safety may consider and report upon bills and matters referred to it relating to employment, labor, and workplace safety.

Duties of Committee Chair; Committee Organization

Rule 26. (a) *Duty to preside.* It is the duty of the chair to preside at all sessions of the committee. In the absence of the chair, the vice-chair of the committee shall preside, and in his/her absence, a member appointed by the chair.

(b) *Duty to maintain minute book.* The chair shall see that a minute book is kept for his/her committee. The minute book shall contain the attendance and voting records of the committee members, a brief statement of the business that comes before the committee, the names of the persons and witnesses appearing before the committee and what side of a proposition they appeared on behalf of at the committee hearing, or if the appearance was informational in nature and neither for or against the proposition. The Chief Clerk shall be the repository of the minute book after each session of the general assembly and shall submit the same to the Secretary of State prior to the next regular session.

(c) *Duty to preserve order.* The chair, while the committee is in session, shall preserve order and decorum in and adjacent to the committee room and shall conduct all hearings in accordance with the Rules of the House including the provisions that relate to decorum, debate and dress code. The chair may punish breaches of order and decorum by censure and exclusion from the hearings.

(d) *Bills, reports and other documents.* The chair shall have custody of all bills, papers and other documents referred to the committee and shall make reports authorized by the committee and submit the same to the House without delay.

(e) *When a bill fails.* Whenever a motion that a bill “Do Pass” shall fail, or if there be an even division on the question, the chair shall report said bill back to the House “Do Not Pass” unless said bill is otherwise disposed of by another motion.

(f) When a motion has been decided by a committee, any member voting on the prevailing side may move to reconsider the vote provided that: (i) the chair still has possession of the bill; and (ii) the motion to reconsider is made on the same day on which the motion was decided or at the next day on which the committee convenes with a quorum present at a properly scheduled meeting at which the original motion would be in order. A majority of the members appointed to the committee is required to sustain any motion to reconsider. The motion to reconsider shall be a recorded vote.

Committee Hearings

Rule 27. All bills afforded a committee hearing shall be considered by giving the sponsor or handler, the proponents, the opponents, and those testifying for informational purposes a reasonable opportunity to be heard. Persons addressing the committee must keep their remarks to the point and avoid repetition and are subject to call to order by the chair for failure to do so. In the discretion of the committee chair, the length of time allowed one speaker or questioner may be limited.

Quorum

Rule 28. A majority of all committees of 30 or less, and 15 members of all committees consisting of more than 30 members, shall constitute a quorum for the transaction of business.

Meetings - How Announced

Rule 29. Announcement of all meetings of committees shall include a statement of all matters to be considered at the meeting, shall include the bill or resolution numbers to be considered and shall be entered in the journal prior to the day on which the meeting is to take place. Such journal entry shall reflect the date, time and location of the meeting.

The chair of each committee shall give written notice of the time, date, place and agenda of the meetings, including executive sessions, of his/her committee and each committee having matters pending before it shall hold a meeting at such time, date and place unless excused by the Speaker of the House. Notice shall be given at least one legislative day in advance of the committee meeting. Notice may be reduced to 24 hours by unanimous consent of all members of the committee, whether in attendance or not. Notice shall never be less than 24 hours. All notices shall include posting of the notice on the bulletin board outside the Speaker’s office.

Committees shall comply with the requirements of the statutes pertaining to open meetings.

Committee Substitutes

Rule 30. No bill or substitute may be taken up for consideration by a committee unless said bill or substitute shall have been distributed to the members of the committee at least one legislative day in advance of said consideration. This rule may be waived by unanimous consent of all members of the committee, whether in attendance or not. Failure to take the bill up for consideration at the designated time requires that the one legislative day notice be given again before it is taken up for consideration.

Other Duties

Rule 31. Each committee, in addition to the duty above prescribed, shall perform such other duties as may be required by the House. If it shall become necessary to compel the presence of any person before a committee, **the production of records or documents**, or to receive sworn testimony before a committee, a subpoena may be issued under the hand of the Speaker as provided by law and an oath or affirmation may be administered by the chair of the committee as provided by law.

Attendance

Rule 32. The secretary of each committee shall keep a record of the attendance of each committee meeting in the minute book of the committee, which shall be available to any person upon request. Any member of a committee absent, without good cause, from three consecutive meetings of the committee, as shown by the records of the committee, may be dropped therefrom by a statement to that effect entered into the House Journal by the Speaker. The roll shall be recorded by the chair or secretary of a committee at each meeting.

Minority Views

Rule 33. The minority of a committee may not make a report or present to the House an alternative report, but has the right to file views to accompany the report.

Committee Relieved of Bill - When

Rule 34. No bill shall be taken away from any regular standing committee or special standing committee of the House, as provided by the Constitution, until after ten legislative days have expired after referral to the committee by the Speaker. Pursuant to the Constitution, one-third of the members of the House shall have the power to relieve a committee of any bill. Such power may be exercised by filing a petition to that effect with the Chief Clerk of the House. Upon receipt of said petition containing the signatures of at least 55 members, the Chief Clerk shall publish said petition in the Journal and place the discharged bill upon the regular calendar of House Bills taken from Committee, as provided by the Constitution.

Election Contest

Rule 35. Whenever there shall be filed with the Speaker a notice of contest of the election of a member of the House, he/she shall refer the same, without discussion, either to the regular standing Committee on Elections or a special standing committee appointed to hear the matter. Said committee shall examine the timeliness and sufficiency of the notice, the depositions and other documents submitted and report to the House its recommendations, whereupon the House shall act by resolution to sustain or reject the committee recommendations.

Ethics Committee

Complaints of Ethical Misconduct

Rule 36. (a) The Speaker shall appoint a Committee on Ethics and name the committee's chair. The Minority Floor Leader shall name the committee's vice-chair and minority members. The committee shall have an equal number of members of the majority and minority party.

(b) The committee may consider and report upon complaints referred to it relating to a member of the House involving the commission of a crime, misconduct, willful neglect of duty, corruption in office or other complaints relating to the ethical conduct of a member. The committee is authorized to sit and act at any time or place within the State of Missouri during the recess and adjournment periods of the House, administer oaths, and take testimony, either orally or by sworn written statement.

(c) Within 20 calendar days of the commencement of the first regular session of each general assembly, the Committee on Ethics shall adopt Rules of Procedure for the investigation of complaints of ethical misconduct referred to it involving a member of the House. The proposed Rules of Procedure shall be filed by the committee in the form of a House Resolution with the Clerk of the House, reported in the Journal, and placed on the House Resolutions Calendar.

(d) Upon receipt of a complaint, in writing and under oath, of ethical misconduct by a member of the House made by another member, the Speaker shall refer the same, within 10 days, without discussion, to the Committee on Ethics. The complaint shall be confidential. The Committee shall examine the sufficiency of the complaint, and proceed to conduct an investigation as provided in the Committee's Rules of Procedure, if a majority of the Committee appointed so votes upon a roll call. When a motion to proceed to conduct an investigation fails on a recorded vote, the complaint shall be immediately dismissed.

(e) At the conclusion of the investigation, the Committee shall report its findings, conclusions, and recommendations to the House, whereupon the House shall act by resolution to sustain or reject the Committee recommendations. The Committee may recommend that the House expel the member as provided in Article III, Section 18 of the Missouri Constitution, or that the House punish the member as provided in Article III, Section 18 of the Missouri Constitution, by reprimand on the adoption of the resolution or by censure by the Speaker in open session.

(f) All rules that pertain to regular or special standing committees shall apply to the Committee on Ethics to the extent consistent with this rule and any rules of procedure adopted pursuant to this rule.

BILLS

Introduced - Manner of Setting Forth New and Old Material

Rule 37. (a) *When*. Bills may be introduced only on the report of a committee or by any member of the House, in the regular order of business. No member shall file a bill, other than an appropriation bill, after April 1, without leave of the House.

(b) *Manner of Printing*. Any bill shall have the matter which is being repealed from current law enclosed in bold-faced brackets and the matter which is being added to the law underscored when typewritten and in bold-faced type when printed. A footnote shall be annexed to the first page of each bill which contains material enclosed in bold-faced brackets to the following effect:

“EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.”

Where a section is completely rewritten, the existing section shall be set forth in small type in bold-faced brackets in a note following the new section but the changes need not be distinguished. Any House bill or substitute thereof which does not comply with this rule shall not be placed upon the calendar.

(c) *Numbering of Bills*. The Chief Clerk shall number bills in the order of their filing, reserving numbers for appropriations bills.

Number of Copies Printed

Rule 38. The Chief Clerk shall print such number of copies of all House Bills and House Joint Resolutions as he/she shall deem appropriate.

[Timing for Placement on Calendar]

Federal Mandate Calendar

Rule 39. (a) When a federal mandate bill is reported from the appropriate committee(s) with recommendation that it “Do Pass” or “Without Recommendation”, it shall go upon the calendar of the House.

(b) No bill shall be placed on the Federal Mandate Calendars unless it is federally mandated, immediate in nature and reduces revenues or savings if not enacted. A federal mandate bill may only contain subject matter concerning the federal mandate. A member wishing for his or her bill to be considered for placement on the Federal Mandate Calendar shall request in writing to the chair of the committee where such bill has been referred. The written request shall state the deadline by which the State must comply with the federal mandate and what will happen if the State fails to take action by such date. A copy for each committee member of the federal statute(s) or regulation(s) mandating such action shall accompany the request. After the committee has voted “Do Pass” on a bill with such a request, it shall take a second recorded vote on whether or not to recommend that it be placed on the Federal Mandate Calendar. If said bill is reported “Do Pass” by the committee with a recommendation that same be placed on the Federal Mandate Calendar, and the Committee on Rules concurs therein, the Committee on Rules Chair shall submit to the Speaker a copy of the original written request, along with a copy of the federal statute(s) or regulation(s) mandating State action. If the Speaker concurs with the committees that the bill complies with the requirements of this rule, he/she shall advise the Chief Clerk to place same on the Federal Mandate Calendar. If the Speaker does not concur, he/she may place the bill on the Perfection Calendar. Each bill placed upon the Federal Mandate Calendars shall have attached thereto a copy of the federal statute(s) or regulation(s) that mandates the bill, along with a copy of the request to place the bill on the Federal Mandate Calendar and shall be distributed to all members at least twenty-four hours prior to consideration by the entire House.

Motion To Place On Calendar

Rule 40. If any bill is reported from committee with the recommendation that it “Do Not Pass” it shall not go on the calendar of the House unless ordered by a constitutional majority. At the same time the bill is reported to the House, the committee chair shall notify the sponsor or handler of the bill that such report is being made. A motion to have a bill placed upon the calendar must be made within three legislative days after the bill is reported and when the sponsor of the bill is present or the motion is made by a member upon the sponsor’s written request. If no such action is taken within said time, the bill shall lie on the table. If such a motion is sustained, the bill shall stand automatically referred to the Committee on Rules for further action thereon.

Timing of Placement on Calendar

Rule 41. No **House** bill shall be taken up for consideration by the House unless it has been upon the calendar for at least one legislative day.

Bills Laid Over Informally

Rule 42. When a bill is reached, in its order, to be perfected and printed, or to be agreed to and read a third time and placed upon its final passage, it may upon the request of the Majority Floor Leader, or the sponsor or handler thereof, if a House Bill, (or upon the request of its handler in the House, if a Senate Bill) hold its place on the calendar, or be laid over informally, and thereafter be called up at any time when otherwise in order.

To Appear In Order

Rule 43. All bills laid over informally and not taken up and disposed of the same day, shall appear in order upon the calendar for the next legislative day following.

Ten Day Rule

Rule 44. If a bill laid over informally is not taken up for further consideration within ten legislative days after being laid over, it shall lie on the table and be dropped from the calendar of the House without further action of the House.

Consent Calendar

Rule 45. (a) *Which Bills May Be Placed on the Consent Calendar.* Each committee, after a favorable vote on a bill, may further determine by a second and affirmative vote of every member present whether or not such bill is of a noncontroversial nature. Any bill which increases net expenditures of the state, reduces net revenue of the state, or creates or expands a penalty provision, shall not be considered by the committee for consent; provided however, any bill which specifically authorizes an easement or right-of-way involving state property may be considered by the committee for placement on the Consent Calendar.

(b) *Procedure on House Bills.* If the committee shall so determine, the committee report shall include a request that a bill be placed on the "House Consent Calendar for Perfection". Any bill so reported shall automatically be referred to the Committee on Rules. Any bill reported by the Committee on Rules with the recommendation that it be placed on the House Consent Calendar for Perfection shall be placed on that calendar and after said bill has remained on the "House Consent Calendar for Perfection" for five legislative days, it shall be ordered perfected and advanced to the "House Consent Calendar for Third Reading and Final Passage" without further action of the House, unless five members, with at least two from each political party, have filed written objection with the Chief Clerk. If such objections are filed, the bill shall be placed on the House Bills to be Perfected and Printed Calendar. An objection made by five members under this rule cannot be rescinded. Where there is a House Committee Substitute for a consent bill or House Committee Amendments to a consent bill, the committee substitute, or the bill as amended, shall be deemed adopted and perfected by consent.

(c) *Senate Bills - Consent.* When the Senate passes a bill by its procedure for consent bills, such bill shall be considered for treatment as a consent bill by the House committee without further request; provided however, that the same committee procedures, votes and requirements for House Bills being considered for consent shall be applied to Senate Bills being considered for consent. A Senate Bill may be considered by the committee for Consent even if it was not a Consent Bill in the Senate.

(d) *Procedure on Senate Bills.* Senate Bills passed out of the House committee and Committee on Rules with the request that the bill be placed on the Senate Bills for Third Reading and Final Passage - Consent Calendar are subject to the five member objection provision of this rule.

(e) *Deadline for Placing Senate Consent Bills on the Calendar.* No Senate consent bills shall be placed on the consent calendar after April 15.

(f) *Amendments.* House bills may be considered for consent after they are amended in committee but may not be amended on the floor of the House.

Senate consent bills may be amended in committee but not on the floor of the House unless the Senate Rules allow amendment of House consent bills on the floor of the Senate in which case Senate consent bills may be amended on the floor of the House. House committee amendments and House committee substitutes to Senate consent bills shall be deemed adopted on the fifth legislative day.

AMENDMENTS AND SUBSTITUTES

Rule 46. (a) *In Writing and Distributed in Advance.* Proposed amendments must be reduced to writing. Every amendment shall be distributed in advance of the time the bill is initially taken up for consideration. An amendment shall be considered to have been distributed if it has been either transmitted electronically and made available on each member's chamber laptop computer and a copy in paper form placed on the desk of the majority floor leader and minority floor leader or placed on the members' desks in paper form, except for the desk of any member who has waived receipt of

amendments. The sponsor of an amendment that has been distributed may make technical corrections at the time the amendment is offered or under consideration. Any technical corrections shall be read in full by the clerk. Technical corrections shall be subject to a point of order that they are not truly technical in nature. Every proposed amendment to the amendment and substitute amendment **may be offered after the time a bill is initially taken up for consideration but shall be distributed prior to the offeror being recognized for a motion on such amendment.** [shall be read in its entirety by the clerk unless it has been distributed in advance. Amendments to the amendment and substitute amendments may be offered even though not distributed in advance of the time a bill is initially taken up for consideration. Any amendment to the amendment or substitute amendment that exceeds two 8 ½" x 11" pages in length shall be distributed prior to the time it is offered.]

(b) *What Amendments and Substitute Amendments are in Order.* When a bill, motion or proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order, and it also shall be in order to offer a further amendment by way of substitute for the original motion to amend, to which one amendment may be offered. It shall not be in order to offer a substitute amendment to an amendment to an amendment. When an amendment is offered, a substitute for that amendment is offered and an amendment to the substitute is offered, it shall not be in order to offer a substitute for the amendment to the substitute. Any proposed amendment in the third degree shall be out of order. Any bill may be withdrawn by the sponsor before amendment or decision thereon. Any amendment may be withdrawn by the sponsor before decision thereon. Once a bill has been amended, it shall be in the possession of the House.

(c) *Committee Substitutes Treated as Original.* A House committee substitute shall be considered as an original bill for purposes of amendment.

(d) *House Substitute.* No House Substitute will be in order. A House Substitute is an amendment which, in the opinion of the Speaker, is effectually replacing the underlying bill or committee substitute.

(e) *When Federal Mandate Bills can be Amended.* Amendments to House and Senate bills-Federal Mandate are permitted only within the scope of the federal mandate. Perfecting amendments are permitted to make technical amendments.

(f) *Appropriations Bills.* 1. No amendment to the appropriations bills of the state budget shall be in order if it increases the total amount of general revenue or general revenue equivalent appropriated in the House appropriations bills. Any amendment that increases the amount of general revenue or general revenue equivalent appropriated in the House appropriations bills shall be required to be submitted with a separate amendment that makes an equal reduction in general revenue or general revenue equivalent in the same bill or any other of the bills still pending. If the reduction is in another bill, the decreasing amendment shall be taken up first, and the increasing amendment may be taken up only if the decreasing amendment is adopted.

2. If a member's decreasing amendment is adopted and the same member's increasing amendment is defeated, the decreasing amendment's adoption is void.

3. The offering and adoption of an amendment decreasing the amount of general revenue or general revenue equivalent appropriated without a balancing increase in the same amendment or a paired amendment creates no right of another member to offer an increasing amendment in any amount up to the amount of the decrease effected by the decreasing amendment, and no member may be recognized for the purpose of making such an amendment.

4. For the perfection of the House appropriations bills of the state budget only, it shall be permissible to amend any line item as often as the House pleases, as long as prior adopted amendments to the line item are taken into account.

5. No House Bill or House Committee Substitute of the state budget shall be adopted until all properly offered amendments to the first 12 House appropriations bills or substitutes have been disposed of.

Committee Substitute Printed

Rule 47. When a committee recommends a substitute for a bill, the original bill will accompany the substitute. The substitute shall be handled on the floor of the House by the committee chair or any member designated by the committee chair. The Chief Clerk shall have an appropriate number of copies of the substitute printed. No committee substitute shall be called from the calendar of the House until the printed copies have been distributed for at least one legislative day. Amendments, if any, may be offered to the substitute before the vote on the motion to adopt the substitute is taken. If the substitute is defeated, the original bill shall be before the House for perfection and shall be considered and shall be handled on the floor by the original sponsor of the bill.

Order of Amendments

Rule 48. When amendments to any bill, motion or proposition are pending, they shall be voted on in the following order:

(1) Amendments to the amendment are disposed of before the substitute is taken up. Only one amendment to the amendment is in order at one time; but as rapidly as one is disposed of by rejection or incorporation as a part of the amendment, another is in order as long as any member desires to offer one.

(2) Amendments to the substitute are next voted on, and may be offered, one at a time, and as rapidly as one is disposed of by rejection or incorporation as a part of the substitute amendment, another is in order as long as any member desires to offer one, until the substitute amendment is adopted.

(3) The substitute amendment, as amended, is next voted on. If the substitute amendment is adopted, the underlying amendment to which it was offered shall not be voted upon, but the substitute amendment shall become part of the bill.

(4) The amendment is voted on last. If any substitute has not been agreed to, the vote comes on the amendment as amended.

(5) The House Committee Substitute is next voted upon, after opportunity for amendment. If the House Committee Substitute is adopted, there shall be an additional vote for the perfection of the bill, as amended.

(6) If there is no House Committee Substitute, or if the House Committee Substitute is not adopted, the original House Bill is next voted upon, after opportunity for amendment.

Amendments Incorporated In Bill

Rule 49. All amendments adopted by the House to a bill originating in the House shall be incorporated in the bill as perfected, and the bill, as thus perfected, shall be printed for the use of the members before its final passage. The perfecting and printing shall be done under the supervision of the Chief Clerk who shall assure that the bill is truly perfected and the printed copies furnished to the members are correct.

BILLS AND JOINT RESOLUTIONS

Ayes and Noes Taken

Rule 50. When a bill shall have passed the House and been returned from the Senate with amendments, said amendments may be concurred in collectively by a constitutional majority, unless objection be made, in which case the vote shall be taken severally, and no amendment or amendments shall be concurred in by the House except by a constitutional majority and the names of those voting for and against recorded upon the Journal of the House.

Repassage

Rule 51. When all Senate amendments to House Bills have been concurred in by a constitutional majority of the House, the question shall then be put: "Shall the bill as amended be passed?" On this question the ayes and noes shall be called for, and as on first passage, a constitutional majority shall be necessary to the final passage of the bill.

Majority to Perfect

Rule 52. A quorum being present, a majority of those voting aye and no shall be sufficient to perfect a bill and order it printed.

Amending After Perfection; Perfecting Amendments

Rule 53. No bill shall be amended after being perfected and printed without a reconsideration of the vote by which it was ordered perfected and printed and if said bill be amended it shall again be perfected and printed, except that a perfecting amendment to make technical corrections is in order after the bill has been ordered perfected and printed and before it has been read the third time.

Motion for Passage

Rule 54. When the Chief Clerk presents a bill as truly perfected and printed, it shall go upon the calendar to be agreed to and passed. When the bill is taken up in its order, the question shall then be: "Shall the bill be third read and passed?" It shall require a constitutional majority to sustain the question.

Course After Passage

Rule 55. When a bill or joint or concurrent resolution passes the House, it shall be certified by the Chief Clerk, noting the day of its passage at the foot thereof.

Perfecting Amendments on Bills Returned From the Senate

Rule 56. No bill or joint or concurrent resolution that has been returned from the Senate may be further amended without placing the bill in conference, except that a perfecting amendment to make technical corrections is in order in the house of origin when the bill is taken up for final passage as amended by the other house. The perfecting amendment may be directed to the bill or to amendments to the bill. If a perfecting amendment is adopted, the bill as finally passed with the perfecting amendment shall be returned to the other house for its concurrence in the perfecting amendment.

Conference Reports

Rule 57. (a) *Signatures on a Conference Report.* All conference committees shall be composed of five conferees from each house and no conference report shall be submitted to either house unless approved by a majority vote of the full committee with not less than two conferees from each house signing the report.

(b) *Review for Correctness.* Before a conference report is taken up by the House, it shall be reviewed for the technical correctness of the report and of any amendments, bill or substitute the report recommends for passage by the House.

(c) *Notice Requirements.* No conference committee report shall be taken up and considered unless the same has been distributed to the members, except members who have waived receipt of conference committee reports, at least one legislative day prior to consideration.

(d) *Exceeding the Differences.* Unless authority is granted by the House to exceed the differences, the conferees must confine themselves to matters that are within the scope of the differences between the House position and the Senate position. When a report is offered for adoption, the point of order that the conferees have exceeded the differences shall be in order. The Speaker may rule on the point of order or may place the question of whether the conferees have exceeded the differences before the House for a vote. A majority of members voting prevails on the question.

RESOLUTIONS

Joint and Concurrent Resolutions

Rule 58. All joint and concurrent resolutions designed to submit to the qualified voters of the state amendments to the Constitution of the State of Missouri, to be voted upon by such voters, shall be read on three separate days, and shall be reported upon by the committee of the House, and shall otherwise be proceeded upon in like manner as a bill.

Joint and Concurrent Resolutions of Congress

Rule 59. All joint and concurrent resolutions of the Congress of the United States designed to submit to the legislature an amendment to the Constitution of the United States shall be submitted as a Concurrent Resolution and read on three separate days, shall be reported upon by a committee, shall be adopted only by a constitutional majority and shall otherwise be proceeded upon in like manner as a bill.

The text of the amendment as proposed by the Congress of the United States shall not be amended.

Reference of Resolutions, etc. Stand Referred

Rule 60. All petitions, memorials, remonstrances, resolutions and other papers offered shall stand referred, without reading, consideration, discussion, explanation or debate, to the Committee on Rules unless timely referred to some other appropriate committee by the Speaker; provided however, that resolutions informing the Governor and/or the Senate that the House has convened, taken some action, or adjourned, resolutions to elect officers of the House, resolutions expressing the appreciation of the House to public officials, resolutions to adopt temporary rules, and concurrent resolutions to convene joint sessions may be adopted by the House upon introduction without referral to committee. Those papers that are favorably recommended by the committee for adoption by the House shall be listed in the Journal and placed upon a resolutions calendar. Courtesy resolutions shall be printed in the Journal by number except those determined by the Committee to be of a controversial nature which shall be printed in full. Joint courtesy resolutions shall be allowed if established by the rules of the Senate.

SENATE BILLS

Referral

Rule 61. Each Senate Bill shall, upon second reading, be referred to the appropriate committee of the House.

Go Upon The Calendar

Rule 62. When a Senate Bill is reported from the committee to which it was referred with the recommendation that it “Do Pass”, or “Without Recommendation”, it shall stand automatically referred to the Committee on Rules. When a Senate Bill is reported from the Committee on Rules with the recommendation that it “Do Pass”, or “Without Recommendation”, it shall go upon the House Calendar for the third reading and final passage, provided that no Senate Bill shall be taken up for consideration by the House unless it has been upon the Calendar for at least one legislative day.

Senate Bills Reported “Do Not Pass”

Rule 63. If a Senate Bill is reported from the committee to which referred with the recommendation that it “Do Not Pass” it shall not go upon the calendar of the House for third reading and final passage, unless so ordered by a constitutional majority of the House. In such case, the motion to place the bill on the calendar shall be made within three legislative days of the report, and by a member who has been requested by the Senate sponsor of the bill. If such a motion is sustained, the bill shall stand automatically referred to the Committee on Rules for further action thereon.

Amendments

Rule 64. Senate Bills may be amended by the House when placed upon third reading and final passage, before the vote is taken thereon.

BILLS NOT TO BE PASSED ON PREVIOUS ROLL CALL

Rule 65. No bill shall be passed by any roll call previously taken on another bill, nor shall more than one bill be passed on any one roll call.

MOTIONS

Must Be Read or Stated Before Debate

Rule 66. When a motion is made, it shall be stated by the Chair before being debated.

When In Possession of the House

Rule 67. When a motion is stated by the Speaker it shall be deemed to be in possession of the House. The motion may be withdrawn by the author at any time before a decision or amendment.

To Be Reduced to Writing

Rule 68. Every motion shall be reduced to writing if the Speaker or any member demands it.

Must Be Germane

Rule 69. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

Privileged

Rule 70. When a question is under debate, no motion shall be entertained but to adjourn; to take a recess; to lay on the table; for the previous question; to postpone to a certain day; to recommit to committee; or to postpone indefinitely; which several motions shall have precedence in the order herein set forth.

Dilatory

Rule 71. When any of the motions enumerated in the preceding rule have been made and lost, no similar motion shall be entertained until some other business is transacted by the House.

Privileged Motions In Order - When

Rule 72. Except as otherwise limited herein, and except when a member is speaking or the roll is being called, the privileged motions set forth in Rule 70 are always in order, and pending the result of such a motion, no member shall leave his/her seat in the House.

Previous Question

Rule 73. Any member may move the previous question. The motion shall be restated by the Speaker in this form: "Shall the question under immediate consideration be now put?" It may be moved like any other question but it shall only prevail when supported by a constitutional majority and until decided shall preclude amendments and debate. If the motion is sustained, the proponent of the matter under consideration shall be allowed one minute in which to make a closing statement before the House votes on the question. A failure to sustain the motion shall not take the matter under consideration from further consideration of the House; but the House shall proceed as if the motion had not been made.

Not Debatable

Rule 74. Motions to adjourn and for the previous question shall be decided without debate; provided however, that a motion to adjourn is subject to a request by five members for a roll call vote. All other privileged motions are debatable.

Division of Questions

Rule 75. Any member may have, as a personal right, a division of the question where the sense will admit of it. When the question having been divided is a Senate Bill for Third Reading, each part of the bill shall be voted upon separately and a subsequent separate vote shall be taken on the entire bill. When a bill is divided for consideration, the title and enacting clause shall be considered a separate part and shall, unless otherwise amended, be technically changed to reflect any amendments or deletions to the bill. No House Bill shall be subject to a division of the question after its perfection.

Indefinite Postponement

Rule 76. When a question is postponed indefinitely, the same shall not be acted upon again during the session.

Question Laid on the Table - How Taken Up

Rule 77. When a question has been laid on the table, the same cannot be taken up again without a vote of two-thirds (2/3) of the members present.

Motion to Recommit to Committee

Rule 78. Any member may make a motion, at any time prior to the time said bill is third read and passed, that a bill be recommitted to the committee from which it was reported or that a bill be committed to another specifically named committee **in the original form of the bill as it was referred to the committee of origin**, which shall be sustained if a majority of the members present vote in the affirmative.

Motion to Reconsider - Must Be Made Within Three Days

Rule 79. When a motion that a bill be perfected and printed, or that a bill be agreed to, read a third time, and placed upon its passage fails, or when any other question is decided by the House, any member voting on the prevailing side may move to reconsider the vote provided that the motion to reconsider is made within three legislative days after the day on which the vote was taken.

Procedure for Motion to Reconsider

Rule 80. A constitutional majority is required to sustain any motion to reconsider. If the motion to reconsider is sustained the House shall proceed to the original question or motion immediately before proceeding to other questions; whereupon the original question shall be voted upon before any other business of the House is transacted. This shall not preclude further debate or amendment of the proposition, if otherwise appropriate. Any motion to reconsider having failed once shall not be reconsidered again, except to reconsider the vote by which an appropriation bill failed to pass. In the case of an appropriation bill, the motion to reconsider may be considered as many times as the House chooses.

DECORUM AND DEBATE

On Speaking

Rule 81. When any member is about to speak in a debate or deliver a matter to the House, he/she shall rise from his/her seat and respectfully address himself/herself to “Mr. Speaker” or “Madam Speaker”. The member shall refer, as appropriate, to other members as “Lady”, “Gentleman” or “Representative”. The member shall confine himself/herself to the questions under debate and avoid personality and derogatory personal comments. If any member violates the rules of the House, the Speaker, or any member, may call him/her to order. Any member called to order shall immediately sit down, unless permitted to explain, and the House shall, if appealed to, decide the case.

Appeals

Rule 82. If there is no appeal, the decision of the Speaker is final. If the decision of the Speaker is in favor of the member called to order, he/she may proceed; if otherwise, and the case requires it, he/she shall be liable to the censure of the House.

Member to Rise or Seek Recognition

Rule 83. The Speaker shall not recognize any member desiring to speak unless such member arises or appropriately seeks recognition at or near his/her desk. When two or more members seek recognition at the same time the Speaker shall name the member who is to speak first, the other members having the preference next to speak.

Member May Speak - How Often

Rule 84. No member shall speak more than twice on the same question without leave of the House, nor more than once until all other members desiring to speak have spoken. Except when reporting a bill or resolution from a committee, no member may speak or inquire for more than fifteen minutes unless by unanimous consent of the House. When the question is to Third Read and Pass a House Consent Bill or a Senate Consent Bill, the floor handler of the bill and the ranking committee member from the party not the same as the bill handler, shall not speak or inquire for more than ten minutes. Other members shall not speak or inquire for more than five minutes on such bills. The provisions of this rule shall not take precedence over any limitations set pursuant to Rule 25 [(32)] (34).

No Member Shall Name Another Member in Debate

Rule 85. No member shall name another member in debate, but shall refer to the member by district number or county.

Members Not to Use Profanity

Rule 86. No member may use profanity either while speaking on the floor or in committee.

Members Not to Walk Across House - When

Rule 87. While the Speaker is putting any question or addressing the House, no one shall walk out of or cross the House. When a member is speaking or the Journal is being read, no member shall engage in any private conversation; nor while a member is speaking shall anyone pass between him/her and the Speaker. No member shall walk between two members who are engaged in debate or inquiries in the Hall of the House.

Order of Questions

Rule 88. Except as otherwise set forth in these rules, all questions shall be propounded in the order in which they are moved except privileged questions, which shall be propounded as stated in Rule 70.

Voting

Rule 89. (a) Every member shall be present within the hall of the House during its sittings, unless excused or necessarily prevented; and shall vote on each question put; unless he/she has a direct personal or pecuniary interest in such question. No member shall be recorded as voting when he/she was not present when the vote was taken. Nothing herein contained shall prohibit a member from voting “Present” on a question, and such vote shall be recorded in the Journal. In the case of equal division the question shall be lost. In the event that a member’s vote (or absence) is incorrectly recorded in the Journal, he/she shall file with the Chief Clerk an affidavit stating that he/she was in the chamber at the time the vote was taken, that he/she did in fact vote, that the vote (or absence) was incorrectly recorded and the correct vote that should have been recorded. In addition to any other penalty provided by rule or law, the filing of a false affidavit shall subject that member to censure by the House.

(b) A member may not authorize any other person to cast his/her vote or record his/her presence. No other person may cast a member's vote or record a member's presence. A vote by a member of a committee with respect to any measure or matter may not be cast by proxy.

Verification of the Roll

Members Not to Interrupt Calling of Ayes and Noes; Changing Vote

Rule 90. Except as otherwise specifically allowed by these rules no member shall be permitted to interrupt a roll call, and no member shall be allowed to vote or change his/her vote (except to have his/her vote correctly recorded) after a verification has begun, or after the final vote is announced.

Demand for Verification

Rule 91. Any five members may demand a verification of the roll call if such is made at any time prior to the time the voting has ended; which, in the event of electronic voting, shall be when the Speaker orders the voting board closed. A demand for verification and a call for absentees are the only reasons for which a member may interrupt a roll call vote.

Bell to Signal Recorded Vote

Rule 92. At a reasonable time prior to the beginning of calling the ayes and noes on any question, a bell notifying the members of a roll call shall be sounded. After the votes are registered the absentees shall be noted and upon demand of any member, another bell signifying that a call of absentees is being taken shall be sounded and a reasonable time shall be allowed after the sounding of the bell before the voting is closed.

Roll Call Votes

Rule 93. In all cases where a rule of the House of Representatives refers to the "calling of the names of the members" or "calling of the ayes or noes" or "calling of the roll", such reference shall be understood to refer also to the "taking" of the vote by electronic roll call system. There shall be a taking of the vote by electronic roll call system on the motion of any one member which is seconded by four other members immediately standing. A vote by electronic roll call shall be limited to thirty minutes, except in the cases of quorum calls. In the event that the electronic roll call system is inoperable, the taking and recording of such vote shall be done by calling the name of each member and recording the respective aye, no or present votes. Any member not responding when his/her name is called shall be recorded as absent.

Dress Code

Rule 94. At all times when the House is seated, proper attire for gentlemen shall be business attire, including coat, tie, dress trousers and dress shoes/boots. Proper attire for women shall be dresses or skirts or slacks worn with a blazer or sweater and appropriate dress shoes/boots. This rule shall apply to all members and staff on the floor of the House and lower gallery.

Eating, Smoking, Distracting Activities

Rule 95. No food, newspapers, or other items or activities distractive to House deliberations shall be permitted on the floor of the House while the House is in session. Smoking is prohibited in the Hall of the House, upper and lower galleries.

Electronic Devices

Rule 96. Tape recorders, portable phones, video equipment, television equipment, photography equipment and/or any other electronic recording devices are not authorized for use on the floor of the House or in any gallery of the House unless permission has been granted by the Speaker and notice has been given to the body. Nothing contained in this rule shall prevent any member from using a portable laptop computer, which is hereby specifically authorized.

Ascending the Dais

Rule 97. No person shall ascend to the Dais without first being recognized to do so by the Speaker. The Speaker may invite any person to ascend the dais.

INTERIM PROCEDURE

Bills - End of First Regular Session

Rule 98. All House Bills or House Joint and Concurrent Resolutions in possession of the House and not finally acted upon shall, at 5:59 p.m. on the first Friday following the second Monday in May in odd-numbered years, be laid on the Speaker's desk. All Senate Bills and Senate Joint and Concurrent Resolutions in possession of the House and not finally acted upon shall, at 5:59 p.m. on the first Friday following the second Monday in May in odd-numbered years, be laid on the President Pro Tem's desk. House Bills and Joint and Concurrent resolutions laid on the Speaker's desk may be re-referred by the Speaker to House committees at the second regular session of the General Assembly in even-numbered years. This rule may only be suspended by a vote of two-thirds (2/3) of the elected members of the House.

Bills - Pre-Filing

Rule 99. A member or member-elect of the House of Representatives may file a bill or joint resolution by mail or in person with the Chief Clerk of the House at any time during the period beginning on December first and ending on the day before a regular session begins which next precedes the session at which the bill or joint resolution is to be considered. Upon receiving a bill or joint resolution filed during the pre-filing period preceding a regular session of the General Assembly in odd-numbered years, the Chief Clerk of the House shall immediately date, number and have the bill or joint resolution printed in the most economical manner as approved by the House Rules Committee and made available according to the rules and practices of the General Assembly next preceding that for which the bill or joint resolution is filed and those bills and joint resolutions received during the filing period preceding a regular session in an even-numbered year shall be printed and made available according to the then effective rules of that General Assembly. All bills or joint resolutions that are pre-filed shall be deemed filed on the day the House begins its regular session.

Interim Committees

Rule 100. All regular or special standing committees named during the first regular session of a General Assembly may meet to consider bills or perform any other necessary legislative function during the interim between the session ending on the thirtieth day of May and the session commencing on the first Wednesday after the first Monday of January; except the Speaker may appoint a subcommittee, made up of members of the regular or special standing committee, to act in place of the regular or special standing committee during the interim. The Speaker may appoint special interim committees to consider bills or perform other necessary legislative duties. Members of each of the committees, or any subcommittee thereof, shall be reimbursed for their necessary and actual expenses incurred while attending meetings of the committee or subcommittee, if approved by the Speaker.

CALL OF THE HOUSE

Names of Absentees to Be Called

Rule 101. A call of the House may be made at any time on motion seconded by ten members and sustained by a majority of those present; (names of members may be called orally or by electronic roll call) and under a call of the House a majority of those present may send for and compel the attendance of absent members; and a majority of all the members present shall be a sufficient number to adjourn.

Absent Members May Be Sent For

Rule 102. Upon the call of the House, the names of those members present shall be recorded and the absentees noted, and those whose names do not appear may be sent for and taken into custody wherever found by the Sergeant-at-Arms or special messenger appointed.

Prohibited While Voting In Progress

Rule 103. No call of the House shall be made after the Speaker has directed the clerk to open the electronic voting device to record the names of the members and until the vote be announced.

Majority Not Under Arrest May Censure And Fine Delinquent Members

Rule 104. The majority of those present, not under arrest, may make an order for the censure or fine of delinquent members, and prescribe the terms under which they shall be discharged.

Release from Custody

Rule 105. When a member shall have been discharged from custody and admitted to his/her seat the House shall decide whether such discharge shall be with or without fees; and, in like manner, whether a delinquent member, taken into custody by a special messenger shall defray the expense of such special messenger.

COMMITTEE OF WHOLE HOUSE

When Permitted

Rule 106. On motion, the House may resolve itself into a Committee of the Whole House for consideration of any business which may properly come before it.

Chair Appointed by Speaker

Rule 107. In forming a Committee of the Whole House, the Speaker shall leave his/her chair, and a Chairman preside in the Committee, who shall be appointed by the Speaker.

Procedure upon Bills

Rule 108. Upon a bill being committed to a Committee of the Whole House, the same shall be first read at length by the Clerk, and then again read and debated by clauses, leaving the preamble to be last considered. After report, the bill shall again be subject to debate and amended by clauses, as before.

Amendment to Motion Must Be Incorporated in Original Motion

Rule 109. All amendments made to an original motion in Committee of the Whole House shall be incorporated with the motion and so reported.

Amendments Shall Be Noted

Rule 110. All amendments made to reports, resolutions or other matters committed to a Committee of the Whole House shall be noted and reported, as in case of bills.

Rules of Proceedings

Rule 111. Rules and proceedings of the House shall be observed in Committee of the Whole House, as far as they are applicable, except that limiting the number of times of speaking.

Quorum

Rule 112. A majority of the members elected shall be a quorum to do business, and if, at any time, a sufficient number shall not be present in Committee of the Whole House, and the Committee shall arise, and the Speaker shall resume the chair and the Chairman report the cause of the rising of the Whole Committee.

ADMISSION TO HALL

Definitions

Rule 113. The space between the granite columns shall be known as the floor of the House and the space beyond the granite columns on either side shall be known as the lower gallery, and the space on the upper floor of the House shall be known as the upper gallery.

Admission to House Floor

Rule 114. No person shall be admitted to the floor of the House or the House East Gallery other than the officers and members of the House and the staffs of the Speaker, Speaker Pro Tem, Majority and Minority Floor Leaders, Assistant Majority and Minority Floor Leaders, Majority and Minority Whips, and Chairman of the Budget Committee and, at the request of the Speaker, technical support staff needed to maintain data processing equipment and other equipment. Other persons may be admitted to the floor and East Gallery with the consent of the House. For the purposes of this rule, the Chief Clerk's staff, the Assistant Chief Clerk, any doormen, sergeant-at-arms and House Photographer are considered officers of the House. Guests may upon written request, submitted five days in advance and with the consent of the Speaker, address the House from the dais at the beginning or adjournment of a daily legislative session or any recess thereof.

Admission to Lower Gallery

Rule 115. No person shall be admitted to the lower gallery of the House except members of the General Assembly, spouses of members, employees of the General Assembly, Joint Committee staff, the Governor, the Lieutenant Governor, the Secretary of State, the State Auditor, the State Treasurer, the State Attorney General, Judges of the Supreme Court, Clerk of the Supreme Court, Judges of the Courts of Appeal or Circuit Courts, Members of Congress, the Governor's Chief of Staff and former members of the General Assembly who are not registered lobbyists or who do not lobby for an individual or organization, and physically disabled persons. No official or other person, except current members of the General Assembly, otherwise allowed to enter the lower gallery by this rule shall engage in any activity supporting or opposing any bill or resolution before the House from the lower gallery. Other persons may be admitted to the gallery by the Speaker upon special request of any Representative when the House is in session. Members of the press may enter the lower galleries while the House is in session for the purpose of interviewing members of the House.

Admission to Upper Gallery

Rule 116. The gallery at the front of the chamber above the Speaker's dais shall be reserved for members of the Missouri Capitol News Association holding valid credentials issued by the Speaker and any other member of the press issued credentials by the Speaker. All other upper galleries shall be open to the public.

RULES**May Be Rescinded or Amended - How**

Rule 117. Any motion or resolution purporting to rescind or change the standing rules of the House or to introduce a new rule shall stand without reading or consideration and without discussion, explanation, or debate to the Committee on Rules. Such motions or resolutions as shall be favorably recommended by such committee for adoption by the House shall, upon such recommendation, be printed in the Journal and shall be placed upon a Resolutions Calendar. A constitutional majority shall be required to pass such a resolution. Nothing herein shall prohibit a member from offering substitute rules or amendments to rules recommended by the committee.

May Be Dispensed With

Rule 118. Rules 70, 79 and 80 of the House shall not be suspended or dispensed with, unless by unanimous consent or unless two-thirds (2/3) of the elected members concur therein. No other standing rule or order of the House shall be dispensed with, except by unanimous consent or unless a constitutional majority concurs therein and motions for that purpose shall be limited to the question or proposition under consideration.

JEFFERSON'S MANUAL

Rule 119. The rules of parliamentary practice comprised in "Jefferson's Manual" and the "Rules of the House of Representatives of the United States", and the official collection of precedents and interpretations of the rules by parliamentary authorities of the United States House of Representatives shall govern the House in all cases in which they are applicable and not inconsistent with the standing rules and orders of the House and the joint rules of the Senate and House of Representatives. The Chief Clerk, the Speaker, the Speaker Pro Tem, the Majority Floor Leader, the Assistant Majority Floor Leader, the Minority Floor Leader and the Assistant Minority Floor Leader will make available copies of these documents in their offices to any member who so requests. Three copies of these documents shall be available during sessions of the House: one copy shall be at a location determined by the majority party and one copy shall be at a location determined by the minority party and one copy shall be in the possession of the Chief Clerk or his/her designee. The documents shall be purchased by the House and shall be the property of the House and not of the individual holding office. The Manual, Rules, precedents and interpretations above referred to shall be taken as authority in deciding questions not otherwise provided for in these rules.

Representative Jones (110) offered House Resolution No. 32.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 22 through House Resolution No. 30

House Resolution No. 33 through House Resolution No. 37

HOUSE CONCURRENT RESOLUTIONS

Representative Phillips offered House Concurrent Resolution No. 5.
Representative Sommer, et al., offered House Concurrent Resolution No. 6.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 4 was read the second time.

SECOND READING OF HOUSE JOINT RESOLUTIONS

HJR 2 through **HJR 7** were read the second time.

SECOND READING OF HOUSE BILLS

HB 26, **HB 28** through **HB 48** and **HB 50** through **HB 140** were read the second time.

SENATE CONCURRENT RESOLUTION

SCR 1, relating to the Inauguration Committee, was taken up by Representative Diehl.

On motion of Representative Diehl, **SCR 1** was adopted.

INAUGURAL COMMITTEE

The Speaker appointed the following members to the Inaugural Committee: Gannon, Gatschenberger, Haahr, Haefner, Lant, Rehder, Rowden, Torpey, Walker, Webb, Montecillo, Burns, Pace, Rizzo, McCann Beatty, Butler, McKenna and Schupp.

COMMITTEE APPOINTMENTS

January 10, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on Administration and Accounts:

Anne Zerr	Michael Butler
Chrissy Sommer	Pat Conway
Diane Franklin	Michele Kratky
David Wood	Rochelle Walton Gray
Shelley Keeney	
Jason Smith	

The Speaker has designated Dwight Scharnhorst as Chair, and Lindell Shumake as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 10, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on Agri-Business:

Jay Houghton	Courtney Curtis
Mike Bernskoetter	Steve Hodges
Lindell Shumake	Chris Kelly
Diane Franklin	TJ McKenna
Nathan Walker	Ed Schieffer
Tim Remole	
Robert Ross	
Donna Pfautsch	

The Speaker has designated Casey Guernsey as Chair, and Kent Hampton as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 9, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on Agriculture Policy:

Tony Dugger	Warren Love
Sue Entlicher	Linda Black
Sandy Crawford	Randy Dunn
Paul Fitzwater	Steve Hodges
Delus Johnson	Ed Schieffer
Randy Pike	John Wright
Joe Don McGaugh	

The Speaker has designated Bill Reiboldt as Chair, and Jay Houghton as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 10, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on Appropriations - Agriculture and Natural Resources:

Bill Reiboldt	Linda Black
Bart Korman	Kimberly Gardner
Robert Ross	Ben Harris
Glen Kolkmeier	Charlie Norr
Thomas Hurst	
Ira Anders	

The Speaker has designated Craig Redmon as Chair, and Lincoln Hough as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 10, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on Appropriations - Education:

Mike Thomson
Diane Franklin
Mike Kelley
Kathryn Swan
Dean Dohrman
Bryan Spencer
Steve Hodges
Genise Montecillo
Tommie Pierson
John Wright

The Speaker has designated Mike Lair as Chair, and Lyle Rowland as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 10, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on Appropriations - General Administration:

Jay Barnes	Pat Conway
Kathie Conway	Stacey Newman
Kevin Austin	Rochelle Walton Gray
Steve Lynch	Steve Webb
Jeff Pogue	

The Speaker has designated Mark Parkinson as Chair, and Chrissy Sommer as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 10, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on Appropriations - Health, Mental Health and Social Services:

Anne Zerr	Rory Ellinger
Donna Lichtenegger	Jeanne Kirkton
Jeff Grisamore	Sue Meredith
Jim Neely	Judy Morgan
Nick Marshall	
Lynn Morris	

The Speaker has designated Sue Allen as Chair, and Noel Torpey as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 10, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on Appropriations - Public Safety and Corrections:

Paul Fitzwater
Chrissy Sommer
Dave Hinson
Shawn Rhoads
Kenneth Wilson
Dave Muntzel
Brandon Ellington
Penny Hubbard
Bill Otto
Mary Nichols

The Speaker has designated Marsha Haefner as Chair, and Kathie Conway as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 10, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on Appropriations - Transportation and Economic Development:

Anne Zerr	Elijah Haahr
Dave Schatz	Jon Carpenter
Dennis Fowler	Randy Dunn
Rocky Miller	Vicki Englund
Holly Rehder	Sharon Pace
Ron Hicks	Ed Schieffer
Scott Fitzpatrick	

The Speaker has designated Denny Hoskins as Chair, and Bart Korman as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 10, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on Budget:

Sue Allen	Kevin Elmer
Mike Lair	Jeremy LaFaver
Mark Parkinson	Chris Kelly
Denny Hoskins	Jeanne Kirkton
Craig Redmon	Karla May
Marsha Haefner	Gail McCann Beatty
Jeff Grisamore	Kevin McManus
Eric Burlison	Genise Montecillo
Dave Schatz	John Rizzo
Mike Thomson	Stephen Webber
Casey Guernsey	Jill Schupp
Shelley Keeney	
Caleb Rowden	
Robert Ross	
Jeffrey Messenger	
Lincoln Hough	
Scott Fitzpatrick	

The Speaker has designated Rick Stream as Chair, and Tom Flanigan as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 9, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on Corrections:

Kathie Conway	Linda Black
Bill Reiboldt	Rory Ellinger
Dave Muntzel	Penny Hubbard
Dennis Fowler	Bonnaye Mims
Bryan Spencer	
Shawn Rhoads	

The Speaker has designated Paul Fitzwater as Chair, and Rick Brattin as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 9, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on Crime Prevention and Public Safety:

Don Phillips	Robert Cornejo
Galen Higdon	Linda Black
Nick Marshall	Mike Colona
Jeanie Lauer	Brandon Ellington
John McCaherty	Jeff Roorda
Shawn Rhoads	Rochelle Walton Gray
Kenneth Wilson	

The Speaker has designated Dave Hinson as Chair, and Kathie Conway as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 9, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on Downsizing State Government:

Bill White	Brandon Ellington
Kent Hampton	Ben Harris
Chrissy Sommer	Gina Mitten
Paul Wieland	John Wright
Nick Marshall	
Thomas Hurst	

The Speaker has designated Paul Curtman as Chair, and Mike Kelley as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 10, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on Economic Development:

Doug Funderburk	Kevin Engler
Noel Torpey	Jim Hansen
Lyndall Fraker	Randy Dunn
Paul Curtman	Vicki Englund
Wanda Brown	Michele Kratky
Craig Redmon	Bonnaye Mims
Paul Wieland	Bill Otto
Marsha Haefner	John Rizzo
Chrissy Sommer	Joe Runions
Lynn Morris	Clem Smith
Thomas Hurst	Jay Swearingen
Caleb Rowden	
Jeffrey Messenger	
Kevin Austin	

The Speaker has designated Anne Zerr as Chair, and Jeanie Lauer as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 9, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on Elections:

Don Gosen	Michael Butler
Stanley Cox	Pat Conway
Donna Pfautsch	Randy Dunn
Joe Don McGaugh	Stacey Newman
Thomas Hurst	
Glen Kolkmeier	

The Speaker has designated Sue Entlicher as Chair, and Myron Neth as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 10, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on Elementary and Secondary Education:

Doug Funderburk	Mike Thomson
Mike Cierpiot	Ira Anders
Kurt Bahr	Michael Butler
Bryan Spencer	Vicki Englund
Kathryn Swan	Margo McNeil
Eric Burlison	Genise Montecillo
Andrew Koenig	Judy Morgan
Ron Hicks	Tommie Pierson
Lyle Rowland	
Elaine Gannon	
Dwight Scharnhorst	

The Speaker has designated Steve Cookson as Chair, and Jay Barnes as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 10, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on Ethics:

Sandy Crawford	Pat Conway
Mike Bernskoetter	Stacey Newman
Jason Smith	Bill Otto
Shelley Keeney	
Jon Carpenter	

The Speaker has designated John Diehl as Chair, and Rory Ellinger as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 10, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on Financial Institutions:

Paul Wieland	Keith English
Paul Fitzwater	John Mayfield
Sandy Crawford	Gina Mitten
Shelley Keeney	Mary Nichols
Dave Hinson	Clem Smith
Chuck Gatschenberger	Jay Swearingen
Andrew Koenig	
Jeff Pogue	
Noel Shull	
Kevin Engler	

The Speaker has designated Tony Dugger as Chair, and Wanda Brown as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 10, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on Fiscal Review:

Sue Allen	Courtney Curtis
Noel Torpey	Tom McDonald
Denny Hoskins	Clem Smith
Jeffrey Messenger	

The Speaker has designated Tom Flanigan as Chair, and Marsha Haefner as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 9, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on General Laws:

Jay Houghton	Mike Colona
John McCaherty	Jeremy LaFaver
Mark Parkinson	Tom McDonald
Dwight Scharnhorst	Courtney Curtis
Don Gosen	Stephen Webber
Gary Cross	
Ron Hicks	
Rocky Miller	

The Speaker has designated Caleb Jones as Chair, and Todd Richardson as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 9, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on Health Care Policy:

Bill White	Steve Hodges
Myron Neth	Chris Kelly
Gary Cross	Jeanne Kirkton
Jim Neely	Sharon Pace
Lynn Morris	
David Wood	

The Speaker has designated Keith Frederick as Chair, and Diane Franklin as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 10, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on Health Insurance:

Keith Frederick	Margo McNeil
Eric Burlison	Judy Morgan
Don Phillips	Jill Schupp
Kimberly Gardner	Casey Guernsey
Ron Schieber	
Jim Neely	

The Speaker has designated Chris Molendorp as Chair, and Donna Lichtenegger as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 9, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on Higher Education:

Donna Lichtenegger	Bob Burns
Denny Hoskins	Bonnaye Mims
Steve Cookson	Tommie Pierson
Caleb Rowden	Jill Schupp
Dean Dohrman	John Wright
Nathan Walker	
Kathryn Swan	
Paul Fitzwater	

The Speaker has designated Mike Thomson as Chair, and Keith Frederick as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 10, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on Insurance Policy:

Chris Molendorp	Mike Colona
Noel Shull	Keith English
Jim Hansen	John Mayfield
Dave Muntzel	

The Speaker has designated Don Gosen as Chair, and Paul Wieland as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 9, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on Judiciary:

Mike Leara	Mike Colona
Galen Higdon	Rory Ellinger
Elijah Haahr	Chris Kelly
Robert Cornejo	Gina Mitten
Nick Marshall	
Todd Richardson	

The Speaker has designated Stanley Cox as Chair, and Kevin Elmer as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 10, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on Local Government:

Jeanie Lauer	Lynn Morris
Sheila Solon	Michael Butler
Donna Pfautsch	Keith English
Robert Cornejo	Keven McManus
Glen Kolkmeier	John Rizzo
Kevin Engler	Joe Runions
Sonya Anderson	Michael Frame
Kevin Austin	
Joe Don McGaugh	

The Speaker has designated Chuck Gatschenberger as Chair, and Ron Schieber as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 10, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on Professional Registration and Licensing:

Keith Frederick	Sonya Anderson
Bill Lant	Shelley Keeney
Sue Allen	Dave Muntzel
Donna Lichtenegger	Gail McCann Beatty
Wanda Brown	Jon Carpenter
Diane Franklin	Michael Frame
Bart Korman	Michele Kratky
Dave Hinson	Mary Nichols
Lyndall Fraker	Jay Swearingen
Robert Cornejo	Steve Webb
Shawn Rhoads	John Mayfield

The Speaker has designated Eric Burlison as Chair, and Kevin Elmer as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 9, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on Retirement:

Mike Lair	Ira Anders
Lyle Rowland	Genise Montecillo
Lincoln Hough	Charlie Norr
Randy Pike	Joe Runions
Jeffery Justus	
Donna Pfautsch	

The Speaker has designated Mike Leara as Chair, and Bill White as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 10, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on Rules:

Stanley Cox	Kimberly Gardner
Casey Guernsey	John Rizzo
Mike Lair	Jeff Roorda
Keven Elmer	Steve Webb
Mike Leara	
Dwight Scharnhorst	

The Speaker has designated Jeanie Riddle as Chair, and Caleb Jones as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 9, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on Small Business:

Mike Bernskoetter	Kevin Austin
T.J. Berry	Jeffery Justus
Rick Brattin	Ira Anders
Delus Johnson	Jon Carpenter
Jeanie Lauer	Vicki Englund
Chrissy Sommer	Ben Harris
Kurt Bahr	Penny Hubbard
Lindell Shumake	Jeremy LaFaver
Charlie Davis	John Mayfield
Steve Lynch	

The Speaker has designated Noel Torpey as Chair, and Gary Cross as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 10, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on Tourism and Natural Resources:

Steve Cookson	Dennis Fowler
Lyle Rowland	David Wood
Ron Schieber	Linda Black
Ann Zerr	Tom McDonald
T.J. Berry	Mary Nichols
Scott Fitzpatrick	Charlie Norr
Rocky Miller	Bill Otto
Tim Remole	TJ McKenna
Jeffery Justus	Michele Kratky
Warren Love	

The Speaker has designated Don Phillips as Chair, and Jay Houghton as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 9, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on Transportation:

Don Phillips	Bob Burns
Sheila Solon	Karla May
Dave Hinson	Tom McDonald
Bill Lant	TJ McKenna
Denny Hoskins	Ed Schieffer
Holly Rehder	
Glen Kolkmeier	
Bart Korman	

The Speaker has designated Dave Schatz as Chair, and Lincoln Hough as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 9, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on Urban Issues:

Jay Barnes	Randy Dunn
Sheila Solon	Brandon Ellington
Bryan Spencer	
Jeff Pogue	
Nathan Walker	

The Speaker has designated Penny Hubbard as Chair, and Nick Marshall as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 9, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on Utilities:

Mike Bernskoetter	Todd Richardson
Mike Cierpiot	Ron Hicks
Charlie Davis	Ira Anders
Tony Dugger	Keith English
Don Gosen	Charlie Norr
Bart Korman	Sharon Pace
Lyndall Fraker	Jeff Roorda
Jeanie Riddle	Clem Smith
Chuck Gatschenberger	Steve Webb
Tim Remole	Margo McNeil
Holly Rehder	
Rocky Miller	

The Speaker has designated Doug Funderburk as Chair, and Dave Schatz as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 10, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on Veterans:

Kurt Bahr	Bob Burns
John McCaherty	Pat Conway
Lindell Shumake	Rochelle Walton Gray
Myron Neth	TJ McKenna
Elaine Gannon	Bill Otto
Jim Hansen	
Steve Lynch	
Dean Dohrman	

The Speaker has designated Charlie Davis as Chair, and Sheila Solon as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 10, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on Ways and Means:

Paul Curtman	Courtney Curtis
Mike Kelley	Rory Ellinger
Bill Reiboldt	Margo McNeil
Jeffrey Messenger	Tommie Pierson
Kevin Engler	
Elaine Gannon	

The Speaker has designated Andrew Koenig as Chair, and Galen Higdon as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 10, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on Workforce Development and Workplace Safety:

Kent Hampton	Michael Frame
Mike Kelley	Karla May
Bill White	Kevin McManus
Kathryn Swan	Stephen Webber
Elijah Haahr	
Nathan Walker	

The Speaker has designated Bill Lant as Chair, and Lyndall Fraker as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

REFERRAL OF HOUSE RESOLUTION

The following House Resolution was referred to the Committee indicated:

HR 31 - Rules

REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

HB 110 - Elections

INTRODUCTION OF HOUSE JOINT RESOLUTION

The following House Joint Resolution was read the first time and copies ordered printed:

HJR 8, introduced by Representatives Solon, Berry, Conway (104), Lichtenegger, Cierpiot, Davis, Brattin, Lant, Torpey, Kelley (127), Morris and Brown, relating to the state lottery.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 141, introduced by Representatives Haefner and Kelly (45), relating to the Missouri poison center funding pool.

HB 142, introduced by Representative Dugger, relating to utilities.

HB 143, introduced by Representative McCaherty, relating to utilities in third class cities.

HB 144, introduced by Representative Austin, relating to the examination of private trust companies and alternative dispute resolution for trust agreements.

HB 145, introduced by Representative Gatschenberger, relating to the use of hand-held electronic wireless communications devices while driving.

HB 146, introduced by Representative Davis, relating to real estate transactions involving registered sex offenders.

HB 147, introduced by Representative Davis, relating to residential property tax assessment procedures.

HB 148, introduced by Representatives Davis, Solon, Smith (85), McCaherty, Cross, Lynch, Franklin and Hoskins, relating to child custody and visitation for military personnel.

HB 149, introduced by Representatives Burlison, Davis, Funderburk, Keeney, Jones (110), Diehl, Morris, Elmer, Anderson and Kelley (127), relating to sales tax.

HB 150, introduced by Representatives Brown, Gatschenberger, Davis, Smith (120), White, Curtman, Schieber and Solon, relating to a women veterans license plate.

HB 151, introduced by Representatives Brown, Davis and Solon, relating to bingo.

HB 152, introduced by Representatives Solon, Berry, Lichtenegger, Cierpiot, Gosen, Davis, Lant, McCaherty, Richardson, Torpey, Kelley (127), Morris and Butler, relating to school officers.

HB 153, introduced by Representatives Solon, Lichtenegger, Davis, Torpey, Kelley (127) and Morris, relating to assault of a law enforcement officer.

HB 154, introduced by Representatives Solon, Davis, Conway (104), Berry, Lichtenegger, Cierpiot, Gosen, Brattin, Lant, Torpey, Kelley (127), Morris, Butler and Brown, relating to special license plates.

HB 155, introduced by Representative Gatschenberger, relating to private probation services.

COMMUNICATION

January 10, 2013

Speaker Jones
State Capitol
Jefferson City, MO 65109

Dear Mr. Speaker:

A clerical error was made by inadvertently displaying an asterisk for House District 39 on the Missouri House of Representative listing.

Sincerely,

Waylene Hiles
Deputy Secretary of State for Elections

WITHDRAWAL OF HOUSE BILL

January 10, 2013

D. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
201 W. Capitol Avenue, Room 317A
Jefferson City, MO 65101

Dear Adam:

I respectfully request that **House Bill No. 150** pertaining to Women Veterans License Plates be withdrawn.

If you have any questions, please contact me at (573) 751-3971.

Sincerely,

/s/ Wanda Brown
State Representative
District 57

The following members' presence was noted: Anders, Roorda and Smith (85).

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 9:00 a.m., Monday, January 14, 2013.

COMMITTEE HEARINGS

ELECTIONS

Tuesday, January 15, 2013, 12:00 PM House Hearing Room 1.

Public hearing will be held: HB 110

Executive session will be held: HB 110

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

THIRD DAY, MONDAY, JANUARY 14, 2013

HOUSE JOINT RESOLUTIONS FOR SECOND READING

HJR 8

HOUSE BILLS FOR SECOND READING

1 HB 141 through HB 149

2 HB 151 through HB 155

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

THIRD DAY, MONDAY, JANUARY 14, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

A faithful man shall abound with blessings. (Proverbs 28:20)

Eternal God, we rejoice in the glory of a new day of transitions and in the beginning of another week. During this period of history in state leadership which always brings about changes, causes some to hope and some to be shaken, we would use this hallowed moment of prayer to be assured of Your presence and to tap the spiritual resources we need as we face the pressing duties of these hours.

May we feel Your spirit leading us as we make our decisions, may we possess Your power which holds us steady amid the constant pressures of daily life, and may our trust in You deliver us from those tensions which would tear us to pieces, and from those worries which would wear us out. All through this Inauguration Day may we think our best, do our best, and be our best, and be worthy of our calling to this high office.

Hasten the day when justice and love shall rule the hearts of all and reign in the lives of all people.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Sawyer Lincoln Richardson, Katherine Jones, Abigail Jones and Grace Allen.

The Journal of the second day was approved as printed by the following vote:

AYES: 153

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Ellington	Elmer	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hough	Houghton	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney

Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeier
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Montecillo	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Parkinson	Pfautsch	Phillips	Pierson
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 85	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Anders	Curtman	Engler	Grisamore	Hodges
Hoskins	Hubbard	May		

VACANCIES: 002

Speaker Pro Tem Smith assumed the Chair.

OATH OF OFFICE

Members of the Missouri House of Representatives advanced to the bar and re-subscribed to the oath of office, which was administered by the Honorable Jason Smith, Speaker Pro Tem of the House.

HOUSE RESOLUTION

Representative Gosen offered House Resolution No. 56.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 38 through House Resolution No. 55
House Resolution No. 57

HOUSE CONCURRENT RESOLUTION

Representative Pfautsch, et al., offered House Concurrent Resolution No. 7.

SECOND READING OF HOUSE JOINT RESOLUTION

HJR 8 was read the second time.

SECOND READING OF HOUSE BILLS

HB 141 through **HB 149** and **HB 151** through **HB 155** were read the second time.

MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has appointed the following committee to act with a like committee from the House pursuant to **SCR 1**.

Senators: Curls, Dempsey, Holsman, Justus, Keaveny, Kehoe, LeVota, McKenna, Nasheed, Nieves, Richard, Rupp, Schaaf, Schaefer, Schmitt, Sifton, Walsh and Wasson.

Speaker Jones resumed the Chair.

JOINT SESSION

The Senate and House of Representatives met in Joint Assembly on the steps of the State Capitol and President Pro Tem Dempsey called the Joint Assembly to order.

Governor-elect Jay Nixon was escorted to his place at the podium by the Legislative Inaugural Committee.

The 135th Army Band, MOARNG, Springfield, Missouri performed.

A welcome was extended by the Honorable Tom Dempsey, President Pro Tem of the Senate.

The Colors were presented by the Joint Service Color Guard.

Cathy Cartier, 2012-2013 Missouri Teacher of the Year, Affton High School, St. Louis, Missouri, led the audience in the Pledge of Allegiance to the flag.

Lieutenant Colonel Regina Kilmer, Missouri National Guard, sang the National Anthem.

The Invocation was offered by Rabbi Amy Feder, Temple Israel, St. Louis, Missouri.

The Honorable Mary R. Russell, Judge of the Supreme Court of Missouri, administered the oath of office to Attorney General-elect Christopher A. Koster.

The Honorable Laura Denvir Stith, Judge of the Supreme Court of Missouri, administered the oath of office to State Treasurer-elect Clint Zweifel.

The Honorable James F. Kanatzar, Judge of the 16th Judicial Circuit Court of Missouri, administered the oath of office to Secretary of State-elect Jason Kander.

The Honorable Zel M. Fischer, Judge of the Supreme Court of Missouri, administered the oath of office to Lieutenant Governor-elect Peter D. Kinder.

The Honorable Rex M. Burlison, Judge of the 22nd Judicial Circuit Court of Missouri, administered the oath of office to Governor-elect Jeremiah W. (Jay) Nixon.

Immediately following the administration of the oath, military honors were rendered to Governor Nixon with the firing of a nineteen-gun salute by the 1st Battalion, 129th Field Artillery Regiment (Truman's Own), MOARNG, Independence, Missouri.

Governor Nixon delivered his Inaugural Address.

INAUGURAL ADDRESS OF JEREMIAH W. (JAY) NIXON
55TH GOVERNOR OF MISSOURI
January 14, 2013

Thank you, Judge Burlison. Thank you, President Pro Tem Dempsey and Speaker Jones.

Let me begin by thanking the people of Missouri for the privilege of serving a second term as your Governor. I am grateful and humbled that once again you have given me the opportunity to lead our state forward. I will honor the trust and confidence you have placed in me each and every day.

I'm joined today by Missouri's First Lady – my lovely wife, Georganne – our sons, Jeremiah and Will, and the rest of our family. I'd like to welcome Missouri's former governors, our statewide office holders, members of the Missouri Supreme Court, legislators and the people of Missouri.

When I first came to the Capitol as a freshman senator from my hometown of De Soto, I was just 30 years old – the youngest person in the Senate. I had the good fortune to serve with many thoughtful, dedicated and capable legislators on both sides of the aisle. Then, as now, Republicans and Democrats were deeply committed to their beliefs. Then, as now, we had a divided state government, with a governor of one party, and the other party holding a majority in the legislature. Disagreement and debate were daily fare.

But it was possible to disagree while continuing to advance the public good. Cooperation wasn't considered a sign of weakness, but rather a prerequisite for progress. And progress is not partisan. We understood that, first and foremost, we were all Missourians.

So no matter which way the pendulum of power might swing, or which way the political winds blew, our bedrock Missouri values of hard work, optimism, faith and compassion never wavered. Those steadfast values have served the people of our state well for generations, and will serve us well for generations to come. Now, some pundits like to say that politics in the Show-Me State has never been more partisan, more difficult than it is today. But as history tells us, that's simply not true.

One hundred and fifty years ago, Missouri was bitterly divided in the struggle for our nation's survival – and its soul. For a time, Missouri had two state governments, two state capitals and two governors. Two state flags fluttered above the boys in blue and gray, the sons of farmers and cobblers, tinkers and slaves. They fought and died on blood-soaked ground from the Bootheel to the Iowa border. They rose with valor and fell with honor at Liberty and Lexington, Carthage and Wilson's Creek, Boonville and Fredericktown.

Our newest state park commemorates the Battle of Island Mound, where the first African-American troops shed their blood for the Union in 1862. Centralia was the site of an infamous massacre, when confederate guerrillas

bushwhacked more than 100 Union soldiers and hacked them to ribbons. Taking part in the killing spree were two young brothers from Clay County: 20-year-old Frank and 16-year-old Jesse James.

Twelve of Missouri's governors served in the military during the Civil War. That's right: twelve. And for years after the war's official end, the suffering, retaliation and political struggles dragged on – crippling our economy, testing our resolve. That my friends? That was hard politics. But from that time forward the arc of Missouri history shows us that even the deepest divisions can be healed.

The people of Missouri are tough and resilient. And generation after generation, a bold vision for the future and a passion for progress spur us forward. We pushed back the wilderness, tilled the prairie and opened the western frontier. We built railroads and highways, founded great universities and hospitals, tamed mighty rivers and even conquered space.

In good times and bad, through hellish drought and high water, the people of Missouri have proved their mettle. And, as we've seen these past few years, when our backs are against the wall, we come together: When the American auto industry was on the ropes in 2009, we pulled together and got it back on its feet. More vehicles made in Missouri means thousands of jobs for hardworking folks in every corner of our state.

In a competitive and volatile global marketplace, we stepped up our game to set all-time records for exports in agriculture, biotech and defense – deals worth billions, creating prosperity at home. When Mother Nature hit our neighbors with ice storms, floods, drought and the most devastating tornado in our history, we rallied to their side. We were there at every step – from rescue to rebuilding. And the strength and resilience of Missourians inspired the world.

History has left its indelible mark on our landscape and our character. But history is not destiny. We do not inherit the future. We must build the future. A future without limits: where all our children get an education that prepares them to compete for the best jobs in the global economy; where the brightest minds in science and technology advance the frontiers of human knowledge; where business and the arts flourish; where the bounty of Missouri's farms and fields will feed, clothe and power the planet; and where the natural beauty of our state is preserved and cherished for all time.

I am more optimistic than ever about our future. We will put our shared principles ahead of our small differences and work together for the common good. The people of Missouri deserve – and expect – no less. And that is how I intend to lead.

Throughout my quarter century of public service, I've had the opportunity to visit with thousands of Missourians from all walks of life, in every corner of this great state. Year after year, I've met them in the halls of this historic Capitol, exercising their First Amendment rights: midwives and math teachers; farmers and firefighters; Muslims and Mennonites; soldiers and Scouts. They may not – and in fact do not – always agree. But they are a vivid reminder that democracy is a chorus of many voices. And our democracy and our state are stronger for it.

On days like this one, I can look out the windows of my office and see the flags of our state and our nation, their colors bright against the winter sky, the wide Missouri River in the distance. It's a beautiful sight. It is a reminder of the bold pioneers who walked this land before us, who explored the wilderness, who dedicated their lives to the creation of a more perfect union, who fought and died so that we might one day enjoy peace and prosperity. I think, too, of the bold pioneers who someday will explore new frontiers beyond our imagining.

Today, I took a solemn oath to serve all the people of Missouri, to do everything in my power to make your lives better, and to make life better for our children and grandchildren. I pledge my oath to the waitress pulling double shifts just to feed and clothe her kids, praying that nobody gets hurt or sick – because she can't afford a doctor's bill.

I pledge my oath to the battle-weary veteran, home from Afghanistan, who deserves a job worthy of his skills and sacrifice. I pledge my oath to the farmer who plows and plants through flood and drought, year in and year out. Hard working, God-fearing, decent folk. I carry them in my heart. Their strength gives me strength. Their courage gives me courage.

And to live a life of service to the people of Missouri is my greatest honor. Our time here is fleeting. But the work we do will endure. Together we can – and we will – build a bright future for the great state of Missouri in the greatest nation on earth.

May God Almighty guide us in our work. Thank you and God bless.

Musical selections were performed by the 135th Army Band, MOARNG, Springfield, Missouri.

The Benediction was given by the Reverend Daniel Hilty, Senior Pastor, First United Methodist Church, Jefferson City, Missouri.

The Colors were retired by the Joint Service Color Guard.

Governor Nixon and Mrs. Nixon were escorted from the platform by the Legislative Inaugural Committee.

The Joint Session was dissolved by President Pro Tem Dempsey.

A musical selection was performed by the 135th Army Band, MOARNG, Springfield, Missouri.

Speaker Jones resumed the Chair.

INTRODUCTION OF HOUSE CONCURRENT RESOLUTION

The following House Concurrent Resolution was read the first time and copies ordered printed:

HCR 8, introduced by Representatives Parkinson, Kelley (127), Sommer, Smith (120), Brattin, Solon, Lair, Curtman, Lichtenegger, Franklin, Higdon, Conway (104), Guernsey, Burlison, Fitzwater, Riddle, McCaherty, Gatschenberger and Diehl, relating to the Obama Administration's proposal that the Senate of the United States consider adoption of a United Nations Arms Trade Treaty.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 156, introduced by Representatives Sommer, Kelley (127), Wieland and Muntzel, relating to a prohibition on use of public assistance benefits.

HB 157, introduced by Representative Franklin, relating to violent video games.

HB 158, introduced by Representatives Flanigan, Davis, Reiboldt, Kelley (127) and Lant, relating to disaster areas.

HB 159, introduced by Representative Guernsey, relating to school district residency for children of certain military members.

HB 160, introduced by Representatives Sommer, Berry, Kelley (127), Wilson, Muntzel and Neth, relating to campaign activities near polling places.

HB 161, introduced by Representative Gatschenberger, relating to political subdivisions.

COMMITTEE APPOINTMENT

January 14, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby appoint Representative Jeffery Justus as a member of the Committee on Appropriations - General Administration.

If you have any questions regarding this communication, please contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

COMMUNICATION

January 11, 2013

D. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
201 W. Capitol Avenue
Jefferson City, MO 65101

Re: Possible Personal Interest in Legislation

Dear Mr. Crumbliss:

Pursuant to Section 105.461, RSMo, I am hereby filing a written report of a possible personal interest in legislation on which the House of Representatives may vote during the legislative session. I am a retired member of the Public School Retirement System (PSRS).

In compliance with Section 105.461, RSMo, please publish this letter in the Journal of the House.

Thank you for your attention to this matter.

Sincerely,

/s/ Paul Fitzwater
State Representative
District 144

The following members' presence was noted: Curtman, Engler, Grisamore, Hodges, Hubbard and May.

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Tuesday, January 15, 2013.

COMMITTEE HEARINGS

APPROPRIATIONS - EDUCATION

Tuesday, January 15, 2013, 2:00 PM House Hearing Room 1.
Performance Funding presentation from Paul Wagner

APPROPRIATIONS - EDUCATION

Wednesday, January 16, 2013, 2:00 PM House Hearing Room 1.
Higher Education Funding Model presentation from Dr. Stacey Preis

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Tuesday, January 15, 2013, 9:00 AM House Hearing Room 3.
Executive session may be held on any matter referred to the committee.
Organizational Meeting

ELECTIONS

Tuesday, January 15, 2013, 12:00 PM House Hearing Room 1.
Public hearing will be held: HB 110
Executive session will be held: HB 110
Executive session may be held on any matter referred to the committee.

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, January 16, 2013, 8:00 AM House Hearing Room 6.
Organizational Meeting

JUDICIARY

Wednesday, January 16, 2013, 12:00 PM House Hearing Room 1.
Organizational Meeting

RETIREMENT

Thursday, January 17, 2013, 9:00 AM House Hearing Room 1.
Organizational Meeting

RULES

Tuesday, January 15, 2013, 12:00 PM House Hearing Room 5.
Public hearing will be held: HR 31
Executive session will be held: HR 31
Executive session may be held on any matter referred to the committee.
CORRECTED

HOUSE CALENDAR

FOURTH DAY, TUESDAY, JANUARY 15, 2013

HOUSE CONCURRENT RESOLUTIONS FOR SECOND READING

HCR 8 - Parkinson

HOUSE BILLS FOR SECOND READING

HB 156 through HB 161

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

FOURTH DAY, TUESDAY, JANUARY 15, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

Why art thou cast down, O my soul? Hope thou in God. (Psalm 42:5)

God of life, Who loves all the children and the simple, teach us to trust You and to live in good will with all our people. Forgive those moments when we find it difficult to believe in You, discouraging to trust one another, and disheartening to have faith in ourselves. We are weighed down by the problems we face as a state and by the burdens we carry day by day. So often we want to change conditions and circumstances without any thought of changing ourselves or of letting Your spirit change us.

So we pause in Your presence now, praying that You will change us, restoring our faith in You, retrieving our belief in one another, and renewing our respect for ourselves. May we live this day keeping our lives and the lives of our citizens in Your strong loving hands.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Rose Marie Lant, Stephen Lant, Catherine Lant, Logan Lant, Jennie Hubbard and Hunter Houghton.

The Journal of the third day was approved as printed by the following vote:

AYES: 157

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gardner	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus

Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeier	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Molendorp	Montecillo	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Pace	Parkinson	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Rowden	Rowland
Runions	Scharnhorst	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 85	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	Walton Gray	Webb	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 004

Grisamore	Ross	Schatz	Swearingen
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VACANCIES: 002

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 58 through House Resolution No. 72

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 8 was read the second time.

SECOND READING OF HOUSE BILLS

HB 156 through **HB 161** were read the second time.

COMMITTEE REPORTS

Committee on Elections, Chairman Entlicher reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **HB 110**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Riddle reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HR 31**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**.

HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE RESOLUTION NO. 31

RULES OF THE HOUSE OF REPRESENTATIVES
[96th] **97th** GENERAL ASSEMBLY

TIME OF MEETING

Rule 1. The time of meeting by the House, unless otherwise ordered, shall be 10:00 a.m.

CONSTITUTIONAL MAJORITY DEFINED

Rule 2. The term “constitutional majority”, as used herein, shall mean eighty-two members of the House.

ORDER OF BUSINESS

Rule 3. The first of each day, after the House is called to order, shall be employed as follows unless otherwise ordered by the House:

- (a) Prayer.
- (b) Pledge of Allegiance to the American Flag.
- (c) Order of Business:
 - (i) Reading and approval of the Journal of the previous day’s session.
 - (ii) Introduction and first reading of House Joint Resolutions.
 - (iii) Introduction and first reading of House Bills.
 - (iv) Second reading of House Bills and Joint Resolutions.
 - (v) Reports of regular standing committees.
 - (vi) Reports of special standing committees.
 - (vii) Bills, reports and other business on the table.
 - (viii) House Joint Resolutions to be perfected and printed.
 - (ix) House Bills to be perfected and printed.
 - (x) Third reading of House Joint Resolutions.
 - (xi) Third reading of House Bills.
 - (xii) Messages from the Senate.
 - (xiii) First reading of Senate Joint Resolutions and Senate Bills.
 - (xiv) Second reading of Senate Joint Resolutions and Senate Bills.
 - (xv) Third reading of Senate Joint Resolutions.
 - (xvi) Third reading of Senate Bills.
 - (xvii) Introduction of petitions, memorials, remonstrances and resolutions.
 - (xviii) Adoption of petitions, memorials, remonstrances and resolutions.
 - (xix) Such other orders of business as deemed necessary pursuant to law.

HEADINGS ON HOUSE CALENDAR

Rule 4. There shall be provided on the House calendar the following divisions:

- (a) House Bills for second reading.
- (b) House Joint Resolutions for second reading.
- (c) House Bills to be perfected and printed.
- (d) House Joint Resolutions to be perfected and printed.
- (e) House Appropriation Bills to be perfected and printed.
- (f) House Revision Bills to be perfected and printed.
- (g) House Bills - Federal Mandate to be perfected and printed.
- (h) House Bills to be perfected and printed - laid over informally.
- (i) House Joint Resolutions to be perfected and printed - laid over informally.

- (j) House Appropriation Bills to be perfected and printed - laid over informally.
- (k) House Revision Bills to be perfected and printed - laid over informally.
- (l) House Bills - Federal Mandate to be perfected and printed - laid over informally.
- (m) House Bills to be agreed to and placed upon third reading and final passage.
- (n) House Joint Resolutions to be agreed to and placed upon third reading and final passage.
- (o) House Appropriation Bills to be agreed to and placed upon third reading and final passage.
- (p) House Revision Bills to be agreed to and placed upon third reading and final passage.
- (q) House Bills - Federal Mandate to be agreed to and placed upon third reading and final passage.
- (r) House Bills to be agreed to and placed upon third reading and final passage - laid over informally.
- (s) House Joint Resolutions to be agreed to and placed upon third reading and final passage - laid over informally.
- (t) House Appropriation Bills to be agreed to and placed upon third reading and final passage - laid over informally.
- (u) House Revision Bills to be agreed to and placed upon third reading and final passage - laid over informally.
- (v) House Bills - Federal Mandate to be agreed to and placed upon third reading and final passage - laid over informally.
- (w) House Bills reported out of committee by consent and placed upon the Consent Calendar for Perfection.
- (x) House Bills perfected by consent to be agreed to and placed upon third reading and final passage.
- (y) Rules Committee Calendar, House Bills or Joint Resolutions to be perfected and printed.
- (z) Rules Committee Calendar, House Bills or Joint Resolutions to be perfected and printed - laid over informally.
- (aa) Rules Committee Calendar, House Bills or Joint Resolutions to be agreed to and placed upon third reading and final passage.
- (bb) Rules Committee Calendar, House Bills or Joint Resolutions to be agreed to and placed upon third reading and final passage - laid over informally.
- (cc) Rules Committee Calendar, Senate Bills or Joint Resolutions to be agreed to and placed upon third reading and final passage.
- (dd) Rules Committee Calendar, Senate Bills or Joint Resolutions to be agreed to and placed upon third reading and final passage - laid over informally.
- (ee) Senate Bills for second reading.
- (ff) Senate Joint Resolutions for second reading.
- (gg) Senate Bills for third reading and final passage.
- (hh) Senate Joint Resolutions for third reading and final passage.
- (ii) Senate Revision Bills for third reading and final passage.
- (jj) Senate Bills - Federal Mandate for third reading and final passage.
- (kk) Senate Bills for third reading and final passage - laid over informally.
- (ll) Senate Joint Resolutions for third reading and final passage - laid over informally.
- (mm) Senate Revision Bills for third reading and final passage - laid over informally.
- (nn) Senate Bills - Federal Mandate for third reading and final passage - laid over informally.
- (oo) Senate Bills for third reading and final passage - Consent Calendar.
- (pp) Courtesy Resolutions Calendar.
- (qq) House Resolutions and Concurrent Resolutions Calendar.
- (rr) Senate Concurrent Resolutions Calendar.
- (ss) Bills in Conference.
- (tt) House Bills with Senate Amendments.
- (uu) House Bills taken from Committee, as provided by the Constitution.
- (vv) Such other calendars as deemed necessary.

FIRST AND SECOND READING OF BILLS

Rule 5. A bill shall be read the first time by journal entry of the title of the bill on the legislative day of its filing. It shall be second read on the following legislative day by journal entry of the title of the bill. The reading of a bill by its title shall be deemed sufficient reading unless the further reading be called for. If the further reading be called for and no objection made, the bill shall be read at length; if, however, objection be made, the question shall be determined by the majority of the members present.

ORDERS OF THE DAY

Rule 6. Upon recess or adjournment, the Majority Floor Leader shall advise the entire membership of the business anticipated to be conducted during the remainder of the legislative day and during the next legislative day.

ELECTION OF OFFICERS
GENERALLY

Election; Oath; Compensation

Rule 7. The House shall elect by recorded vote the following officers at the commencement of the first regular session of each general assembly: its presiding officer, who shall be called Speaker of the House, a Speaker Pro Tem, a Chief Clerk, a Sergeant-at-Arms, a Doorkeeper and a Chaplain, who shall hold office during all sessions until the convening of the succeeding General Assembly, unless sooner removed by a vote of the majority of the members. Each shall receive such compensation as may be provided for by law. Each shall take an oath to support the Constitution of the United States and of this State and to faithfully demean himself or herself in office and to keep the secrets of the House. Said oath shall be administered to the Speaker and Speaker Pro Tem by a Judge of the Supreme Court, Court of Appeals or a Circuit Court and by the Speaker to the other officers. All other officers of the House shall be appointed by, and serve at the pleasure of, the Speaker and receive such compensation as provided by law.

SPEAKER

Speaker to Call Members to Order

Rule 8. The Speaker shall take the chair at the hour to which the House has been adjourned and immediately call the members to order, and on the appearance of a quorum, shall cause the journal of the preceding day to be read (unless otherwise ordered by the House), which may then be corrected by the House.

Parliamentary Rulings; Referral to Parliamentary Committee

Rule 9. Parliamentary rulings may be made only by the Speaker or the Speaker Pro Tem. At their option or at the request from a member of the Parliamentary Committee they may refer points of order to the Parliamentary Committee for an advisory opinion. In their absence rulings shall be made by a parliamentary committee. The Committee on Parliamentary Procedure shall be composed of the Speaker, the Majority Floor Leader and the Minority Floor Leader, or their designees. No member who is temporarily in the Chair may rule on points of order, except the Speaker or Speaker Pro Tem, until and unless the Parliamentary Committee has been called and ruled. It shall be the duty of the temporary Speaker to call said Parliamentary Committee at the time the point of order is raised and before any discussion on said point of order takes place. It shall be at the Speaker's discretion whether members may speak on points of order.

Speaker May Speak on Points of Order

Rule 10. The Speaker may speak on points of order in preference to any other member, arising from his/her seat for that purpose, and shall decide questions of order, subject to an appeal to the House, upon which appeal no member shall speak more than once, except by leave of the House. No member shall inquire of another member nor debate with other members on points of order but shall address his/her remarks only to the chair.

Appeal from a Ruling of the Chair

Rule 11. Should there be an appeal from any ruling of the chair, the question, "Shall the chair be sustained?" shall be immediately put and determined before the House proceeds to other business.

Speaker Has General Supervision of Hall

Rule 12. The Speaker shall have general direction and supervision of the House and shall preserve decorum and order in the Hall.

Supervision of House Employees

Rule 13. The Speaker shall have general supervision and control over all employees of the House.

Speaker May Substitute Member to Perform Duties

Rule 14. The Speaker may substitute any member to perform the duties of the Chair in the absence of the Speaker Pro Tem.

Speaker Shall Sign Bills

Rule 15. The Speaker shall sign all bills, and perform all other duties in relation thereto, as required by the Constitution. He/she shall also sign all joint resolutions and addresses; and all writs, warrants and subpoenas issued by order of the House shall be under his/her hand, attested by the Chief Clerk.

Speaker May Clear Hall

Rule 16. In case of disturbance or disorderly conduct in the lobbies or galleries, the Speaker, temporary Speaker or Chairman of the Committee of the Whole House shall have power to order the same cleared. They shall not, however, have the power to remove members from the floor of the House, except by a majority vote of those present.

Manner of Putting Questions

Rule 17. The Speaker shall rise to state and put questions. Questions shall be in the following form: "As many as are in favor (by electronic roll call) vote 'Aye'. As many as are opposed (if by electronic roll call) vote 'No'". (Or if by voice vote say "Aye" or "No.") If the Speaker doubts on a voice vote, voting shall be ordered by electronic device. The Speaker may require a recorded vote on any motion.

OTHER OFFICERS

Speaker Pro Tem

Rule 18. The Speaker Pro Tem shall perform the duties of Speaker during the sickness or absence of the Speaker, except while some member is discharging such duties as a substitute under Rule 14.

Chief Clerk

Rule 19. It shall be the duty of the Chief Clerk to serve also as Chief Administrator of the House and to attend the House during its sittings. The Chief Clerk, under the direction of the Speaker, shall prepare and keep the House Journal and seasonably record the proceedings of the House; keep regular files of House papers; attest all writs, warrants and subpoenas issued by order of the House; keep an account of all fines imposed by the House; maintain a record of the members' attendance; keep an account of the traveling and expense allowances of all the members; transmit to the Senate messages, communications, copies and documents of the House; keep a docket of proceedings on all bills, resolutions and acts; and execute the commands of the House from time to time.

Sergeant-at-Arms; Doorkeeper and Chaplain

Rule 20. (a) SERGEANT-AT-ARMS. It shall be the duty of the Sergeant-at-Arms to attend the House during its sittings; to execute the commands of the House from time to time, together with such process issued by authority thereof as shall be directed to him/her by the Speaker. He/she shall preserve order in the galleries and lobby and keep the entry to the aisle cleared during the session of the House.

(b) DOORKEEPER. It shall be the duty of the Doorkeeper, subject to the orders of the Speaker, to attend the sittings of the House. The Doorkeeper shall allow no person to come or remain within the Hall or galleries except as are admitted by the rules or orders of the House. He/she shall execute the commands of the Speaker in relation to his/her duties and shall obey such other orders as may be made by the House.

(c) CHAPLAIN. It shall be the duty of the Chaplain, or a person designated by the Speaker, to attend at the commencement of each day's sitting of the House, to open the sessions thereof with a prayer, visit any member who may be sick, and to preach in the Hall of the House of Representatives whenever requested by a vote of the House.

Employees

Rule 21. The House may employ, and the Speaker appoint, such employees as are necessary to perform the duties of the House. No person shall be initially hired by the House of Representatives who is related to any member of the House within the fourth degree, by consanguinity or by affinity.

COMMITTEES

By Whom Appointed; Composition of Membership

Rule 22. All regular standing, conference, interim and statutory committees shall be appointed by the Speaker who, when appointing a committee, shall designate a member thereof as chairman, designate another member as vice-chairman and designate the total number of members to serve on each committee, except the minority members of each regular standing committee shall be appointed by the Minority Floor Leader. The vice-chairman **or a designee of the chair** shall

preside at all committee meetings in the absence of the chairman. The Speaker of the House, the Speaker Pro Tem, the Majority Floor Leader, the Assistant Majority Floor Leader, the Majority Whip, the Minority Floor Leader, the Assistant Minority Floor Leader and the Minority Whip shall be ex-officio members of all committees of the House, and the chair of the budget committee and one member of said committee designated by the Minority Leader shall be ex-officio members of all appropriations committees of the House, for the purpose of a quorum and inquiry but shall have no vote unless they are duly appointed members of said committee. The membership of all regular standing committees and all other committees and commissions, unless otherwise provided by the act or resolution creating them, shall be composed as nearly as may be, of majority and minority party members in the same proportion as the number of majority and minority party members in the House bears to the total membership of the House, except for the Ethics Committee. The Ethics Committee shall consist of an equal number of members from the majority and minority party. The Speaker may appoint such special standing committees as he/she deems necessary. Any special standing committee shall have the authority and duties of a regular standing committee if so designated by the Speaker. The Minority Floor Leader may make recommendations to the Speaker regarding minority membership of special standing committees. The Speaker may dissolve and/or discharge the members of any conference, interim, or special standing committee at any time and reappoint the members thereof.

Time of Sitting

Rule 23. No committee shall meet except during those times so designated by the Speaker. No committee shall sit during the session of the House without leave of the House.

The Regular Standing Committees Enumerated

Rule 24. The regular standing committees of the House shall be as follows:

1. Administration and Accounts.
2. Agriculture Policy.
3. Agri-Business.
4. Appropriations - Agriculture and Natural Resources.
5. Appropriations - Education.
6. Appropriations - General Administration.
7. Appropriations - Health, Mental Health and Social Services.
- 8. Appropriations - Infrastructure and Job Creation.**
- [8.] **9. Appropriations - Public Safety and Corrections.**
- [9.] **10. Appropriations - Revenue, Transportation, and Economic Development.**
- [10.] **11. Budget.**
- [11.] **12. Children [and Families] , Families, and Persons with Disabilities.**
- [12.] **13. Corrections.**
- [13.] **14. Crime Prevention and Public Safety.**
- [14.] **15. Downsizing State Government.**
- [15.] **16. Economic Development.**
- [16.] **17. Elections.**
- [17.] **18. Elementary and Secondary Education.**
- [18.] **19. Emerging Issues in [Animal] Agriculture.**
- [19.] **20. Ethics.**
- [20.] **21. Financial Institutions.**
- [21.] **22. Fiscal Review.**
- [22.] **23. General Laws.**
- 24. Government Oversight and Accountability.**
- [23.] **25. Health Care Policy.**
- [24.] **26. Health Insurance.**
- [25.] **27. Higher Education.**
- [26.] **28. Insurance Policy.**
- [27.] **29. International Trade [and Job Creation].**
- [28.] **30. Judiciary.**
- [29.] **31. Local Government.**
- [30.] **32. Professional Registration and Licensing.**
- [31.] **33. Retirement.**
- [32.] **34. Rules.**

- [33. Rural Community Development.]
- [34.] **35.** Small Business.
- [35. Tax Reform.]
- 36. Tourism and Natural Resources.
- 37. Transportation.
- [38. Transportation Funding and Public Institutions.]
- [39.] **38.** Urban Issues.
- [40.] **39.** Utilities.
- [41.] **40.** Veterans.
- [42.] **41.** Ways and Means.
- [43.] **42.** Workforce Development and Workplace Safety.

Duties of the Regular Standing Committees

Rule 25. (1) Administration and Accounts.

(a) *Duties generally.* The Committee on Administration and Accounts shall superintend and have sole and complete control of all financial obligations and business affairs of the House except those employees appointed by or assigned to the Speaker, or assigned to the Budget Committee Chair, the Speaker Pro Tem, the Majority Floor Leader, the Minority Floor Leader and the Officers of the House. The committee shall provide for the receiving and receipt of all supplies, equipment and furnishings purchased for the account of the House, and shall further provide for the use and distribution thereof.

(b) *Funds for operation of member's individual offices.* The committee shall also prescribe rules governing the expenditure of funds allotted to individual members for the operation of their offices. Such rules shall be applied equally to, and shall require the equal treatment of, all members with regard to the expenditure of such funds. Subject to such rules, each member shall have discretion to expend such funds, for the use of his or her office, without the approval of the committee.

(c) *Allotment of offices, chamber seats and parking spaces.* Each member shall be allotted his or her own office, chamber seat and parking assignment. The committee shall assign all offices, chamber seats, and parking spaces under its control and reserved for members. The committee may make assignments to the party caucuses for those caucuses to assign to their respective members. The House officers, the floor leaders and assistant floor leaders of each party, the Budget Committee Chair, and the chairman and ranking minority member of the Administration and Accounts Committee, without respect to the seniority of those members, shall have priority with respect to such assignments within their respective caucuses.

(d) *Duties of the Chief Clerk in Respect to Committee.* The Chief Clerk of the House may be authorized to act for the committee, but only in the manner and to the extent as may have been previously authorized by the committee. Such authorization shall be entered in the minutes of the committee. The Chief Clerk shall maintain financial records for the House of Representatives in accordance with generally accepted accounting principles. The Chief Clerk of the House shall keep a detailed accounting of all transactions and shall furnish each member of the committee and the Speaker with a copy of such account on a quarterly basis.

(e) *Issue Development Standing Committees.* The committee may approve and prescribe regulation of Issue Development Standing Committees. Any group of House members may seek the designation of an Issue Development Standing Committee by applying to the Administration and Accounts Committee Chair. The application shall include the issue of study and the proposed members of the committee. All findings and recommendations of the approved committees shall be forwarded to the Administration and Accounts Committee Chair. All approved Issue Development Standing Committees shall be afforded the same rights and privileges as a regular standing committee.

(2) *The Committee on Agriculture Policy.* The Committee on Agriculture Policy may consider and report upon bills and matters referred to it relating to the protection, promotion and encouragement of agriculture in this state.

(3) *Committee on Agri-Business.* The Committee on Agri-Business may consider and report upon bills and matters referred to it relating to the protection, promotion and encouragement of agri-business in the state.

(4) *The Committee on Appropriations - Agriculture and Natural Resources.* The Committee on Appropriations - Agriculture and Natural Resources shall report to the Budget Committee upon all bills, measures, and questions referred to it by the Budget Committee pertaining to the appropriations and disbursements of public money for the funding of the Department of Agriculture, the Department of Natural Resources and the Department of Conservation.

(5) *The Committee on Appropriations - Education.* The Committee on Appropriations - Education shall report to the Budget Committee upon all bills, measures, and questions referred to it by the Budget Committee pertaining to

the appropriations and disbursements of public money for the funding of the Department of Elementary and Secondary Education and the Department of Higher Education.

(6) *The Committee on Appropriations - General Administration.* The Committee on Appropriations - General Administration shall report to the Budget Committee upon all bills, measures, and questions referred to it by the Budget Committee pertaining to the appropriations and disbursements of public money for the funding of the Public Debt, Elected Officials, Office of Administration, the General Assembly, [the Department of Revenue,] the Judiciary and the Public Defender.

(7) *The Committee on Appropriations - Health, Mental Health and Social Services.* The Committee on Appropriations - Health, Mental Health and Social Services shall report to the Budget Committee upon all bills, measures, and questions referred to it by the Budget Committee pertaining to the appropriations and disbursements of public money for the funding of the Department of Health and Senior Services, the Department of Mental Health and the Department of Social Services.

(8) The Committee on Appropriations - Infrastructure and Job Creation. The Committee on Appropriations - Infrastructure and Job Creation shall report to the Budget Committee upon all bills, measures, and questions referred to it by the Budget Committee pertaining to the appropriations and disbursements of public money for the funding of infrastructure and job creation.

[(8)] (9) *The Committee on Appropriations - Public Safety and Corrections.* The Committee on Appropriations - Public Safety and Corrections shall report to the Budget Committee upon all bills, measures, and questions referred to it by the Budget Committee pertaining to the appropriations and disbursements of public money for the funding of the Departments of Public Safety and Corrections.

[(9)] (10) *The Committee on Appropriations - Revenue, Transportation, and Economic Development.* The Committee on Appropriations - **Revenue**, Transportation, and Economic Development shall report to the Budget Committee upon all bills, measures, and questions referred to it by the Budget Committee pertaining to the appropriations and disbursements of public money for the funding of the Department of Transportation, the Department of Economic Development, **the Department of Revenue**, the Department of Insurance and the Department of Labor and Industrial Relations.

[(10)] (11) *The Committee on Budget.*

(a) The Committee on Budget shall have the responsibility of filing all appropriations bills, assigning of those bills to the appropriate appropriations committees and shall report upon all bills recommended to it by the respective appropriation committee and any other bills, measures, or questions referred to it pertaining to the appropriation and disbursement of public money.

(b) *Other duties.* The Committee may consider and report upon any bill or resolution referred to it which, in the opinion of the Speaker, merits special consideration. The Committee may also consider and report upon bills and matters referred to it relating to the reorganization, consolidation and abolition of boards, bureaus, commissions and other offices and buildings of the state, including the Division of Facilities Management, Design and Construction, the capitol grounds and the state and legislative library. The Committee is empowered to study and investigate the efficiency and economy of all branches of Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, waste, conflicts of interests and the improper expenditure of Government funds in transactions, contracts and activities of Government or Government officials and employees. The Committee is authorized to hold hearings, sit and act at any time or place within the State of Missouri during the recess and adjournment periods of the House, administer oaths, and take testimony, either orally or by sworn written statement. If the Committee, after hearing, and upon findings incorporated in a report, deems that a particular activity, bureau, agency, committee, commission, department or any other entity of state government should be discontinued, it shall report such finding to the House for further action by the House. The Committee shall also consider and report upon bills and matters referred to it relating to the efficiency of government in the state.

[(11)] (12) *The Committee on Children [and Families] , Families, and Persons with Disabilities.* The Committee on Children [and Families] , **Families, and Persons with Disabilities** may consider and report upon bills and matters referred to it relating to the Department of Social Services, the Department of Health and Senior Services, and other matters relating to the fostering and promotion of children [and families] , **families, and persons with disabilities** in this state.

[(12)] (13) *The Committee on Corrections.* The Committee on Corrections may consider and report upon bills and matters referred to it relating to adult and juvenile penal and correctional problems, the administration of correctional institutions, and the state penitentiary.

[(13)] (14) *The Committee on Crime Prevention and Public Safety.* The Committee on Crime Prevention and Public Safety may consider and report upon bills and matters referred to it relating to criminal laws, law enforcement and public safety matters.

[(14)] **(15) *The Committee on Downsizing State Government.*** The Committee on Downsizing State Government may consider matters referred to it relating to reducing the size of state government and its programs.

[(15)] **(16) *The Committee on Economic Development.*** The Committee on Economic Development may consider matters referred to it relating to commerce, industrial growth, expansion, and development.

[(16)] **(17) *The Committee on Elections.*** The Committee on Elections may consider and report upon bills and matters referred to it relating to elections and election contests involving members of the House.

[(17)] **(18) *The Committee on Elementary and Secondary Education.*** The Committee on Elementary and Secondary Education may consider and report upon bills and matters referred to it relating to elementary and secondary education and life-long learning in this state, including teachers, financing, property, indebtedness and curriculum.

[(18)] **(19) *The Committee on Emerging Issues in [Animal] Agriculture.*** The Committee on Emerging Issues in [Animal] Agriculture may consider matters referred to it relating to the production, processing, selling, marketing, and distribution of animals, livestock, and poultry in the agricultural industry.

[(19)] **(20) *The Committee on Ethics.*** The Committee on Ethics may consider and report upon complaints referred to it relating to a member of the House involving the commission of a crime, misconduct, willful neglect of duty, corruption in office or other complaints relating to the ethical conduct of a member. The committee is authorized to sit and act at any time or place within the State of Missouri during the recess and adjournment periods of the House, administer oaths, and take testimony, either orally or by sworn written statement.

[(20)] **(21) *The Committee on Financial Institutions.*** The Committee on Financial Institutions may consider and report upon bills and matters referred to it relating to banks, banking, savings and loans, credit unions, and other financial institutions.

[(21)] **(22) *The Committee on Fiscal Review.*** The Committee on Fiscal Review shall consider any bill which requires net additional expenditures of state money in excess of \$100,000 or which reduces net state revenue by more than \$100,000 in any of the three fiscal years immediately following the effective date of the bill. Any such House bill, after having been perfected and ordered printed by the House, shall be referred to the Committee on Fiscal Review for its consideration prior to the bill's submission to the House for third reading and final passage. Any House bill with Senate amendment(s) or any House bill with a Senate substitute which requires net additional expenditure of state money in excess of \$100,000 or which reduces net state revenue by more than \$100,000 in any of the three fiscal years immediately following the effective date of the bill shall be referred to the Committee on Fiscal Review for its consideration prior to the bill's submission to the House. Any such Senate bill, after having been approved by the regular or special standing committee to which it was referred, shall be referred to the Committee on Fiscal Review for its consideration prior to its submission to the House for third reading and final passage. Any Senate or House bill amended so as to increase net expenditures or reduce net revenues shall, upon timely motion adopted by the members, be referred to the Committee on Fiscal Review. Such motion shall only be timely for a House bill when the sponsor or handler of the House bill moves that the bill be Third Read and passed and before the Speaker restates that motion. The primary sponsor or, in the case of a Senate bill, the floor handler of a bill referred to the Committee on Fiscal Review shall be entitled to a hearing on the bill but such hearing shall be limited to the reception of testimony by the primary sponsor or floor handler, as the case may be, in person and none other, without leave of the committee Chair. For the purposes of this rule, "net" is defined as the sum of revenues and expenditures, after reductions and increases brought about by a bill have been calculated. The Committee on Fiscal Review may, with the consent of the House sponsor or floor handler, amend an effective date onto any bill referred to the Committee.

[(22)] **(23) *The Committee on General Laws.*** The Committee on General Laws may consider matters referred to it relating to general or miscellaneous issues as determined by the Speaker of the House.

(24) *The Committee on Government Oversight and Accountability.* **The Committee on Government Oversight and Accountability may consider and report on bills and matters referred to it relating to the oversight of government programs and policies and to ensure accountability of the executive and judicial branches of government.**

[(23)] **(25) *The Committee on Health Care Policy.*** The Committee on Health Care Policy may consider and report upon bills and matters referred to it relating to the health care of the citizens of the State, including mental health, and the Departments of Health and Mental Health. The Committee may also consider and report on bills and matters referred to it relating to Medicaid and related matters.

[(24)] **(26) *The Committee on Health Insurance.*** The Committee on Health Insurance may consider and report upon bills and matters referred to it relating to insurance coverage for health and medical issues.

[(25)] **(27) *The Committee on Higher Education.*** The Committee on Higher Education may consider and report on bills and matters referred to it related to higher education, including matters relating to financing, facilities, staff, curriculum and related matters.

~~[(26)]~~ **(28)** *The Committee on Insurance Policy.* The Committee on Insurance Policy may consider and report upon bills and matters referred to it relating to insurance, insurance companies and the Department of Insurance.

~~[(27)]~~ **(29)** *The Committee on International Trade [and Job Creation].* The Committee on International Trade [and Job Creation] may consider and report upon bills and matters referred to it relating to international commerce and development [and the creation and retention of jobs].

~~[(28)]~~ **(30)** *The Committee on Judiciary.* The Committee on Judiciary may consider and report upon bills and matters referred to it relating to the judicial branch of the State and the practices and procedures of the courts of this State, and on matters pertaining to civil and administrative laws and procedures, and on matters relating to the ethics of public officials.

~~[(29)]~~ **(31)** *The Committee on Local Government.* The Committee on Local Government may consider and report upon bills and matters referred to it relating to counties, cities, towns, villages, other political subdivisions of the State and local government generally.

~~[(30)]~~ **(32)** *The Committee on Professional Registration and Licensing.* The Committee on Professional Registration and Licensing may consider and report upon bills and matters referred to it relating to the licensing of professionals in this state and consumer protection issues.

~~[(31)]~~ **(33)** *The Committee on Retirement.* The Committee on Retirement may consider and report upon bills and matters referred to it relating to the retirement and pensions of state and local officials and employees and senior citizen issues generally.

~~[(32)]~~ **(34)** *The Committee on Rules (a) Duties generally.* The Committee on Rules shall formulate and present for consideration the rules of the House; shall consider and report upon all propositions to amend or change the rules, which propositions shall stand referred without reading or consideration and without discussion, explanation, or debate to the Committee on Rules, and upon any bill which merits special consideration.

(b) Duties related to printing and proofing bills. The Committee shall supervise the printing of all bills ordered perfected and printed, assuring that procedures are followed in which all amendments to every such bill are incorporated therein before the bill is printed and that the printed copies of the bill on the desks of the members are true and accurate copies of the bill as ordered perfected and printed. The Committee shall also supervise the printing of all bills which are truly agreed and finally passed, assuring that procedures are followed in which every bill is a true copy of the bill as passed with clerical errors corrected.

(c) Duties relating to the issuance of courtesy resolutions. A courtesy resolution is a non-controversial resolution in the nature of congratulations on the birth of a child, celebration of a wedding anniversary, congratulations of an outstanding citizen achievement or a similar event which is in the practice and procedure of the House to consider as a courtesy resolution. While the House is in session, the resolutions that have been issued under the supervision of the Committee shall be printed in the House Journal by number. Any resolution that is not a courtesy resolution shall require action by the House as provided for by the House Rules.

(d) Petition to remove from perfection calendar. Upon petition of two-thirds (2/3) of the regular standing committee chairmen recommending a House Bill or Joint Resolution be removed from the regular perfection calendar and placed on the Rules Committee Calendar to be perfected and printed, the Committee on Rules shall have authority to consider and remove any House Bill or Joint Resolution from the regular perfection calendar and place it upon the Rules Committee Calendar, House Bills or Joint Resolutions to be perfected and printed. And any bill so placed upon said calendar shall, after being perfected and printed, be placed upon the Rules Committee Calendar, House Bills or Joint Resolutions to be agreed to and placed upon third reading and final passage.

(e) Petition to remove from third reading calendar. Upon petition of two-thirds (2/3) of the regular standing committee chairmen, the Committee on Rules shall have the authority to consider and remove any Senate Bill or Joint Resolution from the regular third reading calendar and place it upon the Rules Committee Calendar, Senate Bills or Joint Resolutions to be agreed to and placed upon third reading and final passage. The Committee has the privilege of reporting at any time and the consideration of its report shall have precedence over all other business. Any bill placed upon the Rules Committee Calendar, House Bills or Joint Resolutions to be perfected and printed, by the Committee on Rules may be recommitted to the same committee by a Constitutional majority of the elected members, and if this occurs the bill shall be returned to its place on the Perfection Calendar from which it had been removed.

(f) Review of Bills Reported from Regular Standing or Special Standing Committees.

1. Whenever a committee reports a bill with a recommendation that it “Do Pass” or “Without Recommendation”, the bill shall stand automatically referred to the Committee on Rules. The Committee on Rules is hereby authorized to:

- a. Report the bill “Do Pass” to the House without a limitation on time of debate on the bill or amendments.
- b. Report the bill “Do Pass” to the House with a limitation on the time of debate.
- c. Send the bill back to the originating committee in the form as originally referred by the Speaker.

When the Committee on Rules sends the bill back to the originating committee, that committee may amend the bill and report the bill again without the need to reconsider the initial vote by which the committee voted the bill “Do Pass”.

2. When a bill is automatically referred to the Committee on Rules with a recommendation that it “Do Pass - Consent”, the Rules Committee shall review the bill for the purpose of determining whether or not it should have “consent” status. The Committee on Rules may decide, by a majority of those present, whether or not to place the bill on the appropriate “Consent” calendar. When the Committee on Rules declines to place the bill on the appropriate “Consent” calendar, it may consider whether or not to report the bill to the House with a “Do Pass” recommendation, without “consent” status. The authority of the Committee on Rules with respect to limiting debate shall apply to bills reported by it as “Do Pass - Consent”.

3. When a bill is automatically referred to the Committee on Rules with a recommendation that it “Do Pass - Federal Mandate”, the Committee on Rules shall review the bill for the purpose of determining whether or not it should have “federal mandate” status. The Committee on Rules may decide, by a majority of those present, whether or not to place the bill on the appropriate “Federal Mandate” calendar. When the Committee on Rules declines to place the bill on the appropriate “Federal Mandate” calendar, it may consider whether or not to report the bill to the House with a “Do Pass” recommendation, without “federal mandate” status. The authority of the Committee on Rules with respect to limiting debate shall apply to bills reported by it as “Do Pass - Federal Mandate”.

4. When the Rules Committee shall place a limitation on the time of floor debate on a bill, or on amendments, such time shall be divided equally between, and controlled by, the floor handler of the bill and the floor leader of the political party other than that of the floor handler, or their respective designee(s). The floor handler shall always have the right to have the final one minute of designated time. If time has been allocated and unused by either side and no member from that side is seeking recognition, the Speaker may declare additional time waived and recognize the members of the other side to complete use of their time. Nothing in this rule shall entitle any member to speak longer than the House Rules otherwise allow.

5. In reviewing bills automatically referred to it from another committee, the Committee on Rules may, but is not required to, take such testimony as it deems appropriate to make its decisions. The committee shall not amend any bill that was not initially referred to the Committee on Rules.

(g) When a committee has reported a bill “Do Pass” with committee amendment(s), the Committee on Rules shall take such action as it deems proper on the entire package of the bill with committee amendment(s) as though the committee amendment(s) were already incorporated into the bill.

(h) If the Committee on Rules is the original committee to which a bill is referred, when the Committee reports such bill “Do Pass” or “Without Recommendation”, such bill shall not be subject to the automatic referral referenced in Rule 25[(32)] (34)(f)1. above. However, in reporting such bill, the Committee on Rules may take any action on such bill as though the bill were referred to it after a “Do Pass” or “Without Recommendation” report from another committee.

[(33)] *The Committee on Rural Community Development.* The Committee on Rural Community Development may consider and report upon bills and matters referred to it relating to policies to improve communities and the quality of life of citizens located outside of metropolitan areas and larger cities of the state.]

[(34)] (35) *The Committee on Small Business.* The Committee on Small Business may consider and report upon bills and matters referred to it relating to the establishment, growth, development, expansion, retention, and operations of small businesses in the State.

[(35)] *The Committee on Tax Reform.* The Committee on Tax Reform may consider and report upon bills and matters referred to it relating to reforming and equalizing the state tax code and its burden on taxpayers of this state.]

(36) *The Committee on Tourism and Natural Resources.* The Committee on Tourism and Natural Resources may consider and report upon bills and matters referred to it relating to the Department of Natural Resources, the Department of Conservation, fish and game laws of this state, preservation and protection of the natural resources of this state, development and promotion of travel, tourism, recreation, the arts, and cultural affairs.

(37) *The Committee on Transportation.* The Committee on Transportation may consider and report upon bills and matters referred to it relating to the Department of Transportation, all means of transportation, including roads, highways, bridges, ferries, airports, railroads and other means of transportation. The Committee may also consider and report upon bills and matters referred to it relating to motor vehicles and traffic regulations.

[(38)] *The Committee on Transportation Funding and Public Institutions.* The Committee on Transportation Funding and Public Institutions may consider and report upon bills and matters referred to it relating to the funding of public and private transportation infrastructure and resources of this state and issues related to state hospitals, charitable institutions, and other state properties.]

[(39)] (38) *The Committee on Urban Issues.* The Committee on Urban Issues may consider and report upon bills and matters referred to it relating to urban and metropolitan areas of this state.

[(40)] (39) *The Committee on Utilities.* The Committee on Utilities may consider and report upon bills and matters referred to it relating to the development, uses and regulation of utilities, communications and technology and the development, use and conservation of energy and other energy-related concerns, environmental impact and pollution and public health and safety as it relates to the issue of energy.

[(41)] (40) *The Committee on Veterans.* The Committee on Veterans may consider and report upon bills and matters referred to it relating to terrorism and security against terrorism; veterans affairs and the promotion and strengthening of states rights and military and naval affairs of the State.

[(42)] (41) *The Committee on Ways and Means.* The Committee on Ways and Means may consider and report upon bills and matters referred to it relating to the taxes of the State, tax credits, revenue and public debt of the State, and the interest thereon, and the administration of taxation and revenue laws. The Committee may also inquire into and suggest to the House such changes, if any, that should be made in respect to existing sources of revenue and such new sources of revenue, if any, that in the judgment of the Committee should be considered by the House. The Committee may also inquire into and suggest to the House such changes, if any, that should be made in respect to eliminating any existing sources of revenue, if any, that in the judgment of the Committee should be considered by the House.

[(43)] (42) *The Committee on Workforce Development and Workplace Safety.* The Committee on Workforce Development and Workplace Safety may consider and report upon bills and matters referred to it relating to employment, labor, and workplace safety.

Duties of Committee Chair; Committee Organization

Rule 26. (a) *Duty to preside.* It is the duty of the chair to preside at all sessions of the committee. In the absence of the chair, the vice-chair of the committee **or a designee of the chair** shall preside[, and in his/her absence, a member appointed by the chair].

(b) *Duty to maintain minute book.* The chair shall see that a minute book is kept for his/her committee. The minute book shall contain the attendance and voting records of the committee members, a brief statement of the business that comes before the committee, the names of the persons and witnesses appearing before the committee and what side of a proposition they appeared on behalf of at the committee hearing, or if the appearance was informational in nature and neither for or against the proposition. The Chief Clerk shall be the repository of the minute book after each session of the general assembly and shall submit the same to the Secretary of State prior to the next regular session.

(c) *Duty to preserve order.* The chair, while the committee is in session, shall preserve order and decorum in and adjacent to the committee room and shall conduct all hearings in accordance with the Rules of the House including the provisions that relate to decorum, debate and dress code. The chair may punish breaches of order and decorum by censure and exclusion from the hearings.

(d) *Bills, reports and other documents.* The chair shall have custody of all bills, papers and other documents referred to the committee and shall make reports authorized by the committee and submit the same to the House without delay.

(e) *When a bill fails.* Whenever a motion that a bill “Do Pass” shall fail, or if there be an even division on the question, the chair shall report said bill back to the House “Do Not Pass” unless said bill is otherwise disposed of by another motion.

(f) When a motion has been decided by a committee, any member voting on the prevailing side may move to reconsider the vote provided that: (i) the chair still has possession of the bill; and (ii) the motion to reconsider is made on the same day on which the motion was decided or at the next day on which the committee convenes with a quorum present at a properly scheduled meeting at which the original motion would be in order. A majority of the members appointed to the committee is required to sustain any motion to reconsider. The motion to reconsider shall be a recorded vote.

Committee Hearings

Rule 27. All bills afforded a committee hearing shall be considered by giving the sponsor or handler, the proponents, the opponents, and those testifying for informational purposes a reasonable opportunity to be heard. Persons addressing the committee must keep their remarks to the point and avoid repetition and are subject to call to order by the chair for failure to do so. In the discretion of the committee chair, the length of time allowed one speaker or questioner may be limited.

Quorum

Rule 28. A majority of all committees of 30 or less, and 15 members of all committees consisting of more than 30 members, shall constitute a quorum for the transaction of business.

Meetings - How Announced

Rule 29. Announcement of all meetings of committees shall include a statement of all matters to be considered at the meeting, shall include the bill or resolution numbers to be considered and shall be entered in the journal prior to the day on which the meeting is to take place. Such journal entry shall reflect the date, time and location of the meeting.

The chair of each committee shall give written notice of the time, date, place and agenda of the meetings, including executive sessions, of his/her committee and each committee having matters pending before it shall hold a meeting at such time, date and place unless excused by the Speaker of the House. Notice shall be given at least one legislative day in advance of the committee meeting. Notice may be reduced to 24 hours by unanimous consent of all members of the committee, whether in attendance or not. Notice shall never be less than 24 hours. All notices shall include posting of the notice on the bulletin board outside the Speaker's office.

Committees shall comply with the requirements of the statutes pertaining to open meetings.

Committee Substitutes

Rule 30. No bill or substitute may be taken up for consideration by a committee unless said bill or substitute shall have been distributed to the members of the committee at least one legislative day in advance of said consideration. This rule may be waived by unanimous consent of all members of the committee, whether in attendance or not. Failure to take the bill up for consideration at the designated time requires that the one legislative day notice be given again before it is taken up for consideration.

Other Duties

Rule 31. Each committee, in addition to the duty above prescribed, shall perform such other duties as may be required by the House. If it shall become necessary to compel the presence of any person before a committee, **the production of records or documents**, or to receive sworn testimony before a committee, a subpoena may be issued under the hand of the Speaker as provided by law and an oath or affirmation may be administered by the chair of the committee as provided by law.

Attendance

Rule 32. The secretary of each committee shall keep a record of the attendance of each committee meeting in the minute book of the committee, which shall be available to any person upon request. Any member of a committee absent, without good cause, from three consecutive meetings of the committee, as shown by the records of the committee, may be dropped therefrom by a statement to that effect entered into the House Journal by the Speaker. The roll shall be recorded by the chair or secretary of a committee at each meeting.

Minority Views

Rule 33. The minority of a committee may not make a report or present to the House an alternative report, but has the right to file views to accompany the report.

Committee Relieved of Bill - When

Rule 34. No bill shall be taken away from any regular standing committee or special standing committee of the House, as provided by the Constitution, until after ten legislative days have expired after referral to the committee by the Speaker. Pursuant to the Constitution, one-third of the members of the House shall have the power to relieve a committee of any bill. Such power may be exercised by filing a petition to that effect with the Chief Clerk of the House. Upon receipt of said petition containing the signatures of at least 55 members, the Chief Clerk shall publish said petition in the Journal and place the discharged bill upon the regular calendar of House Bills taken from Committee, as provided by the Constitution.

Election Contest

Rule 35. Whenever there shall be filed with the Speaker a notice of contest of the election of a member of the House, he/she shall refer the same, without discussion, either to the regular standing Committee on Elections or a special standing committee appointed to hear the matter. Said committee shall examine the timeliness and sufficiency of the notice, the depositions and other documents submitted and report to the House its recommendations, whereupon the House shall act by resolution to sustain or reject the committee recommendations.

Ethics Committee

Complaints of Ethical Misconduct

Rule 36. (a) The Speaker shall appoint a Committee on Ethics and name the committee's chair. The Minority Floor Leader shall name the committee's vice-chair and minority members. The committee shall have an equal number of members of the majority and minority party.

(b) The committee may consider and report upon complaints referred to it relating to a member of the House involving the commission of a crime, misconduct, willful neglect of duty, corruption in office or other complaints relating to the ethical conduct of a member. The committee is authorized to sit and act at any time or place within the State of Missouri during the recess and adjournment periods of the House, administer oaths, and take testimony, either orally or by sworn written statement.

(c) Within 20 calendar days of the commencement of the first regular session of each general assembly, the Committee on Ethics shall adopt Rules of Procedure for the investigation of complaints of ethical misconduct referred to it involving a member of the House. The proposed Rules of Procedure shall be filed by the committee in the form of a House Resolution with the Clerk of the House, reported in the Journal, and placed on the House Resolutions Calendar.

(d) Upon receipt of a complaint, in writing and under oath, of ethical misconduct by a member of the House made by another member, the Speaker shall refer the same, within 10 days, without discussion, to the Committee on Ethics. The complaint shall be confidential. The Committee shall examine the sufficiency of the complaint, and proceed to conduct an investigation as provided in the Committee's Rules of Procedure, if a majority of the Committee appointed so votes upon a roll call. When a motion to proceed to conduct an investigation fails on a recorded vote, the complaint shall be immediately dismissed.

(e) At the conclusion of the investigation, the Committee shall report its findings, conclusions, and recommendations to the House, whereupon the House shall act by resolution to sustain or reject the Committee recommendations. The Committee may recommend that the House expel the member as provided in Article III, Section 18 of the Missouri Constitution, or that the House punish the member as provided in Article III, Section 18 of the Missouri Constitution, by reprimand on the adoption of the resolution or by censure by the Speaker in open session.

(f) All rules that pertain to regular or special standing committees shall apply to the Committee on Ethics to the extent consistent with this rule and any rules of procedure adopted pursuant to this rule.

BILLS

Introduced - Manner of Setting Forth New and Old Material

Rule 37. (a) *When*. Bills may be introduced only on the report of a committee or by any member of the House, in the regular order of business. No member shall file a bill, other than an appropriation bill, after April 1, without leave of the House.

(b) *Manner of Printing*. Any bill shall have the matter which is being repealed from current law enclosed in bold-faced brackets and the matter which is being added to the law underscored when typewritten and in bold-faced type when printed. A footnote shall be annexed to the first page of each bill which contains material enclosed in bold-faced brackets to the following effect:

"EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language."

Where a section is completely rewritten, the existing section shall be set forth in small type in bold-faced brackets in a note following the new section but the changes need not be distinguished. Any House bill or substitute thereof which does not comply with this rule shall not be placed upon the calendar.

(c) *Numbering of Bills*. The Chief Clerk shall number bills in the order of their filing, reserving numbers for appropriations bills.

Number of Copies Printed

Rule 38. The Chief Clerk shall print such number of copies of all House Bills and House Joint Resolutions as he/she shall deem appropriate.

[Timing for Placement on Calendar]

Federal Mandate Calendar

Rule 39. (a) When a federal mandate bill is reported from the appropriate committee(s) with recommendation that it "Do Pass" or "Without Recommendation", it shall go upon the calendar of the House.

(b) No bill shall be placed on the Federal Mandate Calendars unless it is federally mandated, immediate in nature and reduces revenues or savings if not enacted. A federal mandate bill may only contain subject matter concerning the federal mandate. A member wishing for his or her bill to be considered for placement on the Federal Mandate Calendar shall request in writing to the chair of the committee where such bill has been referred. The written request shall state the deadline by which the State must comply with the federal mandate and what will happen if the State fails to take action by such date. A copy for each committee member of the federal statute(s) or regulation(s) mandating such action shall accompany the request. After the committee has voted "Do Pass" on a bill with such a request, it shall take a second recorded vote on whether or not to recommend that it be placed on the Federal Mandate Calendar. If said bill is reported "Do Pass" by the committee with a recommendation that same be placed on the Federal Mandate Calendar, and the Committee on Rules concurs therein, the Committee on Rules Chair shall submit to the Speaker a copy of the original written request, along with a copy of the federal statute(s) or regulation(s) mandating State action. If the Speaker concurs with the committees that the bill complies with the requirements of this rule, he/she shall advise the Chief Clerk to place same on the Federal Mandate Calendar. If the Speaker does not concur, he/she may place the bill on the Perfection Calendar. Each bill placed upon the Federal Mandate Calendars shall have attached thereto a copy of the federal statute(s) or regulation(s) that mandates the bill, along with a copy of the request to place the bill on the Federal Mandate Calendar and shall be distributed to all members at least twenty-four hours prior to consideration by the entire House.

Motion To Place On Calendar

Rule 40. If any bill is reported from committee with the recommendation that it "Do Not Pass" it shall not go on the calendar of the House unless ordered by a constitutional majority. At the same time the bill is reported to the House, the committee chair shall notify the sponsor or handler of the bill that such report is being made. A motion to have a bill placed upon the calendar must be made within three legislative days after the bill is reported and when the sponsor of the bill is present or the motion is made by a member upon the sponsor's written request. If no such action is taken within said time, the bill shall lie on the table. If such a motion is sustained, the bill shall stand automatically referred to the Committee on Rules for further action thereon.

Timing of Placement on Calendar

Rule 41. No **House** bill shall be taken up for consideration by the House unless it has been upon the calendar for at least one legislative day.

Bills Laid Over Informally

Rule 42. When a bill is reached, in its order, to be perfected and printed, or to be agreed to and read a third time and placed upon its final passage, it may upon the request of the Majority Floor Leader, or the sponsor or handler thereof, if a House Bill, (or upon the request of its handler in the House, if a Senate Bill) hold its place on the calendar, or be laid over informally, and thereafter be called up at any time when otherwise in order.

To Appear In Order

Rule 43. All bills laid over informally and not taken up and disposed of the same day, shall appear in order upon the calendar for the next legislative day following.

Ten Day Rule

Rule 44. If a bill laid over informally is not taken up for further consideration within ten legislative days after being laid over, it shall lie on the table and be dropped from the calendar of the House without further action of the House.

Consent Calendar

Rule 45. (a) *Which Bills May Be Placed on the Consent Calendar.* Each committee, after a favorable vote on a bill, may further determine by a second and affirmative vote of every member present whether or not such bill is of a noncontroversial nature. Any bill which increases net expenditures of the state, reduces net revenue of the state, or creates or expands a penalty provision, shall not be considered by the committee for consent; provided however, any bill which specifically authorizes an easement or right-of-way involving state property may be considered by the committee for placement on the Consent Calendar.

(b) *Procedure on House Bills.* If the committee shall so determine, the committee report shall include a request that a bill be placed on the "House Consent Calendar for Perfection". Any bill so reported shall automatically be referred to the Committee on Rules. Any bill reported by the Committee on Rules with the recommendation that it be placed on the House Consent Calendar for Perfection shall be placed on that calendar and after said bill has remained on the

“House Consent Calendar for Perfection” for five legislative days, it shall be ordered perfected and advanced to the “House Consent Calendar for Third Reading and Final Passage” without further action of the House, unless five members, with at least two from each political party, have filed written objection with the Chief Clerk. If such objections are filed, the bill shall be placed on the House Bills to be Perfected and Printed Calendar. An objection made by five members under this rule cannot be rescinded. Where there is a House Committee Substitute for a consent bill or House Committee Amendments to a consent bill, the committee substitute, or the bill as amended, shall be deemed adopted and perfected by consent.

(c) *Senate Bills - Consent.* When the Senate passes a bill by its procedure for consent bills, such bill shall be considered for treatment as a consent bill by the House committee without further request; provided however, that the same committee procedures, votes and requirements for House Bills being considered for consent shall be applied to Senate Bills being considered for consent. A Senate Bill may be considered by the committee for Consent even if it was not a Consent Bill in the Senate.

(d) *Procedure on Senate Bills.* Senate Bills passed out of the House committee and Committee on Rules with the request that the bill be placed on the Senate Bills for Third Reading and Final Passage - Consent Calendar are subject to the five member objection provision of this rule.

(e) *Deadline for Placing Senate Consent Bills on the Calendar.* No Senate consent bills shall be placed on the consent calendar after April 15.

(f) *Amendments.* House bills may be considered for consent after they are amended in committee but may not be amended on the floor of the House.

Senate consent bills may be amended in committee but not on the floor of the House unless the Senate Rules allow amendment of House consent bills on the floor of the Senate in which case Senate consent bills may be amended on the floor of the House. House committee amendments and House committee substitutes to Senate consent bills shall be deemed adopted on the fifth legislative day.

AMENDMENTS AND SUBSTITUTES

Rule 46. (a) *In Writing and Distributed in Advance.* Proposed amendments must be reduced to writing. Every amendment shall be distributed in advance of the time the bill is initially taken up for consideration. An amendment shall be considered to have been distributed if it has been either transmitted electronically and made available on each member’s chamber laptop computer and a copy in paper form placed on the desk of the majority floor leader and minority floor leader or placed on the members’ desks in paper form, except for the desk of any member who has waived receipt of amendments. The sponsor of an amendment that has been distributed may make technical corrections at the time the amendment is offered or under consideration. Any technical corrections shall be read in full by the clerk. Technical corrections shall be subject to a point of order that they are not truly technical in nature. Every proposed amendment to the amendment and substitute amendment **may be offered after the time a bill is initially taken up for consideration but shall be distributed prior to the offeror being recognized for a motion on such amendment.** [shall be read in its entirety by the clerk unless it has been distributed in advance. Amendments to the amendment and substitute amendments may be offered even though not distributed in advance of the time a bill is initially taken up for consideration. Any amendment to the amendment or substitute amendment that exceeds two 8 ½” x 11” pages in length shall be distributed prior to the time it is offered.]

(b) *What Amendments and Substitute Amendments are in Order.* When a bill, motion or proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order, and it also shall be in order to offer a further amendment by way of substitute for the original motion to amend, to which one amendment may be offered. It shall not be in order to offer a substitute amendment to an amendment to an amendment. When an amendment is offered, a substitute for that amendment is offered and an amendment to the substitute is offered, it shall not be in order to offer a substitute for the amendment to the substitute. Any proposed amendment in the third degree shall be out of order. Any bill may be withdrawn by the sponsor before amendment or decision thereon. Any amendment may be withdrawn by the sponsor before decision thereon. Once a bill has been amended, it shall be in the possession of the House.

(c) *Committee Substitutes Treated as Original.* A House committee substitute shall be considered as an original bill for purposes of amendment.

(d) *House Substitute.* No House Substitute will be in order. A House Substitute is an amendment which, in the opinion of the Speaker, is effectually replacing the underlying bill or committee substitute.

(e) *When Federal Mandate Bills can be Amended.* Amendments to House and Senate bills-Federal Mandate are permitted only within the scope of the federal mandate. Perfecting amendments are permitted to make technical amendments.

(f) *Appropriations Bills.* 1. No amendment to the appropriations bills of the state budget shall be in order if it increases the total amount of general revenue or general revenue equivalent appropriated in the House appropriations bills. Any amendment that increases the amount of general revenue or general revenue equivalent appropriated in the House appropriations bills shall be required to be submitted with a separate amendment that makes an equal reduction in general revenue or general revenue equivalent in the same bill or any other of the bills still pending. If the reduction is in another bill, the decreasing amendment shall be taken up first, and the increasing amendment may be taken up only if the decreasing amendment is adopted.

2. If a member's decreasing amendment is adopted and the same member's increasing amendment is defeated, the decreasing amendment's adoption is void.

3. The offering and adoption of an amendment decreasing the amount of general revenue or general revenue equivalent appropriated without a balancing increase in the same amendment or a paired amendment creates no right of another member to offer an increasing amendment in any amount up to the amount of the decrease effected by the decreasing amendment, and no member may be recognized for the purpose of making such an amendment.

4. For the perfection of the House appropriations bills of the state budget only, it shall be permissible to amend any line item as often as the House pleases, as long as prior adopted amendments to the line item are taken into account.

5. No House Bill or House Committee Substitute of the state budget shall be adopted until all properly offered amendments to the first 12 House appropriations bills or substitutes have been disposed of.

Committee Substitute Printed

Rule 47. When a committee recommends a substitute for a bill, the original bill will accompany the substitute. The substitute shall be handled on the floor of the House by the committee chair or any member designated by the committee chair. The Chief Clerk shall have an appropriate number of copies of the substitute printed. No committee substitute shall be called from the calendar of the House until the printed copies have been distributed for at least one legislative day. Amendments, if any, may be offered to the substitute before the vote on the motion to adopt the substitute is taken. If the substitute is defeated, the original bill shall be before the House for perfection and shall be considered and shall be handled on the floor by the original sponsor of the bill.

Order of Amendments

Rule 48. When amendments to any bill, motion or proposition are pending, they shall be voted on in the following order:

(1) Amendments to the amendment are disposed of before the substitute is taken up. Only one amendment to the amendment is in order at one time; but as rapidly as one is disposed of by rejection or incorporation as a part of the amendment, another is in order as long as any member desires to offer one.

(2) Amendments to the substitute are next voted on, and may be offered, one at a time, and as rapidly as one is disposed of by rejection or incorporation as a part of the substitute amendment, another is in order as long as any member desires to offer one, until the substitute amendment is adopted.

(3) The substitute amendment, as amended, is next voted on. If the substitute amendment is adopted, the underlying amendment to which it was offered shall not be voted upon, but the substitute amendment shall become part of the bill.

(4) The amendment is voted on last. If any substitute has not been agreed to, the vote comes on the amendment as amended.

(5) The House Committee Substitute is next voted upon, after opportunity for amendment. If the House Committee Substitute is adopted, there shall be an additional vote for the perfection of the bill, as amended.

(6) If there is no House Committee Substitute, or if the House Committee Substitute is not adopted, the original House Bill is next voted upon, after opportunity for amendment.

Amendments Incorporated In Bill

Rule 49. All amendments adopted by the House to a bill originating in the House shall be incorporated in the bill as perfected, and the bill, as thus perfected, shall be printed for the use of the members before its final passage. The perfecting and printing shall be done under the supervision of the Chief Clerk who shall assure that the bill is truly perfected and the printed copies furnished to the members are correct.

BILLS AND JOINT RESOLUTIONS

Ayes and Noes Taken

Rule 50. When a bill shall have passed the House and been returned from the Senate with amendments, said amendments may be concurred in collectively by a constitutional majority, unless objection be made, in which case the vote shall be

taken severally, and no amendment or amendments shall be concurred in by the House except by a constitutional majority and the names of those voting for and against recorded upon the Journal of the House.

Repassage

Rule 51. When all Senate amendments to House Bills have been concurred in by a constitutional majority of the House, the question shall then be put: "Shall the bill as amended be passed?" On this question the ayes and noes shall be called for, and as on first passage, a constitutional majority shall be necessary to the final passage of the bill.

Majority to Perfect

Rule 52. A quorum being present, a majority of those voting aye and no shall be sufficient to perfect a bill and order it printed.

Amending After Perfection; Perfecting Amendments

Rule 53. No bill shall be amended after being perfected and printed without a reconsideration of the vote by which it was ordered perfected and printed and if said bill be amended it shall again be perfected and printed, except that a perfecting amendment to make technical corrections is in order after the bill has been ordered perfected and printed and before it has been read the third time.

Motion for Passage

Rule 54. When the Chief Clerk presents a bill as truly perfected and printed, it shall go upon the calendar to be agreed to and passed. When the bill is taken up in its order, the question shall then be: "Shall the bill be third read and passed?" It shall require a constitutional majority to sustain the question.

Course After Passage

Rule 55. When a bill or joint or concurrent resolution passes the House, it shall be certified by the Chief Clerk, noting the day of its passage at the foot thereof.

Perfecting Amendments on Bills Returned From the Senate

Rule 56. No bill or joint or concurrent resolution that has been returned from the Senate may be further amended without placing the bill in conference, except that a perfecting amendment to make technical corrections is in order in the house of origin when the bill is taken up for final passage as amended by the other house. The perfecting amendment may be directed to the bill or to amendments to the bill. If a perfecting amendment is adopted, the bill as finally passed with the perfecting amendment shall be returned to the other house for its concurrence in the perfecting amendment.

Conference Reports

Rule 57. (a) *Signatures on a Conference Report.* All conference committees shall be composed of [five] **three** conferees from each house and no conference report shall be submitted to either house unless approved by a majority vote of the full committee with not less than two conferees from each house signing the report.

(b) *Review for Correctness.* Before a conference report is taken up by the House, it shall be reviewed for the technical correctness of the report and of any amendments, bill or substitute the report recommends for passage by the House.

(c) *Notice Requirements.* No conference committee report shall be taken up and considered unless the same has been distributed to the members, except members who have waived receipt of conference committee reports, at least one legislative day prior to consideration.

(d) *Exceeding the Differences.* Unless authority is granted by the House to exceed the differences, the conferees must confine themselves to matters that are within the scope of the differences between the House position and the Senate position. When a report is offered for adoption, the point of order that the conferees have exceeded the differences shall be in order. The Speaker may rule on the point of order or may place the question of whether the conferees have exceeded the differences before the House for a vote. A majority of members voting prevails on the question.

RESOLUTIONS

Joint and Concurrent Resolutions

Rule 58. All joint and concurrent resolutions designed to submit to the qualified voters of the state amendments to the Constitution of the State of Missouri, to be voted upon by such voters, shall be read on three separate days, and shall be reported upon by the committee of the House, and shall otherwise be proceeded upon in like manner as a bill.

Joint and Concurrent Resolutions of Congress

Rule 59. All joint and concurrent resolutions of the Congress of the United States designed to submit to the legislature an amendment to the Constitution of the United States shall be submitted as a Concurrent Resolution and read on three separate days, shall be reported upon by a committee, shall be adopted only by a constitutional majority and shall otherwise be proceeded upon in like manner as a bill.

The text of the amendment as proposed by the Congress of the United States shall not be amended.

Reference of Resolutions, etc. Stand Referred

Rule 60. All petitions, memorials, remonstrances, resolutions and other papers offered shall stand referred, without reading, consideration, discussion, explanation or debate, to the Committee on Rules unless timely referred to some other appropriate committee by the Speaker; provided however, that resolutions informing the Governor and/or the Senate that the House has convened, taken some action, or adjourned, resolutions to elect officers of the House, resolutions expressing the appreciation of the House to public officials, resolutions to adopt temporary rules, and concurrent resolutions to convene joint sessions may be adopted by the House upon introduction without referral to committee. Those papers that are favorably recommended by the committee for adoption by the House shall be listed in the Journal and placed upon a resolutions calendar. Courtesy resolutions shall be printed in the Journal by number except those determined by the Committee to be of a controversial nature which shall be printed in full. Joint courtesy resolutions shall be allowed if established by the rules of the Senate.

SENATE BILLS

Referral

Rule 61. Each Senate Bill shall, upon second reading, be referred to the appropriate committee of the House.

Go Upon The Calendar

Rule 62. When a Senate Bill is reported from the committee to which it was referred with the recommendation that it "Do Pass", or "Without Recommendation", it shall stand automatically referred to the Committee on Rules. When a Senate Bill is reported from the Committee on Rules with the recommendation that it "Do Pass", or "Without Recommendation", it shall go upon the House Calendar for the third reading and final passage, provided that no Senate Bill shall be taken up for consideration by the House unless it has been upon the Calendar for at least one legislative day.

Senate Bills Reported "Do Not Pass"

Rule 63. If a Senate Bill is reported from the committee to which referred with the recommendation that it "Do Not Pass" it shall not go upon the calendar of the House for third reading and final passage, unless so ordered by a constitutional majority of the House. In such case, the motion to place the bill on the calendar shall be made within three legislative days of the report, and by a member who has been requested by the Senate sponsor of the bill. If such a motion is sustained, the bill shall stand automatically referred to the Committee on Rules for further action thereon.

Amendments

Rule 64. Senate Bills may be amended by the House when placed upon third reading and final passage, before the vote is taken thereon.

BILLS NOT TO BE PASSED ON PREVIOUS ROLL CALL

Rule 65. No bill shall be passed by any roll call previously taken on another bill, nor shall more than one bill be passed on any one roll call.

MOTIONS

Must Be Read or Stated Before Debate

Rule 66. When a motion is made, it shall be stated by the Chair before being debated.

When In Possession of the House

Rule 67. When a motion is stated by the Speaker it shall be deemed to be in possession of the House. The motion may be withdrawn by the author at any time before a decision or amendment.

To Be Reduced to Writing

Rule 68. Every motion shall be reduced to writing if the Speaker or any member demands it.

Must Be Germane

Rule 69. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

Privileged

Rule 70. When a question is under debate, no motion shall be entertained but to adjourn; to take a recess; to lay on the table; for the previous question; to postpone to a certain day; to recommit to committee; or to postpone indefinitely; which several motions shall have precedence in the order herein set forth.

Dilatory

Rule 71. When any of the motions enumerated in the preceding rule have been made and lost, no similar motion shall be entertained until some other business is transacted by the House.

Privileged Motions In Order - When

Rule 72. Except as otherwise limited herein, and except when a member is speaking or the roll is being called, the privileged motions set forth in Rule 70 are always in order, and pending the result of such a motion, no member shall leave his/her seat in the House.

Previous Question

Rule 73. Any member may move the previous question. The motion shall be restated by the Speaker in this form: "Shall the question under immediate consideration be now put?" It may be moved like any other question but it shall only prevail when supported by a constitutional majority and until decided shall preclude amendments and debate. If the motion is sustained, the proponent of the matter under consideration shall be allowed one minute in which to make a closing statement before the House votes on the question. A failure to sustain the motion shall not take the matter under consideration from further consideration of the House; but the House shall proceed as if the motion had not been made.

Not Debatable

Rule 74. Motions to adjourn and for the previous question shall be decided without debate; provided however, that a motion to adjourn is subject to a request by five members for a roll call vote. All other privileged motions are debatable.

Division of Questions

Rule 75. Any member may have, as a personal right, a division of the question where the sense will admit of it. When the question having been divided is a Senate Bill for Third Reading, each part of the bill shall be voted upon separately and a subsequent separate vote shall be taken on the entire bill. When a bill is divided for consideration, the title and enacting clause shall be considered a separate part and shall, unless otherwise amended, be technically changed to reflect any amendments or deletions to the bill. No House Bill shall be subject to a division of the question after its perfection.

Indefinite Postponement

Rule 76. When a question is postponed indefinitely, the same shall not be acted upon again during the session.

Question Laid on the Table - How Taken Up

Rule 77. When a question has been laid on the table, the same cannot be taken up again without a vote of two-thirds (2/3) of the members present.

Motion to Recommit to Committee

Rule 78. Any member may make a motion, at any time prior to the time said bill is third read and passed, that a bill be recommitted to the committee from which it was reported or that a bill be committed to another specifically named committee **in the original form of the bill as it was referred to the committee of origin**, which shall be sustained if a majority of the members present vote in the affirmative.

Motion to Reconsider - Must Be Made Within Three Days

Rule 79. When a motion that a bill be perfected and printed, or that a bill be agreed to, read a third time, and placed upon its passage fails, or when any other question is decided by the House, any member voting on the prevailing side may move to reconsider the vote provided that the motion to reconsider is made within three legislative days after the day on which the vote was taken.

Procedure for Motion to Reconsider

Rule 80. A constitutional majority is required to sustain any motion to reconsider. If the motion to reconsider is sustained the House shall proceed to the original question or motion immediately before proceeding to other questions; whereupon the original question shall be voted upon before any other business of the House is transacted. This shall not preclude further debate or amendment of the proposition, if otherwise appropriate. Any motion to reconsider having failed once shall not be reconsidered again, except to reconsider the vote by which an appropriation bill failed to pass. In the case of an appropriation bill, the motion to reconsider may be considered as many times as the House chooses.

DECORUM AND DEBATE

On Speaking

Rule 81. When any member is about to speak in a debate or deliver a matter to the House, he/she shall rise from his/her seat and respectfully address himself/herself to "Mr. Speaker" or "Madam Speaker". The member shall refer, as appropriate, to other members as "Lady", "Gentleman" or "Representative". The member shall confine himself/herself to the questions under debate and avoid personality and derogatory personal comments. If any member violates the rules of the House, the Speaker, or any member, may call him/her to order. Any member called to order shall immediately sit down, unless permitted to explain, and the House shall, if appealed to, decide the case.

Appeals

Rule 82. If there is no appeal, the decision of the Speaker is final. If the decision of the Speaker is in favor of the member called to order, he/she may proceed; if otherwise, and the case requires it, he/she shall be liable to the censure of the House.

Member to Rise or Seek Recognition

Rule 83. The Speaker shall not recognize any member desiring to speak unless such member arises or appropriately seeks recognition at or near his/her desk. When two or more members seek recognition at the same time the Speaker shall name the member who is to speak first, the other members having the preference next to speak.

Member May Speak - How Often

Rule 84. No member shall speak more than twice on the same question without leave of the House, nor more than once until all other members desiring to speak have spoken. Except when reporting a bill or resolution from a committee, no member may speak or inquire for more than fifteen minutes unless by unanimous consent of the House. When the question is to Third Read and Pass a House Consent Bill or a Senate Consent Bill, the floor handler of the bill and the ranking committee member from the party not the same as the bill handler, shall not speak or inquire for more than ten minutes. Other members shall not speak or inquire for more than five minutes on such bills. The provisions of this rule shall not take precedence over any limitations set pursuant to Rule 25 [(32)] (34).

No Member Shall Name Another Member in Debate

Rule 85. No member shall name another member in debate, but shall refer to the member by district number or county.

Members Not to Use Profanity

Rule 86. No member may use profanity either while speaking on the floor or in committee.

Members Not to Walk Across House - When

Rule 87. While the Speaker is putting any question or addressing the House, no one shall walk out of or cross the House. When a member is speaking or the Journal is being read, no member shall engage in any private conversation; nor while a member is speaking shall anyone pass between him/her and the Speaker. No member shall walk between two members who are engaged in debate or inquiries in the Hall of the House.

Order of Questions

Rule 88. Except as otherwise set forth in these rules, all questions shall be propounded in the order in which they are moved except privileged questions, which shall be propounded as stated in Rule 70.

Voting

Rule 89. (a) Every member shall be present within the hall of the House during its sittings, unless excused or necessarily prevented; and shall vote on each question put; unless he/she has a direct personal or pecuniary interest in such question. No member shall be recorded as voting when he/she was not present when the vote was taken. Nothing herein contained shall prohibit a member from voting "Present" on a question, and such vote shall be recorded in the Journal. In the case of equal division the question shall be lost. In the event that a member's vote (or absence) is incorrectly recorded in the Journal, he/she shall file with the Chief Clerk an affidavit stating that he/she was in the chamber at the time the vote was taken, that he/she did in fact vote, that the vote (or absence) was incorrectly recorded and the correct vote that should have been recorded. In addition to any other penalty provided by rule or law, the filing of a false affidavit shall subject that member to censure by the House.

(b) A member may not authorize any other person to cast his/her vote or record his/her presence. No other person may cast a member's vote or record a member's presence. A vote by a member of a committee with respect to any measure or matter may not be cast by proxy.

Verification of the Roll

Members Not to Interrupt Calling of Ayes and Noes; Changing Vote

Rule 90. Except as otherwise specifically allowed by these rules no member shall be permitted to interrupt a roll call, and no member shall be allowed to vote or change his/her vote (except to have his/her vote correctly recorded) after a verification has begun, or after the final vote is announced.

Demand for Verification

Rule 91. Any five members may demand a verification of the roll call if such is made at any time prior to the time the voting has ended; which, in the event of electronic voting, shall be when the Speaker orders the voting board closed. A demand for verification and a call for absentees are the only reasons for which a member may interrupt a roll call vote.

Bell to Signal Recorded Vote

Rule 92. At a reasonable time prior to the beginning of calling the ayes and noes on any question, a bell notifying the members of a roll call shall be sounded. After the votes are registered the absentees shall be noted and upon demand of any member, another bell signifying that a call of absentees is being taken shall be sounded and a reasonable time shall be allowed after the sounding of the bell before the voting is closed.

Roll Call Votes

Rule 93. In all cases where a rule of the House of Representatives refers to the "calling of the names of the members" or "calling of the ayes or noes" or "calling of the roll", such reference shall be understood to refer also to the "taking" of the vote by electronic roll call system. There shall be a taking of the vote by electronic roll call system on the motion of any one member which is seconded by four other members immediately standing. A vote by electronic roll call shall be limited to thirty minutes, except in the cases of quorum calls. In the event that the electronic roll call system is inoperable, the taking and recording of such vote shall be done by calling the name of each member and recording the respective aye, no or present votes. Any member not responding when his/her name is called shall be recorded as absent.

Dress Code

Rule 94. At all times when the House is seated, proper attire for gentlemen shall be business attire, including coat, tie, dress trousers and dress shoes/boots. Proper attire for women shall be dresses or skirts or slacks worn with a blazer or sweater and appropriate dress shoes/boots. This rule shall apply to all members and staff on the floor of the House and lower gallery.

Eating, Smoking, Distracting Activities

Rule 95. No food, newspapers, or other items or activities distractive to House deliberations shall be permitted on the floor of the House while the House is in session. Smoking is prohibited in the Hall of the House, upper and lower galleries.

Electronic Devices

Rule 96. Tape recorders, portable phones, video equipment, television equipment, photography equipment and/or any other electronic recording devices are not authorized for use on the floor of the House or in any gallery of the House unless permission has been granted by the Speaker and notice has been given to the body. Nothing contained in this rule shall prevent any member from using a portable laptop computer, which is hereby specifically authorized.

Ascending the Dais

Rule 97. No person shall ascend to the Dais without first being recognized to do so by the Speaker. The Speaker may invite any person to ascend the dais.

INTERIM PROCEDURE

Bills - End of First Regular Session

Rule 98. All House Bills or House Joint and Concurrent Resolutions in possession of the House and not finally acted upon shall, at 5:59 p.m. on the first Friday following the second Monday in May in odd-numbered years, be laid on the Speaker's desk. All Senate Bills and Senate Joint and Concurrent Resolutions in possession of the House and not finally acted upon shall, at 5:59 p.m. on the first Friday following the second Monday in May in odd-numbered years, be laid on the President Pro Tem's desk. House Bills and Joint and Concurrent resolutions laid on the Speaker's desk may be re-referred by the Speaker to House committees at the second regular session of the General Assembly in even-numbered years. This rule may only be suspended by a vote of two-thirds (2/3) of the elected members of the House.

Bills - Pre-Filing

Rule 99. A member or member-elect of the House of Representatives may file a bill or joint resolution by mail or in person with the Chief Clerk of the House at any time during the period beginning on December first and ending on the day before a regular session begins which next precedes the session at which the bill or joint resolution is to be considered. Upon receiving a bill or joint resolution filed during the pre-filing period preceding a regular session of the General Assembly in odd-numbered years, the Chief Clerk of the House shall immediately date, number and have the bill or joint resolution printed in the most economical manner as approved by the House Rules Committee and made available according to the rules and practices of the General Assembly next preceding that for which the bill or joint resolution is filed and those bills and joint resolutions received during the filing period preceding a regular session in an even-numbered year shall be printed and made available according to the then effective rules of that General Assembly. All bills or joint resolutions that are pre-filed shall be deemed filed on the day the House begins its regular session.

Interim Committees

Rule 100. All regular or special standing committees named during the first regular session of a General Assembly may meet to consider bills or perform any other necessary legislative function during the interim between the session ending on the thirtieth day of May and the session commencing on the first Wednesday after the first Monday of January; except the Speaker may appoint a subcommittee, made up of members of the regular or special standing committee, to act in place of the regular or special standing committee during the interim. The Speaker may appoint special interim committees to consider bills or perform other necessary legislative duties. Members of each of the committees, or any subcommittee thereof, shall be reimbursed for their necessary and actual expenses incurred while attending meetings of the committee or subcommittee, if approved by the Speaker.

CALL OF THE HOUSE

Names of Absentees to Be Called

Rule 101. A call of the House may be made at any time on motion seconded by ten members and sustained by a majority of those present; (names of members may be called orally or by electronic roll call) and under a call of the House a majority of those present may send for and compel the attendance of absent members; and a majority of all the members present shall be a sufficient number to adjourn.

Absent Members May Be Sent For

Rule 102. Upon the call of the House, the names of those members present shall be recorded and the absentees noted, and those whose names do not appear may be sent for and taken into custody wherever found by the Sergeant-at-Arms or special messenger appointed.

Prohibited While Voting In Progress

Rule 103. No call of the House shall be made after the Speaker has directed the clerk to open the electronic voting device to record the names of the members and until the vote be announced.

Majority Not Under Arrest May Censure And Fine Delinquent Members

Rule 104. The majority of those present, not under arrest, may make an order for the censure or fine of delinquent members, and prescribe the terms under which they shall be discharged.

Release from Custody

Rule 105. When a member shall have been discharged from custody and admitted to his/her seat the House shall decide whether such discharge shall be with or without fees; and, in like manner, whether a delinquent member, taken into custody by a special messenger shall defray the expense of such special messenger.

COMMITTEE OF WHOLE HOUSE

When Permitted

Rule 106. On motion, the House may resolve itself into a Committee of the Whole House for consideration of any business which may properly come before it.

Chair Appointed by Speaker

Rule 107. In forming a Committee of the Whole House, the Speaker shall leave his/her chair, and a Chairman preside in the Committee, who shall be appointed by the Speaker.

Procedure upon Bills

Rule 108. Upon a bill being committed to a Committee of the Whole House, the same shall be first read at length by the Clerk, and then again read and debated by clauses, leaving the preamble to be last considered. After report, the bill shall again be subject to debate and amended by clauses, as before.

Amendment to Motion Must Be Incorporated in Original Motion

Rule 109. All amendments made to an original motion in Committee of the Whole House shall be incorporated with the motion and so reported.

Amendments Shall Be Noted

Rule 110. All amendments made to reports, resolutions or other matters committed to a Committee of the Whole House shall be noted and reported, as in case of bills.

Rules of Proceedings

Rule 111. Rules and proceedings of the House shall be observed in Committee of the Whole House, as far as they are applicable, except that limiting the number of times of speaking.

Quorum

Rule 112. A majority of the members elected shall be a quorum to do business, and if, at any time, a sufficient number shall not be present in Committee of the Whole House, and the Committee shall arise, and the Speaker shall resume the chair and the Chairman report the cause of the rising of the Whole Committee.

ADMISSION TO HALL

Definitions

Rule 113. The space between the granite columns shall be known as the floor of the House and the space beyond the granite columns on either side shall be known as the lower gallery, and the space on the upper floor of the House shall be known as the upper gallery.

Admission to House Floor

Rule 114. No person shall be admitted to the floor of the House or the House East Gallery other than the officers and members of the House and the staffs of the Speaker, Speaker Pro Tem, Majority and Minority Floor Leaders, Assistant Majority and Minority Floor Leaders, Majority and Minority Whips, and Chairman of the Budget Committee and, at the

request of the Speaker, technical support staff needed to maintain data processing equipment and other equipment. Other persons may be admitted to the floor and East Gallery with the consent of the House. For the purposes of this rule, the Chief Clerk's staff, the Assistant Chief Clerk, any doormen, sergeant-at-arms and House Photographer are considered officers of the House. Guests may upon written request, submitted five days in advance and with the consent of the Speaker, address the House from the dais at the beginning or adjournment of a daily legislative session or any recess thereof.

Admission to Lower Gallery

Rule 115. No person shall be admitted to the lower gallery of the House except members of the General Assembly, spouses of members, employees of the General Assembly, Joint Committee staff, the Governor, the Lieutenant Governor, the Secretary of State, the State Auditor, the State Treasurer, the State Attorney General, Judges of the Supreme Court, Clerk of the Supreme Court, Judges of the Courts of Appeal or Circuit Courts, Members of Congress, the Governor's Chief of Staff and former members of the General Assembly who are not registered lobbyists or who do not lobby for an individual or organization, and physically disabled persons. No official or other person, except current members of the General Assembly, otherwise allowed to enter the lower gallery by this rule shall engage in any activity supporting or opposing any bill or resolution before the House from the lower gallery. Other persons may be admitted to the gallery by the Speaker upon special request of any Representative when the House is in session. Members of the press may enter the lower galleries while the House is in session for the purpose of interviewing members of the House.

Admission to Upper Gallery

Rule 116. The gallery at the front of the chamber above the Speaker's dais shall be reserved for members of the Missouri Capitol News Association holding valid credentials issued by the Speaker and any other member of the press issued credentials by the Speaker. All other upper galleries shall be open to the public.

RULES

May Be Rescinded or Amended - How

Rule 117. Any motion or resolution purporting to rescind or change the standing rules of the House or to introduce a new rule shall stand without reading or consideration and without discussion, explanation, or debate to the Committee on Rules. Such motions or resolutions as shall be favorably recommended by such committee for adoption by the House shall, upon such recommendation, be printed in the Journal and shall be placed upon a Resolutions Calendar. A constitutional majority shall be required to pass such a resolution. Nothing herein shall prohibit a member from offering substitute rules or amendments to rules recommended by the committee.

May Be Dispensed With

Rule 118. Rules 70, 79 and 80 of the House shall not be suspended or dispensed with, unless by unanimous consent or unless two-thirds (2/3) of the elected members concur therein. No other standing rule or order of the House shall be dispensed with, except by unanimous consent or unless a constitutional majority concurs therein and motions for that purpose shall be limited to the question or proposition under consideration.

JEFFERSON'S MANUAL

Rule 119. The rules of parliamentary practice comprised in "Jefferson's Manual" and the "Rules of the House of Representatives of the United States", and the official collection of precedents and interpretations of the rules by parliamentary authorities of the United States House of Representatives shall govern the House in all cases in which they are applicable and not inconsistent with the standing rules and orders of the House and the joint rules of the Senate and House of Representatives. The Chief Clerk, the Speaker, the Speaker Pro Tem, the Majority Floor Leader, the Assistant Majority Floor Leader, the Minority Floor Leader and the Assistant Minority Floor Leader will make available copies of these documents in their offices to any member who so requests. Three copies of these documents shall be available during sessions of the House: one copy shall be at a location determined by the majority party and one copy shall be at a location determined by the minority party and one copy shall be in the possession of the Chief Clerk or his/her designee. The documents shall be purchased by the House and shall be the property of the House and not of the individual holding office. The Manual, Rules, precedents and interpretations above referred to shall be taken as authority in deciding questions not otherwise provided for in these rules.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 162, introduced by Representatives Sommer, Spencer, McCaherty, Wood, Berry and Fitzpatrick, relating to the Missouri firearms freedom act.

HB 163, introduced by Representatives Fitzpatrick and Dugger, relating to primary elections.

HB 164, introduced by Representatives Pace, Ellinger, Schieffer, Rizzo, Walton Gray, Black, Schupp, Pierson, Ellington, McCann Beatty, Smith (85), Otto, Hubbard, Mims, May, Webb, Hummel, McNeil, Morgan, Gardner and Englund, relating to use of credit scores by prospective employers.

HB 165, introduced by Representatives Gosen, Leara, Kelley (127), Gatschenberger, Colona and Hough, relating to intoxicating liquor manufactured for personal or family use.

HB 166, introduced by Representatives Hubbard, Ellington, Walton Gray, Pace, Carpenter, Colona, Otto, McCaherty, Haefner, Montecillo, Rizzo, Webb, Ellinger, Butler and May, relating to a pilot project for increasing children's access to incarcerated mothers.

HB 167, introduced by Representatives Hubbard, Walton Gray, Pace, Ellington, Montecillo, Rizzo, Webb, Ellinger, May and Newman, relating to repealing the death penalty.

HB 168, introduced by Representatives Davis, Kelley (127), Spencer, Hoskins, Crawford, Cox, McCaherty and White, relating to residency at public institutions of higher education.

HB 169, introduced by Representative Diehl, relating to the Missouri prosecuting attorneys and circuit attorneys' retirement system fund.

HB 170, introduced by Representatives Guernsey, Curtman, Johnson, Hinson, Kolkmeier, Smith (120), Neely, Higdon, Davis, Wilson, Shull, Love, Phillips, Rowland, Rhoads, Miller, Fowler, Lant, Crawford, Brown, Redmon, Franklin, Keeney, Reiboldt, Fitzpatrick, Pike, Lair, Brattin, Dugger, Fitzwater, Burlison, Parkinson, Elmer, McCaherty, Conway (104), Houghton, Bernskoetter, Lichtenegger, Zerr, Flanigan, Allen, Schieber, Kelley (127), Hicks, Riddle, Walker, Hansen, White, Neth, Muntzel, Remole, Gatschenberger, Frederick, Spencer, Molendorp, McGaugh, Hurst, Cookson, Ross, Pogue, Leara and Thomson, relating to firearms.

HB 171, introduced by Representative Hodges, relating to the designation of ROHHAD awareness day.

HB 172, introduced by Representatives Hodges, Schieffer, McDonald, Kratky, McNeil, Black, Colona, Hummel, Rizzo and Norr, relating to insurance coverage for treatment of infertility.

HB 173, introduced by Representatives Hodges, Schieffer, McDonald, Kratky, Black, Colona, Hummel, Kelly (45), Kirkton, Rizzo, McManus and Norr, relating to residential use of oxygen tanks and apparatuses.

HB 174, introduced by Representatives Hodges, Schieffer, McDonald, Kratky, Conway (10), Black, Colona, Hummel, Kirkton, Rizzo and Norr, relating to crimes against police animals.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCR 1**.

The President Pro Tem has appointed a committee to act with a like committee from the House pursuant to **HCR 1**.

Senators: Curls, Dempsey, Justus, Keaveny, Kehoe, McKenna, Nieves, Richard, Walsh and Wasson.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCR 2**.

The President Pro Tem has appointed a committee to act with a like committee from the House pursuant to **HCR 2**.

Senators: Curls, Dixon, Emery, Justus, Keaveny, McKenna, Schaaf, Schaefer, Schmitt and Sifton.

COMMUNICATIONS

January 15, 2013

D. Adam Crumbliss
Chief Clerk
State Capitol, Room 317-A
Missouri House of Representatives
201 West Capitol Avenue
Jefferson City, MO 65101

Re: Possible Personal Interest in Legislation

Dear Mr. Crumbliss:

Pursuant to Section 105.461, RSMo, I am hereby filing a written report of a possible personal interest in legislation on which the House of Representatives may vote during the legislative session. I am a retired member of the Public School Retirement System (PSRS).

In compliance with Section 105.461, RSMo, please publish this letter in the Journal of the House.

Thank you for your assistance with this matter.

Sincerely,

/s/ Ira Anders
State Representative
District 21

January 15, 2013

D. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
Room 306C, State Capitol
Jefferson City, MO 65101

Dear Mr. Crumbliss:

Pursuant to Section 105.461, RSMo, I am hereby filing a written report of possible personal interest in legislation on which the Missouri House of Representatives may vote during the legislative session. I am employed with Boeing Company and am on the Advisory Board of the Missouri Vocational Enterprises Program of the Missouri Department of Corrections.

In compliance with Section 105.461, RSMo, please publish this letter in the Journal of the House.

Thank you for your attention to this matter.

Sincerely,

/s/ Clem Smith
Representative
District 85

The following members' presence was noted: Grisamore, Ross and Schatz.

ADJOURNMENT

On motion of Representative Cierpiot, the House adjourned until 10:00 a.m., Wednesday, January 16, 2013.

COMMITTEE HEARINGS

APPROPRIATIONS - EDUCATION

Wednesday, January 16, 2013, 2:00 PM House Hearing Room 1.
Higher Education Funding Model presentation from Dr. Stacey Preis

APPROPRIATIONS - EDUCATION

Wednesday, January 23, 2013, 2:00 PM House Hearing Room 1.
Executive session may be held on any matter referred to the committee.
Public Testimony

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, January 16, 2013, 8:00 AM House Hearing Room 6.
Organizational Meeting

JUDICIARY

Wednesday, January 16, 2013, 12:00 PM House Hearing Room 1.
Organizational Meeting

RETIREMENT

Thursday, January 17, 2013, 9:00 AM House Hearing Room 1.
Organizational Meeting
CANCELLED

RULES

Wednesday, January 16, 2013, 3:00 PM House Hearing Room 7.
Executive session will be held: HCS HB 110
Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

FIFTH DAY, WEDNESDAY, JANUARY 16, 2013

HOUSE BILLS FOR SECOND READING

HB 162 through HB 174

HOUSE RESOLUTIONS

HCS HR 31 - Diehl

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

FIFTH DAY, WEDNESDAY, JANUARY 16, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

The fear of the Lord is the beginning of wisdom: a good understanding have all they that do His commandments: His praise endureth forever. (Psalm 111:10)

God of Glory, we bow before You with our daily devotions, grateful to be alive, opening our hearts to You and endeavoring to make them channels for Your power in our state. Keep our thinking clear and clean, our emotions in complete control, and give us the mind to keep our bodies healthy and fit for finer service to You and for greater service to the state of Missouri.

Give to these Members of the House faith, hope and love, that they may lead our people into the right paths of enduring peace and abounding goodwill.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Journal of the fourth day was approved as printed by the following vote:

AYES: 155

Allen	Anders	Anderson	Austin	Bahr
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Frame	Franklin	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
May	Mayfield	McCaherty	McCann Beatty	McGaugh
McKenna	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Morgan

Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Parkinson
Pfautsch	Phillips	Pierson	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Smith 85	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
Walton Gray	Webb	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Barnes	Fraker	Kelly 45	McDonald	McManus
Swearingen				

VACANCIES: 002

HOUSE RESOLUTION

Representative Smith (85), et al., offered House Resolution No. 88.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 73 through House Resolution No. 87
House Resolution No. 89 through House Resolution No. 121

HOUSE CONCURRENT RESOLUTION

Representative Curtman, et al., offered House Concurrent Resolution No. 9.

SECOND READING OF HOUSE BILLS

HB 162 through **HB 174** were read the second time.

HOUSE RESOLUTIONS

HCS HR 31, relating to the Rules of the House of Representatives, was taken up by Representative Diehl.

Representative Haefner offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Resolution No. 31, Page 40, Rule 95, Line 21, by inserting after the word "galleries." the following:

"The majority and minority caucuses shall adopt policies for its individual member's office space within the Capitol as it relates to the use of tobacco and alcohol products."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Gardner offered **House Substitute Amendment No. 1 for House Amendment No. 1.**

*House Substitute Amendment No. 1
for
House Amendment No. 1*

AMEND House Committee Substitute for House Resolution No. 31, Page 40, Rule 95, Line 21, by inserting after the word "galleries" the following:

", House member offices, and any other areas of the Capitol controlled by the House of Representatives";
and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Gardner moved that **House Substitute Amendment No. 1 for House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 041

Anders	Burns	Butler	Carpenter	Conway 10
Curtis	Dunn	Ellinger	Englund	Gardner
Harris	Hodges	Hummel	Kirkton	LaFaver
May	McCann Beatty	McDonald	McKenna	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Walton Gray	Webb	Webber
Wright				

NOES: 114

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Cierpiot	Colona	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hubbard	Hurst	Johnson	Jones 50

Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Kratky	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

PRESENT: 003

Ellington	English	Mayfield
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ABSENT WITH LEAVE: 003

Kelly 45	McManus	Swearingen
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VACANCIES: 002

On motion of Representative Haefner, **House Amendment No. 1** was adopted by the following vote:

AYES: 128

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Brattin	Brown
Burlison	Burns	Butler	Cierpiot	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Dunn	Ellinger	Elmer	Engler
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McDonald	McGaugh	McKenna	Messenger
Miller	Molendorp	Morris	Muntzel	Neely
Neth	Norr	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 027

Black	Carpenter	Colona	Curtis	Ellington
Frame	Gardner	Hubbard	Hummel	Kirkton
Kratky	May	McCann Beatty	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Otto	Pace	Pierson	Smith 85	Walton Gray
Webb	Webber			

PRESENT: 003

English	Mayfield	McNeil
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ABSENT WITH LEAVE: 003

Kelly 45	McManus	Swearingen
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VACANCIES: 002

Speaker Pro Tem Smith assumed the Chair.

Representative Webb offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for House Resolution No. 31, Page 28, Lines 44-46, and Page 29, Lines 1, Rule 46(a), by deleting all of said lines and inserting in lieu thereof the following:

"proposed amendment to the amendment and substitute amendment shall be read"; and

Further amend said rule, Page 29, Line 8, by removing the bracket "]" on said line; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Frame offered **House Substitute Amendment No. 1 for House Amendment No. 2.**

House Substitute Amendment No. 1 for House Amendment No. 2 was withdrawn.

Representative Frame offered **House Substitute Amendment No. 2 for House Amendment No. 2.**

*House Substitute Amendment No. 2
for
House Amendment No. 2*

AMEND House Committee Substitute for House Resolution No. 31, Page 28, Lines 44-46, and Page 29, Lines 1, Rule 46(a), by deleting all of said lines and inserting in lieu thereof the following:

"proposed amendment to the amendment and substitute amendment shall be read"; and

Further amend said rule, Page 29, Line 8, by removing the bracket "]" on said line and inserting in lieu thereof the following:

"At least two members from each party who have an amendment to the amendment or substitute amendment shall be recognized to offer said amendment."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 108

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Morris
Muntzel	Neely	Neth	Parkinson	Pfausch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 004

Grisamore	Kelly 45	McManus	Swearingen
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VACANCIES: 002

Representative Frame moved that **House Substitute Amendment No. 2 for House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Walton Gray	Webb	Webber	Wright	

NOES: 108

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

PRESENT: 000

ABSENT WITH LEAVE: 004

Grisamore	Kelly 45	McManus	Swearingen
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VACANCIES: 002

Representative Webb moved that **House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Walton Gray	Webb	Webber	Wright	

NOES: 108

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

PRESENT: 000

ABSENT WITH LEAVE: 004

Grisamore	Kelly 45	McManus	Swearingen
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VACANCIES: 002

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 107

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Molendorp	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 047

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kirkton
Kratky	LaFaver	Mayfield	McCann Beatty	McKenna
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Pierson	Rizzo	Roorda	Runions
Schieffer	Schupp	Smith 85	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 007

Grisamore	Kelly 45	May	McDonald	McManus
Miller	Swearingen			

VACANCIES: 002

On motion of Representative Diehl, **HCS HR 31, as amended**, was adopted by the following vote:

AYES: 108

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 004

Grisamore	Kelly 45	McManus	Swearingen
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VACANCIES: 002

Speaker Jones resumed the Chair.

COMMITTEE REPORT

Committee on Rules, Chairman Riddle reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 110**, begs leave to report it has examined the same and recommends that it **Do Pass**.

INTRODUCTION OF HOUSE JOINT RESOLUTION

The following House Joint Resolution was read the first time and copies ordered printed:

HJR 9, introduced by Representative Fitzwater, relating to the state board of education.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 175, introduced by Representatives Crawford and Dugger, relating to delinquent property taxes.

HB 176, introduced by Representatives Crawford and Dugger, relating to open-end credit fees and to depository institution open-end credit advance fees applicable to transaction account cash advances.

HB 177, introduced by Representatives Koenig, Smith (120), Bahr, Burlison, Zerr, Higdon, Gosen, Wieland, Funderburk, Curtman, Brown, Brattin, Cookson, White, Davis, McCaherty, Hampton, Cox, Dohrman, Kolkmeyer, Dugger, Crawford, McGaugh and Fitzpatrick, relating to the abortion-inducing drugs safety act.

HB 178, introduced by Representatives Koenig, White, Curtman and Bahr, relating to local ballot proposals.

HB 179, introduced by Representatives Koenig, Bahr, Higdon, Funderburk, Curtman, Brattin, Wood, Cookson, Davis, McGaugh and Fitzpatrick, relating to teacher academic freedom to teach scientific evidence regarding evolution.

HB 180, introduced by Representatives Roorda, Guernsey, Kirkton, Pace, Ellinger, Walton Gray, Schupp, McNeil, English, Mayfield, Burns, Hodges, Norr, Schieffer, LaFaver, McKenna, May, Newman, Mims, Gardner, Webb, Rizzo, Gatschenberger, Englund, Anders, Kratky, Kelley (127) and Otto, relating to changes to the sunshine law.

HB 181, introduced by Representatives Sommer, Spencer, Fitzpatrick and Franklin, relating to states rights to limit the commerce clause from controlling goods produced or manufactured in Missouri.

HB 182, introduced by Representatives Hoskins and Wood, relating to the Missouri angel investment incentive act.

HB 183, introduced by Representatives Hoskins, Schatz, Elmer and Wood, relating to tax credit reporting.

HB 184, introduced by Representatives Cox, Dohrman and Hoskins, relating to the Pettis county transient guest tax.

HB 185, introduced by Representatives Kirkton, Messenger, English and McNeil, relating to the designation of PKS day.

HB 186, introduced by Representatives Curtman, Kelley (127), Koenig, Bahr, Rehder and Parkinson, relating to parental liability for damages by a minor.

HB 187, introduced by Representatives Newman, Kirkton, Gardner, Schupp, Rizzo, Pace, Montecillo, Webb, Englund, McDonald, Kratky, LaFaver, Morgan, Ellington, Mitten, Hummel, McCann Beatty, Kelly (45), McNeil, Butler, Mims, Nichols, Burns, Pierson, Walton Gray, Colona, Ellinger and Meredith, relating to the sale and transfer of firearms.

HB 188, introduced by Representatives Conway (10), Ellinger, Schupp, Newman, Roorda, Kratky, McDonald, Kelly (45), Hodges, Montecillo, Dunn, Anders, Mims, Mayfield, McNeil, Walton Gray, Otto, Englund, McCann Beatty, Hummel and Kirkton, relating to absentee voting.

HB 189, introduced by Representatives Muntzel, Jones (50), Love, Remole, Miller, Dohrman, Kolkmeyer, Cox, Rowden, Neely and Berry, relating to primary election results.

HB 190, introduced by Representatives Burlison, Davis, Funderburk, Keeney, Jones (110), Diehl, Morris, Elmer, Bahr, Schatz, Kelley (127) and Lant, relating to the volunteer health services act.

HB 191, introduced by Representatives Torpey, Zerr, Diehl, Allen, Leara, Swearingen, McCaherty, Walker, Lauer, Conway (104), Kratky, Sommer, Wieland, Smith (85) and Otto, relating to the Missouri Angel Investment Incentive Act.

HB 192, introduced by Representatives McNeil, White, Ellinger, Rizzo, Hodges, Black, Norr, Gardner, Kratky, Meredith, Montecillo, English, Otto, Mayfield, McKenna, Schupp, Morgan and Pace, relating to senior citizens property tax relief.

HB 193, introduced by Representatives Diehl and Cox, relating to boards of election commissioners.

HB 194, introduced by Representatives Diehl, Cierpiot, Hough, Neth, Torpey, Flanigan, Allen, Walker, Jones (50), Hodges, Kratky, Redmon, Colona, Webber and Rizzo, relating to a tax deduction for creation for job new home purchasers.

COMMITTEE APPOINTMENTS

January 16, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby appoint Representative Holly Rehder, Representative David Wood, and Representative Bonnaye Mims to the Committee on Appropriations – Health, Mental Health and Social Services.

If you have any questions regarding this communication, please contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 16, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on Appropriations – Infrastructure and Job Creation:

Dave Hinson	Michael Butler
Mike Thomson	Jeremy LaFaver
Dwight Scharnhorst	Gail McCann Beatty
Caleb Jones	Michael Frame
Dave Schatz	
Myron Neth	
Sandy Crawford	

The Speaker has designated Chris Kelly as Chair, and Lincoln Hough as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 16, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on Children, Families, and Persons with Disabilities:

Rick Brattin	Sue Meredith
Andrew Koenig	Stacey Newman
Elaine Gannon	Jill Schupp
Tim Remole	Genise Montecillo
Jim Neely	
Elijah Haahr	

The Speaker has designated Jeff Grisamore as Chair, and Kurt Bahr as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 16, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on Emerging Issues in Agriculture.

Holly Rehder	Dave Muntzel
Craig Redmon	Michael Frame
Dennis Fowler	Ben Harris
Sonya Anderson	Sue Meredith
Noel Shull	Bill Otto

The Speaker has designated Delus Johnson as Chair, and Lyle Rowland as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 16, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on Government Oversight and Accountability:

Tom Flanigan	Kevin McManus
Todd Richardson	Tommie Pierson
Chris Molendorp	Jeff Roorda
Jeffrey Messenger	

The Speaker has designated Jay Barnes as Chair, and Mark Parkinson as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 16, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Committee on International Trade.

Mike Kelley	Bob Burns
Lindell Shumake	Courtney Curtis
Delus Johnson	Judy Morgan
Jeff Grisamore	

The Speaker has designated John McCaherty as Chair, and T.J. Berry as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 16, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby appoint Representative Jim Neely, Representative Randy Pike and Representative Jon Carpenter to the Committee on Veterans.

If you have any questions regarding this communication, please contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 16, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints the following Representatives to the Special Standing Committee on Emerging Issues in Health Care:

Stanley Cox	Jeanne Kirkton
Doug Funderburk	Kimberly Gardner
Sue Allen	Kevin McManus
Jeanie Riddle	Sharon Pace
Kathryn Swan	
Jeanie Lauer	

The Speaker has designated Todd Richardson as Chair, and Eric Burlison as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

COMMITTEE CHANGE

January 16, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby remove Representative Ira Anders from the Committee on Appropriations - Agriculture and Natural Resources and appoint Representative Sonya Anderson.

If you have any questions regarding this communication, please contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

COMMUNICATION

January 14, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
201 W. Capitol Avenue
Jefferson City, MO 65101

Re: Possible Personal Interest in Legislation

Pursuant to Section 105.461, RSMo, I am hereby filing a written report of a possible personal interest in legislation on which the House of Representatives may vote during the legislative session. I am a licensed insurance producer and own an insurance agency located within the state of Missouri.

In compliance with Section 105.461, RSMo, please publish this letter in the Journal of the House.

Thank you for your attention to this matter.

Sincerely,

/s/ Paul Wieland
District 112

WITHDRAWAL OF HOUSE BILL

January 15, 2013

Chief Clerk Adam Crumbliss
201 W. Capitol Avenue
Room 317A
Jefferson City, MO 65101

Dear Chief Clerk Crumbliss:

I am writing to respectfully request that **House Bill No. 94** be withdrawn. The bill was seeking to require a full-time nonresident student in a college, university, or technical school to pay the same hunting, trapping, and fishing license or permit fee as a resident applicant. The Missouri Department of Conservation has informed me that this is a rule already.

I appreciate your consideration and hope that you will contact me if you have any questions.

Sincerely,

/s/ Rocky Miller
State Representative
District 124

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Thursday, January 17, 2013.

COMMITTEE HEARINGS

APPROPRIATIONS - EDUCATION

Wednesday, January 23, 2013, 2:00 PM House Hearing Room 1.

Executive session may be held on any matter referred to the committee.

Public Testimony

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, January 22, 2013, 2:00 PM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Organizational Meeting

BUDGET

Wednesday, January 23, 2013, 8:00 AM House Hearing Room 3.

Organizational Meeting

FISCAL REVIEW

Thursday, January 24, 2013, 8:30 AM South Gallery.

Executive session may be held on any matter referred to the committee.

The committee may consider any legislation having been referred.

RETIREMENT

Thursday, January 17, 2013, 9:00 AM House Hearing Room 1.

Organizational Meeting

CANCELLED

VETERANS

Wednesday, January 23, 2013, 9:00 AM House Hearing Room 1.

Executive session may be held on any matter referred to the committee.

This will be for informational purposes only.

HOUSE CALENDAR

SIXTH DAY, THURSDAY, JANUARY 17, 2013

HOUSE JOINT RESOLUTIONS FOR SECOND READING

HJR 9

HOUSE BILLS FOR SECOND READING

HB 175 through HB 194

HOUSE BILLS FOR PERFECTION

HCS HB 110 - Smith (120)

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

SIXTH DAY, THURSDAY, JANUARY 17, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

O give thanks unto the Lord; for He is good: for His mercy endureth forever. (Psalm 106:1)

O God, Who is worthy of a nobler praise than our lips can utter, and worthy of a greater love than our hearts can offer, in Your presence we bow this moment as into Your hands we commit our lives and hearts.

May the thoughts in our minds become channels for Your goodness, may the noble dreams in our hearts find their fulfillment in You and may the work of our hands be honest and true. Together may we build a greater and a better state upon the foundations of the faith of our parents and our faith in the possibility of a new day.

Open our eyes to the manifestations of Your spirit in our world. Give us courage in weakness, steady us when we would fall, enlarge our sympathies that we may become all God's children. Make us a people grateful for our privileges, faithful in our stewardship, and sensitive to the needs of our innocent.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

HOUSE RESOLUTION

Representative Diehl offered House Resolution No. 139.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 122 through House Resolution No. 138

SECOND READING OF HOUSE JOINT RESOLUTION

HJR 9 was read the second time.

SECOND READING OF HOUSE BILLS

HB 175 through **HB 194** were read the second time.

REFERRAL OF HOUSE RESOLUTION

The following House Resolution was referred to the Committee indicated:

HR 139 - Ethics

REFERRAL OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were referred to the Committee indicated:

HJR 4 - Elections

HJR 5 - Elections

HJR 7 - Agriculture Policy

HJR 8 - Veterans

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 33 - General Laws

HB 34 - Workforce Development and Workplace Safety

HB 42 - Tourism and Natural Resources

HB 43 - Elementary and Secondary Education

HB 44 - Utilities

HB 46 - Agri-Business

HB 48 - Elections

HB 61 - Local Government

HB 63 - Downsizing State Government

HB 64 - Workforce Development and Workplace Safety

HB 77 - Workforce Development and Workplace Safety

HB 87 - Children, Families, and Persons with Disabilities

HB 95 - Workforce Development and Workplace Safety

HB 97 - Workforce Development and Workplace Safety

HB 98 - Workforce Development and Workplace Safety

HB 113 - Elections

HB 125 - Elections

HB 126 - Elections

HB 127 - Elections

HB 137 - Downsizing State Government

HB 148 - Veterans

HB 166 - Urban Issues

HB 169 - Retirement

HB 170 - General Laws

INTRODUCTION OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were read the first time and copies ordered printed:

HJR 10, introduced by Representatives Reiboldt, Smith (120), Lant, Wilson, Love, Kelley (127), Spencer, Hansen and Walker, relating to agriculture.

HJR 11, introduced by Representatives Reiboldt, Smith (120), Lant, Love, Wilson, Kelley (127), Wieland, Spencer, Hansen and Walker, relating to the right to raise animals.

HJR 12, introduced by Representatives Cox, Kelley (127), Austin, Remole, Davis, Koenig, Berry, Brown and Crawford, relating to elections.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 195, introduced by Representatives Jones (50), Cornejo, Frederick and Neely, relating to midwifery.

HB 196, introduced by Representatives Lauer, Zerr, Diehl, Torpey, Allen, Leara, Swearingen, McCaherty, Walker, Conway (104), Kratky, Sommer, Wieland, Smith (85), McNeil and Otto, relating to job training programs.

HB 197, introduced by Representatives Lauer, Zerr, Diehl, Torpey, Allen, Leara, Swearingen, McCaherty, Walker, Conway (104), Kratky, Sommer, Smith (85) and Otto, relating to sales tax and revenue bonds.

HB 198, introduced by Representatives Flanigan, Spencer, Funderburk, Molendorp, White, Davis, Lant, Reiboldt and Roorda, relating to infrastructure replacement surcharges.

HB 199, introduced by Representatives Dugger, Conway (10), Entlicher and McGaugh, relating to elections.

HB 200, introduced by Representative Barnes, relating to state employees.

HB 201, introduced by Representatives Torpey, Neth and Berry, relating to tax credits for freight line companies.

HB 202, introduced by Representatives Reiboldt, Lant, Love, Wilson, Kelley (127), Spencer, Walker, Hansen, Rowden, Kelly (45) and Wright, relating to University of Missouri extension districts.

HB 203, introduced by Representatives Reiboldt, Lant, Kelley (127) and Spencer, relating to certain disclosures on credit card processing service contracts.

HB 204, introduced by Representatives Reiboldt, Lant, Kelley (127) and Spencer, relating to fees for garnishments.

HB 205, introduced by Representatives Reiboldt, Smith (120), Lant, Wilson, Love, Kelley (127), Wieland, Spencer, Hansen and Walker, relating to the right to raise domesticated animals.

HB 206, introduced by Representatives Reiboldt, Lant, Love, Wilson, Kelley (127), Spencer, Hansen and Walker, relating to the designation of Missouri pet breeders appreciation month.

HB 207, introduced by Representative Kirkton, relating to the taxation of property.

HB 208, introduced by Representative Kirkton, relating to a sales tax holiday for school supplies.

HB 209, introduced by Representative Richardson, relating to firearms.

HB 210, introduced by Representatives Cox, Kelly (45), Ellinger, Elmer, Higdon, Leara and Cornejo, for the sole purpose of restructuring the Missouri criminal code.

HB 211, introduced by Representatives Cox, Higdon, Mayfield, Dohrman, Brown and Crawford, relating to real estate loans.

HB 212, introduced by Representatives Cox, Brown and Crawford, relating to secured transactions.

HB 213, introduced by Representative Cox, relating to depositions in criminal cases.

HB 214, introduced by Representatives Cox and Higdon, relating to restitution.

HB 215, introduced by Representative Cox, relating to the defense of indigent defendants and restitution of crime victims.

HB 216, introduced by Representatives Cox, Diehl and Brown, relating to voter photo identification.

HB 217, introduced by Representatives Cox, Remole, Koenig and Berry, relating to the transparency and accountability of public funds.

HB 218, introduced by Representatives Cox, Hough, Walker, Neth, Parkinson, Fraker, Funderburk, LaFaver, Ellinger, Colona, Morgan, Webb, Englund, Hummel, Rizzo and Ellington, relating to controlled substances.

HB 219, introduced by Representative Stream, relating to state aid for transportation of pupils.

HB 220, introduced by Representatives May, Ellington, Pace, McDonald, Kratky, Webb, Rizzo, McManus, Smith (85), Roorda, Conway (10), McNeil, Norr, Morgan, Colona, Dunn, Kirkton, Hubbard, Otto, Pierson and Walton Gray, relating to criminal nonsupport.

HB 221, introduced by Representatives Zerr, Diehl, Allen, Leara, Swearingen, McCaherty, Walker, Lauer, Kratky, Sommer, Torpey, Smith (85), McNeil and Otto, relating to the sole purpose of freight forwarding.

HB 222, introduced by Representatives Zerr, Diehl, Hummel, Allen, Leara, Swearingen, Otto, McCaherty, Walker, Lauer, Kratky, Sommer, Torpey, Wieland, Smith (85) and Rowden, relating to tax incentives for technology business facilities and data storage centers.

HB 223, introduced by Representatives Zerr, Diehl, Hummel, Allen, Leara, Swearingen, Walker, Lauer, Conway (104), Kratky, Sommer, Torpey, Wieland, Smith (85) and Otto, relating to incentives to attract amateur sporting events to Missouri.

HB 224, introduced by Representatives Berry, Kelley (127), Shull, Neth, Wilson, Lauer, Cierpiot, Brown, Wieland, Lant, Solon, Frederick, Swearingen, McNeil, Muntzel, Love, Davis, White, Crawford, Wood, Reiboldt, Rowden, Curtman, Richardson and Houghton, relating to school bus advertisements.

HB 225, introduced by Representatives Berry, Wilson and Pace, relating to personal flotation devices.

HB 226, introduced by Representatives Berry, Neth, Kelley (127), Wilson and Pace, relating to motor fuel tax exemptions.

COMMITTEE APPOINTMENTS

January 17, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

The Speaker hereby appoints the following Representatives to the Committee on Appropriations - Revenue, Transportation and Economic Development:

Anne Zerr	Elijah Haahr
Dave Schatz	Jon Carpenter
Dennis Fowler	Randy Dunn
Rocky Miller	Vicki Englund
Holly Rehder	Sharon Pace
Ron Hicks	Ed Schieffer
Scott Fitzpatrick	Karla May
Noel Shull	
Warren Love	

The Speaker has designated Denny Hoskins as Chair, and Bart Korman as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 17, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby appoint Representative Elijah Haahr, Representative Mark Parkinson and Representative Jeff Roorda to the Committee on Elementary and Secondary Education.

If you have any questions regarding this communication, please contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 17, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby appoint Representative Sue Entlicher, Representative T.J. Berry and Representative Jeanne Kirkton to the Committee on Local Government.

If you have any questions regarding this communication, please contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 17, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby appoint Representative Nathan Walker, Representative Robert Ross and Representative Ira Anders to the Committee on Tourism and Natural Resources.

If you have any questions regarding this communication, please contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

COMMITTEE CHANGES

January 17, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby remove Representative Gina Mitten from the Committee on Downsizing State Government and appoint Representative Jeff Roorda.

If you have any questions regarding this communication, please contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 17, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby remove Representative Courtney Curtis from the Committee on Fiscal Review and appoint Representative Brandon Ellington.

If you have any questions regarding this communication, please contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 17, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby remove Representative Jeff Roorda from the Committee on Government Oversight and Accountability and appoint Representative Gina Mitten.

If you have any questions regarding this communication, please contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

The following members' presence was noted: Allen, Anderson, Bahr, Barnes, Bernskoetter, Berry, Black, Brattin, Brown, Burlison, Burns, Butler, Cierpiot, Conway (10), Conway (104), Cookson, Cornejo, Cox, Crawford, Cross, Curtis, Curtman, Davis, Dohrman, Dugger, Dunn, Ellinger, Ellington, Elmer, English, Entlicher, Fitzwater, Flanigan, Fowler, Fraker, Frame, Franklin, Frederick, Funderburk, Gannon, Gardner, Gatschenberger, Gosen, Grisamore, Guernsey, Haahr, Haefner, Hampton, Hansen, Harris, Hicks, Higdon, Hinson, Hodges, Houghton, Hubbard, Hummel, Hurst, Johnson, Jones (50), Justus, Keeney, Kelley (127), Kelly (45), Koenig, Kolkmeier, Korman, Kratky, LaFaver, Lair, Lant, Lauer, Leara, Lichtenegger, Love, Lynch, Marshall, May, Mayfield, McCaherty, McCann Beatty, McDonald, McGaugh, McKenna, McNeil, Meredith, Messenger, Miller, Mims, Mitten, Molendorp, Montecillo, Morris, Muntzel, Neely, Neth, Newman, Norr, Otto, Pace, Parkinson, Pfautsch, Phillips, Pike, Pogue, Redmon, Rehder, Reiboldt, Remole, Rhoads, Riddle, Rizzo, Roorda, Ross, Rowden, Rowland, Runions, Scharnhorst, Schatz, Schieber, Schieffer, Schupp, Shull, Shumake, Smith (85), Solon, Sommer, Spencer, Stream, Swan, Thomson, Torpey, Walker, Walton Gray, Webb, White, Wieland, Wilson, Wood, Wright and Zerr.

ADJOURNMENT

On motion of Speaker Jones, the House adjourned until 4:00 p.m., Tuesday, January 22, 2013.

COMMITTEE HEARINGS

APPROPRIATIONS - EDUCATION

Wednesday, January 23, 2013, 2:00 PM House Hearing Room 1.

Executive session may be held on any matter referred to the committee.

Public Testimony

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Tuesday, January 22, 2013, 2:00 PM House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

DMH department overview

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Wednesday, January 23, 2013, 2:00 PM House Hearing Room 5.

Executive session may be held on any matter referred to the committee.

DSS department overview

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Thursday, January 24, 2013, 8:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

DHSS department overview

APPROPRIATIONS - INFRASTRUCTURE AND JOB CREATION

Tuesday, January 22, 2013, Upon Adjournment House Hearing Room 6.

Organizational Meeting

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, January 22, 2013, 2:00 PM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Organizational Meeting

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, January 23, 2013, 2:00 PM House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

Public Safety overview

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, January 29, 2013, 2:00 PM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Department of Corrections overview

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, January 30, 2013, 2:00 PM House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

Public Testimony

APPROPRIATIONS - REVENUE, TRANSPORTATION, AND ECONOMIC DEVELOPMENT

Wednesday, January 23, 2013, 2:00 PM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

Public Testimony

BUDGET

Wednesday, January 23, 2013, 8:00 AM House Hearing Room 3.

Organizational Meeting

CHILDREN, FAMILIES, AND PERSONS WITH DISABILITIES

Tuesday, January 22, 2013, 12:00 PM House Hearing Room 1.

Public hearing will be held: HB 87

Executive session may be held on any matter referred to the committee.

Introductory/Organizational meeting and hearing for HB 87

CORRECTIONS

Wednesday, January 23, 2013, 7:30 AM House Hearing Room 1.

Informational Only

ECONOMIC DEVELOPMENT

Tuesday, January 22, 2013, 5:00 PM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

Organizational Meeting - Presentation from the Department of Economic Development

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, January 23, 2013, 8:00 AM House Hearing Room 6.

Organizational and Information meeting only

EMERGING ISSUES IN AGRICULTURE

Wednesday, January 23, 2013, 8:00 AM House Hearing Room 1.

Executive session may be held on any matter referred to the committee.

Informational meeting

FISCAL REVIEW

Thursday, January 24, 2013, 8:30 AM South Gallery.

Executive session may be held on any matter referred to the committee.

The committee may consider any legislation having been referred.

VETERANS

Wednesday, January 23, 2013, 9:00 AM House Hearing Room 1.

Executive session may be held on any matter referred to the committee.

This will be for informational purposes only.

HOUSE CALENDAR

SEVENTH DAY, TUESDAY, JANUARY 22, 2013

HOUSE JOINT RESOLUTIONS FOR SECOND READING

HJR 10 through HJR 12

HOUSE BILLS FOR SECOND READING

HB 195 through HB 226

HOUSE BILLS FOR PERFECTION

HCS HB 110 - Smith (120)

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

SEVENTH DAY, TUESDAY, JANUARY 22, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

Have no anxiety about anything; but in everything by prayer and supplication with thanksgiving let your requests be made known unto God. (Philippians 4:6)

Eternal God, Whose mercy is from everlasting to everlasting and Whose truth endures forever - in this moment of prayer may we hear Your voice speaking to us and with receptive minds may we respond. Always and in all ways You are very, very near. Help us to be aware of Your presence and to keep ourselves open to the leading of Your spirit. Strengthen us when we fail; support us when we fall and sustain us when we falter.

Open our eyes that we may see the higher virtues, open our ears that we may hear the greater voices as they speak to us, open our hands that we may deal wisely and justly the events that life hands to us - not that we may always win but that we may act fairly and honorably. By Your spirit help us to live together in this land of our birth and preserve us, O God, for in You do we put our trust. Finally, grant eternal rest to Stan Musial who brought honor and dignity to baseball in Missouri.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Journal of the fifth day was approved as printed by the following vote:

AYES: 149

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer

Leara	Love	Lynch	Marshall	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Montecillo	Morgan	Morris	Muntzel
Neely	Neth	Nichols	Norr	Otto
Pace	Parkinson	Pfautsch	Phillips	Pierson
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Dunn	Grisamore	Kirkton	Lichtenegger	May
McManus	Molendorp	Newman	Richardson	Smith 85
Webb	Webber			

VACANCIES: 002

The Journal of the sixth day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 140 through House Resolution No. 154

SECOND READING OF HOUSE JOINT RESOLUTIONS

HJR 10 through **HJR 12** were read the second time.

SECOND READING OF HOUSE BILLS

HB 195 through **HB 226** were read the second time.

ESCORT COMMITTEE

The Speaker appointed the following committee to act with a like committee from the Senate pursuant to **HCR 2**: Representatives Gardner, Colona, Ellinger, Smith (85), Englund, Elmer, Cornejo, McGaugh, Lichtenegger and Marshall.

PERFECTION OF HOUSE BILL

HCS HB 110, relating to vacancies in certain elected offices, was taken up by Representative Smith (120).

Representative Dugger offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 110, In the Title, Page 1, Line 4, by deleting the phrase "vacancies in certain statewide offices" and inserting in lieu thereof the phrase:

"vacancies and time limits for certain offices"; and

"115.123. 1. All public elections shall be held on Tuesday. Except as provided in subsections 2 and 3 of this section, and section 247.180, all public elections shall be held on the general election day, the primary election day, the general municipal election day, the first Tuesday after the first Monday in November, or on another day expressly provided by city or county charter, and in nonprimary years on the first Tuesday after the first Monday in August. Bond elections may be held on the first Tuesday after the first Monday in February but no other issue shall be included on the ballot for such election.

2. Notwithstanding the provisions of subsection 1 of this section, an election for a presidential primary held pursuant to sections [115.755] **115.758** to 115.785 shall be held on the first Tuesday after the first Monday in [February] **March** of each presidential election year.

3. The following elections shall be exempt from the provisions of subsection 1 of this section:

- (1) Bond elections necessitated by fire, vandalism or natural disaster;
- (2) Elections for which ownership of real property is required by law for voting;
- (3) Special elections to fill vacancies and to decide tie votes or election contests; and
- (4) Tax elections necessitated by a financial hardship due to a five percent or greater decline in per-pupil state revenue to a school district from the previous year.

4. Nothing in this section prohibits a charter city or county from having its primary election in March if the charter provided for a March primary before August 28, 1999.

5. Nothing in this section shall prohibit elections held pursuant to section 65.600, but no other issues shall be on the March ballot except pursuant to this chapter."; and

Further amend said bill, Page 5, Section 30.070, Line 5, by inserting after all of said section and line the following:

"[115.755. A statewide presidential preference primary shall be held on the first Tuesday after the first Monday in February of each presidential election year.]"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Dugger, **House Amendment No. 1** was adopted.

Representative Korman offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 110, Page 1, Section A, Line 4, by inserting after all of said section and line the following:

"21.110. If the governor receives any resignation or notice of vacancy, or if he is satisfied of the death of any member of either house, during the recess, he shall, without delay, issue a writ of election to supply the vacancy. **For purposes of this section, the phrase "without delay" shall mean that the writ of election is issued in such a manner**

that the election to supply the vacancy shall be held, in accordance with all general laws governing such elections, not later than six months from the time that the governor receives any resignation or notice of the vacancy."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Korman, **House Amendment No. 2** was adopted.

Representative Dugger offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 110, Page 5, Section 115.365, Line 20, by inserting after all of said section and line the following:

"115.601. 1. Any contestant in a primary or other election contest who was defeated by less than one percent of the votes cast for the office and any contestant who received the second highest number of votes cast for that office if two or more are to be elected and who was defeated by less than one percent of the votes cast, or any person whose position on a question was defeated by less than one percent of the votes cast on the question, shall have the right to a recount of the votes cast for the office or on the question.

2. In cases where the candidate filed or the ballot question was originally filed with an election authority as defined in section 115.015, such recount shall be requested in accordance with the provisions of section 115.531 or 115.577 and conducted under the direction of the court or the commissioner representing the court trying the contest according to the provisions of this subchapter.

3. In cases where the candidate filed or the ballot question was originally filed with the secretary of state, the defeated candidate or the person whose position on a question was defeated by less than **one-half of** one percent of the votes cast on the question shall be allowed a recount pursuant to this section by filing with the secretary of state a request for a recount stating that the person or the person's position on a question was defeated by less than **one-half of** one percent of the votes cast. Such request shall be filed not later than seven days after certification of the election. The secretary of state shall notify all concerned parties of the filing of the request for a recount. The secretary of state shall authorize the election authorities to conduct a recount pursuant to this section if the requesting party or his position on a question was defeated by less than **one-half of** one percent of the votes cast. The secretary of state shall conduct and certify the results of the recount as the official results in the election within twenty days of receipt of the aforementioned notice of recount.

4. Whenever a recount is requested pursuant to subsection 3 of this section, the secretary of state shall determine the number of persons necessary to assist with the recount and shall appoint such persons equally from lists submitted by the contestant and the opponent who received more votes or a person whose position on a question received more votes than the contestant's position on that question. Each person appointed pursuant to this section shall be a disinterested person and a registered voter of the area in which the contested election was held. Each person so appointed shall take the oath prescribed for and receive the same pay as an election judge in the jurisdiction where the person is registered. After being sworn not to disclose any facts uncovered by the recount, except those which are contained in the report, the contestant and the opponent who received more votes or a person whose position on a question received more votes than the contestant's position on that question shall be permitted to be present in person or represented by an attorney at the recount and to observe the recount. Each recount shall be completed under the supervision of the secretary of state with the assistance of the election authorities involved, and the persons appointed to assist with the recount shall perform such duties as the secretary of state directs. Upon completion of any duties prescribed by the secretary of state the persons appointed to assist with the recount shall make a written and signed report of their findings. The findings of the persons appointed to assist with the recount shall be prima facie evidence of the facts stated therein, but any person present at the examination of the votes may be a witness to contradict the findings. No one other than the secretary of state, the election authorities involved, the contestant and the other witnesses described in this subsection, their attorneys, and those specifically appointed by the secretary of state to assist with the recount shall be present during any recount conducted pursuant to this section.

5. For purposes of this section, "recount" means one additional counting of all votes counted for the office or on the question with respect to which the recount is requested."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Dugger, **House Amendment No. 3** was adopted by the following vote:

AYES: 121

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Carpenter	Cierpiot	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	McKenna	Messenger
Miller	Molendorp	Morris	Muntzel	Neely
Neth	Otto	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Roorda
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Schieffer	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 035

Burns	Colona	Curtis	Ellinger	Ellington
English	Gardner	Hodges	Hubbard	Hummel
Kelly 45	Kirkton	Kratky	LaFaver	May
Mayfield	McCann Beatty	McDonald	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Pace	Pierson
Rizzo	Runions	Schupp	Swearingen	Walton Gray

PRESENT: 001

Butler

ABSENT WITH LEAVE: 004

Dunn	Grisamore	Smith 85	Webb
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VACANCIES: 002

Representative Fitzpatrick offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 110, Page 3, Section 30.080, Line 7, by inserting after all of said section and line the following:

"78.090. **1.** Candidates to be voted for at all general municipal elections at which a mayor and councilmen are to be elected under the provisions of sections 78.010 to [78.420] **78.400** shall be nominated by a primary election, **except as provided in this section**, and no other names shall be placed upon the general ballot except those selected in the manner herein prescribed. The primary election for such nomination shall be held on the first Tuesday after the first Monday in February preceding the municipal election.

2. (1) In lieu of conducting a primary election under this section, any city organized under sections 78.010 to 78.400 may, by order or ordinance, provide for the elimination of the primary election and the conduct of elections for mayor and councilman as provided in this subsection.

(2) Any person desiring to become a candidate for mayor or councilman shall file with the city clerk a signed statement of such candidacy, stating whether such person is a resident of the city and a qualified voter of the city, that the person desires to be a candidate for nomination to the office of mayor or councilman to be voted upon at the next municipal election for such office, that the person is eligible for such office, that the person requests to be placed on the ballot, and that such person will serve if elected. Such statement shall be sworn to or affirmed before the city clerk.

(3) Under the requirements of section 115.023, the city clerk shall notify the requisite election authority who shall cause the official ballots to be printed, and the names of the candidates shall appear on the ballots in the order that their statements of candidacy were filed with the city clerk. Above the names of the candidates shall appear the words "Vote for (number to be elected)". The ballot shall also include a warning that voting for more than the total number of candidates to be elected to any office invalidates the ballot."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Roorda raised a point of order that **House Amendment No. 4** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Keeney assumed the Chair.

On motion of Representative Fitzpatrick, **House Amendment No. 4** was adopted.

Representative Newman offered **House Amendment No. 5.**

House Amendment No. 5

AMEND House Committee Substitute for House Bill No. 110, Page 4, Section 105.030, Lines 23-27, by deleting all of said lines from the bill and inserting in lieu thereof the following:

"purpose under section 105.031."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Newman moved that **House Amendment No. 5** be adopted.

Which motion was defeated by the following vote:

AYES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Swearingen	Walton Gray	Webber	Wright	Mr Speaker

NOES: 108

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeier	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Morris	Muntzel	Neely	Neth	Parkinson
Pfausch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr		

PRESENT: 000

ABSENT WITH LEAVE: 003

Dunn	Smith 85	Webb
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VACANCIES: 002

Representative Roorda offered **House Amendment No. 6.**

House Amendment No. 6

AMEND House Committee Substitute for House Bill No. 110, Page 5, Section 115.365, Line 20, by inserting after all of said section and line the following:

"Section 1. Notwithstanding any other provision of law, no person shall be elected governor, lieutenant governor, secretary of state, attorney general, state auditor, or treasurer more than twice, and no person who has held the office of governor, lieutenant governor, secretary of state, attorney general, state auditor, or treasurer, or acted as governor, lieutenant governor, secretary of state, attorney general, state auditor, or treasurer, for more than two years of a term to which some other person was elected to the office of governor, lieutenant governor, secretary of state, attorney general, state auditor, or treasurer shall be elected to the office of governor, lieutenant governor, secretary of state, attorney general, state auditor, or treasurer more than once."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Roorda moved that **House Amendment No. 6** be adopted.

Which motion was defeated.

On motion of Representative Smith (120), **HCS HB 110, as amended**, was adopted.

On motion of Representative Smith (120), **HCS HB 110, as amended**, was ordered perfected and printed.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 227, introduced by Representatives Zerr, Diehl, Allen, Leara, Swearingen, McCaherty, Walker, Lauer, Kratky, Sommer, Torpey and Wieland, relating to qualified equity investment tax credits.

HB 228, introduced by Representatives Sommer, Mayfield and English, relating to automated school bus safety cameras.

HB 229, introduced by Representatives Sommer, Spencer, Muntzel and Mayfield, relating to physical education curriculum in public schools.

HB 230, introduced by Representatives Sommer, Wood and Berry, relating to dangerous vehicular flight.

HB 231, introduced by Representatives Sommer, Berry, Kelley (127) and Muntzel, relating to temporary instruction permits.

HB 232, introduced by Representative Barnes, relating to electronic precinct registers.

HB 233, introduced by Representative Leara, relating to the administration of state employee benefits.

HB 234, introduced by Representative Gatschenberger, relating to debt setoffs for unpaid healthcare expenses.

HB 235, introduced by Representatives Crawford, Entlicher and Dugger, relating to county treasurer candidate qualifications.

HB 236, introduced by Representatives Ellington, Webb, Pierson, Pace, Montecillo, Hummel, Newman, McCann Beatty, Rizzo, Mims, Gardner, Dunn, Butler, Mitten, McKenna and Smith (85), relating to state contracts.

HB 237, introduced by Representatives Ellington, Mims, Pierson, Webb, Ellinger, Gardner, Dunn, Walton Gray, Smith (85) and Meredith, relating to title loans.

HB 238, introduced by Representatives Ellington, Mims, Pierson, Pace, Webb, McCann Beatty, Rizzo, Ellinger, Gardner, Dunn, Butler, Mitten, Colona, Conway (10), Walton Gray, Smith (85) and Meredith, relating to expungement of certain criminal records.

HB 239, introduced by Representatives Ellington, Mims, Butler, Colona, Smith (85) and Meredith, relating to applications for state employment and public assistance.

HB 240, introduced by Representatives Ellington, Mims, Pierson, Webb, Montecillo, Hummel, Newman, McCann Beatty, Ellinger, Gardner, Dunn, Conway (10), Walton Gray, Mitten, McKenna and Smith (85), relating to the Malcolm X observance day commission.

HB 241, introduced by Representatives Ellington, Mims, Pierson, Pace, Webb, Dunn, Butler, Colona, Conway (10), Walton Gray and Smith (85), relating to repealing intervention fees for parolees.

HB 242, introduced by Representatives Ellington, Hummel, Pierson, Pace, Webb, Gardner, Dunn, Smith (85) and Mims, relating to an economic development grant program.

HB 243, introduced by Representatives Ellington, Mims, Pierson, Pace, Butler, Colona, Conway (10), Walton Gray and Smith (85), relating to small businesses.

HB 244, introduced by Representatives Ellington, Pace, Newman, Rizzo, Ellinger, Gardner, Dunn, LaFaver, Walton Gray and Mitten, relating to the labeling of food.

HB 245, introduced by Representatives Ellington, Webb, Montecillo, Hummel, Newman, Rizzo, Ellinger, Gardner, Dunn, LaFaver and Walton Gray, relating to labeling of genetically modified food and food products.

HB 246, introduced by Representatives Ellington, Mims, Webb, Gardner, Colona, Walton Gray and Smith (85), relating to the Missouri supporting families income tax holiday act.

HB 247, introduced by Representatives Ellington, Hummel, Pierson, Pace, Webb, Montecillo, Newman, McCann Beatty, Rizzo, Mims, Dunn, Butler, Englund, Mitten, Conway (10), Walton Gray, Smith (85) and Meredith, relating to statute of limitations for certain offenses against a child.

HB 248, introduced by Representatives Ellington, Mims, Pace, Pierson, Hummel, Dunn, Meredith, LaFaver, Conway (10), Walton Gray and Smith (85), relating to adoption.

HB 249, introduced by Representatives Ellington, Mims, Gardner, LaFaver, Walton Gray and Smith (85), relating to title loans.

HB 250, introduced by Representatives Jones (50), Cornejo, Scharnhorst, Rowden, Korman, Richardson, Cierpiot and Elmer, relating to Missouri ethics commission operations and procedures.

HB 251, introduced by Representatives Lauer, McCaherty, Conway (104), Zerr, Montecillo, McDonald and Hansen, relating to court costs.

HB 252, introduced by Representatives Lauer, Shumake, McCaherty, Cox, Zerr and Montecillo, relating to adoption.

HB 253, introduced by Representatives Berry, Jones (110), Neth, Diehl, Smith (120), Cierpiot, Molendorp, Schieber, Brown, Wieland, Lant, Guernsey, Keeney, Barnes, Frederick, Franklin, Muntzel, Love, Davis, White, Crawford, Lair, Allen, Jones (50), Elmer, Richardson, Houghton, Hough and Koenig, relating to the taxation of business income.

HB 254, introduced by Representatives Swearingen, Berry, Neth, Carpenter and Shull, relating to sales taxes for public safety.

HB 255, introduced by Representatives Torpey, Kirkton and Shull, relating to animal shelter fees.

HB 256, introduced by Representatives Jones (50) and Richardson, relating to sunset dates for exceptions to the public records law.

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Wednesday, January 23, 2013.

COMMITTEE HEARINGS

AGRICULTURE POLICY

Thursday, January 24, 2013, 8:00 AM House Hearing Room 1.
Informational meeting

APPROPRIATIONS - EDUCATION

Wednesday, January 23, 2013, 2:00 PM House Hearing Room 1.

Executive session may be held on any matter referred to the committee.

Public testimony

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Wednesday, January 23, 2013, 2:00 PM House Hearing Room 5.

Executive session may be held on any matter referred to the committee.

DSS department overview

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Thursday, January 24, 2013, 8:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

DHSS department overview

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, January 23, 2013, 2:00 PM House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

Public Safety overview

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, January 29, 2013, 2:00 PM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Department of Corrections overview

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, January 30, 2013, 2:00 PM House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

Public testimony

APPROPRIATIONS - REVENUE, TRANSPORTATION, AND ECONOMIC DEVELOPMENT

Wednesday, January 23, 2013, 2:00 PM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

Public testimony

BUDGET

Wednesday, January 23, 2013, 8:00 AM House Hearing Room 3.

Organizational meeting

CORRECTIONS

Wednesday, January 23, 2013, 7:30 AM House Hearing Room 1.

Informational only

DOWNSIZING STATE GOVERNMENT

Thursday, January 24, 2013, 8:00 AM House Hearing Room 4.

Public hearing will be held: HB 63, HB 137

Executive session may be held on any matter referred to the committee.

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, January 23, 2013, 8:00 AM House Hearing Room 6.

Organizational and information meeting only

EMERGING ISSUES IN AGRICULTURE

Wednesday, January 23, 2013, 8:00 AM House Hearing Room 4.

Executive session may be held on any matter referred to the committee.

Informational meeting

CORRECTED

ETHICS

Wednesday, January 23, 2013, 8:00 AM South Gallery.

Public hearing will be held: HR 139

Executive session will be held: HR 139

Executive session may be held on any matter referred to the committee.

CORRECTED

FINANCIAL INSTITUTIONS

Wednesday, January 23, 2013, 5:00 PM House Hearing Room 6.

FISCAL REVIEW

Wednesday, January 23, 2013, 8:30 AM South Gallery.

Executive session may be held on any matter referred to the committee.

The committee may consider any legislation having been referred.

CANCELLED

FISCAL REVIEW

Thursday, January 24, 2013, 8:30 AM South Gallery.

Executive session may be held on any matter referred to the committee.

The committee may consider any legislation having been referred.

GOVERNMENT OVERSIGHT AND ACCOUNTABILITY

Monday, January 28, 2013, 10:00 AM House Hearing Room 3.

Organizational meeting followed by public testimony on the Quality Jobs Act

JOINT COMMITTEE ON EDUCATION

Thursday, January 24, 2013, 8:30 AM SCR 2.

The committee will meet to hear a presentation from Complete College America.

LOCAL GOVERNMENT

Wednesday, January 23, 2013, 8:00 AM House Hearing Room 7.

Public hearing will be held: HB 61

Executive session may be held on any matter referred to the committee.

SMALL BUSINESS

Wednesday, January 23, 2013, 12:00 PM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN HEALTH CARE
Wednesday, January 30, 2013, 8:00 AM House Hearing Room 1.
This will be an organizational meeting only.

UTILITIES
Tuesday, January 29, 2013, 6:30 PM 516 South Country Club Dr, Jefferson City, MO.
Informational meeting

VETERANS
Wednesday, January 23, 2013, 9:00 AM House Hearing Room 1.
Executive session may be held on any matter referred to the committee.
This will be for informational purposes only.

WAYS AND MEANS
Wednesday, January 23, 2013, 4:00 PM Room 312, Rep. Koenig's Office.
A meet and greet organizational meeting
Legislative Assistants of committee members welcome; RSVP requested

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY
Wednesday, January 23, 2013, Upon Morning Adjournment House Hearing Room 4.
Public hearing will be held: HB 34
Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

EIGHTH DAY, WEDNESDAY, JANUARY 23, 2013

HOUSE BILLS FOR SECOND READING

HB 227 through HB 256

HOUSE BILLS FOR THIRD READING

HCS HB 110 - Smith (120)

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

EIGHTH DAY, WEDNESDAY, JANUARY 23, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

The Lord is the strength of my life. (Psalm 27:1)

O God, Whose still small voice calls us to turn aside for a moment from the weary ways of a busy world to wait upon You and to find our strength in You - make us aware of Your Spirit, as we bow before the altar of Your presence. Amid the haste of daily duties and the pressure of persistent problems may we find in You strength for the day, wisdom to make sound decisions, and the spirit of good will to motivate all our endeavors on behalf of our beloved state.

With a consciousness of Your presence alive within us and tapping the unfailing resources of our faith may our souls be restored, our minds refreshed, our bodies renewed, and together may we be made ready for the tasks and the responsibilities we face these hours in the People's House. Bless our chief justice and all members of the Missouri Supreme Court who will be present and in our midst today.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Ashley Euritt and Abbey Euritt.

The Journal of the seventh day was approved as printed.

ESCORT COMMITTEE

The Speaker appointed the following committee to act with a like committee from the Senate pursuant to **HCR 1**: Representatives Swan, Pfautsch, Hansen, Burlison, Gosen, McKenna, Frame, Morgan, Newman and Runions.

HOUSE RESOLUTION

Representative Haefner offered House Resolution No. 156.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 155

House Resolution No. 157 through House Resolution No. 176

HOUSE CONCURRENT RESOLUTIONS

Representative Walton Gray, et al., offered House Concurrent Resolution No. 10.
 Representative Walton Gray, et al., offered House Concurrent Resolution No. 11.
 Representative Walton Gray, et al., offered House Concurrent Resolution No. 12.
 Representative Walton Gray, et al., offered House Concurrent Resolution No. 13.
 Representative Walton Gray, et al., offered House Concurrent Resolution No. 14.
 Representative Walton Gray, et al., offered House Concurrent Resolution No. 15.
 Representative Walton Gray, et al., offered House Concurrent Resolution No. 16.

SECOND READING OF HOUSE BILLS

HB 227 through **HB 256** were read the second time.

MOTION

Representative Diehl moved that Rule 114 be suspended.

Which motion was adopted by the following vote:

AYES: 157

Allen	Anders	Anderson	Austin	Bahr
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Frame	Franklin	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Molendorp	Montecillo	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Parkinson	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 85	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray

Webber	White	Wieland	Wilson	Wood
Wright	Mr Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 004

Barnes	Fraker	Webb	Zerr
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VACANCIES: 002

JOINT SESSION

The hour of the Joint Session having arrived, the Senate in a body was admitted and Lieutenant Governor Peter Kinder, presiding, called the Joint Assembly to order.

The Secretary of the Senate called the roll, which showed a majority of the Senators present:

AYES: 033

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey
Dixon	Emery	Holsman	Justus	Keaveny
Kehoe	Kraus	Lager	Lamping	LeVota
Libla	McKenna	Munzlinger	Nasheed	Nieves
Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton
Silvey	Wallingford	Walsh		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 001

Wasson

VACANCIES: 000

The Chief Clerk of the House called the roll, which showed a majority of the Representatives present:

AYES: 150

Allen	Anders	Anderson	Austin	Bahr
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Franklin	Frederick	Funderburk	Gannon	Gardner
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr

Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hummel	Hurst	Johnson	Justus
Keeney	Kelley 127	Kirkton	Koenig	Kolkmeier
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Lichtenegger	Love	Lynch	Marshall
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Montecillo	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Parkinson	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Smith 85	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 000

PRESENT: 002

Kelly 45 Roorda

ABSENT WITH LEAVE: 009

Barnes	Cross	Fraker	Frame	Hubbard
Jones 50	Leara	Pfautsch	Webb	

VACANCIES: 002

The Doorkeeper announced the approach of the Honorable Richard B. Teitelman, Chief Justice of the Supreme Court of Missouri. Chief Justice Teitelman was duly escorted to the House Chamber and to the Speaker's dais where he delivered the following message to the assembly in Joint Session.

STATE OF THE JUDICIARY ADDRESS

by

Chief Justice Richard B. Teitelman

Mr. Speaker, Mr. President, Mr. President Pro Tem, members of the General Assembly: Thank you for welcoming me here again this morning. I am humbled to stand before you today to deliver this 40th state of the judiciary address.

Before I begin, let's take a moment of silence to remember the great Stan "the Man" Musial, who not only was a great baseball player but also a humanitarian who treated everyone with graciousness and dignity.

I congratulate all of you – and especially the new legislators coming to Jefferson City for their first session – for your commitment to serving your fellow citizens. I want to offer particular congratulations to your new leaders: in the House, Speaker Tim Jones; Speaker Pro Tem Jason Smith; and Majority Floor Leader John Diehl; and in the Senate, President Pro Tem Tom Dempsey; and Majority Floor Leader Ron Richard.

I was struck by something President Pro Tem Dempsey said on the opening day of the legislative session. He observed that this remarkable state truly has been “the land of opportunity for so many.” Like Senator Dempsey, I too see Missouri as a land of opportunity, where people reach out to others and help them succeed.

I know my colleagues on the Supreme Court share my sentiments. Let me introduce success stories in their own right: Judges Mary Russell, Patty Breckenridge and Zel Fischer, all of whom practiced law in small firms in rural Missouri communities; Judge George Draper III, whose father – while serving as an assistant attorney general in the 1960s under Tom Eagleton – was refused service at restaurants here in Jefferson City; and Judge Laura Denvir Stith and our newest addition, Jefferson City native Judge Paul Wilson, both of whom learned the importance of public service at an early age from parents who were community leaders.

I remain grateful to have the opportunity to serve with such wonderful people who are so dedicated to serving the constitution and the people of Missouri.

Monday, as we celebrated the birth of Dr. Martin Luther King Jr., I thought of success stories here in Missouri – stories like those beginning in 1920 with the election of Republican Representative Walthall Moore and continuing through the 1960s with Senator Theodore McNeal, Representative DeVerne Calloway, Representative Leon Jordan and Representative Harold Holiday Sr.; through the 1970s with Representative Orchid Jordan and Senator Gwen Giles; and into the 1980s with Senator Lee Vertis Swinton – men and women who, across generations, cast their votes in this great institution as Missouri’s first black legislators.

I also thought about Lloyd Gaines and Lucile Bluford, both of whom sought in the 1930s to become students at the University of Missouri. Their struggles helped lead to opportunities. In just the past decade, the university’s enrollment of African-Americans alone has increased by more than 80 percent, and now nearly 20 percent of the university’s freshmen are minorities.

Truly, opportunities for success abound in Missouri. One more recent success story is that of Alice Conway, assistant general counsel at Monsanto.

She is remarkable for her educational achievements – she earned her Ph.D. in comparative literature at the same time as she earned her law degree from Washington University in St. Louis; she is a mezzosoprano who has studied at Julliard; and she has studied not only English but also French, German, Latin and Spanish literature.

She is all the more remarkable because she did all this reading in Braille, as she has been blind since infancy. Her mother translated many of her reading materials into Braille by hand. Alice now manages commercial and employment law issues for Monsanto.

We in the judiciary are doing what we can to create more opportunities for people in Missouri to gain access to our courts. Thanks largely to grant funding, we are providing interpreters as needed in all criminal, family, domestic and juvenile cases, and we now have a dedicated language-access point of contact for every county in the state.

At the Supreme Court, we are working to provide closed-captioning services for the oral arguments we stream online, and we will be providing informational brochures in Braille and audio files for the blind.

The judiciary’s educational efforts are expanding statewide. We continue to welcome thousands of your constituents as visitors touring our beautiful Supreme Court Building. And we now have more than 125 individuals – business and civic leaders, teachers, lawyers, court staff, judges and others – volunteering their time to help educate our citizens about the role Missouri’s courts serve in our outstanding system of government as well as the importance of the constitution and the laws.

One example of a local community coming together to get young people excited about these important issues is Houston, Texas – Missouri, that is. Former legislator and now Associate Circuit Judge Doug Gaston has engaged local leaders and high school students together in a “Constitution Project.”

Much like we all have to work together, he has worked with the local police department, sheriff’s office, newspapers, radio stations, lawyers, and, of course, school administrators and teachers to provide legal experience.

During this Constitution Project, students from four Texas County high schools spent part of their fall semester participating in a mock criminal case. Some students investigated the crime scene and analyzed the evidence, others reported in the local newspaper and radio stations about the progress of the investigation and case, and the rest served as prosecution and defense attorneys. The project helped them see first-hand how so many facets of our constitutional system of government work together.

Winners were chosen at the school and county level and awarded scholarships. Along with Judge Gaston and some of the local leaders who made the Constitution Project possible, we have several of the winners here with us today: county winners Brittany Scott and Nathan Poynter, both of Houston High School; and Houston High School winner Dusti Turner. Let's recognize them for their wonderful efforts.

This Constitution Project has been such a success that the members of the Supreme Court Committee on Civic Education – in partnership with the Missouri Highway Patrol, the Missouri Press Association, the Missouri Broadcasters Association and the Missouri Bar – hope to bring it to other local communities, eventually having a statewide competition.

As another statewide effort, the courts continue to try to make it easier and more affordable for people to file cases. The Supreme Court, all three districts of the court of appeals, and the circuit courts in Callaway and St. Charles counties are up and running in the Missouri eFiling System, and an additional 25 county circuit courts plan to join the eFiling System this year.

Although Judge Ray Price Jr. left the Court last summer to return to private practice, his legacy remains. Thanks largely to his commitment to being “smart,” and not just “tough,” about the way we deal with those in the criminal justice system, we now have treatment court divisions serving all but two of our 45 judicial circuits.

With a graduation rate exceeding 50 percent, Missouri now has more than 12,000 graduates who successfully have completed treatment court programs. In addition, nearly 600 drug-free babies have been born to treatment court participants.

One drug court graduate has received national recognition: Josh Palmer of Malden was featured in a nationwide meth-prevention media campaign sponsored by the Office of National Drug Control Policy. Josh's first encounter with meth at 17 spiraled into a full-blown addiction that eventually cost him his job, his house and the trust of his family. Through the drug court program in Dunklin County, Josh was able to beat his addiction and turn his life around. He now lives with his wife and children and works as a substance abuse counselor for youth in Hayti. Josh, will you please stand and be recognized?

Missouri's treatment courts are celebrating their 20th anniversary this year. One of the reasons we have drug courts in Missouri is because of the leadership of Albert Riederer – a former court of appeals judge and three-term Jackson County prosecutor – who died December 27 after a courageous battle with cancer. While he was prosecutor, Albert spearheaded the effort to fund a drug court in Kansas City that was just the second in the country. One of his partners in this effort – Jim Nunnally, former administrator of the Jackson County “COMBAT” program to help fight drug abuse and drug-related crime – was honored earlier this month for his contribution to the development of the Jackson County drug court.

We appreciate everything that people like Albert and Jim have done for their community, their state and, indeed, the nation – as Missouri has become a national leader in drug courts. It has three “mentor courts” established as educational training sites for other drug courts throughout the country. And last fall, Jackson County's family drug court received a national award of excellence for being one of just five peer learning courts.

Because it brings positive change to Missourians and their communities, this model of providing treatment to certain nonviolent criminal offenders has moved beyond just drug courts. In 2010, your legislation made Missouri one of the first states in the nation to establish DWI courts.

And we now have three regional treatment courts serving the unique needs of our military veterans. One success story is Kennedy, who served in the Army in the 1980s and who, a decade later, fell into drug and alcohol abuse, leading to multiple arrests. Kennedy graduated from the St. Louis veterans treatment court this past September and now

coordinates a computer clinic to help others in that program learn basic computer skills. The treatment court was his key to freedom from addiction and crime. Let's salute Kennedy, who is here with us today.

We also want to thank you in the legislative branch and those in the executive branch for working with the judiciary during the last year to implement meaningful reforms that make sentencing for nonviolent offenders more effective and our state safer.

We too can create amazing opportunities when we strive to follow the example of cooperation among the branches of government set by civic leaders such as Albert Riederer and our own longtime Supreme Court clerk, Tom Simon, who also died late last year.

These leaders, and so many more like them in Missouri, embody Dr. Martin Luther King's belief, drawn from the words of the prophet Amos, that we should not be satisfied until "justice rolls down like water and righteousness like a mighty stream." And with students like those in Texas County embracing the ideals of justice laid out in our constitution, Missouri will be in good hands in the years to come.

I know all of us on the Court – and all of you here today – firmly believe in our state's motto – carved into the dais in this beautiful chamber – "Let the welfare of the people be the supreme law." I am humbled to serve with you.

I know you all are very busy, but if you have the opportunity, please join us now for lunch, graciously provided by the Missouri Bar, downstairs in Hearing Room 3. For those who enjoyed the knishes last year, we are bringing more this year, and it also will give you a great opportunity to meet the Bar's new executive director, Sebrina Barrett.

Thank you. And God Bless America!

The Joint Session was dissolved by Senator Richard.

Speaker Jones resumed the Chair.

THIRD READING OF HOUSE BILL

HCS HB 110, relating to elections, was taken up by Representative Smith (120).

On motion of Representative Smith (120), **HCS HB 110** was read the third time and passed by the following vote:

AYES: 115

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Butler	Cierpiot	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
McCaherty	McGaugh	Messenger	Miller	Molendorp
Morris	Muntzel	Neely	Neth	Parkinson

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Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Ross	Rowden	Rowland
Scharnhorst	Schatz	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 045

Burns	Carpenter	Colona	Curtis	Dunn
Ellinger	Ellington	English	Englund	Gardner
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	Marshall	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Pierson	Roorda	Runions	Schieber	Schieffer
Schupp	Smith 85	Swearingen	Walton Gray	Webber

PRESENT: 000

ABSENT WITH LEAVE: 001

Webb

VACANCIES: 002

Speaker Jones declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 109

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hubbard	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
McCaherty	McGaugh	Messenger	Miller	Molendorp
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	Marshall	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 000

VACANCIES: 002

COMMITTEE REPORT

Committee on Ethics, Chairman Diehl reporting:

Mr. Speaker: Your Committee on Ethics, to which was referred **HR 139**, begs leave to report it has examined the same and recommends that it **Do Pass**.

HOUSE RESOLUTION NO. 139 ETHICS COMMITTEE RULES OF PROCEDURE

RULE 1. Scope and Authority

These Rules of Procedure govern the conduct of the investigation of complaints of ethical misconduct by a member of the House and are adopted pursuant to House Rule 36.

RULE 2. Definitions

As used in these Rules, unless the context requires otherwise, the following words and terms shall have the following meanings, and the use of masculine gender shall include the feminine.

(1) Censure - A sanction which recognizes the respondent's conduct constituted a legal or moral wrong, and which shall include punishment in the form of denying privileges of office, which recommendation is included as part of the committee's report and requires the presence of the respondent in the chamber during consideration and vote by the entire House on such resolution.

(2) Letter of Reproval - A sanction which expresses disapproval of conduct based on the appropriateness of such conduct by a legislator, regardless of whether the conduct constitutes a legal or moral wrong and is included as part of the committee's report.

(3) Reprimand - A sanction which recognizes the respondent's conduct constituted a legal or moral wrong and which may include punishment in the form of denying privileges of office, which recommendation is included as part of the committee's report, is issued by the Speaker and the recommendation for reprimand is made a public record.

RULE 3. Quorum

A quorum exists when a majority of the members of the Committee are present.

RULE 4. Form of Complaints

A. All complaints filed with the Speaker against a member of the House shall be made by a member. The complaints shall be confidential and shall be referred to the Committee on Ethics within ten (10) days and shall be in writing and under oath, setting forth in simple, concise and direct statements:

- (1) The name and legal address of the member or members acting as complainant;
- (2) The name of the member of the House alleged to have engaged in the commission of a crime, misconduct, willful neglect of duty, corruption in office or other acts constituting ethical misconduct. "Misconduct" means:
 - (a) Any conduct constituting a legal or moral wrong which materially impairs the member's ability to perform the duties of his office or substantially impairs public confidence in the General Assembly;
 - (b) Any conduct constituting a conflict of interest under Chapter 105, RSMo;
 - (c) The intentional filing of a false complaint or the filing of a complaint in reckless disregard of the truth.
- (3) The nature of the alleged crime, misconduct, neglect, corruption or other unethical act, including when applicable, the specific law, rule, regulation or ethical standard violated;
- (4) The facts alleged to have given rise to the violation; and
- (5) Where the facts are alleged upon the information and belief of the complainant, the complaint shall so state and set forth the basis for such information and belief.

B. All documents in the possession of the complainant that are relevant to and in support of the allegations shall be appended to the complaint.

RULE 5. Initial Examination of the Complaint by the Committee

A. Within thirty (30) days of the assignment of the complaint by the Speaker, the Committee shall determine if it is in compliance with Rule 4 of these Rules, and whether on the face of the complaint, the allegations contained therein are within the jurisdiction of the Committee, and if so, whether the allegations merit proceeding to a preliminary hearing. The complainant shall not act as a member of the Committee at a hearing in which the complainant is likely to be called as a necessary witness. A respondent shall not act as a member of the Committee for purposes of his complaint.

B. Complaints determined not to be in compliance with Rule 4 of these Rules shall be returned to the complainant with a general statement that it is not in compliance with the Rules of Procedure. The complaint may be resubmitted in the proper form.

C. Once a determination has been made that the complaint complies with Rule 4 of these Rules, a majority of the Committee appointed shall vote by roll call to either:

- (1) Defer action pending completion of any other administrative, disciplinary, commission, or judicial proceeding;
- (2) Proceed to a preliminary hearing;
- (3) Dismiss the complaint. When a motion to proceed to a preliminary hearing fails on a recorded vote, the complaint shall be immediately dismissed.

D. In determining whether or not to proceed the Committee shall consider the following:

- (1) The credible evidence contained in the complaint or appended thereto of the commission of a crime, misconduct, willful neglect of duty, corruption in office, or other acts violating applicable ethical standards;
- (2) Other administrative or disciplinary action by other interested bodies;
- (3) Criminal investigation, Missouri Ethics Commission proceeding, or judicial proceedings, either civil or criminal; and
- (4) Other relevant circumstances that would justify expediting, declining or deferring action by the Committee.

E. Complaints determined to be in compliance with Rule 4 of these Rules and accepted for a preliminary hearing shall be transmitted to the respondent with a copy of the Rules of Procedure and notice in writing that the respondent has twenty-one (21) calendar days to respond to the complaint either by way of answer or motion pursuant to Rule 6 of these Rules. The complainant shall also be notified, in writing, of the action of the Committee. Examination of the complaint and the determination of Rule 5.C. shall be conducted in a closed meeting.

RULE 6. Answers and Motions

A. If the Committee determines that the complaint merits proceeding to a preliminary hearing, the respondent shall have twenty-one (21) calendar days in which to respond to the complaint by way of answer or motion, unless this time period is waived by the respondent. Any answer or motion shall be in writing, signed by the respondent and his counsel, if he has one, and shall be limited to the following:

- (1) An admission or denial under oath, of the allegations set forth in the complaint, including negative and affirmative defenses, and any other relevant information, including supporting evidence which the respondent may desire to submit. Failure to file an answer within the time prescribed shall be considered by the Committee as a denial of each allegation;
- (2) An objection to the jurisdiction of the Committee to investigate the complaint; or
- (3) An objection to the participation of any member of the Committee in an investigation of the complaint on the grounds that the member cannot render an impartial and unbiased decision in the case. The majority of the members present shall rule on the objection to the participation of any member of the Committee. A temporary replacement shall be made to serve on the Committee on Ethics for all actions concerning a particular complaint for any member of the Committee who is prevented from acting on a complaint under these rules.

B. Any motion submitted pursuant to this rule is not in lieu of an answer and shall be accompanied by a memorandum of points and authorities. Answers or motions not submitted within the twenty-one (21) calendar-day period shall not be considered by the Committee.

C. The Chairman of the Committee shall pass upon such motions as soon as practicable and notice of the decision shall be furnished to the respondent and the complainant. A motion to quash a subpoena shall be decided by the Chairman of the Committee.

D. Time limitations imposed by this Rule may be extended when, in the discretion of the Chairman, such extension would facilitate a fair and complete inquiry and may be shortened when the Chairman determines that there are special circumstances compelling expedition, and upon twenty-four (24) hours notice of said action to the respondent and the claimant.

E. In the event that a special counsel is retained by the Committee, the attorney-client privilege is applicable to the Committee and not to the House.

RULE 7. Preliminary Hearings

A. A preliminary hearing may be held to hear arguments based on the pleadings submitted in the case. The preliminary hearing shall be an open meeting. The committee shall provide the complainant and the respondent or counsel for the complainant and respondent an opportunity to present, orally or in writing, a statement, which shall be under oath or affirmation, regarding the allegations and any other relevant questions arising out of the pleadings. A complainant or

respondent who is represented by counsel shall not be questioned in the absence of counsel unless an explicit waiver is obtained.

B. The committee shall require that testimony be given under oath or affirmation. The form of the oath or affirmation shall be: "Do you solemnly swear (or affirm) that the testimony you will give before this Committee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?" The oath or affirmation shall be administered by the Chairman or Committee member designated by him to administer oaths. Members of the committee shall be given an opportunity to question the complainant and respondent or counsel for the complainant or respondent following the opening statements.

C. At the conclusion of the preliminary hearing, a majority of the Committee shall vote by roll call to either:

- (1) Dismiss the complaint, or
- (2) Proceed by
 - (a) undertaking an investigative hearing; or
 - (b) deciding the case based upon the preliminary hearing.

A decision based upon a preliminary hearing shall require the consent of the respondent.

D. If the committee decides to make a summary decision of the case and the respondent accepts this disposition the Committee may, by a majority vote, recommend one of the following sanctions:

- (1) Letter of reproof;
- (2) Reprimand; or
- (3) Censure.

RULE 8. Investigative Hearings

A. An investigative hearing may be held on the record to receive evidence upon which to base findings, conclusions, and recommendations, if any, to the House. The Committee may require, by subpoena or otherwise, or by subpoena duces tecum, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers and documents as it deems necessary. The Committee may obtain a court-issued subpoena in the event that any person refuses to obey the subpoena issued by the Committee.

B. Prior to setting a hearing date and issuing subpoenas for witnesses, the Committee shall resolve the scope and purpose of the hearings. A copy of this statement of scope and purpose shall be furnished to all witnesses. During the course of the hearings the Committee may expand or contract the scope in light of evidence received.

C. The order of the investigative hearing shall be as follows:

- (1) The Chairman shall open the hearing by stating the Committee's authority to conduct the investigation, the purpose of the investigation and its scope.
- (2) The complainant and the respondent or counsel for the complainant and respondent shall be permitted to make opening statements. Such opening statements shall not exceed fifteen minutes each.
- (3) Testimony from witnesses and other evidence pertinent to the matter under investigation shall be received in the following order:
 - (a) Witnesses and other evidence offered by the complainant;

- (b) Witnesses and other evidence offered by the respondent;
- (c) Witnesses and other evidence offered by the Committee staff; and
- (d) Rebuttal witnesses.

(4) The Chairman or his designee shall examine each witness. The Committee members may then question the witness. The respondent or his counsel may then cross-examine the witness. Redirect or recross examination may be permitted in the Chairman's discretion. With respect to witnesses offered by the respondent, a witness shall be examined first by the respondent or his counsel, if he has one, and then may be cross-examined by the complainant or his counsel, if he has one, and then may be cross-examined by the Chairman or his designee. Committee members may then question the witness. Redirect and recross examination may be permitted in the Chairman's discretion.

D. Testimony of all witnesses shall be taken under oath. The form of the oath shall be: "Do you solemnly swear (or affirm) that the testimony you will give before this Committee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?" The oath shall be administered by the Chairman or Committee member designated by him to administer oaths.

RULE 9. Admissibility of Evidence

A. The object of the hearings shall be to ascertain the truth. Any evidence that is relevant and probative shall be admissible, unless privileged or unless the Constitution otherwise requires its exclusion. Objections going only to the weight that should be given to evidence will not justify its exclusion.

B. The Chairman or other member presiding shall rule upon any question of admissibility of testimony or evidence presented to the Committee. The Chairman or other member presiding may limit the presentation of repetitious evidence. Rulings shall be final unless reversed or modified by a majority vote of the Committee members present.

C. At an investigative hearing, the burden of proof is on the complainant with respect to each count to establish the facts alleged therein clearly and convincingly by the evidence that he introduces.

RULE 10. Witnesses

A. A subpoena to a witness shall be served sufficiently in advance of his scheduled appearance to allow him a reasonable period of time, as determined by the Committee, to prepare for the hearing and to employ counsel should he so desire.

B. Except as otherwise specifically authorized by the Chairman, no member of the Committee or staff shall make public the name of any witness subpoenaed by the Committee before his scheduled appearance.

C. Witnesses at investigative hearings may be accompanied by their counsel for the purpose of advising them concerning their constitutional rights and to raise objections to procedures or to the admissibility of testimony and evidence. Counsel for a witness other than the respondent shall not be permitted to engage in oral argument with the Committee. After a witness has testified, his counsel may submit to the Committee, in writing, any questions he wishes propounded to his client and any request for additional witnesses or other evidence. Such request may be granted in the discretion of the Committee.

D. The respondent may apply to the Committee for the issuance of subpoenas for the appearance of witnesses or the production of documents on his behalf. The application shall be granted upon good cause shown by the respondent that the proposed testimony or evidence is relevant and not otherwise available. The application shall be denied if not made at a reasonable time or if the testimony or evidence would be merely cumulative.

E. The respondent is entitled to present witnesses in his behalf. However, the Chairman may limit such testimony when, in his discretion, he finds the testimony is repetitious or cumulative.

F. Each witness subpoenaed by the Committee shall be reimbursed for those reasonable expenses approved by the Committee.

G. Each witness shall be furnished a printed copy of the Rules of Procedure and the pertinent provisions of the Rules of the House applicable to the rights of witnesses.

H. Within ten (10) calendar days before the scheduled investigative hearing, the Chairman shall notify the respondent, in writing, of the witnesses that are to appear before the Committee. Within five (5) calendar days before the scheduled investigative hearing, the respondent shall notify the Committee, in writing, of the witnesses that are to appear in his behalf. Additional witnesses may be brought before the Committee, in the discretion of the Chairman or other member presiding and upon good cause, if their whereabouts or existence were unknown to the respondent at the time for submission of the witness list to the Committee.

RULE 11. Findings, Conclusions and Recommendations

A. At the completion of the preliminary hearing or investigative hearings, the Committee, by a majority vote of its members, shall, within forty-five (45) days, adopt a report stating its findings and conclusions on the complaint. The report shall be filed with the Chief Clerk of the House and shall be printed in the House Journal. In the event the Committee finds that the complaint is not well-founded, the report shall so state, and shall include a copy of a Letter of Reproval if the Committee authorized such sanction. In the event the Committee finds that the complaint is well-founded, the report shall state the Committee's recommendation in a resolution appended thereto.

B. The resolution shall state the Committee's findings and conclusions on each allegation in the complaint with the recommendation that the House:

- (1) Expel the member as provided in Article III, Section 18 of the Missouri Constitution;
- (2) Punish the member as provided in Article III, Section 18 of the Missouri Constitution, by reprimand on the adoption of the resolution, or by censure by the Speaker in open session; or
- (3) Take no further action, stating the reasons therefor.

RULE 12. Matters Not Covered in These Rules of Procedure

The Rules of Procedure of the United States House of Representatives Committee on Ethics of the 113th Congress shall be taken as guidelines in deciding questions, issues, and other matters not otherwise provided for in these Rules of Procedure, except that the Rules of the Missouri House of Representatives governing the party representation on committees shall apply to this Committee.

INTRODUCTION OF HOUSE JOINT RESOLUTION

The following House Joint Resolutions were read the first time and copies ordered printed:

HJR 13, introduced by Representative Walton Gray, relating to the general assembly.

HJR 14, introduced by Representatives Jones (110), Kelly (45), Stream, Lichtenegger, Flanigan, LaFaver, Rizzo, Wright, Schieffer, Rowden, Otto, Anders, Lair, Walker, Hough, Neth, Redmon, Molendorp, Riddle, Jones (50), Barnes, Scharnhorst, Black, Hodges, McCaherty, Ellinger, Morgan, Webber, McNeil, McCann Beatty, Norr, Conway (10), Swearingen, Meredith, Burns, Mayfield, McKenna, Colona, Harris, Mims, Walton Gray, English, Runions, Phillips, Pace, Ellington, Gatschenberger, Entlicher, Zerr, Haefner, Hoskins, Bernskoetter, Sommer, Allen, Davis, White, Kirkton, Nichols, Englund, Fitzwater, Wieland, Franklin, Solon, Kratky, Crawford, Swan, Schupp, Grisamore, Elmer, Messenger, May, Spencer, Neely, McGaugh, McDonald, Schatz, Funderburk, Korman, Frederick and Houghton, relating to the fifth state building fund.

HJR 15, introduced by Representatives Brattin, Riddle, Ross, Bahr, Koenig, White, Franklin, Love, Burlison, Pike, Hicks, Lichtenegger, Wilson, Smith (120), Schieffer, Neely, Brown and McGaugh, relating to the right to bear arms.

HJR 16, introduced by Representatives McCaherty, Swan, Higdon, Cross, Hinson and Richardson, relating to admissibility of evidence.

HJR 17, introduced by Representatives Burlison, Davis, Smith (120), Funderburk, Jones (110), Diehl, Barnes, Morris, Richardson, Elmer, Neth, Bahr, Schatz, Stream, Koenig, Curtman and Kelley (127), relating to the commonsense obligation to provide accountability and spending stabilization act.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 257, introduced by Representatives Frederick, Franklin, Lichtenegger, Neely, Kelly (45) and Pace, relating to tuberculosis testing.

HB 258, introduced by Representatives Conway (10) and Kratky, relating to the designation of the official state exercise.

HB 259, introduced by Representatives Walton Gray, Ellinger and Pace, relating to vacation leave for state employees.

HB 260, introduced by Representatives Walton Gray, Pace, Norr, McCann Beatty, Swearingen and Ellington, relating to the use of credit scores by insurance companies.

HB 261, introduced by Representatives Walton Gray, Smith (85), Morgan and McCann Beatty, relating to dating violence education in secondary schools.

HB 262, introduced by Representatives Walton Gray, Ellington, Pace, Smith (85) and Norr, relating to a sickle cell standing committee.

HB 263, introduced by Representatives Walton Gray, Pace, Smith (85), Norr and Swearingen, relating to the designation of organ donor recognition day.

HB 264, introduced by Representative Walton Gray, relating to the establishment of a community schools program.

HB 265, introduced by Representative Walton Gray, relating to liquor control.

HB 266, introduced by Representatives Walton Gray, Pace, Smith (85) and Norr, relating to a task force on alternative confinement for victims human sex trafficking.

HB 267, introduced by Representatives Walton Gray, Ellinger and Colona, relating to delinquent real estate payments.

HB 268, introduced by Representatives Walton Gray and Ellinger, relating to exemption of property in bankruptcy.

HB 269, introduced by Representatives Walton Gray and Ellinger, relating to abandoned property.

HB 270, introduced by Representative Walton Gray, relating to the duties of the board of probation and parole.

HB 271, introduced by Representative Walton Gray, relating to mortgages.

HB 272, introduced by Representative Walton Gray, relating to transportation of certain fugitives.

HB 273, introduced by Representative Walton Gray, relating to forcible entry and unlawful detainer.

HB 274, introduced by Representatives Brattin, Haefner, Mims, Nichols, Lichtenegger, LaFaver, Swan, McNeil, Pace, Kirkton, Barnes, Frederick, Schieffer, Roorda, Englund and Montecillo, relating to newborn screenings.

HB 275, introduced by Representatives Brattin, Berry, Wilson, Hansen, Bahr, White, Brown and McGaugh, relating to illegal immigration.

HB 276, introduced by Representatives Brattin, Cox, Bahr, Smith (120), Neely, Brown and McGaugh, relating to school protection officers.

HB 277, introduced by Representatives Brattin, Koenig, Bahr, Smith (120), Frederick, Neely, Brown and McGaugh, relating to motor fuel tax exemptions.

HB 278, introduced by Representatives Brattin, Riddle, Lichtenegger, Hansen, Bahr, Koenig, White, Franklin, Love, Burlison, Pike, Frederick and Neely, relating to federal holidays.

HB 279, introduced by Representatives Hinson, Mayfield, Walker, Leara, Cookson, Lauer, Austin, Hicks, Haahr, Brown, McGaugh, Wood, Curtman, Fitzwater, Bahr, Pike, Brattin, Lichtenegger, Kolkmeier, Fitzpatrick, Wieland, English, Smith (120), Koenig, Franklin, Wilson, Cierpiot, Gatschenberger, Pogue, Miller, Rhoads, Hurst, Kelley (127), Richardson, Schatz, Redmon, Kelly (45), Davis, Cross, Elmer, Jones (50) and Jones (110), relating to a prohibition on use of public assistance benefits.

HB 280, introduced by Representatives Barnes, Mims, LaFaver, Cornejo, Roorda, Webber, Montecillo and Higdon, relating to crime.

HB 281, introduced by Representatives Barnes, LaFaver, Roorda, Webber, Montecillo and Mims, relating to domestic violence.

HB 282, introduced by Representatives Shumake, Hansen, Rowland, Brown, Bahr, Redmon, Houghton and Walker, relating to the use of religious books in public schools.

HB 283, introduced by Representatives Thomson, Rowland, Davis, Reiboldt, Lant, Schieber and Stream, relating to state funding for elementary and secondary education.

HB 284, introduced by Representatives Hummel, McCann Beatty, Butler, Meredith, Scharnhorst, Webb, Rizzo, Montecillo, Colona, Ellinger and English, relating to possession of exotic animals.

HB 285, introduced by Representatives Pace, Hubbard, English, Roorda, Burns, McKenna, Walton Gray, Ellinger, McNeil, Mims, Kratky, McCann Beatty, Rizzo, Hummel, Newman, Morgan, Pierson, May, Swearingen, Kelley (127), Anderson, Fitzwater, Hicks, Bahr, Englund, White, Fraker, Redmon, Hampton, Hurst, Ross, Muntzel, Remole, Rhoads, Gatschenberger, Solon, Berry, Hansen, Sommer, Entlicher and Lant, relating to distribution of a controlled substance near child care facilities.

HB 286, introduced by Representatives Funderburk, Korman and Pace, relating to an employer's request for account information from a social networking website.

HB 287, introduced by Representatives McCaherty, Higdon, Crawford, Lauer, Cross and Richardson, relating to statute of limitations for liability of licensed professional counselors.

HB 288, introduced by Representatives McCaherty, Solon, Higdon, McKenna, Shumake, Rowland, Crawford, Lauer, Richardson and Cross, relating to tax credits for donated food and pregnancy care center contributions.

HB 289, introduced by Representatives Montecillo and Conway (10), relating to election judges.

HB 290, introduced by Representatives Lichtenegger, Torpey, Zerr, Burlison, Swan, Morris, Solon, Allen, Scharnhorst, Conway (104), Brattin, Korman, Jones (110), Kelly (45), Haefner and Johnson, relating to adoption investigations.

HB 291, introduced by Representatives Brattin, Koenig and Bahr, relating to standard science instruction.

HB 292, introduced by Representatives Spencer, Kelley (127), Parkinson, Gatschenberger, Reiboldt, Shull, Justus and Butler, relating to requirements for high school graduation.

HB 293, introduced by Representatives Spencer, Cornejo, Kelley (127), Parkinson, Gatschenberger, Reiboldt, Shull, Berry, Justus, Bahr, Morris and Butler, relating to fines assessed by state agencies.

HB 294, introduced by Representatives Spencer, Kelley (127), Parkinson, Gatschenberger, Reiboldt, Shull, Berry, Justus and Bahr, relating to requirements for a high school academic diploma.

HB 295, introduced by Representatives Spencer, Parkinson, Gatschenberger, Reiboldt, Shull, Morris and Miller, relating to school funding.

HB 296, introduced by Representatives Spencer, Kelley (127), Reiboldt, Justus and Morris, relating to the Missouri Good Samaritan Law.

HB 297, introduced by Representatives English, Hicks, Rhoads, Miller, Schieffer, Love, Fitzwater, Rehder, Jones (110), Black, Kolkmeier, Hinson, Smith (120), Pogue, Burlison, Kelley (127), Ellinger, Franklin, Fitzpatrick, Cornejo, Swan, Hurst and Neely, relating to food stamps.

HB 298, introduced by Representatives English, Hicks, Rhoads, Miller, Schieffer, Love, Fitzwater, Rehder, Jones (110), Black, Haahr, Smith (120), Pogue, Burlison, Kelley (127), Franklin, Fitzpatrick, Wood, Swan and Hurst, relating to informed consent for abortions.

HB 299, introduced by Representatives Schieber, Allen, Curtis, Lichtenegger, Higdon, Flanigan, Redmon, Wilson, Franklin, Wieland, Wood and Marshall, relating to cyber crime investigation.

HB 300, introduced by Representatives Hubbard, Solon, Higdon, Wilson, Phillips, Pace, Walton Gray, Colona, Smith (85) and Otto, relating to domestic violence.

HB 301, introduced by Representative Engler, relating to civil commitment of sexually violent predators.

HB 302, introduced by Representative Engler, relating to the failure to vacate leased premises in a rent and possession case.

HB 303, introduced by Representatives Scharnhorst, Jones (110), Stream, Diehl, Gatschenberger, Engler, Hodges, Allen, Cornejo, Hicks, Miller, Franklin, Muntzel, Remole, Hurst, Fitzwater, Swan, Rehder, Parkinson, Koenig, Walker, Redmon, Phillips, Shull, Curtman, Cookson, Schatz, Hoskins, Schieffer, Fitzpatrick, Cierpiot, Mayfield, Wood, Austin and Wieland, relating to the designation of the new Mississippi River bridge.

HB 304, introduced by Representative Stream, relating to the designation of the new Mississippi River bridge.

COMMITTEE APPOINTMENTS

January 23, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol, Room 306C
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Kevin Engler to serve on the Joint Committee on Capital Improvements and Leases Oversight.

If you have any questions, please do not hesitate to contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 23, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol, Room 306C
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Paul Fitzwater and Representative Shawn Rhoads to serve on the Joint Committee on Corrections.

If you have any questions, please do not hesitate to contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 23, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol, Room 306C
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Steve Cookson and Representative Ron Hicks to serve on the Joint Committee on Education.

If you have any questions, please do not hesitate to contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 23, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol, Room 306C
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint the following members to serve on the Joint Committee on Government Accountability:

Representative Tom Flanigan
Representative Sandy Crawford

Representative Paul Curtman
Representative Kevin Engler

If you have any questions, please do not hesitate to contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 23, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol, Room 306C
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Jason Smith to serve on the Joint Committee on Legislative Research.

If you have any questions, please do not hesitate to contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 23, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol, Room 306C
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint the following members to serve on the Joint Committee on Life Sciences:

Representative Anne Zerr
Representative Keith Frederick
Representative Caleb Rowden
Representative Casey Guernsey

If you have any questions, please do not hesitate to contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 23, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol, Room 306C
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Mike Cierpiot and Representative Elijah Haahr to serve on the Joint Committee on Missouri's Promise.

If you have any questions, please do not hesitate to contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 23, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol, Room 306C
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Chris Molendorp to serve on the Joint Committee on MO HealthNet.

If you have any questions, please do not hesitate to contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 23, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol, Room 306C
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Mike Leara and Representative Mike Bernskoetter to serve on the Joint Committee on Public Employee Retirement.

If you have any questions, please do not hesitate to contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 23, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol, Room 306C
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Caleb Jones and Representative Marsha Haefner to serve on the Joint Committee on Tax Policy.

If you have any questions, please do not hesitate to contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 23, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol, Room 306C
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Bart Korman and Representative Dave Schatz to serve on the Joint Committee on Transportation Oversight.

If you have any questions, please do not hesitate to contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 23, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol, Room 306C
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Tom Hurst to serve on the Missouri Job Training Joint Legislative Oversight Committee.

If you have any questions, please do not hesitate to contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Thursday, January 24, 2013.

COMMITTEE HEARINGS

AGRICULTURE POLICY

Thursday, January 24, 2013, 8:00 AM House Hearing Room 1.
Informational meeting

AGRICULTURE POLICY

Tuesday, January 29, 2013, 12:00 PM House Hearing Room 6.
Informational meeting

APPROPRIATIONS - EDUCATION

Tuesday, January 29, 2013, 2:00 PM House Hearing Room 1.
Executive session may be held on any matter referred to the committee.
Institution Presidents
AMENDED

APPROPRIATIONS - EDUCATION

Wednesday, January 30, 2013, 2:00 PM House Hearing Room 1.
Executive session may be held on any matter referred to the committee.
Institution Presidents, continued
AMENDED

APPROPRIATIONS - GENERAL ADMINISTRATION

Tuesday, January 29, 2013, Upon Morning Adjournment House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Organizational meeting and public testimony. Persons interested in providing testimony are required to sign up in advance with the Chairman's office, and remarks should be limited to no more than 5 minutes.

APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, January 30, 2013, Upon Morning Adjournment House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Public testimony (continued if needed). Persons interested in providing testimony are required to sign up in advance with the Chairman's office, and remarks should be limited to no more than 5 minutes.

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Thursday, January 24, 2013, 8:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

DHSS department overview

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, January 29, 2013, 2:00 PM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Department of Corrections overview

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, January 30, 2013, 2:00 PM House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

Public testimony

DOWNSIZING STATE GOVERNMENT

Thursday, January 24, 2013, 8:00 AM House Hearing Room 4.

Public hearing will be held: HB 63, HB 137

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Thursday, January 24, 2013, 8:30 AM South Gallery.

Executive session may be held on any matter referred to the committee.

The committee may consider any legislation having been referred.

CANCELLED

GOVERNMENT OVERSIGHT AND ACCOUNTABILITY

Monday, January 28, 2013, 10:00 AM House Hearing Room 3.

Organizational meeting followed by public testimony on the Quality Jobs Act

JOINT COMMITTEE ON EDUCATION

Thursday, January 24, 2013, 8:30 AM SCR 2.

The committee will meet to hear a presentation from Complete College America.

SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN HEALTH CARE

Wednesday, January 30, 2013, 8:00 AM House Hearing Room 1.

This will be an organizational meeting only.

UTILITIES

Tuesday, January 29, 2013, 6:30 PM 516 South Country Club Dr, Jefferson City, MO.

Informational meeting

UTILITIES

Wednesday, January 30, 2013, 8:00 AM House Hearing Room 7.

Public hearing will be held: HB 44

Executive session may be held on any matter referred to the committee.

Public hearing and organizational/informational meeting

VETERANS

Tuesday, January 29, 2013, 8:00 AM House Hearing Room 1.

Public hearing will be held: HJR 8, HB 148

Executive session may be held on any matter referred to the committee.

VETERANS

Tuesday, January 29, 2013, 5:00 PM Senate Lounge.

Executive session may be held on any matter referred to the committee.

This will be for informational purposes only.

HOUSE CALENDAR

NINTH DAY, THURSDAY, JANUARY 24, 2013

HOUSE JOINT RESOLUTIONS FOR SECOND READING

HJR 13 through HJR 17

HOUSE BILLS FOR SECOND READING

HB 257 through HB 304

HOUSE RESOLUTIONS

HR 139 - Diehl

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

NINTH DAY, THURSDAY, JANUARY 24, 2013

The House met pursuant to adjournment.

Representative Bernskoetter in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

The Lord will give strength unto His people; the Lord will bless His people with peace. (Psalm 29:11)

O merciful God, from Whom no secrets are hidden, help us in this opening moment of prayer to draw near to You with sincere and humble hearts. With Your presence alive within us may we face the tasks of this day with courage and faith and in all honesty of mind and heart. May no deceit dim our vision, no hatred mar our relationship with others, and no pretense affect our attitude toward ourselves.

Into this state which we love with all our hearts may there come a new and greater unity of spirit so that no sinister powers without conscience and without morals may seek to destroy our freedoms and to belittle our reverence for personality. As we live through these days of destiny which call aloud for wisdom and good will, make us worthy of our positions and give us courage and strength to preserve liberty, to defeat tyranny, and to establish a just and enduring peace in Missouri. Not easy, O Lord, not easy, but with You we can do it and by Your grace we will.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

HOUSE RESOLUTION

Representative Rowland offered House Resolution No. 201.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 177 through House Resolution No. 200

House Resolution No. 202 through House Resolution No. 208

HOUSE CONCURRENT RESOLUTION

Representative Frederick, et al., offered House Concurrent Resolution No. 17.

SECOND READING OF HOUSE JOINT RESOLUTIONS

HJR 13 through **HJR 17** were read the second time.

SECOND READING OF HOUSE BILLS

HB 257 through **HB 304** were read the second time.

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 32 - Ways and Means
HB 55 - Ways and Means
HB 112 - Special Standing Committee on Emerging Issues in Health Care
HB 124 - Economic Development
HB 128 - Local Government
HB 158 - Economic Development
HB 175 - Local Government
HB 194 - Ways and Means
HB 196 - Economic Development
HB 197 - Economic Development
HB 221 - Economic Development
HB 222 - Economic Development
HB 223 - Economic Development
HB 227 - Economic Development
HB 233 - Retirement

COMMITTEE REPORT

Committee on Workforce Development and Workplace Safety, Chairman Lant reporting:

Mr. Speaker: Your Committee on Workforce Development and Workplace Safety, to which was referred **HB 34**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 305, introduced by Representatives Walker, Hansen, Shumake, Redmon, Fitzwater, Fraker, Lynch, Love, Wieland, Remole, Spencer and Guernsey, relating to changes to the sunshine law.

HB 306, introduced by Representatives Hoskins, Wood, Berry, Love, Diehl, Kolkmeier, Pike and Muntzel, relating to the designation of the state historical dog.

HB 307, introduced by Representatives Riddle, Barnes, Kelly (45) and Hinson, relating to fire protection districts.

HB 308, introduced by Representatives Jones (50), Cornejo, Neely and Frederick, relating to midwifery.

HB 309, introduced by Representatives Solon, Kelly (45), Davis, Lichtenegger, Zerr, Allen, Lynch, Haefner, Wieland, Black, Brattin, Berry, Leara, Kelley (127), Walton Gray, Hansen, Conway (104) and Webber, relating to the veterans treatment intervention act.

HB 310, introduced by Representatives Solon, Leara, Hubbard, Entlicher, Black, Ellinger, Berry, Kelley (127) and Walton Gray, relating to the seniors' retirement protection act.

HB 311, introduced by Representative Thomson, relating to special road districts.

HB 312, introduced by Representative Thomson, relating to college or university police officers.

HB 313, introduced by Representatives Thomson, Lair, Rowland, Spencer, Gannon, Anders, McNeil, Fitzwater and Pfautsch, relating to public school and education employees' retirement systems.

HB 314, introduced by Representatives Rowland, Lichtenegger, McCaherty, Shumake, Norr, Swan, Fitzwater, Love, Entlicher, Brattin, Wood, Reiboldt, Gatschenberger, Swearingen, Schieffer, Kirkton, Conway (10), Morgan, Redmon, Schupp, Englund, McDonald, Lant, Webb, Kelley (127), Jones (50), Rowden, Crawford, Allen, Hodges, Dugger and Phillips, relating to nursing scope of practice.

HB 315, introduced by Representative Rowland, relating to prescription eye drop refills.

HB 316, introduced by Representatives Phillips, Franklin, Pace, Fitzpatrick, Kratky, Rowland, Justus, Houghton, Otto, Nichols and Wood, relating to the division of tourism supplemental revenue fund.

HB 317, introduced by Representatives Phillips, Muntzel and Rowland, relating to Molly's law.

HB 318, introduced by Representatives Crawford and Franklin, relating to jury costs.

HB 319, introduced by Representatives Elmer, Jones (110), Korman, Funderburk, Redmon, Jones (50), Spencer, Hough, Hinson, Diehl, Cross and Frederick, relating to unlawful employment practices.

HB 320, introduced by Representatives Elmer, Jones (110), Funderburk, Redmon, Jones (50), Spencer, Hough, Hinson, Diehl, Cross and Frederick, relating to unlawful discriminatory practices.

HB 321, introduced by Representatives Haahr, Walker, Rhoads, Cornejo, Hicks, Fitzpatrick, Leara, Jones (50), Hough, Hinson, Elmer, Miller, Rowden, Wilson, LaFaver, Englund, Austin, McKenna, Mayfield, Fitzwater, Spencer, Lant, Colona, Mitten, Hansen, Bernskoetter, Schupp, Messenger, Justus, Hurst and Love, relating to the second injury fund.

HB 322, introduced by Representatives Gosen, Black, Hinson, Bahr and Wieland, relating to the modernization of certain information provided by insurance companies.

HB 323, introduced by Representatives Elmer, Entlicher and Fraker, relating to a surcharge on civil court cases.

HB 324, introduced by Representatives Frederick, Wood, Franklin and Neely, relating to medical records.

HB 325, introduced by Representatives Elmer, Rowland, Phillips and Morris, relating to judicial circuits.

HB 326, introduced by Representative Fitzwater, relating to the crime of sexual misconduct in the second degree.

COMMITTEE CHANGES

January 23, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby remove Representative Penny Hubbard from Appropriations: Public Safety and Corrections and appoint Representative Gina Mitten.

If you have any questions, please feel free to contact my office.

Thank you,

/s/ Jake Hummel
House Minority Leader
Missouri House of Representatives

January 23, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby remove Representative Penny Hubbard from the Committee on Corrections and appoint Representative Kimberly Gardner.

If you have any questions, please feel free to contact my office.

Thank you,

/s/ Jake Hummel
House Minority Leader
Missouri House of Representatives

January 23, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby remove Representative Penny Hubbard from the Committee on Small Business and appoint Representative Steve Hodges.

If you have any questions, please feel free to contact my office.

Thank you,

/s/ Jake Hummel
House Minority Leader
Missouri House of Representatives

January 23, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby remove Representative Penny Hubbard from the Committee on Urban Issues and appoint Representative Stacey Newman.

If you have any questions, please feel free to contact my office.

Thank you,

/s/ Jake Hummel
House Minority Leader
Missouri House of Representatives

January 24, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby remove Representative Kevin McManus from the Special Standing Committee on Emerging Issues in Health Care and appoint Representative Penny Hubbard.

If you have any questions, please feel free to contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

COMMITTEE APPOINTMENTS

January 24, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol, Room 306C
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint the following members to serve on the Joint Review Committee on Downtown and Rural Economic Stimulus Act:

Representative Tim Remole
Representative Scott Fitzpatrick
Representative Chrissy Sommer

If you have any questions, please do not hesitate to contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 24, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

The Speaker hereby appoints the following Representatives to the Special Standing Committee on Corrections.

Kathie Conway	Linda Black
Bill Reiboldt	Rory Ellinger
Dave Muntzel	Penny Hubbard
Dennis Fowler	Bonnaye Mims
Bryan Spencer	
Shawn Rhoads	

The Speaker has designated Paul Fitzwater as Chair, and Rick Brattin as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 24, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

The Speaker hereby appoints the following Representatives to the Special Standing Committee on Small Business.

Mike Bernskoetter	Kevin Austin
T.J. Berry	Jeffery Justus
Rick Brattin	Ira Anders
Delus Johnson	Jon Carpenter
Jeanie Lauer	Vicki Englund
Chrissy Sommer	Ben Harris
Kurt Bahr	Penny Hubbard
Lindell Shumake	Jeremy LaFaver
Charlie Davis	John Mayfield
Steve Lynch	

The Speaker has designated Noel Torpey as Chair, and Gary Cross as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 24, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

The Speaker hereby appoints the following Representatives to the Special Standing Committee on Urban Issues.

Jay Barnes	Randy Dunn
Sheila Solon	Brandon Ellington
Bryan Spencer	
Jeff Pogue	
Nathan Walker	

The Speaker has designated Penny Hubbard as Chair, and Nick Marshall as Vice-Chair.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

The following members' presence was noted: Allen, Anders, Anderson, Austin, Bahr, Barnes, Berry, Black, Brown, Burns, Butler, Conway (10), Conway (104), Cookson, Cornejo, Cox, Crawford, Cross, Curtis, Curtman, Davis, Dugger, Dunn, Ellinger, Ellington, Elmer, English, Englund, Entlicher, Fitzpatrick, Fitzwater, Flanigan, Fowler, Fraker, Frame, Franklin, Frederick, Gannon, Gardner, Gatschenberger, Gosen, Grisamore, Guernsey, Haahr, Haefner, Hampton, Hansen, Harris, Hicks, Higdon, Hinson, Hodges, Hough, Hubbard, Hurst, Johnson, Jones (50), Jones (110), Justus, Keeney, Kelley (127), Kelly (45), Kirkton, Koenig, Kolkmeyer, Korman, Kratky, LaFaver, Lair, Lant, Lauer, Leara, Love, Lynch, Marshall, Mayfield, McCann Beatty, McDonald, McGaugh, McKenna, McNeil, Meredith, Messenger, Miller, Mims, Mitten, Molendorp, Montecillo, Morgan, Morris, Muntzel, Neely, Neth, Newman, Norr, Otto, Pace, Pfautsch, Phillips, Pike, Pogue, Redmon, Rehder, Reiboldt, Remole, Rhoads, Riddle, Rizzo, Roorda, Ross, Rowden, Rowland, Scharnhorst, Schatz, Schieffer, Shull, Shumake, Smith (85), Sommer, Spencer, Stream, Swan, Swearingen, Thomson, Walker, Walton Gray, Webb, White, Wieland, Wilson, Wood and Wright.

ADJOURNMENT

On motion of Representative Bernskoetter, the House adjourned until 4:00 p.m., Monday, January 28, 2013.

COMMITTEE HEARINGS

AGRICULTURE POLICY

Tuesday, January 29, 2013, 12:00 PM House Hearing Room 6.
Informational meeting

APPROPRIATIONS - EDUCATION

Tuesday, January 29, 2013, 2:00 PM House Hearing Room 1.
Executive session may be held on any matter referred to the committee.
Institution Presidents
AMENDED

APPROPRIATIONS - EDUCATION

Wednesday, January 30, 2013, 2:00 PM House Hearing Room 1.
Executive session may be held on any matter referred to the committee.
Institution Presidents, continued
AMENDED

APPROPRIATIONS - GENERAL ADMINISTRATION

Tuesday, January 29, 2013, Upon Morning Adjournment House Hearing Room 3.
Executive session may be held on any matter referred to the committee.
Organizational meeting and public testimony. Persons interested in providing testimony are required to sign up in advance with the Chairman's office, and remarks should be limited to no more than 5 minutes.

APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, January 30, 2013, Upon Morning Adjournment House Hearing Room 3.
Executive session may be held on any matter referred to the committee.
Public testimony (continued if needed). Persons interested in providing testimony are required to sign up in advance with the Chairman's office, and remarks should be limited to no more than 5 minutes.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, January 29, 2013, 2:00 PM House Hearing Room 3.
Executive session may be held on any matter referred to the committee.
Department of Corrections overview

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, January 30, 2013, 2:00 PM House Hearing Room 6.
Executive session may be held on any matter referred to the committee.
Public testimony

APPROPRIATIONS - REVENUE, TRANSPORTATION, AND ECONOMIC DEVELOPMENT

Tuesday, February 5, 2013, 8:00 AM House Hearing Room 3.
Executive session may be held on any matter referred to the committee.
Missouri Department of Economic Development budget presentation

APPROPRIATIONS - REVENUE, TRANSPORTATION, AND ECONOMIC DEVELOPMENT

Tuesday, February 5, 2013, 2:00 PM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

Continuation of Department of Economic Development budget presentation and Innovation Center Network presentation

APPROPRIATIONS - REVENUE, TRANSPORTATION, AND ECONOMIC DEVELOPMENT

Wednesday, February 6, 2013, 2:00 PM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

Missouri Department of Labor and Industrial Relations budget presentation

CHILDREN, FAMILIES, AND PERSONS WITH DISABILITIES

Tuesday, January 29, 2013, 12:00 PM House Hearing Room 1.

Executive session will be held: HB 87

Executive session may be held on any matter referred to the committee.

CRIME PREVENTION AND PUBLIC SAFETY

Monday, January 28, 2013, 1:00 PM House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

Organizational meeting

Lunch will be provided.

ELECTIONS

Tuesday, January 29, 2013, 8:00 AM House Hearing Room 3.

Public hearing will be held: HJR 5, HB 48, HJR 4

Executive session will be held: HJR 5, HB 48

Executive session may be held on any matter referred to the committee.

CORRECTED

GOVERNMENT OVERSIGHT AND ACCOUNTABILITY

Monday, January 28, 2013, 10:00 AM House Hearing Room 3.

Organizational meeting followed by public testimony on the Quality Jobs Act

INTERNATIONAL TRADE

Wednesday, February 6, 2013, 5:00 PM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

This will be for informational purposes only.

RETIREMENT

Tuesday, January 29, 2013, 5:00 PM House Hearing Room 1.

Public hearing will be held: HB 169, HB 233

Executive session may be held on any matter referred to the committee.

Organizational meeting will be held at 5:00. House bills will be heard at 6:00.

SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN HEALTH CARE

Wednesday, January 30, 2013, 8:00 AM House Hearing Room 1.

This will be an organizational meeting only.

TOURISM AND NATURAL RESOURCES

Thursday, January 31, 2013, 8:00 AM House Hearing Room 7.

Public hearing will be held: HB 42

Executive session may be held on any matter referred to the committee.

TRANSPORTATION

Tuesday, January 29, 2013, 12:00 PM House Hearing Room 5.

Executive session may be held on any matter referred to the committee.

Informational meeting

CORRECTED

UTILITIES

Tuesday, January 29, 2013, 6:30 PM 516 South Country Club Dr, Jefferson City, MO.

Informational meeting

UTILITIES

Wednesday, January 30, 2013, 8:00 AM House Hearing Room 7.

Public hearing will be held: HB 44

Executive session may be held on any matter referred to the committee.

Public hearing and organizational/informational meeting

VETERANS

Tuesday, January 29, 2013, 8:00 AM House Hearing Room 1.

Public hearing will be held: HJR 8, HB 148

Executive session may be held on any matter referred to the committee.

VETERANS

Tuesday, January 29, 2013, 5:00 PM Senate Lounge.

Executive session may be held on any matter referred to the committee.

This will be for informational purposes only.

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Wednesday, January 30, 2013, 8:00 AM House Hearing Room 5.

Public hearing will be held: HB 64

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

TENTH DAY, MONDAY, JANUARY 28, 2013

HOUSE BILLS FOR SECOND READING

HB 305 through HB 326

HOUSE RESOLUTIONS

HR 139 - Diehl

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

TENTH DAY, MONDAY, JANUARY 28, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Pastor Paul Meinsen.

Through the prophet, Isaiah, the LORD stated, "*For I am God, and there is no other; I am God, and there is no one like Me, declaring the end from the beginning, and from ancient times things which have not been done, saying, 'My purpose will be established, and I will accomplish all My good pleasure'...Truly I have spoken; truly I will bring it to pass. I have planned it, surely I will do it.*" (Isaiah 46:9-10, 11b)

Father, I give thanks this afternoon for Your mercies, abounding loving kindness and grace. Your Word teaches us to do justice, love mercy, and to walk humbly with You. Please give each one of us the wisdom to know what is just and how to show mercy. Please give each one of us a heart that is desirous to do what is just and to show mercy.

I also pray, O Lord, for these You have ordained to lead the State of Missouri. May they govern in a way which glorifies You. May they seek that which is righteous and may they defend it with honor. In their discourses may they speak with respect for all.

I pray too, O Lord, for my fellow citizens of this great state. I pray that we will learn what it means to respect and honor those whom You have appointed to lead. Too many times, we have prayed for these leaders out of one side of our mouth and then spoken words of scorn, hatred and dishonor from the other. Instead, Lord, even if we disagree on issues, may we, as citizens, always show the honor due to these servants of Yours.

I pray that we will render unto Caesar that which is due; may we render unto You that which belongs to You.

May we fear You and You alone. Draw each one unto Yourself.

We call upon You in this prayer. Please answer and be glorified. For You are good, and Your love endures forever.

To the honor of Your name, O Lord, I pray in Your Son's name. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the eighth day was approved as printed.

The Journal of the ninth day was approved as printed.

HOUSE RESOLUTIONS

Representative Scharnhorst offered House Resolution No. 222.

Representative Thomson offered House Resolution No. 229.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 209 through House Resolution No. 221

House Resolution No. 223 through House Resolution No. 228

House Resolution No. 230 through House Resolution No. 235

SECOND READING OF HOUSE BILLS

HB 305 through **HB 326** were read the second time.

RECESS

On motion of Representative Cierpiot, the House recessed until 6:45 p.m.

The hour of recess having expired, the House was called to order by Speaker Jones.

MOTION

Representative Cierpiot moved that Rule 114 be suspended.

Which motion was adopted by the following vote:

AYES: 142

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Dohrman	Dugger	Dunn
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Grisamore	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeier	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Love
Lynch	Marshall	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Otto	Pace	Parkinson	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson

Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 019

Diehl	Ellinger	Ellington	Gardner	Guernsey
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Lichtenegger	Mims	Mitten	Molendorp	Montecillo
Norr	Smith 85	Webber	Wright	

VACANCIES: 002

JOINT SESSION

The hour of the Joint Session having arrived, the Senate in a body was admitted and Lieutenant Governor Kinder, presiding, called the Joint Assembly to order.

The Missouri State Highway Patrol, Troop F Color Guard, presented the Colors, and the Pledge of Allegiance to the flag was recited.

The Secretary of the Senate called the roll, which showed a majority of the Senators present:

AYES: 033

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey
Dixon	Emery	Holsman	Justus	Keaveny
Kehoe	Kraus	Lager	Lamping	LeVota
Libla	McKenna	Munzlinger	Nieves	Parson
Pearce	Richard	Romine	Rupp	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey
Wallingford	Walsh	Wasson		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 001

Nasheed

VACANCIES: 000

The Chief Clerk of the House called the roll, which showed a majority of the Representatives present:

AYES: 148

Anders	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Dohrman	Dugger	Dunn	Elmer
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Koenig	Kolkmeier	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Love	Lynch	Marshall	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mitten	Molendorp	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Pace	Parkinson	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 000

PRESENT: 001

Roorda

ABSENT WITH LEAVE: 012

Allen	Diehl	Ellinger	Ellington	Engler
Gardner	Hubbard	Kirkton	Lichtenegger	Mims
Montecillo	Smith 85			

VACANCIES: 002

The Sergeant-at-Arms announced the approach of the Honorable Jeremiah W. (Jay) Nixon, Governor of the State of Missouri. The Governor was duly escorted to the House Chamber and the Speaker's dais, where he delivered the following message to the Assembly in Joint Session.

**STATE OF THE STATE
ADDRESS BY
GOVERNOR JEREMIAH W. (JAY) NIXON**

Thank you, President Pro Tem Dempsey, Speaker Jones, judges of the Missouri Supreme Court, Lieutenant Governor Kinder, state officials, members of the legislature, members of my cabinet, and my fellow Missourians.

This evening it is my pleasure to be joined by Missouri's outstanding First Lady, Georganne Nixon, and our son Jeremiah.

Before I begin to lay out our state's agenda for the year, I would like to thank the people of Missouri for the privilege of serving a second term as Governor. I am grateful for your continued trust and support, and the opportunity to lead our great state forward.

Looking around this chamber tonight, I see folks with different backgrounds, different ideologies, and different interests. But whatever our small differences may be, we are united in a common purpose: to serve all the people of Missouri...to make their lives better...and to make life better for our children and grandchildren.

These past four years, Missouri has weathered historic challenges – from nearly double-digit unemployment to the tornado in Joplin. But together, we met each challenge with courage and conviction, and moved our state forward. That makes me proud to be a Missourian. That makes me more optimistic than ever about our future. Because the people of the Show-Me State know how to work together. And once our minds are made up, nothing can stop us. That's who we are. That's what we do.

Some who answer the call of service put their lives at risk to protect the lives of others. They serve here at home whenever danger and disaster threaten. They serve in perilous outposts in every corner of the globe, to defend our freedom and liberty. We call them heroes. They make us proud.

Last December, I again had the opportunity to visit our troops in Afghanistan and Kuwait. One of them is with us tonight. Sergeant Joseph Schicker served with the Guard's Agribusiness Development Team in Afghanistan. Just hours after his team arrived at their base, Taliban insurgents attacked. In successfully repelling the attack, several Missouri Guardsmen, including Sergeant Schicker, were wounded. For his part in the battle, Sergeant Schicker received the Combat Infantry Badge and the Army Commendation Medal with Valor.

I personally had the honor of pinning Sergeant Schicker with the Purple Heart during the ADT's welcome home ceremony in September. Sergeant Schicker, you represent every man and every woman who has ever fought to defend our great nation, in every era and on every field of battle. Will you please stand, with all the members of our military past and present, and accept the heartfelt gratitude of your state?

In the last four years, we've overcome our share of challenges. Missouri was hit by unprecedented natural disasters. We came together to help our neighbors hit hard by twisters and ice storms, floods and drought.

In the grip of an historic recession, we did what every family in Missouri did: we tightened our belts and cut spending. Together, we balanced the budget while holding the line on taxes. We dramatically reduced the size of state government, while making it more efficient. We protected our spotless Triple-A credit rating. And unlike most states, we did it without reaching into taxpayers' wallets, or putting it on the credit card.

And you know what? It worked. And as a result, our economy is moving forward.

Last year, Missouri employers added more than 40,000 new jobs. We're exporting more goods than ever before...training more workers than ever before...and bringing Missouri's auto industry back to life.

Two weeks ago – on the day after my inauguration – I went back to Detroit to meet with auto suppliers and manufacturers. We got our first good look at the Ford Transit, one of the fantastic new vehicles we're going to build right here in the Show-Me State. A top Ford exec said that if we hadn't come together during that special session two years

ago, the Claycomo plant would have closed. That would have put those 4,000 workers out of a job, and pushed Missouri's auto industry to the brink.

Instead?

Automakers are investing more than \$1.5 billion in Missouri, creating thousands of jobs at the Ford plant in Claycomo, the GM plant in Wentzville, and suppliers in every corner of our state. By coming together in that special session, we saved Missouri's auto industry.

So when the skeptics say that nothing gets done in this building, or when the press writes that the two parties can't come together, think of those workers and their families. And remember that what we do here really matters. And that same spirit is needed now more than ever, to keep Missouri moving forward. Together, we've kept our fiscal discipline, and our economy is gaining ground. We now have a unique opportunity to build a better future for our children. We must seize it.

And nothing will have a greater impact on our children's future than the commitment we make now to their education. So in my budget, we increase funding for education. And we increase it by \$150 million.

- * That's \$17 million more for early childhood education.
- * That's \$34 million more for higher education;
- * And that's \$100 million more for our K-12 classrooms.

Our children are our first priority. They are Missouri's future. Of course, with increased funding, come higher expectations. We expect better test scores, better graduation rates, more college degrees and more Missourians ready to compete for the best jobs in a global economy. We've all got to do better, and that means everybody: students and teachers; parents and principals; coaches and college presidents. Increased funding means increased accountability.

We know the early years of a child's life are critical. Over the past few weeks I've visited preschool classrooms in Greenville, Nixa, Parkway and St. Joseph – local communities committed to giving their kids a strong foundation for lifelong learning. And the first official business of my second term was to meet with leaders in preschool education. We discussed ways to ensure that every young child comes to school ready to learn and ready to succeed. The clear consensus: early childhood education is a smart investment with a big return. We want every child, in every Missouri community – no matter their family's circumstances – to get the best possible start. That is why, with an increase of \$17 million, we'll more than double funding for our Missouri Preschool Program, and put more money into programs like Early Head Start.

Tonight, we are fortunate to be joined by the St. Louis Pre-School Teacher of the Year, Linda Smith, of Dewey International School. Joining her is St. Louis Public Schools Superintendent, Dr. Kelvin Adams. Under Dr. Adams's strong leadership, the St. Louis schools have made steady progress over the past five years, as they work to earn full accreditation. That kind of progress is only possible when everyone pulls together toward a shared goal. Mrs. Smith and Dr. Adams, please stand. Thank you for the lifelong commitment you've made to our children.

In the past four years, our schools have made steady gains. Math scores are up. Reading scores are up. And I'm proud to report that Missouri's high school graduation rate is now the seventh highest in the nation. But we must commit to even higher goals.

That's why my budget includes \$100 million in new funding for our K-12 classrooms. We'll use it to train more teachers, modernize equipment, and lengthen the school year.

Right now, Missouri has the fourth-shortest school year in the nation. Adding six more days to the next school year will give teachers more time to work with their students, and give kids more time to learn.

But we won't stop at K-12. This year, we'll help even more Missouri families afford college. That's been a top priority of mine since Day One. On my watch, we led the nation in holding down the cost of tuition. But the cost of college is still out of reach for too many Missouri families. And too many students who do attend college graduate with crushing debt. That's why my budget includes more than \$75 million for our Access and Bright Flight scholarships. And

it increases funding for our A+ scholarships, which cover tuition and fees at all our public community colleges. To qualify for an A+ scholarship, high school students must keep their grades up, have excellent attendance, and stay out of trouble.

Since I've been Governor, we've expanded the A+ program to 150 more schools. But there are still schools that aren't part of the A+ program, so their students can't even apply for A+ scholarships. That's unfair to these kids, and we're going to fix it. This is the year we will expand our A+ scholarship program to every public high school in the state, so that every qualified student in this state has the opportunity to go to community college – tuition free.

The dream of a college education should be within reach for all Missouri families. Because education is the best economic development tool there is.

While our colleges and universities are doing a great job, and graduating more students than ever before, we're also holding these schools to higher standards than ever before.

Two years ago, I convened a summit to lay out my agenda for higher education. I challenged the leaders of all our public two- and four-year institutions to develop a new funding model – based on performance. And that's what we did. My budget includes an increase of \$34 million for higher education. But instead of funding schools based merely on what they've received in the past, we'll tie new funding to specific performance goals – like increased student retention, higher graduation rates and improved learning. We will achieve higher academic goals – with greater accountability.

Now, we've made it our mission to help more high school students graduate, go to college, complete their degrees and enter the workforce. That's the traditional path. And I'm glad more students are taking it. But there are nearly 750,000 Missourians who started college but never completed their degrees. They left school, got jobs, started families, moved on with their lives. At this point, some of these folks may feel that going back to college is too expensive, or too hard to juggle with work and raising kids. I want to change that and help these adult students finish the degrees they started years ago, so they can get better jobs and meet their full earning potential. This year, we'll do more to help these adult students finish their degrees online, from an accredited university that's putting down new roots in Missouri. Let me tell you about its history.

In 1995, 19 governors came together to provide a realistic option to help adult students complete their degrees at an affordable price. They founded Western Governors University, a nonprofit institution that offers bachelors and masters degrees in four areas Missouri's employers are looking for: business, health care, teacher preparation and information technology.

It's designed to meet the needs of real people with real lives. You can take your tests after work, on weekends or at night, after the kids are asleep. Instead of paying tuition by the credit hour, students can take as much coursework as they want for a flat rate. And how quickly you earn your degree depends on how quickly you master the subject matter: you advance at your own pace. The point is that with today's technology, we can make it easier than ever for folks to finish their degrees without disrupting their lives, and help them move up the economic ladder.

In the past three years, Indiana Governor Mitch Daniels, and the states of Texas and Washington have established WGU in their states. And starting this year, we will begin enrolling students at WGU-Missouri. We'll be helping Missourians who never finished college, who are underemployed and who need degrees to move up, reach their full potential. Now that's a mission we can all get behind.

Throughout state government, we've applied business principles to make the most efficient use of taxpayer dollars. Cutting waste. Doing more with less. Making better use of technology.

And as a result, the state workforce is now the smallest it has been in 19 years. From the time I became Governor to the end of Fiscal Year 2014, we will have reduced the size of state government by 4,500 positions, and cut \$1.8 billion in state spending. We've sharply cut energy use, sold off surplus property and reduced leased space. We've put more state services online – from license plates to child support. And in addition to applying business principles to make state government more efficient, we must use those same principles to make government more business friendly.

Now, Missouri's already rated one of the Top-Ten best states to do business, because of things like our low tax rates, low workers comp rates, low energy costs and strong workforce. But talk to small business owners and they'll tell you: there's still too much red tape. Too many bureaucratic hurdles. We hear those concerns, and we're doing something about it.

First, we need to streamline Missouri's economic incentive programs – and there are a lot of them – so that they're easier to use and understand.

Second, we need to simplify our convoluted environmental permitting process. Currently, business owners have to go to as many as six commissions at the Department of Natural Resources to get permits. And that's before they turn the first shovel of dirt. We need to consolidate those commissions into one, to help businesses grow and create jobs.

And while we're at it, I propose that we eliminate another ten commissions at DNR that are redundant and unnecessary. We can take common-sense steps to cut red tape for businesses – without backing off our commitment to protecting our air, land and water.

We also must address the Second Injury Fund. This year, let's work together and solve this issue for the benefit of Missouri workers and employers.

In a highly competitive global economy, employers need access to a highly skilled, well-trained workforce. That's why I've made it a top priority to give Missouri workers the skills they need to compete for the jobs of tomorrow. Since I've been in office, we've dramatically increased our investment in worker training, helping 150,000 Missouri workers sharpen their skills and get better jobs in their field. So once again, my budget increases funding for workforce training that's custom-tailored to the needs of Missouri employers.

Investing in Missouri workers' skills – that's real economic development. But job training doesn't just happen in the classroom or on the work site. Some of Missouri's best workers got their training serving us in the armed forces. Helping our veterans get work when they come home is not only honorable and patriotic, it's good for Missouri businesses. If you're looking for an employee who shows up early, stays late, works hard all day and knows how to overcome adversity – hire a veteran.

In 2010, we launched Show-Me Heroes. We've asked every employer in the state to reach out, recruit and interview veterans first for new job openings. I'd like to thank all the legislators in this room who helped us strengthen this program by adding job training, so our veterans can re-enter the civilian workforce quickly and be even more successful on the job. More than 2,700 employers have signed the Show-Me Heroes pledge, putting more than 4,000 of our proud Missouri veterans to work. And tonight, again, I call on every Missouri business to go to our website – MO.gov – and take the Show-Me Heroes pledge. Because it's not enough to honor and support our service members abroad. We must honor and support them at home, with jobs that are worthy of their skills and work ethic.

For the third straight year, I am proud to report that we are shipping more Missouri goods around the world than ever before. Missouri exports hit record levels in 2010, and topped the \$14 billion mark with double-digit growth in 2011. And we're on track to break records again. That's because we're taking a pro-active approach.

In October of 2011, I led a group of Missouri business leaders on a highly successful trade mission to China. We secured agreements to sell \$4.6 billion in Missouri goods. In April of 2012, we went to Brazil, and signed our first-ever trade agreement with the state of Sao Paulo, the financial capital of one of the world's fastest-growing economies. And this coming March, I will lead a trade mission to South Korea and Taiwan.

We're making this a priority because it's critical for every business in the state – no matter how small – to think globally. Because companies that once only did business with customers around the corner are finding new customers around the world. And when we sell more Missouri products overseas, we're creating more jobs here at home. That's why my budget includes \$2.3 million to enter new markets, expand foreign trade, and help Missouri businesses develop a world-wide customer base.

One of our export superstars comes from one of Missouri's oldest family-owned businesses, Volpi Foods in St. Louis. Next time you are in St. Louis, stop by their shop on The Hill. Volpi is a prime example of a traditional

business that with visionary new leadership has broken the mold. With the help of our departments of Agriculture and Economic Development, Volpi has doubled its exports in growing markets like Japan, South Korea, Taiwan and Costa Rica. Please welcome the CEO of Volpi Foods, Lorenza Pasetti.

There's no doubt that Missouri is ready to meet the challenges of a global economy. But quite frankly, the biggest economic decision facing our state right now is how to move forward on health care. This isn't the time to re-open the debate or reargue the merits of the President's health care plan. I had some problems with it, and I know many of you did as well. But Congress passed it – the President signed it – and the Supreme Court upheld it. It's the law of the land. And it's not within our power to rewrite federal laws, even if we wanted to. It is within our power – it's our responsibility – to now do what's right for Missouri.

And the question before us is a narrow one. Will we bring the tax dollars that Missourians send to Washington back home to strengthen our Medicaid system here in Missouri? Or will we let the tax dollars that Missourians send to Washington be spent in other states instead? Other states would get the benefits, and we'd get the bill. The answer is clear: the people of Missouri deserve to see their tax dollars come back to their communities.

Friends, let's put the politics of health care aside for just a moment and look at this as a business decision for the state of Missouri.

The Missouri Chamber of Commerce supports the Medicaid expansion – not because they're big supporters of this President and his agenda – but because it's the smart thing to do. They know that bringing billions of dollars back to Missouri is good for our state's economy.

The Kansas City Chamber of Commerce has endorsed the Medicaid expansion. So have the chambers in Independence, Springfield, Lee's Summit and St. Louis. So have the Civic Council of Greater Kansas City, Kirksville REDI, and our friends at the Associated Industries of Missouri. Would the leaders from these business organizations who have joined us tonight because of the importance of this issue please stand? Thank you for your leadership on this critical issue.

For these business leaders, this is not a political decision. It's an economic one. And we shouldn't let last year's politics get in the way of next year's economic growth.

Moving forward with this plan will bring a total of \$5.7 billion to Missouri for the first three calendar years – at no additional cost to the state. The University of Missouri estimates this will generate an additional 24,000 jobs – and that's just in 2014. We're talking about good jobs – for nurses, doctors, pharmacists, therapists and medical technicians.

Strengthening Medicaid will strengthen our economy. Without question, it's the smart thing to do.

Now I know there are some who have voiced concern that Washington will not live up to its commitment. Let me address that directly: I support including a provision that rolls back the Medicaid expansion if Washington doesn't honor its financial commitment. If Washington drops the ball, we'll do what's right for Missouri. We'll always do what's right for Missouri. And there's a human element to this that can't be ignored. A stronger Medicaid system will make health care available to 300,000 of our friends and neighbors.

Let's be clear about who these people are. They're working Missourians – folks who work day and night, but simply can't afford health coverage. These are not people who aren't trying, or hoping to game the system. They're folks we see every day – some holding down two jobs just to make ends meet. We're talking about a family of four, with a household income of roughly \$32,000 a year. They wait tables and clean office buildings. They cut hair and trim trees. They work in factories, and repair cars and trucks.

Making it easier for these hardworking Missourians to get basic health insurance is the right thing to do. And because these folks can't afford doctors' bills or insurance, they often end up in our hospital emergency rooms, because it's the only option for their family. In their shoes, you'd probably do the same thing. It's a terrible way to deliver health care. It drives up premiums for people who do have health insurance. That must change.

I'm well aware this is a tough issue politically. But across the country, we're seeing governors and state legislators put politics aside to do what's undeniably best for their states. Republican governors in places like Arizona, North Dakota, New Mexico and Nevada are using federal funds to strengthen their Medicaid systems. Not because it's the easy thing for them to do politically, but because it's the right thing to do.

Here in Missouri, we must make the smart business decision. The right human decision. And bring the tax dollars we send to Washington back to work here in Missouri.

On another health care front, in recent years we have seen the tragic consequences when people with serious mental illness don't get the help they need. Right now, many people with severe mental illness only get treatment when they reach a crisis point. That's too late. My budget includes \$10 million to help those with mental illness get timely, effective treatment in their own communities. That money will be used to:

- * Provide more services in our community mental health centers;
- * Increase mental health first-aid training for professionals so they can recognize the early warning signs of mental illness;
- * Train law enforcement in mental health crisis-intervention; and
- * Teach families how to care for loved ones who suffer from severe mental illness.

We must do everything in our power to get folks the treatment they need, before it's too late. Each day in our state and across the country tragedies occur that don't make headlines, and often don't get reported at all. I am talking about domestic violence.

Last year, our network of shelters for victims of domestic violence provided safe haven for thousands of women and children. But thousands of others were turned away because the shelters were full. We know that battered women are at greatest risk when they make the courageous decision to leave an abusive partner. Finding shelter can literally make the difference between life and death for these women and for their children. That is why my budget includes a 29 percent increase in funds to provide more beds, more treatment, more safety at domestic violence shelters throughout our state. No child – no mother – who has been the victim of domestic violence should ever be turned away and left to fend for themselves during these moments of crisis.

These past four years, we have opened new doors for thousands of Missourians with disabilities.

I'm passionate about this work, as I know many of you in this room are as well. Together, we passed landmark legislation in 2010 to ensure that children with autism get the medical care they need. Issues like this transcend politics. And now thousands of youngsters are getting the therapy that, just a couple years ago, their families couldn't afford. We will keep moving forward by funding training for more therapists to help even more children with autism lead happier, healthier lives.

In October of 2010, we started the Partnership for Hope. And it's already helped thousands of people with developmental disabilities live fuller lives. My budget includes funds to expand this vital program to 1,000 more Missourians, some of whom have spent years waiting for services. By the end of 2014, we'll be serving more than 3,500 people with developmental disabilities.

Missourians like Vishal Patel. Vishal is 23. He has a rare form of cerebral palsy, and gets around in a motorized wheelchair. For years Vishal had to crawl, or have his parents carry him upstairs in their home, to take a shower. The Partnership for Hope provided Vishal with a stair lift, a roll-in shower, a permanent ramp and the physical therapy he needs. But as he told me in a letter, his real dream was to get a real job – with a real paycheck. The Partnership arranged for him to volunteer every Friday at a movie theater in St. Peters. And Vishal did so well that just before Christmas they offered him that real job, with a real paycheck. His first day was January 4th.

Vishal represents the many Missourians with disabilities who are now entering the workforce, thanks to the Partnership for Hope and the enlightened business owners who recognize the value of these outstanding workers. Vishal is here tonight with his job coach, Pam Westhoff, and Peg Capo, who runs the program in St. Charles County. Please welcome the newest member of Missouri's workforce, Vishal Patel.

At the start of my speech, I spoke about unique opportunities and the importance of seizing them.

With our perfect Triple-A credit rating intact and interest rates at all-time lows, we now have a unique opportunity to move forward with a bond issuance. It would allow us to modernize our K-12 classrooms and college research labs, mental hospitals and state parks. Some of our state's most important buildings need long-overdue improvements, including this one.

Interest rates today are about half of what they were in 1995 when Governor Carnahan issued bonds, and about a third of what they were when Governor Bond did the same in 1983, when interest rates were more than 8 percent. But the bond issue must be focused on our state's most pressing needs. And we must have a way to pay for it.

When we talk about our state's long-term needs, nothing is more important than our schools.

A bond issuance will allow the state to establish a permanent, low-interest loan fund dedicated to improving our local schools. Which is why I am proposing the creation of the BOOST Fund. BOOST stands for Building Opportunities in Our Schools Today. Because, folks, let's not kid ourselves. If we want our children to get a first-rate education and compete in a 21st-century global economy, they'll need first-rate, 21st-century facilities: state-of-the-art computers and science labs, libraries and wired classrooms. The BOOST Fund will go to work in your communities, in schools in every corner of Missouri.

In addition, a targeted bond issuance will provide funds for cutting-edge university research facilities in areas critical to our competitiveness, such as engineering, math, and science.

Bond proceeds will also allow us to build a new and improved Fulton State Mental Hospital. We have a moral responsibility to these patients and their caregivers to provide the best possible environment: one that is safe, secure and conducive to healing.

Bonds will also pay to upgrade accommodations in our state parks. It's an investment that will have a big impact on tourism. And tourism is big business in Missouri. Last year, Missouri welcomed 36 million visitors, pumping nearly \$11 billion into our state's economy. But we can do even better. Updating our cabins and lodges, and building brand-new, top-of-the-line facilities at our most popular parks will create jobs, help our economy, and make our parks an even bigger draw. Our 87 state parks and historic sites are a priceless legacy that belongs to all of us. Hunting, fishing, hiking and camping are part of our Missouri way of life. Investing in Missouri's state parks today will help preserve our outdoor heritage for our grandchildren and their grandchildren.

As I said before, we can only move forward with a bond issuance if we have a way to pay for it.

Saying "we'll figure it out later" won't work. That's not how we became a Triple-A state. The way to pay for the bond issuance is to finally get our tax credit system under control.

We've worked on reining in tax credits for years. In 2010, I appointed a statewide, bipartisan, tax credit commission to study the issue. That commission tapped the expertise of Missouri leaders in business, education, labor and government. They recommended a series of pragmatic, fiscally responsible reforms to rein in tax credit expenditures and ensure these programs provide a strong return on taxpayers' investment. But two years later, these reforms have yet to pass, and the costs of inaction continue to grow.

Last year tax credit redemptions grew to a staggering \$629 million – one-twelfth of our entire general revenue budget. That's not fiscally responsible. This is the year to get comprehensive, fiscally responsible tax credit reform legislation to my desk, and get smart, strategic investments in our state moving forward.

But all of the ideas and proposals I outlined tonight mean very little if the people of Missouri lose faith in the system.

Missouri's ethics laws are among the weakest in the nation. Every year as governor, I've put forward my agenda for ethics reform, and I know many of you have made genuine efforts to pass legislation. The list of reforms we must implement is long. Everything from curbing committee-to-committee transfers to banning office holders from doubling as paid political consultants to finally closing the revolving door between the legislature and lobbyists. All things we

must do. But above all, the single most destructive force to our system is the unlimited sums of money pouring into the campaign accounts of candidates seeking public office.

We must institute – we must re-institute – strict campaign contribution limits.

Each time a wealthy individual or business or special interest sends a check for \$20,000 or \$50,000 or \$100,000 to a candidate, the public's trust erodes a little bit more. And eventually, if we continue on this path, there will be no trust left at all.

I've led the fight for campaign contribution limits for many years. As attorney general, I stood before the U.S. Supreme Court and successfully argued in support of Missouri's contribution limits. And as governor, I stood before you every year and made the case for them. This year, if the legislature does not send a campaign contribution limit bill to my desk, I will do everything in my power to get it on the ballot and make sure it passes.

The people of Missouri have voiced their opinion on this matter already at the ballot box, and their support for contribution limits was overwhelming. We all know it would pass once again. Let's work together and get it done this session. The era of unlimited contributions to candidates must end.

These past four years, we've been faced with some historic challenges. And by working together, we've tackled them head-on ...and made great strides in the Show-Me State.

We've kept our fiscal discipline, balanced the budget and put strict cost controls in place throughout state government. And as a result, our economy is making solid, steady progress. The signs are everywhere. Businesses large and small are hiring again. Missouri's unemployment rate has been lower than the national average for 40 consecutive months. New building permits are up. Personal income is up, and wages are up.

And now we are in a position to make smart, long-term investments that will boost our children's academic achievement, protect Missourians' health, strengthen our workforce, improve our quality of life and create prosperity for generations to come. We have unique opportunities before us. Now is the time to seize them.

Just two weeks ago, I stood at the steps of this Capitol and spoke of my vision for the future of our beloved state: a future where all our children get an education that prepares them to compete for the best jobs in the global economy; where the brightest minds in science and technology advance the frontiers of human knowledge; where business and the arts flourish; where the bounty of Missouri's farms and fields will feed, clothe and power the planet; and where the natural beauty of our state is preserved and cherished for all time.

That future is ours to build. And we can only do it by working together.

When I first came to the Capitol in 1987, I was the youngest person in the Senate. I had a lot to learn. And I was fortunate to serve with many dedicated and capable legislators on both sides of the aisle. They showed me what public service is and what it requires of each of us.

Republicans and Democrats didn't agree on everything back then, just like they don't now. We had a divided state government, with a governor of one party, and the other party holding a large majority in the legislature – just like we do now. But we worked together to get things done for the good of the people.

I've been in public service for a long time. More than a quarter of a century. And in those many years, my faith in the people of Missouri has never faltered. My faith in our bedrock values has never wavered. And I have always been mindful of, and inspired by, the words inscribed on the Great Seal of Missouri, on our flag and in these marble halls:

“Let the Good of the People Be the Supreme Law.”

This is our call to action, our common oath and rallying cry. This is our sworn duty. Ours is a sacred calling. Our time is short. Let every action we take in these halls and in the offices of government be guided by that supreme law: the good of the people.

Now let us seek God's everlasting grace and protection to finish the good works He has entrusted to our care.

God bless Missouri. And God bless the United States of America.

Thank you.

The Joint Session was dissolved by Senator Richard.

Speaker Jones resumed the Chair.

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 30 - Special Standing Committee on Small Business

HB 133 - Insurance Policy

HB 255 - Ways and Means

HB 256 - General Laws

HB 305 - General Laws

INTRODUCTION OF HOUSE JOINT RESOLUTION

The following House Joint Resolution was read the first time and copies ordered printed:

HJR 18, introduced by Representatives Schupp, English, Morgan, Englund, Mitten, Kratky, Montecillo, May, Ellinger, Pace, Rizzo, Otto, Parkinson, Ellington, Runions, McCaherty, McDonald, Schieffer and Hoskins, relating to the general assembly.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 327, introduced by Representative Barnes, relating to nonexchange financial guarantees.

HB 328, introduced by Representatives Nichols, Phillips, Schupp, Black, Otto and McNeil, relating to the residential electronic products recycling and reuse act.

HB 329, introduced by Representatives Dugger and Crawford, relating to residential real estate loan violations reporting.

HB 330, introduced by Representative Guernsey, relating to crime scene photographs and video recordings.

HB 331, introduced by Representatives Miller and Funderburk, relating to telecommunications.

HB 332, introduced by Representatives Sommer, Kelley (127), Pike, Schupp, Roorda, Spencer, Walker, Miller, Shull, Kirkton, Wilson, Wood, McCaherty, Schieber, Curtman and Austin, relating to government meetings and records.

HB 333, introduced by Representatives Kelly (45) and Hummel, relating to second injury fund deposits.

HB 334, introduced by Representatives Dugger, Reiboldt, Smith (120), Pike, Crawford, Spencer, Rowland, Lant, Houghton, Entlicher, Redmon, Walker, Hurst, Thomson, Phillips, Fraker, Fitzwater, Anderson, Franklin, Guernsey, Hampton, Jones (50), Engler, Kolkmeier, Neth, Wood, Fitzpatrick, Johnson, Ross, Hodges, McGaugh, Hoskins, Schieffer and Harris, relating to children performing agricultural work.

COMMITTEE APPOINTMENT

January 28, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol, 317-A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby appoint Representative Kevin McManus to the committee on Appropriations - Infrastructure and Job Creation.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

/s/ Jacob Hummel
House Minority Leader
District 81

COMMITTEE CHANGE

January 28, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol, 317-A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby remove Representative Steve Webb and appoint Representative Rory Ellinger to serve on the Joint Committee on Child Abuse and Neglect.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

/s/ Jacob Hummel
House Minority Leader
District 81

WITHDRAWAL OF HOUSE BILLS

January 28, 2013

The Honorable Tim Jones
Speaker, Missouri House of Representatives
Room 308, State Capitol
201 W. Capitol Avenue
Jefferson City, MO 65101

Dear Speaker Jones:

I respectfully ask permission to withdraw **House Bill No. 160**, which would make electioneering at precinct polling places a class four election offense.

If you have any questions regarding this matter feel free to contact my office.

Thank you for your assistance.

Sincerely,

/s/ Chrissy Sommer
State Representative
District 106

January 25, 2013

To: Chief Clerk Adam Crumbliss

From: Representative Caleb Jones

Re: HB 195, Midwifery Bill

Dear Chief Clerk Crumbliss,

I would like to respectfully request **House Bill No. 195** be removed due to a wording error. The wording has been corrected and submitted on **House Bill No. 308**.

If you have any questions or concerns, please call me or my Legislative Assistant, Sherri Kempf.

Sincerely,

/s/ Caleb Jones
State Representative
District 50

The following members' presence was noted: Ellinger, Ellington, Gardner, Mims, Montecillo and Smith (85).

ADJOURNMENT

On motion of Representative Cierpiot, the House adjourned until 10:00 a.m., Tuesday, January 29, 2013.

COMMITTEE HEARINGS

ADMINISTRATION AND ACCOUNTS

Tuesday, January 29, 2013, 9:00 AM House Hearing Room 5.

Executive session may be held on any matter referred to the committee.

CANCELLED

AGRICULTURE POLICY

Tuesday, January 29, 2013, 12:00 PM House Hearing Room 6.

Informational meeting

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Tuesday, January 29, 2013, 2:00 PM House Hearing Room 4.

Organizational meeting and public testimony. Persons interested in providing testimony are required to sign up in advance with the Chairman's office.

APPROPRIATIONS - EDUCATION

Tuesday, January 29, 2013, 2:00 PM House Hearing Room 1.

Executive session may be held on any matter referred to the committee.

Institution Presidents

AMENDED

APPROPRIATIONS - EDUCATION

Wednesday, January 30, 2013, 2:00 PM House Hearing Room 1.

Executive session may be held on any matter referred to the committee.

Institution Presidents, continued

AMENDED

APPROPRIATIONS - GENERAL ADMINISTRATION

Tuesday, January 29, 2013, Upon Morning Adjournment House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Organizational meeting and public testimony. Persons interested in providing testimony are required to sign up in advance with the Chairman's office, and remarks should be limited to no more than 5 minutes.

APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, January 30, 2013, Upon Morning Adjournment House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Public testimony (continued if needed). Persons interested in providing testimony are required to sign up in advance with the Chairman's office, and remarks should be limited to no more than 5 minutes.

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Tuesday, January 29, 2013, 2:00 PM House Hearing Room 5.

Executive session may be held on any matter referred to the committee.

Medicaid discussion; Medicaid fraud detection presentation by department staff

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, January 29, 2013, 2:00 PM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Department of Corrections overview

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, January 30, 2013, 2:00 PM House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

Public testimony

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, February 5, 2013, 2:00 PM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Governor-recommended budgets for Public Safety and Corrections

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, February 6, 2013, 2:00 PM House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

Governor-recommended budgets for Public Safety and Corrections, continued

APPROPRIATIONS - REVENUE, TRANSPORTATION, AND ECONOMIC DEVELOPMENT

Tuesday, February 5, 2013, 8:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Missouri Department of Economic Development budget presentation

APPROPRIATIONS - REVENUE, TRANSPORTATION, AND ECONOMIC DEVELOPMENT

Tuesday, February 5, 2013, 2:00 PM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

Continuation of Department of Economic Development budget presentation and Innovation Center Network presentation

APPROPRIATIONS - REVENUE, TRANSPORTATION, AND ECONOMIC DEVELOPMENT

Wednesday, February 6, 2013, 2:00 PM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

Missouri Department of Labor and Industrial Relations budget presentation

BUDGET

Wednesday, January 30, 2013, 12:00 PM House Hearing Room 3.

Budget Transparency hearing

DESE, DSS, DHE, MSHP, DOC

CHILDREN, FAMILIES, AND PERSONS WITH DISABILITIES

Tuesday, January 29, 2013, 12:00 PM House Hearing Room 1.

Executive session will be held: HB 87

Executive session may be held on any matter referred to the committee.

ECONOMIC DEVELOPMENT

Tuesday, January 29, 2013, 5:00 PM House Hearing Room 7.

Public hearing will be held: HB 222, HB 196, HB 197

Executive session may be held on any matter referred to the committee.

ELECTIONS

Tuesday, January 29, 2013, 8:00 AM House Hearing Room 3.

Public hearing will be held: HJR 5, HB 48, HJR 4

Executive session will be held: HJR 5, HB 48

Executive session may be held on any matter referred to the committee.

CORRECTED

HEALTH INSURANCE

Wednesday, January 30, 2013, 4:30 PM SCR1.

The committee, along with the Senate Small Business, Insurance and Industry Committee, will meet to hear a presentation related to the changes coming to the health insurance marketplace on 1/1/14.

INTERNATIONAL TRADE

Wednesday, February 6, 2013, 5:00 PM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

This will be for informational purposes only.

RETIREMENT

Tuesday, January 29, 2013, 5:00 PM House Hearing Room 1.

Public hearing will be held: HB 169, HB 233

Executive session may be held on any matter referred to the committee.

Organizational meeting will be held at 5:00; House bills will be heard at 6:00.

SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN HEALTH CARE

Wednesday, January 30, 2013, 8:00 AM House Hearing Room 1.

This will be an organizational meeting only.

CANCELLED

SPECIAL STANDING COMMITTEE ON SMALL BUSINESS

Wednesday, January 30, 2013, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 30

Executive session will be held: HB 30

Executive session may be held on any matter referred to the committee.

TOURISM AND NATURAL RESOURCES

Thursday, January 31, 2013, 8:00 AM House Hearing Room 7.

Public hearing will be held: HB 42

Executive session may be held on any matter referred to the committee.

TRANSPORTATION

Tuesday, January 29, 2013, 12:00 PM House Hearing Room 5.

Executive session may be held on any matter referred to the committee.

Informational meeting

CORRECTED

UTILITIES

Tuesday, January 29, 2013, 6:30 PM 516 South Country Club Dr, Jefferson City, MO.

Informational meeting

UTILITIES

Wednesday, January 30, 2013, 8:00 AM House Hearing Room 7.

Public hearing will be held: HB 44

Executive session may be held on any matter referred to the committee.

Public hearing and organizational/informational meeting

VETERANS

Tuesday, January 29, 2013, 8:00 AM House Hearing Room 1.

Public hearing will be held: HJR 8, HB 148

Executive session may be held on any matter referred to the committee.

VETERANS

Tuesday, January 29, 2013, 5:00 PM Senate Lounge.

Executive session may be held on any matter referred to the committee.

This will be for informational purposes only.

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Wednesday, January 30, 2013, 8:00 AM House Hearing Room 5.

Public hearing will be held: HB 64

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

ELEVENTH DAY, TUESDAY, JANUARY 29, 2013

HOUSE JOINT RESOLUTIONS FOR SECOND READING

HJR 18

HOUSE BILLS FOR SECOND READING

HB 327 through HB 334

HOUSE RESOLUTIONS

HR 139 - Diehl

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

ELEVENTH DAY, TUESDAY, JANUARY 29, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

Be of good courage, and He shall strengthen your heart, all ye that hope in the Lord. (Psalm 31:24)

O eternal God, Whose law is truth and Whose life is love, as we enter the gates of a new day we would pause in reverence before You to acknowledge our dependence on You and to pray for strength as we face the demanding responsibilities of this day.

Give us courage and faith for the tasks before us. May we now and always do our best to preserve liberty, to prevent tyranny from spreading, to promote peace in our state, and to proclaim the good news of freedom to all people in Missouri.

May we live worthily as Your children and be faithful and true in every experience. Help us to rise above fear and hatred and to maintain our integrity in this free land of our birth. We do not pray for easy tasks but for power to meet them; not for easy burdens but for strength to carry them; not for less dangerous times in which to live but to keep loyal to our ideals in an all too un-ideal world. So may we go forward conscious of Your presence, eager to do Your will and to live in good will with all Your children.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Journal of the tenth day was approved as printed by the following vote:

AYES: 151

Allen	Anders	Anderson	Austin	Bahr
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Conway 10	Conway 104	Cornejo	Cox	Crawford
Cross	Curtis	Curtman	Davis	Dohrman
Dugger	Dunn	Ellinger	Ellington	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gardner
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair

Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Molendorp	Montecillo	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Parkinson	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Barnes	Colona	Cookson	Diehl	Hinson
Kirkton	May	Riddle	Scharnhorst	Smith 85

VACANCIES: 002

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 236 through House Resolution No. 250

SECOND READING OF HOUSE JOINT RESOLUTION

HJR 18 was read the second time.

SECOND READING OF HOUSE BILLS

HB 327 through **HB 334** were read the second time.

RE-REFERRAL OF HOUSE BILL

The following House Bill was re-referred to the Committee indicated:

HB 30 - Health Insurance

COMMITTEE REPORT

Committee on Children, Families, and Persons with Disabilities, Chairman Grisamore reporting:

Mr. Speaker: Your Committee on Children, Families, and Persons with Disabilities, to which was referred **HB 87**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 335, introduced by Representatives Hinson and Hough, relating to public safety.

HB 336, introduced by Representatives Hinson, Montecillo, Hough, English and Neth, relating to first responder political activity.

HB 337, introduced by Representatives Swearingen and Burlison, relating to licensed professional counselors.

HB 338, introduced by Representatives Wieland, White and Davis, relating to insurance payments for covered loss or damage.

HB 339, introduced by Representatives Wieland, Gosen and Berry, relating to the forfeiture of collecting noneconomic damages for failing to comply with the motor vehicle financial responsibility law.

HB 340, introduced by Representative Johnson, relating to daylight saving time elimination.

HB 341, introduced by Representative Johnson, relating to protective headgear for operation of motorcycles and motortricycles.

HB 342, introduced by Representative Johnson, relating to a sales tax exemption for farm products sold at farmers' markets.

HB 343, introduced by Representatives Guernsey, Smith (120), Allen, Flanigan, Fitzwater, Rowland, Hicks, Brown, Franklin, Conway (104), Fitzpatrick, Walker, Wood, Ross, Grisamore, Wilson, Austin, Love, Crawford, Dugger, Lant, Burlison, Neely, Reiboldt and Wieland, relating to public assistance.

HB 344, introduced by Representative Molendorp, relating to MO HealthNet reimbursement for behavior assessment and intervention.

HB 345, introduced by Representatives Cierpiot, Funderburk, Schatz, Davis, Hicks and Gosen, relating to broadband and wireless deployment.

HB 346, introduced by Representative Molendorp, relating to insurance coverage for dental services.

HB 347, introduced by Representatives Engler, Hampton, Redmon, Rehder and Swan, relating to a prescription drug monitoring program.

HB 348, introduced by Representative Neth, relating to elections of school directors.

HB 349, introduced by Representatives Brown and Gatschenberger, relating to license plates for property-carrying commercial motor vehicles.

HB 350, introduced by Representatives Frederick, Curtman, Riddle, Higdon, Houghton, Davis, Schatz, Funderburk, Richardson, McCaherty, Smith (120), Korman, Elmer, Neely, Brattin, Lichtenegger, Lynch, Schieber, Berry and Brown, relating to firearms owners.

HB 351, introduced by Representatives Frederick, Franklin, Neely and White, relating to hospital licensure.

HB 352, introduced by Representatives Hurst, Wood and Miller, relating to the sale or provision of certain commodities to seven director school districts.

HB 353, introduced by Representative Leara, relating to the academic pension act.

COMMITTEE APPOINTMENTS

January 29, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol, Room 306C
Jefferson City, MO 65101

I hereby appoint Representative Genise Montecillo to serve on the Autism Spectrum Disorders Commission.

If you have any questions, please do not hesitate to contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 29, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol, Room 306C
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Bonnaye Mims to serve on the Joint Committee on Education.

If you have any questions, please do not hesitate to contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 29, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol, Room 306C
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Sue Meredith and Representative Jay Swearingen to serve on the Joint Committee on Tax Policy.

If you have any questions, please do not hesitate to contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

January 29, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol, Room 306C
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Keith English to serve on the Joint Committee on Transportation Oversight.

If you have any questions, please do not hesitate to contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

The following members' presence was noted: Barnes, Colona, Riddle, Scharnhorst and Smith (85).

ADJOURNMENT

On motion of Representative Cierpiot, the House adjourned until 10:00 a.m., Wednesday, January 30, 2013.

COMMITTEE HEARINGS

AGRI-BUSINESS

Tuesday, February 5, 2013, 8:00 AM House Hearing Room 4.

Public hearing will be held: HB 46

Executive session may be held on any matter referred to the committee.

APPROPRIATIONS - EDUCATION

Wednesday, January 30, 2013, 2:00 PM House Hearing Room 1.

Executive session may be held on any matter referred to the committee.

Institution Presidents, continued

AMENDED

APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, January 30, 2013, Upon Morning Adjournment House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Public testimony (continued if needed). Persons interested in providing testimony are required to sign up in advance with the Chairman's office, and remarks should be limited to no more than 5 minutes.

CANCELLED

APPROPRIATIONS - GENERAL ADMINISTRATION

Monday, February 4, 2013, Upon Afternoon Adjournment House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Public debt (HB 1) and Office of Administration debt (HB 5) – Budget presentation

APPROPRIATIONS - GENERAL ADMINISTRATION

Tuesday, February 5, 2013, 12:00 PM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Office of Administration Operations, Fringe Benefits and Attached Programs (HB 5) – Budget presentation

–NOTE–Hearing is scheduled from 12:00 PM to 2:00 PM; if necessary, committee will reconvene at 5:00 PM this day to continue hearing budget presentation.

APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, February 6, 2013, Upon Morning Adjournment House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Office of Administration leasing (HB 13), Public Defender Commission, and Judiciary (HB 12) – Budget presentation

–NOTE–Hearing is scheduled from 12:00 PM to 2:00 PM; if necessary, committee will reconvene at 5:00 PM to continue hearing budget presentation.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, January 30, 2013, 2:00 PM House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

Public testimony

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, February 5, 2013, 2:00 PM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Governor-recommended budgets for Public Safety and Corrections

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, February 6, 2013, 2:00 PM House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

Governor-recommended budgets for Public Safety and Corrections, continued

APPROPRIATIONS - REVENUE, TRANSPORTATION, AND ECONOMIC DEVELOPMENT

Tuesday, February 5, 2013, 8:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Missouri Department of Economic Development budget presentation

APPROPRIATIONS - REVENUE, TRANSPORTATION, AND ECONOMIC DEVELOPMENT

Tuesday, February 5, 2013, 2:00 PM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

Continuation of Department of Economic Development budget presentation and Innovation Center Network presentation

APPROPRIATIONS - REVENUE, TRANSPORTATION, AND ECONOMIC DEVELOPMENT

Wednesday, February 6, 2013, 2:00 PM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

Missouri Department of Labor and Industrial Relations budget presentation

BUDGET

Wednesday, January 30, 2013, 12:00 PM House Hearing Room 3.

Budget Transparency hearing - Linda Luebbering 2014 Budget Overview and Supplemental Department of Elementary and Secondary Education, Department of Social Services, Department of Higher Education, Missouri State Highway Patrol, Department of Corrections

AMENDED

HEALTH INSURANCE

Wednesday, January 30, 2013, 4:30 PM SCR 1.

The committee, along with the Senate Small Business, Insurance and Industry Committee, will meet to hear a presentation related to the changes coming to the health insurance marketplace on 1/1/14.

CANCELLED

INSURANCE POLICY

Monday, February 4, 2013, 6:00 PM 516 S Country Club Dr., Jefferson City, MO 65109.

Executive session may be held on any matter referred to the committee.

INTERNATIONAL TRADE

Wednesday, February 6, 2013, 5:00 PM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

This will be for informational purposes only.

RULES

Wednesday, January 30, 2013, 4:00 PM House Hearing Room 7.

Executive session will be held: HB 34, HCS HB 87

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN HEALTH CARE

Wednesday, January 30, 2013, 8:00 AM House Hearing Room 1.

This will be an organizational meeting only.

CANCELLED

SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN HEALTH CARE

Monday, February 4, 2013, 5:00 PM or Upon Adjournment House Hearing Room 4.

This will be an organizational meeting for the committee.

SPECIAL STANDING COMMITTEE ON SMALL BUSINESS

Wednesday, January 30, 2013, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 30

Executive session will be held: HB 30

Executive session may be held on any matter referred to the committee.

TOURISM AND NATURAL RESOURCES

Thursday, January 31, 2013, 8:00 AM House Hearing Room 7.

Public hearing will be held: HB 42

Executive session may be held on any matter referred to the committee.

UTILITIES

Wednesday, January 30, 2013, 8:00 AM House Hearing Room 7.

Public hearing will be held: HB 44

Executive session may be held on any matter referred to the committee.

Public hearing and organizational/informational meeting

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Wednesday, January 30, 2013, 8:00 AM House Hearing Room 5.

Public hearing will be held: HB 64

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

TWELFTH DAY, WEDNESDAY, JANUARY 30, 2013

HOUSE BILLS FOR SECOND READING

HB 335 through HB 353

HOUSE RESOLUTIONS

HR 139 - Diehl

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

TWELFTH DAY, WEDNESDAY, JANUARY 30, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicky, Chaplain.

Trust in the Lord with all thine heart; and lean not unto thine own understanding. In all thy ways acknowledge Him, and He shall direct thy paths. (Proverbs 3:5,6)

Our Ancient God, You have given us the morning light, give us also the morning blessing as we lift our hearts to You in prayer in the People's House on this day.

Grant us the blessings of wisdom - not only to make wise choices, but also to find the right paths we ought to take. Lift high our vision that we may see clearly and be given courage to walk in Your way.

Grant us the blessings of love. Deepen our understanding, expand our sympathy, enlarge our capacity for good will. Give us grace to rise above the low prejudices that separate us and help us to enter the realm of high principles where all people are brought together in spirit and in love.

Grant us the blessings of faith - in these difficult and trying times may we keep our faith with You and in You, and may this faith keep us strong and pure and good. As public servants grant us wisdom, grant us love, grant us faith that in these days we fail not our citizens nor You.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 251 through House Resolution No. 266

SECOND READING OF HOUSE BILLS

HB 335 through **HB 353** were read the second time.

COMMITTEE REPORTS

Committee on Retirement, Chairman Leara reporting:

Mr. Speaker: Your Committee on Retirement, to which was referred **HB 233**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Riddle reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HB 34**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 87**, begs leave to report it has examined the same and recommends that it **Do Pass**.

INTRODUCTION OF HOUSE JOINT RESOLUTION

The following House Joint Resolution was read the first time and copies ordered printed:

HJR 19, introduced by Representatives Bahr, Koenig, Curtman, Smith (120), Houghton, Rowland, Schieber, Lichtenegger, Brattin, Grisamore, Fitzwater, Burlison, Jones (110), Remole, Riddle, Diehl, Wieland, Franklin, Funderburk, Frederick, Cox, Berry, Miller, Hurst, Anderson, Shumake, Davis, Dugger, Gosen, Hansen, Walker and White, relating to health care freedom.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 354, introduced by Representatives Cornejo, Jones (50), Colona, Austin and Haahr, relating to judicial supervision by probation and parole in DWI courts.

HB 355, introduced by Representatives Cornejo, Lynch, Pike, Spencer, Elmer, Reiboldt, Lant, Davis, Jones (50), Cox, English and Hicks, relating to hunter education and safety training exemption for military personnel.

HB 356, introduced by Representatives Cornejo, Haahr, Rhoads, Rowden, Jones (50) and Zerr, relating to the sale of draft beer.

HB 357, introduced by Representatives Roorda, Schieffer, Montecillo, Englund, Burns, Meredith, Carpenter, English, Otto, Butler, Runions, Mayfield, Mims, Walton Gray, Mitten, Schupp, McNeil, Newman, Morgan, McKenna, Harris, Anders, May and Hummel, relating to public employee labor organizations.

HB 358, introduced by Representatives Roorda and Ellinger, relating to the creation of a death penalty commission and moratorium.

HB 359, introduced by Representatives Roorda, Newman and Ellinger, relating to cord blood collection.

HB 360, introduced by Representatives Roorda, Ellinger and Newman, relating to child abuse and neglect.

HB 361, introduced by Representatives Roorda and Ellinger, relating to neutral site child custody exchange.

HB 362, introduced by Representatives Roorda and Ellinger, relating to the Missouri sheriff methamphetamine relief task force (MoSMART).

HB 363, introduced by Representatives Roorda and Ellinger, relating to county court municipal judges.

HB 364, introduced by Representative Roorda, relating to board members of fire protection and ambulance districts.

HB 365, introduced by Representative Roorda, relating to the regulation of methamphetamine precursor substances.

HB 366, introduced by Representative Roorda, relating to days off for school districts.

HB 367, introduced by Representatives Hough, Montecillo, Hinson, Redmon, Fraker, Messenger, Gardner and Ellington, relating to state employee overtime.

HB 368, introduced by Representatives Hough, Rowden, Kratky, Haahr, Hinson, Bernskoetter, Redmon, Fraker, Messenger, Norr, Rizzo, LaFaver and Hoskins, relating to certain benevolent tax credits.

HB 369, introduced by Representatives Hough, Rowden, Kratky, Hinson, Bernskoetter, Redmon, Fraker, Norr, Rizzo and Hoskins, relating to incentives to attract amateur sporting events to Missouri.

HB 370, introduced by Representative Cox, relating to municipal traffic violations.

HB 371, introduced by Representative Cox, relating to judicial procedure.

HB 372, introduced by Representatives Cox, Smith (120), Crawford, Brown and Kelley (127), relating to business premises safety.

HB 373, introduced by Representative Cox, relating to the alteration of judicial boundaries by the supreme court.

HB 374, introduced by Representative Cox, relating to the transfer of judicial positions by the supreme court.

HB 375, introduced by Representatives Cox and Brown, relating to credit agreements.

HB 376, introduced by Representatives Hough, Elmer, Messenger, Austin, Burlison, Fraker, Anderson, Norr and Haahr, relating to family court commissioners.

HB 377, introduced by Representatives Kelley (127), Davis, Entlicher, Lant, Funderburk, Cierpiot, Crawford, Gannon, Reiboldt, Fowler, Lynch, Love, Conway (10), Houghton, Redmon, Schieber, Elmer, Koenig, Burlison, Black, Keeney, Berry, Grisamore, Anderson, Bahr, English, Curtman, Sommer, Schatz, Remole, Smith (120) and Bernskoetter, relating to government meetings and records.

HB 378, introduced by Representatives Kelley (127), Entlicher, Riddle, Davis, Spencer, Dugger, Lant, Funderburk, Cierpiot, Crawford, Reiboldt, Gannon, Fowler, Lynch, Love, Johnson, Houghton, Redmon, Higdon, Koenig, Burlison, Fitzpatrick, Black, Keeney, Berry, Grisamore, Anderson, Hurst, Bahr, Haahr, Korman, Curtman, Sommer, Schatz, Remole, Smith (120), Bernskoetter and Jones (110), relating to pharmacy inventories.

HB 379, introduced by Representatives Kelley (127), Spencer, Davis, Entlicher, Lant, Funderburk, Crawford, Reiboldt, Gannon, Fowler, Lynch, Love, Houghton, Redmon, Higdon, Koenig, Burlison, Fitzpatrick, Keeney, Berry, Grisamore, Anderson, Bahr, Haahr, Curtman, Sommer, Schatz, Remole, Smith (120) and Bernskoetter, relating to anonymous finger print background checks.

HB 380, introduced by Representatives Bahr, Koenig, Smith (120) and Curtman, relating to income taxation.

HB 381, introduced by Representative Bahr, relating to restrictive covenants.

HB 382, introduced by Representatives Bahr, Spencer, Koenig, Curtman, Cornejo and Gosen, relating to peace officers.

HB 383, introduced by Representatives Bahr and Curtman, relating to motor vehicle mileage taxes.

HB 384, introduced by Representatives Lant, Davis, Flanigan, Burlison, Funderburk and Reiboldt, relating to fire sprinkler contractors.

HB 385, introduced by Representatives Burlison, Davis, Funderburk, Jones (110), Diehl, Morris, Jones (50), Elmer, Neth, Cookson, McCaherty, Kratky, Phillips and Austin, relating to incentives to attract amateur sporting events to Missouri.

HB 386, introduced by Representatives McCaherty, Jones (110), Wieland, Higdon, Smith (120), Hurst, Korman, Walker, Pike, Koenig, Wood, Brown, McGaugh, Lauer, Hampton, Leara, Cross, Houghton, Crawford, Bernskoetter, Cierpiot, Torpey, Wilson, Love, Burlison, Dugger, Hoskins, Lant, Shumake, Lichtenegger, Thomson, Gosen, Rowland, Elmer, Bahr, Engler, Conway (104), Schatz, Fitzwater, Barnes, Frederick and Hinson, relating to a ban on abortions for sex selection and genetic abnormalities.

HB 387, introduced by Representatives Frederick, White, Franklin and Neely, relating to physician assistants.

HB 388, introduced by Representatives Swan, Cookson, Jones (110), Jones (50), Cierpiot, Lichtenegger, Barnes, Morris, Keeney, Haahr, Spencer, Smith (120), Scharnhorst, Bahr, Koenig, Hicks, Hodges, Austin, Anderson, Pierson and Guernsey, relating to school building report cards.

HB 389, introduced by Representatives Zerr, Diehl, Allen, Leara, Swearingen, McCaherty, Walker, Lauer, Kratky, Sommer, Torpey, Smith (85) and Otto, relating to tax credits for qualified research expenses.

COMMITTEE CHANGE

January 30, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol 317-A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby remove Representative Keith English from the Joint Committee on Transportation Oversight.

In accordance with section 21.795 of the Missouri Revised Statutes, I hereby appoint Representative Karla May, Representative Tom McDonald and Representative Ed Schieffer to serve on the Joint Committee on Transportation Oversight.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

/s/ Jacob Hummel
House Minority Leader
District 81

The following members' presence was noted: Allen, Anders, Anderson, Austin, Bahr, Barnes, Bernskoetter, Berry, Black, Brown, Burlison, Burns, Butler, Carpenter, Cierpiot, Colona, Conway (10), Conway (104), Cookson, Cornejo, Crawford, Cross, Curtis, Curtman, Davis, Dohrman, Dugger, Dunn, Ellinger, Ellington, Elmer, Engler, English, Englund, Entlicher, Fitzpatrick, Fitzwater, Flanigan, Fowler, Fraker, Frame, Franklin, Frederick, Funderburk, Gannon, Gardner, Gatschenberger, Gosen, Grisamore, Guernsey, Haahr, Haefner, Hampton, Hansen, Harris, Hicks, Higdon, Hinson, Hodges, Hough, Houghton, Hubbard, Hummel, Hurst, Johnson, Jones (50), Justus, Keeney, Kelley (127), Kelly (45), Koenig, Kolkmeier, Korman, Kratky, LaFaver, Lair, Lant, Lauer, Leara, Lichtenegger, Love, Lynch, May, Mayfield, McCaherty, McCann Beatty, McDonald, McGaugh, McKenna, McManus, McNeil, Meredith, Messenger, Miller, Mims, Mitten, Molendorp, Montecillo, Morgan, Morris, Muntzel, Neely, Neth, Newman, Nichols, Norr, Otto, Pace, Pfautsch, Phillips, Pierson, Pike, Pogue, Redmon, Rehder, Reiboldt, Remole, Rhoads, Riddle, Rizzo, Roorda, Ross, Rowden, Rowland, Runions, Scharnhorst, Schatz, Schieffer, Schupp, Shull, Shumake, Smith (85), Smith (120), Solon, Sommer, Spencer, Stream, Swan, Swearingen, Thomson, Torpey, Walker, Walton Gray, Webb, Webber, White, Wieland, Wilson, Wood, Wright and Zerr.

ADJOURNMENT

On motion of Speaker Jones, the House adjourned until 10:00 a.m., Thursday, January 31, 2013.

COMMITTEE HEARINGS

AGRI-BUSINESS

Tuesday, February 5, 2013, 8:00 AM House Hearing Room 4.

Public hearing will be held: HB 46

Executive session may be held on any matter referred to the committee.

APPROPRIATIONS - GENERAL ADMINISTRATION

Monday, February 4, 2013, Upon Afternoon Adjournment House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Public debt (HB 1) and Office of Administration debt (HB 5) – Budget presentation

APPROPRIATIONS - GENERAL ADMINISTRATION

Tuesday, February 5, 2013, 12:00 PM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Office of Administration Operations, Fringe Benefits and Attached Programs (HB 5) – Budget presentation

–NOTE–Hearing is scheduled from 12:00 PM to 2:00 PM; if necessary, committee will reconvene at 5:00 PM this day to continue hearing budget presentation.

APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, February 6, 2013, Upon Morning Adjournment House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Office of Administration Leasing (HB 13), Public Defender Commission, and Judiciary (HB 12) – Budget presentation

–NOTE–Hearing is scheduled from 12:00 PM to 2:00 PM; if necessary, committee will reconvene at 5:00 PM to continue hearing budget presentation.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, February 5, 2013, 2:00 PM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Governor-recommended budgets for Public Safety and Corrections

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, February 6, 2013, 2:00 PM House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

Governor-recommended budgets for Public Safety and Corrections, continued

APPROPRIATIONS - REVENUE, TRANSPORTATION, AND ECONOMIC DEVELOPMENT

Tuesday, February 5, 2013, 8:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Missouri Department of Economic Development budget presentation

APPROPRIATIONS - REVENUE, TRANSPORTATION, AND ECONOMIC DEVELOPMENT

Tuesday, February 5, 2013, 2:00 PM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

Continuation of Department of Economic Development budget presentation and Innovation Center Network presentation

APPROPRIATIONS - REVENUE, TRANSPORTATION, AND ECONOMIC DEVELOPMENT

Wednesday, February 6, 2013, 2:00 PM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

Missouri Department of Labor and Industrial Relations budget presentation

INSURANCE POLICY

Monday, February 4, 2013, 5:00 PM or Upon Adjournment House Hearing Room 1.

Public hearing will be held: HB 133

Executive session may be held on any matter referred to the committee.

INSURANCE POLICY

Monday, February 4, 2013, 6:00 PM 516 S Country Club Dr., Jefferson City, MO 65109.

Executive session may be held on any matter referred to the committee.

INTERNATIONAL TRADE

Wednesday, February 6, 2013, 5:00 PM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

This will be for informational purposes only.

SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN HEALTH CARE

Monday, February 4, 2013, 5:00 PM or Upon Adjournment House Hearing Room 4.

This will be an organizational meeting for the committee.

SPECIAL STANDING COMMITTEE ON URBAN ISSUES

Monday, February 4, 2013, 6:00 PM House Hearing Room 5.

This will be an organizational meeting for the committee.

TOURISM AND NATURAL RESOURCES

Thursday, January 31, 2013, 8:00 AM House Hearing Room 7.

Public hearing will be held: HB 42

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

THIRTEENTH DAY, THURSDAY, JANUARY 31, 2013

HOUSE JOINT RESOLUTIONS FOR SECOND READING

HJR 19

HOUSE BILLS FOR SECOND READING

HB 354 through HB 389

HOUSE BILLS FOR PERFECTION

HCS HB 87 - Burlison

HOUSE RESOLUTIONS

HR 139 - Diehl

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

THIRTEENTH DAY, THURSDAY, JANUARY 31, 2013

The House met pursuant to adjournment.

Representative Bernskoetter in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

That He would grant you, according to the riches of His glory, to be strengthened with might by His spirit in the inner man. (Ephesians 3:16)

O Living God, Who is the light of life and the glory of every noble endeavor, we thank You for this quiet moment when facing important issues and carrying heavy responsibilities in that we can turn our hearts to You, Who alone can renew our strength and hold us steady amid the troubles of this time. In the secret place of the Most High may we find the resources we need for this high hour.

In all the perplexities of this period may we not lose our perspective and certainly not our poise. May the principles of freedom and justice upon which this state was founded still be our support as we face the challenge of this day. Grant that our faith may be triumphant over our fears, our courage surmount every discouragement and our loyalty to truth and good will be the solid ground upon which we walk together. Strengthened by Your spirit may we think clearly, plan creatively and act courageously.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 267 through House Resolution No. 297

SECOND READING OF HOUSE JOINT RESOLUTION

HJR 19 was read the second time.

SECOND READING OF HOUSE BILLS

HB 354 through **HB 389** were read the second time.

REFERRAL OF HOUSE RESOLUTION

The following House Resolution was referred to the Committee indicated:

HR 222 - Administration and Accounts

REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

The following House Concurrent Resolutions were referred to the Committee indicated:

HCR 3 - Budget

HCR 4 - Budget

HCR 7 - Tourism and Natural Resources

HCR 9 - Government Oversight and Accountability

HCR 17 - Health Care Policy

REFERRAL OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were referred to the Committee indicated:

HJR 10 - Agriculture Policy

HJR 11 - Emerging Issues in Agriculture

HJR 12 - Elections

HJR 13 - Elections

HJR 14 - Budget

HJR 17 - Budget

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 26 - Ways and Means

HB 28 - Local Government

HB 29 - Health Insurance

HB 35 - Crime Prevention and Public Safety

HB 45 - Local Government

HB 47 - Health Care Policy

HB 50 - Elementary and Secondary Education

HB 51 - Tourism and Natural Resources

HB 56 - Agriculture Policy

HB 60 - Local Government

HB 65 - Local Government

HB 66 - Local Government

HB 67 - Crime Prevention and Public Safety

HB 69 - Special Standing Committee on Corrections

- HB 72** - Health Care Policy
- HB 73** - Veterans
- HB 76** - Elementary and Secondary Education
- HB 81** - Emerging Issues in Agriculture
- HB 84** - Local Government
- HB 85** - Transportation
- HB 91** - Workforce Development and Workplace Safety
- HB 96** - Economic Development
- HB 99** - Health Care Policy
- HB 104** - Local Government
- HB 111** - Elementary and Secondary Education
- HB 114** - Veterans
- HB 116** - Local Government
- HB 117** - Elections
- HB 118** - Utilities
- HB 119** - Utilities
- HB 121** - Utilities
- HB 122** - Transportation
- HB 129** - Retirement
- HB 130** - Transportation
- HB 134** - Elementary and Secondary Education
- HB 136** - Elementary and Secondary Education
- HB 141** - Health Insurance
- HB 144** - Judiciary
- HB 151** - Veterans
- HB 152** - Crime Prevention and Public Safety
- HB 154** - Transportation
- HB 162** - General Laws
- HB 163** - Elections
- HB 176** - Financial Institutions
- HB 177** - Health Care Policy
- HB 178** - Ways and Means
- HB 179** - Elementary and Secondary Education
- HB 181** - International Trade
- HB 182** - Economic Development
- HB 184** - Local Government
- HB 186** - Judiciary
- HB 189** - Elections
- HB 191** - Economic Development
- HB 201** - Economic Development
- HB 202** - Agriculture Policy
- HB 203** - Financial Institutions
- HB 205** - Agriculture Policy
- HB 210** - Judiciary
- HB 211** - Financial Institutions

- HB 212** - Financial Institutions
- HB 213** - Judiciary
- HB 214** - Judiciary
- HB 215** - Judiciary
- HB 216** - Elections
- HB 217** - Downsizing State Government
- HB 218** - Judiciary
- HB 224** - Special Standing Committee on Urban Issues
- HB 226** - Ways and Means
- HB 229** - Elementary and Secondary Education
- HB 234** - Local Government
- HB 235** - Elections
- HB 257** - Health Care Policy
- HB 275** - International Trade
- HB 278** - Downsizing State Government
- HB 282** - Elementary and Secondary Education
- HB 287** - Judiciary
- HB 288** - Children, Families, and Persons with Disabilities
- HB 291** - Elementary and Secondary Education
- HB 293** - Tourism and Natural Resources
- HB 297** - Downsizing State Government
- HB 298** - Health Care Policy
- HB 299** - Crime Prevention and Public Safety
- HB 300** - Special Standing Committee on Urban Issues
- HB 301** - Special Standing Committee on Corrections
- HB 302** - Judiciary
- HB 303** - Transportation
- HB 304** - Transportation
- HB 309** - Veterans
- HB 311** - Local Government
- HB 312** - Higher Education
- HB 313** - Retirement
- HB 314** - Professional Registration and Licensing
- HB 319** - Workforce Development and Workplace Safety
- HB 320** - Workforce Development and Workplace Safety
- HB 321** - Workforce Development and Workplace Safety
- HB 334** - Agri-Business
- HB 345** - Utilities
- HB 349** - Transportation
- HB 388** - Elementary and Secondary Education

RE-REFERRAL OF HOUSE JOINT RESOLUTION

The following House Joint Resolution was re-referred to the Committee indicated:

HJR 11 - Agriculture Policy

COMMITTEE REPORTS

Committee on Retirement, Chairman Leara reporting:

Mr. Speaker: Your Committee on Retirement, to which was referred **HB 169**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Utilities, Chairman Funderburk reporting:

Mr. Speaker: Your Committee on Utilities, to which was referred **HB 44**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

INTRODUCTION OF HOUSE JOINT RESOLUTION

The following House Joint Resolution was read the first time and copies ordered printed:

HJR 20, introduced by Representatives Hampton, Redmon and Rowland, relating to the general assembly.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 390, introduced by Representatives Kratky, English, Schupp, Ellinger and Morgan, relating to unlawful use of a weapon.

HB 391, introduced by Representatives Kratky, English, Schupp, Mitten, Ellinger and Morgan, relating to a tax credit for certain small businesses.

HB 392, introduced by Representatives Kratky, English, Schupp, Ellinger and Morgan, relating to unlawful use of a weapon.

HB 393, introduced by Representatives Kratky, English and Morgan, relating to a tax credit for renovation of rental property.

HB 394, introduced by Representatives Kratky, English, White, McKenna, Schupp, Mitten, Ellinger, Morgan and Burns, relating to text messaging while operating motor vehicles.

HB 395, introduced by Representatives Kratky, English, Mitten, Ellinger, Gosen, Morgan and Solon, relating to the resale of scrap metals.

HB 396, introduced by Representatives Kratky and English, relating to the transitional school district.

HB 397, introduced by Representative Riddle, relating to local sales tax exemptions.

HB 398, introduced by Representatives Riddle, Funderburk, Houghton, Leara, Hansen, Shumake, Love, Gatschenberger, Rowland, Burns, Neely, Redmon, Webb, Hubbard, Hurst, Barnes, Crawford, Grisamore, Stream, Molendorp, McManus, Berry, Pike, Davis, Hicks, Haefner, Kelly (45), Burlison, Nichols, Higdon, Zerr, Gosen, Flanigan, Parkinson, McCaherty, Lant, Allen, Runions, Spencer, Kelley (127), White, Colona, Scharnhorst, Reiboldt, Conway (10), Conway (104), Remole, Wood, Bahr, Walker, Phillips, Bernskoetter, Englund, Anderson, Austin, Morris, Rowden, Fraker, Walton Gray, Ellington, Gardner, Dugger, Pace, Miller, Pierson, Hinson, Wilson, Rhoads, Hummel, McGaugh, Fitzwater, Rizzo, Montecillo, Harris, McCann Beatty, Frame, Roorda, Norr, Korman, Justus, Mims, Dunn, Curtis, English, Cornejo, Otto, May and Smith (85), relating to ratemaking for public utilities.

HB 399, introduced by Representatives Riddle, Wilson, Rhoads, Pike, Hinson, Conway (104), Higdon, Phillips and Hicks, relating to the removal of non-elected chief law enforcement officers.

HB 400, introduced by Representatives Riddle, Miller, Wood, Hurst, Fitzwater, Spencer, Harris, Cornejo, Kolkmeier, Reiboldt, Diehl, Neely, Lichtenegger, Lant, Brown, Messenger, Johnson, Rowland, Walker, Entlicher, Anderson, Fitzpatrick, Wilson, Crawford, Korman, White, Hansen, Cross, Shumake, English, Cox, Lynch, McCaherty, Haefner, Rehder, McGaugh, Hicks, Schieffer, Houghton, Conway (104), Lauer, Kelley (127), Elmer, Parkinson, Swan, Richardson, Pfautsch, Rowden, Jones (50), Barnes, Fraker, Bahr, Guernsey, Zerr, Schieber, Ross, Flanigan, Koenig, Pogue, Pike, Remole, Smith (120), Wieland, Redmon, Higdon, Dohrman, Cierpiot, Torpey, Solon, Thomson, Leara, Cookson, Gannon, Dugger, Scharnhorst, Morris, Muntzel, Brattin, Austin, Gatschenberger, Black, Grisamore, Curtman, Bernskoetter, Keeney, Stream, Jones (110), Davis, Engler, Allen, Sommer, Franklin, Phillips, Justus, Rhoads, Schatz, Frederick, Burlison, Hampton, Haahr, Love, Hinson, Gosen, Fowler, Funderburk and Hodges, relating to administration of abortion-inducing drugs.

HB 401, introduced by Representatives Shumake, Rowden, Redmon, Lichtenegger, Hansen and Entlicher, relating to the Missouri Advisory Boards and Commissions Association.

HB 402, introduced by Representatives Shumake, Walker, Bahr, Hansen, Lichtenegger, Redmon and Entlicher, relating to family intervention orders.

HB 403, introduced by Representatives Gosen, Reiboldt, Lant and Kelly (45), relating to unsecured loans of seven hundred fifty dollars or less.

HB 404, introduced by Representative Conway (104), relating to workers' compensation.

HB 405, introduced by Representatives Harris, Reiboldt, Schatz, Engler, Rowland, McCaherty, Mayfield, Fitzwater, Redmon, Otto, McGaugh, Miller, Wood, Pierson, Frame, Anders, McKenna, Ellinger, Hummel, Norr, Hodges, McDonald and Runions, relating to museums.

HB 406, introduced by Representative Wieland, relating to the family support payment center.

HB 407, introduced by Representatives Wieland, Gannon and Roorda, relating to petitions for incorporation.

HB 408, introduced by Representatives McNeil, Newman, Kelley (127), English, Morgan, Redmon and Fitzwater, relating to racial and gender equity in the membership of boards, commissions, committees, and councils.

HB 409, introduced by Representatives Love and Remole, relating to prevailing wage determinations for third class counties.

HB 410, introduced by Representatives Love, Funderburk, Spencer, English, Justus, Reiboldt, Swan, McNeil, Meredith and Morris, relating to sales and use taxes.

HB 411, introduced by Representatives Muntzel and Jones (50), relating to compensatory leave for nonexempt state employees.

HB 412, introduced by Representatives Reiboldt, Redmon, Johnson, Hampton, Black, Love, Crawford, Houghton, Schieffer, Hodges, McGaugh, Fitzwater, Pike, Dugger and Entlicher, relating to agricultural loan guarantees.

HB 413, introduced by Representatives Fitzwater, Phillips, Morris, Lant, Reiboldt, Justus, Kelly (45), Walker, Rowland, Pike, Ross, Rhoads, Cookson, Wood, Houghton, Fraker and Hampton, relating to the tax credit for wood energy procedures.

HB 414, introduced by Representative Kelly (45), relating to revenue bonds for public projects.

HB 415, introduced by Representatives Phillips and Rowland, relating to special license plates.

HB 416, introduced by Representative Korman, relating to transient guest taxes.

COMMITTEE APPOINTMENTS

January 28, 2013

Representative Bill Lant
State Representative, Room 235
State Capitol
Jefferson City, MO 65101

Dear Representative Lant:

I hereby appoint you as the Chair of the Subcommittee on Child Abuse Reporting and Investigating. This subcommittee is one of the two subcommittees created within the Joint Committee on Child Abuse and Neglect.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

/s/ Kurt Schaefer
Chairperson
Joint Committee on Child Abuse and Neglect

January 31, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

The Speaker hereby appoints Representative Jim Hansen to the Committee on Emerging Issues in Agriculture.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

COMMITTEE CHANGE

January 31, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol, Room 306C
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby remove Representative Mike Cierpiot from the Joint Committee on Transportation Oversight and appoint Representative Glen Kolkmeier.

If you have any questions, please do not hesitate to contact my office.

Very truly yours,

/s/ Timothy W. Jones

Speaker of the House

The following members' presence was noted: Allen, Anders, Anderson, Austin, Barnes, Berry, Black, Brown, Burlison, Burns, Butler, Cierpiot, Colona, Conway (104), Cookson, Cornejo, Crawford, Cross, Curtis, Curtman, Davis, Dunn, Ellington, English, Englund, Entlicher, Fitzwater, Flanigan, Fowler, Fraker, Frame, Franklin, Gannon, Gardner, Gatschenberger, Gosen, Grisamore, Guernsey, Haahr, Haefner, Hampton, Hansen, Harris, Hicks, Higdon, Hinson, Hodges, Hoskins, Houghton, Hubbard, Hurst, Johnson, Jones (110), Justus, Keeney, Kelley (127), Kelly (45), Koenig, Korman, Kratky, Lair, Lant, Leara, Lichtenegger, Love, Mayfield, McCaherty, McDonald, McKenna, McNeil, Meredith, Messenger, Miller, Mims, Mitten, Molendorp, Montecillo, Morgan, Morris, Muntzel, Neely, Neth, Newman, Nichols, Norr, Otto, Pace, Pfautsch, Phillips, Pike, Pogue, Rehder, Reiboldt, Remole, Rhoads, Riddle, Ross, Rowden, Rowland, Runions, Scharnhorst, Shull, Shumake, Smith (85), Spencer, Stream, Swan, Thomson, Torpey, Walker, Walton Gray, White, Wieland, Wilson, Wood, and Zerr.

ADJOURNMENT

On motion of Representative Bernskoetter, the House adjourned until 4:00 p.m., Monday, February 4, 2013.

COMMITTEE HEARINGS

AGRI-BUSINESS

Tuesday, February 5, 2013, 8:00 AM House Hearing Room 4.

Public hearing will be held: HB 46

Executive session may be held on any matter referred to the committee.

AGRICULTURE POLICY

Tuesday, February 5, 2013, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 202

Executive session may be held on any matter referred to the committee.

APPROPRIATIONS - EDUCATION

Tuesday, February 5, 2013, 2:00 PM House Hearing Room 1.

Executive session may be held on any matter referred to the committee.

DHE Budget presentation/DESE Budget presentation

APPROPRIATIONS - EDUCATION

Wednesday, February 6, 2013, 2:00 PM House Hearing Room 1.

Executive session may be held on any matter referred to the committee.

DESE Budget presentation, continued

APPROPRIATIONS - GENERAL ADMINISTRATION

Monday, February 4, 2013, Upon Afternoon Adjournment House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Public Debt (HB 1) and Office of Administration Debt (HB 5)–Budget presentation

APPROPRIATIONS - GENERAL ADMINISTRATION

Tuesday, February 5, 2013, 12:00 PM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Office of Administration Operations, Fringe Benefits and Attached Programs (HB 5)–Budget presentation

–NOTE–Hearing is scheduled from 12:00 PM to 2:00 PM; if necessary, committee will reconvene at 5:00 PM this day to continue hearing budget presentation.

APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, February 6, 2013, Upon Morning Adjournment House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Office of Administration Leasing (HB 13), Public Defender Commission, and Judiciary (HB 12)–Budget presentation

–NOTE–Hearing is scheduled from 12:00 PM to 2:00 PM; if necessary, committee will reconvene at 5:00 PM to continue hearing budget presentation.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, February 5, 2013, 2:00 PM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Governor-recommended budgets for Public Safety and Corrections

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, February 6, 2013, 2:00 PM House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

Governor-recommended budgets for Public Safety and Corrections, continued

APPROPRIATIONS - REVENUE, TRANSPORTATION, AND ECONOMIC DEVELOPMENT

Tuesday, February 5, 2013, 8:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Missouri Department of Economic Development budget presentation

APPROPRIATIONS - REVENUE, TRANSPORTATION, AND ECONOMIC DEVELOPMENT

Tuesday, February 5, 2013, 2:00 PM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

Continuation of Department of Economic Development budget presentation and Innovation Center Network presentation

APPROPRIATIONS - REVENUE, TRANSPORTATION, AND ECONOMIC DEVELOPMENT

Wednesday, February 6, 2013, 2:00 PM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

Missouri Department of Labor and Industrial Relations budget presentation

CHILDREN, FAMILIES, AND PERSONS WITH DISABILITIES

Tuesday, February 5, 2013, 12:00 PM House Hearing Room 1.

Public hearing will be held: HB 288

Executive session may be held on any matter referred to the committee.

CRIME PREVENTION AND PUBLIC SAFETY

Monday, February 4, 2013, 1:00 PM House Hearing Room 6.

Public hearing will be held: HB 35, HB 67, HB 152, HB 299

Executive session may be held on any matter referred to the committee.

ECONOMIC DEVELOPMENT

Tuesday, February 5, 2013, 5:00 PM House Hearing Room 7.

Public hearing will be held: HB 124, HB 158, HB 227

Executive session may be held on any matter referred to the committee.

ELECTIONS

Tuesday, February 5, 2013, 8:00 AM House Hearing Room 5.

Public hearing will be held: HJR 4, HB 216, HB 113, HB 117

Executive session will be held: HJR 4, HB 216

Executive session may be held on any matter referred to the committee.

EMERGING ISSUES IN AGRICULTURE

Wednesday, February 6, 2013, 8:00 AM House Hearing Room 4.

Public hearing will be held: HB 81

Executive session may be held on any matter referred to the committee.

GOVERNMENT OVERSIGHT AND ACCOUNTABILITY

Friday, February 8, 2013, 9:00 AM Greater Kansas City Chamber of Commerce, 30 W. Pershing Rd., Suite 301, Kansas City, MO 64108.

The committee will hear testimony on tax credits.

HIGHER EDUCATION

Tuesday, February 5, 2013, 8:00 AM House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

Presentation of proposed higher education funding model

INSURANCE POLICY

Monday, February 4, 2013, 5:00 PM or Upon Adjournment House Hearing Room 1.

Public hearing will be held: HB 133

Executive session may be held on any matter referred to the committee.

INSURANCE POLICY

Monday, February 4, 2013, 6:00 PM 516 S Country Club Dr., Jefferson City, MO 65109.

Executive session may be held on any matter referred to the committee.

INTERNATIONAL TRADE

Wednesday, February 6, 2013, 5:00 PM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

This will be for informational purposes only.

JOINT COMMITTEE ON EDUCATION

Monday, February 4, 2013, 11:00 AM House Hearing Room 2.

Director of the Joint Committee on Education, Dr. Stacey Preis, and Senate and House staff will present a detailed updated draft of the higher education funding model.

LOCAL GOVERNMENT

Monday, February 4, 2013, 1:00 PM House Hearing Room 5.

Public hearing will be held: HB 128, HB 175

Executive session may be held on any matter referred to the committee.

RULES

Monday, February 4, 2013, Upon Afternoon Adjournment House Hearing Room 6.

Executive session will be held: HB 44

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN HEALTH CARE

Monday, February 4, 2013, 5:00 PM or Upon Adjournment House Hearing Room 4.

This will be an organizational meeting for the committee.

SPECIAL STANDING COMMITTEE ON URBAN ISSUES

Monday, February 4, 2013, 6:00 PM House Hearing Room 5.

This will be an organizational meeting for the committee.

TRANSPORTATION

Tuesday, February 5, 2013, 12:00 PM House Hearing Room 7.

Public hearing will be held: HB 85, HB 122, HB 349

Executive session may be held on any matter referred to the committee.

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Wednesday, February 6, 2013, 8:00 AM House Hearing Room 5.

Public hearing will be held: HB 77

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

FOURTEENTH DAY, MONDAY, FEBRUARY 4, 2013

HOUSE JOINT RESOLUTIONS FOR SECOND READING

HJR 20

HOUSE BILLS FOR SECOND READING

HB 390 through HB 416

HOUSE BILLS FOR PERFECTION

HCS HB 87 - Burlison

HOUSE RESOLUTIONS

HR 139 - Diehl

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

FOURTEENTH DAY, MONDAY, FEBRUARY 4, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Representative Tommie Pierson.

Almighty God, our Father,

Once again, You have allowed us to gather here in the people's House of Representatives. Our heartfelt condolences and prayers go out to Representative Sandy Crawford and her family on the loss of her father-in-law Wayne Crawford.

Thank You for our new members, and I thank You for the returning members. I am thankful for the hearts of the people who were touched in the hopes that we will deliberate and pass bills that will improve their lives.

Let the spirit of unity, love and respect for those whose ideas are different from our own be embraced. Let us not be disturbed when others share their beliefs. Grant us the wisdom to understand that everyone has the right to their opinion, but not every opinion is right.

Let us be thankful for the privilege to serve, and to be thankful for good health and the ability to have joy in our hearts.

Today, let the spirit of God "anoint our heads with oil and our cups run over, surely goodness and mercy and unfailing love shall follow us all the days of our lives, and through the length of our days, the house of the Lord shall be our dwelling place."

Let us embrace the words of the prophet Amos, "Let justice roll down like waters and righteousness like a mighty stream." We ask it all in the name of Jesus.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Journal of the eleventh day was approved as printed by the following vote:

AYES: 153

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Conway 10	Conway 104	Cookson	Cornejo	Cox
Cross	Curtis	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Ellington
Elmer	Engler	English	Englund	Entlicher

Fitzpatrick	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gardner
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Kelley 127	Kelly 45	Koenig	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Molendorp	Montecillo	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Parkinson	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 85	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 000

PRESENT: 001

Kirkton

ABSENT WITH LEAVE: 007

Black	Colona	Crawford	Fitzwater	Hough
Keeney	Smith 120			

VACANCIES: 002

The Journal of the twelfth day was approved as printed.

The Journal of the thirteenth day was approved as printed.

HOUSE RESOLUTION

Representative Burns offered House Resolution No. 310.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 298 through House Resolution No. 309
House Resolution No. 311 through House Resolution No. 313

SECOND READING OF HOUSE JOINT RESOLUTION

HJR 20 was read the second time.

SECOND READING OF HOUSE BILLS

HB 390 through **HB 416** were read the second time.

REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

HB 198 - Utilities

RE-REFERRAL OF HOUSE BILL

The following House Bill was re-referred to the Committee indicated:

HB 121 - Judiciary

COMMITTEE REPORT

Committee on Rules, Chairman Riddle reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HB 44**, begs leave to report it has examined the same and recommends that it **Do Pass**.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 417, introduced by Representative Stream, relating to political subdivision contracts for water storage tanks.

HB 418, introduced by Representatives Neth, Swearingen and Torpey, relating to Kansas City police retirement systems.

HB 419, introduced by Representatives Hubbard, Ellington, Colona, Walton Gray, Pace and May, relating to the duties of the board of probation and parole.

HB 420, introduced by Representatives Curtman, Burlison, Lichtenegger, Koenig and Brown, relating to legislative preemption of firearm regulation by political subdivisions.

HB 421, introduced by Representatives Curtman, Smith (120), Burlison, Lichtenegger, Koenig and Swan, relating to legal tender.

HB 422, introduced by Representatives Brattin, Koenig and White, relating to the implementation of the streamlined sales and use tax agreement.

HB 423, introduced by Representatives Zerr, Hubbard, Berry, Lauer, McManus, McCann Beatty, Rizzo, Molendorp, Mayfield, Mims, Gardner, Ellington, Hough and Jones (50), relating to the distressed areas land assemblage tax credit act.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SBs 10 & 25**, entitled:

An act to amend chapter 67, RSMo, by adding thereto two new sections relating to incentives to attract amateur sporting events to Missouri.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SBs 20, 15 & 19**, entitled:

An act to repeal sections 135.090, 135.326, 135.327, 135.535, 135.562, 135.630, 135.647, and 135.800, RSMo, and to enact in lieu thereof nine new sections relating to certain benevolent tax credits, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

COMMITTEE APPOINTMENTS

February 4, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol, Rm. 317-A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint the following members to serve on the Joint Committee on Life Sciences:

Representative Jon Carpenter
Representative Margo McNeil
Representative Jill Schupp

If you have any questions, please do not hesitate to contact my office.

Sincerely,

/s/ Jacob Hummel
House Minority Leader
District 81

February 4, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol, Rm. 317-A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Karla May to serve on the Joint Committee on Urban Agriculture.

I hereby continue the appointment of Representative Stacey Newman on the Joint Committee on Urban Agriculture.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

/s/ Jacob Hummel
House Minority Leader
District 81

COMMITTEE CHANGE

February 4, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol, Room 317-A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby remove Representative Kevin Engler from the Joint Committee on Capital Improvements and Leases Oversight and appoint Representative Robert Ross.

If you have any questions, please do not hesitate to contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

MESSAGES FROM THE GOVERNOR

February 4, 2013

REORGANIZATION PLAN NO. 1 2013

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE NINETY-SEVENTH GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and Sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 1 of 2013, by Executive Order 13-01, to transfer the Center for Emergency Response and Terrorism from the Department of Health and Senior Services and assign it, and all of its responsibilities and functions, to the Department of Public Safety. The Center for Emergency Response and Terrorism will retain all functions and authority as provided by law. The Department of Public Safety shall furnish administrative support and staff as is necessary for the effective operation of the Center for Emergency Response and Terrorism.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

EXECUTIVE ORDER 13-01

WHEREAS, the Department of Public Safety, created pursuant to Article IV, Section 48 of the Missouri Constitution and Chapter 650, RSMo, is responsible for providing coordination between local, state, and federal agencies in regard to public safety and law enforcement programs; and

WHEREAS, the State Emergency Management Agency (SEMA), established pursuant to Section 44.020, RSMo, is a division of the Department of Public Safety and responsible for assisting federal, state, local and faith-based activities related to emergency functions by coordinating response, recovery, planning and mitigation; and

WHEREAS, the Office of Homeland Security, established within the Department of Public Safety, is responsible for coordinating activities to promote unity of effort among federal, state, local, private sector, and citizen activities related to emergency preparedness and homeland security; and

WHEREAS, the Department of Public Safety oversees the coordinated emergency response to natural and man-made disasters on behalf of the State of Missouri and coordinates emergency response planning and preparedness through SEMA and the Office of Homeland Security using an all-hazard approach; and

WHEREAS, the Department of Health and Senior Services, established pursuant to Chapter 192, RSMo, is responsible for public health and aging issues; and

WHEREAS, the Center for Emergency Response and Terrorism is located within the Department of Health and Senior Services to coordinate emergency response and preparedness among public health agencies relating to terrorism, natural disasters, and pandemic; and

WHEREAS, transferring the Center for Emergency Response and Terrorism's response, planning, and preparedness responsibilities to the Department of Public Safety will promote coordination and consistency among emergency response agencies; and

WHEREAS, I am committed to prudently consolidating executive branch operations to ensure that the state delivers vital services in the most efficient and effective manner possible.

NOW, THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, do hereby order the Department of Health and Senior Services and the Department of Public Safety to cooperate to:

1. Transfer all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of all emergency response, planning, and preparedness responsibilities within the Center for Emergency Response and Terrorism from the Department of Health and Senior Services to the Department of Public Safety, by Type I transfer, as defined under the Reorganization Act of 1974;
2. Develop mechanisms and processes necessary to effectively transfer these duties and functions to the Department of Public Safety; and
3. Take the steps necessary to maintain compliance with federal requirements so as not to jeopardize federal financial participation with this transfer.

This Order shall become effective no sooner than August 28, 2013, unless disapproved within sixty days of its submission to the First Regular Session of the Ninety-Seventh General Assembly.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 4th day of February, 2013.

/s/ Jeremiah W. (Jay) Nixon
Governor

ATTEST:

/s/ Jason Kander
Secretary of State

February 4, 2013

**REORGANIZATION PLAN NO. 2
2013**

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE NINETY-SEVENTH GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and Sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 2 of 2013, by Executive Order 13-02, to transfer post-issuance compliance functions for tax credit and job incentive programs from the Missouri Department of Economic Development and assign those responsibilities and functions to the Department of Revenue. The Department of Revenue shall furnish administrative support and staff as is necessary for the effective operation of the post-issuance compliance functions for tax credit and job incentive programs administered by the Department of Economic Development.

/s/ Respectfully submitted,

Jeremiah W. (Jay) Nixon
Governor

**EXECUTIVE ORDER
13-02**

WHEREAS, the Missouri Department of Economic Development is created pursuant to Article IV, Section 36(a) of the Missouri Constitution and Chapter 620, RSMo; and

WHEREAS, the Missouri Department of Revenue is created pursuant to Article IV, Section 22, of the Missouri Constitution and Chapter 32, RSMo; and

WHEREAS, the Missouri Department of Economic Development's mission is to promote economic growth and job creation; and

WHEREAS, the Missouri Department of Revenue is a regulatory agency charged with collecting revenue and ensuring compliance with Missouri's tax laws; and

WHEREAS, the Missouri Department of Economic Development administers tax credit and job incentive programs; and

WHEREAS, the Missouri Department of Revenue currently performs various functions related to tax credit and job incentive programs, including those associated with the redemption of tax credits issued through the programs administered by the Missouri Department of Economic Development; and

WHEREAS, the Missouri Department of Revenue is positioned to perform post-issuance compliance functions related to such tax credit and job incentive programs; and

WHEREAS, transferring these post-issuance compliance functions to the Missouri Department of Revenue will provide greater efficiency and accountability in the state's tax credit and job incentive programs; and

WHEREAS, transferring these post-issuance compliance functions to the Missouri Department of Revenue will enable the Missouri Department of Economic Development to provide greater focus on its core mission of expanding the state's economy; and

WHEREAS, I am committed to integrating and consolidating government operations to provide for the most efficient and effective use of resources; and

WHEREAS, the transfer of these post-issuance compliance functions from the Missouri Department of Economic Development to the Missouri Department of Revenue will make state government more efficient and effective.

NOW, THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, do hereby order the Missouri Department of Economic Development and the Missouri Department of Revenue to cooperate to:

1. Transfer all authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the post-issuance compliance functions for tax credit and job incentive programs from the Missouri Department of Economic Development to the Missouri Department of Revenue, by Type I transfer, as defined under the Reorganization Act of 1974;
2. Develop mechanisms and processes necessary to effectively transfer the above-referenced functions to the Missouri Department of Revenue; and
3. Take the steps necessary to maintain compliance with federal requirements so as not to jeopardize federal financial participation with this transfer.

This Order shall become effective no sooner than August 28, 2013, unless disapproved within sixty days of its submission to the First Regular Session of the Ninety-Seventh General Assembly.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 4th day of February, 2013.

/s/ Jeremiah W. (Jay) Nixon
Governor

ATTEST:

/s/ Jason Kander
Secretary of State

February 4, 2013

**REORGANIZATION PLAN NO. 3
2013**

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE NINETY-SEVENTH GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and Sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 3 of 2013, by Executive Order 13-03, to transfer the Division of Energy from the Department of Natural Resources and assign it, and all of its responsibilities and functions, to the Department of Economic Development. The Division of Energy will retain all functions and authority as provided by law. The Department of Economic Development shall furnish administrative support and staff as is necessary for the effective operation of the Division of Energy.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

**EXECUTIVE ORDER
13-03**

WHEREAS, the Missouri Department of Natural Resources is created pursuant Article IV, Section 47 of the Missouri Constitution and Chapter 640, RSMo; and

WHEREAS, the Division of Energy, located within the Missouri Department of Natural Resources, is responsible for promoting energy efficiency and security through policy development, research, and educational outreach; and

WHEREAS, the Missouri Department of Economic Development is created pursuant to Article IV, Section 36(a) of the Missouri Constitution and Chapter 620, RSMo, and is charged with promoting economic growth and job creation; and

WHEREAS, energy production and efficiency are crucial to moving Missouri's economy forward; and

WHEREAS, I am committed to integrating and consolidating governmental operations to provide for the most efficient and effective use of resources; and

WHEREAS, the transfer of the Division of Energy from the Missouri Department of Natural Resources to the Missouri Department of Economic Development will benefit the State of Missouri by creating efficiencies through a better alignment of goals which will help promote the development, security, and affordability of diverse energy sources essential to the future of Missouri's economy.

NOW THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, do hereby order the Missouri Department of Natural Resources and the Missouri Department of Economic Development to cooperate to:

1. Transfer all authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Division of Energy from the Missouri Department of Natural Resources to the Missouri Department of Economic Development, by Type I transfer, as defined under the Reorganization Act of 1974;
2. Develop the mechanisms and processes necessary to effectively transfer the Division of Energy to the Missouri Department of Economic Development; and
3. Take the steps necessary to maintain compliance with federal requirements so as not to jeopardize federal financial participation with this transfer.

This order shall become effective no sooner than August 28, 2013, unless disapproved within sixty days of its submission to the First Regular Session of the Ninety-Seventh General Assembly.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 4th day of February, 2013.

/s/ Jeremiah W. (Jay) Nixon
Governor

ATTEST:

/s/ Jason Kander
Secretary of State

The following members' presence was noted: Hough and Keeney.

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Tuesday, February 5, 2013.

COMMITTEE HEARINGS

ADMINISTRATION AND ACCOUNTS

Wednesday, February 6, 2013, Upon Morning Adjournment House Hearing Room 5.

Public hearing will be held: HR 222

Executive session may be held on any matter referred to the committee.

Additional topics will include: Proposed Majority Caucus Smoking Policy, Employee Salary Ranges, Issue Development Standing Committees

CORRECTED

AGRI-BUSINESS

Tuesday, February 5, 2013, 8:00 AM House Hearing Room 4.

Public hearing will be held: HB 46

Executive session may be held on any matter referred to the committee.

AGRICULTURE POLICY

Tuesday, February 5, 2013, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 202

Executive session may be held on any matter referred to the committee.

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Tuesday, February 5, 2013, 2:00 PM House Hearing Room 4.

Department of Conservation Budget presentation

APPROPRIATIONS - EDUCATION

Tuesday, February 5, 2013, 2:00 PM House Hearing Room 1.

Executive session may be held on any matter referred to the committee.

Department of Higher Education Budget presentation/Department of Elementary and Secondary Education Budget presentation

APPROPRIATIONS - EDUCATION

Wednesday, February 6, 2013, 2:00 PM House Hearing Room 1.

Executive session may be held on any matter referred to the committee.

Department of Elementary and Secondary Education Budget presentation, continued

APPROPRIATIONS - GENERAL ADMINISTRATION

Tuesday, February 5, 2013, 12:00 PM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Office of Administration Operations, Fringe Benefits and Attached Programs (HB 5) – Budget presentation

–NOTE–Hearing is scheduled from 12:00 PM to 2:00 PM; if necessary, committee will reconvene at 5:00 PM this day to continue hearing budget presentation.

APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, February 6, 2013, Upon Morning Adjournment House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Office of Administration Leasing (HB 13), Public Defender Commission, and Judiciary (HB 12) – Budget presentation

–NOTE–Hearing is scheduled from 12:00 PM to 2:00 PM; if necessary, committee will reconvene at 5:00 PM to continue hearing budget presentation.

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Tuesday, February 5, 2013, 2:00 PM House Hearing Room 5.

Executive session may be held on any matter referred to the committee.

Public testimony regarding FY14 DSS, DMH, & DHSS program budgets

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Wednesday, February 6, 2013, 2:00 PM House Hearing Room 5.

Executive session may be held on any matter referred to the committee.

DHSS Budget presentation

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Thursday, February 7, 2013, 8:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Continuation of DHSS Budget presentation, if necessary; DMH Budget presentation

APPROPRIATIONS - INFRASTRUCTURE AND JOB CREATION

Tuesday, February 5, 2013, 5:00 PM House Hearing Room 3.

Public hearing will be held: HJR 14

Public testimony

Please call Donna in Representative Chris Kelly's office at 573-751-4189 if you want to testify on bill. Thanks.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, February 5, 2013, 2:00 PM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Governor-recommended budgets for Public Safety and Corrections

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, February 6, 2013, 2:00 PM House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

Governor-recommended budgets for Public Safety and Corrections, continued

APPROPRIATIONS - REVENUE, TRANSPORTATION, AND ECONOMIC DEVELOPMENT

Tuesday, February 5, 2013, 8:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Missouri Department of Economic Development budget presentation

APPROPRIATIONS - REVENUE, TRANSPORTATION, AND ECONOMIC DEVELOPMENT

Tuesday, February 5, 2013, 2:00 PM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

Continuation of Department of Economic Development budget presentation and Innovation Center Network presentation

APPROPRIATIONS - REVENUE, TRANSPORTATION, AND ECONOMIC DEVELOPMENT

Wednesday, February 6, 2013, 2:00 PM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

Missouri Department of Labor and Industrial Relations budget presentation

CHILDREN, FAMILIES, AND PERSONS WITH DISABILITIES

Tuesday, February 5, 2013, 12:00 PM House Hearing Room 1.

Public hearing will be held: HB 288

Executive session may be held on any matter referred to the committee.

ECONOMIC DEVELOPMENT

Tuesday, February 5, 2013, 5:00 PM House Hearing Room 7.

Public hearing will be held: HB 124, HB 158, HB 227

Executive session may be held on any matter referred to the committee.

ELECTIONS

Tuesday, February 5, 2013, Upon Morning Adjournment South Gallery.

Public hearing will be held: HJR 12

Executive session will be held: HJR 12, HJR 5

Executive session may be held on any matter referred to the committee.

ELECTIONS

Tuesday, February 5, 2013, 8:00 AM House Hearing Room 5.

Public hearing will be held: HJR 4, HB 216, HB 117

Executive session will be held: HJR 4, HB 216

Executive session may be held on any matter referred to the committee.

AMENDED

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, February 6, 2013, 8:00 AM House Hearing Room 6.

Public hearing will be held: HB 134, HB 388

Executive session may be held on any matter referred to the committee.

EMERGING ISSUES IN AGRICULTURE

Wednesday, February 6, 2013, 8:00 AM House Hearing Room 4.

Public hearing will be held: HB 81

Executive session may be held on any matter referred to the committee.

FINANCIAL INSTITUTIONS

Wednesday, February 6, 2013, 12:00 PM House Hearing Room 4.

Public hearing will be held: HB 203, HB 176, HB 212, HB 211

Executive session may be held on any matter referred to the committee.

FINANCIAL INSTITUTIONS

Wednesday, February 6, 2013, 6:00 PM 2125 Missouri Blvd, Jefferson City, MO 65103.

GENERAL LAWS

Tuesday, February 5, 2013, 12:00 PM House Hearing Room 4.

Public hearing will be held: HB 33, HB 256, HB 305

Executive session may be held on any matter referred to the committee.

CORRECTED

GOVERNMENT OVERSIGHT AND ACCOUNTABILITY

Friday, February 8, 2013, 9:00 AM Greater Kansas City Chamber of Commerce, 30 W. Pershing Road, Suite 301, Kansas City, MO 64108.

The committee will hear testimony on tax credits.

HEALTH CARE POLICY

Wednesday, February 6, 2013, 12:00 PM House Hearing Room 6.

Public hearing will be held: HCR 17, HB 47, HB 72

Executive session may be held on any matter referred to the committee.

HEALTH INSURANCE

Tuesday, February 5, 2013, 12:00 PM House Hearing Room 5.

Public hearing will be held: HB 30

Executive session may be held on any matter referred to the committee.

HIGHER EDUCATION

Tuesday, February 5, 2013, 8:00 AM House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

Presentation of proposed higher education funding model.

INTERNATIONAL TRADE

Wednesday, February 6, 2013, 5:00 PM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

This will be for informational purposes only.

JUDICIARY

Wednesday, February 6, 2013, 12:00 PM House Hearing Room 1.

Public hearing will be held: HB 210, HB 218

Executive session may be held on any matter referred to the committee.

TRANSPORTATION

Tuesday, February 5, 2013, 12:00 PM House Hearing Room 7.

Public hearing will be held: HB 85, HB 122, HB 349

Executive session may be held on any matter referred to the committee.

UTILITIES

Wednesday, February 6, 2013, 8:00 AM House Hearing Room 7.

Public hearing will be held: HB 345, HB 198, HB 119

Executive session may be held on any matter referred to the committee.

VETERANS

Tuesday, February 5, 2013, 8:00 AM House Hearing Room 1.

Public hearing will be held: HB 73, HB 114, HB 151

Executive session may be held on any matter referred to the committee.

WAYS AND MEANS

Tuesday, February 5, 2013, 4:00 PM House Hearing Room 6.

Public hearing will be held: HB 32, HB 55, HB 255, HB 178

Executive session may be held on any matter referred to the committee.

The normal time and place have changed.

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Wednesday, February 6, 2013, 8:00 AM House Hearing Room 5.

Public hearing will be held: HB 77

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

FIFTEENTH DAY, TUESDAY, FEBRUARY 5, 2013

HOUSE BILLS FOR SECOND READING

HB 417 through HB 423

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 87 - Burlison
- 2 HB 44 - Korman

SENATE BILLS FOR SECOND READING

- 1 SCS SBs 10 & 25
- 2 SS SCS SBs 20, 15 & 19

HOUSE RESOLUTIONS

HR 139 - Diehl

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

FIFTEENTH DAY, TUESDAY, FEBRUARY 5, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

A moment of silence was observed in memory of Father David Buescher who served as House Chaplain from 2000 through 2005.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

They looked unto Him, and were lightened; and their faces were not ashamed. (Psalm 34:5)

O God, source of all life and the ever-flowing fountain of love, we open the gates of a new day with prayer and bow before You reverently and in all humility of mind and heart. At this time we need to renew our strength, to restore our courage, and to receive Your spirit which makes us equal to every situation. So we pray that now and all through these days You will help us to be conscious of Your presence, and by Your grace may we do Your will.

Save us from recounting our resentments, from harboring any hatred, and from remembering the slights that dim the lights of our day. May we accept the duties of this week with confidence, carry our responsibilities with faith, and enjoy the work we are doing building a better and a stronger state. Always and in all ways may we follow the way that leads beyond the dark to the dawn and You.

We recall our Missouri history today when a bolt from the heavens in 1911 reduced the old Capitol to fiery rubble, yet from its ashes rose this magnificent structure. May God continue to protect and bless all who work at and visit our Capitol, as the People's House.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Journal of the fourteenth day was approved as printed.

HOUSE RESOLUTION

Representatives Cox and Kelly (45) offered House Resolution No. 314.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 315 through House Resolution No. 323

HOUSE CONCURRENT RESOLUTION

Representative English, et al., offered House Concurrent Resolution No. 18.

SECOND READING OF HOUSE BILLS

HB 417 through **HB 423** were read the second time.

SECOND READING OF SENATE BILLS

SCS SBs 10 & 25 and **SS SCS SBs 20, 15 & 19** were read the second time.

Representative Leara assumed the Chair.

PERFECTION OF HOUSE BILL

HCS HB 87, relating to tax credits, was taken up by Representative Burlison.

Representative Engler offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 87, Page 4, Section 135.327, Line 71, by deleting the word "**July**" and inserting in lieu thereof the following:

"January"; and

Further amend said bill, Page 11, Section 135.630, Line 37, by deleting the word "**July**" and inserting in lieu thereof the following:

"January"; and

Further amend said bill, Page 13, Section 135.647, Line 12, by deleting the word "**July**" and inserting in lieu thereof the following:

"January"; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Engler, **House Amendment No. 1** was adopted.

Representative Montecillo requested a division of the question on **HCS HB 87, as amended**.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 106

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Kelley 127	Koenig	Kolkmeier	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Molendorp	Morris	Muntzel	Neely
Neth	Parkinson	Pfausch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 003

Crawford	Hinson	Keeney
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VACANCIES: 002

On motion of Representative Burlison, **Part I of HCS HB 87, as amended**, was adopted by the following vote:

AYES: 157

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hodges	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Parkinson	Pfautsch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Smith 85	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webb	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 004

Crawford	Cross	Hinson	Keeney
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VACANCIES: 002

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 105

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Cross	Curtman	Davis	Diehl	Dohrman
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Kelley 127
Koenig	Kolkmeier	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller
Molendorp	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Schamhorst	Schatz	Schieber	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 004

Crawford	Dugger	Hinson	Keeney
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VACANCIES: 002

On motion of Representative Burlison, **Part II of HCS HB 87, as amended**, was adopted by the following vote:

AYES: 120

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Cierpiot	Conway 10	Conway 104
Cookson	Cornejo	Cox	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	English	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hodges	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Kelley 127	Koenig	Kolkmeyer	Korman
Kratky	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	Mayfield
McCaherty	McGaugh	McKenna	McManus	Messenger
Miller	Molendorp	Morris	Muntzel	Neely
Neth	Parkinson	Pfausch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 038

Burns	Butler	Carpenter	Colona	Curtis
Dunn	Ellinger	Ellington	Englund	Frame
Gardner	Hubbard	Hummel	Kelly 45	Kirkton
LaFaver	May	McCann Beatty	McDonald	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Pierson	Rizzo	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Webber		

PRESENT: 000

ABSENT WITH LEAVE: 003

Crawford	Hinson	Keeney
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VACANCIES: 002

On motion of Representative Burlison, **Part III of HCS HB 87, as amended**, was adopted by the following vote:

AYES: 156

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Ellinger
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hodges	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Miller
Mims	Mitten	Molendorp	Montecillo	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Parkinson
Pfautsch	Phillips	Pierson	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Smith 85	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Crawford	Dunn	Hinson	Keeney	Messenger
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VACANCIES: 002

On motion of Representative Burlison, **HCS HB 87, as amended**, was ordered perfected and printed by the following vote:

AYES: 153

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Ellinger	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hodges	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Molendorp	Montecillo	Morris	Muntzel
Neely	Neth	Nichols	Norr	Otto
Pace	Parkinson	Pfautsch	Phillips	Pierson
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 85	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 003

Butler	Morgan	Newman
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PRESENT: 000

ABSENT WITH LEAVE: 005

Crawford	Dunn	Hinson	Keeney	May
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VACANCIES: 002

HOUSE RESOLUTION

HR 139, relating to ethics rules of procedure, was taken up by Representative Diehl.

On motion of Representative Diehl, **HR 139** was adopted.

REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

HCS HB 87 - Fiscal Review

COMMITTEE REPORTS

Committee on Agriculture Policy, Chairman Reiboldt reporting:

Mr. Speaker: Your **Committee on Agriculture Policy**, to which was referred **HB 202**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on General Laws, Chairman Jones (50) reporting:

Mr. Speaker: Your **Committee on General Laws**, to which was referred **HB 256**, **HB 33**, and **HB 305**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

INTRODUCTION OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were read the first time and copies ordered printed:

HJR 21, introduced by Representatives Scharnhorst and Cierpiot, relating to term limits.

HJR 22, introduced by Representatives Neth, Spencer, Rizzo, Molendorp, Zerr, Berry, Grisamore, Elmer, Wright, McNeil, Mayfield, Kelly (45), Lauer, Redmon and Gannon, relating to debt limitations for school districts.

HJR 23, introduced by Representatives Hinson, Miller, Walker, Montecillo, Phillips, Schatz, Burns, Hough, Kelly (45), Love, Korman, Wood, McKenna, Lant, Reiboldt, Rizzo, Schieffer, Fitzwater and Flanigan, relating to a temporary tax to improve the state highway system, city streets, county roads, and the state transportation system.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 424, introduced by Representatives Jones (50), Houghton, Cross, Webber, Gosen, Bernskoetter, Rhoads, Torpey, Hinson, Keeney, McCaherty, Funderburk, Norr, Berry, Hoskins, Roorda, Rizzo and Rowden, relating to the sheriffs' retirement fund.

HB 425, introduced by Representatives Wilson, Riddle, Higdon, Koenig, Hinson and Wieland, relating to immunity from civil liability for law enforcement officers.

HB 426, introduced by Representative Berry, relating to state legal expense fund.

HB 427, introduced by Representative Schatz, relating to rental of machinery and equipment.

HB 428, introduced by Representative Schatz, relating to the issuance of salvage motor vehicle titles.

HB 429, introduced by Representative Schatz, relating to the issuance of salvage motor vehicle titles.

HB 430, introduced by Representative Schatz, relating to employer paid medical costs in the experience rating plan of workers' compensation insurance.

HB 431, introduced by Representatives Jones (50), Richardson, Elmer, Johnson, Lynch, McCaherty, Crawford, Fowler, Austin, Rizzo and Webber, relating to law enforcement officers on school premises.

HB 432, introduced by Representatives Funderburk, Schatz, Smith (85), Roorda, Gosen, Dugger, Davis, Gatschenberger, Cierpiot, Rehder, Korman, Bahr, Hicks, Anders, Webb, Riddle, Bernskoetter, Richardson, Remole, Norr, McNeil, English and Fraker, relating to the public service commission.

HB 433, introduced by Representatives Korman, Hicks, Fitzwater, Lant, Reiboldt, Cornejo, Crawford, Hampton and Ross, relating to inspection of meat processors.

HB 434, introduced by Representatives Elmer, Austin, Cox, Cornejo, Barnes, Hough, White, Diehl, Haahr and Richardson, relating to the transfer of judicial positions by the supreme court.

HB 435, introduced by Representatives Elmer, Austin, Cox, Cornejo, Barnes, Hough, White, Diehl and Haahr, relating to the alteration of judicial boundaries by the supreme court.

HB 436, introduced by Representatives Funderburk, Jones (110), Burlison, Hicks, Rhoads, Ross, Miller, Parkinson, Remole, Anderson, Hurst, Bahr, Brown, Smith (120), Koenig, Curtman, Dugger, Morris, Sommer, Leara, Gatschenberger, Brattin, Schieffer and Korman, relating to the Second Amendment preservation act.

HB 437, introduced by Representatives Funderburk, Miller, Smith (85), Roorda and English, relating to underground facility safety.

HB 438, introduced by Representatives Rowland, Cookson, Redmon, Shumake, Elmer, Webber, Black, Fitzwater, Justus, Smith (120) and Schatz, relating to license plates.

HB 439, introduced by Representatives Webb, May, Newman, Norr, Pace and Cookson, relating to student participation in extracurricular activities.

HB 440, introduced by Representatives Webb and Parkinson, relating to the sale of cottage foods.

HB 441, introduced by Representatives Webb and Pace, relating to the designation of a highway.

HB 442, introduced by Representatives Hoskins, Brattin, Davis, Lichtenegger and Jones (50), relating to professional therapy dogs.

HB 443, introduced by Representatives Hubbard, Ellington, Curtis, Pace, McCaherty, Otto, May, Smith (85), Walton Gray, Colona, Webb and Mims, relating to a pilot project for increasing children's access to incarcerated parents.

HB 444, introduced by Representatives Hubbard, Curtis, Pace, May, Smith (85), Ellington, Webb and Mims, relating to the parent time for Missouri program.

HB 445, introduced by Representatives Engler and Black, relating to the designation of memorial highways.

HB 446, introduced by Representative Diehl, relating to real estate loans.

HB 447, introduced by Representative Diehl, relating to the exemption from attachment and execution of a person's interest in inherited retirement accounts and health savings plans.

HB 448, introduced by Representatives Webb, Burlison, Fraker, Funderburk, Kratky, Pace and Cookson, relating to licensure of hearing instrument specialists.

HB 449, introduced by Representatives English, LaFaver, Frame, White, Pace and Walton Gray, relating to limited driving privileges for child support arrearage license suspensions.

HB 450, introduced by Representatives Carpenter, Davis, Otto, Walton Gray, Haahr, Rhoads, Rowden and Butler, relating to military medallions, medals, and certificates.

HB 451, introduced by Representatives Fraker, Hampton, Fitzwater, Redmon, Cross, Richardson, Hough, Diehl, Dugger, Messenger and Reiboldt, relating to procedures for counties to decrease their budgets.

HB 452, introduced by Representatives Fraker, Lant, Redmon, Hampton, Fitzwater, Jones (110), Richardson, Diehl, Dugger, Messenger and Reiboldt, relating to prevailing wages on public work projects.

HB 453, introduced by Representatives Fraker, Lant, Redmon, Hampton, Fitzwater, Jones (110), Cross, Richardson, Diehl, Dugger, Messenger and Reiboldt, relating to prevailing wages on public works projects.

HB 454, introduced by Representatives Koenig, Curtman, Brown, Kelley (127), Love, Lichtenegger, Wood, Higdon and Scharnhorst, relating to the administration of vaccinations by pharmacists.

HB 455, introduced by Representatives Koenig, Schieber, Wilson, Marshall, Curtman, Dohrman, Kolkmeier, Brown, Kelley (127), Love, Hansen, Lichtenegger, Wood, Justus, Higdon, Ross, Swan, Smith (120) and Scharnhorst, relating to food stamps.

HB 456, introduced by Representative Webber, relating to military leave for public employees.

HB 457, introduced by Representatives Jones (110), Frederick, Franklin, White, Neth, Brown, Bernskoetter, Neely, Sommer, Fitzwater, Barnes, English, McCaherty, Crawford, Allen, Flanigan, Burlison, Lichtenegger, Mayfield, Wieland, Jones (50), Pfautsch, Houghton, Hicks, Black, Anderson, Austin, Zerr, Smith (120), Remole, Entlicher, Higdon, Lant, Walker, Hansen, Gatschenberger, Funderburk, Shumake, Wilson, Swan, Hampton, Rowden, Koenig, Haefner, Solon, Cox, Dugger, Rehder, Cierpiot, Cross, Conway (104), Wood, Riddle, Diehl, Morris, Kelley (127), Gannon and Stream, relating to the conscience rights of all individuals who provide medical services.

HB 458, introduced by Representative Scharnhorst, relating to the Missouri special needs scholarship tax credit program known as Bryce's Law.

The following member's presence was noted: Hinson.

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Wednesday, February 6, 2013.

COMMITTEE HEARINGS

ADMINISTRATION AND ACCOUNTS

Wednesday, February 6, 2013, Upon Morning Adjournment House Hearing Room 5.

Public hearing will be held: HR 222

Executive session may be held on any matter referred to the committee.

Additional topics will include: Proposed Majority Caucus Smoking Policy, Employee Salary Ranges, Issue Development Standing Committees

CORRECTED

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Wednesday, February 6, 2013, 2:00 PM House Hearing Room 4.

Department of Conservation Budget presentation

CANCELLED

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Monday, February 11, 2013, 1:00 PM House Hearing Room 1.

Department of Agriculture Budget presentation

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Tuesday, February 12, 2013, 2:00 PM House Hearing Room 4.

Department of Agriculture and Department of Natural Resources Budget presentations

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Wednesday, February 13, 2013, 2:00 PM House Hearing Room 4.

Department of Natural Resources Budget presentation

APPROPRIATIONS - EDUCATION

Wednesday, February 6, 2013, 2:00 PM House Hearing Room 1.

Executive session may be held on any matter referred to the committee.

DESE Budget presentation, continued

APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, February 6, 2013, Upon Morning Adjournment House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Office of Administration Leasing (HB 13), Public Defender Commission, and Judiciary (HB 12) – Budget presentation

–NOTE–Hearing is scheduled from 12:00 PM to 2:00 PM; if necessary, committee will reconvene at 5:00 PM to continue hearing budget presentation.

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Wednesday, February 6, 2013, 2:00 PM House Hearing Room 5.

Executive session may be held on any matter referred to the committee.

DHSS Budget presentation

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Thursday, February 7, 2013, 8:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Continuation of DHSS Budget presentation if necessary; DMH Budget presentation

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, February 6, 2013, 2:00 PM House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

Governor-recommended budgets for Public Safety and Corrections, continued

APPROPRIATIONS - REVENUE, TRANSPORTATION, AND ECONOMIC DEVELOPMENT

Wednesday, February 6, 2013, 2:00 PM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

Missouri Department of Labor and Industrial Relations budget presentation

DOWNSIZING STATE GOVERNMENT

Thursday, February 7, 2013, 8:00 AM House Hearing Room 4.

Public hearing will be held: HB 217, HB 278

Executive session may be held on any matter referred to the committee.

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, February 6, 2013, 8:00 AM House Hearing Room 6.

Public hearing will be held: HB 134, HB 388

Executive session may be held on any matter referred to the committee.

EMERGING ISSUES IN AGRICULTURE

Wednesday, February 6, 2013, 8:00 AM House Hearing Room 4.

Public hearing will be held: HB 81

Executive session may be held on any matter referred to the committee.

FINANCIAL INSTITUTIONS

Wednesday, February 6, 2013, 12:00 PM House Hearing Room 4.

Public hearing will be held: HB 203, HB 176, HB 212, HB 211

Executive session may be held on any matter referred to the committee.

FINANCIAL INSTITUTIONS

Wednesday, February 6, 2013, 6:00 PM 2125 Missouri Blvd, Jefferson City, MO 65103.

FISCAL REVIEW

Thursday, February 7, 2013, 8:30 AM South Gallery.

Public hearing will be held: HCS HB 87

Executive session will be held: HCS HB 87

Executive session may be held on any matter referred to the committee.

Public hearing and Executive session on HB 87

AMENDED

GOVERNMENT OVERSIGHT AND ACCOUNTABILITY

Friday, February 8, 2013, 9:00 AM Greater Kansas City Chamber of Commerce, 30 W. Pershing Road., Suite 301, Kansas City, MO 64108.

The committee will hear testimony on tax credits.

HEALTH CARE POLICY

Wednesday, February 6, 2013, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 257

Executive session may be held on any matter referred to the committee.

Bills have changed; we will not hear HCR 17, HB 47 or HB 72 this week, but will hear HB 257 instead.

AMENDED

HEALTH CARE POLICY

Wednesday, February 6, 2013, 12:00 PM House Hearing Room 6.

Public hearing will be held: HCR 17, HB 47, HB 72

Executive session may be held on any matter referred to the committee.

CANCELLED

INSURANCE POLICY

Monday, March 4, 2013, 12:30 PM 4700 S Providence Rd, Columbia MO.

Executive session may be held on any matter referred to the committee.

Informational meeting

INTERNATIONAL TRADE

Wednesday, February 6, 2013, 5:00 PM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

This will be for informational purposes only.

JUDICIARY

Wednesday, February 6, 2013, 12:00 PM House Hearing Room 1.

Public hearing will be held: HB 210, HB 218

Executive session may be held on any matter referred to the committee.

TOURISM AND NATURAL RESOURCES

Thursday, February 7, 2013, 8:00 AM House Hearing Room 7.

Public hearing will be held: HCR 7

Executive session may be held on any matter referred to the committee.

Director of Tourism, Katie Steele Danner, will speak briefly.

Aaron Jeffries, Missouri Department of Conservation, will speak briefly.

AMENDED

UTILITIES

Wednesday, February 6, 2013, 8:00 AM House Hearing Room 7.

Public hearing will be held: HB 345, HB 198

Executive session may be held on any matter referred to the committee.

HB 119 will not be heard.

AMENDED

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Wednesday, February 6, 2013, 8:00 AM House Hearing Room 3.

Public hearing will be held: HB 77

Executive session may be held on any matter referred to the committee.

CORRECTED

HOUSE CALENDAR

SIXTEENTH DAY, WEDNESDAY, FEBRUARY 6, 2013

HOUSE JOINT RESOLUTIONS FOR SECOND READING

HJR 21 through HJR 23

HOUSE BILLS FOR SECOND READING

HB 424 through HB 458

HOUSE BILLS FOR PERFECTION

HB 44 - Korman

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

SIXTEENTH DAY, WEDNESDAY, FEBRUARY 6, 2013

The House met pursuant to adjournment.

Speaker Pro Tem Smith in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

Bear ye one another's burdens and so fulfill the law of Christ. (Galatians 6:2)

Almighty God, before the work of a new day begins we would be still in Your presence and receive the benediction of Your spirit. May the words of our mouths and the meditations of our hearts be acceptable in Your sight. Cleansed by Your forgiving love, made stronger by Your spirit, and becoming wise with Your wisdom we would face the unfinished tasks committed to our care this day.

These are times which call for greater courage, higher wisdom, broader sympathy, and deeper faith. May they increasingly become ours as we wait upon You. In all our decisions and in all our doing may we keep our hearts confident, our spirits courageous, our minds clear, and our hands clean. Together may we move forward to a greater day when people shall live together in good will and each one be ready to bear another's burden.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Elizabeth Meyer, Casey Hulshof and Kyle McNew.

The Journal of the fifteenth day was approved as printed by the following vote:

AYES: 150

Allen	Anders	Anderson	Austin	Bahr
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Cross	Curtis	Curtman	Davis
Dohrman	Dugger	Dunn	Ellinger	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Kelley 127	Kelly 45	Kirkton	Koenig
Korman	Kratky	Lair	Lant	Lauer

Leara	Lichtenegger	Love	Lynch	Marshall
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Parkinson	Pfausch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Smith 85	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Torpey	Walker
Walton Gray	Webb	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Barnes	Crawford	Diehl	Grisamore	Hodges
Keeney	Kolkmeyer	LaFaver	McManus	Pierson
Thomson				

VACANCIES: 002

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 324 through House Resolution No. 331

SECOND READING OF HOUSE JOINT RESOLUTIONS

HJR 21 through **HJR 23** were read the second time.

SECOND READING OF HOUSE BILLS

HB 424 through **HB 458** were read the second time.

Speaker Jones assumed the Chair.

Speaker Pro Tem Smith resumed the Chair.

REFERRAL OF HOUSE CONCURRENT RESOLUTION

The following House Concurrent Resolution was referred to the Committee indicated:

HCR 5 - Veterans

REFERRAL OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were referred to the Committee indicated:

- HJR 19** - Health Care Policy
- HJR 20** - Elections

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

- HB 75** - Local Government
- HB 78** - Special Standing Committee on Small Business
- HB 79** - International Trade
- HB 82** - Ways and Means
- HB 83** - Agriculture Policy
- HB 103** - Emerging Issues in Agriculture
- HB 105** - Special Standing Committee on Small Business
- HB 108** - Crime Prevention and Public Safety
- HB 138** - Local Government
- HB 142** - Utilities
- HB 149** - Ways and Means
- HB 161** - Local Government
- HB 168** - Higher Education
- HB 199** - Elections
- HB 200** - Elections
- HB 228** - Elementary and Secondary Education
- HB 252** - Children, Families, and Persons with Disabilities
- HB 274** - Health Care Policy
- HB 277** - Ways and Means
- HB 294** - Elementary and Secondary Education
- HB 307** - Crime Prevention and Public Safety
- HB 315** - Health Insurance
- HB 316** - Tourism and Natural Resources
- HB 318** - Judiciary
- HB 329** - Financial Institutions
- HB 332** - General Laws
- HB 354** - Special Standing Committee on Corrections
- HB 370** - Judiciary
- HB 371** - Judiciary
- HB 372** - General Laws
- HB 373** - Judiciary
- HB 374** - Judiciary
- HB 375** - Judiciary
- HB 381** - General Laws
- HB 383** - Downsizing State Government
- HB 385** - Economic Development

- HB 386** - Health Care Policy
- HB 389** - Economic Development
- HB 397** - Ways and Means
- HB 398** - Utilities
- HB 399** - Crime Prevention and Public Safety
- HB 400** - Health Care Policy
- HB 401** - Special Standing Committee on Corrections
- HB 409** - Workforce Development and Workplace Safety
- HB 410** - Ways and Means
- HB 412** - Agriculture Policy
- HB 415** - Transportation

COMMITTEE REPORTS

Committee on Elections, Chairman Entlicher reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **HJR 5** and **HJR 12**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Elections, to which was referred **HB 48** and **HB 216**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Insurance Policy, Chairman Gosen reporting:

Mr. Speaker: Your Committee on Insurance Policy, to which was referred **HB 133**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

INTRODUCTION OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were read the first time and copies ordered printed:

HJR 24, introduced by Representatives Riddle and Davis, relating to bingo.

HJR 25, introduced by Representatives Koenig, Schieber, Wilson, Brattin, Burlison, White, Davis, Messenger, Lichtenegger, Higdon, Scharnhorst and McCaherty, relating to taxation.

INTRODUCTION OF HOUSE BILL - APPROPRIATIONS

The following House Bill was read the first time and copies ordered printed:

HB 14, introduced by Representative Stream, to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2013.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 459, introduced by Representatives Bahr, Parkinson, Hicks, Cornejo, Harris, McKenna, Frame, McCaherty, Jones (50), Conway (104), Sommer, Haefner, Englund, Kratky, Funderburk, Leara, Burns, English, Pierson, Gatschenberger, Zerr, Pace, Black, Montecillo, Koenig, Nichols, Roorda, Ellinger, Spencer, Curtman and Stream, relating to adoption of ordinances for redevelopment.

HB 460, introduced by Representative Engler, to authorize the conveyance of certain state properties.

HB 461, introduced by Representatives Phillips and Rowland, relating to the crime of tampering with physical evidence.

HB 462, introduced by Representatives Phillips, Rowland, English, Ellinger and Wood, relating to the state sex offender registry.

HB 463, introduced by Representatives Black, Hodges, Kelley (127) and Engler, relating to sexually violent predators.

HB 464, introduced by Representatives Higdon, Hampton, Fitzwater, Richardson, Jones (50), Hough, Rowland, Wieland, Brown, Phillips, Walker, Mayfield, Shumake, Lauer, Hoskins, Lair, Wilson, Pike, Franklin, Hansen, Hinson, Rizzo, Muntzel, Kratky, Conway (10), Roorda, Colona, Fraker and Bahr, relating to sheriffs.

HB 465, introduced by Representative Curtman, relating to motor vehicle sales by dealers.

HB 466, introduced by Representatives Curtman, Higdon, Brown and Koenig, relating to workers' compensation insurance.

HB 467, introduced by Representatives Lichtenegger, Swan, Haefner, Zerr, Kirkton, Neely, Hampton, Frederick, Otto, Walker, Koenig and Shumake, relating to public water systems.

HB 468, introduced by Representative Higdon, relating to immunity for law enforcement officers conducting court directed service of process.

HB 469, introduced by Representatives Higdon, English, Wieland, Kolkmeier and Walker, relating to automated traffic enforcement systems.

HB 470, introduced by Representative Barnes, relating to virtual schools.

HB 471, introduced by Representatives Spencer, Anderson, Fitzpatrick, Kelley (127), Gannon, Walker, Rhoads, Kolkmeier, Pike, Scharnhorst, Zerr, Berry and Diehl, relating to the designation of engineer awareness week in Missouri.

HB 472, introduced by Representatives Rhoads, Ross, Cornejo, Haahr, Miller, Hicks, Spencer, Redmon, Riddle, Fitzwater, Rowden, Remole, Englund, Bahr and Messenger, relating to the highways and transportation commission.

HB 473, introduced by Representatives Funderburk, Webb and Roorda, relating to gas corporations.

HB 474, introduced by Representatives Brattin, Smith (120), Fitzpatrick, Hansen, Bahr, Neely and McGaugh, relating to members of the general assembly.

HB 475, introduced by Representatives Brattin, Koenig, White and McGaugh, relating to retirement benefits for members of the general assembly.

HB 476, introduced by Representative Brattin, relating to nondriver's licenses.

HB 477, introduced by Representatives Morgan, Schupp, Pace, Smith (85), Dunn, Mayfield, Newman, Otto, Runions, Zerr, Montecillo, Colona, McNeil, McCann Beatty, Walton Gray, Ellington, Butler, Hodges, Anders, Conway (10), Ellinger, Pierson, Carpenter, May, Englund, McDonald, Kirkton, Roorda, Kratky, Mitten, Webber, Mims, McManus, Rizzo, Swearingen, Nichols, Norr, Kelly (45), Engler, Curtis, Burns, Hummel, English, LaFaver, Webb, Schieffer, Gardner and Meredith, relating to school safety.

HB 478, introduced by Representatives Wieland, Dugger, Crawford, Swearingen, Nichols, English, Frame, Brown, Scharnhorst, Koenig, Lauer, Hinson and Rizzo, relating to credit unions.

COMMITTEE APPOINTMENTS

February 6, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

The Speaker hereby appoints Representative Kevin Engler and Representative Elijah Haahr to the Committee on Appropriations - Infrastructure and Job Creation.

If you have any questions regarding this communication, please contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

February 6, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol, Room 317-A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby appoint Representative Margo McNeil to the Committee on Appropriations - Infrastructure and Job Creation.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

/s/ Jacob Hummel
House Minority Leader
District 81

COMMUNICATION

February 5, 2013

D. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
201 West Capitol Avenue
Jefferson City, MO 65101

Re: Possible Personal Interest in Legislation

Dear Mr. Crumbliss:

Pursuant to Section 105.461, RSMo, I am hereby filing a written report of a possible personal interest in legislation on which the House of Representatives may vote during the legislative session. I am a retired member of the Public School Retirement System (PSRS).

In compliance with Section 105.461, RSMo, please publish this letter in the Journal of the House.

Thank you for your assistance with this matter.

Sincerely,

/s/ Stephen C. Cookson
Representative
District 153

The following members' presence was noted: Barnes, Diehl, Grisamore, Hodges, Kolkmeier, LaFaver, McManus and Thomson.

ADJOURNMENT

On motion of Representative Cierpiot, the House adjourned until 10:00 a.m., Thursday, February 7, 2013.

COMMITTEE HEARINGS

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Monday, February 11, 2013, 1:00 PM House Hearing Room 1.

Department of Agriculture Budget presentation

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Tuesday, February 12, 2013, 2:00 PM House Hearing Room 4.

Department of Agriculture and Department of Natural Resources Budget presentations

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Wednesday, February 13, 2013, 2:00 PM House Hearing Room 4.

Department of Natural Resources Budget presentation

APPROPRIATIONS - EDUCATION

Tuesday, February 12, 2013, 2:00 PM House Hearing Room 1.

Executive session may be held on any matter referred to the committee.

Analyst markup sheets

APPROPRIATIONS - EDUCATION

Wednesday, February 13, 2013, 2:00 PM House Hearing Room 1.

Executive session may be held on any matter referred to the committee.

Analyst markup sheets, continued

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Thursday, February 7, 2013, 8:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Continuation of Department of Health and Social Services Budget presentation, if necessary

Department of Mental Health Budget presentation

CHILDREN, FAMILIES, AND PERSONS WITH DISABILITIES

Tuesday, February 12, 2013, 12:00 PM House Hearing Room 1.

Public hearing will be held: HB 252

Executive session may be held on any matter referred to the committee.

DOWNSIZING STATE GOVERNMENT

Thursday, February 7, 2013, 8:00 AM House Hearing Room 4.

Public hearing will be held: HB 217, HB 278

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Thursday, February 7, 2013, 8:30 AM South Gallery.

Executive session will be held: HCS HB 87

Executive session may be held on any matter referred to the committee.

AMENDED

GOVERNMENT OVERSIGHT AND ACCOUNTABILITY

Friday, February 8, 2013, 9:00 AM Greater Kansas City Chamber of Commerce, 30 W. Pershing Road, Suite 301, Kansas City, MO 64108.

The committee will hear testimony on tax credits.

HEALTH CARE POLICY

Wednesday, February 13, 2013, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 47, HB 72, HB 257, HB 274

Executive session may be held on any matter referred to the committee.

HEALTH CARE POLICY

Wednesday, March 13, 2013, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 47, HB 72, HB 257, HB 274

Executive session may be held on any matter referred to the committee.

CANCELLED

INSURANCE POLICY

Monday, March 4, 2013, 12:30 PM 4700 S Providence Road, Columbia, MO.

Executive session may be held on any matter referred to the committee.

Informational meeting

LOCAL GOVERNMENT

Monday, February 11, 2013, 1:00 PM House Hearing Room 5.

Public hearing will be held: HB 65, HB 184, HB 175, HB 116, HB 161, HB 75

Executive session will be held: HB 128

Executive session may be held on any matter referred to the committee.

CORRECTED

RULES

Thursday, February 7, 2013, 9:30 AM House Hearing Room 5.

Executive session will be held: HCS HB 169, HCS HB 202, HCS HBs 256, 33 & 305, HCS HB 233

Executive session may be held on any matter referred to the committee.

Note correction on HCS HBs 256, 33 & 305

CORRECTED

SPECIAL STANDING COMMITTEE ON SMALL BUSINESS

Wednesday, February 13, 2013, 12:00 PM House Hearing Room 7.

Public hearing will be held: HB 78, HB 105

Executive session will be held: HB 78, HB 105

Executive session may be held on any matter referred to the committee.

TOURISM AND NATURAL RESOURCES

Thursday, February 7, 2013, 8:00 AM House Hearing Room 7.

Public hearing will be held: HCR 7

Executive session may be held on any matter referred to the committee.

Katie Steele Danner, Director of Tourism, will speak briefly.

Aaron Jeffries, Missouri Department of Conservation, will speak briefly.

AMENDED

HOUSE CALENDAR

SEVENTEENTH DAY, THURSDAY, FEBRUARY 7, 2013

HOUSE JOINT RESOLUTIONS FOR SECOND READING

HJR 24 and HJR 25

HOUSE BILLS FOR SECOND READING - APPROPRIATIONS

HB 14

HOUSE BILLS FOR SECOND READING

HB 459 through HB 478

HOUSE BILLS FOR PERFECTION

HB 44 - Korman

HOUSE BILLS FOR THIRD READING

HCS HB 87, (Fiscal Review 2-5-13), E.C. - Burlison

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

SEVENTEENTH DAY, THURSDAY, FEBRUARY 7, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

*And they that know Thy name will put their trust in Thee: for Thou, Lord, has not forsaken them that seek Thee.
(Psalm 9:10)*

O loving Lord in whose presence our spirits find strength, our minds are given fresh insights and our hearts feel the warmth of Your love - at the gateway of another day we pause in silence before You. Incline our hearts to seek wisdom and truth and mercy at Your hands. Reveal to us the way we should go, the decisions we should make, the plans we should follow, and may all our work be based upon intelligent conviction and dynamic faith.

Hear us as we pray for those of our state who bear the burden of war abroad and are ready to give their lives that we may continue to live free. May we not be heedless of their courage but be ready to bear with them and support them that out of this turmoil there may come an enduring peace. Cleanse our lives from discord and violence and suspicion. Keep us from hurting one another lest in our ill will we destroy ourselves. Lead us in the ways of unity, peace and good will forever in Missouri during this Black History Month.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Journal of the sixteenth day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 332 through House Resolution No. 347

SECOND READING OF HOUSE JOINT RESOLUTIONS

HJR 24 and **HJR 25** were read the second time.

SECOND READING OF HOUSE BILL - APPROPRIATIONS

HB 14 was read the second time.

SECOND READING OF HOUSE BILLS

HB 459 through **HB 478** were read the second time.

COMMITTEE REPORT

Committee on Fiscal Review, Chairman Flanigan reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 87**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Representative Hoskins assumed the Chair.

HOUSE BILL FOR THIRD READING

HCS HB 87, relating to tax credits, was taken up by Representative Burlison.

On motion of Representative Burlison, **HCS HB 87** was read the third time and passed by the following vote:

AYES: 149

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Frame	Franklin	Frederick	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Love
Lynch	Marshall	May	Mayfield	McCaherty
McCann Beatty	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Molendorp	Montecillo	Morris	Muntzel	Neely
Neth	Nichols	Norr	Otto	Pace
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Reiboldt	Remole	Rhoads	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 85	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 002

Morgan Newman

PRESENT: 000

ABSENT WITH LEAVE: 010

Black	Crawford	Fraker	Keeney	Leara
Lichtenegger	McDonald	Pierson	Rehder	Richardson

VACANCIES: 002

Representative Hoskins declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 140

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Burns	Butler	Carpenter	Cierpiot	Conway 10
Conway 104	Cookson	Cornejo	Cox	Cross
Curtis	Curtman	Davis	Diehl	Dohrman
Dugger	Dunn	Ellinger	Ellington	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Love	Lynch	Mayfield
McCaherty	McCann Beatty	McGaugh	McKenna	McManus
McNeil	Messenger	Miller	Molendorp	Montecillo
Morris	Muntzel	Neely	Neth	Nichols
Norr	Otto	Pace	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Reiboldt
Remole	Rhoads	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Smith 85	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Webb	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 012

Anders	Colona	Gardner	Marshall	May
Meredith	Mims	Mitten	Morgan	Newman
Runions	Walton Gray			

PRESENT: 000

ABSENT WITH LEAVE: 009

Black	Crawford	Keeney	Leara	Lichtenegger
McDonald	Pierson	Rehder	Richardson	

VACANCIES: 002

Speaker Jones resumed the Chair.

REFERRAL OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were referred to the Committee indicated:

HJR 16 - Crime Prevention and Public Safety

HJR 21 - Elections

HJR 23 - Transportation

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 14 - Budget

HB 37 - General Laws

HB 57 - Downsizing State Government

HB 58 - Insurance Policy

HB 204 - Judiciary

HB 242 - International Trade

HB 247 - Crime Prevention and Public Safety

HB 254 - Local Government

HB 280 - Judiciary

HB 281 - Judiciary

HB 285 - Special Standing Committee on Urban Issues

HB 322 - Insurance Policy

HB 326 - Special Standing Committee on Corrections

HB 335 - Crime Prevention and Public Safety

HB 339 - Insurance Policy

HB 348 - Elections

HB 352 - Elementary and Secondary Education

HB 359 - Health Care Policy

HB 362 - Crime Prevention and Public Safety

HB 363 - Judiciary

HB 364 - Local Government

HB 391 - Special Standing Committee on Small Business

HB 413 - Agri-Business

HB 418 - Retirement

HB 423 - Economic Development

HB 428 - Transportation

HB 429 - Transportation

HB 434 - Judiciary
HB 435 - Judiciary
HB 438 - Transportation
HB 444 - Special Standing Committee on Urban Issues
HB 451 - Downsizing State Government
HB 452 - Workforce Development and Workplace Safety
HB 453 - Workforce Development and Workplace Safety
HB 458 - Elementary and Secondary Education

RE-REFERRAL OF HOUSE BILL

The following House Bill was re-referred to the Committee indicated:

HB 293 - Corrections

REFERRAL OF SENATE BILL

The following Senate Bill was referred to the Committee indicated:

SS SCS SBs 20, 15 & 19 - Children, Families, and Persons with Disabilities

COMMITTEE REPORTS

Committee on Rules, Chairman Riddle reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HJR 5 & 12**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 48 & 216**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 169**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 202**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 233**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 256, 33 & 305**, begs leave to report it has examined the same and recommends that it **Do Pass**.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 479, introduced by Representative Dugger, relating to residential mortgage loan brokers.

HB 480, introduced by Representatives Gosen and Rowland, relating to sexual crimes against a resident of a skilled nursing facility.

HB 481, introduced by Representative Gosen, relating to construction contracts.

HB 482, introduced by Representatives Davis, Lynch, Hurst, Spencer, McKenna, Solon, Reiboldt, Grisamore and White, relating to the disposal of unclaimed veterans' remains.

HB 483, introduced by Representative Neth, relating to mixed martial arts.

HB 484, introduced by Representatives Lauer, Cross, Grisamore and Brown, relating to the Missourians with Disabilities Jobs Act of 2013.

HB 485, introduced by Representatives Hinson, Muntzel, Wood, Walker, Kratky, Roorda and Riddle, relating to the offense of unlawful possession or use of a firearm during the commission of a felony.

HB 486, introduced by Representative Korman, relating to transportation and economic development planning activities funds.

HB 487, introduced by Representative Dugger, relating to overweight vehicles hauling recyclable waste.

HB 488, introduced by Representatives Elmer, Burlison, Rhoads, Berry, Korman, Fraker, Cornejo, Hinson, Brown, Allen, Anderson, Hough, Lant, Franklin, Frederick and Houghton, relating to the state board of chiropractic examiners.

HB 489, introduced by Representative Roorda, relating to associate circuit judges.

HB 490, introduced by Representatives Roorda, Newman, Ellinger, Hinson and McKenna, relating to testing of certain defendants for sexually transmitted diseases.

HB 491, introduced by Representatives Roorda, Hinson and McKenna, relating to the regulation and licensing of fire equipment distributors.

HB 492, introduced by Representatives Roorda and Jones (50), relating to closed records.

HB 493, introduced by Representatives LaFaver, Morgan, Rizzo, Schupp, McManus and Newman, relating to child-care facilities.

HB 494, introduced by Representatives LaFaver, Ellinger, Newman, Burns, Carpenter, Meredith and McNeil, relating to the illegal possession of a firearm magazine.

HB 495, introduced by Representatives Dunn, English, Otto, Montecillo, Englund, Carpenter, Hicks, Gardner, Ellington, Curtis, Mims, Smith (85), Walton Gray, Meredith, Mitten, McKenna, Butler and Hummel, relating to credit card transactions.

HB 496, introduced by Representatives Pfautsch, Norr, Molendorp, Solon, Lauer, White, Gatschenberger, Lant, Haefner, Houghton, Reiboldt, Ellinger, Hansen, McGaugh and Gannon, relating to the imposition of surcharges on credit card transactions.

HB 497, introduced by Representatives Kirkton, McNeil, Schupp, Ellinger, Kelley (127) and Grisamore, relating to foster care subsidies.

HB 498, introduced by Representatives Jones (50), Cornejo, Swan, McGaugh, Webb, Diehl and Jones (110), relating to the distribution of paid-in surplus.

HB 499, introduced by Representatives Jones (50) and Frederick, relating to health insurance benefit determinations for serious and urgent conditions.

HB 500, introduced by Representatives McNeil, Funderburk, Ellinger, LaFaver, Meredith, Wright, Koenig, Schupp, Norr, Hummel, McCann Beatty, Kelly (45), Pace, White, McCaherty, Curtis, Kratky, Walton Gray, Otto, Love and Swan, relating to taxation.

HB 501, introduced by Representatives McNeil, Berry, Ellinger, English, Meredith, Englund, Kirkton, Pace, Kelly (45), Korman and Redmon, relating to high performance energy efficient schools.

HB 502, introduced by Representatives McNeil, Berry, Ellinger, English, Meredith, Englund, Kirkton, Pace, Kelly (45) and Redmon, relating to environmentally sustainable construction for state-funded buildings.

HB 503, introduced by Representatives McCaherty, Cross and Wieland, relating to paperless communications.

HB 504, introduced by Representative McCaherty, relating to professional licenses.

HB 505, introduced by Representatives Haefner, Jones (110), McCaherty, Hinson, Solon, Stream, Kirkton, Newman, Brattin, Grisamore, Hummel, Allen, McCann Beatty, Montecillo, Hough, Redmon, Bernskoetter, Kelly (45), Ellinger, Zerr and Franklin, relating to child abuse and neglect.

HB 506, introduced by Representatives Redmon, Hampton, Lair, Pike, Lynch, Kolkmeier, Hansen and Houghton, relating to nursing home districts.

HB 507, introduced by Representatives Redmon, Hampton, Fraker, Curtman and Flanigan, for the sole purpose of codifying previous executive branch reorganizations.

HB 508, introduced by Representatives Redmon, Hampton, Curtman, Flanigan and Fraker, for the sole purpose of restructuring statutes based on executive branch reorganizations.

HB 509, introduced by Representatives Otto, Jones (50), Muntzel, Hubbard, Burns, Rizzo, Zerr, Swearingen, Neth, Redmon, Hampton and Swan, relating to excursion gambling boats.

HB 510, introduced by Representatives Torpey and Wieland, relating to series limited liability companies.

HB 511, introduced by Representatives Ellinger, LaFaver, Walton Gray, McDonald, Conway (10), Kelly (45), Meredith, Smith (85) and Schieffer, relating to petitions to expunge certain criminal records.

HB 512, introduced by Representatives Ellinger, Pace, English, LaFaver, Kelly (45), Walton Gray, Meredith and Smith (85), relating to controlled substances.

HB 513, introduced by Representatives Bahr, Koenig, Curtman, Parkinson, Morris, Haahr, Anderson, Walker, Houghton, Shumake, Spencer, Fitzpatrick, Gatschenberger, Phillips, Brattin, Molendorp, Wilson, Rowland, Pogue and Marshall, relating to the protection of parental rights.

HB 514, introduced by Representatives Bahr, Burlison, Swearingen, Koenig, Curtman, Cornejo, Spencer, Redmon, Funderburk, Hough, Rowden, McDonald, Korman, Dugger, Pogue, Rhoads, Richardson, Smith (120), McCaherty, Wieland, Zerr, Parkinson, Shumake, Anderson, Wilson, Rowland, Kelley (127), Sommer, Davis, Hurst, Reiboldt, Lant, Ross, Morgan, Kirkton, Haahr, Hubbard and Hodges, relating to midwifery.

HB 515, introduced by Representatives Burlison, Morris and Grisamore, relating to foster children.

HB 516, introduced by Representatives Burlison and Grisamore, relating to marital and family therapists.

HB 517, introduced by Representatives Newman, English, McNeil, Pace, Kratky, Roorda, Morgan, Butler and Kirkton, relating to Sean's Law.

HB 518, introduced by Representatives Newman, Walton Gray, McNeil, Pace, Morgan, Butler and Kirkton, relating to the duty of a pharmacy to fill prescriptions.

HB 519, introduced by Representatives Newman, Walton Gray, McNeil, Pace, Kratky, Morgan and Kirkton, relating to domestic violence.

HB 520, introduced by Representatives Newman, English, Walton Gray, McNeil, Pace, Roorda, Morgan, Butler and Kirkton, relating to pay equity.

HB 521, introduced by Representatives Koenig and Brattin, relating to taxation.

HB 522, introduced by Representative Engler, relating to proof of motor vehicle financial responsibility.

HB 523, introduced by Representatives Schupp, McNeil, Morgan, Kirkton, Montecillo, May, Ellinger, Pace, Runions and McDonald, relating to the Missouri indoor clean air act.

HB 524, introduced by Representatives Schupp, Pace, Smith (85), English, Mitten, Morgan, Kratky, May, Rizzo, Ellinger, Otto, Runions, McDonald and Schieffer, relating to text messaging while operating motor vehicles.

HB 525, introduced by Representatives Franklin, Solon, McGaugh, Allen, Kelly (45), Haefner and Kelley (127), relating to reverse auctions.

HB 526, introduced by Representatives Franklin, Kelley (127), Hoskins, McGaugh, Muntzel, Miller, Brown and Lynch, relating to rural regional development grants.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 7**, entitled:

An act to repeal sections 162.081 and 162.083, RSMo, and to enact in lieu thereof three new sections relating to school accreditation, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 33**, entitled:

An act to repeal sections 209.150, 209.152, and 209.200, RSMo, and to enact in lieu thereof three new sections relating to accommodations for persons with mental disabilities.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 47**, entitled:

An act to repeal section 453.072, RSMo, and to enact in lieu thereof one new section relating to subsidized legal guardianship of a child.

In which the concurrence of the House is respectfully requested.

COMMUNICATION

February 7, 2013

D. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
201 West Capitol Avenue
Jefferson City, MO 65101

Re: Possible Personal Interest in Legislation

Dear Mr. Crumbliss,

Pursuant to Section 105.461, RSMo, I am hereby filing a written report of a possible personal interest in legislation on which the House of Representatives may vote during the legislative session. I am a retired member of the Public School Retirement System (PSRS).

In compliance with Section 105.461, RSMo, please publish this letter in the Journal of the House.

Thank you for your assistance with this matter.

Sincerely,

/s/ Lyle Rowland
Representative
District 155

The following members' presence was noted: McDonald and Rehder.

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 4:00 p.m., Monday, February 11, 2013.

COMMITTEE HEARINGS

AGRI-BUSINESS

Tuesday, February 12, 2013, 8:00 AM House Hearing Room 4.
Public hearing will be held: HB 334, HB 413
Executive session may be held on any matter referred to the committee.

AGRICULTURE POLICY

Tuesday, February 12, 2013, 12:00 PM House Hearing Room 6.
Public hearing will be held: HJR 11, HJR 7
Executive session may be held on any matter referred to the committee.

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Monday, February 11, 2013, 1:00 PM House Hearing Room 1.
Department of Agriculture budget presentation

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Tuesday, February 12, 2013, 2:00 PM House Hearing Room 4.

Department of Agriculture and Department of Natural Resources budget presentations

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Wednesday, February 13, 2013, 2:00 PM House Hearing Room 4.

Department of Natural Resources budget presentation

APPROPRIATIONS - EDUCATION

Tuesday, February 12, 2013, 2:00 PM House Hearing Room 1.

Executive session may be held on any matter referred to the committee.

Analyst markup sheets

APPROPRIATIONS - EDUCATION

Wednesday, February 13, 2013, 2:00 PM House Hearing Room 1.

Executive session may be held on any matter referred to the committee.

Analyst markup sheets, continued

APPROPRIATIONS - GENERAL ADMINISTRATION

Monday, February 11, 2013, 12:00 PM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

House Bill 12 budget presentations – Committee will hear testimony from the Offices of the State Auditor, the State Treasurer, and the General Assembly.

APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, February 13, 2013, 12:00 PM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

House Bill 12 budget presentations – Committee will hear testimony from the Offices of the Governor, Lieutenant Governor, Attorney General, and Secretary of State.

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Tuesday, February 12, 2013, 2:00 PM House Hearing Room 5.

Executive session may be held on any matter referred to the committee.

Continue DMH budget presentation

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Wednesday, February 13, 2013, 2:00 PM House Hearing Room 5.

Executive session may be held on any matter referred to the committee.

DSS budget presentation

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Thursday, February 14, 2013, 8:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Continue DSS budget presentation

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, February 12, 2013, 2:00 PM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Working committee meeting - committee discussion of requests submitted

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, February 19, 2013, 2:00 PM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Hear reports from sub-committees

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, February 20, 2013, 2:00 PM House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

Committee appropriation markups

APPROPRIATIONS - REVENUE, TRANSPORTATION, AND ECONOMIC DEVELOPMENT

Monday, February 11, 2013, 1:00 PM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

Missouri Department of Transportation budget presentation

BUDGET

Tuesday, February 12, 2013, Upon Morning Adjournment House Hearing Room 3.

Public hearing will be held: HB 14

Executive session may be held on any matter referred to the committee.

CHILDREN, FAMILIES, AND PERSONS WITH DISABILITIES

Tuesday, February 12, 2013, 12:00 PM House Hearing Room 1.

Public hearing will be held: HB 252

Executive session may be held on any matter referred to the committee.

CRIME PREVENTION AND PUBLIC SAFETY

Monday, February 11, 2013, 1:00 PM House Hearing Room 6.

Public hearing will be held: HB 307, HB 335, HB 362

Executive session will be held: HB 35, HB 67, HB 152

Executive session may be held on any matter referred to the committee.

ELECTIONS

Tuesday, February 12, 2013, 8:15 AM House Hearing Room 5.

Public hearing will be held: HB 163, HB 235, HB 199

Executive session will be held: HB 163, HB 235, HB 199, HB 117

Executive session may be held on any matter referred to the committee.

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, February 13, 2013, 8:00 AM House Hearing Room 6.

Public hearing will be held: HB 136, HB 294

Executive session will be held: HB 134, HB 388

Executive session may be held on any matter referred to the committee.

EMERGING ISSUES IN AGRICULTURE

Wednesday, February 13, 2013, 9:00 AM House Hearing Room 4.

Executive session will be held: HB 81

Executive session may be held on any matter referred to the committee.

GOVERNMENT OVERSIGHT AND ACCOUNTABILITY

Friday, February 8, 2013, 9:00 AM Greater Kansas City Chamber of Commerce, 30 W. Pershing Road, Suite 301, Kansas City, MO 64108.

The committee will hear testimony on tax credits.

HEALTH CARE POLICY

Wednesday, February 13, 2013, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 47, HB 72, HB 257, HB 274

Executive session may be held on any matter referred to the committee.

HIGHER EDUCATION

Tuesday, February 12, 2013, 8:00 AM House Hearing Room 6.

Public hearing will be held: HB 168, HB 312

Executive session may be held on any matter referred to the committee.

INSURANCE POLICY

Monday, February 11, 2013, Upon Afternoon Adjournment House Hearing Room 1.

Public hearing will be held: HB 322, HB 339

Executive session may be held on any matter referred to the committee.

INSURANCE POLICY

Monday, March 4, 2013, 12:30 PM 4700 S Providence Road, Columbia, MO.

Executive session may be held on any matter referred to the committee.

Informational meeting

LOCAL GOVERNMENT

Monday, February 11, 2013, 1:00 PM House Hearing Room 5.

Public hearing will be held: HB 65, HB 184, HB 175, HB 116, HB 161, HB 75, HB 128

Executive session will be held: HB 128

Executive session may be held on any matter referred to the committee.

CORRECTED

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, February 13, 2013, 12 PM or Upon Morning Adjournment House Hearing Room 5.

Public hearing will be held: HB 314

Executive session may be held on any matter referred to the committee.

Also hearing from David Stokes of the Show-Me Institute

SPECIAL STANDING COMMITTEE ON CORRECTIONS

Wednesday, February 13, 2013, 5:00 PM House Hearing Room 1.

Public hearing will be held: HB 69, HB 301, HB 401

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN HEALTH CARE

Wednesday, February 13, 2013, 8:00 AM House Hearing Room 1.

Public hearing will be held: HB 112

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON SMALL BUSINESS

Wednesday, February 13, 2013, 12:00 PM House Hearing Room 7.

Public hearing will be held: HB 78, HB 105

Executive session will be held: HB 78, HB 105

Executive session may be held on any matter referred to the committee.

TRANSPORTATION

Tuesday, February 12, 2013, 12:00 PM House Hearing Room 7.

Public hearing will be held: HB 303, HB 304, HB 130, HB 154, HB 415, HB 438, HB 429, HB 428

Executive session will be held: HB 349, HB 85, HB 122

Executive session may be held on any matter referred to the committee.

AMENDED

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Monday, February 11, 2013, 1:00 PM House Hearing Room 4.

Public hearing will be held: HB 320

Executive session may be held on any matter referred to the committee.

CORRECTED

HOUSE CALENDAR

EIGHTEENTH DAY, MONDAY, FEBRUARY 11, 2013

HOUSE BILLS FOR SECOND READING

HB 479 through HB 526

HOUSE JOINT RESOLUTIONS FOR PERFECTION

HCS HJR 5 & 12 - Cox

HOUSE BILLS FOR PERFECTION

- 1 HB 44 - Korman
- 2 HCS HBs 48 & 216 - Dugger
- 3 HCS HBs 256, 33 & 305 - Jones (50)

SENATE BILLS FOR SECOND READING

- 1 SCS SB 7
- 2 SCS SB 33
- 3 SCS SB 47

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

EIGHTEENTH DAY, MONDAY, FEBRUARY 11, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Pastor Paul Meinsen.

Dear LORD, through Your prophet Isaiah You have revealed that “*It is You* who sits above the circle of the earth...*It is You* who stretches out the heavens like a curtain and spreads them out like a tent to dwell in. *It is You* who reduces rulers to nothing, *It is You* who makes the judges of the earth meaningless. Scarcely have they been planted, scarcely have they been sown, scarcely has their stock taken root in the earth, but He merely blows on them, and they wither, and the storm carries them away like stubble”. (*Isaiah 40:22-24*)

Lord, please remind us that we all, regardless of profession and stage in life, are here today and gone tomorrow. Remind each one when we walk down the halls and see the photographs of past legislators that one future day today’s legislators will be past legislators.

But yet, You have each one here now. Therefore, may each one be of a humble mind and spirit. May each one seek You for direction in right and wrong. May each one consider the needs of others as more important than their own. May each one be diligent in his or her service to their constituents. May each one honor You in all that is done.

May each one remember that only You, O Lord, remain eternal. May we all learn to fear You and You alone. Draw each one unto Yourself. We call upon You in this prayer. Please answer and be glorified. For You are good, and Your love endures forever.

To the honor of Your name, O Lord, I pray in Your Son’s name. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the seventeenth day was approved as printed by the following vote:

AYES: 150

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hummel	Hurst	Johnson

Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	Mayfield
McCaherty	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Molendorp	Montecillo	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Pace	Parkinson	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webb	Webber
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 000

PRESENT: 001

Curtis

ABSENT WITH LEAVE: 010

Brattin	Curtman	Hubbard	May	McGaugh
Otto	Rowden	Smith 85	White	Wieland

VACANCIES: 002

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 348 through House Resolution No. 374

SECOND READING OF HOUSE BILLS

HB 479 through **HB 526** were read the second time.

SECOND READING OF SENATE BILLS

SCS SB 7, **SCS SB 33** and **SCS SB 47** were read the second time.

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 432 - Utilities

HB 473 - Utilities

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 527, introduced by Representatives Sommer, Curtman, Lichtenegger, Koenig, Burlison, Funderburk, Kelley (127), Berry, Neely, Love, Hicks, Wilson, Haahr, Fitzpatrick, Parkinson, Bahr and Schieber, relating to the joint committee on the tenth amendment.

HB 528, introduced by Representatives Sommer, Norr, Englund, Neth, Pfautsch, Kelly (45), Spencer, Pace, McNeil, Montecillo, Webber, Fitzwater, Higdon, Korman, Lynch, Allen, Diehl, Franklin, Swan, Gannon, Roorda and Morris, relating to the education of gifted and talented children.

HB 529, introduced by Representatives Mims, Berry, Butler, Kirkton, Dunn, Pierson, Anders, Morgan, Pace, Hubbard, Colona, Kelley (127), Walton Gray, Englund, McCann Beatty, Smith (85), Schupp, Nichols, Meredith, Curtis, Runions, Ellington, Gardner, Cross, Webb, McManus, Ellinger and Hummel, relating to eligibility for food stamps.

HB 530, introduced by Representatives Butler, Walton Gray, McKenna, English, Burns and Dunn, relating to neighborhood safety.

HB 531, introduced by Representative Bahr, relating to independent contractors.

HB 532, introduced by Representative Bahr, relating to fees and expenses to be paid by the department of labor and industrial relations in certain instances.

HB 533, introduced by Representatives Riddle, Bernskoetter, Barnes, Jones (50), Hurst, Ross, Wood, Houghton, Rhoads, Rowland, Scharnhorst, Hinson, Miller, Smith (120), Rowden, Cornejo, Haahr, Guernsey, Walker, Gannon, Pike, Wilson, Justus, Franklin, Fowler, Fitzpatrick, Kelley (127), Korman, Morris and Lichtenegger, relating to a state employee keeping a firearm in his or her vehicle.

HB 534, introduced by Representative Schupp, relating to public records.

HB 535, introduced by Representatives Barnes, Smith (120), Guernsey, Richardson, Jones (50), Rowden, Lant, Hinson, Haefner, McCaherty, Black and Scharnhorst, relating to sexual offenses against a child.

HB 536, introduced by Representatives Burlison, Davis, Smith (120), Funderburk, Jones (110), Diehl, Barnes, Morris, Richardson, Jones (50), Elmer, Neth, Bahr, Schatz, White, Stream, Koenig, Curtman, Kelley (127) and Lant, relating to the taxation of business income.

HB 537, introduced by Representatives Zerr and Hicks, relating to hunting accidents.

HB 538, introduced by Representative Walton Gray, relating to direct appeals in certain civil cases.

HB 539, introduced by Representatives Walton Gray, Ellington, Mims, Pace, Dunn, Curtis and Butler, relating to traffic offenses.

HB 540, introduced by Representatives Walton Gray, Morgan, Pace, Mims, Runions, Butler and McNeil, relating to the establishment of a council for community education.

HB 541, introduced by Representatives Hicks, LaFaver, Redmon, Wilson, Rhoads, Pike, English, Fitzpatrick, Miller, Kolkmeier, Ross, Lauer, Meredith, Muntzel, Remole, Zerr, Hough, Swan, Scharnhorst, Wood, Mims and Cookson, relating to Jonathan's Law.

WITHDRAWAL OF HOUSE BILL

February 11, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
Missouri State Capitol
201 W. Capitol Avenue
Jefferson City, MO 65101

Dear Chief Clerk,

I respectfully request withdrawal of **House Bill No. 489** regarding St. Louis Associate Circuit Judges.

Please do not hesitate to contact me if I can provide additional information.

Sincerely,

/s/ Jeff Roorda
State Representative
District 113

The following members' presence was noted: Brattin, Curtman, Hubbard and McGaugh.

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Tuesday, February 12, 2013.

COMMITTEE HEARINGS

AGRI-BUSINESS

Tuesday, February 12, 2013, 8:00 AM House Hearing Room 4.

Public hearing will be held: HB 334, HB 413

Executive session may be held on any matter referred to the committee.

AGRICULTURE POLICY

Tuesday, February 12, 2013, 12:00 PM House Hearing Room 6.

Public hearing will be held: HJR 11, HJR 7

Executive session may be held on any matter referred to the committee.

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Tuesday, February 12, 2013, 2:00 PM House Hearing Room 4.

Department of Agriculture and Department of Natural Resources budget presentations

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Wednesday, February 13, 2013, 2:00 PM House Hearing Room 4.

Department of Natural Resources budget presentation

APPROPRIATIONS - EDUCATION

Tuesday, February 12, 2013, 2:00 PM House Hearing Room 1.

Executive session may be held on any matter referred to the committee.

Analyst markup sheets

APPROPRIATIONS - EDUCATION

Wednesday, February 13, 2013, 2:00 PM House Hearing Room 1.

Executive session may be held on any matter referred to the committee.

Analyst markup sheets, continued

APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, February 13, 2013, 12:00 PM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

House Bill 12 budget presentations – Committee will hear testimony from the Offices of the Governor, Lieutenant Governor, Attorney General, Secretary of State, and the Judiciary.

CORRECTED

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Tuesday, February 12, 2013, 2:00 PM House Hearing Room 5.

Executive session may be held on any matter referred to the committee.

Continue Department of Mental Health budget presentation

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Wednesday, February 13, 2013, 2:00 PM House Hearing Room 5.

Executive session may be held on any matter referred to the committee.

Department of Social Services budget presentation

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Thursday, February 14, 2013, 8:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Continue Department of Social Services budget presentation

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, February 12, 2013, 3:00 PM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Working committee meeting - committee discussion of requests submitted

CORRECTED

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, February 19, 2013, 2:00 PM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Hear reports from sub-committees

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, February 20, 2013, 2:00 PM House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

Committee appropriation markups

APPROPRIATIONS - REVENUE, TRANSPORTATION, AND ECONOMIC DEVELOPMENT

Tuesday, February 12, 2013, 2:00 PM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

Innovation Center Network presentation

APPROPRIATIONS - REVENUE, TRANSPORTATION, AND ECONOMIC DEVELOPMENT

Wednesday, February 13, 2013, 2:00 PM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

Department of Insurance, Financial Institutions, and Professional Registration budget presentation
and Department of Revenue budget presentation

BUDGET

Tuesday, February 12, 2013, Upon Morning Adjournment House Hearing Room 3.

Public hearing will be held: HB 14

Executive session may be held on any matter referred to the committee.

CHILDREN, FAMILIES, AND PERSONS WITH DISABILITIES

Tuesday, February 12, 2013, 12:00 PM House Hearing Room 1.

Public hearing will be held: HB 252, SS SCS SBs 20, 15 & 19

Executive session may be held on any matter referred to the committee.

AMENDED

CRIME PREVENTION AND PUBLIC SAFETY

Thursday, February 14, 2013, 8:00 AM House Hearing Room 5.

Public hearing will be held: HB 307, HJR 16

Executive session may be held on any matter referred to the committee.

ECONOMIC DEVELOPMENT

Tuesday, February 12, 2013, 5:00 PM House Hearing Room 7.
Public hearing will be held: HB 191, HB 182, HB 201, HB 423
Executive session may be held on any matter referred to the committee.

ELECTIONS

Tuesday, February 12, 2013, 8:15 AM House Hearing Room 5.
Public hearing will be held: HB 163, HB 235, HB 199
Executive session will be held: HB 163, HB 235, HB 199, HB 117
Executive session may be held on any matter referred to the committee.

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, February 13, 2013, 8:00 AM House Hearing Room 6.
Public hearing will be held: HB 136, HB 294
Executive session will be held: HB 134, HB 388
Executive session may be held on any matter referred to the committee.

EMERGING ISSUES IN AGRICULTURE

Wednesday, February 13, 2013, 9:00 AM House Hearing Room 4.
Executive session will be held: HB 81
Executive session may be held on any matter referred to the committee.

FINANCIAL INSTITUTIONS

Wednesday, February 13, 2013, 12:00 PM House Hearing Room 4.
Public hearing will be held: HB 176, HB 329
Executive session will be held: HB 176, HB 329, HB 203, HB 211, HB 212
Executive session may be held on any matter referred to the committee.

HEALTH CARE POLICY

Wednesday, February 13, 2013, 12:00 PM House Hearing Room 6.
Public hearing will be held: HB 47, HB 72, HB 257, HB 274
Executive session may be held on any matter referred to the committee.
CANCELLED

HEALTH CARE POLICY

Wednesday, February 13, 2013, 1:00 PM House Hearing Room 6.
Public hearing will be held: HB 47, HB 72
Executive session may be held on any matter referred to the committee.

HEALTH CARE POLICY

Wednesday, March 13, 2013, 12:00 PM House Hearing Room 6.
Public hearing will be held: HB 47, HB 72, HB 257, HB 274
Executive session may be held on any matter referred to the committee.
CANCELLED

HEALTH INSURANCE

Tuesday, February 12, 2013, 12:00 PM House Hearing Room 5.

Public hearing will be held: HB 141, HB 315

Executive session may be held on any matter referred to the committee.

HIGHER EDUCATION

Tuesday, February 12, 2013, 8:00 AM House Hearing Room 6.

Public hearing will be held: HB 168, HB 312

Executive session may be held on any matter referred to the committee.

INSURANCE POLICY

Monday, March 4, 2013, 12:30 PM 4700 S Providence Road, Columbia, MO.

Executive session may be held on any matter referred to the committee.

Informational meeting

INTERNATIONAL TRADE

Wednesday, February 13, 2013, 5:00 PM or Upon Afternoon Adjournment House Hearing Room 7.

Public hearing will be held: HB 79, HB 181, HB 275

Executive session may be held on any matter referred to the committee.

JUDICIARY

Wednesday, February 13, 2013, 11:30 AM or Upon Morning Recess House Hearing Room 1.

Public hearing will be held: HB 214, HB 215, HB 210, HB 213

Executive session may be held on any matter referred to the committee.

AMENDED

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, February 13, 2013, 12 PM or Upon Morning Adjournment House Hearing Room 5.

Public hearing will be held: HB 314

Executive session may be held on any matter referred to the committee.

Also hearing from David Stokes of the Show-Me Institute

SPECIAL STANDING COMMITTEE ON CORRECTIONS

Wednesday, February 13, 2013, 5:00 PM or Upon Afternoon Adjournment House Hearing Room 1.

Public hearing will be held: HB 69, HB 301, HB 401

Executive session may be held on any matter referred to the committee.

CORRECTED

SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN HEALTH CARE

Wednesday, February 13, 2013, 8:00 AM House Hearing Room 1.

Public hearing will be held: HB 112

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON SMALL BUSINESS

Wednesday, February 13, 2013, 12:00 PM House Hearing Room 7.

Public hearing will be held: HB 78, HB 105

Executive session may be held on any matter referred to the committee.

AMENDED

TRANSPORTATION

Tuesday, February 12, 2013, 12:00 PM House Hearing Room 7.

Public hearing will be held: HB 303, HB 304, HB 130, HB 154, HB 415, HB 438, HB 429, HB 428

Executive session will be held: HB 349, HB 85, HB 122

Executive session may be held on any matter referred to the committee.

AMENDED

UTILITIES

Wednesday, February 13, 2013, 8:00 AM House Hearing Room 7.

Public hearing will be held: HB 432, HB 473

Executive session will be held: HB 198

Executive session may be held on any matter referred to the committee.

VETERANS

Tuesday, February 12, 2013, 8:00 AM House Hearing Room 1.

Public hearing will be held: HCR 5, HB 309

Executive session may be held on any matter referred to the committee.

WAYS AND MEANS

Tuesday, February 12, 2013, 5:00 PM House Hearing Room 1.

Public hearing will be held: HB 277, HB 194

Executive session may be held on any matter referred to the committee.

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Wednesday, February 13, 2013, 8:00 AM House Hearing Room 5.

Public hearing will be held: HB 95, HB 91

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

NINETEENTH DAY, TUESDAY, FEBRUARY 12, 2013

HOUSE BILLS FOR SECOND READING

HB 527 through HB 541

HOUSE JOINT RESOLUTIONS FOR PERFECTION

HCS HJR 5 & 12 - Cox

HOUSE BILLS FOR PERFECTION

- 1 HB 44 - Korman
- 2 HCS HBs 48 & 216 - Dugger
- 3 HCS HBs 256, 33 & 305 - Jones (50)

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

NINETEENTH DAY, TUESDAY, FEBRUARY 12, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

Restore unto me the joy of Thy salvation; and uphold me with Thy free spirit. (Psalm 51:12)

Eternal God, our refuge and strength in every hour of need, we come to You in this moment of prayer opening our hearts to Your love, our minds to Your truth, and our spirits to Your redeeming grace. Help us to accept our privileges with gratitude, to face our difficulties with courage, and to carry our responsibilities with fidelity.

Deliver us from annoyances and antagonism which corrode our souls and pull us down. Help us so to live with the lift of good will in our hearts that life may be better and brighter for us and for all. Bind us together in one great effort to keep democracy and freedom and faith alive and growing in our day.

God bless Missouri and these leaders of a free people. Give wisdom to these in authority that they may use their power for the welfare of our people and for the well-being of all people. Having done our work faithfully and sincerely, may we come to the end of the day unashamed and unafraid and with the peace of a quiet heart on this Mardi Gras day!

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: D'Andre Mink.

The Journal of the eighteenth day was approved as printed by the following vote:

AYES: 151

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50

Justus	Keeney	Kelly 45	Kirkton	Koenig
Kolkmeier	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	Mayfield	McCaherty	McCann Beatty
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Montecillo	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Parkinson	Pfautsch	Phillips	Pierson
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schieber	Schieffer	Schupp	Shull
Shumake	Smith 85	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webb	Webber
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 000

PRESENT: 001

Curtis

ABSENT WITH LEAVE: 009

Brown	Conway 10	Grisamore	Hodges	Kelley 127
May	McDonald	Schatz	White	

VACANCIES: 002

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 375 through House Resolution No. 392

HOUSE CONCURRENT RESOLUTION

Representative Rowden, et al., offered House Concurrent Resolution No. 19.

SECOND READING OF HOUSE BILLS

HB 527 through **HB 541** were read the second time.

PERFECTION OF HOUSE BILLS

HCS HBs 256, 33 & 305, relating to open meetings and records, was taken up by Representative Jones (50).

Representative Hoskins offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill Nos. 256, 33 & 305, Page 1, Title, Line 3, by removing the phrase "sunset dates for exceptions to the public records law" and inserting in lieu thereof the phrase "public safety"; and

Further amend said bill, Page 4, Section 610.021, Line 114, by inserting after all of said section and line, the following:

"Section 1. Any records or flight logs pertaining to any flight or request for a flight by any elected member of either the executive or legislative branch shall be open public records under chapter 610, unless otherwise provided by law."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Berry offered **House Amendment No. 1 to House Amendment No. 1.**

*House Amendment No. 1
to
House Amendment No. 1*

AMEND House Amendment No. 1 to House Committee Substitute for House Bill Nos. 256, 33 & 305, Page 1, Line 8, by inserting after the third occurrence of the word "**flight**", the following:

"after such flight has occurred"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Berry, **House Amendment No. 1 to House Amendment No. 1** was adopted.

On motion of Representative Hoskins, **House Amendment No. 1, as amended**, was adopted by the following vote:

AYES: 124

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Cierpiot	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Koenig	Kolkmeyer	Korman	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	Mayfield	McCaherty	McGaugh
McKenna	McManus	Messenger	Miller	Molendorp
Montecillo	Morris	Muntzel	Neely	Neth
Norr	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Ross

Rowden	Rowland	Scharnhorst	Schatz	Schieber
Schieffer	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	Webber	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 035

Anders	Burns	Butler	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
Gardner	Hodges	Hubbard	Hummel	Kirkton
Kratky	McCann Beatty	McDonald	McNeil	Meredith
Mims	Mitten	Morgan	Newman	Nichols
Otto	Pace	Pierson	Roorda	Runions
Schupp	Smith 85	Swearingen	Walton Gray	Webb

PRESENT: 000

ABSENT WITH LEAVE: 002

May	White
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VACANCIES: 002

Representative Jones (50) offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for House Bill Nos. 256, 33 & 305, Page 3, Section 610.021, Line 68, by deleting all of said line and inserting in lieu thereof the following:

"(18) Operation guidelines, [and] policies **and specific response plans** developed, adopted, or maintained by any public"; and

Further amend said bill, section and page, Line 71, by inserting after the word "health." the following:

"Financial records related to the procurement of or expenditures relating to operational guidelines, policies or plans purchased with public funds shall be open. When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Rhoads offered **House Amendment No. 1 to House Amendment No. 2.**

House Amendment No. 1

to

House Amendment No. 2

AMEND House Amendment No. 2 to House Committee Substitute for House Bill Nos. 256, 33 & 305, Page 1, Line 15, by inserting after all of said line the following:

‘Further amend said bill, Page 3, Section 610.021, Line 71, by placing an opening bracket "[" before the period "." on said line; and

Further amend said bill, section and page, Line 77, by placing a closing bracket "]" after the number "2016" on said line; and

Further amend said bill and section, Page 4, Line 94, by placing an opening bracket "[" in front of the "(d)" on said line; and

Further amend said bill, section, page and line, by placing a closing bracket "]" after the number "2016;" on said line; and'; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Rhoads, **House Amendment No. 1 to House Amendment No. 2** was adopted.

On motion of Representative Jones (50), **House Amendment No. 2, as amended**, was adopted.

Representative Parkinson offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for House Bill Nos. 256, 33 & 305, Page 1, Section A, Line 2, by inserting after all of said section and line, the following:

"43.265. There is hereby created in the state treasury the "Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving Fund", which shall be administered by the superintendent of the highway patrol. All funds received by the highway patrol from:

- (1) Any source for purchase of highway patrol motor vehicles, watercraft, watercraft motors, and trailers;
- (2) Any source for reimbursement of costs associated with the official use of highway patrol vehicles;
- (3) Any source for restitution for damage to or loss of a highway patrol vehicle or aircraft;
- (4) Any other source for the purchase of highway patrol aircraft or aircraft parts; and
- (5) Government agencies for the reimbursement of costs associated with aircraft flights flown on their behalf

by the highway patrol;

shall be credited to the fund. The state treasurer is the custodian of the fund and shall approve disbursements from the fund subject to appropriation and as provided by law and the constitution of this state at the request of the superintendent of the highway patrol. The balances from this fund shall be used for the purchase of highway patrol motor vehicles, highway patrol watercraft, watercraft motors, and trailers, highway patrol aircraft or aircraft parts and operational costs. **All expenditures for highway patrol aircraft, aircraft parts and operational costs of any highway patrol aircraft shall exclusively and solely be used for executing the duties and responsibilities of the department of public safety and shall not be used for the transportation of any member of the executive or legislative branch for any other purposes than to execute the functions of the department of public safety.** Any unexpended balance in the fund at the end of the fiscal year shall be exempt from the provisions of section 33.080 relating to the transfer of unexpended balances to the general revenue fund."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Barnes offered **House Amendment No. 1 to House Amendment No. 3**.

House Amendment No. 1
to
House Amendment No. 3

AMEND House Amendment No. 3 to House Committee Substitute for House Bill Nos. 256, 33 & 305, Page 1, Lines 21-22, by deleting all of said lines and inserting in lieu thereof the following:

"aircraft shall not be used for the transportation of any elected member of the"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Barnes moved that **House Amendment No. 1 to House Amendment No. 3** be adopted.

Which motion was defeated by the following vote:

AYES: 055

Allen	Bahr	Barnes	Bernskoetter	Berry
Brown	Cierpiot	Cookson	Crawford	Cross
Davis	Diehl	Dugger	Elmer	Fitzpatrick
Fitzwater	Flanigan	Fraker	Franklin	Funderburk
Gatschenberger	Guernsey	Hampton	Hansen	Hicks
Hinson	Houghton	Jones 50	Kelley 127	Korman
Lant	Leara	Marshall	McGaugh	Molendorp
Muntzel	Parkinson	Pogue	Reiboldt	Rhoads
Richardson	Riddle	Ross	Rowland	Scharnhorst
Schatz	Smith 120	Solon	Sommer	Spencer
Stream	Thomson	Torpey	Zerr	Mr Speaker

NOES: 103

Anders	Anderson	Austin	Black	Brattin
Burlison	Burns	Butler	Carpenter	Colona
Conway 10	Conway 104	Cornejo	Cox	Curtis
Curtman	Dohrman	Dunn	Ellinger	Ellington
Engler	English	Englund	Entlicher	Fowler
Frame	Frederick	Gannon	Gardner	Gosen
Grisamore	Haahr	Haefner	Harris	Higdon
Hodges	Hoskins	Hough	Hubbard	Hummel
Hurst	Johnson	Justus	Keeney	Kelly 45
Kirkton	Koenig	Kolkmeyer	Kratky	LaFaver
Lair	Lauer	Lichtenegger	Love	Lynch
Mayfield	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Montecillo	Morgan	Morris	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Pfautsch	Phillips	Pierson	Pike
Redmon	Rehder	Remole	Rizzo	Roorda
Rowden	Runions	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 85	Swan	Swearingen
Walker	Walton Gray	Webb	Webber	Wieland
Wilson	Wood	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 003

May McCaherty White

VACANCIES: 002

House Amendment No. 3 was withdrawn.

Representative Schupp offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for House Bill Nos. 256, 33 & 305, Page 4, Section 610.021, Line 94, by inserting after all of said line, the following:

"(20) The portion of a record that identifies security systems or access codes or authorization codes for security systems of real property;"; and

Further renumber said section accordingly; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Schupp, **House Amendment No. 4** was adopted.

Representative Franklin offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Committee Substitute for House Bill Nos. 256, 33 & 305, Page 3, Section 610.021, Line 73, by inserting after the word "policies" on said line, the following:

"or to close records of video from cameras outside the governor's office in the capitol building"; and

Further amend said bill and section, Page 4, Line 93, by inserting after all of said line, the following:

"(d) Nothing in this exception shall be deemed to include video from cameras outside the governor's office in the capitol building;"; and

Renumber said subdivision accordingly; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Franklin, **House Amendment No. 5** was adopted.

On motion of Representative Jones (50), **HCS HBs 256, 33 & 305, as amended**, was adopted.

On motion of Representative Jones (50), **HCS HBs 256, 33 & 305, as amended**, was ordered perfected and printed.

HCS HBs 48 & 216, relating to photo identification to vote, was taken up by Representative Dugger.

HCS HBs 48 & 216 was laid over.

PERFECTION OF HOUSE JOINT RESOLUTION

HCS HJR 5 & 12, relating to photo identification to vote, was taken up by Representative Cox.

HCS HJR 5 & 12 was laid over.

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 531 - General Laws

HB 532 - General Laws

COMMITTEE REPORT

Committee on Agriculture Policy, Chairman Reiboldt reporting:

Mr. Speaker: Your Committee on Agriculture Policy, to which was referred **HJR 11** and **HJR 7**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 542, introduced by Representatives Love, Pike, Houghton, Johnson, Reiboldt, Redmon, Dunn, McGaugh, Hansen, Schieffer, Fitzwater, Dugger and Wright, relating to eggs.

HB 543, introduced by Representatives Hoskins, Bernskoetter, Kelley (127), Korman, Stream, Austin, Jones (50) and Diehl, relating to the state auditor's office responsibilities, duties, and enforcement.

HB 544, introduced by Representative Bahr, relating to peace officers.

HB 545, introduced by Representatives Ellinger, Schupp, McNeil and Walton Gray, relating to the manufacture, import, possession, purchase, sale, or transfer of any assault weapon or large capacity magazine.

HB 546, introduced by Representatives Ellinger, LaFaver, Meredith, Smith (85), Schieffer, Kelly (45), McCann Beatty, Schupp and Morgan, relating to cigarette taxes.

HB 547, introduced by Representatives Mitten, Ellinger, Meredith and Kelly (45), relating to termination of parental rights.

HB 548, introduced by Representatives Englund, Otto, Ellinger, English, Burns, Roorda, Pace and Frame, relating to the informed growth act.

HB 549, introduced by Representatives Englund and Ellinger, relating to the labeling of personal care items sold in Missouri.

HB 550, introduced by Representatives Englund, Ellinger and Pace, relating to the sale of toxic flame-retardant products.

HB 551, introduced by Representatives Englund, Mayfield, Pace and English, relating to statements of no taxes due.

HB 552, introduced by Representatives Conway (104), Spencer, Bahr, Lant, Reiboldt, Fitzwater, Koenig, Korman, Zerr, Gatschenberger, Cornejo, Funderburk, Sommer, Marshall, Hicks and Rhoads, relating to the distribution of revenues collected from traffic violations.

HB 553, introduced by Representatives Englund, Dunn, Ellinger, Pace and McNeil, relating to federal vendor offset agreements.

HB 554, introduced by Representatives Englund, Kelly (45), English and Frame, relating to administrative garnishment and lien simplification.

HB 555, introduced by Representatives Burlison, Johnson, Jones (50), Cornejo, Lant, Cox, Parkinson, Norr, Rowden, Reiboldt, Justus, Fitzpatrick, Love, Morris, Bahr, Marshall, Keeney, Fitzwater, Conway (104), McCaherty, Schieffer, Higdon, Curtman, Thomson, Smith (120), Allen, Lair, Brown, Swearingen, Cierpiot, Torpey, Lynch and Hicks, relating to protective headgear for operation of motorcycles or motortricycles.

HB 556, introduced by Representatives Ellinger, Hubbard, Rizzo, Anders, Harris, Pierson, Kirkton, Schupp, McManus, Mayfield, Conway (10), LaFaver, Walton Gray, Pace, Morgan, McNeil, Smith (85), Hummel, Mims, McKenna and Wright, relating to establishment of paternity.

HB 557, introduced by Representatives Ellinger, Hubbard, Kelly (45), Burns, Kirkton, Morgan, McNeil, Hummel, Swearingen, Conway (10), Mims and McKenna, relating to the child abuse and neglect registry.

HB 558, introduced by Representative Roorda, relating to associate circuit judges.

HB 559, introduced by Representative Scharnhorst, relating to insurance coverage for physical therapy services.

HB 560, introduced by Representative Molendorp, relating to use of tobacco products in state correctional facilities.

HB 561, introduced by Representative Molendorp, relating to anatomical gifts.

HB 562, introduced by Representatives Morgan, Mayfield, Newman, Otto, Runions, Butler, McCann Beatty, Mims, Schieffer, Rizzo, LaFaver, Schupp and Ellington, relating to school class size.

HB 563, introduced by Representatives Morgan, Mayfield, Newman, Otto, Runions, Butler, McCann Beatty, Mims, Norr, Rizzo, Schupp, Rowland, Harris, Neth, Meredith, Dunn, LaFaver and English, relating to school attendance.

HB 564, introduced by Representatives McGaugh, Jones (50), Dugger, Entlicher, Reiboldt, Hurst, Hansen, Houghton, Schieffer, Fitzpatrick, Smith (120), Guernsey, Love, Black, Crawford and Pike, relating to crimes against animals.

HB 565, introduced by Representatives Cornejo, Burlison, Rowden, Elmer, Spencer, Anderson and Fraker, relating to licensed professional counselors.

HB 566, introduced by Representative Austin, relating to visitation rights.

HB 567, introduced by Representative Austin, relating to civil immunity for supervision of community service work.

HB 568, introduced by Representatives Lauer and Gatschenberger, relating to neighborhood improvement district special assessments.

COMMITTEE CHANGE

February 11, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol, Room 317-A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby remove Representative Sue Meredith from the Joint Committee on Tax Policy.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

/s/ Jacob Hummel
House Minority Leader
District 81

WITHDRAWAL OF HOUSE BILL

February 12, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
Missouri State Capitol
201 W. Capitol Avenue
Jefferson City, MO 65101

Dear Chief Clerk,

I am respectfully requesting that **House Bill No. 358** be withdrawn.

Please do not hesitate to contact me if I can provide additional information.

Sincerely,

/s/ Jeff Roorda
State Representative
District 113

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Wednesday, February 13, 2013.

COMMITTEE HEARINGS

ADMINISTRATION AND ACCOUNTS

Thursday, February 14, 2013, Upon Morning Adjournment South Gallery.
Executive session may be held on any matter referred to the committee.
We will be meeting to vote on issue development standing committees.

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Wednesday, February 13, 2013, 2:00 PM House Hearing Room 4.
Department of Natural Resources budget presentation

APPROPRIATIONS - EDUCATION

Wednesday, February 13, 2013, 2:00 PM House Hearing Room 1.
Executive session may be held on any matter referred to the committee.
Analyst markup sheets, continued

APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, February 13, 2013, 12:00 PM House Hearing Room 3.
Executive session may be held on any matter referred to the committee.
House Bill 12 budget presentations – Committee will hear testimony from the Offices of the Governor, Lieutenant Governor, Attorney General, Secretary of State, and the Judiciary.

CORRECTED

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Wednesday, February 13, 2013, 2:00 PM House Hearing Room 5.

Executive session may be held on any matter referred to the committee.

Department of Social Services budget presentation

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Thursday, February 14, 2013, 8:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Continue Department of Social Services budget presentation

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, February 19, 2013, 2:00 PM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Hear reports from subcommittees

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, February 20, 2013, 2:00 PM House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

Committee appropriation markups

APPROPRIATIONS - REVENUE, TRANSPORTATION, AND ECONOMIC DEVELOPMENT

Wednesday, February 13, 2013, 2:00 PM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

Department of Insurance, Financial Institutions, and Professional Registration budget presentation
and Department of Revenue budget presentation

BUDGET

Thursday, February 14, 2013, Upon Morning Adjournment House Hearing Room 3.

Executive session will be held: HB 14

Executive session may be held on any matter referred to the committee.

CRIME PREVENTION AND PUBLIC SAFETY

Thursday, February 14, 2013, 8:00 AM House Hearing Room 5.

Public hearing will be held: HB 307, HJR 16

Executive session may be held on any matter referred to the committee.

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, February 13, 2013, 8:00 AM House Hearing Room 6.

Public hearing will be held: HB 136, HB 294

Executive session will be held: HB 134, HB 388

Executive session may be held on any matter referred to the committee.

EMERGING ISSUES IN AGRICULTURE

Wednesday, February 13, 2013, 9:00 AM House Hearing Room 4.

Executive session will be held: HB 81

Executive session may be held on any matter referred to the committee.

FINANCIAL INSTITUTIONS

Wednesday, February 13, 2013, 12:00 PM House Hearing Room 4.

Public hearing will be held: HB 176, HB 329

Executive session will be held: HB 176, HB 329, HB 203, HB 211, HB 212

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Thursday, February 14, 2013, 8:30 AM South Gallery.

Executive session may be held on any matter referred to the committee.

HEALTH CARE POLICY

Wednesday, February 13, 2013, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 47, HB 72, HB 257, HB 274

Executive session may be held on any matter referred to the committee.

CANCELLED

HEALTH CARE POLICY

Wednesday, February 13, 2013, 1:00 PM House Hearing Room 6.

Public hearing will be held: HB 47, HB 72

Executive session may be held on any matter referred to the committee.

HEALTH CARE POLICY

Wednesday, March 13, 2013, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 47, HB 72, HB 257, HB 274

Executive session may be held on any matter referred to the committee.

CANCELLED

INSURANCE POLICY

Monday, February 18, 2013, Upon Afternoon Adjournment House Hearing Room 1.

Public hearing will be held: HB 58

Executive session will be held: HB 322, HB 339

Executive session may be held on any matter referred to the committee.

AMENDED

INSURANCE POLICY

Monday, March 4, 2013, 12:30 PM 4700 S Providence Road, Columbia, MO.

Executive session may be held on any matter referred to the committee.

Informational meeting

INTERNATIONAL TRADE

Wednesday, February 13, 2013, 5:00 PM or Upon Afternoon Adjournment House Hearing Room 7.

Public hearing will be held: HB 79, HB 181, HB 275

Executive session may be held on any matter referred to the committee.

JUDICIARY

Wednesday, February 13, 2013, 11:30 AM or Upon Morning Recess House Hearing Room 1.

Public hearing will be held: HB 214, HB 215, HB 210, HB 213

Executive session may be held on any matter referred to the committee.

AMENDED

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, February 13, 2013, 12:00 PM or Upon Morning Adjournment House Hearing Room 5.

Public hearing will be held: HB 314

Executive session may be held on any matter referred to the committee.

Also hearing from David Stokes of the Show-Me Institute

SPECIAL STANDING COMMITTEE ON CORRECTIONS

Wednesday, February 13, 2013, 5:00 PM or Upon Afternoon Adjournment House Hearing Room 1.

Public hearing will be held: HB 69, HB 301, HB 401

Executive session may be held on any matter referred to the committee.

CORRECTED

SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN HEALTH CARE

Wednesday, February 13, 2013, 8:00 AM House Hearing Room 1.

Public hearing will be held: HB 112

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON SMALL BUSINESS

Wednesday, February 13, 2013, 12:00 PM House Hearing Room 7.

Public hearing will be held: HB 78, HB 105

Executive session may be held on any matter referred to the committee.

AMENDED

TOURISM AND NATURAL RESOURCES

Thursday, February 14, 2013, 8:00 AM House Hearing Room 7.

Public hearing will be held: HB 316, HB 51

Executive session may be held on any matter referred to the committee.

UTILITIES

Wednesday, February 13, 2013, 8:00 AM House Hearing Room 7.

Public hearing will be held: HB 432, HB 473

Executive session will be held: HB 198

Executive session may be held on any matter referred to the committee.

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Wednesday, February 13, 2013, 8:00 AM House Hearing Room 5.

Public hearing will be held: HB 95, HB 91

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

TWENTIETH DAY, WEDNESDAY, FEBRUARY 13, 2013

HOUSE BILLS FOR SECOND READING

HB 542 through HB 568

HOUSE JOINT RESOLUTIONS FOR PERFECTION

HCS HJR 5 & 12 - Cox

HOUSE BILLS FOR PERFECTION

- 1 HB 44 - Korman
- 2 HCS HBs 48 & 216 - Dugger

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

TWENTIETH DAY, WEDNESDAY, FEBRUARY 13, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Monsignor Robert A. Kurwicky, Chaplain.

*Let not mercy and truth forsake Thee; bind them about Thy neck; write them upon the table of Thine heart.
(Proverbs 3:3)*

Our Forgiving God, the source of all that is good in life, once again we come to You on this Ash Wednesday: weak - seeking greater strength; tired - needing more rest; worried - desiring a deeper peace. We have sought satisfaction in the minor details of daily life that do not matter much and have left undone the major duties that matter most. Forgive us, and strengthen us by Your spirit that the labor of this day may be done with Your just causes in our hearts and minds.

Awaken within us the spirit of friendliness, kindness and peace. Keep us from allowing disagreements to make us disagreeable and from permitting differences in us to make differences between us. Kindle in our hearts and in the hearts of all people the spirit of good will. Let tolerance and understanding and compassion rule our spirits and possess our souls. Send us out into this day to do our work with all our might and may this world be a better place because we have lived, worked and prayed.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Journal of the nineteenth day was approved as printed.

SPECIAL RECOGNITION

Members of the Future Farmers of America were introduced by Representative Guernsey.

Jaelynn Bergmann, President of the Future Farmers of America, addressed the body.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 393 through House Resolution No. 405

HOUSE CONCURRENT RESOLUTIONS

Representative Black, et al., offered House Concurrent Resolution No. 20 and House Concurrent Resolution No. 21.

Representative Roorda offered House Concurrent Resolution No. 22.

SECOND READING OF HOUSE BILLS

HB 542 through **HB 568** were read the second time.

PERFECTION OF HOUSE BILL

HCS HBs 48 & 216, relating to photo identification to vote, was taken up by Representative Dugger.

Representative Dugger offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill Nos. 48 & 216, Page 3, Section 115.427, Line 72, by enclosing in brackets the phrase: "January 1, 1941" and inserting immediately thereafter the phrase:

"January 1, 1948"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Dugger, **House Amendment No. 1** was adopted.

Representative Cox offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill Nos. 48 & 216, Page 6, Section 115.427, Line 186, by inserting after all of said section and line the following:

"115.430. 1. This section shall apply to primary and general elections where candidates for federal or statewide offices are nominated or elected and any election where statewide issue or issues are submitted to the voters. **In addition, any person denied the ability to cast a regular ballot because of a lack of photographic identification under section 115.427, shall be allowed to vote by provisional ballot.**

[2.]

(1) A voter claiming to be properly registered in the jurisdiction of the election authority and eligible to vote in an election, but whose eligibility at that precinct cannot be immediately established upon examination of the precinct register, shall be entitled to vote a provisional ballot after providing a form of personal identification required pursuant to section 115.427 or upon executing an affidavit under section 115.427, or may vote at a central polling place as established in section 115.115 where the voter may vote his or her appropriate ballot for his or her precinct of residence upon verification of eligibility or vote a provisional ballot if eligibility cannot be determined. The provisional ballot provided to a voter under this section shall be the ballot provided to a resident of the voter's precinct determined by reference to the affidavit provided for in this section. If the voter declares that the voter is eligible to vote and the election authority determines that the voter is eligible to vote at another polling place, the voter shall be directed to the correct polling place or a central polling place as established by the election authority pursuant to subsection 5 of section 115.115. If the voter refuses to go to the correct polling place or a central polling place, the voter shall be permitted to vote a provisional ballot at the incorrect polling place, but such ballot shall not be counted if the voter was not eligible to vote at that polling place.

(2) The following steps shall be taken to establish a voter's eligibility to vote at a polling place:

(a) The election judge shall examine the precinct register as provided in section 115.425. If the voter is registered and eligible to vote at the polling place, the voter shall receive a regular ballot;

(b) If the voter's eligibility cannot be immediately established by examining the precinct register, the election judge shall contact the election authority. If the election authority cannot immediately establish that the voter is registered and eligible to vote at the polling place upon examination of the Missouri voter registration system, or if the

election judge is unable to make contact with the election authority immediately, the voter shall be notified that the voter is entitled to a provisional ballot.

(3) The voter shall have the duty to appear and vote at the correct polling place. If an election judge determines that the voter is not eligible to vote at the polling place at which a voter presents himself or herself, and if the voter appears to be eligible to vote at another polling place, the voter shall be informed that he or she may cast a provisional ballot at the current polling place or may travel to the correct polling place or a central polling place, as established by the election authority under subsection 5 of section 115.115, where the voter may cast a regular ballot or provisional ballot if the voter's eligibility still cannot be determined. Provisional ballots cast at a polling place shall be counted only if the voter was eligible to vote at such polling place as provided in subsection 5 of this section.

(4) For a voter requesting an absentee ballot in person, such voter shall be entitled to cast a provisional ballot when the voter's eligibility cannot be immediately established upon examination of the precinct registers or the Missouri voter registration system.

(5) Prior to accepting any provisional ballot at the polling place, the election judges shall determine that the information provided on the provisional ballot envelope by the provisional voter is consistent with the identification provided by such person under section 115.427.

[3.] 2. (1) No person shall be entitled to receive a provisional ballot until such person has completed a provisional ballot affidavit on the provisional ballot envelope.

(2) The secretary of state shall produce appropriate sizes of provisional ballot envelopes and distribute them to each election authority according to their tabulating system. All provisional ballot envelopes shall be printed on a distinguishable color of paper that is different from the color of the regular ballot. The provisional ballot envelope shall be in the form required by subsection 4 of this section. All provisional ballots shall be marked with a conspicuous stamp or other distinguishing mark that makes them readily distinguishable from the regular ballots.

(3) Once voted, the provisional ballot shall be placed and sealed in a provisional ballot envelope.

[4.] 3. The provisional ballot in its envelope shall be deposited in the ballot box. The provisional ballot envelope shall be completed by the voter for use in determining eligibility. The provisional ballot envelope specified in this section shall contain a voter's certificate which shall be in substantially the following form:

STATE OF

COUNTY OF

I do solemnly swear (or affirm) that my name is; that my date of birth is; that the last four digits of my Social Security Number are; that I am registered to vote in County or City (if a City not within a County), Missouri; that I am a qualified voter of said County (or City not within a County); that I am eligible to vote at this polling place; and that I have not voted in this election.

I understand that if the above-provided information is not correct and the election authority determines that I am not registered and eligible to vote, my vote will not be counted. I further understand that knowingly providing false information is a violation of law and subjects me to possible criminal prosecution.

.....

(Signature of Voter)

.....

(Current Address)

Subscribed and affirmed before me this day of, 20.....

(Signature of Election Official)

The voter may provide additional information to further assist the election authority in determining eligibility, including the place and date the voter registered to vote, if known.

[5.] 4. (1) Prior to counting any provisional ballot, the election authority shall determine if the voter is registered and eligible to vote and if the vote was properly cast. The eligibility of provisional votes shall be determined according to the requirements for a voter to cast a ballot in the election as set forth in sections 115.133 and 115.135. A provisional voter ballot shall not be eligible to be counted until the election authority has determined that:

(a) The voter cast such provisional ballot at a polling place established for the voter or the central polling place established by the election authority under subsection 5 of section 115.115;

(b) The individual who cast the provisional ballot is an individual registered to vote in the respective election at the polling place where the ballot was cast;

(c) The voter did not otherwise vote in the same election by regular ballot, absentee ballot, or otherwise; and

(d) The information on the provisional ballot envelope is found to be correct, complete, and accurate.

(2) When the ballot boxes are delivered to the election authority from the polling places, the receiving teams shall separate the provisional ballots from the rest of the ballots and place the sealed provisional ballot envelopes in a separate container. Teams of election authority employees or teams of election judges with each team consisting of one

member of each major political party shall photocopy each provisional ballot envelope, such photocopy to be used by the election authority to determine provisional voter eligibility. The sealed provisional ballot envelopes shall be placed by the team in a sealed container and shall remain therein until tabulation.

(3) To determine whether a provisional ballot is valid and entitled to be counted, the election authority shall examine its records and verify that the provisional voter is properly registered and eligible to vote in the election. If the provisional voter has provided information regarding the registration agency where the provisional voter registered to vote, the election authority shall make an inquiry of the registration agency to determine whether the provisional voter is properly registered and eligible to vote in the election.

(4) If the election authority determines that the provisional voter is registered and eligible to vote in the election, the election authority shall provide documentation verifying the voter's eligibility. Such documentation shall be noted on the copy of the provisional ballot envelope and shall contain substantially the following information:

- (a) The name of the provisional voter;
- (b) The name of the reviewer;
- (c) The date and time; and
- (d) A description of evidence found that supports the voter's eligibility.

(5) The local election authority shall record on a provisional ballot acceptance/rejection list the provisional ballot identification number and a notation marking it as accepted.

(6) If the election authority determines that the provisional voter is not registered or eligible to vote in the election, the election authority shall provide documentation verifying the voter's ineligibility. Such documentation shall be noted on the copy of the provisional ballot envelope and shall contain substantially the following information:

- (a) The name of the provisional voter;
- (b) The name of the reviewer;
- (c) The date and time;
- (d) A description of why the voter is ineligible.

(7) The local election authority shall record on a provisional ballot acceptance/rejection list the provisional ballot identification number and notation marking it as rejected.

(8) If rejected, a photocopy of the envelope shall be made and used by the election authority as a mail-in voter registration. The actual provisional ballot envelope shall be kept as ballot material, and the copy of the envelope shall be used by the election authority for registration record keeping.

[6.] 5. All provisional ballots cast by voters whose eligibility has been verified as provided in this section shall be counted in accordance with the rules governing ballot tabulation. Provisional ballots shall not be counted until all provisional ballots are determined either eligible or ineligible and all provisional ballots must be processed before the election is certified. The provisional ballot shall be counted only if the election authority determines that the voter is registered and eligible to vote. Provisional ballots voted in the wrong polling place shall not be counted. If the voter is not registered but is qualified to register for future elections, the affidavit shall be considered a mail-in application to register to vote pursuant to this chapter.

[7.] 6. (1) After the election authority completes its review of the provisional voter's eligibility under subsection 5 of this section, the election authority shall deliver the provisional ballots and copies of the provisional ballot envelopes that include eligibility information to bipartisan counting teams, which may be the board of verification, for review and tabulation. The election authority shall maintain a record of such delivery. The record shall include the number of ballots delivered to each team and shall include a signed receipt from two judges, one from each major political party. The election authority shall provide each team with a ballot box and material necessary for tabulation.

(2) If the person named on the provisional ballot affidavit is found to have been properly qualified and registered to cast a ballot in the election and the provisional ballot otherwise qualifies to be counted under the provisions of this section, the envelope shall be opened, and the ballot shall be placed in a ballot box to be counted.

(3) If the person named on the provisional ballot affidavit is found not to have been properly qualified and registered to cast a ballot in the election or if the election authority is unable to determine such person's right to vote, the envelope containing the provisional ballot shall not be opened, and the person's vote shall not be counted. The members of the team shall follow the procedures set forth in subsection [5] 4 of this section for rejected provisional ballots.

(4) The votes shall be tallied and the returns made as provided in sections 115.447 to 115.525 for paper ballots. After the vote on all ballots assigned to a team have been counted, the ballots, ballot envelopes, and copies of ballot envelopes with the eligibility information provided by the election authority shall be enclosed in sealed containers marked "Voted provisional ballots and ballot envelopes from the election held, 20...". All rejected provisional ballots, ballot envelopes, and copies of ballot envelopes with the eligibility information provided by the election authority shall be enclosed in sealed containers marked "Rejected provisional ballots and ballot envelopes from the election held

....., 20...". On the outside of each voted ballot and rejected ballot container, each member of the team shall write their name and all such containers shall be returned to the election authority. Upon receipt of the returns and ballots, the election authority shall tabulate the provisional votes.

[8.] 7. Challengers and watchers, as provided by sections 115.105 and 115.107, may be present during all times that the bipartisan counting teams are reviewing or counting the provisional ballots, the provisional ballot envelopes, or copies of the provisional ballot envelopes that include eligibility information provided by the election authority. Challengers and watchers shall be permitted to observe the determination of the eligibility of all provisional ballots. The election authority shall notify the county chair of each major political party of the time and location when bipartisan counting teams will be reviewing or counting the provisional ballots, the provisional ballot envelopes, or the copies of the provisional ballot envelopes that include the eligibility information provided by the election authority.

[9.] 8. The certificate of ballot cards shall:

- (1) Reflect the number of provisional envelopes delivered; and
- (2) Reflect the number of sealed provisional envelopes with voted ballots deposited in the ballot box.

[10.] 9. In counties where the voting system does not utilize a paper ballot, the election authority shall provide the appropriate provisional ballots to each polling place.

[11.] 10. The secretary of state may promulgate rules for purposes of ensuring the uniform application of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536.

[12.] 11. The secretary of state shall design and provide to the election authorities the envelopes and forms necessary to carry out the provisions of this section.

[13.] 12. Pursuant to the Help America Vote Act of 2002, the secretary of state shall ensure a free access system is established, such as a toll-free number or an internet website, that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted. At the time an individual casts a provisional ballot, the election authority shall give the voter written information that states that any individual who casts a provisional ballot will be able to ascertain under such free access system whether the vote was counted, and if the vote was not counted, the reason that the vote was not counted.

[14.] 13. In accordance with the Help America Vote Act of 2002, any individual who votes in an election as a result of a court order or any other order extending the time established for closing the polls in section 115.407 may vote only by using a provisional ballot, and such provisional ballot shall be separated and held apart from other provisional ballots cast by those not affected by the order. Such ballots shall not be counted until such time as the ballots are determined to be valid. No state court shall have jurisdiction to extend the polling hours established by law, including section 115.407."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Richardson assumed the Chair.

On motion of Representative Cox, **House Amendment No. 2** was adopted by the following vote:

AYES: 114

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	McKenna

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Messenger	Miller	Molendorp	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Roorda
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Schieffer	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 044

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Gardner	Hodges
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	Mayfield	McCann Beatty	McDonald	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Rizzo	Runions	Schupp	Smith 85
Swearingen	Walton Gray	Webb	Webber	

PRESENT: 000

ABSENT WITH LEAVE: 003

May	Pierson	Smith 120
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VACANCIES: 002

HCS HBs 48 & 216, as amended, was laid over.

On motion of Representative Diehl, the House recessed until 4:00 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Jones.

PERFECTION OF HOUSE JOINT RESOLUTION

HCS HJR 5 & 12, relating to photo identification to vote, was taken up by Representative Cox.

HCS HJR 5 & 12 was laid over.

RECESS

On motion of Representative Diehl, the House recessed until 7:30 p.m.

The hour of recess having expired, the House was called to order by Speaker Jones.

PERFECTION OF HOUSE JOINT RESOLUTION

HCS HJR 5 & 12, relating to photo identification to vote, was again taken up by Representative Cox.

Representative Engler moved the previous question.

Which motion was adopted by the following vote:

AYES: 106

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 048

Anders	Black	Burns	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Rizzo	Roorda
Runions	Schieffer	Schupp	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 007

Butler	Funderburk	May	Molendorp	Pierson
Smith 85	Smith 120			

VACANCIES: 002

On motion of Representative Cox, **HCS HJR 5 & 12** was adopted.

On motion of Representative Cox, **HCS HJR 5 & 12** was ordered perfected and printed by the following vote:

AYES: 108

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Brattin	Brown
Burlison	Cierpiot	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Elmer	Engler
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Franklin	Frederick	Gannon
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 046

Black	Burns	Carpenter	Colona	Conway 10
Curtis	Dunn	Ellinger	Ellington	English
Frame	Gardner	Harris	Hodges	Hubbard
Hummel	Kelly 45	Kirkton	Kratky	LaFaver
Mayfield	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Rizzo	Roorda	Runions	Schieffer
Schupp	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 007

Butler	Funderburk	May	Molendorp	Pierson
Smith 85	Smith 120			

VACANCIES: 002

PERFECTION OF HOUSE BILL

HCS HBs 48 & 216, as amended, relating to photo identification to vote, was again taken up by Representative Dugger.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 106

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 048

Anders	Black	Burns	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Rizzo	Roorda
Runions	Schieffer	Schupp	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 007

Butler	Funderburk	May	Molendorp	Pierson
Smith 85	Smith 120			

VACANCIES: 002

On motion of Representative Dugger, **HCS HBs 48 & 216, as amended**, was adopted.

On motion of Representative Dugger, **HCS HBs 48 & 216, as amended**, was ordered perfected and printed by the following vote:

AYES: 106

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 048

Anders	Black	Burns	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Rizzo	Roorda
Runions	Schieffer	Schupp	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 007

Butler	Funderburk	May	Molendorp	Pierson
Smith 85	Smith 120			

VACANCIES: 002

REFERRAL OF HOUSE JOINT RESOLUTION

The following House Joint Resolution was referred to the Committee indicated:

HCS HJR 5 & 12 - Fiscal Review

REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

HCS HB 48 & 216 - Fiscal Review

COMMITTEE REPORTS

Committee on Elections, Chairman Entlicher reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **HJR 4**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Elections, to which was referred **HB 163**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Elementary and Secondary Education, Chairman Cookson reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 388**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Financial Institutions, Chairman Dugger reporting:

Mr. Speaker: Your Committee on Financial Institutions, to which was referred **HB 176**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Financial Institutions, to which was referred **HB 212**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Financial Institutions, to which was referred **HB 329**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Local Government, Chairman Gatschenberger reporting:

Mr. Speaker: Your Committee on Local Government, to which was referred **HB 128**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Transportation, Chairman Schatz reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 85**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Veterans, Chairman Davis reporting:

Mr. Speaker: Your Committee on Veterans, to which was referred **HJR 8**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Ways and Means, Chairman Koenig reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 55**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 569, introduced by Representatives Smith (85), Ellinger, Walton Gray, Morgan and Gardner, relating to unfair employment advertisements.

HB 570, introduced by Representatives Smith (85), English, Ellinger, Higdon, McKenna, Johnson, Pace, Schupp, Walton Gray, Morgan, Kratky and Gardner, relating to Rosa Parks observance day commission.

HB 571, introduced by Representatives Schupp, Lant, LaFaver, McDonald, McNeil, Ellinger, Otto, Roorda, Mitten, English, Walton Gray, Berry, Solon, Reiboldt, Fitzwater, Burns, May, Kirkton, Wieland, Anders, Norr, Meredith, Morgan, Webber and Newman, relating to child-care facilities.

HB 572, introduced by Representatives Schupp, Lant, LaFaver, Burns, Walton Gray, McNeil, McDonald, Kratky, Ellinger, Otto, Mitten, English, Berry, Reiboldt, Fitzwater, Roorda, Kirkton, Walker, Anders, Norr, Morgan, Meredith, Webber and Newman, relating to child-care workers.

HB 573, introduced by Representatives Schupp, English, Pace, Kirkton, Burns, Norr, Morgan and Meredith, relating to the University of Missouri board of curators.

HB 574, introduced by Representatives Schupp, Ellinger, Pace, Burns, Norr, Meredith, Morgan, Kirkton and Newman, relating to the sale of kosher food.

HB 575, introduced by Representatives Higdon, Ellinger, Pierson and Kelly (45), relating to criminal procedure.

HB 576, introduced by Representative Walker, relating to automatic stays of court proceedings for members of the general assembly.

HB 577, introduced by Representatives Engler, Gannon, Hinson, Black and Fitzwater, relating to access to certain electronic monitoring information by local law enforcement agencies.

HB 578, introduced by Representatives Funderburk, LaFaver, McCaherty, English and Wright, relating to the determination of what are business activities within this state.

HB 579, introduced by Representatives Funderburk, LaFaver, McCaherty, English, McNeil and Wright, relating to taxation.

HB 580, introduced by Representatives May, Ellington, Ellinger, Pace, Kratky, Webb, Swearingen, Colona, Frame, Walton Gray, Roorda and Kirkton, relating to use of zip codes for underwriting by insurance companies.

HB 581, introduced by Representatives Roorda, Engler, Webb, Hubbard, Butler, Colona, Kratky, Mitten, Meredith, Burns, Gardner and Hummel, relating to the designation of memorial highways.

HB 582, introduced by Representatives Roorda and Kratky, relating to the resale of scrap metals.

HB 583, introduced by Representative Roorda, relating to the school safety trust fund act.

HB 584, introduced by Representatives Roorda, Ellinger and Schupp, relating to the creation of a death penalty commission and moratorium.

HB 585, introduced by Representatives Schieffer, Spencer, Kratky, Roorda, Kirkton, English, Wood, Pike, Walker, Gannon, Korman, Colona, Hodges, Hummel, Rizzo, McManus, Burns, Curtis, Harris, Walton Gray, Mayfield, Butler, Otto, Carpenter, Webb, Norr and Stream, relating to the designation of Stan Musial day in Missouri.

HB 586, introduced by Representatives Schieffer, Anderson, Love, Houghton, Entlicher, Crawford, Rizzo, Bernskoetter, Hoskins, Smith (120), Johnson, Spencer, Neely, McGaugh, Brown, Hampton, Sommer, Hansen, Wood, Brattin, Pike, Lynch, Walker, Gannon, Lair, Guernsey, Dugger, Korman, Colona, Hodges, Harris, Walton Gray, Mayfield, Otto, Black and Norr, relating to rodeos.

HB 587, introduced by Representatives Remole, Love, Guernsey, Muntzel, Marshall, Fitzpatrick, Houghton, Pfautsch and Kelley (127), relating to polling places for registered sex offenders.

HB 588, introduced by Representatives Diehl and Entlicher, relating to primary elections.

HB 589, introduced by Representative Hinson, relating to sex offender registration and classification.

HB 590, introduced by Representatives Koenig, Curtman, Brattin and Marshall, relating to licensure requirements for certain professions.

HB 591, introduced by Representatives Hubbard, Jones (110), Diehl, Webb, Gardner, Curtis, Colona, Montecillo, Walton Gray, English, Ellinger, Burns, Pace, Mims, Conway (104) and Parkinson, relating to the designation of a memorial bridge.

HB 592, introduced by Representatives Roorda, McDonald, Mitten, McCaherty, Rizzo, McKenna, Webber, LaFaver, Kirkton, Englund and Hummel, relating to failure to report illegal conduct regarding prescription medications.

HB 593, introduced by Representatives Solon, Leara, Kelly (45), Rowden, Conway (104), Berry, Torpey, Lynch, Gannon, Pfautsch, Wood, Brattin, Haefner, Davis, Cookson, Phillips and Brown, relating to emerging issues in cancer medications.

HB 594, introduced by Representative Cornejo, relating to the prohibition of establishing roadside checkpoint patterns based on vehicle types.

HB 595, introduced by Representatives Kirkton, Burns, Kratky, Smith (85), Roorda, May, Ellinger, McNeil, Schupp, Swan, Englund, Kelley (127), Neely, Morgan and Gardner, relating to insurance coverage for hearing screenings and hearing aid devices.

The following member's presence was noted: Pierson.

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Thursday, February 14, 2013.

COMMITTEE HEARINGS

ADMINISTRATION AND ACCOUNTS

Thursday, February 14, 2013, Upon Morning Adjournment South Gallery.

Executive session may be held on any matter referred to the committee.

We will be meeting to vote on issue development standing committees.

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AGRI-BUSINESS

Thursday, February 14, 2013, Upon Morning Adjournment House Hearing Room 1.

Executive session may be held on any matter referred to the committee.

CORRECTED

AGRICULTURE POLICY

Tuesday, February 19, 2013, 1:00 PM House Hearing Room 6.

Public hearing will be held: HB 56

Executive session may be held on any matter referred to the committee.

APPROPRIATIONS - EDUCATION

Tuesday, February 19, 2013, 2:00 PM House Hearing Room 1.

Executive session may be held on any matter referred to the committee.

Markup

APPROPRIATIONS - EDUCATION

Wednesday, February 20, 2013, 2:00 PM House Hearing Room 1.

Executive session may be held on any matter referred to the committee.

Markup, continued

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Thursday, February 14, 2013, 8:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Continue Department of Social Services budget presentation

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Friday, February 15, 2013, 10:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Completion of Department of Social Services budget presentation, if necessary

CORRECTED

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, February 19, 2013, 2:00 PM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Hear reports from sub-committees

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, February 20, 2013, 2:00 PM House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

Committee appropriation markups

BUDGET

Thursday, February 14, 2013, Upon Morning Adjournment House Hearing Room 3.

Executive session will be held: HB 14

Executive session may be held on any matter referred to the committee.

CRIME PREVENTION AND PUBLIC SAFETY

Thursday, February 14, 2013, 8:00 AM House Hearing Room 5.

Public hearing will be held: HB 307, HJR 16

Executive session may be held on any matter referred to the committee.

DOWNSIZING STATE GOVERNMENT

Thursday, February 14, 2013, 9:00 AM House Hearing Room 4.

Public hearing will be held: HB 383, HB 57

Executive session may be held on any matter referred to the committee.

ECONOMIC DEVELOPMENT

Thursday, February 14, 2013, Upon Morning Adjournment House Hearing Room 7.

Executive session will be held: HB 158

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Thursday, February 14, 2013, 8:30 AM South Gallery.

Executive session may be held on any matter referred to the committee.

HEALTH CARE POLICY

Wednesday, March 13, 2013, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 47, HB 72, HB 257, HB 274

Executive session may be held on any matter referred to the committee.

CANCELLED

INSURANCE POLICY

Monday, February 18, 2013, Upon Afternoon Adjournment House Hearing Room 1.

Public hearing will be held: HB 58

Executive session will be held: HB 322, HB 339

Executive session may be held on any matter referred to the committee.

AMENDED

INSURANCE POLICY

Monday, March 4, 2013, 12:30 PM 4700 S Providence Road, Columbia, MO.

Executive session may be held on any matter referred to the committee.

Informational meeting

JOINT COMMITTEE ON EDUCATION

Thursday, February 14, 2013, 8:00 AM Senate Lounge.

Committee work session 8:00 AM to 8:30 AM

RULES

Thursday, February 14, 2013, Upon Morning Adjournment North Gallery.

Executive session will be held: HCS HJR 11 & 7, HB 55, HJR 4, HCS HB 388

Executive session may be held on any matter referred to the committee.

AMENDED

SPECIAL STANDING COMMITTEE ON URBAN ISSUES

Monday, February 18, 2013, 5:00 PM or Upon Afternoon Adjournment House Hearing Room 5.

Public hearing will be held: HB 224, HB 285

Executive session may be held on any matter referred to the committee.

TOURISM AND NATURAL RESOURCES

Thursday, February 14, 2013, 8:00 AM House Hearing Room 7.

Public hearing will be held: HB 316, HB 51

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

TWENTY-FIRST DAY, THURSDAY, FEBRUARY 14, 2013

HOUSE BILLS FOR SECOND READING

HB 569 through HB 595

HOUSE BILLS FOR PERFECTION

HB 44 - Korman

HOUSE JOINT RESOLUTIONS FOR THIRD READING

HCS HJR 5 & 12 , (Fiscal Review 2-13-13) - Cox

HOUSE BILLS FOR THIRD READING

- 1 HCS HBs 256, 33 & 305, E.C. - Jones (50)
- 2 HCS HBs 48 & 216, (Fiscal Review 2-13-13) - Dugger

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

TWENTY-FIRST DAY, THURSDAY, FEBRUARY 14, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

Love bears all things, believes all things, hopes all things, and endures all things. (I Corinthians 13:7)

O Loving God, again we come to You on this St. Valentine's Day with gratitude for the opportunity of loving You and our state. We pray that You will help these representatives of our people in their marriages and relationships. Help them to face the challenges of these times with courage: to accept their responsibilities with confidence and to solve their ever-present problems with creative wisdom and love.

May they learn anew the lesson that the secret of finding love and happiness is not to do what you like to do but to learn to like what you have to do. In this spirit we pray and in this spirit may we do our work this day.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Chloe Till.

The Journal of the twentieth day was approved as printed.

Representative Keeney assumed the Chair.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 406 through House Resolution No. 435

HOUSE CONCURRENT RESOLUTION

Representative Fitzpatrick, et al., offered House Concurrent Resolution No. 23.

SECOND READING OF HOUSE BILLS

HB 569 through **HB 595** were read the second time.

COMMITTEE REPORTS

Committee on Fiscal Review, Chairman Flanigan reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HJR 5 & 12**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 48 & 216**, begs leave to report it has examined the same and recommends that it **Do Pass**.

THIRD READING OF HOUSE JOINT RESOLUTION

HCS HJR 5 & 12, relating to photo identification to vote, was taken up by Representative Cox.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Burlison	Cierpiot
Conway 104	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeier	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Molendorp	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 048

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman

Nichols	Norr	Otto	Pace	Rizzo
Runions	Schieffer	Schupp	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 009

Brown	Cookson	Cornejo	May	Pierson
Roorda	Smith 85	Smith 120	White	

VACANCIES: 002

Speaker Jones resumed the Chair.

On motion of Representative Cox, **HCS HJR 5 & 12** was read the third time and passed by the following vote:

AYES: 107

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Brattin	Burlison
Cierpiot	Conway 104	Cookson	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 046

Black	Burns	Butler	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Frame	Gardner	Harris	Hodges
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Rizzo	Runions	Schieffer
Schupp	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 008

Brown	Cornejo	May	Pierson	Roorda
Smith 85	Smith 120	White		

VACANCIES: 002

Speaker Jones declared the bill passed.

THIRD READING OF HOUSE BILLS

HCS HBs 256, 33 & 305, relating to the Open Meetings and Records Law, was taken up by Representative Jones (50).

On motion of Representative Jones (50), **HCS HBs 256, 33 & 305** was read the third time and passed by the following vote:

AYES: 148

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Burlison	Burns	Butler	Carpenter	Cierpiot
Conway 10	Cookson	Cox	Crawford	Cross
Curtis	Curtman	Davis	Diehl	Dohrman
Dugger	Dunn	Ellinger	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Molendorp	Montecillo	Morgan	Morris	Muntzel
Neth	Newman	Nichols	Norr	Otto
Pace	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 003

Colona	Ellington	Gardner
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PRESENT: 000

ABSENT WITH LEAVE: 010

Brown	Conway 104	Cornejo	May	Neely
Pierson	Roorda	Smith 85	Smith 120	White

VACANCIES: 002

Speaker Jones declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 150

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Cookson	Cox	Crawford
Cross	Curtis	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Molendorp	Montecillo	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Pace	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	Webber	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 002

Ellington	Gardner
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PRESENT: 000

ABSENT WITH LEAVE: 009

Brown	Conway 104	Cornejo	May	Pierson
Roorda	Smith 85	Smith 120	White	

VACANCIES: 002

HCS HBs 48 & 216, relating to photo identification to vote, was taken up by Representative Dugger.

Representative Dugger offered **House Perfecting Amendment No. 1**.

House Perfecting Amendment No. 1

AMEND House Committee Substitute for House Bill Nos. 48 & 216, Page 2, Section 115.427, Line 52, by deleting the date, "January 1, 1941" and inserting in lieu thereof the following:

"[January 1, 1941] **January 1, 1948**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Dugger, **House Perfecting Amendment No. 1** was adopted.

Representative Cox assumed the Chair.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 103

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Brattin	Burlison	Cierpiot	Cookson
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Elmer	Engler
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller
Molendorp	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake

Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 048

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Rizzo
Runions	Schieffer	Schupp	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 010

Barnes	Brown	Conway 104	Cornejo	May
Pierson	Roorda	Smith 85	Smith 120	White

VACANCIES: 002

Speaker Jones resumed the Chair.

On motion of Representative Dugger, **HCS HBs 48 & 216, as amended**, was read the third time and passed by the following vote:

AYES: 105

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Burlison	Cierpiot
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Morris	Muntzel
Neely	Neth	Parkinson	Pfausch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 048

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Rizzo
Runions	Schieffer	Schupp	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 008

Brown	Conway 104	May	Pierson	Roorda
Smith 85	Smith 120	White		

VACANCIES: 002

Speaker Jones declared the bill passed.

REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

The following House Concurrent Resolutions were referred to the Committee indicated:

HCR 13 - Health Care Policy
HCR 14 - Health Care Policy
HCR 15 - Health Care Policy
HCR 16 - Veterans
HCR 19 - General Laws

REFERRAL OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were referred to the Committee indicated:

HJR 3 - Ways and Means
HJR 6 - Special Standing Committee on Emerging Issues in Health Care
HJR 18 - Elections
HJR 25 - Ways and Means

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 52 - Insurance Policy
HB 53 - Insurance Policy
HB 54 - Elections
HB 68 - Children, Families, and Persons with Disabilities

HB 74 - Local Government
HB 90 - Insurance Policy
HB 100 - Health Care Policy
HB 101 - Children, Families, and Persons with Disabilities
HB 102 - Judiciary
HB 107 - Children, Families, and Persons with Disabilities
HB 159 - Veterans
HB 185 - Health Care Policy
HB 188 - Elections
HB 208 - Ways and Means
HB 219 - Elementary and Secondary Education
HB 230 - Crime Prevention and Public Safety
HB 231 - Transportation
HB 253 - International Trade
HB 261 - Elementary and Secondary Education
HB 262 - Health Care Policy
HB 263 - Health Care Policy
HB 290 - Professional Registration and Licensing
HB 292 - Elementary and Secondary Education
HB 295 - Elementary and Secondary Education
HB 324 - Judiciary
HB 330 - General Laws
HB 333 - Workforce Development and Workplace Safety
HB 336 - Elections
HB 338 - Insurance Policy
HB 343 - Children, Families, and Persons with Disabilities
HB 344 - Health Insurance
HB 346 - Health Insurance
HB 351 - Professional Registration and Licensing
HB 356 - General Laws
HB 380 - Economic Development
HB 382 - Crime Prevention and Public Safety
HB 384 - Professional Registration and Licensing
HB 387 - Professional Registration and Licensing
HB 402 - Children, Families, and Persons with Disabilities
HB 404 - Workforce Development and Workplace Safety
HB 406 - Downsizing State Government
HB 407 - Local Government
HB 419 - Special Standing Committee on Urban Issues
HB 422 - Ways and Means
HB 425 - Crime Prevention and Public Safety
HB 433 - Agri-Business
HB 443 - Special Standing Committee on Urban Issues
HB 445 - Transportation
HB 446 - Financial Institutions
HB 447 - Judiciary
HB 450 - Veterans

- HB 455** - Downsizing State Government
- HB 457** - Health Care Policy
- HB 460** - Special Standing Committee on Corrections
- HB 462** - Crime Prevention and Public Safety
- HB 464** - General Laws
- HB 470** - Elementary and Secondary Education
- HB 472** - Transportation
- HB 478** - Financial Institutions
- HB 479** - Financial Institutions
- HB 480** - Judiciary
- HB 487** - Emerging Issues in Agriculture
- HB 495** - Special Standing Committee on Small Business
- HB 496** - Special Standing Committee on Small Business
- HB 503** - Downsizing State Government
- HB 505** - Judiciary
- HB 513** - Children, Families, and Persons with Disabilities
- HB 515** - Children, Families, and Persons with Disabilities
- HB 521** - Ways and Means
- HB 526** - Emerging Issues in Agriculture

REFERRAL OF SENATE BILL

The following Senate Bill was referred to the Committee indicated:

SCS SBs 10 & 25 - General Laws

COMMITTEE REPORTS

Committee on Budget, Chairman Stream reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HB 14**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Economic Development, Chairman Zerr reporting:

Mr. Speaker: Your Committee on Economic Development, to which was referred **HB 158**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Utilities, Chairman Funderburk reporting:

Mr. Speaker: Your Committee on Utilities, to which was referred **HB 198**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Riddle reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HJR 11 & 7**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 55**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 388**, begs leave to report it has examined the same and recommends that it **Do Pass**.

INTRODUCTION OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were read the first time and copies ordered printed:

HJR 26, introduced by Representatives Richardson, Jones (50), Rhoads, Diehl, Elmer and Bahr, relating to parental rights.

HJR 27, introduced by Representatives Hicks, Reiboldt, McGaugh, Lant, Schieffer, Rowden, Fitzwater, Ross, Miller, Rhoads, Wilson, Love, Remole, Muntzel, Hurst, Morris, Korman, McKenna, Pogue and Cornejo, relating to the right to hunt and fish.

INTRODUCTION OF HOUSE BILLS - APPROPRIATIONS

The following House Bills were read the first time and copies ordered printed:

HB 1, introduced by Representative Stream, to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund, and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014.

HB 2, introduced by Representative Stream, to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014.

HB 3, introduced by Representative Stream, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014.

HB 4, introduced by Representative Stream, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014.

HB 5, introduced by Representative Stream, to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Conservation, the Department of Public Safety, the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014.

HB 6, introduced by Representative Stream, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2013 and ending June 30, 2014.

HB 7, introduced by Representative Stream, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014.

HB 8, introduced by Representative Stream, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014.

HB 9, introduced by Representative Stream, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2013 and ending June 30, 2014.

HB 10, introduced by Representative Stream, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014.

HB 11, introduced by Representative Stream, to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014.

HB 12, introduced by Representative Stream, to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2013 and ending June 30, 2014.

HB 13, introduced by Representative Stream, to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 596, introduced by Representatives Wright, Lair, Thomson, McNeil and Montecillo, relating to prekindergarten programs.

HB 597, introduced by Representative Spencer, relating to protective headgear for operation of motorcycles and motortricycles.

HB 598, introduced by Representative Guernsey, relating to chiropractic services.

HB 599, introduced by Representatives Berry, Runions, Torpey, Molendorp, Shull, Solon, Swearingen, LaFaver, Rizzo, Schieffer, Cross, Davis, Brown, Hansen, Neely, Spencer, Higdon, Curtman, Kolkmeier, Pike, Lynch, Pfautsch, Guernsey, Reiboldt, Brattin, Carpenter, Mayfield, Anders, Mims, Ellington, Morgan, Dunn, McCann Beatty, McManus, Lauer, Schieber, Rowland, Houghton, Frederick, Scharnhorst, Bahr, Hoskins, Jones (50), Conway (104), Cierpiot, Kelley (127), Richardson and Wood, relating to donations by motor vehicle registration applicants.

HB 600, introduced by Representatives Kelly (45), Jones (110), Jones (50), Webber, Wright and Rowden, relating to public records and meetings.

HB 601, introduced by Representatives Richardson, Cierpiot and Jones (50), relating to broadband and communications deployment.

HB 602, introduced by Representatives Dohrman, Hoskins, Cox, Pike, McGaugh, Neely, Kolkmeier, Muntzel, Brown, Pfautsch, Swan, Miller, Lair, Walker, Hansen, Anderson and Wood, relating to property tax collections.

HB 603, introduced by Representatives Jones (110), Cookson, Barnes, Cierpiot, Koenig, Burlison, Scharnhorst, Funderburk, Hubbard, Parkinson, Swan, Hicks, Spencer, Diehl, Bahr and Haahr, relating to intervention options for struggling schools.

HB 604, introduced by Representative Phillips, relating to natural resources.

HB 605, introduced by Representatives McGaugh, Spencer, Kolkmeier, Pike, Dohrman, Remole, Dugger, Neely, Cox and Entlicher, relating to voter registration.

HB 606, introduced by Representatives Rowden, Wood, Fitzpatrick, Jones (50), Sommer, Richardson, Lynch, Hansen, Muntzel, Guernsey, Curtis, Rhoads and McKenna, relating to low-profit limited liability companies.

HB 607, introduced by Representatives Curtman, Schieber, Fitzpatrick, Brattin, Koenig, Bahr, Berry, Lynch, Cox, Fowler and White, relating to income tax.

HB 608, introduced by Representatives Frederick, Houghton, Neely, White, Franklin, Cierpiot, Lichtenegger, Flanigan, Schatz, Berry, Conway (104), Stream, Allen, Scharnhorst, Koenig and Kelly (45), relating to a MO HealthNet benefits pilot project.

HB 609, introduced by Representatives Miller, Jones (50), Rhoads, Hinson, Kolkmeier, Lynch and Johnson, relating to driver's license qualifications.

HB 610, introduced by Representatives Gosen, Gatschenberger, Hansen and Wieland, relating to captive insurance companies.

HB 611, introduced by Representative Lant, relating to unemployment compensation.

HB 612, introduced by Representatives Lichtenegger and Walker, relating to natural disaster ordinances.

HB 613, introduced by Representatives Lichtenegger, Kirkton and Walker, relating to the Missouri oral health program.

HB 614, introduced by Representatives Webber, Jones (50), Rowden, Elmer, Barnes, Kelly (45), Richardson, Lant, Roorda, Kratky, Colona, McManus, Montecillo, Webb, Wright, Cornejo, Funderburk, Nichols, Zerr, Hinson, Torpey, Black, Fitzpatrick, Molendorp and Haefner, relating to workers' compensation.

HB 615, introduced by Representatives Webber, Torpey, Engler, Zerr, Solon, May, Carpenter, Pace, Walton Gray, Swearingen, Morgan, Wright, Anders, Kratky, Englund, Kirkton, Meredith, Butler, Mims, Dunn, LaFaver, English, Webb, Montecillo, Schupp, Hodges, Burns, Runions, McManus, Colona, McDonald, Nichols, Norr, Conway (10), Mitten, McNeil, Rizzo, Otto, Schieffer, Kelly (45), Walker, Ellinger, Smith (85), McCann Beatty, Ellington, Hummel, Pierson, Curtis and Gardner, relating to discrimination based on sexual orientation or gender identity.

HB 616, introduced by Representatives Bahr, Jones (110), Koenig, Funderburk, Spencer, Lant, Scharnhorst, Curtman, Brattin, Parkinson, Fraker, Marshall, Crawford, Fitzwater, Jones (50) and Diehl, relating to the Common Core Standards Initiative.

HB 617, introduced by Representatives Parkinson and Webb, relating to the sale of cottage foods.

HB 618, introduced by Representatives Fraker and Redmon, relating to the state parks.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS #2 SCS SB 1**, entitled:

An act to repeal sections 287.020, 287.067, 287.120, 287.140, 287.200, 287.210, 287.220, 287.610, 287.690, 287.715, and 287.745, RSMo, and to enact in lieu thereof eleven new sections relating to workers' compensation, with an existing penalty provision and an emergency clause for certain sections.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 12**, entitled:

An act to amend chapter 537, RSMo, by adding thereto one new section relating to civil liability immunity for court appointed attorneys, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 17**, entitled:

An act to repeal section 178.550, RSMo, and to enact in lieu thereof one new section relating to career and technical education.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 28**, entitled:

An act to repeal sections 288.030 and 288.050, RSMo, and to enact in lieu thereof two new sections relating to disqualification from unemployment benefits.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 42**, entitled:

An act to repeal sections 221.070, 313.321, 488.5028, and 571.104, RSMo, and to enact in lieu thereof five new sections relating to delinquent debts for the cost of imprisonment in a county jail.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 43**, entitled:

An act to repeal section 304.180, RSMo, and to enact in lieu thereof one new section relating to compliance with federal law regarding the weight allowance for idle reduction technology.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 51**, entitled:

An act to repeal sections 301.301 and 307.400, RSMo, and to enact in lieu thereof two new sections relating to regulation of motor vehicles, with existing penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 86**, entitled:

An act to repeal section 105.684, RSMo, and to enact in lieu thereof one new section relating to the retirement plan funded ratio needed for adjustments in benefits, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 106**, entitled:

An act to amend chapters 173, 192, and 324, RSMo, by adding thereto three new sections relating to current and former military personnel.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 110**, entitled:

An act to amend chapter 452, RSMo, by adding thereto one new section relating to child custody and visitation for military personnel.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 117**, entitled:

An act to repeal sections 8.012 and 253.048, RSMo, and to enact in lieu thereof three new sections relating to military affairs.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 139**, entitled:

An act to repeal sections 610.010, 610.015, 610.020, 610.021, 610.022, 610.023, and 610.027, RSMo, and to enact in lieu thereof seven new sections relating to public records and meetings, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 197**, entitled:

An act to repeal sections 199.170, 199.180, 199.190, 199.200, 199.210, 199.240, 199.250, 199.260, and 199.270, RSMo, and to enact in lieu thereof twelve new sections relating to tuberculosis testing, with penalty provisions.

In which the concurrence of the House is respectfully requested.

COMMITTEE APPOINTMENTS

February 14, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol, Room 306C
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Gina Mitten and Representative Mike Colona to serve on the Joint Committee on Administrative Rules.

If you have any questions, please do not hesitate to contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

February 14, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol, Room 306C
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Jeremy LaFaver to serve on the Joint Committee on Capital Improvements and Leases Oversight.

If you have any questions, please do not hesitate to contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

February 14, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol, Room 306C
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Brandon Ellington and Representative Penny Hubbard to serve on the Joint Committee on Corrections.

If you have any questions, please do not hesitate to contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

February 14, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol, Room 306C
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Mike Colona to serve on the Joint Legislative Committee on Court Automation.

If you have any questions, please do not hesitate to contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

February 14, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol, Room 306C
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Keith English to serve on the Joint Committee on Gaming and Wagering.

If you have any questions, please do not hesitate to contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

February 14, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol, Room 306C
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative John Mayfield and Representative Rochelle Walton Gray to serve on the Joint Committee on Government Accountability.

If you have any questions, please do not hesitate to contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

February 14, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol, Room 306C
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Tommie Pierson, Representative Kimberly Gardner and Representative Tom McDonald to serve on the Joint Committee on Legislative Research.

If you have any questions, please do not hesitate to contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

February 14, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol, Room 306C
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Charlie Norr and Representative John Wright to serve on the Joint Committee on Missouri's Promise.

If you have any questions, please do not hesitate to contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

February 14, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol, Room 306C
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Joe Runions to serve on the Joint Committee on Public Employee Retirement.

If you have any questions, please do not hesitate to contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

WITHDRAWAL OF HOUSE BILL

February 12, 2013

The Honorable Tim Jones
Speaker of the House
State Capitol
201 West Capitol Avenue
Jefferson City, MO 65101

Dear Mr. Speaker:

I would like to withdraw **House Bill No. 245**, genetically modified food and food products – LR#0458L.01I.

Gratefully,

/s/ Brandon Ellington
Missouri State Representative
District 22

The following member's presence was noted: Roorda.

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Friday, February 15, 2013.

COMMITTEE HEARINGS

AGRICULTURE POLICY

Tuesday, February 19, 2013, 1:00 PM House Hearing Room 6.

Public hearing will be held: HB 56

Executive session may be held on any matter referred to the committee.

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Tuesday, February 19, 2013, 2:00 PM House Hearing Room 4.

Executive session may be held on any matter referred to the committee.

Markup on HB 6

APPROPRIATIONS - EDUCATION

Tuesday, February 19, 2013, 2:00 PM House Hearing Room 1.

Executive session may be held on any matter referred to the committee.

Markup

APPROPRIATIONS - EDUCATION

Wednesday, February 20, 2013, 2:00 PM House Hearing Room 1.

Executive session may be held on any matter referred to the committee.

Markup, continued

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Friday, February 15, 2013, 10:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Completion of DSS budget presentation, if necessary

CANCELLED

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Thursday, February 21, 2013, 9:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Markup of HB 10 and HB 11

CORRECTED

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, February 19, 2013, 2:00 PM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Hear reports from sub-committees

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, February 20, 2013, 2:00 PM House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

Committee appropriation markups

APPROPRIATIONS - REVENUE, TRANSPORTATION, AND ECONOMIC DEVELOPMENT

Tuesday, February 19, 2013, 8:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Markup for House Bill 4 and House Bill 7

APPROPRIATIONS - REVENUE, TRANSPORTATION, AND ECONOMIC DEVELOPMENT

Wednesday, February 20, 2013, 2:00 PM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

Markup for House Bill 4 and House Bill 7

CHILDREN, FAMILIES, AND PERSONS WITH DISABILITIES

Tuesday, February 19, 2013, 12:00 PM or Upon Adjournment House Hearing Room 1.

Public hearing will be held: HB 402, HB 513, HB 343

Executive session will be held: HB 288, HB 252

Executive session may be held on any matter referred to the committee.

CRIME PREVENTION AND PUBLIC SAFETY

Monday, February 18, 2013, 1:00 PM House Hearing Room 6.

Public hearing will be held: HB 247, HB 425

Executive session will be held: HB 35, HB 307, HB 335, HB 362, HJR 16

Executive session may be held on any matter referred to the committee.

ECONOMIC DEVELOPMENT

Tuesday, February 19, 2013, 5:00 PM House Hearing Room 7.

Public hearing will be held: HB 221, HB 389

Executive session may be held on any matter referred to the committee.

ELECTIONS

Tuesday, February 19, 2013, 8:15 AM House Hearing Room 5.

Public hearing will be held: HB 113, HB 235

Executive session may be held on any matter referred to the committee.

FINANCIAL INSTITUTIONS

Wednesday, February 20, 2013, 12:00 PM House Hearing Room 4.

Public hearing will be held: HB 446, HB 479

Executive session will be held: HB 446

Executive session may be held on any matter referred to the committee.

HEALTH CARE POLICY

Wednesday, March 13, 2013, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 47, HB 72, HB 257, HB 274

Executive session may be held on any matter referred to the committee.

CANCELLED

HIGHER EDUCATION

Tuesday, February 19, 2013, 8:30 AM House Hearing Room 6.

Executive session will be held: HB 168, HB 312

Executive session may be held on any matter referred to the committee.

INSURANCE POLICY

Monday, February 18, 2013, Upon Afternoon Adjournment House Hearing Room 1.

Public hearing will be held: HB 53, HB 58, HB 90

Executive session will be held: HB 322, HB 339

Executive session may be held on any matter referred to the committee.

AMENDED

INSURANCE POLICY

Monday, March 4, 2013, 12:30 PM 4700 S Providence Road, Columbia, MO.

Executive session may be held on any matter referred to the committee.

Informational meeting

LOCAL GOVERNMENT

Monday, February 18, 2013, 1:00 PM House Hearing Room 5.

Public hearing will be held: HB 28, HB 138, HB 45, HB 66, HB 234, HB 74, HB 60

Executive session may be held on any matter referred to the committee.

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, February 20, 2013, Noon or Upon Morning Adjournment House Hearing Room 5.

Public hearing will be held: HB 290, HB 384

Executive session may be held on any matter referred to the committee.

RULES

Monday, February 18, 2013, Upon Afternoon Adjournment South Gallery.

Executive session will be held: HCS HB 158, HJR 4, HCS HB 198, HB 133, HJR 8, HB 163,

HCS HB 128, HB 329, HB 85, HCS HB 176, HB 212

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON CORRECTIONS

Wednesday, February 20, 2013, 5:00 PM or Upon Afternoon Adjournment House Hearing Room 1.

Public hearing will be held: HB 326, HB 354

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON URBAN ISSUES

Monday, February 18, 2013, 5:00 PM or Upon Afternoon Adjournment House Hearing Room 5.

Public hearing will be held: HB 224, HB 285, HB 443

Executive session may be held on any matter referred to the committee.

AMENDED

TOURISM AND NATURAL RESOURCES

Monday, February 18, 2013, 6:00 PM or Upon Adjournment
Committee dinner, 2125 Missouri Blvd., Jefferson City, MO

TRANSPORTATION

Tuesday, February 19, 2013, 12:00 PM House Hearing Room 7.
Public hearing will be held: HJR 23
Executive session may be held on any matter referred to the committee.

VETERANS

Tuesday, February 19, 2013, 8:00 AM House Hearing Room 1.
Public hearing will be held: HB 159, HB 450, HCR 16
Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

TWENTY-SECOND DAY, FRIDAY, FEBRUARY 15, 2013

HOUSE JOINT RESOLUTIONS FOR SECOND READING

HJR 26 and HJR 27

HOUSE BILLS FOR SECOND READING - APPROPRIATIONS

HB 1 through HB 13

HOUSE BILLS FOR SECOND READING

HB 596 through HB 618

HOUSE JOINT RESOLUTIONS FOR PERFECTION

HCS HJR 11 & 7 - Reiboldt

HOUSE BILLS FOR PERFECTION

- 1 HB 44 - Korman
- 2 HB 55 - Flanigan
- 3 HCS HB 388 - Swan

SENATE BILLS FOR SECOND READING

- 1 SS#2 SCS SB 1
- 2 SB 12
- 3 SCS SB 17
- 4 SS SB 28
- 5 SCS SB 42
- 6 SB 43
- 7 SB 51
- 8 SCS SB 86
- 9 SCS SB 106
- 10 SB 110
- 11 SCS SB 117
- 12 SB 139
- 13 SB 197

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

TWENTY-SECOND DAY, FRIDAY, FEBRUARY 15, 2013

The House met pursuant to adjournment.

Representative Barnes in the Chair.

Prayer by Representative Kelly (45).

Lord of our Fathers,

Your wisdom is manifest in the designation of pride as a deadly sin.

When, as yesterday, we fail – as I did – to restrain our rhetoric, we fail in our obligations to You and to the Body.

We are grateful to You for Your love and forgiveness, even in the face of our weakness. Amen.

The Pledge of Allegiance to the flag was recited.

SECOND READING OF HOUSE JOINT RESOLUTIONS

HJR 26 and **HJR 27** were read the second time.

SECOND READING OF HOUSE BILLS - APPROPRIATIONS

HB 1 through **HB 13** were read the second time.

SECOND READING OF HOUSE BILLS

HB 596 through **HB 618** were read the second time.

SECOND READING OF SENATE BILLS

SS#2 SCS SB 1, SB 12, SCS SB 17, SS SB 28, SCS SB 42, SB 43, SB 51, SCS SB 86, SCS SB 106, SB 110, SCS SB 117, SB 139 and SB 197 were read the second time.

REFERRAL OF HOUSE BILLS - APPROPRIATIONS

The following House Bills were referred to the Committee indicated:

HB 1 - Budget
HB 2 - Budget
HB 3 - Budget
HB 4 - Budget
HB 5 - Budget
HB 6 - Budget
HB 7 - Budget
HB 8 - Budget
HB 9 - Budget
HB 10 - Budget
HB 11 - Budget
HB 12 - Budget
HB 13 - Budget

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 565 - Professional Registration and Licensing
HB 611 - Workforce Development and Workplace Safety

COMMITTEE REPORT

Committee on Agri-Business, Chairman Guernsey reporting:

Mr. Speaker: Your Committee on Agri-Business, to which was referred **HB 46**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 619, introduced by Representatives Ellinger, Walton Gray, Swearingen and Rizzo, relating to first degree murder.

HB 620, introduced by Representative Barnes, relating to tax credits.

HB 621, introduced by Representatives McCaherty, Wieland, Gannon and Cross, relating to port facilities.

HB 622, introduced by Representatives McCaherty, Cross and Wieland, relating to the manufacturing jobs act.

COMMUNICATION

February 15, 2013

The Honorable Timothy W. Jones, Speaker
Missouri House of Representatives
201 West Capitol Avenue, Room 308
Jefferson City, Missouri 65101

Dear Mr. Speaker:

Pursuant to Rule 25(1)(e), your Committee on Administration and Accounts approved the following Issue Development Standing Committees on February 14, 2013:

- 1) Leadership for Missouri Issue Development Standing Committee
- 2) Oral Health Issue Development Standing Committee
- 3) Wetlands Management Issue Development Standing Committee

Please publish this letter in the Journal of the House, along with the attached roster of appointed members.

Sincerely,

/s/ Dwight Scharnhorst
Administration and Accounts, Chair
District 98

COMMITTEE APPOINTMENTS

LEADERSHIP FOR MISSOURI ISSUE DEVELOPMENT STANDING COMMITTEE

Mike Bernskoetter, Chair
Mike Cierpiot, Vice-Chair
Sandy Crawford
John Diehl
Timothy W. Jones
Shelley Keeney
Jeanie Riddle
Dwight Scharnhorst
Jason Smith
Rick Stream

ORAL HEALTH ISSUE DEVELOPMENT STANDING COMMITTEE

Donna Lichtenegger, Chair
Jeanne Kirkton, Co-Chair
Sonya Anderson
Mike Bernskoetter
TJ Berry
Eric Burlison

Mike Cierpiot
Kathie Conway
Stan Cox
Gary Cross
Sue Entlicher
Scott Fitzpatrick
Dennis Fowler
Lyndall Fraker
Kent Hampton
Elijah Haahr
Marsha Haefner
Denny Hoskins
Thomas Hurst
Delus Johnson
Jeff Justus
Chris Kelly
Bart Korman
Warren Love
John McCaherty
Jeffrey Messenger
Chris Molendorp
Don Phillips
Holly Rehder
Bill Reiboldt
Lyle Rowland
Jill Schupp
Lindell Shumake
Nate Walker
Paul Wieland
Ken Wilson

WETLANDS MANAGEMENT ISSUE DEVELOPMENT STANDING COMMITTEE

Kevin Elmer, Chair
Lincoln Hough, Vice-Chair
Kevin Austin
Kevin Engler
Elijah Haahr
Dave Hinson
Denny Hoskins
Bart Korman
Clem Smith

The following members' presence was noted: Berry, Black, Frame, Gatschenberger, Houghton, Kelley (127), Lair, Mayfield and Muntzel.

ADJOURNMENT

On motion of Representative Barnes, the House adjourned until 4:00 p.m., Monday, February 18, 2013.

COMMITTEE HEARINGS

AGRICULTURE POLICY

Tuesday, February 19, 2013, 1:00 PM House Hearing Room 6.

Public hearing will be held: HB 56

Executive session may be held on any matter referred to the committee.

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Tuesday, February 19, 2013, 2:00 PM House Hearing Room 4.

Executive session may be held on any matter referred to the committee.

Markup on HB 6

APPROPRIATIONS - EDUCATION

Tuesday, February 19, 2013, 2:00 PM House Hearing Room 1.

Executive session may be held on any matter referred to the committee.

Markup

APPROPRIATIONS - EDUCATION

Wednesday, February 20, 2013, 2:00 PM House Hearing Room 1.

Executive session may be held on any matter referred to the committee.

Markup, continued

APPROPRIATIONS - GENERAL ADMINISTRATION

Tuesday, February 19, 2013, Upon Morning Adjournment House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Markup and reporting of House Bills 1, 5, 12, and 13

Hearing will last until 2:00 PM. If business is unfinished, committee will reconvene at 5:00 PM.

APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, February 20, 2013, Upon Morning Adjournment House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Markup and reporting of House Bills 1, 5, 12, and 13 (if needed)

Hearing will last until 2:00 PM. If business is unfinished, committee will reconvene at 5:00 PM.

Hearing may be cancelled if business is completed on Tuesday, February 19.

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Thursday, February 21, 2013, 9:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Markup of HB 10 and HB 11

CORRECTED

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, February 19, 2013, 2:00 PM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Hear reports from sub-committees

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, February 20, 2013, 2:00 PM House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

Committee appropriation markups

APPROPRIATIONS - REVENUE, TRANSPORTATION, AND ECONOMIC DEVELOPMENT

Tuesday, February 19, 2013, 8:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Markup for House Bill 4 and House Bill 7

APPROPRIATIONS - REVENUE, TRANSPORTATION, AND ECONOMIC DEVELOPMENT

Wednesday, February 20, 2013, 2:00 PM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

Markup for House Bill 4 and House Bill 7

CHILDREN, FAMILIES, AND PERSONS WITH DISABILITIES

Tuesday, February 19, 2013, 12:00 PM or Upon Adjournment House Hearing Room 1.

Public hearing will be held: HB 402, HB 513, HB 343

Executive session will be held: HB 288, HB 252

Executive session may be held on any matter referred to the committee.

CRIME PREVENTION AND PUBLIC SAFETY

Monday, February 18, 2013, 1:00 PM House Hearing Room 6.

Public hearing will be held: HB 247, HB 425

Executive session will be held: HB 35, HB 307, HB 335, HB 362, HJR 16

Executive session may be held on any matter referred to the committee.

ECONOMIC DEVELOPMENT

Tuesday, February 19, 2013, 5:00 PM House Hearing Room 7.

Public hearing will be held: HB 221, HB 389

Executive session may be held on any matter referred to the committee.

ECONOMIC DEVELOPMENT

Thursday, February 21, 2013, 8:00 AM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

The committee will conduct an executive session.

ELECTIONS

Tuesday, February 19, 2013, 8:15 AM House Hearing Room 5.

Public hearing will be held: HB 113, HB 235

Executive session may be held on any matter referred to the committee.

FINANCIAL INSTITUTIONS

Wednesday, February 20, 2013, 12:00 PM House Hearing Room 4.

Public hearing will be held: HB 446, HB 479

Executive session will be held: HB 446

Executive session may be held on any matter referred to the committee.

HEALTH CARE POLICY

Wednesday, February 20, 2013, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 257, HB 274, HCR 17

Executive session may be held on any matter referred to the committee.

HEALTH CARE POLICY

Wednesday, March 13, 2013, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 47, HB 72, HB 257, HB 274

Executive session may be held on any matter referred to the committee.

CANCELLED

HEALTH INSURANCE

Tuesday, February 19, 2013, 12:00 PM House Hearing Room 5.

Public hearing will be held: HB 315, HB 344, HB 346

Executive session may be held on any matter referred to the committee.

HIGHER EDUCATION

Tuesday, February 19, 2013, 8:30 AM House Hearing Room 6.

Executive session will be held: HB 168, HB 312

Executive session may be held on any matter referred to the committee.

INSURANCE POLICY

Monday, February 18, 2013, Upon Afternoon Adjournment House Hearing Room 1.

Public hearing will be held: HB 53, HB 58, HB 90

Executive session will be held: HB 322, HB 339

Executive session may be held on any matter referred to the committee.

AMENDED

INSURANCE POLICY

Monday, March 4, 2013, 12:30 PM 4700 S Providence Road, Columbia, MO.

Executive session may be held on any matter referred to the committee.

Informational meeting

LOCAL GOVERNMENT

Monday, February 18, 2013, 1:00 PM House Hearing Room 5.

Public hearing will be held: HB 28, HB 138, HB 45, HB 66, HB 234, HB 74, HB 60

Executive session may be held on any matter referred to the committee.

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, February 20, 2013, Noon or Upon Morning Adjournment House Hearing Room 5.

Public hearing will be held: HB 290, HB 384

Executive session may be held on any matter referred to the committee.

RULES

Monday, February 18, 2013, Upon Afternoon Adjournment South Gallery.

Executive session will be held: HCS HB 158, HJR 4, HCS HB 198, HB 133, HJR 8, HB 163,

HCS HB 128, HB 329, HB 85, HCS HB 176, HB 212

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON CORRECTIONS

Wednesday, February 20, 2013, 5:00 PM or Upon Afternoon Adjournment House Hearing Room 1.

Public hearing will be held: HB 326, HB 354

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON URBAN ISSUES

Monday, February 18, 2013, 5:00 PM or Upon Afternoon Adjournment House Hearing Room 5.

Public hearing will be held: HB 224, HB 285, HB 443

Executive session may be held on any matter referred to the committee.

AMENDED

TOURISM AND NATURAL RESOURCES

Monday, February 18, 2013, 6:00 PM or Upon Adjournment.

Committee dinner, 2125 Missouri Blvd., Jefferson City, MO

TRANSPORTATION

Tuesday, February 19, 2013, 12:00 PM House Hearing Room 7.

Public hearing will be held: HJR 23

Executive session may be held on any matter referred to the committee.

VETERANS

Tuesday, February 19, 2013, 8:00 AM House Hearing Room 1.

Public hearing will be held: HB 159, HB 450, HCR 16

Executive session may be held on any matter referred to the committee.

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Monday, February 18, 2013, 1:00 PM House Hearing Room 1.

Public hearing will be held: HB 453

Executive session may be held on any matter referred to the committee.

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Wednesday, February 20, 2013, 8:00 AM House Hearing Room 5.

Public hearing will be held: HB 611

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

TWENTY-THIRD DAY, MONDAY, FEBRUARY 18, 2013

HOUSE BILLS FOR SECOND READING

HB 619 through HB 622

HOUSE JOINT RESOLUTIONS FOR PERFECTION

HCS HJR 11 & 7 - Reiboldt

HOUSE BILLS FOR PERFECTION

- 1 HB 44 - Korman
- 2 HB 55 - Flanigan
- 3 HCS HB 388 - Swan

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

TWENTY-THIRD DAY, MONDAY, FEBRUARY 18, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Pastor Paul Meinsen.

The heavens will praise Your wonders, O LORD; Your faithfulness also in the assembly of the holy ones. For who in the skies is comparable to the LORD? Who among the sons of the mighty is like the LORD, a God greatly feared in the council of the holy ones, and awesome above all those who are around Him? O LORD God of hosts, who is like You, O mighty LORD? (Psalm 89:5-8a)

We give you much thanks, Father, for another day in which to be of service to You; another day to bring glory to Your Holy Name.

I pray this afternoon on behalf of these men and women before me asking You to grant them the wisdom they need to lead and serve the people of this great state.

Your servant, King Solomon, needed to know how to lead the kingdom You had given to him. And things have not changed in the past 3000 years. All who are in positions of leadership and authority, Father, are still in need of wisdom from You—wisdom to govern, lead and serve so great a people.

I pray today then that You will give freely and generously that which is needed. Let each one know what is right, according to the Scripture You have given us.

Let each one have the fortitude to do that which is right and to do so with a spirit of humility and grace. May we all set aside personal agendas and honor for the good of those we have been called to serve. May we all learn to fear You and You alone. Please, draw each one unto Yourself.

We call upon You in this prayer. Please answer and glorify Yourself. To the honor of Your name, O Lord, I pray in Your Son's name. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Macey Hurst, Hayden Hurst and Emma Hurst.

The Journal of the twenty-first day was approved as printed by the following vote:

AYES: 153

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo

Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeier	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Montecillo	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Pace	Parkinson	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 85	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Black	Grisamore	Hodges	May	McManus
Molendorp	Schatz	Smith 120		

VACANCIES: 002

The Journal of the twenty-second day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 436 through House Resolution No. 446

SECOND READING OF HOUSE BILLS

HB 619 through **HB 622** were read the second time.

REFERRAL OF HOUSE CONCURRENT RESOLUTION

The following House Concurrent Resolution was referred to the Committee indicated:

HCR 20 - General Laws

REFERRAL OF HOUSE JOINT RESOLUTION

The following House Joint Resolution was referred to the Committee indicated:

HJR 15 - General Laws

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 70 - General Laws
HB 92 - General Laws
HB 187 - General Laws
HB 209 - General Laws
HB 276 - General Laws
HB 350 - General Laws
HB 379 - General Laws
HB 390 - General Laws
HB 392 - General Laws
HB 420 - General Laws
HB 431 - General Laws
HB 436 - General Laws
HB 485 - General Laws
HB 494 - General Laws
HB 533 - General Laws
HB 545 - General Laws
HB 579 - General Laws
HB 591 - Special Standing Committee on Urban Issues
HB 603 - Elementary and Secondary Education

RE-REFERRAL OF HOUSE BILL

The following House Bill was re-referred to the Committee indicated:

HB 324 - Health Care Policy

COMMITTEE REPORTS

Committee on Crime Prevention and Public Safety, Chairman Hinson reporting:

Mr. Speaker: Your Committee on Crime Prevention and Public Safety, to which was referred **HJR 16**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Crime Prevention and Public Safety, to which was referred **HB 335**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Veterans, Chairman Davis reporting:

Mr. Speaker: Your Committee on Veterans, to which was referred **HB 148**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Ways and Means, Chairman Koenig reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 178**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Riddle reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HJR 8**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 158**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 198**, begs leave to report it has examined the same and recommends that it **Do Pass**.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 623, introduced by Representatives Sommer, Gatschenberger, Reiboldt and McDonald, relating to the brain injury fund.

HB 624, introduced by Representatives Ellinger, English, Walton Gray, Smith (85), Schieffer, Kelly (45) and Burns, relating to sexual offender registration.

HB 625, introduced by Representative Burlison, relating to collaborative practice arrangements.

HB 626, introduced by Representatives McNeil, Morgan, English, Schupp, Ellinger, Smith (85) and Kirkton, relating to school district accreditation.

HB 627, introduced by Representatives Hummel, Kirkton, McCann Beatty, Rizzo, Webb, Burns, Butler, McKenna, Schieffer, Schupp, Mayfield, Roorda, English, Mitten, LaFaver, McNeil, McManus, Ellington, Montecillo, Morgan, Kelly (45), Conway (10), Gardner, Englund, Kratky, Dunn, Newman, Pierson, Wright, Ellinger, Webber, Smith (85), Runions, Mims, Pace, Hubbard, Carpenter, Walton Gray, Curtis, Colona, Meredith, Nichols, Swearingen, Hodges, Harris, Norr, Otto and Frame, relating to the MO HealthNet program.

HB 628, introduced by Representatives McNeil, Wright, English, Morgan, Schupp and Kelly (45), relating to an income tax deduction for certain tuition costs.

HB 629, introduced by Representatives Kelly (45), Webber, Mayfield, Pace, Torpey, Barnes, Runions, Morgan, Swearingen and Ellinger, relating to the University of Missouri board of curators.

HB 630, introduced by Representatives McCaherty, Cross and Wieland, relating to the manufacturing jobs act.

HB 631, introduced by Representatives Elmer, Jones (110), Cookson, Barnes and Jones (50), relating to educator quality.

HB 632, introduced by Representatives Dunn, Pierson, English, Mims, Curtis, Hicks, Butler, Otto, Mitten, Mayfield, McCann Beatty, Hummel, Montecillo, Webb, Pace and Smith (85), relating to the designation of Alpha Phi Alpha day.

HB 633, introduced by Representative Leara, relating to restrictive legislation.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 58**, entitled:

An act to amend chapter 77, RSMo, by adding thereto one new section relating to the passage of ordinances in the city of Farmington.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 77**, entitled:

An act to repeal section 210.278, RSMo, and to enact in lieu thereof one new section relating to neighborhood youth development programs.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 80**, entitled:

An act to repeal section 344.040, RSMo, and to enact in lieu thereof one new section relating to the notification of license renewal for nursing home administrators.

In which the concurrence of the House is respectfully requested.

WITHDRAWAL OF HOUSE BILL

February 18, 2013

The Honorable Tim Jones
Speaker of the House
State Capitol, Room 308
Jefferson City, MO 65101

Dear Speaker Jones:

Due to a technical error, I respectfully request that **House Bill No. 622** be withdrawn from consideration.

Sincerely,

/s/ Rep. John C. McCaherty
District 97

The following members' presence was noted: Black, Grisamore, Hodges, McManus, Molendorp and Schatz.

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Tuesday, February 19, 2013.

COMMITTEE HEARINGS

AGRICULTURE POLICY

Tuesday, February 19, 2013, 1:00 PM House Hearing Room 6.

Public hearing will be held: HB 56

Executive session may be held on any matter referred to the committee.

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Tuesday, February 19, 2013, 2:00 PM House Hearing Room 4.

Executive session may be held on any matter referred to the committee.

Markup on HB 6

APPROPRIATIONS - EDUCATION

Tuesday, February 19, 2013, 2:00 PM House Hearing Room 1.

Executive session may be held on any matter referred to the committee.

Markup

APPROPRIATIONS - EDUCATION

Wednesday, February 20, 2013, 2:00 PM House Hearing Room 1.

Executive session may be held on any matter referred to the committee.

Markup, continued

APPROPRIATIONS - GENERAL ADMINISTRATION

Tuesday, February 19, 2013, Upon Morning Adjournment House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Markup and reporting of House Bills 1, 5, 12, and 13.

Hearing will last until 2:00 PM. If business is unfinished, committee will reconvene at 5:00 PM.

APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, February 20, 2013, Upon Morning Adjournment House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Markup and reporting of House Bills 1, 5, 12, and 13, (if needed)

Hearing will last until 2:00 PM. If business is unfinished, committee will reconvene at 5:00 PM.

Hearing may be cancelled if business is completed on Tuesday, February 19.

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Wednesday, February 20, 2013, 2:00 PM House Hearing Room 5.

Executive session may be held on any matter referred to the committee.

Committee discussion and work session

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Thursday, February 21, 2013, 9:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Markup of HB 10 and HB 11

CORRECTED

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, February 19, 2013, 2:00 PM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Hear reports from sub-committees

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, February 20, 2013, 2:00 PM House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

Committee appropriation markups

APPROPRIATIONS - REVENUE, TRANSPORTATION, AND ECONOMIC DEVELOPMENT

Tuesday, February 19, 2013, 8:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Markup for House Bill 4 and House Bill 7

APPROPRIATIONS - REVENUE, TRANSPORTATION, AND ECONOMIC DEVELOPMENT

Wednesday, February 20, 2013, 2:00 PM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

Markup for House Bill 4 and House Bill 7

CHILDREN, FAMILIES, AND PERSONS WITH DISABILITIES

Tuesday, February 19, 2013, 12:00 PM or upon adjournment House Hearing Room 1.

Public hearing will be held: HB 402, HB 513, HB 343

Executive session will be held: HB 288, HB 252

Executive session may be held on any matter referred to the committee.

ECONOMIC DEVELOPMENT

Tuesday, February 19, 2013, 5:00 PM House Hearing Room 7.

Public hearing will be held: HB 221, HB 389

Executive session may be held on any matter referred to the committee.

ECONOMIC DEVELOPMENT

Thursday, February 21, 2013, 8:00 AM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

The committee will conduct an executive session.

ELECTIONS

Tuesday, February 19, 2013, 8:15 AM House Hearing Room 5.

Public hearing will be held: HB 113, HB 235

Executive session may be held on any matter referred to the committee.

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, February 20, 2013, 8:00 AM House Hearing Room 6.

Public hearing will be held: HB 179, HB 458

Executive session may be held on any matter referred to the committee.

8:00-8:30 AM Presentation on Virtual Schools

8:30-9:10 AM HB 179

9:10-9:50 AM HB 458*** may reconvene at 5:00 PM or Upon Evening Adjournment in House Hearing Room 6

EMERGING ISSUES IN AGRICULTURE

Wednesday, February 20, 2013, 8:00 AM House Hearing Room 4.

Public hearing will be held: HB 103

Executive session may be held on any matter referred to the committee.

The members of the Agri-Business Committee are invited to attend this committee meeting.

CORRECTED

FINANCIAL INSTITUTIONS

Wednesday, February 20, 2013, 12:00 PM House Hearing Room 4.

Public hearing will be held: HB 446, HB 479

Executive session will be held: HB 446

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Wednesday, February 20, 2013, 8:30 AM South Gallery.

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Thursday, February 21, 2013, 8:30 AM South Gallery.

Executive session may be held on any matter referred to the committee.

GENERAL LAWS

Tuesday, February 19, 2013, 12:00 PM House Hearing Room 4.

Public hearing will be held: HCR 19, HB 162, HB 170

Executive session may be held on any matter referred to the committee.

HEALTH CARE POLICY

Wednesday, February 20, 2013, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 257, HB 274, HCR 17

Executive session may be held on any matter referred to the committee.

HEALTH CARE POLICY

Wednesday, March 13, 2013, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 47, HB 72, HB 257, HB 274

Executive session may be held on any matter referred to the committee.

CANCELLED

HEALTH INSURANCE

Tuesday, February 19, 2013, 12:00 PM House Hearing Room 5.

Public hearing will be held: HB 315, HB 344, HB 346

Executive session may be held on any matter referred to the committee.

HIGHER EDUCATION

Tuesday, February 19, 2013, 8:30 AM House Hearing Room 6.

Executive session will be held: HB 168, HB 312

Executive session may be held on any matter referred to the committee.

INSURANCE POLICY

Monday, March 4, 2013, 12:30 PM 4700 S Providence Road, Columbia, MO.

Executive session may be held on any matter referred to the committee.

Informational meeting

INTERNATIONAL TRADE

Wednesday, February 20, 2013, 5:00 pm or Upon Adjournment House Hearing Room 7.

Public hearing will be held: HB 242, HB 253

Executive session will be held: HB 79

Executive session may be held on any matter referred to the committee.

JUDICIARY

Wednesday, February 20, 2013, 12:00 PM House Hearing Room 1.

Public hearing will be held: HB 144, HB 186, HB 280, HB 287, HB 373, HB 374, HB 434, HB 435

Executive session may be held on any matter referred to the committee.

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, February 20, 2013, Noon or Upon Morning Adjournment House Hearing Room 5.

Public hearing will be held: HB 290, HB 384

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON CORRECTIONS

Wednesday, February 20, 2013, 5:00 PM or Upon Afternoon Adjournment House Hearing Room 1.

Public hearing will be held: HB 326, HB 354

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON SMALL BUSINESS

Wednesday, February 20, 2013, 12:00 PM House Hearing Room 7.

Public hearing will be held: HB 391, HB 496, HB 495

Executive session may be held on any matter referred to the committee.

TRANSPORTATION

Tuesday, February 19, 2013, 12:00 PM House Hearing Room 7.

Public hearing will be held: HJR 23

Executive session may be held on any matter referred to the committee.

UTILITIES

Wednesday, February 20, 2013, 8:00 AM House Hearing Room 7.

Public hearing will be held: HB 473, HB 142, HB 119

Executive session will be held: HB 345

Executive session may be held on any matter referred to the committee.

We are hearing additional testimony on HB 473 from last week.

VETERANS

Tuesday, February 19, 2013, 8:00 AM House Hearing Room 1.

Public hearing will be held: HB 159, HB 450, HCR 16

Executive session may be held on any matter referred to the committee.

WAYS AND MEANS

Tuesday, February 19, 2013, 5:00 PM House Hearing Room 1.

Public hearing will be held: HJR 3, HB 422, HB 521

Executive session may be held on any matter referred to the committee.

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Wednesday, February 20, 2013, 8:00 AM House Hearing Room 5.

Public hearing will be held: HB 611

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

TWENTY-FOURTH DAY, TUESDAY, FEBRUARY 19, 2013

HOUSE BILLS FOR SECOND READING

HB 623 through HB 633

HOUSE JOINT RESOLUTIONS FOR PERFECTION

HCS HJR 11 & 7 - Reiboldt

HOUSE BILLS FOR PERFECTION

- 1 HB 44 - Korman
- 2 HB 55 - Flanigan
- 3 HCS HB 388 - Swan
- 4 HCS HB 202 - Reiboldt
- 5 HCS HB 158 - Flanigan
- 6 HCS HB 169 - Leara
- 7 HB 34 - Guernsey

SENATE BILLS FOR SECOND READING

- 1 SB 58
- 2 SB 77
- 3 SB 80

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

TWENTY-FOURTH DAY, TUESDAY, FEBRUARY 19, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

Behold, the Lord our God has shown us His glory and His greatness, and we have heard His voice out of the midst of the fire; we have seen this day that God does talk with man and that he lives. (Deuteronomy 5:24)

O Living God, we thank You for the gift of a new Missouri day fresh from Your hand. Help us to use these hours to live cleanly, to labor industriously, to love wisely, and to keep our spirits elevated to positive levels of thought. May we have the strength to overcome our difficulties and the courage to carry our responsibilities with honor and with uplifted hearts.

Sustain us in every effort to make a better state and to bring good will to all. In the midst of this day's work assure us of Your presence and let the light of Your wisdom fall upon our paths.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Journal of the twenty-third day was approved as corrected by the following vote:

AYES: 152

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Lynch	Marshall	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Molendorp	Montecillo	Morgan	Morris	Muntzel

Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Parkinson	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webb	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 000

PRESENT: 001

Curtis

ABSENT WITH LEAVE: 008

Curtman	Grisamore	Hicks	Jones 50	Love
May	Smith 85	Smith 120		

VACANCIES: 002

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 447 through House Resolution No. 471

SECOND READING OF HOUSE BILLS

HB 623 through **HB 633** were read the second time.

SECOND READING OF SENATE BILLS

SB 58, **SB 77** and **SB 80** were read the second time.

PERFECTION OF HOUSE BILL

HB 55, relating to a tax amnesty program, was taken up by Representative Flanigan.

Representative Messenger offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 55, Page 2, Section 32.383, Line 28, by inserting after all of said line the following:

"5. If a taxpayer is granted amnesty under this section, such taxpayer shall not be eligible to participate in any future amnesty for the same tax."; and

Further amend said bill, page, section, Lines 29-49, by renumbering subsections **"5-9"** as **"6-10"**; and

Further amend said bill, page, section, Line 49, by inserting after all of said line, the following:

“11. If any provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Messenger, **House Amendment No. 1** was adopted.

Representative Korman offered **House Amendment No. 2**.

House Amendment No. 2 was withdrawn.

On motion of Representative Flanigan, **HB 55, as amended**, was ordered perfected and printed.

COMMITTEE REPORTS

Committee on Elections, Chairman Entlicher reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **HB 117**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Higher Education, Chairman Thomson reporting:

Mr. Speaker: Your Committee on Higher Education, to which was referred **HB 312**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Transportation, Chairman Schatz reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 349**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 634, introduced by Representative Elmer, relating to the designation of Turner Syndrome awareness month.

HB 635, introduced by Representatives Fitzwater, Fraker, Redmon, Rhoads, Hicks, Black and Conway (104), relating to correctional treatment programs for first offenders.

HB 636, introduced by Representatives Fitzwater, Fraker and Black, relating to state employee salary increases.

HB 637, introduced by Representatives Fitzwater, Fraker and Black, relating to minimum pay for certain corrections employees.

HB 638, introduced by Representatives Rhoads, Fowler, Higdon, Hinson, Phillips and Wilson, relating to the endangerment of emergency workers.

HB 639, introduced by Representative Brown, relating to privacy concerning firearms.

HB 640, introduced by Representatives Parkinson, Diehl, Bahr, Fitzpatrick, Flanigan, Leara, Brown, Kelley (127), Curtman, Davis, Remole, Spencer, Conway (104), Ross, Fraker, Walker, Funderburk and Brattin, relating to the purchase of firearms.

HB 641, introduced by Representatives Korman, Cornejo, Wieland, Hinson, Miller, McKenna and Schatz, relating to retainage requirements on construction of public works projects.

HB 642, introduced by Representatives Elmer, Fraker and Jones (50), relating to construction management services for the state and political subdivisions.

HB 643, introduced by Representatives Muntzel and Jones (50), relating to a county hospital sales tax.

HB 644, introduced by Representatives Wieland, Berry, Kelly (45), McGaugh, Lant, Stream, Hurst, Messenger, McCann Beatty, Pace, Walton Gray, Carpenter, Swearingen, Webber, Rizzo, Meredith, Norr, Morgan, Schupp, LaFaver, Ellinger, McNeil, Hummel, Smith (85), Swan, Webb, English, Hubbard, Kirkton, Montecillo, Mitten, Burns, May, Hodges, McDonald, Dunn, Pierson, Rowden, Englund, Ellington and Gardner, relating to repealing the death penalty.

HB 645, introduced by Representatives Schieffer, Roorda, Rizzo, English, Hummel and Norr, relating to preferences to military veterans for state employment.

HB 646, introduced by Representatives Schieffer, Mitten, Roorda, Hummel and Norr, relating to telephone calls.

HB 647, introduced by Representatives Schieffer, Roorda and Norr, relating to the reporting of missing and dead children.

HB 648, introduced by Representatives Schieffer, Roorda, Ellinger, Kirkton, Walton Gray and Norr, relating to the sale of energy drinks to minors.

HB 649, introduced by Representative Wieland, relating to automobile insurance for volunteer drivers.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 9**, entitled:

An act to amend chapter 262, RSMo, by adding thereto one new section relating to University of Missouri extension districts.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 121**, entitled:

An act to repeal sections 311.055, 311.071, 311.091, 311.200, 311.290, and 316.150, RSMo, and to enact in lieu thereof eight new sections relating to liquor control, with existing penalty provisions and an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 182**, entitled:

An act to repeal sections 32.087 and 144.757, RSMo, and to enact in lieu thereof three new sections relating to local taxes on motor vehicle sales, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

The following members' presence was noted: Curtman, Hicks and Smith (85).

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 9:45 a.m., Wednesday, February 20, 2013.

CORRECTION TO THE HOUSE JOURNAL

Correct House Journal, Twenty-third Day, Monday, February 18, 2013, Page 388, Line 21, by deleting the words "restrictive legislation.", and inserting in lieu thereof the words "the right to bear arms.".

COMMITTEE HEARINGS

APPROPRIATIONS - EDUCATION

Wednesday, February 20, 2013, 2:00 PM House Hearing Room 1.

Executive session may be held on any matter referred to the committee.

Markup, continued

CANCELLED

APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, February 20, 2013, Upon Morning Adjournment House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Markup and reporting of House Bills 1, 5, 12, and 13

Hearing will last until 2:00 PM. If business is unfinished, committee will reconvene at 5:00 PM.

CORRECTED

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Wednesday, February 20, 2013, 2:00 PM House Hearing Room 5.

Executive session may be held on any matter referred to the committee.

Committee discussion and work session

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Thursday, February 21, 2013, 9:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Markup of HB 10 and HB 11

CORRECTED

APPROPRIATIONS - INFRASTRUCTURE AND JOB CREATION

Tuesday, February 26, 2013, 5:00 PM House Hearing Room 5.

Executive session may be held on any matter referred to the committee.

Work session

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, February 20, 2013, 2:00 PM House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

Committee appropriation markups

CANCELLED

APPROPRIATIONS - REVENUE, TRANSPORTATION, AND ECONOMIC DEVELOPMENT

Wednesday, February 20, 2013, 2:00 PM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

Markup for House Bill 4 and House Bill 7

CRIME PREVENTION AND PUBLIC SAFETY

Wednesday, February 20, 2013, Upon Evening Adjournment South Gallery.

Executive session will be held.

DOWNSIZING STATE GOVERNMENT

Thursday, February 21, 2013, 8:00 AM House Hearing Room 4.
Public hearing will be held: HB 297, HB 406, HB 451, HB 503, HB 455
Executive session will be held: HB 383, HB 57
Executive session may be held on any matter referred to the committee.

ECONOMIC DEVELOPMENT

Thursday, February 21, 2013, 8:00 AM House Hearing Room 7.
Executive session may be held on any matter referred to the committee.
The committee will conduct an executive session.

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, February 20, 2013, 8:00 AM House Hearing Room 6.
Public hearing will be held: HB 179, HB 458
Executive session may be held on any matter referred to the committee.
8:00-8:30 AM Presentation on Virtual Schools
8:30-9:10 AM HB 179
9:10-9:50 AM HB 458*** may reconvene at 5:00 PM or Upon Evening Adjournment in House Hearing Room 6

EMERGING ISSUES IN AGRICULTURE

Wednesday, February 20, 2013, 8:00 AM House Hearing Room 4.
Public hearing will be held: HB 103
Executive session may be held on any matter referred to the committee.
The members of the Agri-Business Committee are invited to attend this committee meeting.
CORRECTED

FINANCIAL INSTITUTIONS

Wednesday, February 20, 2013, 12:00 PM House Hearing Room 4.
Public hearing will be held: HB 446, HB 479
Executive session will be held: HB 446
Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Wednesday, February 20, 2013, 8:30 AM South Gallery.
Executive session may be held on any matter referred to the committee.
CANCELLED

FISCAL REVIEW

Thursday, February 21, 2013, 8:30 AM South Gallery.
Executive session may be held on any matter referred to the committee.

HEALTH CARE POLICY

Wednesday, February 20, 2013, 12:00 PM House Hearing Room 6.
Public hearing will be held: HB 257, HB 274, HCR 17
Executive session may be held on any matter referred to the committee.

HEALTH CARE POLICY

Wednesday, March 13, 2013, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 47, HB 72, HB 257, HB 274

Executive session may be held on any matter referred to the committee.

CANCELLED

INSURANCE POLICY

Monday, March 4, 2013, 12:30 PM 4700 S Providence Road, Columbia, MO.

Executive session may be held on any matter referred to the committee.

Informational meeting

INTERNATIONAL TRADE

Wednesday, February 20, 2013, 5:00 PM or Upon Adjournment House Hearing Room 7.

Public hearing will be held: HB 242, HB 253

Executive session will be held: HB 79

Executive session may be held on any matter referred to the committee.

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Thursday, February 21, 2013, 8:00 AM House Hearing Room 1.

Quarterly business meeting - organizational meeting; some portions of the meeting may be closed pursuant to Section 610.021

CANCELLED

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Tuesday, February 26, 2013, 8:00 AM House Hearing Room 7.

Quarterly business meeting - organizational meeting; some portions of the meeting may be closed pursuant to Section 610.021

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, March 7, 2013, 8:00 AM House Hearing Room 1.

First quarter meeting

JUDICIARY

Wednesday, February 20, 2013, 12:00 PM House Hearing Room 1.

Public hearing will be held: HB 144, HB 186, HB 280, HB 287, HB 373, HB 374, HB 434, HB 435

Executive session may be held on any matter referred to the committee.

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, February 20, 2013, Noon or Upon Morning Adjournment House Hearing Room 5.

Public hearing will be held: HB 290, HB 384

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON CORRECTIONS

Wednesday, February 20, 2013, 5:00 PM or Upon Afternoon Adjournment House Hearing Room 1.

Public hearing will be held: HB 326, HB 354

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON SMALL BUSINESS

Wednesday, February 20, 2013, 12:00 PM House Hearing Room 7.

Public hearing will be held: HB 391, HB 496, HB 495

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON URBAN ISSUES

Monday, February 25, 2013, 5:00 PM or Upon Afternoon Adjournment (if after 5:00 PM) House Hearing Room 5.

Public hearing will be held: HB 419, HB 443, HB 591

Executive session may be held on any matter referred to the committee.

UTILITIES

Wednesday, February 20, 2013, 8:00 AM House Hearing Room 7.

Public hearing will be held: HB 473, HB 142

Executive session may be held on any matter referred to the committee.

We will not be hearing HB 119 or having an executive session on HB 345.

There will be additional testimony on HB 473 from last week's hearing.

AMENDED

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Wednesday, February 20, 2013, 8:00 AM House Hearing Room 5.

Public hearing will be held: HB 611

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

TWENTY-FIFTH DAY, WEDNESDAY, FEBRUARY 20, 2013

HOUSE BILLS FOR SECOND READING

HB 634 through HB 649

HOUSE JOINT RESOLUTIONS FOR PERFECTION

HCS HJR 11 & 7 - Reiboldt

HOUSE BILLS FOR PERFECTION

- 1 HB 44 - Korman
- 2 HCS HB 388 - Swan
- 3 HCS HB 202 - Reiboldt
- 4 HCS HB 158 - Flanigan
- 5 HCS HB 169 - Diehl
- 6 HB 34 - Guernsey

HOUSE BILLS FOR THIRD READING

HB 55, E.C. - Flanigan

SENATE BILLS FOR SECOND READING

- 1 SCS SB 9
- 2 SS SCS SB 121
- 3 SCS SB 182

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

TWENTY-FIFTH DAY, WEDNESDAY, FEBRUARY 20, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Marilyn Seaton, Office of the Assistant Chief Clerk.

Let us pray.

Heavenly Father, we pray for a time when we will not say, "What is mine is mine and I will keep it." Nor will we say, "What is yours is mine and I will take it." We pray for a time when we will say, "What is mine is yours and I will share it." Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Matthew Ong, Seamus Hellings, Brendan Keifer, Ryan Swope, Brendan Safley, Kelsey Knutson and Emily Blackburn.

The Journal of the twenty-fourth day was approved as printed.

SPECIAL RECOGNITION

The Honorable Roy Blunt, United States Senator, was introduced by Speaker Jones and addressed the House.

Representative Cox assumed the Chair.

HOUSE RESOLUTION

Representative Bernskoetter offered House Resolution No. 476.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 472 through House Resolution No. 475

House Resolution No. 477 through House Resolution No. 483

HOUSE CONCURRENT RESOLUTIONS

Representative Hoskins, et al., offered House Concurrent Resolution No. 24.

Representative Allen offered House Concurrent Resolution No. 25.

SECOND READING OF HOUSE BILLS

HB 634 through **HB 649** were read the second time.

SECOND READING OF SENATE BILLS

SCS SB 9, **SS SCS SB 121** and **SCS SB 182** were read the second time.

PERFECTION OF HOUSE BILLS

HCS HB 202, relating to University of Missouri extension districts, was taken up by Representative Reiboldt.

On motion of Representative Reiboldt, **HCS HB 202** was adopted.

On motion of Representative Reiboldt, **HCS HB 202** was ordered perfected and printed.

HCS HB 158, relating to tax increment financing, was taken up by Representative Flanigan.

Representative Flanigan offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 158, Page 15, Section 99.845, Line 307, by inserting after all of said line the following:

"State revenues made available to a redevelopment project pursuant to subsections 15 to 25 of this section may only be applied to reimburse redevelopment project costs that are incurred with respect to that portion of a disaster area that was directly and negatively affected by the cause for the declaration by the President of the disaster area and that directly relate to the acquisition, restoration or construction of similar or like infrastructure, structures and other improvements as were damaged or destroyed by the cause for the declaration by the President of the disaster area."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Flanigan, **House Amendment No. 1** was adopted.

On motion of Representative Flanigan, **HCS HB 158, as amended**, was adopted.

On motion of Representative Flanigan, **HCS HB 158, as amended**, was ordered perfected and printed.

THIRD READING OF HOUSE BILL

HB 55, relating to a tax amnesty program, was taken up by Representative Flanigan.

On motion of Representative Flanigan, **HB 55** was read the third time and passed by the following vote:

AYES: 153

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Grisamore
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeier	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Molendorp	Montecillo	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Parkinson	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 85	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 001

Guernsey

PRESENT: 000

ABSENT WITH LEAVE: 007

Cornejo	Frederick	Haahr	Hodges	May
McManus	Smith 120			

VACANCIES: 002

Representative Cox declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 150

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Lynch	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Parkinson	Pfautsch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Smith 85	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Torpey	Walker
Walton Gray	Webb	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 002

Gardner	Marshall
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PRESENT: 000

ABSENT WITH LEAVE: 009

Curtman	Frederick	Haahr	Hodges	Love
May	McManus	Smith 120	Thomson	

VACANCIES: 002

REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

The following House Concurrent Resolutions were referred to the Committee indicated:

- HCR 21** - Emerging Issues in Agriculture
- HCR 23** - Downsizing State Government

REFERRAL OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were referred to the Committee indicated:

- HJR 2** - Elections
- HJR 22** - Elementary and Secondary Education
- HJR 26** - General Laws

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

- HB 31** - Children, Families, and Persons with Disabilities
- HB 62** - Transportation
- HB 123** - Local Government
- HB 236** - Special Standing Committee on Urban Issues
- HB 284** - Local Government
- HB 325** - Judiciary
- HB 340** - Emerging Issues in Agriculture
- HB 376** - Judiciary
- HB 416** - Local Government
- HB 439** - Special Standing Committee on Urban Issues
- HB 463** - Special Standing Committee on Corrections
- HB 465** - General Laws
- HB 468** - Crime Prevention and Public Safety
- HB 481** - Insurance Policy
- HB 510** - Special Standing Committee on Small Business
- HB 522** - Insurance Policy
- HB 525** - Special Standing Committee on Corrections
- HB 536** - Ways and Means
- HB 541** - Judiciary
- HB 542** - Agriculture Policy
- HB 544** - Downsizing State Government
- HB 555** - General Laws
- HB 566** - Judiciary
- HB 567** - Judiciary
- HB 574** - General Laws
- HB 575** - Crime Prevention and Public Safety
- HB 577** - Crime Prevention and Public Safety
- HB 578** - Ways and Means

HB 586 - Agriculture Policy
HB 587 - Elections
HB 590 - Downsizing State Government
HB 600 - General Laws
HB 601 - Utilities
HB 604 - Tourism and Natural Resources
HB 616 - Downsizing State Government
HB 627 - Government Oversight and Accountability
HB 630 - International Trade
HB 631 - Elementary and Secondary Education
HB 641 - General Laws

RE-REFERRAL OF HOUSE BILL

The following House Bill was re-referred to the Committee indicated:

HB 579 - Ways and Means

COMMITTEE REPORTS

Committee on Children, Families, and Persons with Disabilities, Chairman Grisamore reporting:

Mr. Speaker: Your Committee on Children, Families, and Persons with Disabilities, to which was referred **SS SCS SBs 20, 15 & 19**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Crime Prevention and Public Safety, Chairman Hinson reporting:

Mr. Speaker: Your Committee on Crime Prevention and Public Safety, to which was referred **HB 307**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Crime Prevention and Public Safety, to which was referred **HB 362**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Economic Development, Chairman Zerr reporting:

Mr. Speaker: Your Committee on Economic Development, to which was referred **HB 124**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Economic Development, to which was referred **HB 196**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Economic Development, to which was referred **HB 227**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Elementary and Secondary Education, Chairman Cookson reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 134**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Workforce Development and Workplace Safety, Chairman Lant reporting:

Mr. Speaker: Your Committee on Workforce Development and Workplace Safety, to which was referred **HB 320**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

INTRODUCTION OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were read the first time and copies ordered printed:

HJR 28, introduced by Representatives Marshall and Wilson, relating to the right to work.

HJR 29, introduced by Representatives Houghton, Jones (110), Hampton, Reiboldt, Hansen, Riddle, Redmon, Dugger, Korman, Remole, Guernsey, Shumake and Torpey, relating to the secretary of agriculture.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 650, introduced by Representatives Ross, Miller and Korman, relating to land survey program headquarters.

HB 651, introduced by Representatives Ross, Korman and Miller, relating to the department of natural resources.

HB 652, introduced by Representatives Korman, Ross and Miller, relating to land surveyors.

HB 653, introduced by Representatives Lauer, McGaugh, Hansen, Korman, Mayfield, Pike, Roorda, Conway (10), Cross, Kolkmeyer, McNeil, McDonald, Diehl, Higdon, Rizzo and Fitzwater, relating to emergency communications service.

HB 654, introduced by Representatives Hansen, Gosen, Walker, Richardson, Wieland, Muntzel, McGaugh, Pike, Otto, Houghton, Neely, Lynch, Lauer and Dohrman, relating to limited lines travel insurance producer licensing.

HB 655, introduced by Representatives Hurst and Wood, relating to temporary motorcycle instruction permits.

HB 656, introduced by Representatives May, Jones (110), Hummel, Riddle, Jones (50), Webb, Webber, Rizzo, Richardson, Roorda, Wright, Colona, Montecillo, Newman and Diehl, relating to powers of the supervisor of parking meters in certain cities.

HB 657, introduced by Representatives English, Gatschenberger, Cornejo, Colona, Burns, Webb, Pace and Wood, relating to unique driver identification numbers.

HB 658, introduced by Representatives English, Gatschenberger, Walton Gray, Colona, Burns, McNeil, Webb, Pace and Hubbard, relating to right-of-way and easement maintenance fees.

HB 659, introduced by Representatives Marshall, Curtman, Kelley (127), Wilson, Remole, Brattin, Koenig, Schieber and Parkinson, relating to licensure requirements for certain professions.

HB 660, introduced by Representatives Marshall, Wilson, Brattin, Koenig and Schieber, relating to secure and fair elections.

HB 661, introduced by Representatives Marshall, Bahr, Wilson and Koenig, relating to public elections.

HB 662, introduced by Representative Marshall, relating to entrances to certain state offices.

HB 663, introduced by Representatives Marshall, Kelley (127), White, Wilson and Remole, relating to liability for driving while intoxicated.

HB 664, introduced by Representatives Marshall, Wilson, Koenig and Brattin, relating to blighted areas.

HB 665, introduced by Representatives Marshall, Kelley (127), Wilson and Schieber, relating to motor vehicle valuation.

HB 666, introduced by Representative Marshall, relating to nonprofit corporations.

HB 667, introduced by Representatives Houghton, Jones (110), Hampton, Reiboldt, Hansen, Riddle, Redmon, Korman, Dugger, Remole, Guernsey, Shumake and Torpey, relating to the office of agriculture.

HB 668, introduced by Representatives Torpey, McManus, Solon, Grisamore, Koenig, Montecillo, Cross, Brattin, Lauer, Berry and Haefner, relating to the safe place for newborns act.

HB 669, introduced by Representatives Parkinson, Kelley (127) and Berry, relating to teacher contracts.

HB 670, introduced by Representatives Parkinson and Roorda, relating to the crime of armed criminal action.

HB 671, introduced by Representatives Parkinson, Curtman, Bahr and Koenig, relating to taxation.

HB 672, introduced by Representatives Korman, Brattin, Houghton and Wood, relating to bicycle operation on state roadways.

HB 673, introduced by Representative Schatz, relating to the renaming of Linn State Technical College.

HB 674, introduced by Representatives Hicks, Walker, Miller, Swan, Rhoads, English, Wood, Mayfield, Muntzel, Remole, Love, Spencer, Bahr, Justus, Dohrman and McGaugh, relating to fines for failing to yield the right-of-way.

HB 675, introduced by Representatives Grisamore, Barnes, Funderburk, Bahr, Zerr, Burlison, Leara and Koenig, relating to the management of diabetes in elementary and secondary schools.

HB 676, introduced by Representatives Nichols, Roorda, Black, Rhoads and Wilson, relating to jewelry.

HB 677, introduced by Representatives Roorda, Burns, Hummel and Colona, relating to an individual's right to bargain collectively.

HB 678, introduced by Representatives Fraker, Redmon and Fitzwater, relating to fee office collections.

HB 679, introduced by Representatives Torpey and Haefner, relating to school statewide assessment scores.

HB 680, introduced by Representative Torpey, relating to conflicts of interest for legislators.

HB 681, introduced by Representative Torpey, relating to compulsory school attendance.

HB 682, introduced by Representatives Newman, Ellinger, LaFaver, Butler, Dunn and Conway (10), relating to elections.

HB 683, introduced by Representatives Berry, Schupp, Pace and Mitten, relating to senior citizen homestead deferral of taxes.

HB 684, introduced by Representatives Schieffer, Norr, Cornejo, McCaherty, Hurst, Swearingen, Sommer, Gatschenberger and Jones (50), relating to temporary motorcycle permits.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 2**.

SENATE CONCURRENT RESOLUTION NO. 2

WHEREAS, the State of Missouri has a rich and complex history; and

WHEREAS, the lives of Missourians are enriched by a broad and deep understanding of that history; and

WHEREAS, the State of Missouri was formally admitted into the Union of the United States of America on August 10, 1821; and

WHEREAS, the year 2021 marks the bicentennial of the State of Missouri's admission into the Union; and

WHEREAS, commemorative events drawing attention to the passage of historical milestones offer significant opportunities for generating interest in documenting and celebrating the exceptionalism of a state's history; and

WHEREAS, the Missouri General Assembly by statute (Chapter 183) authorized the State Historical Society of Missouri to act as a "trustee" of the state's history; and

WHEREAS, the State Historical Society of Missouri is responsible for collecting, preserving, and sharing the materials for the study of the history of Missouri and the heritage of Missourians; and

WHEREAS, since its creation in 1898, the State Historical Society of Missouri has become the premier institution for the study and celebration of Missouri state and local history and aspires to build the Center for Missouri Studies; and

WHEREAS, statewide commemorations require significant preparation and planning over multiple years:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, First Regular Session, the House of Representatives concurring therein, hereby direct the State Historical Society of Missouri to develop plans, ideas, and proposals to commemorate and celebrate the State of Missouri's bicentennial; and

BE IT FURTHER RESOLVED that the State Historical Society of Missouri ready itself to provide guidance and direction to a statewide effort to promote and celebrate the State of Missouri's rich and complex history through and beyond a bicentennial celebration in the year 2021; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the director of the State Historical Society of Missouri.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 24**, entitled:

An act to repeal sections 64.170 and 64.205, RSMo, and to enact in lieu thereof one new section relating to county building codes.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 34**, entitled:

An act to amend chapter 287, RSMo, by adding thereto one new section relating to a database for workers' compensation claims, with a penalty provision.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 69**, entitled:

An act to repeal section 454.475, RSMo, and to enact in lieu thereof one new section relating to administrative child support decisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 89**, entitled:

An act to repeal sections 198.310 and 198.345, RSMo, and to enact in lieu thereof two new sections relating to the establishment and administration of senior housing in nursing home districts.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 101**, entitled:

An act to amend chapter 407, RSMo, by adding thereto one new section relating to florists.

In which the concurrence of the House is respectfully requested.

The following members' presence was noted: Haahr, Hodges and McManus.

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 4:00 p.m., Monday, February 25, 2013.

COMMITTEE HEARINGS

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Thursday, February 21, 2013, 9:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Markup of HB 10 and HB 11

CANCELLED

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Monday, February 25, 2013, 12:00 PM House Hearing Room 1.

Executive session may be held on any matter referred to the committee.

Markup of HB 10 and HB 11

APPROPRIATIONS - INFRASTRUCTURE AND JOB CREATION

Tuesday, February 26, 2013, 5:00 PM House Hearing Room 5.

Executive session may be held on any matter referred to the committee.

Work session

BUDGET

Wednesday, February 27, 2013, Upon Morning Adjournment House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Recommendations from appropriation committees

CHILDREN, FAMILIES, AND PERSONS WITH DISABILITIES

Tuesday, February 26, 2013, 12:00 PM or upon adjournment House Hearing Room 3.

Public hearing will be held: HB 101, HB 107, HB 68, HB 31

Executive session may be held on any matter referred to the committee.

AMENDED

CRIME PREVENTION AND PUBLIC SAFETY

Monday, February 25, 2013, 1:00 PM House Hearing Room 6.

Public hearing will be held: HB 108, HB 462, HB 577

Executive session will be held: HB 247

Executive session may be held on any matter referred to the committee.

CORRECTED

DOWNSIZING STATE GOVERNMENT

Thursday, February 21, 2013, 8:00 AM House Hearing Room 4.

Public hearing will be held: HB 297, HB 406, HB 451, HB 503, HB 455

Executive session will be held: HB 383, HB 57

Executive session may be held on any matter referred to the committee.

CANCELLED

ECONOMIC DEVELOPMENT

Thursday, February 21, 2013, 8:00 AM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

The committee will conduct an Executive session.

CANCELLED

ELECTIONS

Tuesday, February 26, 2013, 8:15 AM House Hearing Room 5.

Public hearing will be held: HB 54, HB 348

Executive session may be held on any matter referred to the committee.

We will reconsider HB 199 using new substitute.

FISCAL REVIEW

Thursday, February 21, 2013, 8:30 AM South Gallery.

Executive session may be held on any matter referred to the committee.

CANCELLED

GOVERNMENT OVERSIGHT AND ACCOUNTABILITY

Monday, February 25, 2013, 12:00 PM House Hearing Room 7.

Public hearing will be held: HCR 9, HB 627

Executive session may be held on any matter referred to the committee.

HEALTH CARE POLICY

Wednesday, March 13, 2013, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 47, HB 72, HB 257, HB 274

Executive session may be held on any matter referred to the committee.

CANCELLED

INSURANCE POLICY

Monday, March 4, 2013, 12:30 PM 4700 S Providence Road, Columbia, MO.

Executive session may be held on any matter referred to the committee.

Informational meeting

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Thursday, February 21, 2013, 8:00 AM House Hearing Room 1.

Quarterly business meeting - Organizational meeting; some portions of the meeting may be closed pursuant to Section 610.021.

CANCELLED

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Tuesday, February 26, 2013, 8:00 AM House Hearing Room 7.

Quarterly business meeting - Organizational meeting; some portions of the meeting may be closed pursuant to Section 610.021.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, March 7, 2013, 8:00 AM House Hearing Room 1.

1st quarter meeting

LOCAL GOVERNMENT

Monday, February 25, 2013, 1:00 PM House Hearing Room 5.

Public hearing will be held: HB 407, HB 123, HB 416, HB 60

Executive session may be held on any matter referred to the committee.

RULES

Monday, February 25, 2013, Upon Afternoon Adjournment House Hearing Room 3.

Executive session will be held: HB 85, HCS HB 128, HB 133, HB 163, HCS HB 176, HB 212, HB 329, HCS HB 349, HJR 4, HCS HB 46, HCS HB 14, HB 148, HJR 16, HCS HB 117, HCS SS SCS SBs 20, 15 & 19, HCS HB 320

Executive session may be held on any matter referred to the committee.

AMENDED

SPECIAL STANDING COMMITTEE ON CORRECTIONS

Wednesday, February 27, 2013, 5:00 PM or Upon Afternoon Adjournment House Hearing Room 1.

Public hearing will be held: HB 326, HB 354, HB 460

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN HEALTH CARE

Wednesday, February 27, 2013, 4:00 PM House Hearing Room 3.

Public hearing will be held: HJR 6

Executive session will be held: HB 112

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON URBAN ISSUES

Monday, February 25, 2013, 5:00 PM or Upon Afternoon Adjournment (if after 5:00 PM) House Hearing Room 5.

Public hearing will be held: HB 419, HB 443, HB 591

Executive session may be held on any matter referred to the committee.

TRANSPORTATION

Tuesday, February 26, 2013, 12:00 PM House Hearing Room 7.

Public hearing will be held: HB 231, HB 445, HB 472, HB 62

Executive session will be held: HJR 23, HB 428, HB 429, HB 438

Executive session may be held on any matter referred to the committee.

UTILITIES

Wednesday, February 27, 2013, 8:00 AM House Hearing Room 7.

Public hearing will be held: HB 398

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

TWENTY-SIXTH DAY, MONDAY, FEBRUARY 25, 2013

HOUSE JOINT RESOLUTIONS FOR SECOND READING

HJR 28 and HJR 29

HOUSE BILLS FOR SECOND READING

HB 650 through HB 684

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HCS HJR 11 & 7 - Reiboldt
- 2 HJR 8 - Solon

HOUSE BILLS FOR PERFECTION

- 1 HB 44 - Korman
- 2 HCS HB 388 - Swan
- 3 HCS HB 169 - Diehl
- 4 HB 34 - Guernsey

HOUSE BILLS FOR THIRD READING

- 1 HCS HB 202 - Reiboldt
- 2 HCS HB 158, E.C. - Flanigan

SENATE BILLS FOR SECOND READING

- 1 SB 24
- 2 SS SB 34
- 3 SCS SB 69
- 4 SCS SB 89
- 5 SCS SB 101

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

TWENTY-SIXTH DAY, MONDAY, FEBRUARY 25, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Representative John McCaherty.

In 1 Kings 3, Solomon is praying to God, who has just asked him what he should give him. Solomon's answer is as relevant today as it was thousands of years ago. He said:

You have shown great mercy to Your servant David my father, because he walked before You in truth, in righteousness, and in uprightness of heart with You; You have continued this great kindness for him, and You have given him a son to sit on his throne, as it is this day. Now, O Lord my God, You have made Your servant king instead of my father David, but I am a little child; I do not know how to go out or come in. And Your servant is in the midst of Your people whom You have chosen, a great people, too numerous to be numbered or counted. Therefore give to Your servant an understanding heart to judge Your people, that I may discern between good and evil...

Father, today, like Solomon so many years before, we also look for wisdom! We seek Your face, Your desire in our lives and the lives of the great people of Missouri.

We acknowledge our own shortsightedness, our sinfulness, and our own lack of understanding. We know that there is no one person here today that has all the answers, yet working together - and with Your guidance - we can and will accomplish great things. Give us the patience, the work ethic, and the wisdom we need to work together, to work for the people and not for our own reward. Help us to accomplish this not because of self, but for Your glory and honor, that Your name would be praised throughout the generations. In the name of Your Son, we pray.

And the House says "Amen."

The Pledge of Allegiance to the flag was recited.

The Journal of the twenty-fifth day was approved as printed by the following vote:

AYES: 153

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Frederick	Gannon	Gardner
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough

Houghton	Hubbard	Hummel	Hurst	Johnson
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeier	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Montecillo	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Parkinson	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 85	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Brattin	Entlicher	Franklin	Funderburk	Jones 50
May	Molendorp	Schatz		

VACANCIES: 002

HOUSE RESOLUTIONS

Representative Allen offered House Resolution No. 486.
Representative Korman, et al., offered House Resolution No. 508.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 484 and House Resolution No. 485
House Resolution No. 487 through House Resolution No. 507

SECOND READING OF HOUSE JOINT RESOLUTIONS

HJR 28 and **HJR 29** were read the second time.

SECOND READING OF HOUSE BILLS

HB 650 through **HB 684** were read the second time.

SECOND READING OF SENATE BILLS

SB 24, **SS SB 34**, **SCS SB 69**, **SCS SB 89** and **SCS SB 101** were read the second time.

REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

HCS HB 158 - Fiscal Review

COMMITTEE REPORTS

Committee on Financial Institutions, Chairman Dugger reporting:

Mr. Speaker: Your Committee on Financial Institutions, to which was referred **HB 446** and **HB 211**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Local Government, Chairman Gatschenberger reporting:

Mr. Speaker: Your Committee on Local Government, to which was referred **HB 116**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Local Government, to which was referred **HB 184**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Riddle reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HJR 4**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HJR 16**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 14**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 46**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 85**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 117**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 128**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 133**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 148**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 163**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 176**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 212**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 320**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 329**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 349**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SS SCS SBs 20, 15 & 19**, begs leave to report it has examined the same and recommends that it **Do Pass**.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 685, introduced by Representative Burlison, relating to emergency prescription refills.

HB 686, introduced by Representatives Colona, Hummel, Mayfield, Walton Gray, Kratky, Mitten, Ellinger and Smith (85), relating to election procedures.

HB 687, introduced by Representatives Colona, Mayfield, Hubbard, Butler, Walton Gray, Kratky, Mitten, Frame, Hummel, Ellinger, English and Smith (85), relating to workers' compensation.

HB 688, introduced by Representatives Colona, Hubbard, Kelly (45) and Smith (85), relating to the use for marijuana for medicinal purposes.

HB 689, introduced by Representatives Bernskoetter, Davis, Solon, Houghton, Hough, Cierpiot, Hoskins, Justus, Barnes, Dugger and Curtman, relating to special license plates for veterans.

HB 690, introduced by Representatives Korman, Gatschenberger, Bahr, Schatz, Houghton, Hinson, Schieffer and McDonald, relating to alternative fuel decal fees.

HB 691, introduced by Representative Korman, relating to public water supply districts.

HB 692, introduced by Representatives Fitzpatrick, Lant, Burlison, Anderson, Justus, Wilson, Love, Miller, Rehder, Morris, Reiboldt, Walker, Kolkmeier, McGaugh, Pike, Lynch, Hoskins, Flanigan, Diehl, Jones (110), Rhoads, Haahr, Ross, Remole, Messenger, Austin, Kelley (127), Lichtenegger and Muntzel, relating to prevailing wages.

HB 693, introduced by Representatives Hough, Hoskins, Lant and Korman, relating to emergency vehicles.

HB 694, introduced by Representatives Kratky, Gatschenberger, Frame, Webber, Colona, Hummel, Torpey, McCaherty, Higdon, Neth and Hinson, relating to the use of hand-held electronic communications devices by persons operating motor vehicles for compensation while transporting passengers.

HB 695, introduced by Representative Scharnhorst, relating to emerging issues in cancer medications.

HB 696, introduced by Representatives Cornejo, Parkinson, Hicks and Sommer, relating to the offense of impersonation of an actual person by electronic means.

HB 697, introduced by Representatives Cornejo, Parkinson, Hicks, Sommer, Conway (104) and Zerr, relating to public and business records.

HB 698, introduced by Representative Zerr, relating to tax incentives.

The following members' presence was noted: Entlicher, Franklin and Schatz.

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Tuesday, February 26, 2013.

COMMITTEE HEARINGS

AGRICULTURE POLICY

Tuesday, February 26, 2013, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 412, HB 542, HB 586

Executive session may be held on any matter referred to the committee.

APPROPRIATIONS - INFRASTRUCTURE AND JOB CREATION

Tuesday, February 26, 2013, 5:00 PM House Hearing Room 5.

Executive session may be held on any matter referred to the committee.

Work session

BUDGET

Wednesday, February 27, 2013, Upon Morning Adjournment House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Recommendations from appropriation committees

CHILDREN, FAMILIES, AND PERSONS WITH DISABILITIES

Tuesday, February 26, 2013, 12:00 PM or Upon Adjournment House Hearing Room 3.

Public hearing will be held: HB 101, HB 107, HB 68, HB 31

Executive session may be held on any matter referred to the committee.

AMENDED

ECONOMIC DEVELOPMENT

Tuesday, February 26, 2013, 5:00 PM House Hearing Room 7.

Public hearing will be held: HB 201

Executive session may be held on any matter referred to the committee.

ELECTIONS

Tuesday, February 26, 2013, 8:15 AM House Hearing Room 5.

Public hearing will be held: HB 54, HB 348

Executive session may be held on any matter referred to the committee.

We will reconsider HB 199 using new substitute.

CANCELLED

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, February 27, 2013, 8:00 AM House Hearing Room 6.

Public hearing will be held: HB 76, HB 631

Executive session may be held on any matter referred to the committee.

EMERGING ISSUES IN AGRICULTURE

Wednesday, February 27, 2013, 8:00 AM House Hearing Room 4.

Public hearing will be held: HB 340, HB 526

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Tuesday, February 26, 2013, Upon Morning Recess South Gallery.

Executive session may be held on any matter referred to the committee.

Members should be prepared for executive session on HCS HB 158 upon morning recess or morning adjournment.

FISCAL REVIEW

Wednesday, February 27, 2013, 8:30 AM South Gallery.

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Thursday, February 28, 2013, 8:30 AM South Gallery.

Executive session may be held on any matter referred to the committee.

GENERAL LAWS

Tuesday, February 26, 2013, 12:00 PM House Hearing Room 4.

Public hearing will be held: HB 356, HB 372, HB 600, HB 641

Executive session will be held: HB 162, HB 170

Executive session may be held on any matter referred to the committee.

HEALTH CARE POLICY

Wednesday, March 13, 2013, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 47, HB 72, HB 257, HB 274

Executive session may be held on any matter referred to the committee.

CANCELLED

HEALTH INSURANCE

Tuesday, February 26, 2013, 12:00 PM House Hearing Room 5.

Executive session may be held on any matter referred to the committee.

HB 29 will not be heard.

AMENDED

INSURANCE POLICY

Monday, March 4, 2013, 12:30 PM 4700 S Providence Road, Columbia, MO.

Executive session may be held on any matter referred to the committee.

Informational meeting

INTERNATIONAL TRADE

Wednesday, February 27, 2013, 5:00 PM or Upon Afternoon Adjournment House Hearing Room 7.

Public hearing will be held: HB 242, HB 253, HB 630

Executive session will be held: HB 79

Executive session may be held on any matter referred to the committee.

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Tuesday, February 26, 2013, 8:00 AM House Hearing Room 7.

Quarterly business meeting - Organizational meeting; some portions of the meeting may be closed pursuant to Section 610.021.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, March 7, 2013, 8:00 AM House Hearing Room 1.

First quarter meeting

JUDICIARY

Wednesday, February 27, 2013, 12:00 PM or Upon Morning Adjournment (whichever is earlier) House Hearing Room 1.

Public hearing will be held: HB 371, HB 210

Executive session will be held: HB 144, HB 213, HB 214, HB 215, HB 218

Executive session may be held on any matter referred to the committee.

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, February 27, 2013, Upon Morning Adjournment House Hearing Room 5.

Public hearing will be held: HB 387

Executive session may be held on any matter referred to the committee.

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, February 27, 2013, 6:30 PM 409 W Miller St, Jefferson City, MO.

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON CORRECTIONS

Wednesday, February 27, 2013, 5:00 PM or Upon Afternoon Adjournment House Hearing Room 1.

Public hearing will be held: HB 326, HB 354, HB 460

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN HEALTH CARE

Wednesday, February 27, 2013, 4:00 PM House Hearing Room 3.

Public hearing will be held: HJR 6

Executive session will be held: HB 112

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON SMALL BUSINESS

Wednesday, February 27, 2013, 12:00 PM House Hearing Room 7.

Public hearing will be held: HB 510, HB 495

Executive session may be held on any matter referred to the committee.

AMENDED

TOURISM AND NATURAL RESOURCES

Thursday, February 28, 2013, 8:00 AM House Hearing Room 7.

Public hearing will be held: HB 604

Executive session may be held on any matter referred to the committee.

TRANSPORTATION

Tuesday, February 26, 2013, 12:00 PM House Hearing Room 7.

Public hearing will be held: HB 231, HB 445, HB 472, HB 62

Executive session will be held: HJR 23, HB 428, HB 429, HB 438

Executive session may be held on any matter referred to the committee.

UTILITIES

Wednesday, February 27, 2013, 8:00 AM House Hearing Room 7.

Public hearing will be held: HB 398

Executive session may be held on any matter referred to the committee.

WAYS AND MEANS

Tuesday, February 26, 2013, 5:00 PM House Hearing Room 1.

Public hearing will be held: HB 149, HB 578, HB 579

Executive session will be held: HB 578, HB 579, HB 521

Executive session may be held on any matter referred to the committee.

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Wednesday, February 27, 2013, 8:00 AM House Hearing Room 5.

Public hearing will be held: HB 409

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

TWENTY-SEVENTH DAY, TUESDAY, FEBRUARY 26, 2013

HOUSE BILLS FOR SECOND READING

HB 685 through HB 698

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HCS HJR 11 & 7 - Reiboldt
- 2 HJR 8 - Solon
- 3 HJR 4 - Neth
- 4 HJR 16 - McCaherty

HOUSE BILLS FOR PERFECTION - APPROPRIATIONS

HCS HB 14 - Stream

HOUSE BILLS FOR PERFECTION

- 1 HB 44 - Korman
- 2 HCS HB 388 - Swan
- 3 HCS HB 169 - Diehl
- 4 HB 34 - Guernsey
- 5 HCS HB 320 - Elmer

HOUSE BILLS FOR THIRD READING

- 1 HCS HB 202 - Reiboldt
- 2 HCS HB 158, (Fiscal Review 2-25-13), E.C. - Flanigan

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

TWENTY-SEVENTH DAY, TUESDAY, FEBRUARY 26, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Marilyn Seaton, Office of the Assistant Chief Clerk.

Let us pray.

It is God to Whom and with Whom we travel, and while He is the End of our journey, He is also at every stopping place.

And the House says "Amen."

The Pledge of Allegiance to the flag was recited.

The Journal of the twenty-sixth day was approved as printed by the following vote:

AYES: 151

Allen	Anders	Anderson	Bahr	Barnes
Bernskoetter	Berry	Brown	Burlison	Burns
Butler	Carpenter	Cierpiot	Colona	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtis	Curtman	Davis	Dohrman
Dugger	Dunn	Ellinger	Ellington	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gardner	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hummel	Hurst	Johnson	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeier
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Montecillo	Morgan	Morris	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Parkinson	Pfautsch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake

Smith 85	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Austin	Black	Brattin	Diehl	Fitzwater
Hubbard	Jones 50	May	Muntzel	Rowden

VACANCIES: 002

HOUSE RESOLUTION

Representative Bahr offered House Resolution No. 520.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 509 through House Resolution No. 519
House Resolution No. 521 through House Resolution No. 557

HOUSE CONCURRENT RESOLUTION

Representative Kirkton offered House Concurrent Resolution No. 26.

SECOND READING OF HOUSE BILLS

HB 685 through **HB 698** were read the second time.

PERFECTION OF HOUSE JOINT RESOLUTION

HJR 8, relating to a veterans lottery ticket, was taken up by Representative Solon.

Representative Solon offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Joint Resolution No. 8, Page 2, Section 39(b), Line 17, by striking "2014" and inserting in lieu thereof "2015"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Solon, **House Amendment No. 1** was adopted.

Representative Leara assumed the Chair.

On motion of Representative Solon, **HJR 8, as amended**, was ordered perfected and printed.

THIRD READING OF HOUSE BILL

HCS HB 202, relating to University of Missouri extension districts, was taken up by Representative Reiboldt.

On motion of Representative Reiboldt, **HCS HB 202** was read the third time and passed by the following vote:

AYES: 133

Allen	Anders	Austin	Barnes	Bernskoetter
Berry	Brown	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Cookson	Cornejo
Cox	Crawford	Cross	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Elmer
Engler	English	Englund	Entlicher	Fitzwater
Flanigan	Fowler	Fraker	Frame	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hummel	Hurst	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Molendorp	Montecillo	Morgan	Morris	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Pfautsch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowland	Runions	Schatz	Schieffer
Schupp	Shull	Shumake	Smith 85	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	White	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 018

Anderson	Bahr	Burlison	Conway 104	Curtis
Curtman	Ellington	Fitzpatrick	Gardner	Guernsey
Haahr	Johnson	Koenig	Marshall	Mayfield
Parkinson	Schieber	Wieland		

PRESENT: 000

ABSENT WITH LEAVE: 010

Black	Brattin	Franklin	Frederick	Hubbard
Jones 50	May	Muntzel	Rowden	Scharnhorst

VACANCIES: 002

Representative Leara declared the bill passed.

PERFECTION OF HOUSE BILL

HCS HB 388, relating to the Parent and Community School Information Act, was taken up by Representative Swan.

HCS HB 388 was laid over.

Speaker Jones resumed the Chair.

On motion of Representative Diehl, the House recessed until 3:00 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Jones.

PERFECTION OF HOUSE BILLS

HCS HB 388, relating to the Parent and Community School Information Act, was again taken up by Representative Swan.

Representative Hinson offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 388, Section 171.415, Page 1, Lines 7 to 17, and Page 2, Lines 18 to 22, by deleting all of said lines and inserting in lieu thereof the following:

"required by section 160.522."; and

Further amend said bill and section, Page 2, by renumbering subsections 4 to 7 as 3 to 6; and

Further amend said bill, section, and page, Line 39, by inserting immediately after all of said line the following:

"7. In order to implement the provisions of this section, the department of elementary and secondary education shall promulgate rules establishing a report card that is easy for the general public to understand and contains information from the school accreditation program that accurately and completely reflects the performance level of individual attendance centers.

8. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to

delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Guernsey offered **House Amendment No. 1 to House Amendment No. 1.**

House Amendment No. 1
to
House Amendment No. 1

AMEND House Amendment No. 1 to House Committee Substitute for House Bill No. 388, Page 1, Lines 14 and 15 of said amendment, by deleting all of said lines and inserting in lieu thereof the following:

"public to understand and contains information from the school improvement program that accurately reflects the performance level of individual attendance centers by indicating the standards applicable to each attendance center, overall score for the standard and the corresponding letter grade for each applicable standard and, where applicable, the scores on the components and the corresponding letter grade for each applicable component that comprise the standard in a format that does not exceed an eight and one-half by eleven inch one-sided sheet."; and

Further amend said amendment, Page 1, Line 22, by inserting immediately after said line the following:

‘Further amend said bill, Page 2, Line 39, by deleting the words "**letter grade**" and inserting the word "**scores**"; and’; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Guernsey, **House Amendment No. 1 to House Amendment No. 1** was adopted by the following vote:

AYES: 118

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brown	Burlison	Cierpiot
Colona	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Montecillo	Morris	Neely	Neth	Nichols
Otto	Parkinson	Pfautsch	Phillips	Pike
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Roorda	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Smith 85	Smith 120	Solon	Sommer

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Spencer	Stream	Swan	Thomson	Torpey
Walker	Webb	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 037

Anders	Black	Burns	Butler	Carpenter
Conway 10	Curtis	Dunn	Ellinger	Gardner
Harris	Hodges	Hummel	Kratky	LaFaver
Mayfield	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Morgan
Newman	Norr	Pace	Pierson	Pogue
Rizzo	Runions	Schieffer	Schupp	Swearingen
Walton Gray	Webber			

PRESENT: 000

ABSENT WITH LEAVE: 006

Brattin	Hubbard	Jones 50	May	Muntzel
Wright				

VACANCIES: 002

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 106

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Justus
Keeney	Kelley 127	Koenig	Kolkmeier	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Morris	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webb	Webber	

PRESENT: 000

ABSENT WITH LEAVE: 006

Brattin	Hubbard	Jones 50	May	Muntzel
Wright				

VACANCIES: 002

Representative Keeney assumed the Chair.

On motion of Representative Hinson, **House Amendment No. 1, as amended**, was adopted by the following vote:

AYES: 133

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brown
Burlison	Burns	Carpenter	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hummel	Hurst
Johnson	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeier	Korman	Kratky
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	Mayfield	McCaherty
McDonald	McGaugh	McKenna	McManus	Messenger
Miller	Molendorp	Montecillo	Morris	Neely
Neth	Nichols	Otto	Parkinson	Pfautsch
Phillips	Pike	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Roorda
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Schieffer	Shull	Shumake	Smith 85
Smith 120	Solon	Sommer	Spencer	Stream

Swan	Swearingen	Thomson	Torpey	Walker
Webb	Webber	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 022

Butler	Curtis	Dunn	Ellinger	Gardner
Hodges	LaFaver	McCann Beatty	McNeil	Meredith
Mims	Mitten	Morgan	Newman	Norr
Pace	Pierson	Pogue	Rizzo	Runions
Schupp	Walton Gray			

PRESENT: 000

ABSENT WITH LEAVE: 006

Brattin	Hubbard	Jones 50	May	Muntzel
Wright				

VACANCIES: 002

Representative Ellington offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 388, Page 2, Section 171.415, Line 39, by inserting after all of said line the following:

"8. Any attendance center or charter school that scores less than seventy percent overall shall be required to submit an action plan to the department of elementary and secondary education for its approval, describing the steps the attendance center or charter school will take to improve its grade during the next academic year after the grade is assigned."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Ellington, **House Amendment No. 2** was adopted by the following vote:

AYES: 148

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hummel	Hurst	Johnson
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeier	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger

Love	Lynch	Marshall	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Mims	Mitten
Molendorp	Montecillo	Morgan	Morris	Neth
Newman	Nichols	Norr	Otto	Pace
Parkinson	Pfausch	Phillips	Pierson	Pike
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 85
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Torpey	Walker	Walton Gray
Webb	Webber	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 006

Hampton	Miller	Neely	Pogue	Rowland
Thomson				

PRESENT: 001

Fitzpatrick

ABSENT WITH LEAVE: 006

Brattin	Hubbard	Jones 50	May	Muntzel
Wright				

VACANCIES: 002

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 105

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Morris	Neely
Neth	Pfausch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake

Smith 120	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webb	Webber	

PRESENT: 000

ABSENT WITH LEAVE: 007

Brattin	Hubbard	Jones 50	May	Muntzel
Parkinson	Wright			

VACANCIES: 002

On motion of Representative Swan, **HCS HB 388, as amended**, was adopted.

On motion of Representative Swan, **HCS HB 388, as amended**, was ordered perfected and printed by the following vote:

AYES: 129

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brown	Burlison
Burns	Cierpiot	Colona	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	McKenna
McManus	Messenger	Miller	Molendorp	Montecillo
Morris	Neely	Neth	Nichols	Otto
Pfautsch	Phillips	Pierson	Pike	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Shull	Shumake	Smith 120	Solon

Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	Webb	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 025

Anders	Butler	Carpenter	Curtis	Dunn
Ellinger	Hodges	Hummel	Mayfield	McCann Beatty
McDonald	McNeil	Meredith	Mims	Mitten
Morgan	Newman	Norr	Pace	Pogue
Schupp	Smith 85	Swearingen	Walton Gray	Webber

PRESENT: 000

ABSENT WITH LEAVE: 007

Brattin	Hubbard	Jones 50	May	Muntzel
Parkinson	Wright			

VACANCIES: 002

HB 34, relating to the School Construction Act, was taken up by Representative Guernsey.

Representative Fraker offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 34, Page 1, In the Title, Line 2, by inserting immediately after the word "to" the following **"maintenance, and"**; and

Further amend said bill, Page 1, Section A, Line 2, by inserting immediately after said line the following:

"290.210. As used in sections 290.210 to 290.340, unless the context indicates otherwise:

(1) "Construction" includes construction, reconstruction, [improvement,] enlargement, [alteration,] painting and decorating **done as part of any of the foregoing**[, or major repair]. **Construction does not include maintenance work.**

(2) "Department" means the department of labor and industrial relations.

(3) "Locality" means the county where the physical work upon public works is performed, except that if there is not available in the county a sufficient number of competent skilled workmen to construct the public works efficiently and properly, "locality" may include two or more counties adjacent to the one in which the work or construction is to be performed and from which such workers may be obtained in sufficient numbers to perform the work, and that, with respect to contracts with the state highways and transportation commission, "locality" may be construed to include two or more adjacent counties from which workmen may be accessible for work on such construction.

(4) "Maintenance work" means the repair, but not the replacement, of existing facilities **and shall include repairs that restore existing facilities to a previous state or condition or improve the utility or enhance the appearance of existing facilities provided that** [when] the size, type or extent of the existing facilities is not thereby changed or increased. **Maintenance work shall not include major repairs which shall be defined as any work that exceeds the replacement cost of existing facilities.**

(5) "Prevailing hourly rate of wages" means the wages paid generally, in the locality in which the public works is being performed, to workmen engaged in work of a similar character including the basic hourly rate of pay and the amount of the rate of contributions irrevocably made by a contractor or subcontractor to a trustee or to a third person pursuant to a fund, plan or program, and the amount of the rate of costs to the contractor or subcontractor which may be reasonably anticipated in providing benefits to workmen and mechanics pursuant to an enforceable commitment to carry out a financially responsible plan or program which was communicated in writing to the workmen affected, for medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, for unemployment benefits, life insurance, disability and sickness

insurance, accident insurance, for vacation and holiday pay, for defraying costs of apprenticeship or other similar programs, or for other bona fide fringe benefits, but only where the contractor or subcontractor is not required by other federal or state law to provide any of the benefits; provided, that the obligation of a contractor or subcontractor to make payment in accordance with the prevailing wage determinations of the department, insofar as sections 290.210 to 290.340 are concerned, may be discharged by the making of payments in cash, by the making of irrevocable contributions to trustees or third persons as provided herein, by the assumption of an enforceable commitment to bear the costs of a plan or program as provided herein, or any combination thereof, where the aggregate of such payments, contributions and costs is not less than the rate of pay plus the other amounts as provided herein.

(6) "Public body" means the state of Missouri or any officer, official, authority, board or commission of the state, or other political subdivision thereof, or any institution supported in whole or in part by public funds.

(7) "Public works" means all fixed works constructed for public use or benefit or paid for wholly or in part out of public funds. It also includes any work done directly by any public utility company when performed by it pursuant to the order of the public service commission or other public authority whether or not it be done under public supervision or direction or paid for wholly or in part out of public funds when let to contract by said utility. It does not include any work done for or by any drainage or levee district.

(8) "Workmen" means laborers, workmen and mechanics."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Crawford assumed the Chair.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 105

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Molendorp	Morris	Muntzel	Neely
Neth	Parkinson	Pfausch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Scharnhorst	Schatz	Schieber	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 048

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	Mayfield	McCann Beatty	McDonald

McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Walton Gray	Webb	Webber		

PRESENT: 000

ABSENT WITH LEAVE: 008

Brattin	Gatschenberger	Hubbard	Jones 50	May
Rowland	Swearingen	Wright		

VACANCIES: 002

On motion of Representative Fraker, **House Amendment No. 1** was adopted by the following vote:

AYES: 093

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McGaugh	Messenger	Miller
Morris	Muntzel	Neely	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Scharnhorst	Schatz	Schieber
Shull	Shumake	Smith 120	Sommer	Spencer
Stream	Swan	Thomson	Walker	White
Wilson	Wood	Mr Speaker		

NOES: 059

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	Engler	English	Englund	Frame
Gannon	Gardner	Harris	Higdon	Hodges
Hummel	Kelly 45	Kirkton	Korman	Kratky
LaFaver	Mayfield	McCaherty	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Molendorp	Montecillo	Morgan	Neth
Newman	Nichols	Norr	Otto	Pace
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Solon	Torpey	Walton Gray
Webb	Webber	Wieland	Zerr	

PRESENT: 000

ABSENT WITH LEAVE: 009

Brattin	Funderburk	Gatschenberger	Hubbard	Jones 50
May	Rowland	Swearingen	Wright	

VACANCIES: 002

HB 34, as amended, was laid over.

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HJR 8 - Fiscal Review

HB 698 - Economic Development

COMMITTEE REPORTS

Committee on Agri-Business, Chairman Guernsey reporting:

Mr. Speaker: Your Committee on Agri-Business, to which was referred **HB 334**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Crime Prevention and Public Safety, Chairman Hinson reporting:

Mr. Speaker: Your Committee on Crime Prevention and Public Safety, to which was referred **HB 152**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Fiscal Review, Chairman Flanigan reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 158**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Government Oversight and Accountability, Chairman Barnes reporting:

Mr. Speaker: Your Committee on Government Oversight and Accountability, to which was referred **HCR 9**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Health Insurance, Chairman Molendorp reporting:

Mr. Speaker: Your Committee on Health Insurance, to which was referred **HB 30**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Health Insurance, to which was referred **HB 346**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Veterans, Chairman Davis reporting:

Mr. Speaker: Your Committee on Veterans, to which was referred **HCR 5**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 699, introduced by Representative Grisamore, relating to youth with disabilities.

HB 700, introduced by Representative Barnes, relating to the Show-Me transformation act.

HB 701, introduced by Representative Molendorp, relating to the health insurance marketplace innovation act.

HB 702, introduced by Representatives Englund, Davis, Conway (10), Roorda, Hicks, Ross, McKenna, Butler, Frame, Swearingen, Webber, Gosen, Hinson, Carpenter, Gannon, Wood, Hurst, Solon, Dohrman, Pike, Lynch, Otto, Burns, Walton Gray, Neth, Colona, Hansen, Neely, McCaherty, Rizzo, Hummel, Bahr and Shumake, relating to the sale of unclaimed military medals.

HB 703, introduced by Representatives Conway (104), Haefner, Hinson, Marshall, Phillips, Otto, Mitten, Wilson, Rhoads, Allen, Lichtenegger and Solon, relating to the highway patrol's motor vehicle, aircraft, and watercraft revolving fund.

HB 704, introduced by Representatives McKenna, Davis, Sommer, Spencer, Rizzo, Walton Gray, Carpenter, Dunn, Otto, Gannon, Lynch, Pike, Solon, Dohrman, Burns, McCaherty, Hansen, Neth, Neely, Shumake, Bahr, Conway (10), Roorda and Butler, relating to the display of the Honor and Remember flag at state buildings and state parks.

HB 705, introduced by Representative Kelly (45), relating to the meningococcal conjugate vaccine.

HB 706, introduced by Representative Funderburk, relating to employee password protection.

HB 707, introduced by Representative Grisamore, relating to the crime of causing injury to or the death of a service dog.

HB 708, introduced by Representative Grisamore, relating to the mental health employee disqualification list.

HB 709, introduced by Representative Grisamore, relating to state procurement.

HB 710, introduced by Representative Grisamore, relating to voter accessibility.

HB 711, introduced by Representative Grisamore, relating to lift accessible parking.

HB 712, introduced by Representative Grisamore, relating to MO HealthNet benefits.

HB 713, introduced by Representative Grisamore, relating to MO HealthNet benefits.

HB 714, introduced by Representative Grisamore, relating to the definition of employment pursuant to employment security law.

HB 715, introduced by Representative McCaherty, relating to motorcycle brake lights.

HB 716, introduced by Representative Grisamore, relating to the show-me healthy babies program.

HB 717, introduced by Representative Grisamore, relating to reentry into the custody of the children's division.

HB 718, introduced by Representative Grisamore, relating to extension of foster care.

HB 719, introduced by Representative Grisamore, relating to relocation of a child.

HB 720, introduced by Representative Grisamore, relating to Missouri dependency exemptions.

HB 721, introduced by Representative Grisamore, relating to foster children.

HB 722, introduced by Representatives Leara and Colona, relating to police retirement.

HB 723, introduced by Representative Grisamore, relating to the brain injury fund.

HB 724, introduced by Representative Kirkton, relating to mental health facility safety provisions.

HB 725, introduced by Representatives Phillips, Higdon, Roorda, Hinson and Wilson, relating to train conductors.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 16**, entitled:

An act to amend chapter 262, RSMo, by adding thereto one new section relating to children performing agriculture work.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 45**, entitled:

An act to repeal sections 487.020 and 488.426, RSMo, and to enact in lieu thereof two new sections relating to reimbursement for family court commissioners.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 59**, entitled:

An act to repeal sections 375.772, 375.775, 375.776, and 376.717, RSMo, and to enact in lieu thereof four new sections relating to the regulation of insurance guaranty associations.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 75**, entitled:

An act to amend chapters 170 and 171, RSMo, by adding thereto two new sections relating to safety in public elementary and secondary schools.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 88**, entitled:

An act to repeal section 191.227, RSMo, and to enact in lieu thereof one new section relating to medical records.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 100**, entitled:

An act to repeal section 513.430, RSMo, and to enact in lieu thereof one new section relating to the exemption from attachment and execution of a person's interest in inherited retirement accounts and health savings plans.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 138**, entitled:

An act to repeal sections 67.463 and 67.469, RSMo, and to enact in lieu thereof two new sections relating to neighborhood improvement district special assessments.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SBs 176 & 192**, entitled:

An act to repeal section 227.303, RSMo, and to enact in lieu thereof two new sections relating to the designation of highway infrastructure, with a contingent effective date for a certain section.

In which the concurrence of the House is respectfully requested.

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Wednesday, February 27, 2013.

COMMITTEE HEARINGS

AGRI-BUSINESS

Thursday, February 28, 2013, Upon Morning Adjournment House Hearing Room 1.
Executive session may be held on any matter referred to the committee.

BUDGET

Wednesday, February 27, 2013, Upon Morning Adjournment House Hearing Room 3.
Executive session may be held on any matter referred to the committee.
Recommendations from appropriation committees

DOWNSIZING STATE GOVERNMENT

Thursday, February 28, 2013, 8:00 AM House Hearing Room 4.
Public hearing will be held: HB 297, HB 455, HB 406, HB 503, HB 451, HB 590
Executive session may be held on any matter referred to the committee.

ECONOMIC DEVELOPMENT

Thursday, February 28, 2013, 8:00 AM House Hearing Room 6.
Public hearing will be held: HB 385, HB 698
Executive session may be held on any matter referred to the committee.

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, February 27, 2013, 8:00 AM House Hearing Room 6.
Public hearing will be held: HB 76, HB 631
Executive session may be held on any matter referred to the committee.

EMERGING ISSUES IN AGRICULTURE

Wednesday, February 27, 2013, 8:00 AM House Hearing Room 4.

Public hearing will be held: HB 340, HB 526

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Wednesday, February 27, 2013, 8:30 AM South Gallery.

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Thursday, February 28, 2013, 8:30 AM South Gallery.

Executive session may be held on any matter referred to the committee.

HEALTH CARE POLICY

Wednesday, February 27, 2013, Upon Morning Recess House Hearing Room 6.

Public hearing will be held: HB 177, HB 298

Executive session may be held on any matter referred to the committee.

We will not be hearing HB 400.

AMENDED

HEALTH CARE POLICY

Wednesday, March 13, 2013, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 47, HB 72, HB 257, HB 274

Executive session may be held on any matter referred to the committee.

CANCELLED

INSURANCE POLICY

Monday, March 4, 2013, 12:30 PM 4700 S Providence Road, Columbia, MO.

Executive session may be held on any matter referred to the committee.

Informational meeting

INTERNATIONAL TRADE

Wednesday, February 27, 2013, 5:00 PM or Upon Afternoon Adjournment House Hearing Room 7.

Public hearing will be held: HB 242, HB 253, HB 630

Executive session will be held: HB 79

Executive session may be held on any matter referred to the committee.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, March 7, 2013, 8:00 AM House Hearing Room 1.

1st quarter meeting

JUDICIARY

Wednesday, February 27, 2013, 12:00 PM or Upon Morning Adjournment (whichever is earlier)
House Hearing Room 1.

Public hearing will be held: HB 371, HB 210

Executive session will be held: HB 144, HB 213, HB 214, HB 215, HB 218

Executive session may be held on any matter referred to the committee.

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, February 27, 2013, Upon Morning Adjournment House Hearing Room 5.

Public hearing will be held: HB 387, HB 565

Executive session may be held on any matter referred to the committee.

AMENDED

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, February 27, 2013, 6:30 PM 409 W Miller St, Jefferson City, MO.

Executive session may be held on any matter referred to the committee.

Committee dinner

SPECIAL STANDING COMMITTEE ON CORRECTIONS

Wednesday, February 27, 2013, 5:00 PM or Upon Afternoon Adjournment House Hearing Room 1.

Public hearing will be held: HB 326, HB 354, HB 460

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN HEALTH CARE

Wednesday, February 27, 2013, 4:00 PM House Hearing Room 3.

Public hearing will be held: HJR 6

Executive session will be held: HB 112

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON SMALL BUSINESS

Wednesday, February 27, 2013, 12:00 PM House Hearing Room 7.

Public hearing will be held: HB 510, HB 495

Executive session may be held on any matter referred to the committee.

AMENDED

TOURISM AND NATURAL RESOURCES

Thursday, February 28, 2013, 8:00 AM House Hearing Room 7.

Public hearing will be held: HB 604

Executive session may be held on any matter referred to the committee.

UTILITIES

Wednesday, February 27, 2013, 8:00 AM House Hearing Room 7.

Public hearing will be held: HB 398

Executive session may be held on any matter referred to the committee.

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Wednesday, February 27, 2013, 8:00 AM House Hearing Room 5.

Public hearing will be held: HB 409

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

TWENTY-EIGHTH DAY, WEDNESDAY, FEBRUARY 27, 2013

HOUSE BILLS FOR SECOND READING

HB 699 through HB 725

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HCS HJR 11 & 7 - Reiboldt
- 2 HJR 4 - Neth
- 3 HJR 16 - McCaherty

HOUSE BILLS FOR PERFECTION - APPROPRIATIONS

HCS HB 14 - Stream

HOUSE BILLS FOR PERFECTION

- 1 HB 44 - Korman
- 2 HCS HB 169 - Diehl
- 3 HB 34, as amended - Guernsey
- 4 HCS HB 320 - Elmer

HOUSE BILLS FOR PERFECTION - CONSENT

(2/27/2013)

- 1 HB 85 - Kelley (127)
- 2 HCS HB 128 - Sommer
- 3 HB 133 - Gosen
- 4 HB 163 - Fitzpatrick
- 5 HB 212 - Cox
- 6 HCS HB 233 - Leara
- 7 HB 329 - Dugger
- 8 HCS HB 349 - Brown

HOUSE BILLS FOR THIRD READING

HCS HB 158, E.C. - Flanigan

SENATE BILLS FOR SECOND READING

- | | |
|---|-------------------|
| 1 | SB 16 |
| 2 | SCS SB 45 |
| 3 | SB 59 |
| 4 | SB 75 |
| 5 | SCS SB 88 |
| 6 | SB 100 |
| 7 | SB 138 |
| 8 | SCS SBs 176 & 192 |

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

TWENTY-EIGHTH DAY, WEDNESDAY, FEBRUARY 27, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

Let love be genuine; hate what is evil, hold fast to what is good. (Romans 12:9)

Eternal God, we pray that in this sacred minute of prayer we may receive guidance for the day, wisdom for each hour, and good will for every moment. Help us to think more and talk less; to pray more and procrastinate less; to live more by high principles and less by low prejudices.

We pray this morning that You will renew a right spirit within us and send us out into this day with gracious thoughts, good words, and a great spirit.

We also pray for former Representative Jerry King who passed away this week. He served here from 1998 through 2004.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Journal of the twenty-seventh day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 558 through House Resolution No. 599

HOUSE CONCURRENT RESOLUTION

Representative Schupp, et al., offered House Concurrent Resolution No. 27.

SECOND READING OF HOUSE BILLS

HB 699 through **HB 725** were read the second time.

SECOND READING OF SENATE BILLS

SB 16, **SCS SB 45**, **SB 59**, **SB 75**, **SCS SB 88**, **SB 100**, **SB 138** and **SCS SBs 176 & 192** were read the second time.

PERFECTION OF HOUSE JOINT RESOLUTION

HCS HJR 11 & 7, relating to the right to farm, was taken up by Representative Reiboldt.

Representative Reiboldt offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Joint Resolution Nos. 11 & 7, Page 1, Section 35, Line 4, by inserting the word **"state"** immediately following the word **"No"**; and

Further amend said bill, page and section, Line 6, by deleting all of said line and inserting in lieu thereof the following:

"technology and modern and traditional livestock production and ranching practices, unless enacted by the General Assembly."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Reiboldt, **House Amendment No. 1** was adopted.

Representative Wright offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Joint Resolution Nos. 11 & 7, Page 1, Section 35, Line 6, by inserting after the word **"practices."** the following:

"In addition, as used in this section, the term "farmers and ranchers" shall not be construed to include breeders of pets, exotic animals, or horses for slaughter for human consumption. Nor shall the term "livestock" be construed as to include pets, exotic animals, or horses for slaughter for human consumption."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Wright moved that **House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 051

Anders	Berry	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Molendorp
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Pierson	Rizzo	Roorda
Runions	Schupp	Smith 85	Solon	Swearingen
Torpey	Walton Gray	Webb	Webber	Wright
Zerr				

NOES: 105

Anderson	Austin	Bahr	Barnes	Bernskoetter
Black	Brown	Burlison	Cierpiot	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hurst	Johnson
Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Schieffer	Shull	Shumake	Smith 120	Sommer
Spencer	Stream	Swan	Thomson	Walker
White	Wieland	Wilson	Wood	Mr Speaker

PRESENT: 000

ABSENT WITH LEAVE: 005

Allen	Brattin	Jones 50	May	Mitten
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VACANCIES: 002

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 103

Anderson	Austin	Bahr	Barnes	Bernskoetter
Berry	Brown	Burlison	Cierpiot	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Justus	Keeney	Kelley 127
Koenig	Kolkmeier	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller
Molendorp	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schieber	Shull	Shumake	Smith 120	Solon

Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 009

Allen	Brattin	Franklin	Hubbard	Jones 50
May	Mitten	Morris	Schatz	

VACANCIES: 002

On motion of Representative Reiboldt, **HCS HJR 11 & 7, as amended**, was adopted.

On motion of Representative Reiboldt, **HCS HJR 11 & 7, as amended**, was ordered perfected and printed.

PERFECTION OF HOUSE BILL - APPROPRIATIONS

HCS HB 14, relating to appropriations, was taken up by Representative Stream.

Representative Hough offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 14, Page 5, Section 14.125, Line 9, by inserting immediately thereafter the following:

"Section 14.130. To the Department of Public Safety	
For the State Highway Patrol	
For Vehicle and Driver Safety	
Personal Service.	\$125,000
Expense and Equipment.. . . .	<u>629,703</u>
From Highway Patrol Inspection Fund.	\$754,703"

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Hough, **House Amendment No. 1** was adopted.

On motion of Representative Stream, **HCS HB 14, as amended**, was adopted.

On motion of Representative Stream, **HCS HB 14, as amended**, was ordered perfected and printed.

THIRD READING OF HOUSE BILL

HCS HB 158, relating to tax increment financing, was taken up by Representative Flanigan.

On motion of Representative Flanigan, **HCS HB 158** was read the third time and passed by the following vote:

AYES: 153

Allen	Anders	Anderson	Austin	Bahr
Bernskoetter	Berry	Black	Brown	Burlison
Burns	Butler	Carpenter	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeier	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
Mayfield	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Molendorp	Montecillo	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Pace	Parkinson	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 85	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Barnes	Brattin	Jones 50	May	McCaherty
Mitten	Scharnhorst	Schatz		

VACANCIES: 002

Speaker Jones declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 155

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Molendorp	Montecillo	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Parkinson
Pfautsch	Phillips	Pierson	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 85
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webb	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Brattin	Elmer	Jones 50	May	Mitten
Scharnhorst				

VACANCIES: 002

PERFECTION OF HOUSE BILL

HB 44, relating to a renewable energy standard, was taken up by Representative Korman.

Representative Funderburk offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 44, Page 1, Section A, Line 2, by inserting after all of said section the following:

"393.1000. As used in sections 393.1000 to 393.1006, the following terms mean:

(1) "Appropriate pretax revenues", the revenues necessary to produce net operating income equal to:

(a) The water corporation's **or sewer corporation's** weighted cost of capital multiplied by the net original cost of eligible infrastructure system replacements, including recognition of accumulated deferred income taxes and accumulated depreciation associated with eligible infrastructure system replacements which are included in a currently effective ISRS; and

(b) Recover state, federal, and local income or excise taxes applicable to such income; and

(c) Recover all other ISRS costs;

(2) "Commission", the Missouri public service commission;

(3) "Eligible infrastructure system replacements"[,] :

(a) Water **or sewer** utility plant projects that:

[(a)] **a.** Replace or extend the useful life of existing infrastructure;

[(b)] **b.** Are in service and used and useful;

[(c)] **c.** Do not increase revenues by directly connecting the infrastructure replacement to new customers; and

[(d)] **d.** Were not included in the water corporation's **or sewer corporation's** rate base in its most recent general rate case; **and**

(b) **Energy efficiency projects that:**

a. Are in service and used and useful;

b. Do not increase revenues by directly connecting the infrastructure replacements to new customers;
and

c. Were not included in the water corporation's or sewer corporation's rate base in its most recent general rate case;

(4) **"Energy efficiency", measures that reduce the amount of energy required to achieve a given end result;**

(5) "ISRS", infrastructure system replacement surcharge;

[(5)] (6) "ISRS costs", depreciation expenses and property taxes that will be due within twelve months of the ISRS filing; **depreciation expense on eligible infrastructure system capital investments shall not begin to be recorded on a utility's books until it is included in ISRS revenues or base revenues;**

[(6)] (7) "ISRS revenues", revenues produced through an ISRS, exclusive of revenues from all other rates and charges;

(8) **"Base revenues", revenues produced through a general rate case proceeding;**

[(7)] (9) "Water corporation", every corporation, company, association, joint stock company or association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, owning, operating, controlling, or managing any plant or property, dam or water supply, canal, or power station, distributing or selling for distribution, or selling or supplying for gain any water [to more than ten thousand customers];

[(8)] (10) **"Sewer corporation", every corporation, company, association, joint stock company or association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, owning, operating, controlling, or managing any sewer system, plant, or property, for the collection, carriage, treatment, or disposal of sewage anywhere within the state for gain;**

(11) "Water **or sewer** utility plant projects" may consist only of the following:

(a) Mains, [and associated] valves [and] , hydrants, **service lines, and meters, collecting sewers (including force lines, gravity sewers, interceptors, laterals, trunk sewers, manholes, lampholes, and necessary appurtenances, including service wyes), lift stations, and pressure pumps** installed as replacements for existing facilities that have worn out or are in deteriorated condition **or replaced as part of a commission order, or the replacement of any of the forms of plant utility named above with improved technology;**

(b) Main **and sewer** cleaning and relining projects; [and]

(c) Facilities relocations required due to construction or improvement of a highway, road, street, public way, or other public work by or on behalf of the United States, this state, a political subdivision of this state, or another entity having the power of eminent domain provided that the costs related to such projects have not been reimbursed to the water corporation **or sewer corporation**; and

(d) **Energy efficiency projects.**

393.1003. 1. Notwithstanding any provisions of chapter 386, RSMo, and this chapter to the contrary, as of August 28, [2003] **2014**, a water corporation **or sewer corporation** [providing water service in a county with a charter form of government and with more than one million inhabitants] may file a petition and proposed rate schedules with the commission to establish or change ISRS rate schedules that will allow for the adjustment of the water corporation's **or sewer corporation's** rates and charges to provide for the recovery of costs for eligible infrastructure system replacements [made in such county with a charter form of government and with more than one million inhabitants]; , provided that an ISRS, on an annualized basis, must produce ISRS revenues of at least one million dollars **for a water corporation or sewer corporation, or ten thousand dollars for a small sewer corporation or small water corporation as defined in section 393.146**, but not in excess of ten percent of the water corporation's **or sewer corporation's** base revenue level approved by the commission in the water corporation's most recent general rate proceeding. An ISRS and any future changes thereto shall be calculated and implemented in accordance with the provisions of sections 393.1000 to 393.1006. ISRS revenues shall be subject to refund based upon a finding and order of the commission, to the extent provided in subsections 5 and 8 of section 393.1006.

2. The commission shall not approve an ISRS for a water corporation **or sewer corporation** [in a county with a charter form of government and with more than one million inhabitants] that has not had a general rate proceeding decided or dismissed by issuance of a commission order within the past three years, unless the water corporation **or sewer corporation** has filed for or is the subject of a new general rate proceeding.

3. In no event shall a water corporation **or sewer corporation** collect an ISRS for a period exceeding three years unless the water corporation **or sewer corporation** has filed for or is the subject of a new general rate proceeding; provided that the ISRS may be collected until the effective date of new rate schedules established as a result of the new general rate proceeding, or until the subject general rate proceeding is otherwise decided or dismissed by issuance of a commission order without new rates being established."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Speaker Pro Tem Smith assumed the Chair.

On motion of Representative Funderburk, **House Amendment No. 1** was adopted.

Representative Berry offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Bill No. 44, Page 1, Section 393.1025, Line 15, by inserting after all of said section and line, the following:

"393.1032 1. Notwithstanding any other provision of law, all hydroelectric generation facilities located in Missouri, hydroelectric generation facilities that are owned by a Missouri utility, or under a purchased power agreement with a Missouri utility that is required to comply with energy standards under sections 393.1020 to 393.1045, will be classified as a certified renewable energy resource effective January 1, 2018. Beginning January 1, 2021, all hydroelectric generation, will be classified as a certified renewable energy resource. Such certification as a renewable energy resource will become effective immediately upon the occurrence of the delayed effective dates in this section, and will not require any additional certification from the division of energy of the Missouri department of natural resources or an equivalent agency.

2. Prior to August 28, 2013, existing hydroelectric generation facilities that have met the definition of a renewable energy resource and have been certified as such by the division of energy of the Missouri department of natural resources or an equivalent agency, shall be considered to be renewable energy resources under sections 393.1020 to 393.1045."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Berry, **House Amendment No. 2** was adopted.

HB 44, as amended, was laid over.

On motion of Representative Diehl, the House recessed until 2:45 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Jones.

PERFECTION OF HOUSE BILLS

HCS HB 320, relating to discriminatory employment practices, was taken up by Representative Elmer.

Representative Cornejo offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 320, Page 2, Section 213.010, Lines 44 and 45, by deleting all of said lines and inserting in lieu thereof the following:

"political or civil subdivision thereof, or [any person employing six or more persons within the state, and] any person directly acting in the interest of an employer, but does not include"; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Cornejo, **House Amendment No. 1** was adopted.

Representative Cornejo offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 320, Page 5, Section 213.111, Lines 26 to 31, by deleting all of said lines and inserting in lieu thereof the following:

"3. The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, [and may award to the plaintiff actual and punitive damages,] and may award court costs and reasonable attorney fees to the prevailing party, other than a state agency or commission or a local commission; except that, a prevailing respondent may be awarded court costs and reasonable attorney fees only upon a showing that the case is without foundation."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Cornejo, **House Amendment No. 2** was adopted.

Representative Cox assumed the Chair.

On motion of Representative Elmer, **HCS HB 320, as amended**, was adopted.

On motion of Representative Elmer, **HCS HB 320, as amended**, was ordered perfected and printed.

HB 44, as amended, relating to a renewable energy standard, was again taken up by Representative Korman.

Representative Korman offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Bill No. 44, Page 1, Section 393.1025, Line 8, by inserting after the phrase "dedicated crops" the following:

"or algae"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Funderburk offered **House Amendment No. 1 to House Amendment No. 3**.

House Amendment No. 1

to

House Amendment No. 3

AMEND House Amendment No. 1 to House Bill No. 44, Page 1, Line 4, by inserting after said line the following:

'Further amend said bill, Page 1, Line 3 of the title, by deleting the words "renewable energy definitions" and inserting in lieu thereof the words "regulation of water resources"; and'; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Funderburk, **House Amendment No. 1 to House Amendment No. 3** was adopted.

On motion of Representative Korman, **House Amendment No. 3, as amended**, was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 102

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Brown	Burlison	Cierpiot	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen

Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Molendorp	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schieber	Shull	Shumake	Smith 120	Solon
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 047

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Pierson	Rizzo	Runions	Schieffer
Schupp	Smith 85	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 012

Barnes	Brattin	Hubbard	Jones 50	May
Mims	Mitten	Morris	Pike	Roorda
Schatz	Sommer			

VACANCIES: 002

On motion of Representative Korman, **HB 44, as amended**, was ordered perfected and printed.

HB 34, as amended, relating to the School Construction Act, was taken up by Representative Guernsey.

Representative Hinson offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Bill No. 34, Page 1, Section 290.344, Line 10, by inserting after all of said line the following:

"3. An independent contractor conducting work under this section shall, upon the request of the school district, show proof of workers' compensation coverage."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hinson, **House Amendment No. 2** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Brown	Burlison	Cierpiot	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McGaugh	Messenger	Miller	Molendorp
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schieber	Shull
Shumake	Smith 120	Solon	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 048

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Pierson	Rizzo	Runions
Schieffer	Schupp	Smith 85	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 013

Barnes	Brattin	Gatschenberger	Hubbard	Jones 50
May	McCaherty	Mitten	Morris	Pike
Roorda	Schatz	Sommer		

VACANCIES: 002

On motion of Representative Guernsey, **HB 34, as amended**, was ordered perfected and printed by the following vote:

AYES: 089

Allen	Anderson	Austin	Bahr	Bernskoetter
Burlison	Cierpiot	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Elmer	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McGaugh	Messenger	Miller	Muntzel	Neely
Parkinson	Pfautsch	Phillips	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Smith 120
Spencer	Stream	Swan	Thomson	Walker
White	Wilson	Wood	Mr Speaker	

NOES: 059

Anders	Berry	Black	Burns	Butler
Carpenter	Colona	Conway 10	Curtis	Dunn
Ellinger	Ellington	Engler	English	Englund
Frame	Gannon	Gardner	Harris	Hodges
Hummel	Kelly 45	Kirkton	Korman	Kratky
LaFaver	Mayfield	McCaherty	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Molendorp	Montecillo	Morgan	Neth	Newman
Nichols	Norr	Otto	Pace	Pierson
Rizzo	Runions	Schieffer	Schupp	Smith 85
Solon	Swearingen	Torpey	Walton Gray	Webb
Webber	Wieland	Wright	Zerr	

PRESENT: 000

ABSENT WITH LEAVE: 013

Barnes	Brattin	Brown	Funderburk	Gatschenberger
Hubbard	Jones 50	May	Mitten	Morris
Pike	Roorda	Sommer		

VACANCIES: 002

PERFECTION OF HOUSE JOINT RESOLUTION

HJR 4, relating to general assembly term limits, was taken up by Representative Neth.

Representative Neth offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Joint Resolution No. 4, Page 1, Section 8, Line 3, by inserting after the phrase: "General Assembly." on said line the following:

"No person shall run for office for either house of the General Assembly if such person is prohibited from completing a full term in office as a representative or senator by the time limitations of this section."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Neth, **House Amendment No. 1** was adopted.

HJR 4, as amended, was laid over.

REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

The following House Concurrent Resolutions were referred to the Committee indicated:

HCR 10 - Tourism and Natural Resources
HCR 11 - Tourism and Natural Resources
HCR 12 - Tourism and Natural Resources
HCR 25 - General Laws

REFERRAL OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were referred to the Committee indicated:

HCS HJRs 11 & 7 - Fiscal Review
HJR 24 - General Laws
HJR 27 - Agriculture Policy
HJR 29 - Agriculture Policy

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 44 - Fiscal Review
HCS HB 320 - Fiscal Review
HB 164 - Workforce Development and Workplace Safety
HB 180 - General Laws
HB 183 - Budget
HB 206 - Agriculture Policy

- HB 243** - Special Standing Committee on Small Business
- HB 251** - Children, Families, and Persons with Disabilities
- HB 258** - Tourism and Natural Resources
- HB 259** - Workforce Development and Workplace Safety
- HB 296** - Crime Prevention and Public Safety
- HB 306** - Tourism and Natural Resources
- HB 331** - Utilities
- HB 337** - Professional Registration and Licensing
- HB 341** - General Laws
- HB 353** - Retirement
- HB 377** - General Laws
- HB 378** - Health Care Policy
- HB 396** - Elementary and Secondary Education
- HB 414** - Budget
- HB 437** - Utilities
- HB 440** - Professional Registration and Licensing
- HB 441** - Special Standing Committee on Urban Issues
- HB 442** - Crime Prevention and Public Safety
- HB 448** - Professional Registration and Licensing
- HB 471** - Tourism and Natural Resources
- HB 484** - Economic Development
- HB 488** - Professional Registration and Licensing
- HB 493** - Children, Families, and Persons with Disabilities
- HB 499** - Health Insurance
- HB 535** - Children, Families, and Persons with Disabilities
- HB 543** - General Laws
- HB 549** - Health Care Policy
- HB 564** - Agri-Business
- HB 568** - Local Government
- HB 570** - Tourism and Natural Resources
- HB 581** - Transportation
- HB 585** - Tourism and Natural Resources
- HB 588** - Elections
- HB 594** - Judiciary
- HB 597** - General Laws
- HB 599** - Veterans
- HB 607** - Ways and Means
- HB 609** - General Laws
- HB 621** - International Trade
- HB 625** - Professional Registration and Licensing
- HB 632** - Special Standing Committee on Urban Issues
- HB 634** - Tourism and Natural Resources
- HB 638** - Crime Prevention and Public Safety
- HB 639** - General Laws
- HB 640** - General Laws
- HB 643** - Local Government
- HB 650** - Tourism and Natural Resources

HB 653 - Crime Prevention and Public Safety
HB 656 - Special Standing Committee on Urban Issues
HB 658 - Local Government
HB 667 - Agriculture Policy
HB 668 - Children, Families, and Persons with Disabilities
HB 669 - General Laws
HB 673 - Higher Education

RE-REFERRAL OF HOUSE BILL

The following House Bill was re-referred to the Committee indicated:

HB 351 - Health Care Policy

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

SS#2 SCS SB 1 - Workforce Development and Workplace Safety
SB 75 - General Laws
SCS SB 182 - Special Standing Committee on Small Business

COMMITTEE REPORTS

Committee on Agriculture Policy, Chairman Reiboldt reporting:

Mr. Speaker: Your Committee on Agriculture Policy, to which was referred **HB 412**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Agriculture Policy, to which was referred **HB 542**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Agriculture Policy, to which was referred **HB 586**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Economic Development, Chairman Zerr reporting:

Mr. Speaker: Your Committee on Economic Development, to which was referred **HB 191** and **HB 182**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Economic Development, to which was referred **HB 201**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Economic Development, to which was referred **HB 221**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Economic Development, to which was referred **HB 222**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Economic Development, to which was referred **HB 423**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Fiscal Review, Chairman Flanigan reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HJR 8**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Special Standing Committee on Emerging Issues in Health Care, Chairman Richardson reporting:

Mr. Speaker: Your Special Standing Committee on Emerging Issues in Health Care, to which was referred **HB 112**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Special Standing Committee on Urban Issues, Chairman Hubbard reporting:

Mr. Speaker: Your Special Standing Committee on Urban Issues, to which was referred **HB 443**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Standing Committee on Urban Issues, to which was referred **HB 591**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Tourism and Natural Resources, Chairman Phillips reporting:

Mr. Speaker: Your Committee on Tourism and Natural Resources, to which was referred **HCR 7**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Transportation, Chairman Schatz reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 428**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 429**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Utilities, Chairman Funderburk reporting:

Mr. Speaker: Your Committee on Utilities, to which was referred **HB 142**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Utilities, to which was referred **HB 432**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Utilities, to which was referred **HB 473**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Workforce Development and Workplace Safety, Chairman Lant reporting:

Mr. Speaker: Your Committee on Workforce Development and Workplace Safety, to which was referred **HB 64**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Workforce Development and Workplace Safety, to which was referred **HB 409**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 726, introduced by Representatives Pierson, Montecillo, Pace, Webb, Gardner, Walton Gray, Smith (85), Burns, Norr, Morgan, Runions, Mims, Butler, Dunn, English, Ellington, Nichols, Cookson, Jones (110), Lair, Phillips, Shull, Richardson, McCann Beatty, McCaherty and Hodges, relating to the Missouri juneteenth heritage and jazz festival and memorial.

HB 727, introduced by Representative Grisamore, relating to services provided to individuals with disabilities.

HB 728, introduced by Representatives Rizzo, Webb, LaFaver, Mims, Dunn, Mayfield and McManus, relating to impoundment of a motor vehicle used to patronize prostitution.

HB 729, introduced by Representatives Rizzo, Torpey, Webb and Cierpiot, relating to scrap metal.

HB 730, introduced by Representatives Rowden, Englund, McKenna, Webber, Fitzpatrick, Muntzel, Franklin, Haahr, Rhoads and Wright, relating to notice requirements for lost or unclaimed property.

HB 731, introduced by Representative Grisamore, relating to MO HealthNet benefit eligibility.

HB 732, introduced by Representatives Hicks, Rhoads, Spencer, Reiboldt, Ross, Hurst, Leara, Miller, Walker, Remole, Bahr, Morris, Fitzwater, Guernsey, Wilson, Franklin, Smith (120), Rehder, Fitzpatrick, Love, Cornejo, Pike, Dohrman, Kolkmeyer, McGaugh, Austin, Sommer, Higdon, Cookson, Parkinson, Wood and Fowler, relating to firearms ownership and medical records.

HB 733, introduced by Representatives Berry, Cross, Lauer, Solon, Cierpiot, Rizzo, McCann Beatty, LaFaver, Swearingen, Mayfield, Mims, Runions, Anders and McManus, relating to port improvement districts..

HB 734, introduced by Representative Torpey, relating to the assignment of property tax liens.

HB 735, introduced by Representative Gosen, relating to the regulation of insurance business.

HB 736, introduced by Representative Scharnhorst, relating to an income tax deduction for educational expenses.

HB 737, introduced by Representative Leara, relating to the public school retirement system of the city of St. Louis.

HB 738, introduced by Representatives Lauer, Rowland, Hinson, Anders, Gatschenberger, Thomson, Higdon and Phillips, relating to school safety.

HB 739, introduced by Representative Korman, relating to clean water fees.

HB 740, introduced by Representative Korman, relating to hazardous waste fees.

HB 741, introduced by Representative Korman, relating to surface mining fees.

HB 742, introduced by Representatives Ellington, Mims, Curtis, Smith (85), Montecillo, Gardner, Morgan, Ellinger, Otto, Pace, Walton Gray, Meredith, Mitten and Rizzo, relating to improving the ability of inmates to obtain employment upon release from incarceration.

HB 743, introduced by Representatives Ellington, Hough, Solon, Conway (104), Montecillo, Gardner, Molendorp, Burlison, Cierpiot, Neth, Rowland, Mims, Morgan, Englund, Otto, Carpenter, Pace, English, Walton Gray, Colona, Smith (85), Curtis, Meredith and McCann Beatty, relating to the A+ schools program.

HB 744, introduced by Representatives Ellington, Colona, Meredith, Rizzo and McCann Beatty, relating to eyewitness identification procedures.

HB 745, introduced by Representatives Thomson, Frederick, Lichtenegger and Dohrman, relating to higher education scholarship programs.

HB 746, introduced by Representatives Cross, Cierpiot, McCaherty, Johnson, Hoskins, Torpey, Solon, Lauer, Diehl, Mayfield, McDonald and Grisamore, relating to the innovation education campus fund.

HB 747, introduced by Representative Scharnhorst, relating to financial transactions of gaming establishments.

HB 748, introduced by Representatives Crawford and Dugger, relating to open-end credit fees and to depository institution open-end credit advance fees applicable to transaction account cash advances.

HB 749, introduced by Representatives Cross, Lauer, Lynch, Brown, McCaherty, Fitzwater, Gatschenberger, Davis, Reiboldt and Lant, relating to landlord-tenant actions.

HB 750, introduced by Representative Molendorp, relating to insurance coverage for optometric services.

HB 751, introduced by Representative Molendorp, relating to tobacco-derived products.

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Thursday, February 28, 2013.

COMMITTEE HEARINGS

AGRI-BUSINESS

Thursday, February 28, 2013, Upon Morning Adjournment House Hearing Room 1.
Executive session may be held on any matter referred to the committee.

APPROPRIATIONS - INFRASTRUCTURE AND JOB CREATION

Tuesday, March 5, 2013, 8:00 AM House Hearing Room 3.
Executive session may be held on any matter referred to the committee.
Possible executive session

DOWNSIZING STATE GOVERNMENT

Thursday, February 28, 2013, 8:00 AM House Hearing Room 4.
Public hearing will be held: HB 297, HB 455, HB 406, HB 503, HB 451, HB 590
Executive session may be held on any matter referred to the committee.

ECONOMIC DEVELOPMENT

Thursday, February 28, 2013, 8:00 AM House Hearing Room 6.

Public hearing will be held: HB 385, HB 698

Executive session may be held on any matter referred to the committee.

ELECTIONS

Tuesday, March 5, 2013, 8:15 AM House Hearing Room 5.

Public hearing will be held: HB 336, HB 348, HB 587, HJR 20, HB 54

Executive session will be held: HJR 20, HB 54

Executive session may be held on any matter referred to the committee.

Committee may reconsider HB 199 using new substitute.

FISCAL REVIEW

Thursday, February 28, 2013, 8:30 AM South Gallery.

Executive session may be held on any matter referred to the committee.

HEALTH CARE POLICY

Wednesday, March 13, 2013, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 47, HB 72, HB 257, HB 274

Executive session may be held on any matter referred to the committee.

CANCELLED

INSURANCE POLICY

Monday, March 4, 2013, Upon Afternoon Adjournment House Hearing Room 1.

Public hearing will be held: HB 52, HB 481, HB 522

Executive session will be held: HB 53, HB 58

Executive session may be held on any matter referred to the committee.

Consent requested on HB 53 and HB 58

INSURANCE POLICY

Monday, March 4, 2013, 12:30 PM 4700 S Providence Road, Columbia, MO.

Executive session may be held on any matter referred to the committee.

Informational meeting

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, March 7, 2013, 8:00 AM House Hearing Room 1.

First quarter meeting

CANCELLED

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, March 14, 2013, 8:00 AM House Hearing Room 1.

First quarter meeting

Please note date change.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Wednesday, March 27, 2013, 8:00 AM House Hearing Room 1.

First quarter meeting

Please note date change.

CANCELLED

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, March 6, 2013, Upon Morning Adjournment House Hearing Room 5.

Public hearing will be held: HB 625

Executive session will be held: HB 625, HB 384, HB 387

Executive session may be held on any matter referred to the committee.

RULES

Thursday, February 28, 2013, 1:00 PM House Hearing Room 7.

Executive session will be held: HCS HB 335, HB 134, HB 307, HB 227, HB 184, HB 152, HCR 5, HCR 9, HB 542, HB 412, HB 443, HB 591

Executive session may be held on any matter referred to the committee.

TOURISM AND NATURAL RESOURCES

Thursday, February 28, 2013, 8:00 AM House Hearing Room 7.

Public hearing will be held: HB 604

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

TWENTY-NINTH DAY, THURSDAY, FEBRUARY 28, 2013

HOUSE BILLS FOR SECOND READING

HB 726 through HB 751

HOUSE JOINT RESOLUTIONS FOR PERFECTION

1 HJR 4, as amended - Neth

2 HJR 16 - McCaherty

HOUSE BILLS FOR PERFECTION

HCS HB 169 - Diehl

HOUSE BILLS FOR PERFECTION - CONSENT

(2/27/2013)

1 HB 85 - Kelley (127)

2 HCS HB 128 - Sommer

3 HB 133 - Gosen

- 4 HB 163 - Fitzpatrick
- 5 HB 212 - Cox
- 6 HCS HB 233 - Leara
- 7 HB 329 - Dugger
- 8 HCS HB 349 - Brown

HOUSE JOINT RESOLUTIONS FOR THIRD READING

- 1 HJR 8 - Solon
- 2 HCS HJR 11 & 7 , (Fiscal Review 2-27-13) - Reiboldt

HOUSE BILLS FOR THIRD READING - APPROPRIATIONS

HCS HB 14 - Stream

HOUSE BILLS FOR THIRD READING

- 1 HCS HB 388 - Swan
- 2 HCS HB 320, (Fiscal Review 2-27-13) - Elmer
- 3 HB 44, (Fiscal Review 2-27-13) - Korman
- 4 HB 34 - Guernsey

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

TWENTY-NINTH DAY, THURSDAY, FEBRUARY 28, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

I sought the Lord, and He heard me and delivered me from all my fears. (Psalm 34:4)

Our Eternal God, Whose creative spirit summons us to walk in the way of justice and peace and good will, in all reverence of mind and heart we bow before You at the altar of prayer. If we should lose our way in these trying times we would turn from the noise of the seen world to the quiet of the unseen world in Your presence where we can be still and know that You are God.

In the wilderness of our human relationships reveal to us Your will. In the darkness of our day let Your light shine upon our path. In the confusion of conflicting counsels give us wisdom to see clearly the signs of the times and the courage to walk worthily in the way of Your Word to us.

This day may we depart from evil and do good; may we seek peace and pursue it; may we do justly, love mercy, and walk humbly with You.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Dylan O'Brien.

The Journal of the twenty-eighth day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 600 through House Resolution No. 632

SECOND READING OF HOUSE BILLS

HB 726 through **HB 751** were read the second time.

COMMITTEE REPORTS

Committee on Fiscal Review, Chairman Flanigan reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HJR 11 & 7**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 44**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 320**, begs leave to report it has examined the same and recommends that it **Do Pass**.

THIRD READING OF HOUSE BILLS

HCS HB 388, relating to the Parent and Community School Information Act, was taken up by Representative Swan.

On motion of Representative Swan, **HCS HB 388** was read the third time and passed by the following vote:

AYES: 128

Allen	Anders	Anderson	Austin	Bahr
Bernskoetter	Berry	Black	Brown	Burlison
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hodges	Hoskins	Hough
Houghton	Hubbard	Hurst	Johnson	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	McKenna
McManus	Meredith	Messenger	Miller	Molendorp
Montecillo	Muntzel	Neely	Neth	Nichols
Otto	Parkinson	Pfautsch	Phillips	Pierson
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Schieffer
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 023

Burns	Butler	Carpenter	Dunn	Ellinger
Hummel	Mayfield	McCann Beatty	McDonald	McNeil
Mims	Mitten	Morgan	Newman	Norr
Pace	Pogue	Runions	Schupp	Smith 85
Swearingen	Walton Gray	Webber		

PRESENT: 000

ABSENT WITH LEAVE: 010

Barnes	Brattin	Curtis	Hinson	Jones 50
May	Morris	Pike	Roorda	Webb

VACANCIES: 002

Speaker Jones declared the bill passed.

HB 44, relating to a renewable energy standard, was taken up by Representative Korman.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 098

Allen	Anderson	Austin	Bahr	Berry
Brown	Burlison	Cierpiot	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	Entlicher	Fitzpatrick	Fitzwater	Fowler
Fraker	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hoskins	Hough
Houghton	Hurst	Johnson	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McGaugh	Messenger	Miller
Molendorp	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 047

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten

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Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Pierson	Rizzo	Runions
Schieffer	Schupp	Smith 85	Swearingen	Walton Gray
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 016

Barnes	Bernskoetter	Brattin	Curtis	Flanigan
Franklin	Grisamore	Hinson	Hubbard	Jones 50
May	McCaherty	Morris	Pike	Roorda
Webb				

VACANCIES: 002

On motion of Representative Korman, **HB 44** was read the third time and passed by the following vote:

AYES: 095

Allen	Anderson	Austin	Bahr	Berry
Brown	Burlison	Cierpiot	Colona	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Guernsey	Haahr
Haefner	Hampton	Hansen	Hicks	Higdon
Hoskins	Houghton	Hurst	Johnson	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Love
Lynch	Marshall	McGaugh	Messenger	Miller
Molendorp	Muntzel	Neth	Parkinson	Pfautsch
Phillips	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Schieffer	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Thomson	Walker
White	Wieland	Wilson	Wood	Zerr

NOES: 046

Anders	Black	Burns	Butler	Carpenter
Conway 10	Dunn	Ellinger	Ellington	English
Englund	Frame	Gardner	Harris	Hodges
Hummel	Kelly 45	Kirkton	Kratky	LaFaver
Mayfield	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Pierson	Rizzo	Runions	Schupp
Smith 85	Swearingen	Torpey	Walton Gray	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 020

Barnes	Bernskoetter	Brattin	Curtis	Franklin
Grisamore	Hinson	Hough	Hubbard	Jones 50
Lichtenegger	May	McCaherty	Morris	Neely
Pike	Roorda	Swan	Webb	Mr Speaker

VACANCIES: 002

Speaker Jones declared the bill passed.

HB 34, relating to the School Construction Act, was taken up by Representative Guernsey.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 095

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Brown	Burlison	Cierpiot	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Gannon	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Higdon	Hoskins
Hough	Houghton	Hurst	Johnson	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	McCaherty	McGaugh	Messenger
Miller	Molendorp	Muntzel	Neely	Neth
Pfautsch	Phillips	Pogue	Redmon	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Schatz	Schieber	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Mr Speaker

NOES: 048

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webber	Wright		

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PRESENT: 000

ABSENT WITH LEAVE: 018

Barnes	Brattin	Funderburk	Gatschenberger	Hicks
Hinson	Hubbard	Jones 50	Marshall	May
Morris	Parkinson	Pike	Rehder	Roorda
Scharnhorst	Webb	Zerr		

VACANCIES: 002

On motion of Representative Guernsey, **HB 34** was read the third time and passed by the following vote:

AYES: 089

Allen	Anderson	Austin	Bahr	Bernskoetter
Brown	Burlison	Cierpiot	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Franklin	Frederick	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Higdon	Hoskins	Hough	Houghton	Hurst
Johnson	Justus	Keeney	Kelley 127	Koenig
Kolkmeier	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McGaugh
Messenger	Miller	Muntzel	Neely	Parkinson
Pfautsch	Phillips	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Smith 120	Sommer
Spencer	Stream	Swan	Thomson	Walker
White	Wilson	Wood	Mr Speaker	

NOES: 059

Anders	Berry	Black	Burns	Butler
Carpenter	Colona	Conway 10	Curtis	Dunn
Ellinger	Ellington	Engler	English	Englund
Frame	Gannon	Gardner	Harris	Hodges
Hummel	Kelly 45	Kirkton	Korman	Kratky
LaFaver	Mayfield	McCaherty	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Molendorp	Montecillo	Morgan	Neth
Newman	Nichols	Norr	Otto	Pace
Pierson	Rizzo	Runions	Schieffer	Schupp
Smith 85	Solon	Swearingen	Torpey	Walton Gray
Webber	Wieland	Wright	Zerr	

PRESENT: 000

ABSENT WITH LEAVE: 013

Barnes	Brattin	Funderburk	Gatschenberger	Hicks
Hinson	Hubbard	Jones 50	May	Morris
Pike	Roorda	Webb		

VACANCIES: 002

Speaker Jones declared the bill passed.

HCS HB 320, relating to discriminatory employment practices, was taken up by Representative Elmer.

Representative Leara assumed the Chair.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 099

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Brown	Burlison	Cierpiot	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Higdon
Hoskins	Hough	Houghton	Hurst	Johnson
Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	

NOES: 047

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Runions	Schieffer	Schupp	Smith 85	Walton Gray
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 015

Barnes	Brattin	Gatschenberger	Hicks	Hinson
Hubbard	Jones 50	May	Morris	Pike
Roorda	Ross	Swearingen	Webb	Mr Speaker

VACANCIES: 002

On motion of Representative Elmer, **HCS HB 320** was read the third time and passed by the following vote:

AYES: 094

Allen	Anderson	Austin	Bahr	Bernskoetter
Brown	Burlison	Cierpiot	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haefner	Hampton	Hansen	Hicks	Higdon
Hoskins	Hough	Houghton	Hurst	Johnson
Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	McGaugh	Messenger
Miller	Molendorp	Muntzel	Neely	Parkinson
Pfautsch	Phillips	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rowden	Rowland	Scharnhorst	Schatz	Shull
Shumake	Smith 120	Sommer	Spencer	Stream
Swan	Thomson	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 055

Anders	Berry	Black	Burns	Butler
Carpenter	Colona	Conway 10	Curtis	Dunn
Ellinger	Ellington	English	Englund	Frame
Gardner	Haahr	Harris	Hodges	Hummel
Kelly 45	Kirkton	Kratky	LaFaver	Marshall
Mayfield	McCaherty	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Neth	Newman	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Runions	Schieber	Schieffer	Schupp	Smith 85
Solon	Torpey	Walton Gray	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 012

Barnes	Brattin	Hinson	Hubbard	Jones 50
May	Morris	Pike	Roorda	Ross
Swearingen	Webb			

VACANCIES: 002

Representative Leara declared the bill passed.

THIRD READING OF HOUSE BILL - APPROPRIATIONS

HCS HB 14 was taken up by Representative Stream.

On motion of Representative Stream, **HCS HB 14** was read the third time and passed by the following vote:

AYES: 147

Allen	Anders	Anderson	Austin	Bahr
Bernskoetter	Berry	Black	Brown	Burlison
Burns	Butler	Carpenter	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hodges	Hoskins	Hough
Houghton	Hummel	Hurst	Johnson	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Montecillo	Morgan	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Parkinson	Pfautsch	Phillips	Pierson	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 85	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	Walton Gray	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 002

Ellington	Marshall
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PRESENT: 000

ABSENT WITH LEAVE: 012

Barnes	Brattin	Hinson	Hubbard	Jones 50
May	Morris	Pike	Roorda	Ross
Swearingen	Webb			

VACANCIES: 002

Representative Leara declared the bill passed.

THIRD READING OF HOUSE JOINT RESOLUTIONS

HCS HJR 11 & 7, relating to the right to farm, was taken up by Representative Reiboldt.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 099

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Brown	Burlison	Cierpiot	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hoskins	Hough	Houghton
Hurst	Johnson	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
McCaherty	McGaugh	Messenger	Miller	Molendorp
Muntzel	Neely	Neth	Pfautsch	Phillips
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Zerr	Mr Speaker	

NOES: 047

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols

Norr	Otto	Pace	Pierson	Rizzo
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webber			

PRESENT: 000

ABSENT WITH LEAVE: 015

Barnes	Brattin	Hinson	Hubbard	Jones 50
Marshall	May	Morris	Parkinson	Pike
Roorda	Stream	Webb	Wood	Wright

VACANCIES: 002

On motion of Representative Reiboldt, **HCS HJR 11 & 7** was read the third time and passed by the following vote:

AYES: 110

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Black	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hodges
Hoskins	Hough	Houghton	Hurst	Johnson
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	Mayfield
McCaherty	McGaugh	McKenna	Messenger	Miller
Molendorp	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pierson	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Schieffer	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 041

Anders	Burns	Butler	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Hummel
Kelly 45	Kirkton	Kratky	LaFaver	McCann Beatty
McDonald	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Rizzo	Runions
Schupp	Smith 85	Swearingen	Walton Gray	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 010

Barnes	Brattin	Hinson	Hubbard	Jones 50
May	Morris	Pike	Roorda	Webb

VACANCIES: 002

Representative Leara declared the bill passed.

HJR 8, relating to a veterans lottery ticket, was taken up by Representative Solon.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 103

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Brown	Burlison	Cierpiot	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hoskins	Hough	Houghton
Hurst	Johnson	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	McManus	Messenger
Miller	Molendorp	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Schatz
Schieber	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 045

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hummel	Kirkton	Kratky
LaFaver	Mayfield	McCann Beatty	McDonald	McKenna
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Rizzo	Runions	Schieffer	Schupp
Smith 85	Swearingen	Walton Gray	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 013

Barnes	Brattin	Hinson	Hubbard	Jones 50
Kelly 45	May	Morris	Pierson	Pike
Roorda	Scharnhorst	Webb		

VACANCIES: 002

On motion of Representative Solon, **HJR 8** was read the third time and passed by the following vote:

AYES: 137

Anders	Anderson	Austin	Bahr	Bernskoetter
Berry	Black	Brown	Burlison	Burns
Butler	Carpenter	Cierpiot	Colona	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtis	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hodges	Hoskins	Hough	Houghton	Hummel
Hurst	Johnson	Justus	Keeney	Kelley 127
Kelly 45	Koenig	Kolkmeyer	Korman	Kratky
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Messenger	Miller	Mims	Molendorp
Muntzel	Neely	Neth	Nichols	Norr
Otto	Pace	Parkinson	Pfautsch	Phillips
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 013

Ellington	Gardner	Kirkton	Meredith	Mitten
Montecillo	Morgan	Newman	Pierson	Pogue
Smith 85	Swearingen	Wright		

PRESENT: 001

LaFaver

ABSENT WITH LEAVE: 010

Allen	Barnes	Brattin	Hinson	Hubbard
Jones 50	May	Morris	Pike	Roorda

VACANCIES: 002

Representative Leara declared the bill passed.

Speaker Jones resumed the Chair.

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 427 - General Laws
HB 589 - Crime Prevention and Public Safety
HB 695 - Special Standing Committee on Emerging Issues in Health Care
HB 748 - Financial Institutions

COMMITTEE REPORTS

Committee on Higher Education, Chairman Thomson reporting:

Mr. Speaker: Your Committee on Higher Education, to which was referred **HB 168**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Judiciary, Chairman Cox reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 215**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Special Standing Committee on Corrections, Chairman Fitzwater reporting:

Mr. Speaker: Your Special Standing Committee on Corrections, to which was referred **HB 301**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Standing Committee on Corrections, to which was referred **HB 401**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Transportation, Chairman Schatz reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **HJR 23**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Ways and Means, Chairman Koenig reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 521** and **HB 579**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 578**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Riddle reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCR 5**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCR 9**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 134**, begs leave to report it has examined the same and recommends that it **Be Returned to the Committee of Origin**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 152**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 184**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 227**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 307**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 412**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 443**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 542**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 591**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

INTRODUCTION OF HOUSE JOINT RESOLUTION

The following House Joint Resolution was read the first time and copies ordered printed:

HJR 30, introduced by Representatives Solon, Korman, Schieber, Curtman, Rhoads, Hurst, Ross, Parkinson and Berry, relating to taxation.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 752, introduced by Representative Ellinger, relating to minimum sentencing for certain felony offenders.

HB 753, introduced by Representative Ellinger, relating to minimum sentencing for certain felony offenders.

HB 754, introduced by Representatives Sommer, Hicks, Spencer, Brown and Parkinson, relating to the carrying of concealed firearms.

HB 755, introduced by Representatives Lynch, Pike, Walker, Thomson, Allen, Kratky, Nichols, Webber, Hough, Zerr, Korman, Richardson, Gatschenberger, Miller, Funderburk and Redmon, relating to the licensing of home inspectors.

HB 756, introduced by Representatives Hubbard, Jones (110), Diehl, Webb, Ellington, Smith (85), McCaherty, Gardner, Mims and Kelly (45), relating to prisoner re-entry services.

HB 757, introduced by Representatives Bahr, Spencer and Curtman, relating to the laws of other countries.

HB 758, introduced by Representatives Schieber, Higdon, Wilson, Marshall and Phillips, relating to domestic animals in state parks.

HB 759, introduced by Representatives Jones (50), Diehl, Richardson, Hummel and Webber, relating to alcohol franchise.

HB 760, introduced by Representatives Walton Gray, Curtis, Runions, McKenna, Schieffer, Meredith, Dunn, Conway (10), Pace and Mims, relating to prohibiting publishing of the name of lottery winners.

HB 761, introduced by Representative Walton Gray, relating to false alarm fees in certain cities.

HB 762, introduced by Representatives Gatschenberger, Redmon, Fitzwater, Hampton, Hicks, Fraker, Cornejo and Scharnhorst, relating to the powers and duties of the Missouri electrical industry licensing board.

HB 763, introduced by Representative McGaugh, relating to the political accountability in campaigning act.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 23**, entitled:

An act to repeal section 67.1010, RSMo, and to enact in lieu thereof one new section relating to the Pettis county transient guest tax.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 60**, entitled:

An act to repeal section 375.246, RSMo, and to enact in lieu thereof one new section relating to reinsurance, with an effective date.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 120**, entitled:

An act to repeal sections 135.305, 135.350, 135.352, 135.484, 143.119, 253.550, 253.557, 253.559, and 447.708, RSMo, and to enact in lieu thereof nineteen new sections relating to tax incentives, with an emergency clause for certain sections.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 4:00 p.m., Monday, March 4, 2013.

COMMITTEE HEARINGS

AGRI-BUSINESS

Tuesday, March 5, 2013, 8:00 AM House Hearing Room 4.

Public hearing will be held: HB 433, HB 564

Executive session may be held on any matter referred to the committee.

The Committee on Agri-Business will also hold a discussion on the Department of Natural Resources.

AGRICULTURE POLICY

Tuesday, March 5, 2013, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 83, HJR 27, HJR 29, HB 667

Executive session may be held on any matter referred to the committee.

APPROPRIATIONS - INFRASTRUCTURE AND JOB CREATION

Tuesday, March 5, 2013, 8:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Possible executive session

CHILDREN, FAMILIES, AND PERSONS WITH DISABILITIES

Tuesday, March 5, 2013, 12:00 PM or Upon Adjournment House Hearing Room 1.

Public hearing will be held: HB 515, HB 251, HB 493, HB 535, HB 668

Executive session will be held: HB 513

Executive session may be held on any matter referred to the committee.

ELECTIONS

Tuesday, March 5, 2013, 8:15 AM House Hearing Room 5.

Public hearing will be held: HB 336, HB 348, HB 587, HJR 20, HB 54

Executive session will be held: HJR 20, HB 54

Executive session may be held on any matter referred to the committee.

Committee may reconsider HB 199 using new substitute.

ETHICS

Monday, March 4, 2013, 6:00 PM House Hearing Room 4.

Closed meeting pursuant to the Ethics Committee Rules of Procedure

HEALTH CARE POLICY

Wednesday, March 6, 2013, Upon Morning Recess House Hearing Room 6.

Public hearing will be held: HB 457, HCR 13, HB 386

Executive session may be held on any matter referred to the committee.

HEALTH CARE POLICY

Wednesday, March 13, 2013, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 47, HB 72, HB 257, HB 274

Executive session may be held on any matter referred to the committee.

CANCELLED

HEALTH INSURANCE

Tuesday, March 5, 2013, 12:00 PM House Hearing Room 5.
Executive session may be held on any matter referred to the committee.

INSURANCE POLICY

Monday, March 4, 2013, Upon Afternoon Adjournment House Hearing Room 1.
Public hearing will be held: HB 52, HB 481, HB 522
Executive session will be held: HB 53, HB 58
Executive session may be held on any matter referred to the committee.
Consent requested on HB 53 & HB 58

INSURANCE POLICY

Monday, March 4, 2013, 12:30 PM 4700 S Providence Road, Columbia, MO.
Executive session may be held on any matter referred to the committee.
Informational meeting

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, March 7, 2013, 8:00 AM House Hearing Room 1.
First quarter meeting
CANCELLED

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, March 14, 2013, 8:00 AM House Hearing Room 1.
First quarter meeting
Please note date change.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Wednesday, March 27, 2013, 8:00 AM House Hearing Room 1.
First quarter meeting
Please note date change.
CANCELLED

LOCAL GOVERNMENT

Monday, March 4, 2013, 1:00 PM House Hearing Room 5.
Public hearing will be held: HB 568, HB 658, HB 643, HB 364, HB 284
Executive session may be held on any matter referred to the committee.

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, March 6, 2013, Upon Morning Adjournment House Hearing Room 5.
Public hearing will be held: HB 625
Executive session will be held: HB 625, HB 384, HB 387
Executive session may be held on any matter referred to the committee.

RULES

Monday, March 4, 2013, Upon Afternoon Adjournment House Hearing Room 3.

Executive session will be held: HCS HB 168, HCS HB 178, HCS HB 312, HB 116, HB 428, HB 429, HCR 7, HB 64, HB 409, HB 142, HB 432, HB 112, HCS HB 473, HCS HB 222, HCS HBs 191 & 182, HB 201, HB 423, HB 301, HCS HB 401, HCS HB 215, HB 578, HCS HBs 521 & 579, HCS HB 586, HB 196

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON CORRECTIONS

Wednesday, March 6, 2013, 5:00 PM or Upon Afternoon Adjournment House Hearing Room 1.

Public hearing will be held: HB 293, HB 463, HB 525

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN HEALTH CARE

Wednesday, March 6, 2013, 4:00 PM or Upon Adjournment House Hearing Room 3.

Public hearing will be held: HJR 6

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON SMALL BUSINESS

Wednesday, March 6, 2013, 12:00 PM or Upon Morning Adjournment House Hearing Room 7.

Public hearing will be held: SCS SB 182, HB 510, HB 496, HB 495, HB 243

Executive session will be held: SCS SB 182, HB 391

Executive session may be held on any matter referred to the committee.

CORRECTED

TRANSPORTATION

Tuesday, March 5, 2013, 12:00 PM House Hearing Room 7.

Public hearing will be held: HB 130, HB 581

Executive session will be held: HB 445, HB 472, HB 303, HB 304, HB 438

Executive session may be held on any matter referred to the committee.

VETERANS

Tuesday, March 5, 2013, 8:00 AM House Hearing Room 1.

Public hearing will be held: HB 599

Executive session may be held on any matter referred to the committee.

Executive session will follow.

CORRECTED

WAYS AND MEANS

Tuesday, March 5, 2013, 5:00 PM House Hearing Room 1.

Public hearing will be held: HB 536, HB 607, HJR 25

Executive session will be held: HJR 3, HB 149

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

THIRTIETH DAY, MONDAY, MARCH 4, 2013

HOUSE JOINT RESOLUTIONS FOR SECOND READING

HJR 30

HOUSE BILLS FOR SECOND READING

HB 752 through HB 763

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HJR 4, as amended - Neth
- 2 HJR 16 - McCaherty

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 169 - Diehl
- 2 HCS HB 117 - Dugger
- 3 HB 227 - Zerr
- 4 HB 152 - Solon

HOUSE BILLS FOR PERFECTION - CONSENT

(2/27/2013)

- 1 HB 85 - Kelley (127)
- 2 HCS HB 128 - Sommer
- 3 HB 133 - Gosen
- 4 HB 163 - Fitzpatrick
- 5 HB 212 - Cox
- 6 HCS HB 233 - Leara
- 7 HB 329 - Dugger
- 8 HCS HB 349 - Brown

SENATE BILLS FOR SECOND READING

- 1 SB 23
- 2 SB 60
- 3 SS SCS SB 120

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 5 - Phillips
- 2 HCR 9 - Curtman

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

THIRTIETH DAY, MONDAY, MARCH 4, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Representative Charles Davis.

Our Heavenly Father, we come to You today in our weakness because You are strength. In the book of Isaiah we are told: He giveth power to the faint; and to them that have no might He increaseth strength. Even the youths shall faint and be weary, and the young men shall utterly fall: But they that wait upon the LORD shall renew their strength; they shall mount up with wings as eagles; they shall run, and not be weary; and they shall walk, and not faint.

Give us all strength throughout the week that we might serve the people that elected us to serve, and to serve the One who holds the keys to life and death. For You are a merciful God, full of love, mercy, goodness, kindness and compassion.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Journal of the twenty-ninth day was approved as printed by the following vote:

AYES: 154

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Burlison	Burns	Carpenter	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	May
Mayfield	McCaherty	McCann Beatty	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Molendorp	Montecillo	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Pace	Parkinson	Pfautsch

Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 85	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 000

PRESENT: 001

Curtis

ABSENT WITH LEAVE: 006

Brown	Butler	Hubbard	McDonald	McGaugh
Schatz				

VACANCIES: 002

HOUSE RESOLUTION

Representative Davis offered House Resolution No. 640.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 633 through House Resolution No. 639
House Resolution No. 641 through House Resolution No. 650

SECOND READING OF HOUSE JOINT RESOLUTION

HJR 30 was read the second time.

SECOND READING OF HOUSE BILLS

HB 752 through **HB 763** were read the second time.

SECOND READING OF SENATE BILLS

SB 23, **SB 60** and **SS SCS SB 120** were read the second time.

COMMITTEE REPORTS

Committee on International Trade, Chairman McCaherty reporting:

Mr. Speaker: Your Committee on International Trade, to which was referred **HB 79**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Local Government, Chairman Gatschenberger reporting:

Mr. Speaker: Your Committee on Local Government, to which was referred **HB 60**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Tourism and Natural Resources, Chairman Phillips reporting:

Mr. Speaker: Your Committee on Tourism and Natural Resources, to which was referred **HB 316**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Riddle reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCR 7**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 64**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HBs 191 & 182**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 196**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 201**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 222**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 301**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 312**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 401**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 409**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 423**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 432**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 473**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 586**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

INTRODUCTION OF HOUSE JOINT RESOLUTION

The following House Joint Resolution was read the first time and copies ordered printed:

HJR 31, introduced by Representatives Marshall and Schieber, relating to the general assembly.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 764, introduced by Representatives Mims, Ellington, Swearingen, Dunn, Mayfield, Rizzo, LaFaver, McCann Beatty, Runions, Colona, Hubbard, Walton Gray, Morgan, Smith (85) and Gardner, relating to court costs for certain municipal ordinance violations.

HB 765, introduced by Representative Brown, relating to public assistance for illegal aliens.

HB 766, introduced by Representatives Schupp, English, Pace, Burns, Ellinger, Norr, Morgan and Meredith, relating to medical malpractice insurance.

HB 767, introduced by Representatives Jones (50), Funderburk, Molendorp, Neth, Hough, Cierpiot, Hicks, Webber, Zerr, Hampton, Hodges, McGaugh, Hoskins, Korman, Richardson, Colona, Dugger, Elmer and Grisamore, relating to the Manufacturing and Utility Infrastructure Jobs Act.

HB 768, introduced by Representatives English, LaFaver, Hicks, Mayfield, Burns, Kratky, Walton Gray, Fitzwater, Mims, Dunn, Runions, Colona, Norr, Montecillo, Pace, Frame, Hummel, Webb and Schieffer, relating to visually impaired voters.

HB 769, introduced by Representatives Englund, Rowden, Webber, Mims, Mitten and Swearingen, relating to the sale of unclaimed property.

HB 770, introduced by Representative Higdon, relating to the registration of radiology technicians.

HB 771, introduced by Representative Schatz, relating to commercial drivers' licenses.

WITHDRAWAL OF HOUSE BILL

March 4, 2013

Representative Timothy Jones, Speaker
Missouri House of Representatives
State Capitol, Room 308
Jefferson City, MO 65101

Dear Speaker Jones:

I request that **House Bill No. 265** be withdrawn.

Respectfully,

/s/ Rochelle Walton Gray
State Representative
District 75

The following members' presence was noted: Brown, McDonald and Schatz.

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Tuesday, March 5, 2013.

COMMITTEE HEARINGS

AGRI-BUSINESS

Tuesday, March 5, 2013, 8:00 AM House Hearing Room 4.

Public hearing will be held: HB 433, HB 564

Executive session may be held on any matter referred to the committee.

The Committee on Agri-Business will also hold a discussion on the Department of Natural Resources.

AGRICULTURE POLICY

Tuesday, March 5, 2013, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 83, HJR 27, HJR 29, HB 667

Executive session may be held on any matter referred to the committee.

APPROPRIATIONS - INFRASTRUCTURE AND JOB CREATION

Tuesday, March 5, 2013, 8:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Possible executive session

BUDGET

Wednesday, March 6, 2013, Upon Morning Adjournment House Hearing Room 3.

Public hearing will be held: HCR 4, HCR 3, HJR 17, HB 183, HB 414

Executive session may be held on any matter referred to the committee.

CHILDREN, FAMILIES, AND PERSONS WITH DISABILITIES

Tuesday, March 5, 2013, 12:00 PM or Upon Adjournment House Hearing Room 1.

Public hearing will be held: HB 515, HB 251, HB 493, HB 535, HB 668

Executive session will be held: HB 513

Executive session may be held on any matter referred to the committee.

CRIME PREVENTION AND PUBLIC SAFETY

Wednesday, March 6, 2013, 2:00 PM House Hearing Room 6.

Public hearing will be held: HB 442, HB 653, HB 638, HB 468

Executive session will be held: HB 108, HB 462, HB 577

Executive session may be held on any matter referred to the committee.

AMENDED

ECONOMIC DEVELOPMENT

Tuesday, March 5, 2013, 5:00 PM House Hearing Room 3.

Public hearing will be held: HB 484

Executive session may be held on any matter referred to the committee.

ELECTIONS

Tuesday, March 5, 2013, 8:15 AM House Hearing Room 5.

Public hearing will be held: HB 336, HB 348, HB 587, HJR 20, HB 54

Executive session will be held: HJR 20, HB 54

Executive session may be held on any matter referred to the committee.

Committee may reconsider HB 199 using new substitute.

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, March 6, 2013, 8:00 AM House Hearing Room 6.

Public hearing will be held: HB 470

Executive session will be held: HB 179, HB 76

Executive session may be held on any matter referred to the committee.

EMERGING ISSUES IN AGRICULTURE

Wednesday, March 6, 2013, 8:00 AM House Hearing Room 4.

Public hearing will be held: HB 487, HCR 21

Executive session may be held on any matter referred to the committee.

AMENDED

FINANCIAL INSTITUTIONS

Tuesday, March 5, 2013, 6:30 PM 2125 Missouri Blvd, Jefferson City, MO.

FINANCIAL INSTITUTIONS

Wednesday, March 6, 2013, 12:00 PM House Hearing Room 4.

Public hearing will be held: HB 478, HB 748

Executive session will be held: HB 748

Executive session may be held on any matter referred to the committee.

GENERAL LAWS

Tuesday, March 5, 2013, 12:00 PM House Hearing Room 4.

Public hearing will be held: HB 356, HB 372, HB 600, HB 641, SCS SBs 10 & 25, HB 533

Executive session may be held on any matter referred to the committee.

HEALTH CARE POLICY

Wednesday, March 6, 2013, Upon Morning Recess House Hearing Room 6.

Public hearing will be held: HB 457, HCR 13, HB 386

Executive session may be held on any matter referred to the committee.

HEALTH CARE POLICY

Wednesday, March 13, 2013, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 47, HB 72, HB 257, HB 274

Executive session may be held on any matter referred to the committee.

CANCELLED

HEALTH INSURANCE

Tuesday, March 5, 2013, 12:00 PM House Hearing Room 5.

Executive session may be held on any matter referred to the committee.

CANCELLED

INTERNATIONAL TRADE

Wednesday, March 6, 2013, 5:00 PM or Upon Adjournment House Hearing Room 7.

Public hearing will be held: HB 621

Executive session will be held: HB 181, HB 253, HB 621

Executive session may be held on any matter referred to the committee.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Tuesday, March 5, 2013, 8:30 AM Senate Lounge.

Committee organizational meeting

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, March 7, 2013, 8:00 AM House Hearing Room 1.

1st quarter meeting

CANCELLED

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, March 14, 2013, 8:00 AM House Hearing Room 1.

1st quarter meeting

Please note date change.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Wednesday, March 27, 2013, 8:00 AM House Hearing Room 1.

1st quarter meeting

Please note date change.

CANCELLED

JUDICIARY

Wednesday, March 6, 2013, 12:00 PM or Upon Morning Adjournment (whichever is earlier)
House Hearing Room 1.

Public hearing will be held: HB 102, HB 204, HB 370, HB 375, HB 447, HB 505, HB 566, HB 210

Executive session will be held: HB 371

Executive session may be held on any matter referred to the committee.

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, March 6, 2013, Upon Morning Adjournment House Hearing Room 5.

Public hearing will be held: HB 625

Executive session will be held: HB 625, HB 384, HB 387

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON CORRECTIONS

Wednesday, March 6, 2013, 5:00 PM or Upon Afternoon Adjournment House Hearing Room 1.

Public hearing will be held: HB 293, HB 463, HB 525

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN HEALTH CARE

Wednesday, March 6, 2013, 4:00 PM or Upon Adjournment House Hearing Room 3.

Public hearing will be held: HJR 6

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON SMALL BUSINESS

Wednesday, March 6, 2013, 12:00 PM or Upon Morning Adjournment House Hearing Room 7.

Public hearing will be held: SCS SB 182, HB 510, HB 496, HB 495, HB 243

Executive session will be held: SCS SB 182, HB 391

Executive session may be held on any matter referred to the committee.

CORRECTED

TRANSPORTATION

Tuesday, March 5, 2013, 12:00 PM House Hearing Room 7.

Public hearing will be held: HB 130, HB 581

Executive session will be held: HB 445, HB 472, HB 303, HB 304, HB 438

Executive session may be held on any matter referred to the committee.

UTILITIES

Wednesday, March 6, 2013, 8:00 AM House Hearing Room 7.

Public hearing will be held: HB 398, HB 119, HB 601, HB 331

Executive session may be held on any matter referred to the committee.

VETERANS

Tuesday, March 5, 2013, 8:00 AM House Hearing Room 1.

Public hearing will be held: HB 599

Executive session may be held on any matter referred to the committee.

CORRECTED

WAYS AND MEANS

Tuesday, March 5, 2013, 5:00 PM House Hearing Room 1.

Public hearing will be held: HB 536, HB 607, HJR 25

Executive session will be held: HJR 3, HB 149

Executive session may be held on any matter referred to the committee.

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Wednesday, March 6, 2013, 8:00 AM House Hearing Room 5.

Public hearing will be held: SS#2 SCS SB 1, HB 164

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

THIRTY-FIRST DAY, TUESDAY, MARCH 5, 2013

HOUSE JOINT RESOLUTIONS FOR SECOND READING

HJR 31

HOUSE BILLS FOR SECOND READING

HB 764 through HB 771

HOUSE JOINT RESOLUTIONS FOR PERFECTION

1 HJR 4, as amended - Neth

2 HJR 16 - McCaherty

HOUSE BILLS FOR PERFECTION

1 HCS HB 169 - Diehl

2 HCS HB 117 - Dugger

3 HB 227 - Zerr

4 HB 152 - Solon

5 HB 64 - Burlison

6 HCS HBs 191 & 182 - Torpey

7 HB 201 - Torpey

8 HCS HB 222 - Austin

9 HB 409 - Love

10 HB 423 - Zerr

11 HCS HB 473 - Funderburk

HOUSE BILLS FOR PERFECTION - CONSENT

(2/27/2013)

- 1 HB 85 - Kelley (127)
- 2 HCS HB 128 - Sommer
- 3 HB 133 - Gosen
- 4 HB 163 - Fitzpatrick
- 5 HB 212 - Cox
- 6 HCS HB 233 - Leara
- 7 HB 329 - Dugger
- 8 HCS HB 349 - Brown

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 5 - Phillips
- 2 HCR 9 - Curtman

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

THIRTY-FIRST DAY, TUESDAY, MARCH 5, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

In Thee, O Lord, do I put my trust: let me never be put to confusion. (Psalm 71:1)

Lord of our lives, we know of no finer way to begin this day than by pausing before You in prayer - and in praying - renew our faith, restore our spirits, and rededicate our lives to You and to the welfare of our beloved state. In these days that call for wisdom, understanding, and good will, may we possess Your spirit or better still - may Your spirit possess us that we may plan with faith, work with courage, and live with love in our hearts.

Grant us and all our people the grace to fearlessly contend against evil, to make no peace with oppression, to be on guard against violence, and may we use our freedom to maintain justice and good will between men and women to the glory of Your Holy Name.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Cadie Buschjost, Kylie Bernskoetter, Aly Alexander, Nita Jones, Jovana Cervantes, Katherine Thompson and Shania Francka.

The Journal of the thirtieth day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 651 through House Resolution No. 680

SECOND READING OF HOUSE JOINT RESOLUTION

HJR 31 was read the second time.

SECOND READING OF HOUSE BILLS

HB 764 through **HB 771** were read the second time.

PERFECTION OF HOUSE BILL

HCS HB 117, relating to initiative and referendum petitions, was taken up by Representative Dugger.

On motion of Representative Dugger, **HCS HB 117** was adopted by the following vote:

AYES: 150

Allen	Anders	Anderson	Austin	Bahr
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Elmer
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Molendorp	Montecillo	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Parkinson
Pfautsch	Phillips	Pierson	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webb	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 008

Barnes	Carpenter	Curtis	Ellington	Gardner
May	Mitten	Smith 85		

PRESENT: 000

ABSENT WITH LEAVE: 003

Engler	Grisamore	Hubbard
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VACANCIES: 002

On motion of Representative Dugger, **HCS HB 117** was ordered perfected and printed.

PERFECTION OF HOUSE JOINT RESOLUTION

HJR 4, as amended, relating to general assembly term limits, was taken up by Representative Neth.

Representative Neth offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Joint Resolution No. 4, Page 1, Section 8, Line 7, by inserting after said line the following:

‘Section B. The official ballot title for section A of this act shall read as follows:

"Shall the Missouri Constitution be amended to allow a member of the General Assembly to serve the sixteen year maximum in any proportion in either chamber as long as he or she serves no more than sixteen years total?" ’; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Neth, **House Amendment No. 2** was adopted.

On motion of Representative Neth, **HJR 4, as amended**, was ordered perfected and printed.

REFERRAL OF HOUSE JOINT RESOLUTION

The following House Joint Resolution was referred to the Committee indicated:

HJR 4 - Fiscal Review

COMMITTEE REPORTS

Committee on Financial Institutions, Chairman Dugger reporting:

Mr. Speaker: Your Committee on Financial Institutions, to which was referred **HB 203**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Health Care Policy, Chairman Frederick reporting:

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **HB 47**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Insurance Policy, Chairman Gosen reporting:

Mr. Speaker: Your Committee on Insurance Policy, to which was referred **HB 53**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Insurance Policy, to which was referred **HB 58**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Local Government, Chairman Gatschenberger reporting:

Mr. Speaker: Your Committee on Local Government, to which was referred **HB 28**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Local Government, to which was referred **HB 175**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Local Government, to which was referred **HB 234**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Transportation, Chairman Schatz reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 303** and **HB 304**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 438**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 445**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Utilities, Chairman Funderburk reporting:

Mr. Speaker: Your Committee on Utilities, to which was referred **HB 345**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Veterans, Chairman Davis reporting:

Mr. Speaker: Your Committee on Veterans, to which was referred **HCR 16**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Veterans, to which was referred **HB 159**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Veterans, to which was referred **HB 450**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 772, introduced by Representative Haahr, relating to retirement benefits.

HB 773, introduced by Representative Entlicher, relating to elections.

HB 774, introduced by Representatives Redmon, Hampton and Curtman, for the sole purpose of repealing expired, ineffective, and obsolete statutory provisions.

HB 775, introduced by Representatives Hampton, Redmon and Curtman, for the sole purpose of repealing multiple versions of statutes.

HB 776, introduced by Representatives Pace, Hummel, Butler, Schupp, McCann Beatty, English, Otto, Pierson, Black, Montecillo, Swearingen, Nichols, Anders, Hinson, Higdon, Mims, LaFaver, Torpey, McManus and Smith (85), relating to the creation of the crime of assaulting an employee of a mass transit system while in the scope of his or her duties.

HB 777, introduced by Representatives Swearingen, Jones (50), Neth, Berry, Carpenter and Shull, relating to an election for a charter hospital to be governed by Missouri's nonprofit corporation law.

HB 778, introduced by Representatives Kelley (127) and Mims, relating to advertising on state internet web pages.

HB 779, introduced by Representatives McNeil, Pierson, Morgan, Otto, Newman, Nichols and English, relating to the Missouri energy efficiency performance standard.

HB 780, introduced by Representatives Schieffer and Gatschenberger, relating to interest rates on student loans.

HB 781, introduced by Representatives Hough, Kirkton, Barnes, Haahr, Rhoads, LaFaver, Elmer, Lichtenegger, Muntzel, Fitzpatrick, Messenger, Fowler, Jones (50), Richardson, Love, Justus, Lant, Anderson and Ellinger, relating to MO HealthNet-funded home- and community-based care.

HB 782, introduced by Representatives Spencer and Bahr, relating to education system employees.

HB 783, introduced by Representative Diehl, relating to school facilities and equipment.

HB 784, introduced by Representatives Diehl, Jones (110) and Stream, relating to the Missouri Senior Services Protection Fund.

HB 785, introduced by Representatives Anderson, Smith (120), Entlicher, Hurst, Kelley (127), Bahr, Remole, Guernsey, Crawford, Dugger, Lant, Reiboldt, Neely, Rehder, Love, Rowland, Messenger, Fitzpatrick, Ross, Phillips, Brown, Funderburk, Pogue, Walker, Lynch, Houghton, Cox, Franklin, Fitzwater, Redmon and Lichtenegger, relating to confiscated animals.

HB 786, introduced by Representative McDonald, relating to penalties for violations of city ordinances.

WITHDRAWAL OF HOUSE BILL

March 4, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
Missouri State Capitol
201 W. Capitol Ave.
Jefferson City, MO 65101

Dear Chief Clerk,

I respectfully request withdrawal of **House Bill No. 583**, which creates the School Safety Trust Fund Act.

Please do not hesitate to contact me if I can provide additional information.

Sincerely,

/s/ Jeff Roorda
State Representative
District 113

The following members' presence was noted: Engler and Grisamore.

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 11:00 a.m., Wednesday, March 6, 2013.

COMMITTEE HEARINGS

ADMINISTRATION AND ACCOUNTS

Thursday, March 7, 2013, Upon Morning Adjournment South Gallery.
Issue development committee

APPROPRIATIONS - INFRASTRUCTURE AND JOB CREATION

Tuesday, March 12, 2013, 8:00 AM House Hearing Room 3.
Executive session will be held: HJR 14
Executive session may be held on any matter referred to the committee.

BUDGET

Wednesday, March 6, 2013, Upon Morning Adjournment House Hearing Room 3.
Public hearing will be held: HCR 4, HCR 3, HJR 17, HB 183, HB 414
Executive session may be held on any matter referred to the committee.

BUDGET

Thursday, March 7, 2013, Upon Morning Adjournment House Hearing Room 3.
Public hearing will be held: HB 1, HB 2, HB 3, HB 4, HB 5, HB 6, HB 7, HB 8, HB 9, HB 10, HB 11, HB 12, HB 13
Executive session may be held on any matter referred to the committee.
Review of House Committee Substitutes for House Bills 1 through 13

CRIME PREVENTION AND PUBLIC SAFETY

Wednesday, March 6, 2013, 2:00 PM House Hearing Room 6.
Public hearing will be held: HB 442, HB 653, HB 638, HB 468
Executive session will be held: HB 108, HB 462, HB 577
Executive session may be held on any matter referred to the committee.
AMENDED

DOWNSIZING STATE GOVERNMENT

Thursday, March 7, 2013, 8:00 AM House Hearing Room 4.
Public hearing will be held: HCR 23, HB 544, HB 616
Executive session may be held on any matter referred to the committee.

ECONOMIC DEVELOPMENT

Thursday, March 7, 2013, 8:00 AM House Hearing Room 3.
Executive session may be held on any matter referred to the committee.
The committee will conduct an executive session.

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, March 6, 2013, 8:00 AM House Hearing Room 6.
Public hearing will be held: HB 458, HB 470
Executive session will be held: HB 179, HB 76
Executive session may be held on any matter referred to the committee.
AMENDED

EMERGING ISSUES IN AGRICULTURE

Wednesday, March 6, 2013, 8:00 AM House Hearing Room 4.

Public hearing will be held: HB 487, HCR 21

Executive session may be held on any matter referred to the committee.

AMENDED

FINANCIAL INSTITUTIONS

Wednesday, March 6, 2013, 12:00 PM House Hearing Room 4.

Public hearing will be held: HB 478, HB 748

Executive session will be held: HB 748

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Wednesday, March 6, 2013, 8:30 AM South Gallery.

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Thursday, March 7, 2013, 8:30 AM South Gallery.

Executive session may be held on any matter referred to the committee.

GENERAL LAWS

Wednesday, March 6, 2013, 5:00 PM House Hearing Room 4.

Public hearing will be held: HB 436

Executive session will be held: HB 372, HB 641, HB 533, HB 356

Executive session may be held on any matter referred to the committee.

HEALTH CARE POLICY

Wednesday, March 6, 2013, Upon Morning Recess House Hearing Room 6.

Public hearing will be held: HB 457, HCR 13, HB 386

Executive session may be held on any matter referred to the committee.

HEALTH CARE POLICY

Wednesday, March 13, 2013, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 47, HB 72, HB 257, HB 274

Executive session may be held on any matter referred to the committee.

CANCELLED

HEALTH INSURANCE

Thursday, March 7, 2013, Upon Morning Adjournment South Gallery.

Executive session will be held: HB 315, HB 344

Executive session may be held on any matter referred to the committee.

INTERNATIONAL TRADE

Wednesday, March 6, 2013, 5:00 PM or Upon Adjournment House Hearing Room 7.

Public hearing will be held: HB 621

Executive session will be held: HB 181, HB 253, HB 621

Executive session may be held on any matter referred to the committee.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, March 7, 2013, 8:00 AM House Hearing Room 1.

First quarter meeting

CANCELLED

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, March 14, 2013, 8:00 AM House Hearing Room 1.

First quarter meeting

Please note date change.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Wednesday, March 27, 2013, 8:00 AM House Hearing Room 1.

First quarter meeting

Please note date change.

CANCELLED

JUDICIARY

Wednesday, March 6, 2013, 12:00 PM or Upon Morning Adjournment (whichever is earlier) House Hearing Room 1.

Public hearing will be held: HB 102, HB 204, HB 370, HB 375, HB 447, HB 505, HB 566, HB 210

Executive session will be held: HB 371

Executive session may be held on any matter referred to the committee.

LOCAL GOVERNMENT

Thursday, March 7, 2013, 9:00 AM House Hearing Room 5.

Executive session will be held: HB 74, HB 161

Executive session may be held on any matter referred to the committee.

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, March 6, 2013, Upon Morning Adjournment House Hearing Room 5.

Public hearing will be held: HB 625, HB 440, HB 448

Executive session will be held: HB 387, HB 290

Executive session may be held on any matter referred to the committee.

AMENDED

SPECIAL STANDING COMMITTEE ON CORRECTIONS

Wednesday, March 6, 2013, 5:00 PM or Upon Afternoon Adjournment House Hearing Room 1.

Public hearing will be held: HB 293, HB 463, HB 525

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN HEALTH CARE

Wednesday, March 6, 2013, 4:00 PM or Upon Adjournment House Hearing Room 3.

Public hearing will be held: HJR 6

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON SMALL BUSINESS

Wednesday, March 6, 2013, 12:00 PM or Upon Morning Adjournment House Hearing Room 7.

Public hearing will be held: SCS SB 182, HB 510, HB 496, HB 495, HB 243

Executive session will be held: SCS SB 182, HB 391

Executive session may be held on any matter referred to the committee.

CORRECTED

TOURISM AND NATURAL RESOURCES

Thursday, March 7, 2013, 8:00 AM House Hearing Room 7.

Public hearing will be held: HB 585, HB 634, HB 471, HCR 10, HCR 12, HCR 11, HB 570, HB 258, HB 650, HB 306

Executive session may be held on any matter referred to the committee.

UTILITIES

Wednesday, March 6, 2013, 8:00 AM House Hearing Room 7.

Public hearing will be held: HB 398, HB 119, HB 601, HB 331

Executive session may be held on any matter referred to the committee.

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Wednesday, March 6, 2013, 8:00 AM House Hearing Room 5.

Public hearing will be held: SS#2 SCS SB 1, HB 164

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

THIRTY-SECOND DAY, WEDNESDAY, MARCH 6, 2013

HOUSE BILLS FOR SECOND READING

HB 772 through HB 786

HOUSE JOINT RESOLUTIONS FOR PERFECTION

HJR 16 - McCaherty

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 169 - Diehl
- 2 HB 227 - Zerr
- 3 HB 152 - Solon
- 4 HB 64 - Burlison
- 5 HCS HBs 191 & 182 - Torpey
- 6 HB 201 - Torpey
- 7 HCS HB 222 - Austin
- 8 HB 409 - Love
- 9 HB 423 - Zerr
- 10 HCS HB 473 - Funderburk

HOUSE BILLS FOR PERFECTION - CONSENT

(2/27/2013)

- 1 HB 85 - Kelley (127)
- 2 HCS HB 128 - Sommer
- 3 HB 133 - Gosen
- 4 HB 163 - Fitzpatrick
- 5 HB 212 - Cox
- 6 HCS HB 233 - Leara
- 7 HB 329 - Dugger
- 8 HCS HB 349 - Brown

(3/6/2013)

- 1 HB 184 - Cox
- 2 HB 196 - Lauer
- 3 HB 301 - Engler
- 4 HB 307 - Riddle
- 5 HCS HB 312 - Thomson
- 6 HCS HB 401 - Shumake
- 7 HB 412 - Reiboldt
- 8 HB 432 - Webb
- 9 HB 542 - Love
- 10 HCS HB 586 - Schieffer
- 11 HB 591 - Hubbard

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 5 - Phillips
- 2 HCR 9 - Curtman

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

THIRTY-SECOND DAY, WEDNESDAY, MARCH 6, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

For you were called to freedom. Brethren; only do not use your freedom as an opportunity for the flesh, but through love be servants of one another. (Galatians 5:13)

Almighty and Everlasting God, in our hearts we bow before You in all reverence and humility, confessing our need of Your forgiving grace and our desire for Your directing guidance. Help us to lift our spirits to You in prayer and praise and give us grace to dedicate our lives anew to You, to our state, and to the welfare of our Missouri citizens.

We pray for the captive peoples of the world - for the oppressed, the downtrodden, the persecuted - those who live in the darkness of fear and death. Grant that they may keep aglow in their hearts the desire for freedom. May they have the courage to endure their trials with faith, the strength to resist temptation with honor, and the spirit that continues to dream of a day when justice and mercy shall rule the hearts of all.

During these days that test our patience may the awareness of Your presence give us steady faith and steadfast love enabling us to assist those in need.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Journal of the thirty-first day was approved as corrected.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 681 through House Resolution No. 716

SECOND READING OF HOUSE BILLS

HB 772 through **HB 786** were read the second time.

PERFECTION OF HOUSE JOINT RESOLUTION

HJR 16, relating to admissibility of evidence, was taken up by Representative McCaherty.

Representative McCaherty offered **House Amendment No. 1.**

House Amendment No. 1

AMEND House Joint Resolution No. 16, Page 1, Section 18(c), Line 8, by inserting after all of said section and line, the following:

‘Section B. The official ballot title for section A of this act shall read as follows:

“Shall the Missouri Constitution be amended so that it will be permissible to allow relevant evidence of prior criminal acts to be admissible in prosecutions for crimes of a sexual nature involving a victim under eighteen years of age?” ’; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative McCaherty, **House Amendment No. 1** was adopted.

Representative Colona offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Joint Resolution No. 16, Page 1, Section 18(c), Line 3, by deleting the word "**eighteen**" and inserting in lieu thereof the word "**sixteen**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Leara assumed the Chair.

On motion of Representative Colona, **House Amendment No. 2** was adopted.

On motion of Representative McCaherty, **HJR 16, as amended**, was ordered perfected and printed.

On motion of Representative Diehl, the House recessed until 3:00 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Jones.

Representative Leara resumed the Chair.

PERFECTION OF HOUSE BILLS

HCS HBs 191 & 182, relating to investment incentives, was taken up by Representative Torpey.

Representative Cierpiot offered **House Amendment No. 1.**

House Amendment No. 1

AMEND House Committee Substitute for House Bill Nos. 191 & 182, Page 7, Section 348.273, Line 205, by inserting after all of said line the following:

"(6) Before accepting a qualified security a qualified Missouri business shall convey to the department of economic development a two percent equity interest in the business. The department shall refrain from exercising any voting rights in the business while it holds the equity interest.

(7) The department may sell the equity interest at a time it believes is in the economic best interest of the state, but shall not hold the equity interest for more than one year after this section expires.

(8) Any proceeds from the sale of the equity interest shall be used by the department to further the goals of this program."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Cierpiot, **House Amendment No. 1** was adopted.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Allen	Anderson	Austin	Bahr	Barnes
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeier	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller
Molendorp	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Pierson

Rizzo
Smith 85
Wright

Roorda
Swearingen

Runions
Walton Gray

Schieffer
Webb

Schupp
Webber

PRESENT: 000

ABSENT WITH LEAVE: 006

Bernskoetter
Reiboldt

Cornejo

Funderburk

Hubbard

Korman

VACANCIES: 002

On motion of Representative Torpey, **HCS HBs 191 & 182, as amended**, was adopted.

On motion of Representative Torpey, **HCS HBs 191 & 182, as amended**, was ordered perfected and printed.

HB 201, relating to a tax credit for a freight line company, was taken up by Representative Torpey.

Representative Zerr offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 201, Page 1, Section A, Line 2, by inserting immediately after said line the following:

"135.1550. 1. Sections 135.1550 to 135.1575 shall be known and may be cited as the "Missouri Export Incentive Act".

2. As used in sections 135.1550 to 135.1575, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Air export tax credit", the tax credit against the taxes imposed under chapters 143, 147, and 148, except for those in sections 143.191 to 143.265, to be issued by the department to a claiming freight forwarder for the shipment of air cargo on a qualifying outbound flight;

(2) "Airport", any international airport located within the state;

(3) "Chargeable kilo", the shipment of a kilo of freight, as measured by the greater of:

(a) Actual weight; or

(b) A dimensional weight, as determined by the conversion factors promulgated by the International Air Transport Association, on a qualifying outbound flight;

(4) "Claiming freight forwarder", the freight forwarder designated as the "agent" on the airway bill for the qualifying outbound flight for which such air export tax credit is sought;

(5) "Department", the Missouri department of economic development;

(6) "Direct international aircraft flight", a single aircraft transoceanic flight that operates to an international destination in accordance with the operators bilateral route authority;

(7) "Freight forwarder", a person who assumes responsibility in the ordinary course of business for the transportation of cargo from the place of receipt to the place of destination, including the utilization of a qualifying outbound flight;

(8) "Qualifying outbound flight", a direct international aircraft flight that carries either all cargo or a mix of passengers and cargo from the airport to an international destination.

135.1555. 1. For all fiscal years beginning on or after July 1, 2013, a claiming freight forwarder shall be entitled to an air export tax credit for the shipment of cargo on a qualifying outbound flight in an amount equal to forty cents per chargeable kilo.

2. The department shall index, and the secretary of state shall publish in the Missouri Register, the amount of the air export tax credits to adjust each year depending upon fluctuations in the cost of fuel for over-the-road transportation.

135.1560. 1. To receive benefits provided under section 135.1555, a claiming freight forwarder shall file an application with the department within one hundred twenty calendar days of the date of shipment. The documentation to be presented by the claiming freight forwarder in such an application shall consist of the master airway bill for the shipment on the qualifying outbound flight for which the claiming freight forwarder is seeking air export tax credits. The department shall establish procedures to allow claiming freight forwarders that file applications for air export tax credits to receive such tax credits within twenty business days of the filing of the application.

2. If the fiscal year cap on the issuance of air export tax credits provided under section 135.1565 is met in a given fiscal year, then the amount of such tax credits that have been authorized, but remain unissued, shall be carried forward and issued in the subsequent fiscal year.

3. No tax credits provided under this section shall be authorized after June 30, 2021. Any tax credits authorized on or before June 30, 2021, but not issued, may be issued until all such authorized tax credits have been issued.

135.1565. The total aggregate amount for air export tax credits authorized under section 135.1555 shall not exceed sixty million dollars. The amount of the air export tax credits issued under section 135.1555 shall not exceed seven million five hundred thousand dollars for each fiscal year beginning on or after July 1, 2013, unless authorized by the department. Any amount issued exceeding seven million five hundred thousand dollars in a fiscal year shall be reduced first from the authorized amount for the fiscal year ending June 30, 2021, and then the preceding fiscal years, until all such authorized credits have been issued.

135.1570. If the amount of any tax credit authorized under sections 135.1550 to 135.1575 exceeds the total tax liability for the year in which the applicant is entitled to receive a tax credit, the amount that exceeds the state tax liability may be carried forward for credit against the taxes imposed under chapters 143, 147, and 148, except those in sections 143.191 to 143.265, for the succeeding six years, or until the full credit is used, whichever occurs first. Tax credits authorized under the provisions of sections 135.1550 to 135.1575 may be transferred, sold, or otherwise assigned. Tax credits granted to a partnership, a limited liability company taxed as a partnership, or multiple owners of property shall be passed through to the partners, members, or owners respectively pro rata or pursuant to an executed agreement among the partners, members, or owners documenting an alternate distribution method.

135.1575. 1. The department may promulgate rules to implement the provisions of sections 135.1550 to 135.1575. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this act, shall be invalid and void.

2. The provisions of section 23.253 of the Missouri sunset act notwithstanding:

(1) The provisions of the new programs authorized under sections 135.1550 to 135.1575 shall automatically sunset eight years after the effective date of this act, unless reauthorized by an act of the general assembly;

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset eight years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the programs authorized under sections 135.1550 to 135.1575 sunset."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Frame raised a point of order that **House Amendment No. 1** goes beyond the scope of the bill.

Representative Leara requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

Representative Hoskins assumed the Chair.

On motion of Representative Zerr, **House Amendment No. 1** was adopted.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 106

Allen	Anderson	Austin	Bahr	Barnes
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Molendorp	Morris	Muntzel	Neely
Neth	Parkinson	Pfausch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 005

Bernskoetter	Diehl	Hodges	Hubbard	Korman
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VACANCIES: 002

On motion of Representative Torpey, **HB 201, as amended**, was ordered perfected and printed.

HCS HB 222, relating to data storage centers, was taken up by Representative Austin.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Allen	Anderson	Austin	Berry	Brattin
Brown	Burlison	Cierpiot	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Dohrman	Dugger	Elmer	Engler
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Franklin	Frederick	Gannon	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Thomson	Walker
White	Wieland	Wilson	Wood	Zerr

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 012

Bahr	Barnes	Bernskoetter	Diehl	Funderburk
Grisamore	Hodges	Hubbard	Korman	Swearingen
Torpey	Mr Speaker			

VACANCIES: 002

On motion of Representative Austin, **HCS HB 222** was adopted.

On motion of Representative Austin, **HCS HB 222** was ordered perfected and printed.

HB 423, relating to the Distressed Areas Land Assemblage Tax Credit Act, was taken up by Representative Zerr.

HB 423 was laid over.

HCS HB 473, relating to gas corporation regulations, was taken up by Representative Funderburk.

Representative Richardson offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 473, Pages 1-2, Section 393.150, by removing all of said section from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Richardson, **House Amendment No. 1** was adopted.

On motion of Representative Funderburk, **HCS HB 473, as amended**, was adopted.

On motion of Representative Funderburk, **HCS HB 473, as amended**, was ordered perfected and printed.

REFERRAL OF HOUSE JOINT RESOLUTION

The following House Joint Resolution was referred to the Committee indicated:

HJR 16 - Fiscal Review

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HCS HBs 191 & 182 - Fiscal Review

HB 201 - Fiscal Review

HCS HB 222 - Fiscal Review

HCS HB 473 - Fiscal Review

COMMITTEE REPORTS

Committee on Children, Families, and Persons with Disabilities, Chairman Grisamore reporting:

Mr. Speaker: Your Committee on Children, Families, and Persons with Disabilities, to which was referred **HB 68**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Children, Families, and Persons with Disabilities, to which was referred **HB 252**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Downsizing State Government, Chairman Curtman reporting:

Mr. Speaker: Your Committee on Downsizing State Government, to which was referred **HB 137**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Downsizing State Government, to which was referred **HB 217**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Elections, Chairman Entlicher reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **HB 199**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Elections, to which was referred **HB 235**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Elementary and Secondary Education, Chairman Cookson reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 76**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 134**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 179**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Emerging Issues in Agriculture, Chairman Johnson reporting:

Mr. Speaker: Your Committee on Emerging Issues in Agriculture, to which was referred **HB 340**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Financial Institutions, Chairman Dugger reporting:

Mr. Speaker: Your Committee on Financial Institutions, to which was referred **HB 748**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Fiscal Review, Chairman Flanigan reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HJR 4**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on General Laws, Chairman Jones (50) reporting:

Mr. Speaker: Your Committee on General Laws, to which was referred **HCR 19**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on General Laws, to which was referred **HB 162**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on General Laws, to which was referred **HB 170**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on General Laws, to which was referred **SCS SBs 10 & 25**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Health Care Policy, Chairman Frederick reporting:

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **HB 257**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **HB 457**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Judiciary, Chairman Cox reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 373** and **HB 435**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 374** and **HB 434**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Professional Registration and Licensing, Chairman Burlison reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 290**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

ADVANCEMENT OF CONSENT BILLS

Pursuant to Rule 45(b), the following bills, having remained on the House Consent Calendar for Perfection for five legislative days, were ordered perfected and printed by consent with all committee substitutes and committee amendments thereto adopted and perfected by consent: **HB 85**, **HCS HB 128**, **HB 133**, **HB 163**, **HB 212**, **HCS HB 233**, **HB 329** and **HCS HB 349**.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 787, introduced by Representatives Richardson, Jones (110), Smith (120), Jones (50), Riddle, Korman, Cox, Guernsey, Curtman, Barnes, Hinson, Ross, Lichtenegger, Conway (104), McCaherty, Fitzwater, Wilson, Hough, Fowler, Fraker, Hansen, Walker, White, Rowden, Rehder, Frederick, Allen, Flanagan, Shumake, Phillips, Solon, Brown, Sommer, McGaugh, Remole, Haefner, Hampton and Kelley (127), relating to the copying and retention of source documents used to obtain driver's licenses and nondriver's licenses.

HB 788, introduced by Representative Funderburk, relating to approval by the public service commission for the sale or transfer of a water or sewer utility.

HB 789, introduced by Representative Funderburk, relating to the public service commission assessment of water and sewer corporations.

HB 790, introduced by Representatives Spencer and Kelley (127), relating to school annexation.

HB 791, introduced by Representative LaFaver, relating to per-pupil costs for educational services for certain school children.

HB 792, introduced by Representatives Schupp, Kirkton, English, Ellinger, Englund, Morgan, Mitten, Hodges, Pace and Burns, relating to mandatory influenza vaccinations, with penalty provisions.

HB 793, introduced by Representatives Rizzo, McManus, Runions, Mims, Ellington and McCann Beatty, relating to political subdivisions.

HB 794, introduced by Representatives Kolkmeier, Dohrman, Shull, Austin, Hansen, Lauer, Gannon, Cross, Spencer, Neely, McGaugh, Entlicher, Anderson, Wilson, Love, Pfautsch, Rowden, Cornejo, Dunn, Curtis, Mayfield, Butler, Hicks, Pike and Lynch, relating to the Amber alert and Silver alert system, with an existing penalty provision.

HB 795, introduced by Representative Kolkmeier, relating to alternative fuel.

HB 796, introduced by Representatives McCann Beatty, Redmon, Nichols, Dunn and Ellinger, relating to real estate appraisers.

HB 797, introduced by Representatives Curtis, Hicks, Mims, Kolkmeier, Mayfield, Pace, Morgan, McNeil, Newman, Pierson, Otto, Butler, Justus, English, Smith (85) and Walton Gray, relating to community children's services funds.

COMMITTEE CHANGE

March 5, 2013

The Honorable Timothy W. Jones, Speaker
Missouri House of Representatives
201 West Capitol Avenue, Room 308
Jefferson City, MO 65101

Dear Mr. Speaker:

I would like to notify you of the approval for the request by Rep. Jason Smith, to be removed from the Leadership for Missouri Issue Development Standing Committee.

Please take note of the updated committee member roster.

Sincerely,

/s/ Dwight Scharnhorst
Administration and Accounts, Chair
District 98

The following member's presence was noted: Korman.

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Thursday, March 7, 2013.

CORRECTION TO THE HOUSE JOURNAL

Correct House Journal, Thirty-first Day, Tuesday, March 5, 2013, Page 508, Lines 32-33, by deleting the words “with House Committee Substitute”.

COMMITTEE HEARINGS

ADMINISTRATION AND ACCOUNTS

Thursday, March 7, 2013, Upon Morning Adjournment South Gallery.
Issue development committee

APPROPRIATIONS - INFRASTRUCTURE AND JOB CREATION

Tuesday, March 12, 2013, 8:00 AM House Hearing Room 3.
Executive session will be held: HJR 14
Executive session may be held on any matter referred to the committee.

BUDGET

Thursday, March 7, 2013, Upon Morning Adjournment House Hearing Room 3.

Public hearing will be held: HB 1, HB 2, HB 3, HB 4, HB 5, HB 6, HB 7, HB 8, HB 9, HB 10, HB 11, HB 12, HB 13

Executive session may be held on any matter referred to the committee.

Review of House Committee Substitutes for House Bills 1 through 13

BUDGET

Monday, March 11, 2013, 12:00 PM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Review of House Committee Substitutes for House Bills 1 through 13

BUDGET

Wednesday, March 13, 2013, Upon Morning Adjournment House Hearing Room 3.

Public hearing will be held: HB 1, HB 2, HB 3, HB 4, HB 5, HB 6, HB 7, HB 8, HB 9, HB 10, HB 11, HB 12, HB 13

Executive session will be held: HB 1, HB 2, HB 3, HB 4, HB 5, HB 6, HB 7, HB 8, HB 9, HB 10, HB 11, HB 12, HB 13

Executive session may be held on any matter referred to the committee.

Bills to be considered: House Committee Substitutes for House Bills 1 through 13

DOWNSIZING STATE GOVERNMENT

Thursday, March 7, 2013, 8:00 AM House Hearing Room 4.

Public hearing will be held: HCR 23, HB 544, HB 616

Executive session may be held on any matter referred to the committee.

ECONOMIC DEVELOPMENT

Thursday, March 7, 2013, 8:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

The committee will conduct an Executive session.

FISCAL REVIEW

Thursday, March 7, 2013, 8:30 AM South Gallery.

Executive session may be held on any matter referred to the committee.

HEALTH CARE POLICY

Wednesday, March 13, 2013, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 47, HB 72, HCS HB 257, HB 274

Executive session may be held on any matter referred to the committee.

CANCELLED

HEALTH INSURANCE

Thursday, March 7, 2013, Upon Morning Adjournment South Gallery.

Executive session will be held: HB 315, HB 344

Executive session may be held on any matter referred to the committee.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, March 7, 2013, 8:00 AM House Hearing Room 1.

1st quarter meeting

CANCELLED

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, March 14, 2013, 8:00 AM House Hearing Room 1.

1st quarter meeting

Please note date change.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Wednesday, March 27, 2013, 8:00 AM House Hearing Room 1.

1st quarter meeting

Please note date change.

CANCELLED

LOCAL GOVERNMENT

Thursday, March 7, 2013, 9:00 AM House Hearing Room 5.

Executive session will be held: HB 74, HB 161

Executive session may be held on any matter referred to the committee.

PROFESSIONAL REGISTRATION AND LICENSING

Monday, March 11, 2013, Upon Evening Adjournment House Hearing Room 3.

Executive session will be held: HB 440, HB 448, HB 625

Executive session may be held on any matter referred to the committee.

RULES

Thursday, March 7, 2013, Upon Morning Adjournment House Hearing Room 7.

Executive session will be held: HCS HB 178, HB 116, HB 346, HCS HB 30, HB 142, HB 112,

HCS HB 215, HB 578, HCS HBs 521 & 579, HCS HB 168, HB 316, HCS HB 79, HB 60,

HCS HB 345, HCS HB 159, HCR 16, HB 53, HCS HB 28, HCS HB 175, HCS HB 58,

HCS HB 203, HB 68, HCS HB 252, HCS HB 235, HCS HB 199, SCS SBs 10 & 25, HCS HB 170

Executive session may be held on any matter referred to the committee.

TOURISM AND NATURAL RESOURCES

Thursday, March 7, 2013, 8:00 AM House Hearing Room 7.

Public hearing will be held: HB 585, HB 634, HB 471, HCR 10, HCR 12, HCR 11, HB 650, HB 306

Executive session may be held on any matter referred to the committee.

AMENDED

HOUSE CALENDAR

THIRTY-THIRD DAY, THURSDAY, MARCH 7, 2013

HOUSE BILLS FOR SECOND READING

HB 787 through HB 797

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 169 - Diehl
- 2 HB 227 - Zerr
- 3 HB 152 - Solon
- 4 HB 64 - Burlison
- 5 HB 409 - Love
- 6 HB 423 - Zerr

HOUSE BILLS FOR PERFECTION - CONSENT

(3/6/2013)

- 1 HB 184 - Cox
- 2 HB 196 - Lauer
- 3 HB 301 - Engler
- 4 HB 307 - Riddle
- 5 HCS HB 312 - Thomson
- 6 HCS HB 401 - Shumake
- 7 HB 412 - Reiboldt
- 8 HB 432 - Webb
- 9 HB 542 - Love
- 10 HCS HB 586 - Schieffer
- 11 HB 591 - Hubbard

HOUSE JOINT RESOLUTIONS FOR THIRD READING

- 1 HJR 4 - Neth
- 2 HJR 16, (Fiscal Review 3-6-13) - McCaherty

HOUSE BILLS FOR THIRD READING

- 1 HCS HB 117 - Dugger
- 2 HCS HBs 191 & 182, (Fiscal Review 3-6-13) - Torpey
- 3 HB 201, (Fiscal Review 3-6-13) - Torpey
- 4 HCS HB 222, (Fiscal Review 3-6-13) - Austin
- 5 HCS HB 473, (Fiscal Review 3-6-13), E.C. - Funderburk

HOUSE BILLS FOR THIRD READING - CONSENT

- 1 HB 85 - Kelley (127)
- 2 HCS HB 128 - Sommer
- 3 HB 133 - Gosen
- 4 HB 163 - Fitzpatrick
- 5 HB 212 - Cox
- 6 HCS HB 233 - Leara
- 7 HB 329 - Dugger
- 8 HCS HB 349 - Brown

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 5 - Phillips
- 2 HCR 9 - Curtman

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

THIRTY-THIRD DAY, THURSDAY, MARCH 7, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

Finally, my brethren, be strong in the Lord, and in the power of His might. (Ephesians 5:10)

O Lord, Whose spirit is truth and Whose heart is love, we would bring our littleness to Your greatness, our weakness to Your strength, and our bad attitude to Your never-failing good will. As flowers open to the sun, as children turn to their parents in moments of need, so we come lifting our seeking souls to You, praying that we may feel about us the power of Your life and the peace of Your love.

We pray for our Speaker and all the Members of this House. With pressures which tax their resources to the utmost, with duties which demand their attention and absorb their time, with criticisms which come from minds that do not understand, may our people begin to think of these men and women more and more with sympathetic hearts, understanding minds, and supporting spirits.

With this hope, we, the leaders of our people, bow before the altar of Your presence and pray for a greatness of spirit, a purity of heart, and a will to serve You and Missouri with all our being.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Journal of the thirty-second day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 717 through House Resolution No. 733

HOUSE CONCURRENT RESOLUTION

Representative Lynch, et al., offered House Concurrent Resolution No. 28.

SECOND READING OF HOUSE BILLS

HB 787 through **HB 797** were read the second time.

COMMITTEE REPORTS

Committee on Fiscal Review, Chairman Flanigan reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HJR 16**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HBs 191 & 182**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 201**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 222**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 473**, begs leave to report it has examined the same and recommends that it **Do Pass**.

THIRD READING OF HOUSE JOINT RESOLUTIONS

HJR 16, relating to admissibility of evidence, was taken up by Representative McCaherty.

Representative Funderburk assumed the Chair.

On motion of Representative McCaherty, **HJR 16** was read the third time and passed by the following vote:

AYES: 130

Allen	Anders	Anderson	Austin	Bahr
Barnes	Berry	Black	Brattin	Brown
Burlison	Burns	Carpenter	Cierpiot	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtis	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Kratky	LaFaver	Lair	Lant
Lauer	Lichtenegger	Love	Lynch	Marshall
Mayfield	McCaherty	McDonald	McGaugh	McKenna
McManus	Messenger	Miller	Mims	Molendorp
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Parkinson	Pfausch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle

Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Shull	Shumake	Smith 120	Solon	Sommer
Swan	Thomson	Walker	Webber	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 023

Colona	Dunn	Ellinger	Ellington	Gardner
Haahr	Kelly 45	Kirkton	May	McCann Beatty
Meredith	Mitten	Montecillo	Morgan	Pace
Pierson	Schupp	Smith 85	Spencer	Swearingen
Walton Gray	Webb	White		

PRESENT: 000

ABSENT WITH LEAVE: 008

Bernskoetter	Butler	Hubbard	Korman	Leara
McNeil	Stream	Torpey		

VACANCIES: 002

Representative Funderburk declared the bill passed.

HJR 4, relating to general assembly term limits, was taken up by Representative Neth.

On motion of Representative Neth, **HJR 4** was read the third time and passed by the following vote:

AYES: 121

Allen	Anders	Anderson	Austin	Bahr
Black	Brown	Burns	Butler	Cierpiot
Colona	Conway 10	Conway 104	Cornejo	Cox
Crawford	Cross	Curtman	Diehl	Dohrman
Dugger	Dunn	Ellinger	Ellington	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeyer
Kratky	LaFaver	Lair	Lant	Lauer
Lichtenegger	Lynch	May	McCaherty	McCann Beatty
McDonald	McManus	McNeil	Meredith	Messenger
Miller	Mims	Molendorp	Montecillo	Morgan
Morris	Muntzel	Neth	Newman	Nichols
Pace	Parkinson	Pfautsch	Phillips	Pierson
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieffer	Schupp	Smith 85	Sommer	Spencer

Swan	Swearingen	Thomson	Walker	Walton Gray
Webb	Webber	Wood	Wright	Zerr
Mr Speaker				

NOES: 031

Barnes	Berry	Brattin	Burlison	Carpenter
Cookson	Curtis	Davis	Frame	Frederick
Guernsey	Harris	Hummel	Hurst	Johnson
Marshall	Mayfield	McGaugh	McKenna	Mitten
Neely	Norr	Otto	Roorda	Ross
Schieber	Shumake	Solon	White	Wieland
Wilson				

PRESENT: 000

ABSENT WITH LEAVE: 009

Bernskoetter	Hubbard	Korman	Leara	Love
Shull	Smith 120	Stream	Torpey	

VACANCIES: 002

Representative Funderburk declared the bill passed.

Representative Diehl assumed the Chair.

THIRD READING OF HOUSE BILLS

HCS HB 473, relating to gas corporation regulations, was taken up by Representative Funderburk.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Allen	Anderson	Austin	Bahr	Barnes
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Lair	Lant	Lauer	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland

Scharnhorst	Schatz	Schieber	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Thomson	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 006

Bernskoetter	Hubbard	Korman	Leara	Molendorp
Torpey				

VACANCIES: 002

On motion of Representative Funderburk, **HCS HB 473** was read the third time and passed by the following vote:

AYES: 138

Allen	Anders	Anderson	Austin	Bahr
Barnes	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Elmer
Engler	English	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Koenig	Kolkmeyer	Kratky	LaFaver
Lair	Lant	Lauer	Lichtenegger	Love
Lynch	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	Meredith	Messenger
Miller	Mims	Montecillo	Muntzel	Neely
Neth	Nichols	Norr	Otto	Pace
Parkinson	Pfautsch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Schatz
Schieber	Schieffer	Shull	Shumake	Smith 85

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Smith 120	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Walker	Walton Gray
Webb	Webber	White	Wieland	Wood
Wright	Zerr	Mr Speaker		

NOES: 013

Ellinger	Ellington	Englund	Gardner	Guernsey
Kirkton	Marshall	May	Mitten	Morgan
Newman	Schupp	Wilson		

PRESENT: 000

ABSENT WITH LEAVE: 010

Bernskoetter	Conway 10	Hubbard	Korman	Leara
McNeil	Molendorp	Morris	Scharnhorst	Torpey

VACANCIES: 002

Representative Diehl declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 119

Allen	Anders	Anderson	Austin	Barnes
Berry	Black	Brown	Burlison	Burns
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	English	Entlicher	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kolkmeyer	LaFaver
Lair	Lant	Lauer	Lichtenegger	Love
Lynch	Mayfield	McCaherty	McGaugh	McKenna
Meredith	Messenger	Miller	Molendorp	Montecillo
Muntzel	Neely	Nichols	Pace	Parkinson
Pfautsch	Phillips	Pierson	Pike	Pogue
Redmon	Rehder	Reiboldt	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Schatz	Schieffer	Shull
Shumake	Smith 85	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Walker	Webb	Webber	White	Wieland
Wood	Wright	Zerr	Mr Speaker	

NOES: 034

Bahr	Brattin	Butler	Carpenter	Curtman
Dunn	Ellinger	Ellington	Englund	Fitzpatrick
Gardner	Guernsey	Haahr	Hummel	Kirkton
Koenig	Kratky	Marshall	May	McCann Beatty

McDonald	McManus	McNeil	Mims	Mitten
Morgan	Newman	Norr	Otto	Remole
Schieber	Schupp	Walton Gray	Wilson	

PRESENT: 000

ABSENT WITH LEAVE: 008

Bernskoetter	Hubbard	Korman	Leara	Morris
Neth	Scharnhorst	Torpey		

VACANCIES: 002

Speaker Jones resumed the Chair.

HCS HB 117, relating to initiative and referendum petitions, was taken up by Representative Dugger.

On motion of Representative Dugger, **HCS HB 117** was read the third time and passed by the following vote:

AYES: 151

Allen	Anders	Anderson	Austin	Bahr
Barnes	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hummel	Hurst
Johnson	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeier	Kratky	LaFaver
Lair	Lant	Lauer	Lichtenegger	Love
Lynch	Marshall	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Molendorp	Montecillo	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Pace	Parkinson	Pfautsch	Phillips	Pierson
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Walker	Walton Gray	Webb	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 003

Carpenter Otto Smith 85

PRESENT: 000

ABSENT WITH LEAVE: 007

Bernskoetter Hubbard Jones 50 Korman Leara
May Torpey

VACANCIES: 002

Speaker Jones declared the bill passed.

HOUSE CONCURRENT RESOLUTION**HCR 5**, relating to the designation of Missouri as a purple heart state, was taken up by Representative Phillips.On motion of Representative Phillips, **HCR 5** was adopted by the following vote:

AYES: 156

Allen	Anders	Anderson	Austin	Bahr
Barnes	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeier
Kratky	LaFaver	Lair	Lant	Lauer
Lichtenegger	Love	Lynch	Marshall	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Parkinson	Pfautsch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Smith 85	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson

Walker	Walton Gray	Webb	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Bernskoetter	Hubbard	Korman	Leara	Torpey
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VACANCIES: 002

REFERRAL OF HOUSE JOINT RESOLUTION

The following House Joint Resolution was referred to the Committee indicated:

HJR 30 - General Laws

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 36 - Crime Prevention and Public Safety
HB 38 - Crime Prevention and Public Safety
HB 59 - Professional Registration and Licensing
HB 71 - Special Standing Committee on Small Business
HB 89 - General Laws
HB 106 - Crime Prevention and Public Safety
HB 109 - Special Standing Committee on Small Business
HB 131 - Health Insurance
HB 132 - Health Insurance
HB 145 - General Laws
HB 156 - Children, Families, and Persons with Disabilities
HB 220 - Judiciary
HB 238 - Judiciary
HB 241 - Special Standing Committee on Corrections
HB 248 - Children, Families, and Persons with Disabilities
HB 264 - Special Standing Committee on Urban Issues
HB 279 - Children, Families, and Persons with Disabilities
HB 283 - Elementary and Secondary Education
HB 308 - Health Insurance
HB 328 - Tourism and Natural Resources
HB 342 - Emerging Issues in Agriculture
HB 393 - Special Standing Committee on Small Business
HB 394 - General Laws
HB 403 - Financial Institutions
HB 421 - Ways and Means

- HB 424** - General Laws
- HB 430** - Workforce Development and Workplace Safety
- HB 449** - Judiciary
- HB 467** - Tourism and Natural Resources
- HB 469** - Judiciary
- HB 486** - Local Government
- HB 498** - Financial Institutions
- HB 500** - Ways and Means
- HB 501** - Utilities
- HB 502** - Utilities
- HB 507** - Downsizing State Government
- HB 508** - Downsizing State Government
- HB 511** - Judiciary
- HB 524** - General Laws
- HB 527** - Downsizing State Government
- HB 551** - Ways and Means
- HB 552** - Judiciary
- HB 556** - Judiciary
- HB 557** - Children, Families, and Persons with Disabilities
- HB 596** - Elementary and Secondary Education
- HB 598** - Health Insurance
- HB 602** - Local Government
- HB 608** - Health Care Policy
- HB 610** - Insurance Policy
- HB 617** - Downsizing State Government
- HB 623** - Judiciary
- HB 626** - Elementary and Secondary Education
- HB 628** - Ways and Means
- HB 635** - Special Standing Committee on Corrections
- HB 642** - Special Standing Committee on Small Business
- HB 651** - Tourism and Natural Resources
- HB 652** - Professional Registration and Licensing
- HB 654** - Insurance Policy
- HB 655** - Transportation
- HB 671** - Economic Development
- HB 674** - General Laws
- HB 679** - Elementary and Secondary Education
- HB 681** - Elementary and Secondary Education
- HB 685** - Professional Registration and Licensing
- HB 689** - Transportation
- HB 690** - Ways and Means
- HB 691** - Elections
- HB 692** - Workforce Development and Workplace Safety
- HB 697** - Judiciary
- HB 699** - Children, Families, and Persons with Disabilities
- HB 701** - Health Insurance
- HB 702** - Veterans

- HB 703** - Crime Prevention and Public Safety
- HB 707** - Children, Families, and Persons with Disabilities
- HB 708** - Children, Families, and Persons with Disabilities
- HB 709** - Children, Families, and Persons with Disabilities
- HB 710** - Children, Families, and Persons with Disabilities
- HB 711** - Children, Families, and Persons with Disabilities
- HB 712** - Children, Families, and Persons with Disabilities
- HB 713** - Children, Families, and Persons with Disabilities
- HB 714** - Children, Families, and Persons with Disabilities
- HB 715** - Transportation
- HB 716** - Children, Families, and Persons with Disabilities
- HB 717** - Children, Families, and Persons with Disabilities
- HB 718** - Children, Families, and Persons with Disabilities
- HB 719** - Children, Families, and Persons with Disabilities
- HB 720** - Children, Families, and Persons with Disabilities
- HB 721** - Children, Families, and Persons with Disabilities
- HB 722** - Retirement
- HB 723** - Children, Families, and Persons with Disabilities
- HB 727** - Children, Families, and Persons with Disabilities
- HB 733** - International Trade
- HB 734** - Financial Institutions
- HB 737** - Retirement
- HB 739** - Tourism and Natural Resources
- HB 740** - Tourism and Natural Resources
- HB 741** - Tourism and Natural Resources
- HB 747** - General Laws
- HB 749** - Judiciary
- HB 751** - Insurance Policy
- HB 754** - General Laws
- HB 756** - Special Standing Committee on Urban Issues
- HB 759** - General Laws
- HB 760** - Local Government
- HB 770** - Professional Registration and Licensing
- HB 771** - Transportation
- HB 774** - Downsizing State Government
- HB 775** - Downsizing State Government
- HB 776** - Crime Prevention and Public Safety
- HB 782** - Retirement
- HB 787** - Government Oversight and Accountability

COMMITTEE REPORTS

Committee on Economic Development, Chairman Zerr reporting:

Mr. Speaker: Your Committee on Economic Development, to which was referred **HB 197**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Economic Development, to which was referred **HB 385**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Economic Development, to which was referred **HB 389**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Health Insurance, Chairman Molendorp reporting:

Mr. Speaker: Your Committee on Health Insurance, to which was referred **HB 315**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Health Insurance, to which was referred **HB 344**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on International Trade, Chairman McCaherty reporting:

Mr. Speaker: Your Committee on International Trade, to which was referred **HB 253**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Local Government, Chairman Gatschenberger reporting:

Mr. Speaker: Your Committee on Local Government, to which was referred **HB 161**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Local Government, to which was referred **HB 568**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Special Standing Committee on Corrections, Chairman Fitzwater reporting:

Mr. Speaker: Your Special Standing Committee on Corrections, to which was referred **HB 326**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Standing Committee on Corrections, to which was referred **HB 460**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Riddle reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCR 16**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCR 19**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 30**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 68**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 142**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 159**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 168**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 178**, begs leave to report it has examined the same and recommends that it **Be Returned to the Committee of Origin as HB 178**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 203**, begs leave to report it has examined the same and recommends that it **Be Returned to the Committee of Origin as HB 203**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 215**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 316**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 346**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 457**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HBs 521 & 579**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 578**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SBs 10 & 25**, begs leave to report it has examined the same and recommends that it **Do Pass**.

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

SCS SBs 10 & 25 - Fiscal Review
HCS SS SCS SBs 20, 15 & 19 - Fiscal Review
SCS SB 89 - General Laws

INTRODUCTION OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were read the first time and copies ordered printed:

HJR 32, introduced by Representative Neth, relating to redistricting of state senatorial and representative districts.

HJR 33, introduced by Representative Ross, relating to taxation.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 798, introduced by Representative Walton Gray, relating to liquor control.

HB 799, introduced by Representatives Conway (104), Reiboldt and Fitzwater, relating to sexual exploitation by a clergyperson.

HB 800, introduced by Representatives Pace, Pierson, McNeil, English, Ellinger, Kirkton, Hummel, Walton Gray, Curtis and Zerr, relating to real estate foreclosure.

HB 801, introduced by Representative Barnes, relating to MO HealthNet benefit requirements.

HB 802, introduced by Representatives Jones (50), Kelley (127), Hampton, Brown, Cookson, Lichtenegger, Rowland, Pike, Houghton, Conway (10), Walker, Redmon, Love, Lant, Muntzel, Smith (120), Rowden, Dohrman, Phillips, Wood, Hansen, Diehl, English, Roorda, Fitzpatrick, Lair, Hodges, Black, Thomson, Wilson, Crawford, Miller, Molendorp, Elmer and Hurst, relating to county law enforcement funds.

HB 803, introduced by Representatives Brown, Richardson, Gatschenberger, Barnes, Koenig and Hinson, relating to notification of fines imposed on state departments by the federal government.

HB 804, introduced by Representatives Redmon, Hampton, Fitzwater, Dugger, Houghton, Thomson, Smith (120), Ross and Hansen, relating to the highways and transportation commission.

HB 805, introduced by Representatives Walton Gray, Schieffer, Conway (10), Meredith, Dunn, Runions, Curtis, Pace, McKenna and Mims, relating to prohibiting publishing of the name of lottery winners.

HB 806, introduced by Representative Bahr, relating to the use of radio frequency identification technology in schools.

HB 807, introduced by Representatives Lair, Walker, English, Pike, LaFaver, Kirkton, Kelly (45), Grisamore, Ellinger and Pace, relating to early parole of geriatric inmates.

HB 808, introduced by Representatives Funderburk, Jones (110) and Cookson, relating to teaching certificates.

HB 809, introduced by Representatives Rowden, Remole, Cornejo, Jones (50), Swan, Kelly (45), Wright and Fitzpatrick, relating to tax information.

HB 810, introduced by Representative Butler, relating to the economic-education partnership program.

HB 811, introduced by Representatives Cross, Davis, Lauer, Houghton, Redmon, Fitzwater, Cierpiot, Grisamore, McCaherty, Reiboldt, White, Hicks, Gatschenberger, Pike, Lynch, Phillips, Solon and Fraker, relating to service-disabled veteran business contracts.

HB 812, introduced by Representative Rhoads, relating to synthetic cannabinoids.

HB 813, introduced by Representatives Torpey, Hicks, Zerr, Diehl, Haefner, Swan, Redmon, Cross, Fraker, Kratky, Lauer, Curtis, English, Muntzel, Remole, Wilson and Love, relating to early stage business development corporations.

HB 814, introduced by Representatives Fraker, Redmon, Fitzwater, Dugger, Houghton, Ross, Thomson, Cookson, Swan, Keeney, Muntzel, Remole, Koenig, Richardson, Jones (50), Neely, Messenger, Lant, Franklin, Wood, Morris, Rhoads, Grisamore, Stream, Scharnhorst, Anderson, Hurst, Davis, Reiboldt, Love, Justus, Fitzpatrick, Haahr, Fowler, Cox, Molendorp, Diehl, Cornejo, Cierpiot, Haefner, Elmer, Riddle, Solon, Frederick, Lauer, Berry, Higdon, Austin, Brown, Rowden, Cross, Neth, Phillips, Shull, Walker, Lair, Pike, Lynch, Kolkmeyer, Dohrman, Conway (104), Entlicher, Johnson, Shumake, Rowland, Schieber, Hough, Hinson, Kelley (127), Hampton, Sommer, Spencer, McGaugh, Gannon, Pfautsch, Funderburk, Hicks and Miller, relating to publication of the state manual.

HB 815, introduced by Representative Smith (85), relating to automated speed enforcement systems.

HB 816, introduced by Representatives Smith (85), Pace and Gardner, relating to members of the Missouri house of representatives.

HB 817, introduced by Representatives Ross, Rhoads, Miller, Korman, Dugger, Houghton, Fitzwater, Smith (120), Hough, Anderson, Redmon, Richardson, Fraker, Jones (50), Hampton, Pogue, Curtman, Keeney, Kelley (127), Hicks, Rehder, Parkinson and Kelly (45), relating to information technology services.

HB 818, introduced by Representatives Ross, Smith (120), Rhoads, Dugger, Redmon, Richardson, Barnes, Funderburk, Fraker, Jones (50), Houghton, Hampton, Fitzwater, Pogue, Keeney, Curtman, Brattin, Kelley (127), Anderson, Hicks, Rehder, Miller, Parkinson, Conway (104) and Riddle, relating to a database of firearms and ammunition.

HB 819, introduced by Representative Ross, relating to natural resources.

HB 820, introduced by Representatives Koenig, Lichtenegger and Curtman, relating to a defined contribution plan for elected officials.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 18**, entitled:

An act to repeal sections 33.300, 37.850, and 164.151, RSMo, and to enact in lieu thereof five new sections relating to the transparency and accountability of public funds, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 41**, entitled:

An act to amend chapter 537, RSMo, by adding thereto one new section relating to private nuisance actions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 73**, entitled:

An act to amend chapter 304, RSMo, by adding thereto one new section relating to the prohibition of establishing roadside checkpoint patterns based on vehicle types.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 102**, entitled:

An act to repeal section 407.300, RSMo, and to enact in lieu thereof one new section relating to scrap metal, with existing penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 114**, entitled:

An act to repeal sections 311.055, 311.071, 311.091, 311.200, 311.290, and 316.150, RSMo, and to enact in lieu thereof eight new sections relating to intoxicating liquor, with existing penalty provisions and an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 127**, entitled:

An act to amend chapter 208, RSMo, by adding thereto one new section relating to MO HealthNet dental benefits.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 129**, entitled:

An act to amend chapter 191, RSMo, by adding thereto six new sections relating to volunteer health services.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 164**, entitled:

An act to amend chapter 285, RSMo, by adding thereto one new section relating to employee password protection.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 193**, entitled:

An act to amend chapter 161, RSMo, by adding thereto two new sections relating to the education of gifted and talented children.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 199**, entitled:

An act to amend chapter 198, RSMo, by adding thereto one new section relating to long-term care facilities.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 208**, entitled:

An act to repeal section 211.036, RSMo, and to enact in lieu thereof one new section relating to reentry into the custody of the children's division.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 240**, entitled:

An act to repeal sections 393.150 and 393.1012, RSMo, and to enact in lieu thereof two new sections relating to ratemaking for gas corporations, with an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

COMMUNICATION

March 7, 2013

The Honorable Timothy W. Jones, Speaker
Missouri House of Representatives
201 West Capitol Avenue, Room 308
Jefferson City, Missouri 65101

Dear Mr. Speaker:

Pursuant to Rule 25(1)(e), your Committee on Administration and Accounts approved the following Issue Development Standing Committees on March 7, 2013:

- 1) Missouri Sportsmen Issue Development Standing Committee
- 2) Issue Development Standing Committee on Missouri Ports
- 3) Issue Development Standing Committee on Workers' Freedom

Please publish this letter in the Journal of the House, along with the attached roster of appointed members.

Sincerely,

/s/ Dwight Scharnhorst
Administration and Accounts, Chair
District 98

COMMITTEE APPOINTMENTS

MISSOURI SPORTSMEN ISSUE DEVELOPMENT STANDING COMMITTEE

Eric Burlison, Chair
Linda Black, Vice-Chair
Nate Walker
Tim Remole
Mike Lair
Jim Neely
Kenneth Wilson
Nick Marshall
John Mayfield
Jeremy LaFaver
Mike Cierpiot
Gary Cross
Joe Don McGaugh
Jim Hansen
Ed Schieffer
Bart Korman
Jay Houghton
Caleb Rowden
Dave Muntzel
Jeanie Riddle
Rick Brattin
Wanda Brown
David Wood
Tom Hurst
Bryan Spencer
Robert Cornejo
Bill Otto
Mary Nichols
Michele Kratky
Vicki Englund
John McCaherty
Doug Funderburk
Mark Parkinson
Chrissy Sommer
Ron Hicks
Tim Jones
Paul Wieland
TJ McKenna
Ben Harris
Jason Smith
Diane Franklin
Rocky Miller
Randy Pike
Mike Kelley
Sue Entlicher
Sandy Crawford
Jeffrey Messenger
Sonya Anderson
Elijah Haahr
Kevin Austin
Don Phillips
Lynn Morris
Robert Ross

Jeff Pogue
Paul Fitzwater
Shelley Keeney
Donna Lichtenegger
Kathryn Swan
Holly Rehder
Dennis Fowler
Shawn Rhoads
Lyle Rowland
Jeff Justus
Scott Fitzpatrick
Bill White

ISSUE DEVELOPMENT STANDING COMMITTEE ON MISSOURI PORTS

Paul Wieland, Chair
John McCaherty, Vice-Chair
T.J. Berry
Lindell Shumake
Jeanie Lauer
Delus Johnson
Kent Hampton
Elaine Gannon
Pat Conway
John Mayfield
Gary Cross
Bonnaye Mims
Joe Runions
Holly Rehder
Randy Dunn

ISSUE DEVELOPMENT STANDING COMMITTEE ON WORKERS' FREEDOM

Holly Rehder, Chair
Donna Lichtenegger, Vice-Chair
Tim Jones
Dave Muntzel
Rocky Miller
Elijah Haahr
Tim Remole
Ron Hicks
Eric Burlison
Kathy Swan
Ron Schieber
Ken Wilson
Rick Brattin
Scott Fitzpatrick
Warren Love
Randy Pike
Kurt Bahr
Shawn Rhoads
Kevin Elmer
Nate Walker
Kevin Austin
Sonya Anderson
Steven Lynch
Jim Hansen
Mike Thomson

Caleb Jones
Casey Guernsey
Andrew Koenig
Joe Don McGaugh
Glen Kolkmeyer
Bill White
Lynn Morris
Todd Richardson
Charlie Davis
Jeff Messenger
Robert Ross
David Wood
Shelley Keeney
Bill Reiboldt
Jay Houghton

COMMITTEE CHANGE

March 7, 2013

The Honorable Timothy W. Jones, Speaker
Missouri House of Representatives
201 West Capitol Avenue, RM 308
Jefferson City, MO 65101

Dear Mr. Speaker:

I would like to notify you of the approval for the request by Rep. Mike Bernskoetter, to be removed from the Leadership for Missouri Issue Development Standing Committee.

Please take note of the updated committee member roster.

Sincerely,

/s/ Rep. Dwight Scharnhorst
Administration and Accounts, Chair
District 98

WITHDRAWAL OF HOUSE BILL

March 7, 2013

TO: Speaker Tim Jones
FROM: Representative Diane Franklin
SUBJECT: Request to withdraw **House Bill No. 157**

I respectfully request permission to withdraw **House Bill No. 157**.

If you have any questions or wish to discuss this request further, please feel free to give me a call.

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Friday, March 8, 2013.

COMMITTEE HEARINGS

AGRICULTURE POLICY

Tuesday, March 12, 2013, 12:00 PM House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

Executive session and informational meeting

APPROPRIATIONS - INFRASTRUCTURE AND JOB CREATION

Tuesday, March 12, 2013, 8:00 AM House Hearing Room 3.

Executive session will be held: HJR 14

Executive session may be held on any matter referred to the committee.

BUDGET

Monday, March 11, 2013, 12:00 PM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Review of House Committee Substitutes for House Bills 1 through 13

BUDGET

Wednesday, March 13, 2013, Upon Morning Adjournment House Hearing Room 3.

Public hearing will be held: HB 1, HB 2, HB 3, HB 4, HB 5, HB 6, HB 7, HB 8, HB 9, HB 10, HB 11, HB 12, HB 13

Executive session will be held: HB 1, HB 2, HB 3, HB 4, HB 5, HB 6, HB 7, HB 8, HB 9, HB 10, HB 11, HB 12, HB 13

Executive session may be held on any matter referred to the committee.

Bills to be considered: House Committee Substitutes for House Bills 1 through 13

ELECTIONS

Tuesday, March 12, 2013, 8:15 AM House Hearing Room 5.

Public hearing will be held: HB 188, HB 588

Executive session will be held: HB 336

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Tuesday, March 12, 2013, 8:30 AM South Gallery.

Executive session will be held: SCS SBs 10 & 25, HCS SS SCS SBs 20, 15 & 19

Executive session may be held on any matter referred to the committee.

HEALTH CARE POLICY

Wednesday, March 13, 2013, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 47, HB 72, HCS HB 257, HB 274

Executive session may be held on any matter referred to the committee.

CANCELLED

INSURANCE POLICY

Monday, March 11, 2013, Upon Afternoon Adjournment House Hearing Room 1.

Public hearing will be held: HB 610, HB 654

Executive session may be held on any matter referred to the committee.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, March 14, 2013, 8:00 AM House Hearing Room 1.

First quarter meeting

Please note date change.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Wednesday, March 27, 2013, 8:00 AM House Hearing Room 1.

First quarter meeting

Please note date change.

CANCELLED

JUDICIARY

Wednesday, March 13, 2013, 12:00 PM or Upon Morning Adjournment (whichever is earlier) House Hearing Room 1.

Public hearing will be held: HB 210

Executive session will be held: HB 371, HB 505

Executive session may be held on any matter referred to the committee.

Public testimony to be heard on HB 210

PROFESSIONAL REGISTRATION AND LICENSING

Monday, March 11, 2013, Upon Evening Adjournment House Hearing Room 3.

Executive session will be held: HB 440, HB 448, HB 625

Executive session may be held on any matter referred to the committee.

RULES

Monday, March 11, 2013, Upon Afternoon Adjournment North Gallery.

Executive session will be held: HB 53, HCS HB 58, HB 112, HB 116, HCS HB 134, HCS HB 137, HCS HB 175, HCS HB 199, HB 217, HCS HB 221, HCS HB 235, HCS HB 252, HB 326, HB 362, HCS HBs 373 & 435, HCS HBs 374 & 434, HB 385, HCS HB 446 & HB 211, HB 460

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON SMALL BUSINESS

Monday, March 11, 2013, Upon Evening Adjournment South Gallery.

Executive session will be held: SCS SB 182

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON URBAN ISSUES

Monday, March 11, 2013, 5:00 PM or Upon Afternoon Adjournment (if after 5:00 PM) House Hearing Room 5.

Public hearing will be held: HB 439, HB 656, HB 756

Executive session may be held on any matter referred to the committee.

AMENDED

TOURISM AND NATURAL RESOURCES

Monday, March 11, 2013, 1:30 PM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

TRANSPORTATION

Tuesday, March 12, 2013, 12:00 PM House Hearing Room 7.

Public hearing will be held: HB 655, HB 689, HB 715, HB 771

Executive session will be held: HB 581, HB 130

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

THIRTY-FOURTH DAY, FRIDAY, MARCH 8, 2013

HOUSE JOINT RESOLUTIONS FOR SECOND READING

HJR 32 and HJR 33

HOUSE BILLS FOR SECOND READING

HB 798 through HB 820

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 169 - Diehl
- 2 HB 227 - Zerr
- 3 HB 152 - Solon
- 4 HB 64 - Burlison
- 5 HB 409 - Love
- 6 HB 423 - Zerr
- 7 HCS HB 457 - Jones (110)
- 8 HCS HBs 521 & 579 - Koenig
- 9 HB 578 - Funderburk

HOUSE BILLS FOR PERFECTION - CONSENT

(3/6/2013)

- 1 HB 184 - Cox
- 2 HB 196 - Lauer
- 3 HB 301 - Engler
- 4 HB 307 - Riddle
- 5 HCS HB 312 - Thomson
- 6 HCS HB 401 - Shumake
- 7 HB 412 - Reiboldt
- 8 HB 432 - Webb
- 9 HB 542 - Love

- 10 HCS HB 586 - Schieffer
- 11 HB 591 - Hubbard

HOUSE BILLS FOR THIRD READING

- 1 HCS HBs 191 & 182 - Torpey
- 2 HB 201 - Torpey
- 3 HCS HB 222 - Austin

HOUSE BILLS FOR THIRD READING - CONSENT

- 1 HB 85 - Kelley (127)
- 2 HCS HB 128 - Sommer
- 3 HB 133 - Gosen
- 4 HB 163 - Fitzpatrick
- 5 HB 212 - Cox
- 6 HCS HB 233 - Leara
- 7 HB 329 - Dugger
- 8 HCS HB 349 - Brown

SENATE BILLS FOR SECOND READING

- 1 SB 18
- 2 SB 41
- 3 SB 73
- 4 SB 102
- 5 SS SCS SB 114
- 6 SB 127
- 7 SS SCS SB 129
- 8 SCS SB 164
- 9 SB 193
- 10 SB 199
- 11 SB 208
- 12 SCS SB 240

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 9 - Curtman
- 2 HCR 7 - Pfautsch

SENATE BILLS FOR THIRD READING

- 1 SCS SBs 10 & 25, (Fiscal Review 3-7-13) - Burlison
- 2 HCS SS SCS SBs 20, 15 19, (Fiscal Review 3-7-13), E.C. - Burlison

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

THIRTY-FOURTH DAY, FRIDAY, MARCH 8, 2013

The House met pursuant to adjournment.

Representative Barnes in the Chair.

There was a moment of silent prayer.

The Pledge of Allegiance to the flag was recited.

SECOND READING OF HOUSE JOINT RESOLUTIONS

HJR 32 and **HJR 33** were read the second time.

SECOND READING OF HOUSE BILLS

HB 798 through **HB 820** were read the second time.

SECOND READING OF SENATE BILLS

SB 18, SB 41, SB 73, SB 102, SS SCS SB 114, SB 127, SS SCS SB 129, SCS SB 164, SB 193, SB 199, SB 208 and **SCS SB 240** were read the second time.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 821, introduced by Representatives Montecillo, Hinson, Rowland, Webb, Fitzwater, McCann Beatty, Hummel, Rizzo, Kelly (45), McCaherty, Barnes, Lair, Cierpiot, Redmon, Stream and Thomson, relating to elementary and secondary education.

HB 822, introduced by Representatives Kirkton, English, Morgan, Pace and Newman, relating to the Missouri universal health assurance program.

HB 823, introduced by Representatives Kirkton and McNeil, relating to deductions for federal income tax liability.

The following members' presence was noted: Elmer, Frame, Gatschenberger, Kelley (127), Mayfield, Montecillo and Wood.

ADJOURNMENT

On motion of Representative Barnes, the House adjourned until 4:00 p.m., Monday, March 11, 2013.

COMMITTEE HEARINGS

AGRI-BUSINESS

Tuesday, March 12, 2013, 8:00 AM House Hearing Room 4.

Executive session may be held on any matter referred to the committee.

The Committee on Agri-Business will continue discussions on Department of Natural Resources.

AGRICULTURE POLICY

Tuesday, March 12, 2013, 12:00 PM House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

Executive session and informational meeting

APPROPRIATIONS - INFRASTRUCTURE AND JOB CREATION

Tuesday, March 12, 2013, 8:00 AM House Hearing Room 3.

Executive session will be held: HJR 14

Executive session may be held on any matter referred to the committee.

BUDGET

Monday, March 11, 2013, 12:00 PM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Review of House Committee Substitutes for House Bills 1 through 13

BUDGET

Wednesday, March 13, 2013, Upon Morning Adjournment House Hearing Room 3.

Public hearing will be held: HB 1, HB 2, HB 3, HB 4, HB 5, HB 6, HB 7, HB 8, HB 9, HB 10, HB 11, HB 12, HB 13

Executive session will be held: HB 1, HB 2, HB 3, HB 4, HB 5, HB 6, HB 7, HB 8, HB 9, HB 10, HB 11, HB 12, HB 13

Executive session may be held on any matter referred to the committee.

CHILDREN, FAMILIES, AND PERSONS WITH DISABILITIES

Tuesday, March 12, 2013, 12:00 PM or Upon Morning Adjournment House Hearing Room 3.

Public hearing will be held: HB 156, HB 279, HB 557, HB 248, HB 699, HB 723, HB 727

Executive session will be held: HB 31, HB 101, HB 107, HB 251, HB 343, HB 402, HB 493, HB 515, HB 535, HB 668

Executive session may be held on any matter referred to the committee.

ELECTIONS

Tuesday, March 12, 2013, 8:15 AM House Hearing Room 5.

Public hearing will be held: HB 188, HB 588

Executive session will be held: HB 336

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Tuesday, March 12, 2013, 8:30 AM South Gallery.

Executive session will be held: SCS SBs 10 & 25, HCS SS SCS SBs 20, 15 & 19

Executive session may be held on any matter referred to the committee.

GOVERNMENT OVERSIGHT AND ACCOUNTABILITY

Monday, March 11, 2013, 12:00 PM House Hearing Room 1.

Public hearing will be held: HB 787

Executive session may be held on any matter referred to the committee.

A portion of this hearing will include public testimony regarding the Department of Revenue's document retention policy on driver's licenses and CCW permits.

HEALTH CARE POLICY

Wednesday, March 13, 2013, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 47, HB 72, HCS HB 257, HB 274

Executive session may be held on any matter referred to the committee.

CANCELLED

HIGHER EDUCATION

Tuesday, March 12, 2013, 8:00 AM House Hearing Room 6.

Public hearing will be held: HB 673

Executive session may be held on any matter referred to the committee.

INSURANCE POLICY

Monday, March 11, 2013, Upon Afternoon Adjournment House Hearing Room 1.

Public hearing will be held: HB 610, HB 654

Executive session may be held on any matter referred to the committee.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, March 14, 2013, 8:00 AM House Hearing Room 1.

1st quarter meeting

Please note date change.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Wednesday, March 27, 2013, 8:00 AM House Hearing Room 1.

1st quarter meeting

Please note date change.

CANCELLED

JUDICIARY

Wednesday, March 13, 2013, 12:00 PM or Upon Morning Adjournment (whichever is earlier) House Hearing Room 1.

Public hearing will be held: HB 210

Executive session will be held: HB 371, HB 505

Executive session may be held on any matter referred to the committee.

Public testimony to be heard on HB 210

PROFESSIONAL REGISTRATION AND LICENSING

Monday, March 11, 2013, Upon Evening Adjournment House Hearing Room 3.

Executive session will be held: HB 440, HB 448, HB 625

Executive session may be held on any matter referred to the committee.

RULES

Monday, March 11, 2013, Upon Afternoon Adjournment North Gallery.

Executive session will be held: HB 53, HCS HB 58, HB 112, HB 116, HCS HB 134, HCS HB 137, HCS HB 175, HCS HB 199, HB 217, HCS HB 221, HCS HB 235, HCS HB 252, HB 326, HB 362, HCS HBs 373 & 435, HCS HBs 374 & 434, HB 385, HCS HB 446 & HB 211, HB 460

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON SMALL BUSINESS

Monday, March 11, 2013, Upon Evening Adjournment South Gallery.

Executive session will be held: SCS SB 182

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON URBAN ISSUES

Monday, March 11, 2013, 5:00 PM or Upon Afternoon Adjournment (if after 5:00 PM) House Hearing Room 5.

Public hearing will be held: HB 439, HB 656, HB 756

Executive session may be held on any matter referred to the committee.

AMENDED

TOURISM AND NATURAL RESOURCES

Monday, March 11, 2013, 1:30 PM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

TRANSPORTATION

Tuesday, March 12, 2013, 12:00 PM House Hearing Room 7.

Public hearing will be held: HB 655, HB 689, HB 715, HB 771

Executive session will be held: HB 581, HB 130

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

THIRTY-FIFTH DAY, MONDAY, MARCH 11, 2013

HOUSE BILLS FOR SECOND READING

HB 821 through HB 823

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 169 - Diehl
- 2 HB 227 - Zerr
- 3 HB 152 - Solon
- 4 HB 64 - Burlison
- 5 HB 409 - Love
- 6 HB 423 - Zerr
- 7 HCS HB 457 - Jones (110)
- 8 HCS HBs 521 & 579 - Koenig
- 9 HB 578 - Funderburk

HOUSE BILLS FOR PERFECTION - CONSENT

(3/6/2013)

- 1 HB 184 - Cox
- 2 HB 196 - Lauer
- 3 HB 301 - Engler
- 4 HB 307 - Riddle
- 5 HCS HB 312 - Thomson
- 6 HCS HB 401 - Shumake
- 7 HB 412 - Reiboldt
- 8 HB 432 - Webb
- 9 HB 542 - Love
- 10 HCS HB 586 - Schieffer
- 11 HB 591 - Hubbard

HOUSE BILLS FOR THIRD READING

- 1 HCS HBs 191 & 182 - Torpey
- 2 HB 201 - Torpey
- 3 HCS HB 222 - Austin

HOUSE BILLS FOR THIRD READING - CONSENT

- 1 HB 85 - Kelley (127)
- 2 HCS HB 128 - Sommer
- 3 HB 133 - Gosen
- 4 HB 163 - Fitzpatrick
- 5 HB 212 - Cox
- 6 HCS HB 233 - Leara
- 7 HB 329 - Dugger
- 8 HCS HB 349 - Brown

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 9 - Curtman
- 2 HCR 7 - Pfautsch

SENATE BILLS FOR THIRD READING

- 1 SCS SBs 10 & 25, (Fiscal Review 3-7-13) - Burlison
- 2 HCS SS SCS SBs 20, 15 & 19, (Fiscal Review 3-7-13), E.C. - Burlison

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

THIRTY-FIFTH DAY, MONDAY, MARCH 11, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Representative Linda Black.

Dear Heavenly Father, as we come before You today in this, the House of the people, I ask, Lord, that You remind us that Your Holy Spirit is not confined by the walls of our place of worship, but that Your Spirit is welcome and dwells here in this place to guide our way.

I pray, Father, that Your will, and not our own, will direct our paths and our decisions. That You will remind us daily that it is to further Your kingdom that You have chosen us to lead. You have brought us here from many regions, cities, and the countryside to serve. Let the service of our fellow man be our burning desire; let that service be in the name of the one who sits at the right hand of God.

Remind us, O Lord, that You have resolved us to love one another as Christ also loved us and that Lord, there is only but one Judge who will see that our works are worthy of Your redeeming blood. It is Your name, the Great I AM, who wears the title of Judge of man and we, Lord, are called only to serve.

You are spoken of by many names but to me You are "My Lord." You are the Word, the Rose of Sharon, the Bright and Morning Star, the Lion of the Tribe of Judah and the Cleft of the Rock. Let us all now call You Lord of this place so that we may bring comfort to Your people, that through Your master plan we will bring them hope.

Guide us in wisdom, clear our minds of all unrighteousness, fill us with Your love and grant us Your mercy that we may be worthy of the place that You have called us to serve.

I ask You these things through Christ Jesus' name.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Ava Mundy and Isabella Mundy.

The Journal of the thirty-third day was approved as printed.

The Journal of the thirty-fourth day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 734 through House Resolution No. 760

HOUSE CONCURRENT RESOLUTION

Representative Gannon, et al., offered House Concurrent Resolution No. 29.

SECOND READING OF HOUSE BILLS

HB 821 through **HB 823** were read the second time.

Representative Keeney assumed the Chair.

PERFECTION OF HOUSE BILL

HCS HB 457, relating to the conscience rights of medical workers, was taken up by Representative Jones (110).

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 108

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan

Newman	Nichols	Norr	Otto	Pace
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 001

Smith 120

VACANCIES: 002

On motion of Representative Jones (110), **HCS HB 457** was adopted by the following vote:

AYES: 118

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Cierpiot	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	English	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Kratky	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	Mayfield	McCaherty	McGaugh
McKenna	Messenger	Miller	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Roorda
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Schieffer	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 042

Burns	Butler	Carpenter	Colona	Curtis
Dunn	Ellinger	Ellington	Englund	Frame
Gardner	Hubbard	Hummel	Kelly 45	Kirkton
LaFaver	May	McCann Beatty	McDonald	McManus
McNeil	Meredith	Mims	Mitten	Molendorp
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Pierson	Rizzo	Runions
Schupp	Smith 85	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 001

Smith 120

VACANCIES: 002

Representative Hummel requested a verification of the roll call on the motion to adopt **HCS HB 457**.

On motion of Representative Jones (110), **HCS HB 457** was ordered perfected and printed by the following vote:

AYES: 118

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Cierpiot	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	English	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Kratky	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	Mayfield	McCaherty	McGaugh
McKenna	Messenger	Miller	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Roorda
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Schieffer	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 042

Burns	Butler	Carpenter	Colona	Curtis
Dunn	Ellinger	Ellington	Englund	Frame
Gardner	Hubbard	Hummel	Kelly 45	Kirkton
LaFaver	May	McCann Beatty	McDonald	McManus
McNeil	Meredith	Mims	Mitten	Molendorp
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Pierson	Rizzo	Runions
Schupp	Smith 85	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 001

Smith 120

VACANCIES: 002

Speaker Jones resumed the Chair.

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 745 - Higher Education

HB 813 - Special Standing Committee on Small Business

COMMITTEE REPORTS

Committee on Emerging Issues in Agriculture, Chairman Johnson reporting:

Mr. Speaker: Your Committee on Emerging Issues in Agriculture, to which was referred **HCR 21**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Insurance Policy, Chairman Gosen reporting:

Mr. Speaker: Your Committee on Insurance Policy, to which was referred **HB 322**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Insurance Policy, to which was referred **HB 339**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Ways and Means, Chairman Koenig reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 194**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 824, introduced by Representative Guernsey, relating to local hospitals.

HB 825, introduced by Representative Morgan, relating to motor vehicle driver responsibility.

HB 826, introduced by Representatives Wood, Rhoads, Houghton, Miller, Bernskoetter and Korman, relating to the sale of drug substitutes.

HB 827, introduced by Representatives Redmon, Hinson, Hicks and Fitzwater, relating to tax exemptions.

HB 828, introduced by Representative Korman, relating to modular unit installers.

HB 829, introduced by Representative Smith (85), relating to the institutional title of institutions of higher education.

HB 830, introduced by Representatives Jones (50), Fitzwater, Haahr and Solon, relating to criminal offenders participating in certain programs provided by the department of corrections.

HB 831, introduced by Representatives Jones (50), Schatz, Leara, Elmer, Houghton, Gosen, Barnes, Jones (110), Cornejo and Richardson, relating to abuse of a child.

HB 832, introduced by Representatives Korman, Jones (110), Smith (120), Torpey, Hoskins, Spencer, Love, Riddle, Wood, Brown and Neely, relating to a sales tax holiday.

HB 833, introduced by Representatives Rowden, Torpey, Remole, Jones (50), Swan, Kelly (45), Fitzpatrick and Curtis, relating to the MissouriLink Network Coalition.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 36**, entitled:

An act to repeal sections 211.071 and 211.073, RSMo, and to enact in lieu thereof three new sections relating to juvenile criminal offenders.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 90**, entitled:

An act to repeal section 77.030, RSMo, and to enact in lieu thereof one new section relating to terms for councilmen in third class cities.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 148**, entitled:

An act to repeal section 301.193, RSMo, and to enact in lieu thereof one new section relating to the issuance of salvage certificate of titles or junking certificates to insurance companies.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 157**, entitled:

An act to repeal sections 407.300, 407.302, and 407.303, RSMo, and to enact in lieu thereof three new sections relating to scrap metal, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 218**, entitled:

An act to repeal sections 8.012 and 253.048, RSMo, and to enact in lieu thereof two new sections relating to the display of the Honor and Remember flag at state buildings and state parks.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 234**, entitled:

An act to repeal section 337.715, RSMo, and to enact in lieu thereof one new section relating to marital and family therapists.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 236**, entitled:

An act to repeal section 43.265, RSMo, and to enact in lieu thereof one new section relating to the highway patrol's motor vehicle, aircraft, and watercraft revolving fund.

In which the concurrence of the House is respectfully requested.

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Tuesday, March 12, 2013.

CORRECTION TO THE HOUSE JOURNAL

AFFIDAVIT

I, State Representative Jeff Grisamore, District 34, hereby state and affirm that my vote to approve the Journal of the House for the twenty-third day, Monday, February 18, 2013 as recorded in the Journal of the House for the twenty-fourth, Tuesday, February 19, 2013 was incorrectly recorded as Absent with Leave. Pursuant to House Rule 89, I ask that the Journal be corrected to show that I was present, my vote was incorrectly recorded, and should have been recorded as yes.

DOWNSIZING STATE GOVERNMENT

Thursday, March 14, 2013, 8:00 AM House Hearing Room 4.

Public hearing will be held: HB 775, HB 774, HB 617, HB 527, HB 508, HB 507

Executive session may be held on any matter referred to the committee.

ELECTIONS

Tuesday, March 12, 2013, 8:15 AM House Hearing Room 5.

Public hearing will be held: HB 188, HB 588

Executive session will be held: HB 336

Executive session may be held on any matter referred to the committee.

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, March 13, 2013, 8:00 AM House Hearing Room 6.

Public hearing will be held: HB 50, HJR 22

Executive session will be held: HB 458, HB 470

Executive session may be held on any matter referred to the committee.

Executive session will conclude at 8:30 AM.

EMERGING ISSUES IN AGRICULTURE

Wednesday, March 13, 2013, 8:00 AM House Hearing Room 4.

Public hearing will be held: HB 342

Executive session will be held: HB 487

Executive session may be held on any matter referred to the committee.

CORRECTED

FINANCIAL INSTITUTIONS

Wednesday, March 13, 2013, 12:00 PM House Hearing Room 4.

Public hearing will be held: HB 498

Executive session will be held: HB 478

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Tuesday, March 12, 2013, 8:30 AM South Gallery.

Executive session will be held: SCS SBs 10 & 25, HCS SS SCS SBs 20, 15 & 19

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Wednesday, March 13, 2013, 8:30 AM South Gallery.

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Thursday, March 14, 2013, 8:30 AM South Gallery.

Executive session may be held on any matter referred to the committee.

GENERAL LAWS

Tuesday, March 12, 2013, 12:00 PM House Hearing Room 4.

Public hearing will be held: HCR 25, HB 759, HB 555, HB 341, HB 597, HB 424

Executive session may be held on any matter referred to the committee.

HEALTH CARE POLICY

Wednesday, March 13, 2013, 12:00 PM House Hearing Room 6.

Public hearing will be held: HJR 19, HB 400, HB 351, HB 324

Executive session may be held on any matter referred to the committee.

HEALTH INSURANCE

Tuesday, March 12, 2013, 12:00 PM House Hearing Room 5.

Public hearing will be held: HB 131, HB 132, HB 701

Executive session may be held on any matter referred to the committee.

HIGHER EDUCATION

Tuesday, March 12, 2013, 8:00 AM House Hearing Room 6.

Public hearing will be held: HB 673

Executive session may be held on any matter referred to the committee.

INTERNATIONAL TRADE

Wednesday, March 13, 2013, 5:00 PM or Upon Afternoon Adjournment House Hearing Room 7.

Public hearing will be held: HB 733

Executive session may be held on any matter referred to the committee.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, March 14, 2013, 8:00 AM House Hearing Room 1.

First quarter meeting

Please note date change.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Wednesday, March 27, 2013, 8:00 AM House Hearing Room 1.

First quarter meeting

Please note date change.

CANCELLED

JUDICIARY

Wednesday, March 13, 2013, 12:00 PM or Upon Morning Adjournment (whichever is earlier)
House Hearing Room 1.

Public hearing will be held: HB 210

Executive session will be held: HB 371, HB 505

Executive session may be held on any matter referred to the committee.

LOCAL GOVERNMENT

Thursday, March 14, 2013, 8:00 AM House Hearing Room 5.

Public hearing will be held: HB 643, HB 486, HB 602, HB 254, HB 760

Executive session may be held on any matter referred to the committee.

RETIREMENT

Thursday, March 14, 2013, 9:00 AM House Hearing Room 1.
Public hearing will be held: HB 129, HB 418, HB 313, HB 353, HB 722
Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON CORRECTIONS

Wednesday, March 13, 2013, 8:45 AM North Gallery.
Executive session will be held: HB 354, HB 525
CORRECTED

SPECIAL STANDING COMMITTEE ON SMALL BUSINESS

Tuesday, March 12, 2013, 9:30 AM South Gallery.
Executive session will be held: SCS SB 182
Executive session may be held on any matter referred to the committee.

TOURISM AND NATURAL RESOURCES

Wednesday, March 13, 2013, 8:00 AM House Hearing Room 3.
Annual Joint Meeting of House Tourism and Natural Resources Committee and Senate Jobs,
Economic Development and Local Government Committee.
Presentation by the Division of Tourism

TRANSPORTATION

Tuesday, March 12, 2013, 12:00 PM House Hearing Room 7.
Public hearing will be held: HB 655, HB 689, HB 715, HB 771
Executive session will be held: HB 581, HB 130
Executive session may be held on any matter referred to the committee.

UTILITIES

Wednesday, March 13, 2013, 8:00 AM House Hearing Room 7.
Executive session will be held: HB 331, HB 398, HB 601
Executive session may be held on any matter referred to the committee.

WAYS AND MEANS

Tuesday, March 12, 2013, 5:00 PM House Hearing Room 1.
Public hearing will be held: HB 208
Executive session will be held: HB 149, HB 255, HB 536, HJR 3, HJR 25
Executive session may be held on any matter referred to the committee.

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Wednesday, March 13, 2013, 7:30 AM House Hearing Room 5.
Public hearing will be held: HB 164, HB 404
Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

THIRTY-SIXTH DAY, TUESDAY, MARCH 12, 2013

HOUSE BILLS FOR SECOND READING

HB 824 through HB 833

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 169 - Diehl
- 2 HB 227 - Zerr
- 3 HB 152 - Solon
- 4 HB 64 - Burlison
- 5 HB 409 - Love
- 6 HB 423 - Zerr
- 7 HCS HBs 521 & 579 - Koenig
- 8 HB 578 - Funderburk

HOUSE BILLS FOR PERFECTION - CONSENT

(3/6/2013)

- 1 HB 184 - Cox
- 2 HB 196 - Lauer
- 3 HB 301 - Engler
- 4 HB 307 - Riddle
- 5 HCS HB 312 - Thomson
- 6 HCS HB 401 - Shumake
- 7 HB 412 - Reiboldt
- 8 HB 432 - Webb
- 9 HB 542 - Love
- 10 HCS HB 586 - Schieffer
- 11 HB 591 - Hubbard

HOUSE BILLS FOR THIRD READING

- 1 HCS HBs 191 & 182 - Torpey
- 2 HB 201 - Torpey
- 3 HCS HB 222 - Austin
- 4 HCS HB 457 - Jones (110)

HOUSE BILLS FOR THIRD READING - CONSENT

- 1 HB 85 - Kelley (127)
- 2 HCS HB 128 - Sommer
- 3 HB 133 - Gosen
- 4 HB 163 - Fitzpatrick
- 5 HB 212 - Cox
- 6 HCS HB 233 - Leara
- 7 HB 329 - Dugger
- 8 HCS HB 349 - Brown

SENATE BILLS FOR SECOND READING

- 1 SCS SB 36
- 2 SB 90
- 3 SB 148
- 4 SCS SB 157
- 5 SB 218
- 6 SB 234
- 7 SB 236

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 9 - Curtman
- 2 HCR 7 - Pfautsch

SENATE BILLS FOR THIRD READING

- 1 SCS SBs 10 & 25, (Fiscal Review 3-7-13) - Burlison
- 2 HCS SS SCS SBs 20, 15 & 19, (Fiscal Review 3-7-13), E.C. - Burlison

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

THIRTY-SIXTH DAY, TUESDAY, MARCH 12, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

Therefore I tell you, whatever you ask in prayer, believe that you receive it, and you will. (Mark 11:24)

Eternal God, we pause in Your presence this moment praying that Your spirit may come anew into our hearts and into the hearts of all our people. May we not only hear the cry of humanity for justice and freedom, but may we heed it. May violence cease, may understanding between the peoples increase, may intelligent good will prevail and may the needs of the poor be met, that there be no cause for bitterness and hatred.

We pray that everyone may have a chance to grow, to work and to live, that our state may be in deed and in truth the home of the brave, the land of the free, with liberty and justice for all.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Hayden Altena, Page Bedsworth, Perry Brummett, Matthew Caszett, Nathan Drywater, Ashlee Geisler, Mikayla Glass, Daniel Kang, Madisyn Logan, Claire Reisner, Christina Sherman, Anna Tharakan, Kylie Swearingen and Laura Crossno.

The Journal of the thirty-fifth day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 761 through House Resolution No. 771

HOUSE CONCURRENT RESOLUTION

Representative Dunn, et al., offered House Concurrent Resolution No. 30.

SECOND READING OF HOUSE BILLS

HB 824 through **HB 833** were read the second time.

SECOND READING OF SENATE BILLS

SCS SB 36, SB 90, SB 148, SCS SB 157, SB 218, SB 234 and SB 236 were read the second time.

HOUSE CONCURRENT RESOLUTIONS

HCR 9, relating to a Federal Reserve Bank audit, was taken up by Representative Curtman.

On motion of Representative Curtman, **HCR 9** was adopted by the following vote:

AYES: 122

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Carpenter	Cierpiot	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	May
Mayfield	McCaherty	McGaugh	McKenna	Messenger
Miller	Molendorp	Morris	Muntzel	Neely
Neth	Parkinson	Pfausch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Zerr	Mr Speaker			

NOES: 036

Burns	Butler	Colona	Conway 10	Curtis
Dunn	Ellinger	Ellington	Gardner	Hubbard
Hummel	Kirkton	Kratky	LaFaver	McCann Beatty
McDonald	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Nichols	Norr
Otto	Pace	Pierson	Rizzo	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 003

Newman Smith 120 Wood

VACANCIES: 002

HCR 7, relating to the State Historical Society of Missouri, was taken up by Representative Pfautsch.

Representative Neth assumed the Chair.

On motion of Representative Pfautsch, **HCR 7** was adopted.

THIRD READING OF HOUSE BILL

HCS HB 457, relating to the conscience rights of medical workers, was taken up by Representative Jones (110).

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 106

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Zerr
Mr Speaker				

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty

McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 005

Dunn	Grisamore	Newman	Smith 120	Wood
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VACANCIES: 002

On motion of Representative Jones (110), **HCS HB 457** was read the third time and passed by the following vote:

AYES: 116

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Cierpiot	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	English	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Kratky	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	Mayfield	McCaherty	McGaugh	McKenna
Messenger	Miller	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Roorda	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Schieffer	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Zerr
Mr Speaker				

NOES: 041

Burns	Butler	Carpenter	Colona	Curtis
Dunn	Ellinger	Ellington	Englund	Frame
Gardner	Hubbard	Hummel	Kelly 45	Kirkton
LaFaver	May	McCann Beatty	McDonald	McManus
McNeil	Meredith	Mims	Mitten	Molendorp
Montecillo	Morgan	Nichols	Norr	Otto
Pace	Pierson	Rizzo	Runions	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 004

Grisamore Newman Smith 120 Wood

VACANCIES: 002

Representative Neth declared the bill passed.

On motion of Representative Diehl, the House recessed until 2:30 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Jones.

Representative Diehl suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 101

Allen	Anderson	Austin	Barnes	Bernskoetter
Berry	Brattin	Burlison	Butler	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Cross
Curtis	Curtman	Davis	Diehl	Dohrman
Dugger	Dunn	Ellinger	Elmer	Engler
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Funderburk	Gannon
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hicks	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kolkmeyer	Korman	Kratky
Lair	Lant	Lauer	Lichtenegger	Love
Lynch	McCaherty	McKenna	Messenger	Miller
Mims	Morris	Muntzel	Neth	Norr
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Rowden	Rowland
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Solon	Sommer	Stream	Swan
Walker	White	Wieland	Wilson	Zerr
Mr Speaker				

NOES: 001

Smith 85

PRESENT: 047

Anders	Bahr	Black	Brown	Burns
Carpenter	Colona	Conway 10	Ellington	English
Englund	Frederick	Gardner	Gatschenberger	Hansen
Harris	Higdon	Hubbard	Hummel	Kelly 45
Kirkton	LaFaver	Leara	Marshall	May

Mayfield	McCann Beatty	McDonald	McGaugh	McManus
McNeil	Meredith	Mitten	Montecillo	Morgan
Nichols	Otto	Pace	Pierson	Roorda
Runions	Spencer	Swearingen	Walton Gray	Webb
Webber	Wright			

ABSENT WITH LEAVE: 012

Crawford	Hodges	Koenig	Molendorp	Neely
Newman	Ross	Scharnhorst	Smith 120	Thomson
Torpey	Wood			

VACANCIES: 002

PERFECTION OF HOUSE BILLS

HB 64, relating to a deduction for political donations, was taken up by Representative Burlison.

Representative Brattin offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 64, Section 130.028, Page 3, Line 30, by deleting said line and inserting in lieu thereof the following:

"4. A labor organization, directly or through another person or through an employer, may"; and

Further amend said section and page, Lines 38-40, by deleting all of said lines and inserting in lieu thereof the following:

"to the contribution in writing annually. Nothing in this subsection shall be"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Hinson offered **House Amendment No. 1 to House Amendment No. 1**.

House Amendment No. 1

to

House Amendment No. 1

AMEND House Amendment No. 1 to House Bill No. 64, Page 1, Lines 7-10, by deleting all of said lines and inserting in lieu thereof the following:

‘Further amend said section and page, Line 40, by deleting all of said line and inserting in lieu thereof the following:

"covered under subdivision (3) of section 192.800, unless an employee is required to be a member or pay dues, fees, assessments, or any other similar charges however denominated, to that association. Nothing in this subsection shall be"; and'; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hinson, **House Amendment No. 1 to House Amendment No. 1** was adopted by the following vote:

AYES: 096

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Franklin	Frederick	Funderburk
Gannon	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Hicks	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	McGaugh
Messenger	Miller	Molendorp	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rowden
Rowland	Scharnhorst	Schatz	Shull	Shumake
Solon	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wilson	Zerr
Mr Speaker				

NOES: 055

Anders	Barnes	Black	Burns	Butler
Carpenter	Colona	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Higdon	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	Marshall	May
Mayfield	McCaherty	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Nichols	Norr	Otto
Pace	Pierson	Rizzo	Roorda	Runions
Schieffer	Schupp	Smith 85	Sommer	Swearingen
Walton Gray	Webb	Webber	Wieland	Wright

PRESENT: 000

ABSENT WITH LEAVE: 010

Conway 10	Cornejo	Engler	Gatschenberger	Hodges
Newman	Ross	Schieber	Smith 120	Wood

VACANCIES: 002

Representative Barnes assumed the Chair.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 103

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Gannon	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeier	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Molendorp	Morris	Muntzel	Neely
Neth	Parkinson	Pfausch	Phillips	Pike
Pogue	Rehmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Solon	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 008

Cornejo	Funderburk	Gatschenberger	Hodges	Newman
Rowden	Smith 120	Sommer		

VACANCIES: 002

On motion of Representative Brattin, **House Amendment No. 1, as amended**, was adopted by the following vote:

AYES: 086

Allen	Anderson	Austin	Bahr	Bernskoetter
Brattin	Brown	Burlison	Cierpiot	Conway 104
Cookson	Cox	Crawford	Curtman	Davis
Diehl	Dohrman	Dugger	Elmer	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeier	Lair	Lant	Leara	Lichtenegger
Love	Lynch	Marshall	McGaugh	Messenger
Miller	Morris	Muntzel	Neely	Parkinson
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Spencer	Stream	Swan
Thomson	Walker	White	Wilson	Wood
Mr Speaker				

NOES: 067

Anders	Barnes	Berry	Black	Burns
Butler	Carpenter	Colona	Conway 10	Cross
Curtis	Dunn	Ellinger	Ellington	English
Englund	Frame	Gannon	Gardner	Harris
Higdon	Hinson	Hubbard	Hummel	Kelly 45
Kirkton	Korman	Kratky	LaFaver	Lauer
May	Mayfield	McCaherty	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Molendorp	Montecillo	Morgan	Neth
Nichols	Norr	Otto	Pace	Pfautsch
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Solon	Sommer	Swearingen
Torpey	Walton Gray	Webb	Webber	Wieland
Wright	Zerr			

PRESENT: 000

ABSENT WITH LEAVE: 008

Cornejo	Engler	Funderburk	Gatschenberger	Hodges
Newman	Rowden	Smith 120		

VACANCIES: 002

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 101

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Gardner	Harris
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Nichols	Norr
Otto	Pace	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 011

Cornejo	Cox	Frame	Funderburk	Gannon
Gatschenberger	Hodges	Kolkmeier	Newman	Smith 120
Stream				

VACANCIES: 002

On motion of Representative Burlison, **HB 64, as amended**, was ordered perfected and printed by the following vote:

AYES: 093

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Hicks	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McGaugh
Messenger	Miller	Morris	Muntzel	Neely
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Shull	Shumake	Spencer
Stream	Swan	Thomson	Walker	White
Wilson	Wood	Mr Speaker		

NOES: 062

Anders	Berry	Black	Burns	Butler
Carpenter	Colona	Conway 10	Curtis	Dunn
Ellinger	Ellington	English	Englund	Frame
Gannon	Gardner	Harris	Higdon	Hubbard
Hummel	Kelly 45	Kirkton	Kratky	LaFaver
May	Mayfield	McCaherty	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Molendorp	Montecillo	Morgan	Neth
Nichols	Norr	Otto	Pace	Pierson
Rizzo	Roorda	Runions	Schieber	Schieffer
Schupp	Smith 85	Solon	Sommer	Swearingen
Torpey	Walton Gray	Webb	Webber	Wieland
Wright	Zerr			

PRESENT: 000

ABSENT WITH LEAVE: 006

Cornejo	Gatschenberger	Hodges	Korman	Newman
Smith 120				

VACANCIES: 002

HB 409, relating to prevailing wages, was taken up by Representative Love.

Representative Stream offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 409, In the Title, Page 1, Line 3, by deleting all of said line and inserting in lieu thereof "relating to prevailing wages."; and

Further amend said bill, Section 290.210, Page 1, Lines 1-14, by deleting all of said lines and inserting in lieu thereof the following:

"290.210. As used in sections 290.210 to 290.340, unless the context indicates otherwise:

(1) "Construction" includes construction, reconstruction, [improvement,] enlargement, [alteration,] **and** painting and decorating **done as part of any of the foregoing**, or major repair]. **Construction does not include maintenance work.**

(2) "Department" means the department of labor and industrial relations.

(3) "Locality" means the county where the physical work upon public works is performed, except that if there is not available in the county a sufficient number of competent skilled workmen to construct the public works efficiently and properly, "locality" may include two or more counties adjacent to the one in which the work or construction is to be performed and from which such workers may be obtained in sufficient numbers to perform the work, and that, with respect to contracts with the state highways and transportation commission, "locality" may be construed to include two or more adjacent counties from which workmen may be accessible for work on such construction.

(4) "Maintenance work" means the repair, but not the replacement, of existing facilities **and shall include repairs that restore existing facilities to a previous state or condition or improve the utility or enhance the appearance of existing facilities provided** that [when] the size, type or extent of the existing facilities is not thereby changed or increased. **Maintenance work shall not include major repairs which shall be defined as any work that exceeds the replacement cost of existing facilities.**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Engler assumed the Chair.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 103

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt

Remole	Rhoads	Richardson	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Solon	Sommer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Zerr	Mr Speaker		

NOES: 048

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hubbard	Hummel	Kirkton	Kratky
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Nichols	Norr	Otto
Pace	Pierson	Rizzo	Roorda	Runions
Schieffer	Schupp	Smith 85	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 010

Cornejo	Gatschenberger	Hodges	Kelly 45	LaFaver
Newman	Riddle	Smith 120	Spencer	Wood

VACANCIES: 002

On motion of Representative Stream, **House Amendment No. 1** was adopted.

Representative Fraker offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Bill No. 409, Section 290.210, Pages 1-2, Lines 15-46, by deleting all of said lines and inserting in lieu thereof the following:

"(5) "Prevailing hourly rate of wages" means the wages paid generally, in the locality in which the public works is being performed[, to workmen engaged in work of a similar character including the basic hourly rate of pay and the amount of the rate of contributions irrevocably made by a contractor or subcontractor to a trustee or to a third person pursuant to a fund, plan or program, and the amount of the rate of costs to the contractor or subcontractor which may be reasonably anticipated in providing benefits to workmen and mechanics pursuant to an enforceable commitment to carry out a financially responsible plan or program which was communicated in writing to the workmen affected, for medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, for unemployment benefits, life insurance, disability and sickness insurance, accident insurance, for vacation and holiday pay, for defraying costs of apprenticeship or other similar programs, or for other bona fide fringe benefits, but only where the contractor or subcontractor is not required by other federal or state law to provide any of the benefits; provided, that the obligation of a contractor or subcontractor to make payment in accordance with the prevailing wage determinations of the department, insofar as sections 290.210 to 290.340 are concerned, may be discharged by the making of payments in cash, by the making of irrevocable contributions to trustees or third persons as provided herein, by the assumption of an enforceable commitment to bear the costs of a plan or program as provided herein, or any combination thereof, where the aggregate of such payments, contributions and costs is not less than the rate of pay plus the other amounts as provided herein]. **The prevailing hourly rate of wages for all counties except for any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants, any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants,**

any county of the second classification with more than fifty thousand but fewer than fifty-eight thousand inhabitants, any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants, any county with a charter form of government and with more than nine hundred fifty thousand inhabitants, any county of the third classification without a township form of government and with more than twenty-nine thousand but fewer than thirty-three thousand inhabitants and with a city of the fourth classification with more than seven thousand but fewer than eight thousand inhabitants as the county seat, any county of the first classification with more than ninety-two thousand but fewer than one hundred one thousand inhabitants, any county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants, any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, and any city not within a county shall be deemed:

(a) The median hourly wage estimate for the construction and extraction occupational code most closely resembling the occupational title as published in the latest United States Bureau of Labor Statistics by Metropolitan and Non-Metropolitan Area Occupational Employment Wage Estimate; or

(b) If no such rate can be determined under paragraph (a) of this subdivision, the median hourly wage estimate for occupational code 47-0000 in the construction and extraction occupational code, published in the latest United States Bureau of Labor Statistics publication shall be the prevailing wage for such occupational title;"; and

Further amend said bill, Section 290.262, Page 3, Lines 1-10, by deleting all of said lines and inserting in lieu thereof the following:

"290.262. 1. (1)(a) Except as otherwise provided in section 290.260, for any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants, any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants, any county of the second classification with more than fifty thousand but fewer than fifty-eight thousand inhabitants, any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants, any county with a charter form of government and with more than nine hundred fifty thousand inhabitants, any county of the third classification without a township form of government and with more than twenty-nine thousand but fewer than thirty-three thousand inhabitants and with a city of the fourth classification with more than seven thousand but fewer than eight thousand inhabitants as the county seat, any county of the first classification with more than ninety-two thousand but fewer than one hundred one thousand inhabitants, any county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants, any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, and any city not within a county, the department shall annually investigate and determine the prevailing hourly rate of wages in each locality for each separate occupational title.

(b) A final determination applicable to every locality to be contained in an annual wage order shall be made annually on or before July first of each year and shall remain in effect until superseded by a new annual wage order or as otherwise provided in this section.

(c) In determining prevailing rates, for any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants, any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants, any county of the second classification with more than fifty thousand but fewer than fifty-eight thousand inhabitants, any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants, any county with a charter form of government and with more than nine hundred fifty thousand inhabitants, any county of the third classification without a township form of government and with more than twenty-nine thousand but fewer than thirty-three thousand inhabitants and with a city of the fourth classification with more than seven thousand but fewer than eight thousand inhabitants as the county seat, any county of the first classification with more than ninety-two thousand but fewer than one hundred one thousand inhabitants, any county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants, any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, and any city not within a county, the department shall ascertain and consider the applicable wage rates established by collective bargaining agreements, if any, the applicable wage rates paid by members of a trade organization designated with a 501(c)(6) tax exempt status by the United States Internal Revenue Service, and the rates that are paid generally within [the locality] any county

of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants, any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants, any county of the second classification with more than fifty thousand but fewer than fifty-eight thousand inhabitants, any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants, any county with a charter form of government and with more than nine hundred fifty thousand inhabitants, any county of the third classification without a township form of government and with more than twenty-nine thousand but fewer than thirty-three thousand inhabitants and with a city of the fourth classification with more than seven thousand but fewer than eight thousand inhabitants as the county seat, any county of the first classification with more than ninety-two thousand but fewer than one hundred one thousand inhabitants, any county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants, any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, and any city not within a county, and shall, by March tenth of each year, make an initial determination for each occupational title within the locality[.] ;

(d) For the purposes of this chapter, the wage rates paid by members of a trade organization may be submitted by such trade organization and shall be considered in the aggregate. Any subsequent challenge to the wage rate as determined by the department based upon such data shall not require any member of such trade organization to appear or participate in any administrative action related thereto;

(2) (a) Except as otherwise provided in section 290.260, the prevailing hourly rate of wages for all other counties shall be deemed:

a. The median hourly wage estimate for the construction and extraction occupational code most closely resembling the occupational title as published in the latest United States Bureau of Labor Statistics by Metropolitan and Non-Metropolitan Area Occupational Employment Wage Estimate; or

b. If no such rate can be determined under subparagraph a of paragraph (a) of subdivision (2) of this subsection, the median hourly wage estimate for occupational code 47-0000 in the construction and extraction occupational code published in the latest United States Bureau of Labor Statistics publication shall be the prevailing wage for such occupational title;

(b) A final determination applicable to every locality to be contained in an annual wage order shall be made annually on or before July first of each year and shall remain in effect until superseded by a new annual wage order or as otherwise provided in this section;

(c) In determining prevailing rates, the department shall consider the applicable wage rates that are paid generally within the locality, and shall, by March tenth of each year, make an initial determination for each occupational title within the locality;" ; and

Further amend said section, Page 4, Lines 44-45, by deleting said lines and inserting in lieu thereof the following:

"Any annual wage order made for a particular occupational title in a locality"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Schatz offered House Amendment No. 1 to House Amendment No. 2.

House Amendment No. 1
to
House Amendment No. 2

AMEND House Amendment No. 2 to House Bill No. 409, Page 2, Lines 4-12, by deleting all of said lines and inserting in lieu thereof the following:

"seven hundred thousand inhabitants, and any city not within a county, shall be the state average weekly wage as determined by the department of labor and industrial relations."; and

Further amend said amendment, Pages 3-4, Lines 35-41, and 1-2, by deleting all of said lines and inserting in lieu thereof the following:

"for all other counties shall be the state average weekly wage as determined by the department of labor and industrial relations."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Schatz, **House Amendment No. 1 to House Amendment No. 2** was adopted by the following vote:

AYES: 089

Allen	Anderson	Austin	Bahr	Barnes
Brattin	Brown	Burlison	Cierpiot	Conway 104
Cookson	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Franklin	Frederick	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McGaugh	Messenger	Miller	Morris
Muntzel	Neely	Parkinson	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Sommer	Stream	Swan	Thomson	Walker
White	Wilson	Wood	Mr Speaker	

NOES: 059

Anders	Black	Burns	Butler	Carpenter
Colona	Curtis	Dunn	Ellinger	Ellington
Engler	English	Englund	Frame	Gannon
Gardner	Harris	Higdon	Hubbard	Hummel
Kelly 45	Kirkton	Kratky	LaFaver	May
Mayfield	McCaherty	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Molendorp	Montecillo	Morgan	Neth	Nichols
Norr	Otto	Pace	Pfautsch	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Solon	Torpey	Walton Gray	Webb
Webber	Wieland	Wright	Zerr	

PRESENT: 000

ABSENT WITH LEAVE: 013

Bernskoetter	Berry	Conway 10	Cornejo	Funderburk
Gatschenberger	Hodges	Jones 50	Newman	Rowden
Smith 120	Spencer	Swearingen		

VACANCIES: 002

Speaker Jones resumed the Chair.

On motion of Representative Fraker, **House Amendment No. 2, as amended**, was adopted by the following vote:

AYES: 088

Allen	Anderson	Austin	Bahr	Bernskoetter
Brattin	Brown	Burlison	Cierpiot	Conway 104
Cookson	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Franklin	Frederick	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeier	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McGaugh	Messenger	Miller	Morris	Muntzel
Neely	Parkinson	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Sommer
Stream	Swan	Thomson	Walker	White
Wilson	Wood	Mr Speaker		

NOES: 064

Anders	Barnes	Berry	Black	Burns
Butler	Carpenter	Colona	Conway 10	Curtis
Dunn	Ellinger	Ellington	Engler	English
Englund	Frame	Gannon	Gardner	Harris
Higdon	Hinson	Hubbard	Hummel	Kelly 45
Kirkton	Korman	Kratky	LaFaver	May
Mayfield	McCaherty	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Molendorp	Montecillo	Morgan	Neth	Nichols
Norr	Otto	Pace	Pfautsch	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Solon	Torpey	Walton Gray	Webb
Webber	Wieland	Wright	Zerr	

PRESENT: 000

ABSENT WITH LEAVE: 009

Cornejo	Funderburk	Gatschenberger	Hodges	Newman
Rowden	Smith 120	Spencer	Swearingen	

VACANCIES: 002

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 098

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Engler	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Franklin	Frederick	Gannon
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	McCaherty	McGaugh
Messenger	Miller	Molendorp	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Solon	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 044

Anders	Black	Burns	Butler	Colona
Conway 10	Curtis	Dunn	Ellinger	English
Englund	Frame	Gardner	Harris	Hummel
Kelly 45	Kirkton	Kratky	LaFaver	Mayfield
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Nichols
Norr	Otto	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 019

Brattin	Carpenter	Cornejo	Ellington	Elmer
Funderburk	Gatschenberger	Higdon	Hodges	Hubbard
Marshall	May	McCann Beatty	Newman	Pace
Shumake	Smith 120	Sommer	Spencer	

VACANCIES: 002

On motion of Representative Love, **HB 409, as amended**, was ordered perfected and printed by the following vote:

AYES: 090

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Franklin	Frederick	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McGaugh	Messenger	Miller
Morris	Muntzel	Neely	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Stream	Swan	Thomson
Walker	White	Wilson	Wood	Mr Speaker

NOES: 062

Anders	Berry	Black	Burns	Butler
Carpenter	Colona	Conway 10	Curtis	Dunn
Ellinger	Ellington	Engler	English	Englund
Frame	Gannon	Gardner	Harris	Higdon
Hubbard	Hummel	Kelly 45	Kirkton	Korman
Kratky	LaFaver	May	Mayfield	McCaherty
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Molendorp	Montecillo
Morgan	Neth	Nichols	Norr	Otto
Pace	Pierson	Rizzo	Roorda	Runions
Schieffer	Schupp	Smith 85	Solon	Swearingen
Torpey	Walton Gray	Webb	Webber	Wieland
Wright	Zerr			

PRESENT: 000

ABSENT WITH LEAVE: 009

Cornejo	Funderburk	Gatschenberger	Hodges	Newman
Rowden	Smith 120	Sommer	Spencer	

VACANCIES: 002

REFERRAL OF HOUSE CONCURRENT RESOLUTION

The following House Concurrent Resolution was referred to the Committee indicated:

HCR 28 - Veterans

RE-REFERRAL OF HOUSE BILL

The following House Bill was re-referred to the Committee indicated:

HB 651 - Downsizing State Government

COMMITTEE REPORTS

Committee on Agri-Business, Chairman Guernsey reporting:

Mr. Speaker: Your Committee on Agri-Business, to which was referred **HB 433**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Children, Families, and Persons with Disabilities, Chairman Grisamore reporting:

Mr. Speaker: Your Committee on Children, Families, and Persons with Disabilities, to which was referred **HB 343**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Elections, Chairman Entlicher reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **HB 336**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Emerging Issues in Agriculture, Chairman Johnson reporting:

Mr. Speaker: Your Committee on Emerging Issues in Agriculture, to which was referred **HB 81**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Fiscal Review, Chairman Flanigan reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **SCS SBs 10 & 25**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS SCS SBs 20, 15 & 19**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Higher Education, Chairman Thomson:

Mr. Speaker: Your Committee on Higher Education, to which was referred **HB 673**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Professional Registration and Licensing, Chairman Burlison reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 387**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 440**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 448**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 625**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Special Standing Committee on Small Business, Chairman Torpey reporting:

Mr. Speaker: Your Special Standing Committee on Small Business, to which was referred **HB 391**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Standing Committee on Small Business, to which was referred **HB 510**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Standing Committee on Small Business, to which was referred **SCS SB 182**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Special Standing Committee on Urban Issues, Chairman Hubbard reporting:

Mr. Speaker: Your Special Standing Committee on Urban Issues, to which was referred **HB 756**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Tourism and Natural Resources, Chairman Phillips reporting:

Mr. Speaker: Your Committee on Tourism and Natural Resources, to which was referred **HCR 10**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Tourism and Natural Resources, to which was referred **HCR 11**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Tourism and Natural Resources, to which was referred **HCR 12**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Tourism and Natural Resources, to which was referred **HB 306**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Tourism and Natural Resources, to which was referred **HB 471**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Tourism and Natural Resources, to which was referred **HB 585**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Tourism and Natural Resources, to which was referred **HB 634**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Tourism and Natural Resources, to which was referred **HB 650**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Transportation, Chairman Schatz reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 581**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 715**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

ADVANCEMENT OF HOUSE BILLS - CONSENT

Pursuant to Rule 45(b), the following bills, having remained on the House Consent Calendar for Perfection for five legislative days, were ordered perfected and printed by consent with all committee substitutes and committee amendments thereto adopted and perfected by consent: **HB 184, HB 196, HB 301, HB 307, HCS HB 312, HCS HB 401, HB 412, HB 432, HB 542, HCS HB 586 and HB 591.**

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 834, introduced by Representative Sommer, relating to service dogs.

HB 835, introduced by Representative Sommer, relating to the designation of animal rescue and adoption week.

HB 836, introduced by Representative Guernsey, relating to produce grown at a correctional facility.

HB 837, introduced by Representatives Fraker, Dugger, Redmon, Rowland, Lichtenegger, Burlison, Webb and Messenger, relating to food prepared for fundraising events.

HB 838, introduced by Representatives Wieland, Berry, Barnes, Hummel, Kelly (45) and Roorda, relating to eligibility for supplemental nutrition assistance program benefits.

HB 839, introduced by Representatives McManus, Barnes, Kelly (45), Rizzo and Webber, relating to the Missouri false claims and fraud prevention act.

HB 840, introduced by Representatives Brown, Jones (110), Cox, Gatschenberger, Barnes, Kelley (127), Walker, Smith (120), Kolkmeier, Rehder, Conway (104), Hicks, Redmon, Anderson, Guernsey, Fraker, Koenig, Rhoads, Rowland, Cornejo, Ross, Funderburk, Rowden, Lant, Houghton, Hinson, Cookson, Spencer, Muntzel, Remole, Riddle, Elmer, Keeney, Fitzpatrick, Fitzwater, Hampton, Flanagan, Schieber, Wood, Phillips, McCaherty, Scharnhorst, Frederick, Grisamore, Berry, Curtman, Lauer, Reiboldt, Crawford, Wilson, Schatz, Dugger, Diehl, Burlison, Bahr, Dohrman, Justus, Davis, Lichtenegger, Haefner, Hoskins, Neely and Pike, relating to local department of revenue fee offices.

HB 841, introduced by Representatives Ross, Dugger, Fraker and Reiboldt, relating to tax credits for milk producers.

HB 842, introduced by Representatives Kelley (127), Spencer and Pace, relating to providing cystic fibrosis information to marriage license applicants.

HB 843, introduced by Representatives Kirkton, McDonald, Pace, Ellinger, Hummel, McCann Beatty, Pierson, Walton Gray, Mims, Morgan, LaFaver, Ellington, Dunn and Curtis, relating to individual income tax.

HB 844, introduced by Representatives McNeil, Berry, English, Otto and Carpenter, relating to combined heat and power systems.

HB 845, introduced by Representatives Cornejo, English and Hicks, relating to property exempt from attachment.

HB 846, introduced by Representatives Pfautsch and Gatschenberger, relating to political subdivisions.

HB 847, introduced by Representatives Gardner, Webb, Smith (85), Hough, Dunn, Ellington, Morgan, Mims, Walton Gray, Curtis and Otto, relating to civil contempt for failure to appear for debt collection.

HB 848, introduced by Representative Neth, relating to elections.

HB 849, introduced by Representatives Lant, Cox, Diehl, Phillips and Barnes, relating to model jury instructions.

HB 850, introduced by Representatives McCaherty, May, Otto, Mayfield, Nichols, Hinson, Cross, Fraker, Remole, Montecillo, Redmon, Cierpiot, Berry and Torpey, relating to the bring jobs home act.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCS SCR 5**.

SENATE COMMITTEE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION NO. 5

WHEREAS, under federal Medicaid law, states are required to make disproportionate share hospital (DSH) payments to hospitals for providing health care to a vast number of low-income patients in an attempt to make up for financial losses by hospitals that do not receive payment for services rendered to uninsured patients and because Medicaid provider payment rates are far lower than those payments received by private insurance; and

WHEREAS, also under federal Medicaid law, the federal government reimburses states for a portion of the state's Medicaid DSH expenditures based on each state's federal medical assistance percentage and each state receives an annual DSH allotment; and

WHEREAS, Missouri hospitals reported providing \$1.1 billion in uncompensated care to Missourians in 2011; and

WHEREAS, under the Affordable Care Act (ACA) of 2010, states are mandated to expand Medicaid eligibility for persons with incomes up to 133% of the federal poverty level; however, in June 2012, the United States Supreme Court found such mandate impermissible and now allows each state to decide whether to implement such a Medicaid expansion; and

WHEREAS, under the ACA, under the assumption at the time the law passed that all states were to implement the Medicaid expansion, the federal government is required to reduce more than \$22 billion in DSH payments from 2014 to 2022; and

WHEREAS, it is estimated that Missouri will suffer cuts to both Medicaid and Medicare hospital payments in the amount of \$3.3 billion from 2013 to 2020 with DSH cuts in the amount generally of \$704 million from 2013 to 2019; and

WHEREAS, the federal cuts to DSH hospital payments are set to occur regardless of whether a state has elected to implement the Medicaid expansion under the ACA - a decision the United States Supreme Court found each state has a right to pursue; and

WHEREAS, Missouri hospitals have reported that it will be an "unsustainable situation for hospitals" to absorb more than \$1 billion annually in uncompensated care while facing \$3.3 billion in cuts:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the federal government to continue to reimburse states for a portion of the state's Medicaid DSH expenditures based on each state's federal medical assistance percentage for those states that have chosen not to implement the Medicaid expansion; and

BE IT FURTHER RESOLVED that Governor Nixon work with the federal government to ensure that the reduction to such DSH payments do not occur; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the federal Department of Health and Human Services, each member of the Missouri Congressional delegation, and Governor Jay Nixon.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS#2 SCS SBs 26, 11 & 31**, entitled:

An act to repeal sections 32.087, 66.601, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1713, 67.1775, 67.1959, 67.1971, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 143.011, 143.021, 143.071, 143.151, 144.010, 144.014, 144.020, 144.021, 144.030, 144.032, 144.043, 144.049, 144.054, 144.069, 144.070, 144.080, 144.083, 144.100, 144.140, 144.210, 144.285, 144.440, 144.517, 144.526, 144.605, 144.655, 144.710, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015, 221.407, 238.235, 238.410, 644.032, RSMo, and to enact in lieu thereof eighty new sections relating to taxation, with penalty provisions and effective dates for certain sections.

In which the concurrence of the House is respectfully requested.

COMMITTEE CHANGE

March 12, 2013

The Honorable Timothy W. Jones, Speaker
Missouri House of Representatives
201 West Capitol Avenue, Room 308
Jefferson City, Missouri 65101

Dear Mr. Speaker:

I would like to notify you of the approval for the request by Rep. Mark Parkinson to be named the Chair of the Leadership for Missouri Issue Development Standing Committee.

Please take note of the updated committee member roster.

Sincerely,

/s/ Rep. Dwight Scharnhorst
Administration and Accounts, Chair

COMMUNICATION

March 12, 2013

Mr. D. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol, Room 306-C
Jefferson City, MO 65101

Dear Mr. Crumbliss:

Pursuant to Chapters 105.452 to 105.461, RSMo, this letter is an official disclosure that my husband is the Missouri Director of Agriculture; and some of the legislation and amendments that I will be voting on could have a direct impact on our family.

In order to comply with Chapters 105.452 to 105.461, RSMo, please publish this report in the Journal of the House.

Sincerely,

/s/ Linda Black
State Representative
District 117

The following member's presence was noted: Newman.

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 9:00 a.m., Wednesday, March 13, 2013.

COMMITTEE HEARINGS

BUDGET

Wednesday, March 13, 2013, Upon Morning Adjournment House Hearing Room 3.

Executive session will be held: HB 1, HB 2, HB 3, HB 4, HB 5, HB 6, HB 7, HB 8, HB 9, HB 10, HB 11, HB 12, HB 13

Executive session may be held on any matter referred to the committee.

Bills to be considered: House Committee Substitutes for House Bills 1 through 13

AMENDED

CRIME PREVENTION AND PUBLIC SAFETY

Wednesday, March 13, 2013, 2:00 PM House Hearing Room 6.

Public hearing will be held: HB 589

Executive session may be held on any matter referred to the committee.

DOWNSIZING STATE GOVERNMENT

Thursday, March 14, 2013, 8:00 AM House Hearing Room 4.

Public hearing will be held: HB 775, HB 774, HB 617, HB 527, HB 508, HB 507

Executive session may be held on any matter referred to the committee.

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, March 13, 2013, 8:00 AM House Hearing Room 6.

Public hearing will be held: HB 50, HJR 22

Executive session will be held: HB 458, HB 470

Executive session may be held on any matter referred to the committee.

Executive session will conclude at 8:30 AM.

EMERGING ISSUES IN AGRICULTURE

Wednesday, March 13, 2013, 8:00 AM House Hearing Room 4.

Public hearing will be held: HB 342

Executive session will be held: HB 487

Executive session may be held on any matter referred to the committee.

CORRECTED

FINANCIAL INSTITUTIONS

Wednesday, March 13, 2013, 12:00 PM House Hearing Room 4.

Public hearing will be held: HB 498

Executive session will be held: HB 478

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Wednesday, March 13, 2013, 8:30 AM South Gallery.

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Thursday, March 14, 2013, 8:30 AM South Gallery.

Executive session may be held on any matter referred to the committee.

HEALTH CARE POLICY

Wednesday, March 13, 2013, 12:00 PM House Hearing Room 6.

Public hearing will be held: HJR 19, HB 400, HB 351, HB 324

Executive session may be held on any matter referred to the committee.

HEALTH INSURANCE

Thursday, March 14, 2013, Upon Morning Adjournment House Hearing Room 5.

Public hearing will be held: HB 701

Executive session may be held on any matter referred to the committee.

INTERNATIONAL TRADE

Wednesday, March 13, 2013, 5:00 PM or Upon Afternoon Adjournment House Hearing Room 7.

Public hearing will be held: HB 733

Executive session may be held on any matter referred to the committee.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, March 14, 2013, 8:00 AM House Hearing Room 1.

1st quarter meeting

Please note date change.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Wednesday, March 27, 2013, 8:00 AM House Hearing Room 1.

1st quarter meeting

Please note date change.

CANCELLED

JUDICIARY

Wednesday, March 13, 2013, 12:00 PM or Upon Morning Adjournment (whichever is earlier)
House Hearing Room 1.

Public hearing will be held: HB 210

Executive session will be held: HB 371, HB 505

Executive session may be held on any matter referred to the committee.

Public testimony to be heard on HB 210

LOCAL GOVERNMENT

Thursday, March 14, 2013, 8:00 AM House Hearing Room 5.

Public hearing will be held: HB 643, HB 486, HB 602, HB 254, HB 760

Executive session may be held on any matter referred to the committee.

RETIREMENT

Thursday, March 14, 2013, 9:00 AM House Hearing Room 1.

Public hearing will be held: HB 129, HB 418, HB 313, HB 353, HB 722

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON CORRECTIONS

Wednesday, March 13, 2013, 8:45 AM North Gallery.

Executive session will be held: HB 354, HB 525

CORRECTED

SPECIAL STANDING COMMITTEE ON SMALL BUSINESS

Wednesday, March 13, 2013, 12:00 PM or Upon Morning Adjournment House Hearing Room 7.

Public hearing will be held: HB 71, HB 813, HB 393

Executive session may be held on any matter referred to the committee.

AMENDED

SPECIAL STANDING COMMITTEE ON URBAN ISSUES

Wednesday, March 13, 2013, 2:00 PM House Hearing Room 7.

Public hearing will be held: HB 632, HB 264

Executive session will be held: HB 285, HB 656

Executive session may be held on any matter referred to the committee.

TOURISM AND NATURAL RESOURCES

Wednesday, March 13, 2013, 8:00 AM House Hearing Room 3.

Annual Joint Meeting of House Tourism and Natural Resources Committee and Senate Jobs, Economic Development and Local Government Committee.

Presentation by the Division of Tourism

UTILITIES

Wednesday, March 13, 2013, 8:00 AM House Hearing Room 7.

Executive session will be held: HB 331, HB 398, HB 601

Executive session may be held on any matter referred to the committee.

VETERANS

Wednesday, March 13, 2013, 2:00 PM House Hearing Room 1.

Public hearing will be held: HB 702

Executive session will be held: HB 702

Executive session may be held on any matter referred to the committee.

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Wednesday, March 13, 2013, 7:30 AM House Hearing Room 5.

Public hearing will be held: HB 164, HB 404

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

THIRTY-SEVENTH DAY, WEDNESDAY, MARCH 13, 2013

HOUSE BILLS FOR SECOND READING

HB 834 through HB 850

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 169 - Diehl
- 2 HB 227 - Zerr
- 3 HB 152 - Solon
- 4 HB 423 - Zerr
- 5 HCS HBs 521 & 579 - Koenig
- 6 HB 578 - Funderburk
- 7 HB 316 - Phillips

HOUSE BILLS FOR PERFECTION - CONSENT

(3/13/2013)

- 1 HB 68 - Kelley (127)
- 2 HB 142 - Dugger
- 3 HCS HB 159 - Guernsey
- 4 HB 346 - Molendorp

HOUSE BILLS FOR THIRD READING

- 1 HCS HBs 191 & 182 - Torpey
- 2 HB 201 - Torpey
- 3 HCS HB 222 - Austin
- 4 HB 64 - Burlison
- 5 HB 409 - Love

HOUSE BILLS FOR THIRD READING - CONSENT

- 1 HB 85 - Kelley (127)
- 2 HCS HB 128 - Sommer
- 3 HB 133 - Gosen
- 4 HB 163 - Fitzpatrick
- 5 HB 212 - Cox
- 6 HCS HB 233 - Leara
- 7 HB 329 - Dugger
- 8 HCS HB 349 - Brown
- 9 HB 184 - Cox
- 10 HB 196 - Lauer

- 11 HB 301 - Engler
- 12 HB 307 - Riddle
- 13 HCS HB 312 - Thomson
- 14 HCS HB 401 - Shumake
- 15 HB 412 - Reiboldt
- 16 HB 432 - Webb
- 17 HB 542 - Love
- 18 HCS HB 586 - Schieffer
- 19 HB 591 - Hubbard

SENATE BILLS FOR SECOND READING

SS#2 SCS SBs 26, 11 & 31

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 16 - Walton Gray
- 2 HCR 19 - Rowden

SENATE BILLS FOR THIRD READING

- 1 SCS SBs 10 & 25 - Burlison
- 2 HCS SS SCS SBs 20, 15 & 19, E.C. - Burlison

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

THIRTY-SEVENTH DAY, WEDNESDAY, MARCH 13, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

Prove all things; hold fast that which is good. (Thessalonians 5:21)

Our Eternal God, our refuge in ages past, our strength for the present hour and our hope for future days, we come to You, conscious of our own failures and faults, but with faith and fortitude, because our trust is in You.

Deliver us from following and walking the weary ways of a worried world. Remove from us all bitterness which blights our lives, all resentment which ruins our dispositions, all pride which makes us intolerant and closes the door to the needs of others.

Grant that in the adventure of building a better state, we may saturate our good ideas with great idealism; we may combine common sense with an uncommon spirit, and we may be confident that light will triumph over darkness, right will win over wrong, and love will outlast hatred. To this end keep us devoted to the light, to the right and to love.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Sierra Casagrand.

The Journal of the thirty-sixth day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 772 through House Resolution No. 806

SECOND READING OF HOUSE BILLS

HB 834 through **HB 850** were read the second time.

SECOND READING OF SENATE BILL

SS#2 SCS SBs 26, 11 & 31 was read the second time.

THIRD READING OF HOUSE BILL

HB 409, relating to the prevailing hourly rate of wages, was taken up by Representative Love.

Representative Cox assumed the Chair.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 105

Allen	Anderson	Austin	Bahr	Barnes
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Morris	Muntzel
Neely	Neth	Pfausch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Nichols	Norr	Otto	Pace	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 005

Bernskoetter	Cornejo	Newman	Parkinson	Smith 120
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VACANCIES: 002

On motion of Representative Love, **HB 409** was read the third time and passed by the following vote:

AYES: 091

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Franklin	Frederick	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McGaugh	Messenger	Miller
Morris	Muntzel	Neely	Parkinson	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Spencer	Stream	Swan
Thomson	Walker	White	Wilson	Wood
Mr Speaker				

NOES: 065

Anders	Berry	Black	Burns	Butler
Carpenter	Colona	Conway 10	Curtis	Dunn
Ellinger	Ellington	Engler	English	Englund
Frame	Gannon	Gardner	Harris	Higdon
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Korman	Kratky	LaFaver	May	Mayfield
McCaherty	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Molendorp
Montecillo	Morgan	Neth	Nichols	Norr
Otto	Pace	Pfautsch	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Solon	Sommer	Swearingen	Torpey	Walton Gray
Webb	Webber	Wieland	Wright	Zerr

PRESENT: 000

ABSENT WITH LEAVE: 005

Cornejo	Funderburk	Gatschenberger	Newman	Smith 120
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VACANCIES: 002

Representative Cox declared the bill passed.

THIRD READING OF SENATE BILL

HCS SS SCS SBs 20, 15 & 19, relating to certain benevolent tax credits, was taken up by Representative Burlison.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 106

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Nichols	Norr	Otto	Pace	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 004

Cornejo Korman Newman Smith 120

VACANCIES: 002

Representative Hummel requested a verification of the roll call on the motion to move the previous question.

On motion of Representative Burlison, **HCS SS SCS SBs 20, 15 & 19** was adopted.

On motion of Representative Burlison, **HCS SS SCS SBs 20, 15 & 19** was read the third time and passed by the following vote:

AYES: 157

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gardner	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Morris
Muntzel	Neely	Neth	Nichols	Norr
Otto	Pace	Parkinson	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 85	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Walker	Walton Gray	Webb	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 001

Morgan

PRESENT: 000

ABSENT WITH LEAVE: 003

Newman

Smith 120

Torpey

VACANCIES: 002

Representative Cox declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 154

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Morris	Muntzel	Neely	Neth	Nichols
Norr	Otto	Pace	Parkinson	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 85
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 005

Colona

Gardner

Marshall

May

Morgan

PRESENT: 000

ABSENT WITH LEAVE: 002

Newman Smith 120

VACANCIES: 002

Speaker Jones resumed the Chair.

THIRD READING OF HOUSE BILL

HB 64, relating to a deduction for political donations, was taken up by Representative Burlison.

Representative Barnes assumed the Chair.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Burlison	Cierpiot
Conway 104	Cookson	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McGaugh	Messenger	Miller
Molendorp	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Montecillo	Morgan	Nichols

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Norr	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 008

Brown	Cornejo	Gatschenberger	McCaherty	Mitten
Newman	Smith 120	Swearingen		

VACANCIES: 002

On motion of Representative Burlison, **HB 64** was read the third time and passed by the following vote:

AYES: 090

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Brattin	Burlison	Cierpiot	Conway 104
Cookson	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Franklin	Frederick	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McGaugh	Messenger	Miller
Morris	Muntzel	Neely	Parkinson	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Shull
Shumake	Spencer	Stream	Swan	Thomson
Walker	White	Wilson	Wood	Mr Speaker

NOES: 065

Anders	Berry	Black	Burns	Butler
Carpenter	Colona	Conway 10	Curtis	Dunn
Ellinger	Ellington	English	Englund	Frame
Funderburk	Gannon	Gardner	Harris	Higdon
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Korman	Kratky	LaFaver	May	Mayfield
McCaherty	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Molendorp
Montecillo	Morgan	Neth	Nichols	Norr
Otto	Pace	Pfautsch	Pierson	Rizzo
Roorda	Runions	Schieber	Schieffer	Schupp
Smith 85	Solon	Sommer	Torpey	Walton Gray
Webb	Webber	Wieland	Wright	Zerr

PRESENT: 000

ABSENT WITH LEAVE: 006

Brown	Cornejo	Gatschenberger	Newman	Smith 120
Swearingen				

VACANCIES: 002

Representative Barnes declared the bill passed.

Speaker Jones resumed the Chair.

THIRD READING OF SENATE BILL

SCS SBs 10 & 25, relating to incentives for sporting events, was taken up by Representative Burlison.

On motion of Representative Burlison, **SCS SBs 10 & 25** was truly agreed to and finally passed by the following vote:

AYES: 127

Allen	Anderson	Austin	Bernskoetter	Berry
Black	Brown	Burlison	Burns	Butler
Carpenter	Cierpiot	Colona	Conway 10	Cornejo
Cox	Crawford	Cross	Curtis	Davis
Diehl	Dohrman	Dunn	Ellinger	Ellington
Elmer	Engler	English	Englund	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gardner	Gatschenberger
Gosen	Grisamore	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Jones 50	Justus	Kelley 127	Kelly 45	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Mims	Mitten	Morgan	Morris
Muntzel	Neely	Neth	Nichols	Norr
Otto	Pace	Pfautsch	Phillips	Pierson
Pike	Redmon	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Rowden
Runions	Scharnhorst	Schieffer	Schupp	Shull
Shumake	Smith 85	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	Webber	Wieland
Zerr	Mr Speaker			

NOES: 029

Bahr	Barnes	Conway 104	Cookson	Curtman
Dugger	Entlicher	Fitzpatrick	Guernsey	Hinson
Hodges	Johnson	Keeney	Kirkton	Koenig

Marshall	Miller	Montecillo	Parkinson	Pogue
Rehder	Ross	Rowland	Schatz	Schieber
White	Wilson	Wood	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 005

Anders	Brattin	Molendorp	Newman	Smith 120
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VACANCIES: 002

Speaker Jones declared the bill passed.

REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

The following House Concurrent Resolutions were referred to the Committee indicated:

HCR 29 - Tourism and Natural Resources

HCR 30 - Tourism and Natural Resources

REFERRAL OF HOUSE JOINT RESOLUTION

The following House Joint Resolution was referred to the Committee indicated:

HJR 28 - Workforce Development and Workplace Safety

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 561 - Health Insurance

HB 571 - Children, Families, and Persons with Disabilities

HB 593 - Special Standing Committee on Emerging Issues in Health Care

HB 675 - Elementary and Secondary Education

HB 700 - Government Oversight and Accountability

HB 724 - Health Care Policy

HB 726 - Special Standing Committee on Urban Issues

HB 732 - General Laws

HB 735 - Insurance Policy

HB 736 - Ways and Means

HB 738 - Elementary and Secondary Education

HB 746 - Higher Education

HB 755 - Professional Registration and Licensing

HB 757 - Judiciary

HB 758 - Tourism and Natural Resources

HB 773 - Elections

HB 783 - General Laws

HB 785 - Agriculture Policy

HB 788 - Utilities
HB 789 - Utilities
HB 804 - Government Oversight and Accountability
HB 805 - Local Government
HB 806 - Downsizing State Government
HB 808 - Elementary and Secondary Education
HB 809 - Government Oversight and Accountability
HB 818 - Downsizing State Government
HB 828 - Utilities
HB 831 - Judiciary
HB 833 - Economic Development
HB 850 - International Trade

RE-REFERRAL OF HOUSE BILL

The following House Bill was re-referred to the Committee indicated:

HB 749 - General Laws

COMMITTEE REPORTS

Committee on Budget, Chairman Stream reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HB 1**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 2**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 3**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 4**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 5**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 6**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 7**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 8**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 9**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 10**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 11**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 12**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 13**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Downsizing State Government, Chairman Curtman reporting:

Mr. Speaker: Your Committee on Downsizing State Government, to which was referred **HB 278**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Downsizing State Government, to which was referred **HB 406**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Downsizing State Government, to which was referred **HB 451**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Downsizing State Government, to which was referred **HB 503**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Elementary and Secondary Education, Chairman Cookson reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 458**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 470**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Financial Institutions, Chairman Dugger reporting:

Mr. Speaker: Your Committee on Financial Institutions, to which was referred **HB 478**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Financial Institutions, to which was referred **HB 479**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Financial Institutions, to which was referred **HB 498**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Health Care Policy, Chairman Frederick reporting:

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **HB 274**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **HB 351**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **HB 400**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Judiciary, Chairman Cox reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 218**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Special Standing Committee on Corrections, Chairman Fitzwater reporting:

Mr. Speaker: Your Special Standing Committee on Corrections, to which was referred **HB 525**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Special Standing Committee on Urban Issues, Chairman Hubbard reporting:

Mr. Speaker: Your Special Standing Committee on Urban Issues, to which was referred **HB 632**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Standing Committee on Urban Issues, to which was referred **HB 656**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Utilities, Chairman Funderburk reporting:

Mr. Speaker: Your Committee on Utilities, to which was referred **HB 331**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Veterans, Chairman Davis reporting:

Mr. Speaker: Your Committee on Veterans, to which was referred **HB 702**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 851, introduced by Representative Parkinson, relating to contingency fee limits for contracts between the state and private attorneys.

HB 852, introduced by Representatives Hinson and Walker, relating to ignition interlock device requirements.

HB 853, introduced by Representative Cox, relating to consumer litigation loan transactions.

HB 854, introduced by Representative Burlison, relating to dental assistants.

HB 855, introduced by Representative Gatschenberger, relating to licensing of individuals.

HB 856, introduced by Representatives Morgan, Mims, Runions, Pace, English, McNeil, Curtis and Gardner, relating to a patient protection and hospital worker injury prevention plan.

HB 857, introduced by Representatives Davis, Grisamore, Kelly (45), Lynch, Fitzwater, Solon, Conway (104), Gannon, Anderson, Entlicher, Lichtenegger, Haefner, Hoskins, Fowler, Flanigan, Hough, Elmer and White, relating to the Show Me Heroes Education Fund.

HB 858, introduced by Representatives English, Hicks, Schieffer, Black, Pierson, Kolkmeyer and Pike, relating to the observance of a moment of silence in schools.

HB 859, introduced by Representatives Brattin, McCaherty, Burlison, Bahr, Ross, Rhoads, Haahr, Kelley (127), Anderson, Houghton, Frederick, Solon, Guernsey and Hicks, relating to concealed carry permits.

HB 860, introduced by Representatives Wood, Hurst, Miller, Hicks, Gannon and Pfautsch, relating to the sale or provision of certain commodities to seven director school districts.

HB 861, introduced by Representative Neth, relating to the public school retirement system of Kansas City.

HB 862, introduced by Representatives Hubbard, Jones (110), Diehl, Webb, Gardner, Smith (85), Ellington, May, English, Mims, Pace, Curtis and Walton Gray, relating to the removal of civil court records from automated case management systems.

HB 863, introduced by Representatives Allen, Diehl, Jones (50), Lichtenegger, Zerr, Haefner, Flanigan and Marshall, relating to a one-time audit and analysis of fiscal practices and cost savings in state agencies.

HB 864, introduced by Representatives Carpenter, Hummel, Dunn, Otto, LaFaver, Mayfield, Butler, Swearingen, Kirkton, McNeil, Curtis, Pace, Walton Gray, Mitten, Smith (85), Schupp, Rizzo, Meredith, Ellinger, Morgan and McCann Beatty, relating to taxation.

HB 865, introduced by Representatives Neely, Spencer, Dugger, McGaugh, Entlicher, Frederick and Hansen, relating to removal of deceased voters from voter registration records.

HB 866, introduced by Representative Hinson, relating to legal processes.

HB 867, introduced by Representative Jones (50), relating to prior authorization for providers of medical assistance benefits.

HB 868, introduced by Representative Pfautsch, relating to a plan of maintenance of a private road.

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Thursday, March 14, 2013.

COMMITTEE HEARINGS

APPROPRIATIONS - INFRASTRUCTURE AND JOB CREATION

Tuesday, March 26, 2013, 8:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Work session on concurrent resolution in conjunction with HJR 14

DOWNSIZING STATE GOVERNMENT

Thursday, March 14, 2013, 8:00 AM House Hearing Room 4.

Public hearing will be held: HB 775, HB 774, HB 617, HB 527, HB 508, HB 507

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Thursday, March 14, 2013, 8:30 AM South Gallery.

Executive session may be held on any matter referred to the committee.

HEALTH INSURANCE

Thursday, March 14, 2013, Upon Morning Adjournment House Hearing Room 5.

Public hearing will be held: HB 701

Executive session may be held on any matter referred to the committee.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, March 14, 2013, 8:00 AM House Hearing Room 1.

First quarter meeting

Please note date change.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Wednesday, March 27, 2013, 8:00 AM House Hearing Room 1.

First quarter meeting

Please note date change.

CANCELLED

LOCAL GOVERNMENT

Thursday, March 14, 2013, 8:00 AM House Hearing Room 5.

Public hearing will be held: HB 643, HB 486, HB 602, HB 254, HB 760

Executive session may be held on any matter referred to the committee.

RETIREMENT

Thursday, March 14, 2013, 9:00 AM House Hearing Room 1.

Public hearing will be held: HB 129, HB 418, HB 313, HB 353, HB 722

Executive session may be held on any matter referred to the committee.

RULES

Thursday, March 14, 2013, Upon Morning Adjournment House Hearing Room 1.

Executive session will be held: HCS HJR 23, HB 47, HCS HB 58, HCS HB 79, HB 112, HB 116, HCS HB 134, HCS HB 137, HCS HB 161, HB 217, HCS HB 221, HCS HB 235, HB 253, HCS HBs 303 & 304, HCS HB 315, HB 334, HCS HB 343, HB 362, HB 428, HB 429, HB 433, HCS HB 438, HCS HB 440, HCS HB 446 & HB 211, HB 445, HB 448, HB 450, HB 460, HB 510, HB 715, HCS SCS SB 182

Executive session may be held on any matter referred to the committee.

Please be prepared for an executive session on House Appropriation Bills 1-13

VETERANS

Thursday, March 14, 2013, 8:00 AM House Hearing Room 6.

Public hearing will be held: HCR 28

Executive session will be held: HCR 28

Executive session may be held on any matter referred to the committee.

WETLANDS MANAGEMENT ISSUE DEVELOPMENT

Monday, March 25, 2013, 5:30 PM House Hearing Room 2.

Hearing regarding the Missouri Department of Conservation's regulation of bait sales.

Public testimony will be taken.

HOUSE CALENDAR

THIRTY-EIGHTH DAY, THURSDAY, MARCH 14, 2013

HOUSE BILLS FOR SECOND READING

HB 851 through HB 868

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 169 - Diehl
- 2 HB 227 - Zerr
- 3 HB 152 - Solon
- 4 HB 423 - Zerr
- 5 HCS HBs 521 & 579 - Koenig
- 6 HB 578 - Funderburk
- 7 HB 316 - Phillips

HOUSE BILLS FOR PERFECTION - CONSENT

(3/13/2013)

- 1 HB 68 - Kelley (127)
- 2 HB 142 - Dugger
- 3 HCS HB 159 - Guernsey
- 4 HB 346 - Molendorp

HOUSE BILLS FOR THIRD READING

- 1 HCS HBs 191 & 182 - Torpey
- 2 HB 201 - Torpey
- 3 HCS HB 222 - Austin

HOUSE BILLS FOR THIRD READING - CONSENT

- 1 HB 85 - Kelley (127)
- 2 HCS HB 128 - Sommer
- 3 HB 133 - Gosen
- 4 HB 163 - Fitzpatrick
- 5 HB 212 - Cox
- 6 HCS HB 233 - Leara
- 7 HB 329 - Dugger
- 8 HCS HB 349 - Brown
- 9 HB 184 - Cox
- 10 HB 196 - Lauer
- 11 HB 301 - Engler
- 12 HB 307 - Riddle
- 13 HCS HB 312 - Thomson
- 14 HCS HB 401 - Shumake
- 15 HB 412 - Reiboldt
- 16 HB 432 - Webb
- 17 HB 542 - Love
- 18 HCS HB 586 - Schieffer
- 19 HB 591 - Hubbard

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 16 - Walton Gray
- 2 HCR 19 - Rowden

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

THIRTY-EIGHTH DAY, THURSDAY, MARCH 14, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

“Obey My voice,” saith the Lord, “and I will be your God and you shall be My people; and walk in all the ways that I command you, that it may be well with you.” (Jeremiah 7:23)

O Loving God, Who is the spirit of truth and the life of love, as we set out upon another day of work, may Your presence within give us courage and strength and fidelity. Cleansed by Your forgiving grace, we would make our bodies temples of Your spirit, our hearts the dwelling place of Your love, and our minds the center of Your wisdom.

We bring to this altar of prayer ourselves, cluttered up with a lot of little things, and confused at times about what is right and wrong. May the splendor of Your spirit and the glory of Your greatness shame our little thoughts, our petty prejudices, and our unworthy ways. May the vision of what we ought to be, and by Your grace can be, spur us on to do our best for Missouri and for the citizens we represent.

Grant unto each of us an inner greatness of spirit, an inner purity of heart, and an inner nobility of mind. Finally, bless us and keep us safe on spring break!

And the House says, “Amen!”

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Kalli Burton, Emily Burton, Olyvia Rowland and Samuel Hodges.

The Journal of the thirty-seventh day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Courtesy Resolution No. 807 through House Resolution No. 819

SECOND READING OF HOUSE BILLS

HB 851 through **HB 868** were read the second time.

HOUSE CONCURRENT RESOLUTIONS

HCR 16, relating to women veterans, was taken up by Representative Walton Gray.

On motion of Representative Walton Gray, **HCR 16** was adopted.

HCR 19, relating to oil development and delivery, was taken up by Representative Rowden.

On motion of Representative Rowden, **HCR 19** was adopted by the following vote:

AYES: 127

Anders	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brown	Burlison
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Dohrman	Dugger	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hurst
Johnson	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Kratky	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	Mayfield	McCaherty	McDonald	McGaugh
McKenna	McManus	Messenger	Miller	Mims
Molendorp	Morris	Muntzel	Neely	Neth
Nichols	Norr	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
Webber	White	Wieland	Wilson	Wood
Wright	Mr Speaker			

NOES: 023

Burns	Butler	Curtis	Dunn	Ellinger
Ellington	Gardner	Kirkton	LaFaver	May
McCann Beatty	McNeil	Meredith	Mitten	Montecillo
Morgan	Pace	Pierson	Schupp	Smith 85
Swearingen	Walton Gray	Webb		

PRESENT: 000

ABSENT WITH LEAVE: 011

Allen	Brattin	Carpenter	Diehl	Funderburk
Hummel	Jones 50	Kelly 45	Newman	Otto
Zerr				

VACANCIES: 002

Representative Molendorp requested a verification of the roll call on the motion to adopt **HCR 19**.

MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SS SCS SBs 20, 15 & 19** and has taken up and passed **HCS SS SCS SBs 20, 15 & 19**.

Emergency clause adopted.

SIGNING OF SENATE BILLS

All other business of the House was suspended while **HCS SS SCS SBs 20, 15 & 19** and **SS SBs 10 & 25** were read at length and, there being no objection, were signed by the Speaker to the end that the same may become law.

THIRD READING OF HOUSE BILLS - CONSENT

HB 85, relating to emergency utility response permits, was taken up by Representative Kelley (127).

Representative Hoskins assumed the Chair.

On motion of Representative Kelley (127), **HB 85** was read the third time and passed by the following vote:

AYES: 150

Anders	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brown	Burlison
Burns	Butler	Carpenter	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Dohrman	Dugger	Dunn	Ellinger	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Gannon	Gardner
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hurst	Johnson	Justus
Keeney	Kelley 127	Kirkton	Koenig	Kolkmeier

Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Molendorp	Montecillo	Morgan	Muntzel	Neely
Neth	Nichols	Norr	Otto	Pace
Parkinson	Pfausch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Smith 85	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webb	Webber
White	Wieland	Wilson	Wood	Wright

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Allen	Brattin	Diehl	Funderburk	Hummel
Jones 50	Kelly 45	Morris	Newman	Zerr
Mr Speaker				

VACANCIES: 002

Representative Hoskins declared the bill passed.

HCS HB 233, relating to state employee benefits, was taken up by Representative Leara.

On motion of Representative Leara, **HCS HB 233** was read the third time and passed by the following vote:

AYES: 152

Anders	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brown	Burlison
Burns	Butler	Carpenter	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Dohrman	Dugger	Dunn	Ellinger	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Gannon	Gardner
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus

McNeil	Meredith	Messenger	Miller	Mims
Mitten	Molendorp	Montecillo	Morgan	Morris
Muntzel	Neely	Neth	Nichols	Norr
Otto	Pace	Parkinson	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 85	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	White	Wieland	Wilson
Wood	Wright			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Allen	Brattin	Diehl	Funderburk	Hummel
Kelly 45	Newman	Zerr	Mr Speaker	

VACANCIES: 002

Representative Hoskins declared the bill passed.

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 784 - Ways and Means
HB 794 - Crime Prevention and Public Safety
HB 795 - General Laws
HB 836 - Agriculture Policy
HB 857 - Veterans

COMMITTEE REPORTS

Committee on Crime Prevention and Public Safety, Chairman Hinson reporting:

Mr. Speaker: Your Committee on Crime Prevention and Public Safety, to which was referred **HB 442**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Crime Prevention and Public Safety, to which was referred **HB 468**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Downsizing State Government, Chairman Curtman reporting:

Mr. Speaker: Your Committee on Downsizing State Government, to which was referred **HB 63**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Emerging Issues in Agriculture, Chairman Johnson reporting:

Mr. Speaker: Your Committee on Emerging Issues in Agriculture, to which was referred **HB 103**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Health Insurance, Chairman Molendorp reporting:

Mr. Speaker: Your Committee on Health Insurance, to which was referred **HB 132**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Health Insurance, to which was referred **HB 701**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on International Trade, Chairman McCaherty reporting:

Mr. Speaker: Your Committee on International Trade, to which was referred **HB 242**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on International Trade, to which was referred **HB 621**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on International Trade, to which was referred **HB 733**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Judiciary, Chairman Cox reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 505**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Tourism and Natural Resources, Chairman Phillips reporting:

Mr. Speaker: Your Committee on Tourism and Natural Resources, to which was referred **HB 42**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Veterans, Chairman Davis reporting:

Mr. Speaker: Your Committee on Veterans, to which was referred **HCR 28**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Veterans, to which was referred **HB 114**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Ways and Means, Chairman Koenig reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 178**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute No. 2**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 255**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Riddle reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HJR 23**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1**, begs leave to report it has examined the same and recommends that it **Do Pass with a time limit of six hours total debate on Perfection**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2**, begs leave to report it has examined the same and recommends that it **Do Pass with a time limit of six hours total debate on Perfection**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 3**, begs leave to report it has examined the same and recommends that it **Do Pass with a time limit of six hours total debate on Perfection**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 4**, begs leave to report it has examined the same and recommends that it **Do Pass with a time limit of six hours total debate on Perfection**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 5**, begs leave to report it has examined the same and recommends that it **Do Pass with a time limit of six hours total debate on Perfection.**

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 6**, begs leave to report it has examined the same and recommends that it **Do Pass with a time limit of six hours total debate on Perfection.**

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 7**, begs leave to report it has examined the same and recommends that it **Do Pass with a time limit of six hours total debate on Perfection.**

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 8**, begs leave to report it has examined the same and recommends that it **Do Pass with a time limit of six hours total debate on Perfection.**

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 9**, begs leave to report it has examined the same and recommends that it **Do Pass with a time limit of six hours total debate on Perfection.**

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 10**, begs leave to report it has examined the same and recommends that it **Do Pass with a time limit of six hours total debate on perfection.**

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 11**, begs leave to report it has examined the same and recommends that it **Do Pass with a time limit of six hours total debate on Perfection.**

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 12**, begs leave to report it has examined the same and recommends that it **Do Pass with a time limit of six hours total debate on Perfection.**

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 13**, begs leave to report it has examined the same and recommends that it **Do Pass with a time limit of six hours total debate on Perfection.**

Mr. Speaker: Your Committee on Rules, to which was referred **HB 47**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Rules, to which was referred **HB 53**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent.**

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 58**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent.**

Mr. Speaker: Your Committee on Rules, to which was referred **HB 60**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 79**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 81**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 112**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 116**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 134**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 137**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 199**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 217**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 221**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 235**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 253**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 278**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HBs 303 & 304**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 306**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 315**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 331**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 334**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 343**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 362**, begs leave to report it has examined the same and recommends that it **Do Pass - Not Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 400**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 406**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 428**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 429**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 433**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 438**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 440**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 442**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 445**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HBs 446 & 211**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 450**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 451**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 460**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 471**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 478**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 498**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 510**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 525**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 568**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 581**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 585**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 625**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 632**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 634**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 650**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 656**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 673**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 702**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 715**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 182**, begs leave to report it has examined the same and recommends that it **Do Pass**.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 869, introduced by Representatives Crawford and Franklin, relating to the designation of a memorial bridge.

HB 870, introduced by Representative Cornejo, relating to the motorcycle safety trust fund.

HB 871, introduced by Representatives Rehder, Lichtenegger, Solon, Miller, Swan, Walker and Hansen, relating to the official state anthem.

HB 872, introduced by Representatives Schatz, Kolkmeier, Korman, Houghton, Frederick, Allen, Muntzel, Brown, Leara, Davis, Bernskoetter, Haefner, Phillips, Flanigan, Ross, Hinson, Elmer, White, Engler, Thomson, Rowden, Fraker, Haahr, Fitzpatrick, Swan, Morris, Rehder, Bahr, Parkinson, Miller, Hicks, Berry, Hansen, Higdon, Curtman, McGaugh, Franklin, Gannon, Pike, Lynch, Walker, Burlison, Keeney, Hurst, Schieber, Gosen and Kelley (127), relating to removal of the renewal requirement for concealed carry endorsements.

HB 873, introduced by Representatives Dunn, Curtis, Mims, Ellinger, Gardner, Morgan, Montecillo, Butler, McNeil, Carpenter, Schupp, McCann Beatty, McManus, Webb, Kirkton, Nichols, Meredith, Smith (85), Pierson, Walton Gray, Runions and Rizzo, relating to higher education tuition policy.

HB 874, introduced by Representatives Richardson, Torpey, Barnes, Houghton, Elmer, Curtman, Schieber, Riddle, Guernsey, Cierpiot, Redmon, Haahr, Cornejo, Ross, Franklin, Hampton, Smith (120), Cookson, Miller, Austin, Fowler, Fraker, Messenger, Berry, Hinson, Korman and Schatz, relating to the Olympic Dream Tax Freedom Act.

HB 875, introduced by Representatives Wieland and Gannon, relating to county public health center sales taxes.

HB 876, introduced by Representative Wieland, relating to first aid training in schools.

HB 877, introduced by Representatives Marshall and Parkinson, relating to veterinary medicine.

HB 878, introduced by Representatives Koenig, Bahr and Wilson, relating to state employee retirement systems.

HB 879, introduced by Representatives Smith (85), Gardner, Ellington, Curtis and Mims, relating to the transfer of college credits.

HB 880, introduced by Representative Guernsey, relating to the department of natural resources.

HB 881, introduced by Representative Guernsey, relating to the department of natural resources.

HB 882, introduced by Representatives McCann Beatty, Mims, Ellington, Schupp, Dunn, Meredith and Morgan, relating to foreclosure notice to tenants.

HB 883, introduced by Representatives McCann Beatty, Mims, Ellington, Schupp, Dunn and Morgan, relating to nonjudicial foreclosure proceedings.

HB 884, introduced by Representatives McCann Beatty, Meredith and Morgan, relating to security deposits.

MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 14**, entitled:

An act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2013.

In which the concurrence of the House is respectfully requested.

WITHDRAWAL OF HOUSE BILL

March 14, 2013

The Honorable Tim Jones
Room 308 State Capitol
Jefferson City, MO 65101

Dear Speaker Jones:

I respectfully request that **House Bill No. 595** be withdrawn.

Thank you.

Sincerely,

/s/ Jeanne Kirkton
State Representative
District 91

The following member's presence was noted: Brattin.

ADJOURNMENT

On motion of Representative Cierpiot, the House adjourned until 10:00 a.m., Friday, March 15, 2013.

COMMITTEE HEARINGS

AGRI-BUSINESS

Tuesday, March 26, 2013, 8:00 AM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

Committee meeting between the House Agri-Business Committee and the House Agriculture Policy Committee with a discussion of the Department of Agriculture's Agriculture Tracking Program and Advisory Committee.

APPROPRIATIONS - INFRASTRUCTURE AND JOB CREATION

Tuesday, March 26, 2013, 8:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Work session on concurrent resolution in conjunction with HJR 14

CHILDREN, FAMILIES, AND PERSONS WITH DISABILITIES

Tuesday, March 26, 2013, 12:00 PM or Upon Adjournment House Hearing Room 1.

Public hearing will be held: HB 571

Executive session may be held on any matter referred to the committee.

ELECTIONS

Tuesday, March 26, 2013, 8:15 AM House Hearing Room 5.
Public hearing will be held: HB 588, HB 691, HB 773
Executive session may be held on any matter referred to the committee.
Committee members should be prepared to work on an omnibus bill.

GOVERNMENT OVERSIGHT AND ACCOUNTABILITY

Monday, March 25, 2013, 9:30 AM House Hearing Room 7.
Public hearing will be held: HB 700
Executive session may be held on any matter referred to the committee.
Committee will recess upon session and will reconvene upon afternoon adjournment.

GOVERNMENT OVERSIGHT AND ACCOUNTABILITY

Tuesday, March 26, 2013, 5:00 PM House Hearing Room 5.
Public hearing will be held: HB 700
Executive session will be held: HB 787
Executive session may be held on any matter referred to the committee.
Further testimony on HB 700 as needed and executive session on HB 787

HIGHER EDUCATION

Tuesday, March 26, 2013, 8:00 AM House Hearing Room 6.
Public hearing will be held: HB 746, HB 745
Executive session may be held on any matter referred to the committee.
8:00 - 8:20 AM Beth Tankersley-Bankhead, Executive Director of the Missouri College Advising Corps (MCAC) will give the committee an update.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Wednesday, March 27, 2013, 8:00 AM House Hearing Room 1.
First quarter meeting
Please note date change.
CANCELLED

TOURISM AND NATURAL RESOURCES

Monday, March 25, 2013, 1:00 PM House Hearing Room 1.
Executive session may be held on any matter referred to the committee.
This is meeting is to be a work session for HB 604.

TRANSPORTATION

Tuesday, March 26, 2013, 12:00 PM House Hearing Room 7.
Executive session will be held: HB 771
Executive session may be held on any matter referred to the committee.

WETLANDS MANAGEMENT ISSUE DEVELOPMENT

Monday, March 25, 2013, 5:30 PM House Hearing Room 6.

Hearing regarding the Missouri Department of Conservation's regulation of bait sales.

Public testimony will be taken.

CORRECTED

HOUSE CALENDAR

THIRTY-NINTH DAY, FRIDAY, MARCH 15, 2013

HOUSE BILLS FOR SECOND READING

HB 869 through HB 884

HOUSE BILLS FOR PERFECTION - APPROPRIATIONS

- | | | |
|----|-----------|---|
| 1 | HCS HB 1 | (Six hours total debate on Perfection) - Stream |
| 2 | HCS HB 2 | (Six hours total debate on Perfection) - Stream |
| 3 | HCS HB 3 | (Six hours total debate on Perfection) - Stream |
| 4 | HCS HB 4 | (Six hours total debate on Perfection) - Stream |
| 5 | HCS HB 5 | (Six hours total debate on Perfection) - Stream |
| 6 | HCS HB 6 | (Six hours total debate on Perfection) - Stream |
| 7 | HCS HB 7 | (Six hours total debate on Perfection) - Stream |
| 8 | HCS HB 8 | (Six hours total debate on Perfection) - Stream |
| 9 | HCS HB 9 | (Six hours total debate on Perfection) - Stream |
| 10 | HCS HB 10 | (Six hours total debate on Perfection) - Stream |
| 11 | HCS HB 11 | (Six hours total debate on Perfection) - Stream |
| 12 | HCS HB 12 | (Six hours total debate on Perfection) - Stream |
| 13 | HCS HB 13 | (Six hours total debate on Perfection) - Stream |

HOUSE BILLS FOR PERFECTION

- | | |
|---|----------------------------|
| 1 | HCS HB 169 - Diehl |
| 2 | HB 227 - Zerr |
| 3 | HB 152 - Solon |
| 4 | HB 423 - Zerr |
| 5 | HCS HBs 521 & 579 - Koenig |
| 6 | HB 578 - Funderburk |
| 7 | HB 316 - Phillips |

HOUSE BILLS FOR PERFECTION - CONSENT

(3/13/2013)

- 1 HB 68 - Kelley (127)
- 2 HB 142 - Dugger
- 3 HCS HB 159 - Guernsey
- 4 HB 346 - Molendorp

(3/15/2013)

- 1 HB 53 - Gatschenberger
- 2 HCS HB 58 - Molendorp
- 3 HB 60 - Engler
- 4 HCS HB 79 - Johnson
- 5 HCS HB 81 - Johnson
- 6 HB 116 - Dugger
- 7 HCS HB 199 - Dugger
- 8 HCS HB 235 - Crawford
- 9 HB 278 - Brattin
- 10 HCS HBs 303 & 304 - Scharnhorst
- 11 HCS HB 306 - Hoskins
- 12 HB 331 - Miller
- 13 HB 334 - Dugger
- 14 HB 406 - Wieland
- 15 HB 428 - Schatz
- 16 HB 429 - Schatz
- 17 HB 433 - Korman
- 18 HCS HB 438 - Rowland
- 19 HCS HB 440 - Webb
- 20 HB 442 - Hoskins
- 21 HB 445 - Engler
- 22 HB 450 - Carpenter
- 23 HB 451 - Fraker
- 24 HB 460 - Engler
- 25 HB 471 - Spencer
- 26 HB 478 - Wieland
- 27 HB 498 - Jones (50)
- 28 HB 525 - Franklin
- 29 HB 568 - Lauer
- 30 HB 581 - Roorda
- 31 HB 585 - Schieffer
- 32 HB 625 - Burlison
- 33 HB 632 - Dunn
- 34 HB 634 - Elmer

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- 35 HB 650 - Ross
- 36 HCS HB 656 - May
- 37 HB 673 - Schatz
- 38 HB 702 - Englund
- 39 HB 715 - McCaherty

HOUSE BILLS FOR THIRD READING

- 1 HCS HBs 191 & 182 - Torpey
- 2 HB 201 - Torpey
- 3 HCS HB 222 - Austin

HOUSE BILLS FOR THIRD READING - CONSENT

- 1 HCS HB 128 - Sommer
- 2 HB 133 - Gosen
- 3 HB 163 - Fitzpatrick
- 4 HB 212 - Cox
- 5 HB 329 - Dugger
- 6 HCS HB 349 - Brown
- 7 HB 184 - Cox
- 8 HB 196 - Lauer
- 9 HB 301 - Engler
- 10 HB 307 - Riddle
- 11 HCS HB 312 - Thomson
- 12 HCS HB 401 - Shumake
- 13 HB 412 - Reiboldt
- 14 HB 432 - Webb
- 15 HB 542 - Love
- 16 HCS HB 586 - Schieffer
- 17 HB 591 - Hubbard

HOUSE BILLS WITH SENATE AMENDMENTS

SCS HCS HB 14 - Stream

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

THIRTY-NINTH DAY, FRIDAY, MARCH 15, 2013

The House met pursuant to adjournment.

Representative Bernskoetter in the Chair.

There was a moment of silent prayer.

The Pledge of Allegiance to the flag was recited.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 820 and House Resolution No. 821

SECOND READING OF HOUSE BILLS

HB 869 through **HB 884** were read the second time.

INTRODUCTION OF HOUSE BILL

The following House Bill was read the first time and copies ordered printed:

HB 885, introduced by Representatives Franklin, Crawford, Walker and Remole, relating to driveaway license plates for salvage dealers.

The following members' presence was noted: Barnes, Butler, Fitzwater, Frame, Hodges, Koenig, Mitten, Montecillo, Muntzel, Pike, Riddle, Rowland, Schieffer, Swearingen and Wood.

ADJOURNMENT

On motion of Representative Bernskoetter, the House adjourned until 4:00 p.m., Monday, March 25, 2013.

CORRECTION TO THE HOUSE JOURNAL

Correct House Journal, Thirty-eighth Day, Thursday, March 14, 2013, Page 632, Line 5, by inserting immediately after said line the following:

“**Committee on Utilities**, Chairman Funderburk reporting:

Mr. Speaker: Your Committee on Utilities, to which was referred **HB 601**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.”.

COMMITTEE HEARINGS

AGRI-BUSINESS

Tuesday, March 26, 2013, 8:00 AM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

Committee meeting between the House Agri-Business Committee and the House Agriculture Policy Committee with a discussion of the Department of Agriculture’s Agriculture Tracking Program and Advisory Committee.

APPROPRIATIONS - INFRASTRUCTURE AND JOB CREATION

Tuesday, March 26, 2013, 8:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Work session on concurrent resolution in conjunction with HJR 14

CHILDREN, FAMILIES, AND PERSONS WITH DISABILITIES

Tuesday, March 26, 2013, 12:00 PM or Upon Adjournment House Hearing Room 1.

Public hearing will be held: HB 571

Executive session may be held on any matter referred to the committee.

ELECTIONS

Tuesday, March 26, 2013, 8:15 AM House Hearing Room 5.

Public hearing will be held: HB 588, HB 691, HB 773

Executive session may be held on any matter referred to the committee.

Committee members should be prepared to work on an omnibus bill.

GOVERNMENT OVERSIGHT AND ACCOUNTABILITY

Monday, March 25, 2013, 9:30 AM House Hearing Room 7.

Public hearing will be held: HB 700

Executive session may be held on any matter referred to the committee.

Committee will recess upon session and will reconvene upon afternoon adjournment.

GOVERNMENT OVERSIGHT AND ACCOUNTABILITY

Tuesday, March 26, 2013, 5:00 PM House Hearing Room 5.

Public hearing will be held: HB 700

Executive session will be held: HB 787

Executive session may be held on any matter referred to the committee.

Further testimony on HB 700, as needed, and executive session on HB 787.

HIGHER EDUCATION

Tuesday, March 26, 2013, 8:00 AM House Hearing Room 6.

Public hearing will be held: HB 746, HB 745

Executive session may be held on any matter referred to the committee.

8:00 - 8:20 AM Beth Tankersley-Bankhead, Executive Director of the Missouri College Advising Corps (MCAC) will give the committee an update.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Wednesday, March 27, 2013, 8:00 AM House Hearing Room 1.

First quarter meeting

Please note date change.

CANCELLED

RULES

Monday, March 25, 2013, Upon Afternoon Adjournment South Gallery.

Executive session may be held on any matter referred to the committee.

Be prepared for anything referred to the committee.

TOURISM AND NATURAL RESOURCES

Monday, March 25, 2013, 1:00 PM House Hearing Room 1.

Executive session may be held on any matter referred to the committee.

This meeting is to be a work session for HB 604.

TRANSPORTATION

Tuesday, March 26, 2013, 12:00 PM House Hearing Room 7.

Executive session will be held: HB 771

Executive session may be held on any matter referred to the committee.

WETLANDS MANAGEMENT ISSUE DEVELOPMENT

Monday, March 25, 2013, 5:30 PM House Hearing Room 6.

Hearing regarding the Missouri Department of Conservation's regulation of bait sales.

Public testimony will be taken.

CORRECTED

HOUSE CALENDAR

FORTIETH DAY, MONDAY, MARCH 25, 2013

HOUSE BILLS FOR SECOND READING

HB 885

HOUSE BILLS FOR PERFECTION - APPROPRIATIONS

- | | | |
|----|-----------|---|
| 1 | HCS HB 1 | (Six hours total debate on Perfection) - Stream |
| 2 | HCS HB 2 | (Six hours total debate on Perfection) - Stream |
| 3 | HCS HB 3 | (Six hours total debate on Perfection) - Stream |
| 4 | HCS HB 4 | (Six hours total debate on Perfection) - Stream |
| 5 | HCS HB 5 | (Six hours total debate on Perfection) - Stream |
| 6 | HCS HB 6 | (Six hours total debate on Perfection) - Stream |
| 7 | HCS HB 7 | (Six hours total debate on Perfection) - Stream |
| 8 | HCS HB 8 | (Six hours total debate on Perfection) - Stream |
| 9 | HCS HB 9 | (Six hours total debate on Perfection) - Stream |
| 10 | HCS HB 10 | (Six hours total debate on Perfection) - Stream |
| 11 | HCS HB 11 | (Six hours total debate on Perfection) - Stream |
| 12 | HCS HB 12 | (Six hours total debate on Perfection) - Stream |
| 13 | HCS HB 13 | (Six hours total debate on Perfection) - Stream |

HOUSE BILLS FOR PERFECTION

- | | |
|---|----------------------------|
| 1 | HCS HB 169 - Diehl |
| 2 | HB 227 - Zerr |
| 3 | HB 152 - Solon |
| 4 | HB 423 - Zerr |
| 5 | HCS HBs 521 & 579 - Koenig |
| 6 | HB 578 - Funderburk |
| 7 | HB 316 - Phillips |

HOUSE BILLS FOR PERFECTION - CONSENT

(3/13/2013)

- | | |
|---|-----------------------|
| 1 | HB 68 - Kelley (127) |
| 2 | HB 142 - Dugger |
| 3 | HCS HB 159 - Guernsey |
| 4 | HB 346 - Molendorp |

(3/15/2013)

- 1 HB 53 - Gatschenberger
- 2 HCS HB 58 - Molendorp
- 3 HB 60 - Engler
- 4 HCS HB 79 - Johnson
- 5 HCS HB 81 - Johnson
- 6 HB 116 - Dugger
- 7 HCS HB 199 - Dugger
- 8 HCS HB 235 - Crawford
- 9 HB 278 - Brattin
- 10 HCS HBs 303 & 304 - Scharnhorst
- 11 HCS HB 306 - Hoskins
- 12 HB 331 - Miller
- 13 HB 334 - Dugger
- 14 HB 406 - Wieland
- 15 HB 428 - Schatz
- 16 HB 429 - Schatz
- 17 HB 433 - Korman
- 18 HCS HB 438 - Rowland
- 19 HCS HB 440 - Webb
- 20 HB 442 - Hoskins
- 21 HB 445 - Engler
- 22 HB 450 - Carpenter
- 23 HB 451 - Fraker
- 24 HB 460 - Engler
- 25 HB 471 - Spencer
- 26 HB 478 - Wieland
- 27 HB 498 - Jones (50)
- 28 HB 525 - Franklin
- 29 HB 568 - Lauer
- 30 HB 581 - Roorda
- 31 HB 585 - Schieffer
- 32 HB 625 - Burlison
- 33 HB 632 - Dunn
- 34 HB 634 - Elmer
- 35 HB 650 - Ross
- 36 HCS HB 656 - May
- 37 HB 673 - Schatz
- 38 HB 702 - Englund
- 39 HB 715 - McCaherty

HOUSE BILLS FOR THIRD READING

- 1 HCS HBs 191 & 182 - Torpey
- 2 HB 201 - Torpey
- 3 HCS HB 222 - Austin

HOUSE BILLS FOR THIRD READING - CONSENT

- 1 HCS HB 128 - Sommer
- 2 HB 133 - Gosen
- 3 HB 163 - Fitzpatrick
- 4 HB 212 - Cox
- 5 HB 329 - Dugger
- 6 HCS HB 349 - Brown
- 7 HB 184 - Cox
- 8 HB 196 - Lauer
- 9 HB 301 - Engler
- 10 HB 307 - Riddle
- 11 HCS HB 312 - Thomson
- 12 HCS HB 401 - Shumake
- 13 HB 412 - Reiboldt
- 14 HB 432 - Webb
- 15 HB 542 - Love
- 16 HCS HB 586 - Schieffer
- 17 HB 591 - Hubbard

HOUSE BILLS WITH SENATE AMENDMENTS

- SCS HCS HB 14 - Stream

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

FORTIETH DAY, MONDAY, MARCH 25, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Reverend Ronald L. Cain, Bible Way Church, Eldon, Missouri.

Dear Lord, thank You for this land we live in; keep Your hedge of protection around it, and let us remember the men and women in our armed and civil services. Protect and bless them for what they have given, that we can freely assemble here today without fear.

And God, we ask Your blessing upon this great state and upon those gathered here today. Lord, watch over them, and their families this day, and the days to come. Father, keep, lead, guide, and direct them in their important decisions, that the days to come would be even greater than those past, that in the heart of this great nation, all would see Your great hand at work.

In Jesus' name we pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the thirty-eighth day was approved as corrected by the following vote:

AYES: 148

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Franklin	Frederick	Funderburk	Gannon
Gardner	Gosen	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Houghton	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Morgan	Morris	Muntzel	Neth	Nichols
Norr	Otto	Pace	Parkinson	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon

Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 120
Solon	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 001

Marshall

PRESENT: 001

Curtis

ABSENT WITH LEAVE: 011

Ellington	Frame	Gatschenberger	Grisamore	Hough
Hubbard	Kirkton	Neely	Newman	Smith 85
Sommer				

VACANCIES: 002

The Journal of the thirty-ninth day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 822 through House Resolution No. 945

SECOND READING OF HOUSE BILL

HB 885 was read the second time.

PERFECTION OF HOUSE BILLS - APPROPRIATIONS

HCS HB 1 was taken up by Representative Stream.

HCS HB 1 was laid over.

HCS HB 2 was taken up by Representative Stream.

HCS HB 2 was laid over.

HCS HB 3 was taken up by Representative Stream.

HCS HB 3 was laid over.

HCS HB 4 was taken up by Representative Stream.

HCS HB 4 was laid over.

HCS HB 5 was taken up by Representative Stream.

HCS HB 5 was laid over.

HCS HB 6 was taken up by Representative Stream.

HCS HB 6 was laid over.

HCS HB 7 was taken up by Representative Stream.

HCS HB 7 was laid over.

HCS HB 8 was taken up by Representative Stream.

HCS HB 8 was laid over.

HCS HB 9 was taken up by Representative Stream.

HCS HB 9 was laid over.

HCS HB 10 was taken up by Representative Stream.

HCS HB 10 was laid over.

HCS HB 11 was taken up by Representative Stream.

HCS HB 11 was laid over.

HCS HB 12 was taken up by Representative Stream.

HCS HB 12 was laid over.

HCS HB 13 was taken up by Representative Stream.

HCS HB 13 was laid over.

REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

HB 614 - Workforce Development and Workplace Safety

COMMITTEE REPORTS

Committee on Emerging Issues in Agriculture, Chairman Johnson reporting:

Mr. Speaker: Your Committee on Emerging Issues in Agriculture, to which was referred **HB 526**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Retirement, Chairman Leara reporting:

Mr. Speaker: Your Committee on Retirement, to which was referred **HB 418**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Retirement, to which was referred **HB 722**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Riddle reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCR 11**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCR 28**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 42**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 103**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS#2 HB 178**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 197**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 322**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 336**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 385**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 468**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 470**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 505**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 701**, begs leave to report it has examined the same and recommends that it **Do Pass**.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 886, introduced by Representative Bahr, relating to removal of department directors.

HB 887, introduced by Representatives Kelly (45), Barnes, Jones (50) and Scharnhorst, relating to the sale or disclosure of driver record information.

HB 888, introduced by Representative Rowland, relating to the designation of a memorial bridge.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS#2 SCS SJR 16**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 30(d) of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to a temporary tax to improve the state highway system, city streets, county roads and the state transportation system.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 29**, entitled:

An act to amend chapter 105, RSMo, by adding thereto one new section relating to labor organizations.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 125**, entitled:

An act to repeal sections 161.092, 168.221 and 168.291, RSMo, and to enact in lieu thereof two new sections relating to duties of boards of education.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 137**, entitled:

An act to repeal section 50.622, RSMo, and to enact in lieu thereof one new section relating to procedures for counties to decrease their budgets.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 191**, entitled:

An act to repeal sections 386.170 and 386.180, RSMo, and to enact in lieu thereof two new sections relating to the forms of publication issued by the public service commission.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 216**, entitled:

An act to repeal section 84.830, RSMo, and to enact in lieu thereof two new sections relating to first responder political activity.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 224**, entitled:

An act to repeal sections 84.480, 84.490, and 84.510, RSMo, and to enact in lieu thereof three new sections relating to the Kansas City police department.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 237**, entitled:

An act to repeal section 392.420, RSMo, and to enact in lieu thereof one new section relating to telecommunications.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 241**, entitled:

An act to repeal sections 67.1830, 67.1836, 67.1838, and 67.1842, RSMo, and to enact in lieu thereof nineteen new sections relating to infrastructure facilities deployment.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 294**, entitled:

An act to repeal section 386.210, RSMo, and to enact in lieu thereof one new section relating to public service commission intervention in certain legal proceedings.

In which the concurrence of the House is respectfully requested.

COMMITTEE CHANGE

March 25, 2013

The Honorable Timothy Jones, Speaker
Missouri House of Representatives
201 W. Capitol Ave., RM 308
Jefferson City, MO 65101

Dear Mr. Speaker:

I would like to notify you of the approval for the request by Rep. Bart Korman, to be added to the Missouri Ports Issue Development Standing Committee.

Sincerely,

/s/ Rep. Dwight Scharnhorst
Administration and Accounts Chair
District 98

The following members' presence was noted: Frame, Gatschenberger, Hough, Smith (85) and Sommer.

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Tuesday, March 26, 2013.

COMMITTEE HEARINGS

AGRI-BUSINESS

Tuesday, March 26, 2013, 8:00 AM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

Committee meeting between the House Agri-Business Committee and the House Agriculture Policy Committee with a discussion of the Department of Agriculture's Agriculture Tracking Program and Advisory Committee.

AGRICULTURE POLICY

Tuesday, March 26, 2013, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 836, HB 785

Executive session may be held on any matter referred to the committee.

A presentation will be given by FCS Financial.

APPROPRIATIONS - INFRASTRUCTURE AND JOB CREATION

Tuesday, March 26, 2013, 8:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Work session on concurrent resolution in conjunction with HJR 14

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, April 3, 2013, 2:00 PM House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

Working meeting - agenda TBA

CHILDREN, FAMILIES, AND PERSONS WITH DISABILITIES

Tuesday, March 26, 2013, 12:00 PM or Upon Adjournment House Hearing Room 1.

Public hearing will be held: HB 571, HB 716, HB 708

Executive session may be held on any matter referred to the committee.

AMENDED

CRIME PREVENTION AND PUBLIC SAFETY

Tuesday, March 26, 2013, 12:32 PM South Gallery.

Executive session will be held: HB 589

Executive session may be held on any matter referred to the committee.

CRIME PREVENTION AND PUBLIC SAFETY

Wednesday, March 27, 2013, 2:00 PM House Hearing Room 6.

Public hearing will be held: HB 230, HB 703, HB 776, HB 794

Executive session may be held on any matter referred to the committee.

ELECTIONS

Tuesday, March 26, 2013, 8:15 AM House Hearing Room 5.

Public hearing will be held: HB 588, HB 691, HB 773

Executive session may be held on any matter referred to the committee.

Committee members should be prepared to work on an omnibus bill.

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, March 27, 2013, 8:00 AM House Hearing Room 6.

Public hearing will be held: HB 808, HJR 22

Executive session may be held on any matter referred to the committee.

EMERGING ISSUES IN AGRICULTURE

Wednesday, March 27, 2013, Upon Morning Adjournment South Gallery.

Executive session will be held: HB 342

Executive session may be held on any matter referred to the committee.

GENERAL LAWS

Tuesday, March 26, 2013, 12:00 PM House Hearing Room 4.

Public hearing will be held: SCS SB 89, HB 464, HB 543, HB 747

Executive session may be held on any matter referred to the committee.

GOVERNMENT OVERSIGHT AND ACCOUNTABILITY

Tuesday, March 26, 2013, 5:00 PM House Hearing Room 5.

Public hearing will be held: HB 700

Executive session will be held: HB 787

Executive session may be held on any matter referred to the committee.

Further testimony on HB 700, as needed, and executive session on HB 787

HIGHER EDUCATION

Tuesday, March 26, 2013, 8:00 AM House Hearing Room 6.

Public hearing will be held: HB 746, HB 745

Executive session may be held on any matter referred to the committee.

8:00 - 8:20 AM Beth Tankersley-Bankhead, Executive Director of the Missouri College Advising Corps (MCAC) will give the committee an update.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Wednesday, March 27, 2013, 8:00 AM House Hearing Room 1.

First quarter meeting

Please note date change.

CANCELLED

JUDICIARY

Wednesday, March 27, 2013, 12:00 PM or Upon Morning Recess (whichever is earlier) House Hearing Room 1.

Public hearing will be held: HB 318, HB 469, HB 480, HB 541, HB 567, HB 594, HB 697

Executive session will be held: HB 371, HB 210

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON CORRECTIONS

Wednesday, March 27, 2013, 8:00 AM House Hearing Room 3.

Public hearing will be held: HB 241, HB 635

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN HEALTH CARE

Wednesday, March 27, 2013, 8:00 AM House Hearing Room 1.

Public hearing will be held: HB 593, HB 695

Executive session may be held on any matter referred to the committee.

TOURISM AND NATURAL RESOURCES

Thursday, March 28, 2013, 8:00 AM House Hearing Room 7.

Public hearing will be held: HB 258, HB 758, HB 570, HCR 29, HCR 30, HB 739, HB 740, HB 741

Executive session may be held on any matter referred to the committee.

TRANSPORTATION

Tuesday, March 26, 2013, 12:00 PM House Hearing Room 7.

Executive session will be held: HB 771

Executive session may be held on any matter referred to the committee.

UTILITIES

Wednesday, March 27, 2013, 9:00 AM House Hearing Room 7.

Public hearing will be held: HB 788, HB 789, HB 828

Executive session may be held on any matter referred to the committee.

Note the start time will be 9:00 AM instead of 8:00 AM

VETERANS

Tuesday, March 26, 2013, 8:45 AM House Hearing Room 1.

Public hearing will be held: HB 857

Executive session will be held: HB 857

Executive session may be held on any matter referred to the committee.

Breakfast will be provided.

WAYS AND MEANS

Tuesday, March 26, 2013, 5:00 PM House Hearing Room 1.

Public hearing will be held: HB 690, HB 421

Executive session will be held: HB 607

Executive session may be held on any matter referred to the committee.

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Wednesday, March 27, 2013, 7:30 AM House Hearing Room 5.

Public hearing will be held: HB 692, HB 614

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

FORTY-FIRST DAY, TUESDAY, MARCH 26, 2013

HOUSE BILLS FOR SECOND READING

HB 886 through HB 888

HOUSE BILLS FOR PERFECTION - APPROPRIATIONS

- 1 HCS HB 1, (Six hours total debate on Perfection) - Stream
- 2 HCS HB 2, (Six hours total debate on Perfection) - Stream
- 3 HCS HB 3, (Six hours total debate on Perfection) - Stream
- 4 HCS HB 4, (Six hours total debate on Perfection) - Stream
- 5 HCS HB 5, (Six hours total debate on Perfection) - Stream
- 6 HCS HB 6, (Six hours total debate on Perfection) - Stream
- 7 HCS HB 7, (Six hours total debate on Perfection) - Stream
- 8 HCS HB 8, (Six hours total debate on Perfection) - Stream
- 9 HCS HB 9, (Six hours total debate on Perfection) - Stream
- 10 HCS HB 10, (Six hours total debate on Perfection) - Stream
- 11 HCS HB 11, (Six hours total debate on Perfection) - Stream
- 12 HCS HB 12, (Six hours total debate on Perfection) - Stream
- 13 HCS HB 13, (Six hours total debate on Perfection) - Stream

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 169 - Diehl
- 2 HB 227 - Zerr
- 3 HB 152 - Solon
- 4 HB 423 - Zerr
- 5 HCS HBs 521 & 579 - Koenig
- 6 HB 578 - Funderburk
- 7 HB 316 - Phillips
- 8 HCS HB 30 - Scharnhorst
- 9 HCS HB 46 - Guernsey
- 10 HB 47 - Cross
- 11 HB 112 - Burlison
- 12 HCS HB 134 - Allen
- 13 HCS HB 137 - Hinson
- 14 HCS HB 168 - Davis
- 15 HB 217 - Cox
- 16 HCS HB 221 - Leara
- 17 HB 253 - Berry
- 18 HCS HB 315 - Rowland
- 19 HB 400 - Riddle
- 20 HB 443 - Hubbard

HOUSE BILLS FOR PERFECTION - CONSENT

(3/13/2013)

- 1 HB 68 - Kelley (127)
- 2 HB 142 - Dugger
- 3 HCS HB 159 - Guernsey
- 4 HB 346 - Molendorp

(3/15/2013)

- 1 HB 53 - Gatschenberger
- 2 HCS HB 58 - Molendorp
- 3 HB 60 - Engler
- 4 HCS HB 79 - Johnson
- 5 HCS HB 81 - Johnson
- 6 HB 116 - Dugger
- 7 HCS HB 199 - Dugger
- 8 HCS HB 235 - Crawford
- 9 HB 278 - Brattin
- 10 HCS HBs 303 & 304 - Scharnhorst
- 11 HCS HB 306 - Hoskins
- 12 HB 331 - Miller
- 13 HB 334 - Dugger

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- 14 HB 406 - Wieland
- 15 HB 428 - Schatz
- 16 HB 429 - Schatz
- 17 HB 433 - Korman
- 18 HCS HB 438 - Rowland
- 19 HCS HB 440 - Webb
- 20 HB 442 - Hoskins
- 21 HB 445 - Engler
- 22 HB 450 - Carpenter
- 23 HB 451 - Fraker
- 24 HB 460 - Engler
- 25 HB 471 - Spencer
- 26 HB 478 - Wieland
- 27 HB 498 - Jones (50)
- 28 HB 525 - Franklin
- 29 HB 568 - Lauer
- 30 HB 581 - Roorda
- 31 HB 585 - Schieffer
- 32 HB 625 - Burlison
- 33 HB 632 - Dunn
- 34 HB 634 - Elmer
- 35 HB 650 - Ross
- 36 HCS HB 656 - May
- 37 HB 673 - Schatz
- 38 HB 702 - Englund
- 39 HB 715 - McCaherty

HOUSE BILLS FOR THIRD READING

- 1 HCS HBs 191 & 182 - Torpey
- 2 HB 201 - Torpey
- 3 HCS HB 222 - Austin

HOUSE BILLS FOR THIRD READING - CONSENT

- 1 HCS HB 128 - Sommer
- 2 HB 133 - Gosen
- 3 HB 163 - Fitzpatrick
- 4 HB 212 - Cox
- 5 HB 329 - Dugger
- 6 HCS HB 349 - Brown
- 7 HB 184 - Cox
- 8 HB 196 - Lauer
- 9 HB 301 - Engler
- 10 HB 307 - Riddle
- 11 HCS HB 312 - Thomson
- 12 HCS HB 401 - Shumake

- 13 HB 412 - Reiboldt
- 14 HB 432 - Webb
- 15 HB 542 - Love
- 16 HCS HB 586 - Schieffer
- 17 HB 591 - Hubbard

SENATE JOINT RESOLUTIONS FOR SECOND READING

SS#2 SCS SJR 16

SENATE BILLS FOR SECOND READING

- 1 SS SCS SB 29
- 2 SS SCS SB 125
- 3 SB 137
- 4 SCS SB 191
- 5 SB 216
- 6 SCS SB 224
- 7 SB 237
- 8 SS SCS SB 241
- 9 SB 294

SENATE BILLS FOR THIRD READING

HCS SCS SB 182, E.C. - Hough

HOUSE BILLS WITH SENATE AMENDMENTS

SCS HCS HB 14 - Stream

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

FORTY-FIRST DAY, TUESDAY, MARCH 26, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

Be strong and of a good courage; be not afraid, neither be thou dismayed: for the Lord thy God is with thee whithersoever thou goest. (Joshua 1:9)

Our God, in a changing world filled with fear and terror we turn to You in Whose unchanging presence is hope, strength and peace. In this quiet moment of morning prayer may we be lifted above our lower selves into a higher realm where Your spirit is real and we can receive anew the ministry of Your grace.

Forgive our surrender to unworthy compromises and our succumbing to unwarranted concessions. Deliver us from majoring in foolishness and flirting with trivia at this time. May we give our highest thought and best efforts to what is truly important—that out of our creative endeavors may come that which is worthwhile for all the people of Missouri as we debate the budget.

Give to these wonderful Representatives the will to work together for the well-being of our state. Amid the persistent pressures of daily duty may they hear Your voice speaking to them and, responding, to be given the faith to trust You for guidance in the decisions which have to be made and in the work which must be done.

And the House says, “Amen!”

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Kathy Embry, Lainny Embry, Nick Potter, Mike Potter and Josh Johnson.

The Journal of the fortieth day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 946 through House Resolution No. 978

SECOND READING OF HOUSE BILLS

HB 886 through **HB 888** were read the second time.

SECOND READING OF SENATE JOINT RESOLUTION

SS#2 SCS SJR 16 was read the second time.

SECOND READING OF SENATE BILLS

SS SCS SB 29, SS SCS SB 125, SB 137, SCS SB 191, SB 216, SCS SB 224, SB 237, SS SCS SB 241 and SB 294 were read the second time.

PERFECTION OF HOUSE BILLS - APPROPRIATIONS

HCS HB 1 was taken up by Representative Stream.

Representative Stream moved for the adoption of **HCS HB 1**.

Representative Roorda made a substitute motion that **HCS HB 1** be recommitted to the committee of origin pursuant to Rule 78.

Which motion was defeated by the following vote:

AYES: 047

Anders	Black	Burns	Butler	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hubbard	Hummel	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Morgan	Newman	Nichols	Norr	Otto
Pace	Pierson	Rizzo	Roorda	Runions
Schieffer	Schupp	Smith 85	Swearingen	Walton Gray
Webber	Wright			

NOES: 110

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Koenig	Kolkmeier	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller
Molendorp	Montecillo	Morris	Muntzel	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland

Scharnhorst	Schatz	Schieber	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

PRESENT: 000

ABSENT WITH LEAVE: 004

Carpenter	Hodges	Neely	Webb
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VACANCIES: 002

HCS HB 1 was laid over.

HCS HB 2 was taken up by Representative Stream.

Representative McNeil offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 2, Page 7, Section 2.120, Line 3, by deleting said line in its entirety; and

Further amend said bill, said page, said section, Line 4, by deleting said line in its entirety; and

Further amend said bill by adjusting section and bill totals accordingly.

Representative Elmer assumed the Chair.

Representative McNeil moved that **House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 044

Anders	Black	Burns	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Harris	Hummel
Kelly 45	Kirkton	Kratky	LaFaver	May
Mayfield	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Pierson	Rizzo	Roord	Schieffer	Schupp
Smith 85	Swearingen	Walton Gray	Webber	

NOES: 111

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Butler	Cierpiot	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Elmer	Engler
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler

Fraker	Franklin	Frederick	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Grisamore	Guernsey
Haefner	Hampton	Hansen	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hubbard
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McCann Beatty	McGaugh
Messenger	Miller	Molendorp	Morris	Muntzel
Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

PRESENT: 000

ABSENT WITH LEAVE: 006

Haahr	Hodges	Neely	Remole	Runions
Webb				

VACANCIES: 002

Representative Bahr offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 2, Page 1, Title Clause, Line 8, by inserting immediately after the word "General" the following:

"and further provided that no funds shall be expended for membership or support of the Smarter Balanced Assessment Consortium, the Partnership for Assessment of Readiness for College and Careers, or any multi-state standard and assessment consortium"; and

Further amend said bill by adjusting section and bill totals accordingly.

Speaker Jones resumed the Chair.

Representative Bahr moved that **House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 058

Anderson	Bahr	Brattin	Burlison	Cierpiot
Conway 104	Cornejo	Cox	Crawford	Curtman
Davis	Diehl	Dohrman	Engler	Entlicher
Fitzpatrick	Fitzwater	Franklin	Frederick	Funderburk
Gatschenberger	Gosen	Guernsey	Haahr	Haefner
Hampton	Hicks	Jones 50	Justus	Keeney
Koenig	Kolkmeyer	Korman	Lant	Leara
Lichtenegger	Love	Marshall	McCaherty	McGaugh

Morris	Muntzel	Neely	Parkinson	Pogue
Rehder	Richardson	Riddle	Ross	Schieber
Shull	Smith 120	Sommer	Spencer	Swan
Wilson	Zerr	Mr Speaker		

NOES: 097

Allen	Anders	Austin	Barnes	Bernskoetter
Black	Brown	Burns	Butler	Carpenter
Colona	Conway 10	Cookson	Cross	Curtis
Dugger	Dunn	Ellinger	Ellington	Elmer
English	Englund	Flanigan	Fowler	Fraker
Frame	Gannon	Gardner	Grisamore	Hansen
Harris	Higdon	Hinson	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Kelley 127	Kelly 45	Kirkton	Kratky	LaFaver
Lair	Lauer	Lynch	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Montecillo	Morgan	Neth	Newman	Nichols
Norr	Otto	Pace	Pfautsch	Phillips
Pierson	Pike	Redmon	Reiboldt	Rhoads
Rizzo	Roorda	Rowden	Rowland	Runions
Schatz	Schieffer	Schupp	Shumake	Smith 85
Solon	Stream	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webber	White	Wieland
Wood	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 006

Berry	Hodges	Molendorp	Remole	Scharnhorst
Webb				

VACANCIES: 002

Representative Spencer offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 2, Page 1, Section 2.005, Line 3, by deleting "1,799,153" and inserting "1,714,153"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Spencer, **House Amendment No. 3** was adopted.

Representative Spencer offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 2, Page 2, Section 2.015, Line 32, by inserting immediately after said section the following new section:

"2.016. To the Department of Elementary and Secondary Education
For Agricultural Business Education
From General Revenue Fund. \$85,000"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Spencer, **House Amendment No. 4** was adopted.

HCS HB 2, as amended, was laid over.

HCS HB 3 was taken up by Representative Stream.

HCS HB 3 was laid over.

On motion of Representative Diehl, the House recessed until 2:30 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Jones.

MOTION

Speaker Jones moved for unanimous consent that Vice-Chairman Flanigan temporarily handle appropriation bills and amendments on behalf of Budget Chairman Stream in his absence.

Which motion was adopted.

PERFECTION OF HOUSE BILLS - APPROPRIATIONS

HCS HB 4 was taken up by Representative Flanigan.

Representative Flanigan offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 4, Page 3, Section 4.030, Line 4, by deleting "ten" and inserting "twenty-five"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Flanigan, **House Amendment No. 1** was adopted.

HCS HB 4, as amended, was laid over.

HCS HB 5 was taken up by Representative Flanigan.

Representative Richardson offered **House Amendment No 1.**

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 5, Page 2, Section 5.020, Line 9, by inserting after the word "Constitution" the following:

" , provided that no funds shall be expended for the scanning and retention of source documents in the course of issuing driver licenses and other non-driver identification documents, and further provided that no funds shall be expended for the purchase or use of any photo validation system"; and

Further amend said bill, said section, Line 11, by inserting immediately after the word "Equipment" the following:

" , provided that no funds shall be expended for the scanning and retention of source documents in the course of issuing driver licenses and other non-driver identification documents, and further provided that no funds shall be expended for the purchase or use of any photo validation system"; and

Further amend said bill, said section, Line 14, by inserting immediately after the word "billings" the following:

" , provided that no funds shall be expended for the scanning and retention of source documents in the course of issuing driver licenses and other non-driver identification documents, and further provided that no funds shall be expended for the purchase or use of any photo validation system"; and

Further amend said bill, said section, Line 10, by deleting "42,382,173" and inserting "42,225,637"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Richardson, **House Amendment No. 1** was adopted.

Representative Richardson offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 5, Page 2, Section 5.020, Line 15, by inserting immediately thereafter the following:

"For the scanning and retention of source documents in the course of issuing driver licenses and other non-driver identification documents
From General Revenue Fund. 1

For the purchase or use of any photo validation system
From General Revenue Fund.. . . . 1"; and

Further amend said bill by adjusting section and bill totals accordingly.

Representative Roorda raised a point of order that **House Amendment No. 2** is out of order pursuant to Rule 46.

The Chair ruled the point of order not well taken.

On motion of Representative Richardson, **House Amendment No. 2** was adopted.

Representative Grisamore offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 5, Page 9, Section 5.160, Line 5, by inserting immediately after the word “awareness”, the word “public”.

On motion of Representative Grisamore, **House Amendment No. 3** was adopted.

HCS HB 5, as amended, was laid over.

HCS HB 6 was taken up by Representative Flanigan.

Representative Ross offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 6, Page 10, Section 6.230, Line 9, by deleting "31,027,925" and inserting "30,527,925"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Ross, **House Amendment No. 1** was adopted by the following vote:

AYES: 120

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Elmer	Engler
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeyer
Korman	Kratky	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
May	Mayfield	McCahterty	McGaugh	McKenna
Messenger	Miller	Molendorp	Montecillo	Morgan
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Smith 85	Smith 120
Solon	Sommer	Spencer	Swan	Thomson
Torpey	Walker	Walton Gray	Webber	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 036

Anders	Black	Burns	Butler	Carpenter
Curtis	Dunn	Ellinger	Ellington	English
Frame	Gardner	Harris	Hubbard	Hummel
LaFaver	McCann Beatty	McDonald	McManus	McNeil
Meredith	Mims	Mitten	Newman	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Swearingen
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 005

Colona	Hodges	Remole	Stream	Webb
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VACANCIES: 002

Representative Ross offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 6, Page 11, Section 6.230, Line 38, by deleting "975,000" and inserting "1,475,000"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Ross, **House Amendment No. 2** was adopted.

Representative Schupp offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 6, Page 11, Section 6.230, Line 36, by deleting "1,481,887" and inserting "1,231,887"; and

Further amend said bill by adjusting section and bill totals accordingly.

Representative Schupp moved that **House Amendment No. 3** be adopted.

Which motion was defeated.

Representative Miller offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 6, Page 14, Section 6.295, Line 5, by deleting "800,000" and inserting "720,000"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Miller, **House Amendment No. 4** was adopted.

HCS HB 6, as amended, was laid over.

HCS HB 7 was taken up by Representative Flanigan.

Representative Miller offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 7, Page 9, Section 7.145, Line 10, by deleting "17,983,346" and inserting "18,063,346"; and

Further amend said bill, said page, Section 7.150, Line 4, by deleting "18,960,573" and inserting "19,040,573"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Miller, **House Amendment No. 1** was adopted.

HCS HB 7, as amended, was laid over.

HCS HB 6, as amended, was again taken up by Representative Flanigan.

HCS HB 6, as amended, was laid over.

HCS HB 7, as amended, was again taken up by Representative Flanigan.

Representative Englund offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 7, Page 8, Section 7.120, Line 4, by deleting "15,802,235" and inserting "15,748,085"; and

Further amend said bill, said page, Section 7.125, Line 4, by deleting "15,259,257" and inserting "15,205,107"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Englund, **House Amendment No. 2** was adopted by the following vote:

AYES: 129

Allen	Anders	Anderson	Austin	Barnes
Bernskoetter	Berry	Black	Burns	Butler
Carpenter	Cierpiot	Colona	Conway 104	Cookson
Cornejo	Crawford	Cross	Curtis	Davis
Diehl	Dunn	Ellinger	Ellington	Elmer
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fraker	Frederick	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Grisamore	Guernsey
Haefner	Hampton	Hansen	Harris	Hicks

Higdon	Hinson	Hoskins	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Lichtenegger	Love	Lynch	Marshall
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Morgan	Morris	Muntzel	Neth	Newman
Nichols	Norr	Otto	Pace	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Reiboldt	Rhoads	Riddle	Rizzo	Roorda
Ross	Rowden	Runions	Schatz	Schieber
Schieffer	Schupp	Shull	Smith 85	Smith 120
Solon	Sommer	Swan	Thomson	Torpey
Walker	Walton Gray	Webber	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 022

Bahr	Brattin	Brown	Burlison	Cox
Curtman	Dohrman	Dugger	Engler	Fowler
Frame	Haahr	Hough	Koenig	Leara
Montecillo	Parkinson	Rehder	Richardson	Rowland
Spencer	White			

PRESENT: 000

ABSENT WITH LEAVE: 010

Conway 10	Franklin	Hodges	Neely	Remole
Scharnhorst	Shumake	Stream	Swearingen	Webb

VACANCIES: 002

Representative Englund offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 7, Page 3, Section 7.015, Line 53, by inserting immediately thereafter the following:

"Section 7.017. To the Department of Economic Development
 For the Small Business Regulatory Fairness Board
 Personal Service. \$48,612
 Expense and Equipment.. . . . 5,538
 From General Revenue Fund (Not to exceed 1.50 F.T.E.).. . . . \$54,150"; and

Further amend said bill by adjusting section and bill totals accordingly.

Representative Englund moved that **House Amendment No. 3** be adopted.

Which motion was defeated by the following vote:

AYES: 072

Anders	Barnes	Black	Burns	Butler
Carpenter	Colona	Conway 10	Curtis	Dunn
Ellinger	Ellington	English	Englund	Fitzpatrick
Frame	Frederick	Funderburk	Gardner	Grisamore
Harris	Hicks	Hinson	Hoskins	Houghton
Hubbard	Hummel	Justus	Kelly 45	Kirkton
Korman	Kratky	LaFaver	Lair	Marshall
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Morgan
Neth	Newman	Nichols	Norr	Otto
Pace	Pfausch	Phillips	Pierson	Redmon
Rizzo	Roorda	Runions	Schieffer	Schupp
Shull	Smith 85	Swearingen	Torpey	Walton Gray
Webber	Wright			

NOES: 083

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Gannon
Gatschenberger	Gosen	Guernsey	Haahr	Haefner
Hampton	Hansen	Higdon	Hough	Hurst
Johnson	Jones 50	Keeney	Kelley 127	Koenig
Kolkmeyer	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	McCaherty	McGaugh	Muntzel
Neely	Parkinson	Pike	Pogue	Rehder
Reiboldt	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Smith 120	Solon	Sommer	Spencer	Swan
Thomson	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

PRESENT: 000

ABSENT WITH LEAVE: 006

Hodges	Morris	Remole	Shumake	Stream
Webb				

VACANCIES: 002

HCS HB 7, as amended, was laid over.

HCS HB 8 was taken up by Representative Flanigan.

Representative Korman offered **House Amendment No 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 8, Page 7, Section 8.090, Line 16, by deleting "6,283,085" and inserting "5,833,085"; and

Further amend said bill by adjusting section and bill totals accordingly.

Representative Korman moved that **House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 062

Allen	Anderson	Bahr	Barnes	Berry
Brattin	Burlison	Cierpiot	Cornejo	Cox
Crawford	Curtman	Davis	Diehl	Dohrman
Dugger	Entlicher	Fitzpatrick	Flanigan	Franklin
Frederick	Funderburk	Gatschenberger	Gosen	Guernsey
Haahr	Higdon	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Korman	Lant	Leara	Lichtenegger	Marshall
McGaugh	Miller	Morris	Muntzel	Neely
Parkinson	Pogue	Rehder	Reiboldt	Richardson
Riddle	Ross	Rowden	Scharnhorst	Schatz
Schieber	Smith 120	Spencer	Swan	White
Wilson	Mr Speaker			

NOES: 093

Anders	Austin	Bernskoetter	Black	Brown
Burns	Butler	Carpenter	Colona	Conway 10
Conway 104	Cookson	Cross	Curtis	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Fitzwater	Fowler	Fraker	Frame
Gannon	Gardner	Grisamore	Haefner	Hampton
Hansen	Harris	Hicks	Hinson	Hoskins
Hough	Hubbard	Hummel	Kelly 45	Kirkton
Kolkmeyer	Kratky	LaFaver	Lair	Lauer
Love	Lynch	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Messenger	Mims	Mitten	Molendorp	Montecillo
Morgan	Neth	Newman	Nichols	Norr
Otto	Pace	Pfautsch	Phillips	Pierson
Pike	Redmon	Rhoads	Rizzo	Roorda
Rowland	Runions	Schieffer	Schupp	Shull
Smith 85	Solon	Sommer	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webber	Wieland
Wood	Wright	Zerr		

PRESENT: 000

ABSENT WITH LEAVE: 006

Hodges
Webb

McCaherty

Remole

Shumake

Stream

VACANCIES: 002

HCS HB 8 was laid over.

HCS HB 9 was taken up by Representative Flanigan.

HCS HB 9 was laid over.

HCS HB 10 was taken up by Representative Flanigan.

Representative Flanigan offered **House Amendment No. 1.**

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 10, Page 40, Section 10.715, Line 24, by deleting "457.28 F.T.E." and inserting "460.96 F.T.E."; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Flanigan, **House Amendment No. 1** was adopted.

Representative Haefner offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 10, Page 7, Section 10.110, Lines 11 and 12, by deleting said lines and inserting in lieu thereof the following:

"For the purpose of reducing recidivism among offenders with serious substance use disorders who are returning to the St. Louis area from Maryville Treatment Center, Ozark Correctional Center, and Northeast Correctional Center. The department shall select a qualified not-for-profit service provider in accordance with state purchasing rules. The provider must have experience serving this population in a correctional setting as well as in the community. The provider shall design and implement an evidence-based program that includes a continuum of services from prison to community, including medication assisted treatment that is initiated prior to release, when appropriate. The program must include an evaluation component to determine its effectiveness relative to other options, with a report to the general assembly after one year of operation. The program shall serve at least 200 offenders in the first year".

On motion of Representative Haefner, **House Amendment No. 2** was adopted.

Representative Hummel offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 10, Page 5, Section 10.070, Line 4, by deleting "1,550,000" and inserting "5,528,792"; and

Further amend said bill, Page 7, Section 10.110, Line 16, by deleting "58,690,788" and inserting "87,007,732"; and

Further amend said bill, Page 10, Section 10.210, Line 16, by deleting "192,721,321" and inserting "212,887,246"; and

Further amend said bill, Page 37, Section 10.695, Line 26, by deleting "431,494,827" and inserting "432,799,602"; and

Further amend said bill by adjusting section and bill totals accordingly.

Representative Hummel moved that **House Amendment No. 3** be adopted.

Which motion was defeated by the following vote:

AYES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Molendorp	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Pierson	Rizzo	Runions	Schieffer	Schupp
Smith 85	Swearingen	Walton Gray	Webber	Wright

NOES: 105

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber

Shull	Smith 120	Solon	Sommer	Spencer
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

PRESENT: 000

ABSENT WITH LEAVE: 006

Hodges	Remole	Roorda	Shumake	Stream
Webb				

VACANCIES: 002

HCS HB 10, as amended, was laid over.

HCS HB 11 was taken up by Representative Flanigan.

Representative Flanigan offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 11, Page 24, Section 11.440, Line 18, by deleting “62,235,344” and inserting “62,156,654”; and

Further amend said bill, said page, said section, Line 19, by deleting “604,156,232” and inserting “604,028,576”; and

Further amend said bill, Page 25, Section 11.460, Line 15, by deleting “213,548,804” and inserting “213,325,793”; and

Further amend said bill, said page, said section, Line 16, by deleting “453,847,464” and inserting “453,485,682”; and

Further amend said bill, Page 26, Section 11.465, Line 16, by deleting “5,472,706” and inserting “5,462,417”; and

Further amend said bill, said page, said section, Line 17, by deleting “10,510,913” and inserting “10,494,221”; and

Further amend said bill, Page 27, Section 11.475, Line 27, by deleting “2,311,666” and inserting “2,310,746”; and

Further amend said bill, said page, said section, Line 28, by deleting “4,008,566” and inserting “4,007,073”; and

Further amend said bill, Page 28, Section 11.490, Line 15, by deleting “85,910,280” and inserting “85,885,759”; and

Further amend said bill, said page, said section, Line 16, by deleting “161,955,148” and inserting “161,915,368”; and

Further amend said bill, said page, said section, Line 23, by deleting “13,351,094” and inserting “13,349,524”; and

Further amend said bill, said page, said section, Line 24, by deleting “21,671,423” and inserting “21,668,876”; and

Further amend said bill, Page 29, Section 11.505, Line 16, by deleting “327,516,298” and inserting “326,911,299”; and

Further amend said bill, said page, said section, Line 17, by deleting “754,735,021” and inserting “753,753,556”; and

Further amend said bill, Page 30, Section 11.510, Line 12, by deleting “30,493,934” and inserting “30,437,934”; and

Further amend said bill, said page, said section, Line 13, by deleting "514,164,418" and inserting "514,073,571"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Flanigan, **House Amendment No. 1** was adopted.

HCS HB 11, as amended, was laid over.

HCS HB 10, as amended, was again taken up by Representative Flanigan.

Representative Flanigan offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 10, Page 21, Section 10.410, Line 38, by deleting "6,524,901" and inserting "7,524,901"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Flanigan, **House Amendment No. 4** was adopted.

HCS HB 10, as amended, was laid over.

HCS HB 11, as amended, was again taken up by Representative Flanigan.

Representative Kelly (45) offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 11, Page 29, Section 11.505, Line 16, by deleting "327,516,298" and inserting "325,016,298"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Kelly (45), **House Amendment No. 2** was adopted.

HCS HB 11, as amended, was laid over.

HCS HB 5, as amended, was again taken up by Representative Flanigan.

Representative Kelly (45) offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 5, Page 2, Section 5.020, Line 10, by deleting "42,382,173" and inserting "44,882,173"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Kelly (45), **House Amendment No. 4** was adopted.

HCS HB 5, as amended, was laid over.

HCS HB 11, as amended, was again taken up by Representative Flanigan.

Representative Flanigan offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 11, Page 29, Section 11.505, Line 16, by deleting "327,516,298" and inserting "327,506,298"; and

Further amend said bill, said page, said section, Line 17, by deleting "754,735,021" and inserting "754,718,798"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Flanigan, **House Amendment No. 3** was adopted.

HCS HB 11, as amended, was laid over.

HCS HB 2, as amended, was again taken up by Representative Flanigan.

Representative Flanigan offered **House Amendment No 5**.

House Amendment 5

AMEND House Committee Substitute for House Bill No. 2, Page 7, Section 2.135, Line 3, by inserting immediately after said section the following new section:

"Section 2.136. To the Department of Elementary and Secondary Education
For character education initiatives
From General Revenue Fund. \$10,000"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Flanigan, **House Amendment No. 5** was adopted.

HCS HB 2, as amended, was laid over.

HCS HB 11, as amended, was again taken up by Representative Flanigan.

Representative Hummel offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 11, Page 33, Section 11.555, Line 33, by inserting immediately thereafter the following:

"Section 11.560. To the Department of Social Services
For the MO HealthNet Division
For Medicaid services for low-income adults
From Federal Funds. \$890,474,624"; and

Further amend said bill by adjusting section and bill totals accordingly.

Speaker Pro Tem Smith assumed the Chair.

Speaker Jones resumed the Chair.

Representative Hummel moved that **House Amendment No. 4** be adopted.

Which motion was defeated by the following vote:

AYES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Molendorp	Montecillo	Morgan
Newman	Nichols	Otto	Pace	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Walton Gray	Webber	Wright

NOES: 104

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	McCaherty
McGaugh	Messenger	Miller	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Schatz	Schieber	Shull

Smith 120	Solon	Sommer	Spencer	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

PRESENT: 000

ABSENT WITH LEAVE: 007

Hodges	Marshall	Norr	Scharnhorst	Shumake
Stream	Webb			

VACANCIES: 002

Representative LaFaver offered **House Amendment No. 5.**

House Amendment No. 5

AMEND House Committee Substitute for House Bill No. 11, Page 33, Section 11.555, Line 33, by inserting immediately thereafter the following new section:

"Section 11.556. To the Department of Social Services
 For the MO HealthNet Division
 For the purpose of funding Transitional Medicaid Services for disabled adults, up to 138 percent of
 the federal poverty level
 From Federal Funds. \$642,387,543"; and

Further amend said bill by adjusting section and bill totals accordingly.

Representative LaFaver moved that **House Amendment No. 5** be adopted.

Which motion was defeated by the following vote:

AYES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Molendorp	Montecillo	Morgan	Newman
Nichols	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webber	Wright	

NOES: 104

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson

Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Schatz	Schieber	Shull
Smith 120	Solon	Sommer	Spencer	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

PRESENT: 000

ABSENT WITH LEAVE: 008

Hodges	Hubbard	Justus	Norr	Scharnhorst
Shumake	Stream	Webb		

VACANCIES: 002

HCS HB 11, as amended, was laid over.

HCS HB 12 was taken up by Representative Flanigan.

Representative Webber offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 12, Page 4 , Section 12.115 , Line 5, by deleting "2,750,000" and inserting "4,125,000"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Webber, **House Amendment No. 1** was adopted.

HCS HB 12, as amended, was laid over.

HCS HB 13 was taken up by Representative Flanigan.

HCS HB 13 was laid over.

HCS HB 1 was again taken up by Representative Flanigan.

On motion of Representative Flanigan, **HCS HB 1** was adopted.

On motion of Representative Flanigan, **HCS HB 1** was ordered perfected and printed.

HCS HB 2, as amended, was again taken up by Representative Flanigan.

On motion of Representative Flanigan, **HCS HB 2, as amended**, was adopted.

On motion of Representative Flanigan, **HCS HB 2, as amended**, was ordered perfected and printed.

HCS HB 3 was again taken up by Representative Flanigan.

On motion of Representative Flanigan, **HCS HB 3** was adopted.

On motion of Representative Flanigan, **HCS HB 3** was ordered perfected and printed.

HCS HB 4, as amended, was again taken up by Representative Flanigan.

On motion of Representative Flanigan, **HCS HB 4, as amended**, was adopted.

On motion of Representative Flanigan, **HCS HB 4, as amended**, was ordered perfected and printed.

HCS HB 5, as amended, was again taken up by Representative Flanigan.

On motion of Representative Flanigan, **HCS HB 5, as amended**, was adopted.

On motion of Representative Flanigan, **HCS HB 5, as amended**, was ordered perfected and printed.

HCS HB 6, as amended, was again taken up by Representative Flanigan.

On motion of Representative Flanigan, **HCS HB 6, as amended**, was adopted.

On motion of Representative Flanigan, **HCS HB 6, as amended**, was ordered perfected and printed.

HCS HB 7, as amended, was again taken up by Representative Flanigan.

On motion of Representative Flanigan, **HCS HB 7, as amended**, was adopted.

On motion of Representative Flanigan, **HCS HB 7, as amended**, was ordered perfected and printed.

HCS HB 8 was again taken up by Representative Flanigan.

On motion of Representative Flanigan, **HCS HB 8** was adopted.

On motion of Representative Flanigan, **HCS HB 8** was ordered perfected and printed.

HCS HB 9 was again taken up by Representative Flanigan.

On motion of Representative Flanigan, **HCS HB 9** was adopted.

On motion of Representative Flanigan, **HCS HB 9** was ordered perfected and printed.

HCS HB 10, as amended, was again taken up by Representative Flanigan.

On motion of Representative Flanigan, **HCS HB 10, as amended**, was adopted.

On motion of Representative Flanigan, **HCS HB 10, as amended**, was ordered perfected and printed.

HCS HB 11, as amended, was again taken up by Representative Flanigan.

On motion of Representative Flanigan, **HCS HB 11, as amended**, was adopted.

On motion of Representative Flanigan, **HCS HB 11, as amended**, was ordered perfected and printed.

HCS HB 12, as amended, was again taken up by Representative Flanigan.

On motion of Representative Flanigan, **HCS HB 12, as amended**, was adopted.

On motion of Representative Flanigan, **HCS HB 12, as amended**, was ordered perfected and printed.

HCS HB 13 was again taken up by Representative Flanigan.

On motion of Representative Flanigan, **HCS HB 13** was adopted.

On motion of Representative Flanigan, **HCS HB 13** was ordered perfected and printed.

PERFECTION OF HOUSE BILL

HCS HBs 521 & 579, relating to taxation, was taken up by Representative Koenig.

HCS HBs 521 & 579 was laid over.

REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

HB 859 - Downsizing State Government

COMMITTEE REPORTS

Committee on Crime Prevention and Public Safety, Chairman Hinson reporting:

Mr. Speaker: Your Committee on Crime Prevention and Public Safety, to which was referred **HB 462**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Crime Prevention and Public Safety, to which was referred **HB 589**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on General Laws, Chairman Jones reporting:

Mr. Speaker: Your Committee on General Laws, to which was referred **HCR 25**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on General Laws, to which was referred **HB 533**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on General Laws, to which was referred **HB 747**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on General Laws, to which was referred **SCS SB 89**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Transportation, Chairman Schatz reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 62**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 771**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute - Federal Mandate**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Riddle reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 335**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 448**, begs leave to report it has examined the same and recommends that it **Do Pass**.

ADVANCEMENT OF HOUSE BILLS - CONSENT

Pursuant to Rule 45(b), the following bills, having remained on the House Consent Calendar for Perfection for five legislative days, were ordered perfected and printed by consent with all committee substitutes and committee amendments thereto adopted and perfected by consent: **HB 68**, **HB 142**, **HCS HB 159** and **HB 346**.

INTRODUCTION OF HOUSE JOINT RESOLUTION

The following House Joint Resolution was read the first time and copies ordered printed:

HJR 34, introduced by Representatives Butler, Entlicher, Runions, Burns, Swearingen, Pierson, Nichols, England, Kirkton, LaFaver and Ellinger, relating to the term limit reform act.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 889, introduced by Representatives Newman, Kirkton, Butler, Dunn, LaFaver, Meredith, McNeil, Morgan, Mims and Schupp, relating to increasing preventative health services in the state through the prevention first act.

HB 890, introduced by Representative Sommer, relating to animal abuse.

HB 891, introduced by Representative Redmon, relating to liquefied petroleum gas.

HB 892, introduced by Representatives Hicks, Rehder, Rhoads, Ross, Miller, Parkinson, Swan and Wilson, relating to sale of land by land reutilization authorities.

HB 893, introduced by Representative Franklin, relating to violent video games.

HB 894, introduced by Representative LaFaver, relating to senior citizens property tax relief.

HB 895, introduced by Representative LaFaver, relating solely to the creation of an earned income tax credit.

HB 896, introduced by Representative LaFaver, relating to MO HealthNet services.

HB 897, introduced by Representatives Leara and Colona, relating to police retirement.

HB 898, introduced by Representatives Berry and McNeil, relating to an income tax deduction for energy efficiency projects.

HB 899, introduced by Representatives Kirkton, Gardner, English and Engler, relating to malpractice insurance.

HB 900, introduced by Representative Meredith, relating to the MO HealthNet program.

HB 901, introduced by Representative Funderburk, relating to utilities.

HB 902, introduced by Representatives Dunn, Carpenter, Runions and Schieffer, relating to urban agricultural zones.

HB 903, introduced by Representatives Mayfield and Curtis, relating to marriage licenses.

HB 904, introduced by Representatives Butler and Ellinger, relating to the Missouri parent/teacher involvement act.

HB 905, introduced by Representatives Butler, Dunn, Mayfield, Runions, Burns, Swearingen, Pierson, Nichols, Englund, LaFaver and Ellinger, relating to the youth sports program fund.

HB 906, introduced by Representatives Butler, English, Ellinger and Harris, relating to the MO HealthNet program.

HB 907, introduced by Representatives Butler, English, Mayfield, Webb, Runions, Burns, Swearingen, Pierson, Nichols, McKenna, Meredith, LaFaver and Ellinger, relating to tax credits for contributions to public school foundations.

HB 908, introduced by Representatives Pace, Otto, Runions, Hubbard, Anders, Englund, Dunn, Curtis, Ellinger, Rizzo, McCann Beatty, Schieffer, McDonald, McNeil, Morgan, Gardner, LaFaver, Kirkton, Newman, Montecillo, McKenna, Carpenter, English, Ellington, Smith (85), Mayfield, Walton Gray, Burns, Meredith, May, Colona, Frame, Roorda, Wright, McManus, Schupp, Mims and Butler, relating to the MO HealthNet program.

HB 909, introduced by Representatives Pfautsch, Miller, Justus, McGaugh, Rowden and Grisamore, relating to transportation development districts.

HB 910, introduced by Representatives Butler and Carpenter, relating to the sale of intoxicating liquor.

HB 911, introduced by Representative Brown, relating to food stamps assistance.

HB 912, introduced by Representative Brown, relating to weapons.

HB 913, introduced by Representative Brown, relating to child day care services.

HB 914, introduced by Representative Bahr, relating to the real property tax increment allocation redevelopment act.

HB 915, introduced by Representative Bahr, relating to the employee reclassification act.

MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 72**, entitled:

An act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of motorcycle awareness month.

In which the concurrence of the House is respectfully requested.

The following member's presence was noted: Hodges.

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Wednesday, March 27, 2013.

COMMITTEE HEARINGS

APPROPRIATIONS - INFRASTRUCTURE AND JOB CREATION

Thursday, April 4, 2013, 8:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Work session on resolution in conjunction with HJR 14

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, April 3, 2013, 2:00 PM House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

Working meeting - agenda to be announced

BUDGET

Wednesday, March 27, 2013, Upon Morning Adjournment House Hearing Room 3.

Public hearing will be held: HJR 14

Executive session will be held: HJR 14, HCR 4, HCR 3, HJR 17, HB 414, HB 183

Executive session may be held on any matter referred to the committee.

CRIME PREVENTION AND PUBLIC SAFETY

Wednesday, March 27, 2013, 2:00 PM House Hearing Room 6.

Public hearing will be held: HB 230, HB 703, HB 776, HB 794

Executive session may be held on any matter referred to the committee.

CRIME PREVENTION AND PUBLIC SAFETY

Tuesday, April 2, 2013, 7:00 PM 516 S Country Club Drive, Jefferson City.

DOWNSIZING STATE GOVERNMENT

Thursday, March 28, 2013, 8:00 AM House Hearing Room 4.

Public hearing will be held: HB 651, HB 818, HB 806, HB 859

Executive session may be held on any matter referred to the committee.

ELECTIONS

Thursday, March 28, 2013, 8:00 AM House Hearing Room 2.

Executive session may be held on any matter referred to the committee.

Committee members should be prepared to work on an omnibus bill.

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, March 27, 2013, 8:00 AM House Hearing Room 6.

Public hearing will be held: HB 808, HJR 22

Executive session may be held on any matter referred to the committee.

EMERGING ISSUES IN AGRICULTURE

Wednesday, March 27, 2013, Upon Morning Adjournment South Gallery.

Executive session will be held: HB 342

Executive session may be held on any matter referred to the committee.

GENERAL LAWS

Thursday, March 28, 2013, 8:15 AM House Hearing Room 1.

Public hearing will be held: HJR 26, HB 795, HB 609

Executive session will be held: HB 424, HB 543

Executive session may be held on any matter referred to the committee.

HEALTH CARE POLICY

Wednesday, April 3, 2013, Upon Morning Recess House Hearing Room 6.

Public hearing will be held: HB 99, HB 185, HCR 15, HB 262

Executive session may be held on any matter referred to the committee.

INTERNATIONAL TRADE

Wednesday, March 27, 2013, 5:00 PM or Upon Afternoon Adjournment House Hearing Room 7.

Public hearing will be held: HB 850

Executive session will be held: HB 630, HB 275, HB 850

Executive session may be held on any matter referred to the committee.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Wednesday, March 27, 2013, 8:00 AM House Hearing Room 1.

First quarter meeting

Please note date change.

CANCELLED

JUDICIARY

Wednesday, March 27, 2013, 12:00 PM or Upon Morning Recess (whichever is earlier) House Hearing Room 1.

Public hearing will be held: HB 318, HB 480, HB 541, HB 567, HB 594, HB 697

Executive session will be held: HB 371, HB 210

Executive session may be held on any matter referred to the committee.

AMENDED

LOCAL GOVERNMENT

Thursday, March 28, 2013, 8:00 AM House Hearing Room 5.

Public hearing will be held: HB 84, HB 805, HB 311

Executive session may be held on any matter referred to the committee.

AMENDED

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, March 27, 2013, Upon Morning Recess House Hearing Room 5.

Public hearing will be held: HB 337, HB 488, HB 685

Executive session will be held: HB 314

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON CORRECTIONS

Wednesday, March 27, 2013, 8:00 AM House Hearing Room 3.

Public hearing will be held: HB 241, HB 635

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN HEALTH CARE

Wednesday, March 27, 2013, 8:00 AM House Hearing Room 1.

Public hearing will be held: HB 593, HB 695

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON SMALL BUSINESS

Wednesday, March 27, 2013, 12:00 PM or Upon Morning Adjournment House Hearing Room 7.

Public hearing will be held: HB 642

Executive session may be held on any matter referred to the committee.

TOURISM AND NATURAL RESOURCES

Thursday, March 28, 2013, 8:00 AM House Hearing Room 7.

Public hearing will be held: HB 258, HB 758, HB 570, HCR 29, HCR 30, HB 739, HB 740, HB 741

Executive session may be held on any matter referred to the committee.

UTILITIES

Wednesday, March 27, 2013, 9:00 AM House Hearing Room 7.

Public hearing will be held: HB 788, HB 789, HB 828

Executive session may be held on any matter referred to the committee.

Note the start time will be 9:00 AM instead of 8:00 AM

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Wednesday, March 27, 2013, 7:30 AM House Hearing Room 5.

Public hearing will be held: HB 692, HB 614

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

FORTY-SECOND DAY, WEDNESDAY, MARCH 27, 2013

HOUSE JOINT RESOLUTIONS FOR SECOND READING

HJR 34

HOUSE BILLS FOR SECOND READING

HB 889 through HB 915

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 169 - Diehl
- 2 HB 227 - Zerr
- 3 HB 152 - Solon
- 4 HB 423 - Zerr
- 5 HCS HBs 521 & 579 - Koenig
- 6 HB 578 - Funderburk
- 7 HB 316 - Phillips
- 8 HCS HB 30 - Scharnhorst
- 9 HCS HB 46 - Guernsey
- 10 HB 47 - Cross
- 11 HB 112 - Burlison
- 12 HCS HB 134 - Allen
- 13 HCS HB 137 - Hinson
- 14 HCS HB 168 - Davis
- 15 HB 217 - Cox
- 16 HCS HB 221 - Leara
- 17 HB 253 - Berry
- 18 HCS HB 315 - Rowland
- 19 HB 400 - Riddle
- 20 HB 443 - Hubbard
- 21 HCS HB 343 - Guernsey

HOUSE BILLS FOR PERFECTION - CONSENT

(3/15/2013)

- 1 HB 53 - Gatschenberger
- 2 HCS HB 58 - Molendorp
- 3 HB 60 - Engler
- 4 HCS HB 79 - Johnson
- 5 HCS HB 81 - Johnson
- 6 HB 116 - Dugger
- 7 HCS HB 199 - Dugger

- 8 HCS HB 235 - Crawford
- 9 HB 278 - Brattin
- 10 HCS HBs 303 & 304 - Scharnhorst
- 11 HCS HB 306 - Hoskins
- 12 HB 331 - Miller
- 13 HB 334 - Dugger
- 14 HB 406 - Wieland
- 15 HB 428 - Schatz
- 16 HB 429 - Schatz
- 17 HB 433 - Korman
- 18 HCS HB 438 - Rowland
- 19 HCS HB 440 - Webb
- 20 HB 442 - Hoskins
- 21 HB 445 - Engler
- 22 HB 450 - Carpenter
- 23 HB 451 - Fraker
- 24 HB 460 - Engler
- 25 HB 471 - Spencer
- 26 HB 478 - Wieland
- 27 HB 498 - Jones (50)
- 28 HB 525 - Franklin
- 29 HB 568 - Lauer
- 30 HB 581 - Roorda
- 31 HB 585 - Schieffer
- 32 HB 625 - Burlison
- 33 HB 632 - Dunn
- 34 HB 634 - Elmer
- 35 HB 650 - Ross
- 36 HCS HB 656 - May
- 37 HB 673 - Schatz
- 38 HB 702 - Englund
- 39 HB 715 - McCaherty

HOUSE BILLS FOR THIRD READING

- 1 HCS HBs 191 & 182 - Torpey
- 2 HB 201 - Torpey
- 3 HCS HB 222 - Austin

HOUSE BILLS FOR THIRD READING - CONSENT

- 1 HCS HB 128 - Sommer
- 2 HB 133 - Gosen
- 3 HB 163 - Fitzpatrick
- 4 HB 212 - Cox
- 5 HB 329 - Dugger
- 6 HCS HB 349 - Brown
- 7 HB 184 - Cox
- 8 HB 196 - Lauer
- 9 HB 301 - Engler
- 10 HB 307 - Riddle
- 11 HCS HB 312 - Thomson
- 12 HCS HB 401 - Shumake
- 13 HB 412 - Reiboldt
- 14 HB 432 - Webb
- 15 HB 542 - Love
- 16 HCS HB 586 - Schieffer
- 17 HB 591 - Hubbard
- 18 HB 68 - Kelley (127)
- 19 HB 142 - Dugger
- 20 HCS HB 159 - Guernsey
- 21 HB 346 - Molendorp

SENATE BILLS FOR SECOND READING

SB 72

SENATE BILLS FOR THIRD READING

HCS SCS SB 182, E.C. - Hough

HOUSE BILLS WITH SENATE AMENDMENTS

SCS HCS HB 14 - Stream

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

FORTY-SECOND DAY, WEDNESDAY, MARCH 27, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

Let us not be weary in well doing: for in due season we shall reap, if we faint not. (Ephesians 6:9)

Almighty and everlasting God, we commend unto Your gracious care the citizens of Missouri. Especially do we pray for our wonderful people - that health and strength and wisdom may be theirs as they endeavor to live in these trying economic times.

Upon our Speaker may there rest the rich blessing of Your grace and the wise guidance of Your spirit. To all these Representatives, their staffs, and co-workers, may there come a new realization of Your presence as they bow at the altar of prayer and dedicate themselves to You and to the welfare of our people, our highest law! Increase their faith, deepen their devotion, and enlarge their vision that they may continue to labor for the greater good of our beloved state as we discuss the budget. May they never grow weary of doing well.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Gabrielle (Gigi) Mahley, Danyelle Driver, Katherine Jones, Abigail Jones, Allie Beros and Michael Beros.

The Journal of the forty-first day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 979 through House Resolution No. 1010

HOUSE CONCURRENT RESOLUTIONS

Representative Ellinger offered House Concurrent Resolution No. 31.

Representative Schatz, et al., offered House Concurrent Resolution No. 32

SECOND READING OF HOUSE JOINT RESOLUTION

HJR 34 was read the second time.

SECOND READING OF HOUSE BILLS

HB 889 through **HB 915** were read the second time.

SECOND READING OF SENATE BILL

SB 72 was read the second time.

THIRD READING OF HOUSE BILLS

HCS HBs 191 & 182, relating to the Angel Investment Incentive Act, was taken up by Representative Torpey.

On motion of Representative Torpey, **HCS HBs 191 & 182** was read the third time and passed by the following vote:

AYES: 126

Allen	Anders	Austin	Bernskoetter	Berry
Black	Brown	Burns	Butler	Carpenter
Cierpiot	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Davis
Diehl	Dohrman	Dunn	Ellinger	Ellington
Elmer	Engler	English	Englund	Entlicher
Flanigan	Fraker	Frame	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Grisamore
Guernsey	Haefner	Hansen	Harris	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Kelley 127
Kelly 45	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Lynch	May	Mayfield	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Mims	Mitten	Molendorp	Montecillo
Morgan	Morris	Muntzel	Neely	Neth
Nichols	Norr	Otto	Pace	Pfautsch
Phillips	Pierson	Pike	Redmon	Reiboldt
Remole	Richardson	Riddle	Rizzo	Roorda
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieffer	Schupp	Shull	Shumake	Smith 85
Solon	Sommer	Spencer	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wood	Zerr
Mr Speaker				

NOES: 026

Anderson	Bahr	Barnes	Brattin	Burlison
Curtman	Dugger	Fitzpatrick	Fitzwater	Fowler
Haahr	Hampton	Keeney	Kirkton	Koenig
Love	Marshall	Miller	Parkinson	Pogue
Rehder	Rhoads	Ross	Schieber	Wilson
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 009

Colona	Franklin	Hodges	Jones 50	Justus
McCaherty	Newman	Smith 120	Stream	

VACANCIES: 002

Speaker Jones declared the bill passed.

HCS HB 222, relating to data storage centers, was taken up by Representative Austin.

On motion of Representative Austin, **HCS HB 222** was read the third time and passed by the following vote:

AYES: 128

Allen	Anders	Anderson	Austin	Barnes
Bernskoetter	Berry	Black	Brown	Burns
Butler	Carpenter	Cierpiot	Colona	Conway 10
Cookson	Cornejo	Cox	Crawford	Cross
Curtis	Davis	Diehl	Dohrman	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fraker	Frame	Funderburk	Gannon	Gardner
Gatschenberger	Gosen	Grisamore	Haefner	Hansen
Harris	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Kelley 127	Kelly 45	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	May
Mayfield	McCann Beatty	McDonald	McGaugh	McKenna
McManus	Meredith	Messenger	Mims	Mitten
Molendorp	Montecillo	Morris	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Pfautsch	Phillips	Pierson	Pike	Redmon
Reiboldt	Richardson	Riddle	Rizzo	Roorda
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieffer	Schupp	Shull	Shumake	Smith 85
Smith 120	Solon	Sommer	Spencer	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 025

Bahr	Brattin	Burlison	Conway 104	Curtman
Dugger	Fowler	Frederick	Guernsey	Haahr
Hampton	Keeney	Kirkton	Koenig	Marshall
Miller	Muntzel	Parkinson	Pogue	Rehder
Remole	Rhoads	Ross	Schieber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 008

Franklin	Hodges	Jones 50	Justus	McCaherty
McNeil	Morgan	Stream		

VACANCIES: 002

Speaker Jones declared the bill passed.

PERFECTION OF HOUSE BILLS

HCS HBs 521 & 579, relating to taxation, was taken up by Representative Koenig.

Representative Koenig offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill Nos. 521 & 579, Page 115, Section 144.010, Lines 778-796, by deleting all of said lines; and

Further amend said bill, Page 116, Section 144.014, Lines 18-37, by deleting all of said lines; and

Further amend said bill, Page 128, Section 144.040, Line 70, by inserting after the word, "**section**" the following words, "**or transactions regulated under sections 407.660 to 407.665**"; and

Further amend said bill, Pages 135-136, Section 144.054, Lines 1-47, by deleting all of section 144.054 and inserting in lieu thereof the following:

"144.054. 1. As used in this section, the following terms mean:

(1) "Processing", any mode of treatment, act, or series of acts performed upon materials to transform or reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(2) "Recovered materials", those materials which have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not they require subsequent separation and processing.

2. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, **section 238.235, and the local sales tax law as described in section 32.085**, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, **section 238.235, and the local sales tax law as described in section 32.085**, electrical energy and gas, whether natural, artificial, or propane, water, coal, and energy sources, chemicals, machinery, equipment, and materials used or consumed in the manufacturing, processing, compounding, mining, or producing of any product, or used or consumed in the processing of recovered materials, or used in research and development related to manufacturing, processing, compounding, mining, or producing any product. The exemptions granted in this subsection shall not apply to local sales **or use** taxes as defined in section 32.085 **levied on electricity, piped natural or artificial gas, or other fuels delivered by the seller** and the provisions of this subsection shall be in addition to any state and local sales tax exemption provided in section 144.030.

3. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, all utilities, machinery, and equipment used or consumed directly in television or radio broadcasting and all sales and purchases of tangible personal property, utilities, services, or any other transaction that would otherwise be subject to the state or local sales or use tax when such sales are made to or purchases are made by a contractor for use in fulfillment of any obligation under a defense contract with the United States government, and all sales and leases of tangible personal property by any county, city, incorporated town, or village, provided such sale or lease is authorized under chapter 100, and such transaction is certified for sales tax exemption by the department of economic development, and

tangible personal property used for railroad infrastructure brought into this state for processing, fabrication, or other modification for use outside the state in the regular course of business.

4. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, all sales and purchases of tangible personal property, utilities, services, or any other transaction that would otherwise be subject to the state or local sales or use tax when such sales are made to or purchases are made by a private partner for use in completing a project under sections 227.600 to 227.669."; and

Further amend said bill, Page 147, Section 144.140, Lines 1-9, by deleting all of said lines and inserting in lieu thereof the following:

"144.140. 1. From every remittance to the director of revenue made on or before the date when the same becomes due, the person required to remit the same shall be entitled to deduct and retain an amount equal to two percent thereof.

2. If the director of the department of revenue enters into the streamlined sales and use tax agreement under section 32.070, the director shall provide a monetary allowance from the taxes collected to each of the following:

(1) A certified service provider, in accordance with the agreement and under the terms of the contract signed with the provider, provided that such allowance shall not exceed two percent of the amount collected;

(2) Any vendor registered under the agreement that selects a certified automated system to perform part of its sales or use tax functions;

(3) Any vendor registered under the agreement that uses a proprietary system to calculate taxes due and has entered into a performance agreement with states that are members to the streamlined sales and use tax agreement.

3. The monetary allowance provided for vendors in subdivision (2) or (3) of subsection 2 of this section shall be in an amount equal to two percent of the taxes collected.

4. Any vendor receiving an allowance under subsection 2 of this section shall not be entitled simultaneously to deduct the allowance provided for in subsection 1 of this section."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Leara assumed the Chair.

Representative Funderburk offered **House Amendment No. 1 to House Amendment No. 1.**

*House Amendment No. 1
to
House Amendment No. 1*

AMEND House Amendment No. 1 to House Committee Substitute for House Bill Nos. 521 & 579, Page 1, Line 4, by inserting after all of said line the following:

'Further amend said bill, Page 121, Section 144.030, Line 124, by inserting after the word, "disabilities" the words, ", **all sales of kidney dialysis equipment and enteral feeding systems**"; and'; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Funderburk, **House Amendment No. 1 to House Amendment No. 1** was adopted.

On motion of Representative Koenig, **House Amendment No. 1, as amended**, was adopted.

Representative Curtman offered **House Amendment No. 2.***House Amendment No. 2*

AMEND House Committee Substitute for House Bill Nos. 521 & 579, Page 91, Section 142.815, Line 111, by inserting after all of said section, the following:

"143.011. A tax is hereby imposed for every taxable year on the Missouri taxable income of every resident. The tax shall be determined by applying the tax table or the rate provided in section 143.021, which is based upon the following rates:

If the Missouri taxable income is:

Not over \$1,000.00
 Over \$1,000 but not over \$2,000
 over \$1,000 Over \$2,000 but not over \$3,000
 over \$2,000 Over \$3,000 but not over \$4,000
 over \$3,000 Over \$4,000 but not over \$5,000
 over \$4,000 Over \$5,000 but not over \$6,000
 over \$5,000 Over \$6,000 but not over \$7,000
 over \$6,000 Over \$7,000 but not over \$8,000
 over \$7,000 Over \$8,000 but not over \$9,000
 over \$8,000 Over \$9,000

The tax is:

1 1/2% of the Missouri taxable income
 \$15 plus 2% of excess
 \$35 plus 2 1/2% of excess
 \$60 plus 3% of excess
 \$90 plus 3 1/2% of excess
 \$125 plus 4% of excess
 \$165 plus 4 1/2% of excess
 \$210 plus 5% of excess
 \$260 plus 5 1/2% of excess
 \$315 plus 6% of excess over \$9,000

For the tax year beginning on or after January 1, 2013, the rates shall be adjusted annually for the increase in the cost of living as measured by the Consumer Price Index for All Urban Consumers for the United States.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Curtman, **House Amendment No. 2** was adopted.

Representative Korman offered **House Amendment No. 3.***House Amendment No. 3*

AMEND House Committee Substitute for House Bill Nos. 521 & 579, Page 87, Section 94.705, Line 69, by inserting after all of said section and line the following:

"142.800. As used in this chapter, the following words, terms and phrases have the meanings given:

(1) "Agricultural purposes", clearing, terracing or otherwise preparing the ground on a farm; preparing soil for planting and fertilizing, cultivating, raising and harvesting crops; raising and feeding livestock and poultry; building fences; pumping water for any and all uses on the farm, including irrigation; building roads upon any farm by the owner or person farming the same; operating milking machines; sawing wood for use on a farm; producing electricity for use on a farm; movement of tractors, farm implements and nonlicensed equipment from one field to another;

(2) "Alternative fuel", electricity, liquefied petroleum gas (LPG or LP gas), **hydrogen**, compressed natural gas product, or a combination of liquefied petroleum gas and a compressed natural gas or electricity product used in an internal combustion engine or motor to propel any form of vehicle, machine, or mechanical contrivance. It includes all forms of fuel commonly or commercially known or sold as butane, propane, or compressed natural gas;

(3) "Aviation fuel", any motor fuel specifically compounded for use in reciprocating aircraft engines;

(4) "Blend stock", any petroleum product component of motor fuel, such as naphtha, reformat, toluene or kerosene, that can be blended for use in a motor fuel without further processing. The term includes those petroleum products presently defined by the Internal Revenue Service in regulations pursuant to 26 U.S.C., Sections 4081 and 4082, as amended. However, the term does not include any substance that:

(a) Will be ultimately used for consumer nonmotor fuel use; and

(b) Is sold or removed in drum quantities (fifty-five gallons) or less at the time of the removal or sale;

(5) "Blended fuel", a mixture composed of motor fuel and another liquid including blend stock, other than a de minimis amount of a product such as carburetor detergent or oxidation inhibitor, that can be used as a fuel in a

highway vehicle. This term includes but is not limited to gasohol, ethanol, methanol, fuel grade alcohol, diesel fuel enhancers and resulting blends;

(6) "Blender", any person that produces blended motor fuel outside the bulk transfer/terminal system;

(7) "Blending", the mixing of one or more petroleum products, with or without another product, regardless of the original character of the product blended, if the product obtained by the blending is capable of use or otherwise sold for use in the generation of power for the propulsion of a motor vehicle, an airplane, or a motorboat. The term does not include the blending that occurs in the process of refining by the original refiner of crude petroleum or the blending of products known as lubricating oil and greases;

(8) "Bulk plant", a bulk motor fuel storage and distribution facility that is not a terminal within the bulk transfer system and from which motor fuel may be removed by truck;

(9) "Bulk transfer", any transfer of motor fuel from one location to another by pipeline tender or marine delivery within the bulk transfer/terminal system;

(10) "Bulk transfer/terminal system", the motor fuel distribution system consisting of refineries, pipelines, vessels, and terminals. Motor fuel in a refinery, pipeline, boat, barge or terminal is in the bulk transfer/terminal system. Motor fuel in the fuel supply tank of any engine, or in any tank car, rail car, trailer, truck, or other equipment suitable for ground transportation is not in the bulk transfer/terminal system;

(11) "Consumer", the user of the motor fuel;

(12) "Delivery", the placing of motor fuel or any liquid into the fuel tank of a motor vehicle or bulk storage facility;

(13) "Department", the department of revenue;

(14) "Destination state", the state, territory, or foreign country to which motor fuel is directed for delivery into a storage facility, a receptacle, a container, or a type of transportation equipment for the purpose of resale or use;

(15) "Diesel fuel", any liquid that is commonly or commercially known or sold as a fuel that is suitable for use in a diesel-powered highway vehicle. A liquid meets this requirement if, without further processing or blending, the liquid has practical and commercial fitness for use in the propulsion engine of a diesel-powered highway vehicle. "Diesel fuel" does not include jet fuel sold to a buyer who is registered with the Internal Revenue Service to purchase jet fuel and remit taxes on its sale or use to the Internal Revenue Service. "Diesel fuel" does not include biodiesel commonly referred to as B100 and defined in ASTM D6751, B99, or B99.9 until such biodiesel is blended with other diesel fuel or sold for highway use;

(16) "Diesel-powered highway vehicle", a motor vehicle operated on a highway that is propelled by a diesel-powered engine;

(17) "Director", the director of revenue;

(18) "Distributor", a person who either produces, refines, blends, compounds or manufactures motor fuel, imports motor fuel into a state or exports motor fuel out of a state, or who is engaged in distribution of motor fuel;

(19) "Dyed fuel", diesel fuel or kerosene that is required to be dyed pursuant to United States Environmental Protection Agency rules or is dyed pursuant to Internal Revenue Service rules or pursuant to any other requirements subsequently set by the United States Environmental Protection Agency or Internal Revenue Service including any invisible marker requirements;

(20) "Eligible purchaser", a distributor who has been authorized by the director to purchase motor fuel on a tax-deferred basis;

(21) "Export", to obtain motor fuel in this state for sale or other distribution outside of this state. In applying this definition, motor fuel delivered out of state by or for the seller constitutes an export by the seller, and motor fuel delivered out of state by or for the purchaser constitutes an export by the purchaser;

(22) "Exporter", any person, other than a supplier, who purchases motor fuel in this state for the purpose of transporting or delivering the fuel outside of this state;

(23) "Farm tractor", all tractor-type, motorized farm implements and equipment but shall not include motor vehicles of the truck-type, pickup truck-type, automobiles, and other motor vehicles required to be registered and licensed each year pursuant to the provisions of the motor vehicle license and registration laws of this state;

(24) "Fuel grade alcohol", a methanol or ethanol with a proof of not less than one hundred ninety degrees (determined without regard to denaturants) and products derived from such alcohol for blending with motor fuel;

(25) "Fuel transportation vehicle", any vehicle designed for highway use which is also designed or used to transport motor fuels and includes transport trucks and tank wagons;

(26) "Gasoline", all products commonly or commercially known or sold as gasoline that are suitable for use as a motor fuel. Gasoline does not include products that have an American Society for Testing and Materials (ASTM) octane number of less than seventy-five as determined by the motor method;

(27) "Gross gallons", the total measured motor fuel, exclusive of any temperature or pressure adjustments, in U.S. gallons;

(28) "Heating oil", a motor fuel that is burned in a boiler, furnace, or stove for heating or industrial processing purposes;

(29) "Import", to bring motor fuel into this state by any means of conveyance other than in the fuel supply tank of a motor vehicle. In applying this definition, motor fuel delivered into this state from out-of-state by or for the seller constitutes an import by the seller, and motor fuel delivered into this state from out-of-state by or for the purchaser constitutes an import by the purchaser;

(30) "Import verification number", the number assigned by the director with respect to a single transport truck delivery into this state from another state upon request for an assigned number by an importer or the transporter carrying motor fuel into this state for the account of an importer;

(31) "Importer" includes any person who is the importer of record, pursuant to federal customs law, with respect to motor fuel. If the importer of record is acting as an agent, the person for whom the agent is acting is the importer. If there is no importer of record of motor fuel entered into this state, the owner of the motor fuel at the time it is brought into this state is the importer;

(32) "Interstate motor fuel user", any person who operates a motor fuel-powered motor vehicle with a licensed gross weight exceeding twenty-six thousand pounds that travels from this state into another state or from another state into this state;

(33) "Invoiced gallons", the gallons actually billed on an invoice for payment to a supplier which shall be either gross or net gallons on the original manifest or bill of lading;

(34) "K-1 kerosene", a petroleum product having an A.P.I. gravity of not less than forty degrees, at a temperature of sixty degrees Fahrenheit and a minimum flash point of one hundred degrees Fahrenheit with a sulfur content not exceeding four one-hundredths percent by weight;

(35) "Kerosene", the petroleum fraction containing hydrocarbons that are slightly heavier than those found in gasoline and naphtha, with a boiling range of one hundred forty-nine to three hundred degrees Celsius;

(36) "Liquid", any substance that is liquid in excess of sixty degrees Fahrenheit and at a pressure of fourteen and seven-tenths pounds per square inch absolute;

(37) "Motor fuel", gasoline, diesel fuel, kerosene and blended fuel;

(38) "Motor vehicle", any automobile, truck, truck-tractor or any motor bus or self-propelled vehicle not exclusively operated or driven upon fixed rails or tracks. The term does not include:

(a) Farm tractors or machinery including tractors and machinery designed for off-road use but capable of movement on roads at low speeds, or

(b) A vehicle solely operated on rails;

(39) "Net gallons", the motor fuel, measured in U.S. gallons, when corrected to a temperature of sixty degrees Fahrenheit and a pressure of fourteen and seven-tenths pounds per square inch absolute (psi);

(40) "Permissive supplier", an out-of-state supplier that elects, but is not required, to have a supplier's license pursuant to this chapter;

(41) "Person", natural persons, individuals, partnerships, firms, associations, corporations, estates, trustees, business trusts, syndicates, this state, any county, city, municipality, school district or other political subdivision of the state, federally recognized Indian tribe, or any corporation or combination acting as a unit or any receiver appointed by any state or federal court;

(42) "Position holder", the person who holds the inventory position in motor fuel in a terminal, as reflected on the records of the terminal operator. A person holds the inventory position in motor fuel when that person has a contract with the terminal operator for the use of storage facilities and terminating services for motor fuel at the terminal. The term includes a terminal operator who owns motor fuel in the terminal;

(43) "Propel", the operation of a motor vehicle, whether it is in motion or at rest;

(44) "Public highway", every road, toll road, highway, street, way or place generally open to the use of the public as a matter of right for the purposes of vehicular travel, including streets and alleys of any town or city notwithstanding that the same may be temporarily closed for construction, reconstruction, maintenance or repair;

(45) "Qualified terminal", a terminal which has been assigned a terminal control number ("tcn") by the Internal Revenue Service;

(46) "Rack", a mechanism for delivering motor fuel from a refinery or terminal into a railroad tank car, a transport truck or other means of bulk transfer outside of the bulk transfer/terminal system;

(47) "Refiner", any person that owns, operates, or otherwise controls a refinery;

(48) "Refinery", a facility used to produce motor fuel from crude oil, unfinished oils, natural gas liquids, or other hydrocarbons and from which motor fuel may be removed by pipeline, by boat or barge, or at a rack;

- (49) "Removal", any physical transfer of motor fuel from a terminal, manufacturing plant, customs custody, pipeline, boat or barge, refinery or any facility that stores motor fuel;
- (50) "Retailer", a person that engages in the business of selling or dispensing to the consumer within this state;
- (51) "Supplier", a person that is:
 - (a) Registered or required to be registered pursuant to 26 U.S.C., Section 4101, for transactions in motor fuels in the bulk transfer/terminal distribution system; and
 - (b) One or more of the following:
 - a. The position holder in a terminal or refinery in this state;
 - b. Imports motor fuel into this state from a foreign country;
 - c. Acquires motor fuel from a terminal or refinery in this state from a position holder pursuant to either a two-party exchange or a qualified buy-sell arrangement which is treated as an exchange and appears on the records of the terminal operator; or
 - d. The position holder in a terminal or refinery outside this state with respect to motor fuel which that person imports into this state. A terminal operator shall not be considered a supplier based solely on the fact that the terminal operator handles motor fuel consigned to it within a terminal. "Supplier" also means a person that produces fuel grade alcohol or alcohol-derivative substances in this state, produces fuel grade alcohol or alcohol-derivative substances for import to this state into a terminal, or acquires upon import by truck, rail car or barge into a terminal, fuel grade alcohol or alcohol-derivative substances. "Supplier" includes a permissive supplier unless specifically provided otherwise;
- (52) "Tank wagon", a straight truck having multiple compartments designed or used to carry motor fuel;
- (53) "Terminal", a bulk storage and distribution facility which includes:
 - (a) For the purposes of motor fuel, is a qualified terminal;
 - (b) For the purposes of fuel grade alcohol, is supplied by truck, rail car, boat, barge or pipeline and the products are removed at a rack;
- (54) "Terminal bulk transfers" include but are not limited to the following:
 - (a) Boat or barge movement of motor fuel from a refinery or terminal to a terminal;
 - (b) Pipeline movements of motor fuel from a refinery or terminal to a terminal;
 - (c) Book transfers of product within a terminal between suppliers prior to completion of removal across the rack; and
 - (d) Two-party exchanges or buy-sell supply arrangements within a terminal between licensed suppliers;
- (55) "Terminal operator", any person that owns, operates, or otherwise controls a terminal. A terminal operator may own the motor fuel that is transferred through or stored in the terminal;
- (56) "Transmix", the buffer or interface between two different products in a pipeline shipment, or a mix of two different products within a refinery or terminal that results in an off-grade mixture;
- (57) "Transport truck", a semitrailer combination rig designed or used to transport motor fuel over the highways;
- (58) "Transporter", any operator of a pipeline, barge, railroad or transport truck engaged in the business of transporting motor fuels;
- (59) "Two-party exchange", a transaction in which the motor fuel is transferred from one licensed supplier or licensed permissive supplier to another licensed supplier or licensed permissive supplier and:
 - (a) Which transaction includes a transfer from the person that holds the original inventory position for motor fuel in the terminal as reflected on the records of the terminal operator; and
 - (b) The exchange transaction is simultaneous with removal from the terminal by the receiving exchange partner. However, in any event, the terminal operator in its books and records treats the receiving exchange party as the supplier which removes the product across a terminal rack for purposes of reporting such events to this state;
- (60) "Ultimate vendor", a person that sells motor fuel to the consumer;
- (61) "Undyed diesel fuel", diesel fuel that is not subject to the United States Environmental Protection Agency dyeing requirements, or has not been dyed in accordance with Internal Revenue Service fuel dyeing provisions; and
- (62) "Vehicle fuel tank", any receptacle on a motor vehicle from which fuel is supplied for the propulsion of the motor vehicle."; and

Further amend said bill, Page 91, Section 142.815, Line 111, by inserting after all of said section and line the following:

"142.869. 1. (1) The tax imposed by this chapter shall not apply to passenger motor vehicles, buses as defined in section 301.010, or commercial motor vehicles registered in this state which are powered by alternative fuel, and for

which a valid **alternative fuel** decal has been acquired as provided in this section. The owners or operators of such motor vehicles shall, in lieu of the tax imposed by section 142.803, pay an annual alternative fuel decal fee as follows:

(a) [seventy-five] **One hundred forty** dollars on each passenger motor vehicle, school bus as defined in section 301.010, and commercial motor vehicle with a licensed gross vehicle weight of eighteen thousand pounds or less;

(b) One hundred **eighty-five** dollars on each motor vehicle with a licensed gross weight in excess of eighteen thousand pounds but not more than thirty-six thousand pounds used for farm or farming transportation operations and registered with a license plate designated with the letter "F";

(c) [one] **Two** hundred [fifty] **eighty** dollars on each motor vehicle with a licensed gross vehicle weight in excess of eighteen thousand pounds but less than or equal to thirty-six thousand pounds, and each passenger-carrying motor vehicle subject to the registration fee provided in sections 301.059, 301.061 and 301.063;

(d) [two] **Four** hundred [fifty] **seventy** dollars on each motor vehicle with a licensed gross weight in excess of thirty-six thousand pounds used for farm or farming transportation operations and registered with a license plate designated with the letter "F"; [and]

(e) One thousand **four hundred** dollars on each motor vehicle with a licensed gross vehicle weight in excess of thirty-six thousand pounds **but less than forty-eight thousand pounds; and**

(f) **One thousand eight hundred dollars on each motor vehicle with a licensed gross vehicle weight in excess of forty-eight thousand pounds.**

(2) Notwithstanding provisions of this section to the contrary, motor vehicles licensed as historic under section 301.131 which are powered by alternative fuel shall be exempt from both the tax imposed by this chapter and the alternative fuel decal requirements of this section.

2. Except interstate fuel users and vehicles licensed under a reciprocity agreement as defined in section 142.617, the tax imposed by section 142.803 shall not apply to motor vehicles registered outside this state which are powered by alternative fuel, and for which a valid temporary alternative fuel decal has been acquired as provided in this section. The owners or operators of such motor vehicles shall, in lieu of the tax imposed by section 142.803, pay a temporary alternative fuel decal fee of [eight] **twelve** dollars on each such vehicle. Such decals shall be valid for a period of fifteen days from the date of issuance and shall be attached to the lower right-hand corner of the front windshield on the motor vehicle for which it was issued. Such **temporary** decal and fee shall not be transferable. [All proceeds from such decal fees shall be deposited as specified in section 142.345.] Alternative fuel dealers selling such decals in accordance with rules and regulations prescribed by the director shall be allowed to retain fifty cents for each decal fee timely remitted to the director.

3. The director shall annually, on or before January thirty-first of each year, collect or cause to be collected from owners or operators of the motor vehicles specified in subsection 1 of this section the annual decal fee. Applications for such decals shall be **created and** supplied by the department of revenue. In the case of a motor vehicle which is not in operation by January thirty-first of any year, a decal may be purchased for a fractional period of such year, and the amount of the decal fee shall be reduced by one-twelfth for each complete month which shall have elapsed since the beginning of such year.

4. Upon the payment of the fee required by subsection 1 of this section, the director shall issue a decal, which shall be valid for the current calendar year and shall be attached to the lower right-hand corner of the front windshield on the motor vehicle for which it was issued.

5. The decal fee paid pursuant to subsection 1 of this section for each motor vehicle shall be transferable upon a change of ownership of the motor vehicle and, if the LP gas or natural gas equipment is removed from a motor vehicle upon a change of ownership and is reinstalled in another motor vehicle, upon such reinstallation. Such transfers shall be accomplished in accordance with rules and regulations promulgated by the director.

6. It shall be unlawful for any person to operate a motor vehicle required to have an alternative fuel decal upon the highways of this state without a valid decal.

7. No person shall cause to be put, or put, LP gas or natural gas into the fuel supply receptacle of a motor vehicle required to have an alternative fuel decal unless the motor vehicle has a valid decal attached to it. Sales of fuel placed in the supply receptacle of a motor vehicle displaying such decal shall be recorded upon an invoice, which invoice shall include the decal number, the motor vehicle license number and the number of gallons placed in such supply receptacle.

8. Any person violating any provision of this section is guilty of an infraction and shall, upon conviction thereof, be fined five hundred dollars.

9. Motor vehicles displaying a valid alternative fuel decal are exempt from the licensing and reporting requirements of this chapter.

10. All proceeds from the decal fees imposed and collected under this section shall be credited to the state highways and transportation department fund created in section 226.200.

11. For all new alternative fuel-powered vehicles assembled in Missouri, the first year's decal fee shall be one-half of the fees as listed in this section."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Korman moved that **House Amendment No. 3** be adopted.

Which motion was defeated.

Representative Englund offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for House Bill Nos. 521 & 579, Page 8, Section 32.087, Line 142, by inserting after all of said line the following:

"32.385. 1. When used in this section, the following words, terms, and phrases are defined as set forth herein:

(1) "Federal official", a unit or official of the federal government charged with the collection of nontax liabilities payable to the federal government under 31 U.S.C. Section 3716, as amended;

(2) "Nontax liability due the state", a liability certified to the director of revenue by a state agency and shall include, but shall not be limited to, fines, fees, penalties, and other nontax assessments imposed by or payable to any state agency that is finally determined to be due and owing;

(3) "Offset agreement", the agreement authorized by this section;

(4) "Person", an individual, partnership, society, association, joint stock company, corporation, public corporation, or any public authority, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity whether appointed by a court or otherwise, and any combination of the foregoing;

(5) "Refund", an amount described as a refund of tax under the provisions of the state tax law that authorized its payment;

(6) "State agency", any department, division, board, commission, office, or other agency of the state of Missouri;

(7) "Vendor payment", any payment, other than a refund, made by the state to any person or entity, and shall include but shall not be limited to any expense reimbursement to an employee of the state; but shall not include a person's salary, wages, or pension.

2. The director of revenue and the commissioner of administration may jointly enter into a reciprocal collection and offset of indebtedness agreement with the federal government, under which the federal government will offset from federal payments to vendors, contractors, and taxpayers debt owed to the state of Missouri, and the state will offset from state tax refunds and from payments otherwise due to vendors and contractors providing goods or services to state departments, agencies, or other state agencies nontax debt owed to the federal government.

3. Under the agreement, the director of revenue may:

(1) Certify to a federal official the existence of a person's delinquent tax or nontax liability due the state owed by the person to any state agency;

(2) Request that the federal official withhold any eligible vendor payment to which the person is entitled;
and

(3) Provide for the payment of the amount withheld to the state.

4. A certification by a state agency to the director of revenue and by the director of revenue to the federal official under the offset agreement shall include:

(1) The full name and address of the person and any other names known to be used by the person;

(2) The Social Security number or tax identification number;

(3) The amount of the tax or nontax liability;

(4) A statement that the debt is past due and legally enforceable in the amount certified; and

(5) Any other information required by federal statute or regulation applicable to the collection of the debt by offset of federal payments.

5. Under the offset agreement, a federal official may:
 - (1) Certify to the state of Missouri the existence of a person's delinquent nontax liability owed by the person to the federal government;
 - (2) Request that the state of Missouri withhold any refund and vendor payment to which the person is entitled;
 - (3) Certify and request the state of Missouri to withhold a refund or vendor payment only if the laws of the United States:
 - (a) Allow the state of Missouri to enter into a reciprocal agreement with the United States, under which the federal official would be authorized to offset federal payments to collect delinquent tax and nontax debts owed to the state; and
 - (b) Provide for the payment of the amount withheld to the state;
 - (4) Retain a portion of the proceeds of any collection setoff as provided under the setoff agreement.
6. Under the offset agreement, a certification by a federal official to the state of Missouri shall include:
 - (1) The full name of the person and any other names known to be used by the person;
 - (2) The Social Security number or federal tax identification number;
 - (3) The amount of the nontax liability; and
 - (4) A statement that the debt is past due and legally enforceable in the amount certified.
7. If a person for whom a certification is received from a federal official is due a refund of Missouri tax or a vendor payment, the agreement may provide that the state of Missouri shall:
 - (1) Withhold a refund or vendor payment that is due a person whose name has been certified by a federal official;
 - (2) In accordance with the provisions of the offset agreement, notify the person of the amount withheld in satisfaction of a liability certified by a federal official;
 - (3) Pay to the federal official the lesser of:
 - (a) The entire refund or vendor payment; or
 - (b) The amount certified; and
 - (4) Pay any refund or vendor payment in excess of the certified amount to the person.
8. Any other provisions of law to the contrary notwithstanding, the director of revenue and the commissioner of administration shall have the authority to enter into reciprocal agreements with any other state which extends a like comity to this state to set off offset from state tax refunds and from payments otherwise due to vendors and contractors providing goods or services to state departments, agencies, or other state agencies nontax debt for debts due the other state that extends a like comity to this state."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Englund, **House Amendment No. 4** was adopted.

On motion of Representative Koenig, **HCS HBs 521 & 579, as amended**, was adopted.

On motion of Representative Koenig, **HCS HBs 521 & 579, as amended**, was ordered perfected and printed.

HB 112, relating to statutory cause of action claims, was taken up by Representative Burlison.

HB 112 was laid over.

On motion of Representative Diehl, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Jones.

THIRD READING OF HOUSE BILLS - CONSENT

HCS HB 128, relating to property tax bills, was taken up by Representative Sommer.

On motion of Representative Sommer, **HCS HB 128** was read the third time and passed by the following vote:

AYES: 129

Anders	Anderson	Austin	Bahr	Bernskoetter
Berry	Black	Brattin	Brown	Burlison
Burns	Butler	Cierpiot	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Ellinger	Ellington	Elmer	English	Englund
Entlicher	Fitzwater	Fowler	Fraker	Frame
Frederick	Funderburk	Gardner	Gatschenberger	Gosen
Grisamore	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hubbard	Hurst	Johnson
Jones 50	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeyer	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Love	Lynch
Marshall	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	Meredith	Miller
Mims	Molendorp	Montecillo	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Pace	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Remole	Rhoads	Richardson	Riddle	Rizzo
Ross	Rowden	Rowland	Runions	Scharnhorst
Schieber	Schieffer	Shull	Shumake	Smith 85
Solon	Sommer	Spencer	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
Wieland	Wilson	Wood	Mr Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 032

Allen	Barnes	Carpenter	Colona	Curtis
Dunn	Engler	Fitzpatrick	Flanigan	Franklin
Gannon	Guernsey	Hodges	Hummel	Justus
Korman	Lichtenegger	May	McNeil	Messenger
Mitten	Pierson	Reiboldt	Roorda	Schatz
Schupp	Smith 120	Stream	Webber	White
Wright	Zerr			

VACANCIES: 002

Speaker Jones declared the bill passed.

HB 133, relating to reinsurance, was taken up by Representative Gosen.

On motion of Representative Gosen, **HB 133** was read the third time and passed by the following vote:

AYES: 145

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Elmer	Engler	English	Englund
Entlicher	Fitzwater	Flanigan	Fowler	Fraker
Frame	Frederick	Funderburk	Gannon	Gardner
Gatschenberger	Gosen	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeier	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Love	Lynch	Marshall	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Molendorp	Montecillo	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Pace	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schupp
Shull	Shumake	Smith 85	Solon	Sommer
Spencer	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 000

PRESENT: 001

Ellington

ABSENT WITH LEAVE: 015

Curtis	Fitzpatrick	Franklin	Grisamore	Guernsey
Hodges	Justus	Lichtenegger	May	Mitten
Pierson	Schieffer	Smith 120	Stream	Webber

VACANCIES: 002

Speaker Jones declared the bill passed.

HB 212, relating to secured transactions under the Uniform Commercial Code, was taken up by Representative Cox.

On motion of Representative Cox, **HB 212** was read the third time and passed by the following vote:

AYES: 149

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Love
Lynch	Marshall	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Molendorp	Montecillo	Morgan	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Smith 85	Smith 120	Solon	Sommer	Spencer
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webb	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 000

PRESENT: 001

Ellington

ABSENT WITH LEAVE: 011

Franklin	Grisamore	Hodges	Justus	Lichtenegger
Morris	Pierson	Remole	Scharnhorst	Stream
Webber				

VACANCIES: 002

Speaker Jones declared the bill passed.

HB 329, relating to real estate loan violation reporting, was taken up by Representative Dugger.

Representative Elmer assumed the Chair.

On motion of Representative Dugger, **HB 329** was read the third time and passed by the following vote:

AYES: 145

Anders	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Dohrman	Dugger	Dunn	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Flanigan
Fowler	Fraker	Frame	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Love	Lynch
Marshall	May	Mayfield	McCaherty	McCann Beatty
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Montecillo	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Parkinson	Pfausch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Smith 85	Smith 120	Solon	Sommer
Spencer	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webb	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 002

Ellington	Gardner
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PRESENT: 000

ABSENT WITH LEAVE: 014

Allen	Curtis	Diehl	Ellinger	Fitzwater
Franklin	Grisamore	Hodges	Justus	Lichtenegger
McDonald	Pierson	Stream	Swan	

VACANCIES: 002

Representative Elmer declared the bill passed.

HB 163, relating to third class city primary elections, was taken up by Representative Fitzpatrick.

On motion of Representative Fitzpatrick, **HB 163** was read the third time and passed by the following vote:

AYES: 147

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cox
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frederick	Funderburk	Gannon	Gardner	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Love	Lynch	Marshall
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Mims	Molendorp	Montecillo	Morgan	Morris
Muntzel	Neely	Neth	Nichols	Norr
Otto	Pace	Parkinson	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 85	Smith 120
Solon	Sommer	Spencer	Swan	Thomson
Torpey	Walker	Walton Gray	Webb	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 003

Ellington	Frame	May
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PRESENT: 000

ABSENT WITH LEAVE: 011

Anders	Cornejo	Franklin	Hodges	Justus
Lichtenegger	Miller	Mitten	Newman	Stream
Swearingen				

VACANCIES: 002

Representative Elmer declared the bill passed.

HCS HB 349, relating to motor vehicle license plates, was taken up by Representative Brown.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 103

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzwater	Flanigan	Fowler	Fraker	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller
Molendorp	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr		

NOES: 050

Black	Burns	Butler	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 008

Anders	Fitzpatrick	Franklin	Hodges	Justus
Lichtenegger	Stream	Mr Speaker		

VACANCIES: 002

On motion of Representative Brown, **HCS HB 349** was read the third time and passed by the following vote:

AYES: 131

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Butler	Carpenter	Cierpiot
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Ellinger	Ellington	Elmer
Engler	English	Englund	Entlicher	Fitzwater
Flanigan	Fowler	Fraker	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Harris	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hubbard	Hurst	Johnson	Jones 50	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeyer
Korman	Kratky	Lair	Lant	Lauer
Leara	Love	Lynch	Marshall	May
Mayfield	McCaherty	McDonald	McGaugh	McKenna
Meredith	Messenger	Miller	Molendorp	Montecillo
Morris	Muntzel	Neely	Neth	Nichols
Pace	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Schieffer
Shull	Shumake	Smith 85	Smith 120	Solon
Sommer	Spencer	Swan	Thomson	Torpey
Walker	Walton Gray	Webb	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 022

Burns	Curtis	Dunn	Frame	Gardner
Hummel	LaFaver	McCann Beatty	McManus	McNeil
Mims	Mitten	Morgan	Newman	Norr
Otto	Pierson	Rizzo	Roorda	Runions
Schupp	Swearingen			

PRESENT: 000

ABSENT WITH LEAVE: 008

Colona	Fitzpatrick	Franklin	Hansen	Hodges
Justus	Lichtenegger	Stream		

VACANCIES: 002

Representative Elmer declared the bill passed.

HB 184, relating to a transient guest tax in Pettis County, was taken up by Representative Cox.

On motion of Representative Cox, **HB 184** was read the third time and passed by the following vote:

AYES: 142

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Dohrman	Dugger	Dunn	Ellinger
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Fowler	Fraker	Frame
Frederick	Funderburk	Gannon	Gardner	Gatschenberger
Gosen	Grisamore	Haahr	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Jones 50	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Love	Lynch	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mitten
Molendorp	Montecillo	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Schatz	Schieffer	Schupp	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	White	Wieland	Wright
Zerr	Mr Speaker			

NOES: 010

Curtis	Ellington	Guernsey	Johnson	Marshall
Mims	Pierson	Schieber	Smith 85	Wilson

PRESENT: 000

ABSENT WITH LEAVE: 009

Diehl	Flanigan	Franklin	Haefner	Justus
Lichtenegger	Scharnhorst	Stream	Wood	

VACANCIES: 002

Representative Elmer declared the bill passed.

HB 196, relating to the Missouri Works Training Program, was taken up by Representative Lauer.

On motion of Representative Lauer, **HB 196** was read the third time and passed by the following vote:

AYES: 140

Allen	Anders	Anderson	Austin	Barnes
Bernskoetter	Berry	Black	Brown	Burns
Butler	Carpenter	Cierpiot	Colona	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtis	Davis	Diehl	Dohrman
Dugger	Dunn	Ellinger	Ellington	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Frederick	Gannon	Gardner	Gatschenberger	Gosen
Guernsey	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Keeney	Kelley 127	Kelly 45	Kirkton
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Love	Lynch
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Montecillo	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Pfautsch	Phillips	Pierson	Pike
Redmon	Reiboldt	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 85	Solon	Sommer
Spencer	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	Webber	White
Wieland	Wood	Wright	Zerr	Mr Speaker

NOES: 013

Bahr	Brattin	Burlison	Curtman	Haahr
Koenig	Marshall	Parkinson	Pogue	Rehder
Remole	Smith 120	Wilson		

PRESENT: 000

ABSENT WITH LEAVE: 008

Franklin	Funderburk	Grisamore	Haefner	Justus
Lichtenegger	Scharnhorst	Stream		

VACANCIES: 002

Representative Elmer declared the bill passed.

HB 301, relating to sexually violent predators, was taken up by Representative Engler.

On motion of Representative Engler, **HB 301** was read the third time and passed by the following vote:

AYES: 154

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Love	Lynch	Marshall	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Parkinson
Pfautsch	Phillips	Pierson	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 85
Smith 120	Solon	Sommer	Spencer	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Cox	Franklin	Haefner	Justus	Lichtenegger
Scharnhorst	Stream			

VACANCIES: 002

Representative Elmer declared the bill passed.

HB 307, relating to fire protection district boards, was taken up by Representative Riddle.

On motion of Representative Riddle, **HB 307** was read the third time and passed by the following vote:

AYES: 147

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzwater	Flanigan	Fowler	Fraker
Frame	Frederick	Funderburk	Gannon	Gardner
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Love	Lynch	Marshall
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Montecillo	Morgan	Morris	Muntzel	Neely
Neth	Newman	Norr	Parkinson	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Swan	Swearingen
Thomson	Torpey	Walker	Webb	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 008

Carpenter	Curtis	Leara	Nichols	Otto
Pace	Smith 85	Walton Gray		

PRESENT: 000

ABSENT WITH LEAVE: 006

Fitzpatrick	Franklin	Haefner	Justus	Lichtenegger
Stream				

VACANCIES: 002

Representative Elmer declared the bill passed.

HCS HB 312, relating to university police officers, was taken up by Representative Thomson.

On motion of Representative Thomson, **HCS HB 312** was read the third time and passed by the following vote:

AYES: 141

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burns	Butler	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Elmer	Engler	English	Englund	Entlicher
Fitzwater	Flanigan	Fowler	Fraker	Frederick
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Guernsey	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lauer	Leara	Love	Lynch
May	Mayfield	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Parkinson	Pfautsch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Rizzo	Ross	Rowden
Rowland	Runions	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 120	Solon
Sommer	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 008

Burlison	Carpenter	Ellington	Frame	Haahr
Marshall	Roorda	Spencer		

PRESENT: 000

ABSENT WITH LEAVE: 012

Fitzpatrick	Franklin	Haefner	Hodges	Justus
Lant	Lichtenegger	McCaherty	Riddle	Scharnhorst
Smith 85	Stream			

VACANCIES: 002

Representative Elmer declared the bill passed.

HCS HB 401, relating to the Missouri Advisory Boards and Commission Association, was taken up by Representative Shumake.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzwater
Flanigan	Fowler	Fraker	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Hampton	Hansen	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Schatz	Schieber	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 012

Curtman	Fitzpatrick	Franklin	Haefner	Hodges
Jones 50	Justus	Lichtenegger	Mims	Scharnhorst
Smith 85	Stream			

VACANCIES: 002

On motion of Representative Shumake, **HCS HB 401** was read the third time and passed by the following vote:

AYES: 090

Allen	Anderson	Austin	Barnes	Berry
Brattin	Brown	Burlison	Cierpiot	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Davis	Diehl	Dohrman	Dugger
Ellinger	Elmer	Engler	Entlicher	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Hampton	Hansen	Hicks
Higdon	Hinson	Hough	Houghton	Hubbard
Hurst	Johnson	Keeney	Kelley 127	Kelly 45
Kolkmeier	Korman	Lair	Lant	Lauer
Leara	Lynch	McCaherty	Messenger	Miller
Montecillo	Morris	Neth	Parkinson	Pfautsch
Pike	Pogue	Redmon	Rehder	Reiboldt
Rhoads	Richardson	Riddle	Rizzo	Ross
Rowden	Rowland	Scharnhorst	Schatz	Shumake
Smith 120	Solon	Sommer	Swan	Thomson
Walker	Webb	Wood	Zerr	Mr Speaker

NOES: 059

Anders	Bernskoetter	Black	Burns	Butler
Carpenter	Colona	Curtis	Curtman	Dunn
Ellington	English	Englund	Gardner	Haahr
Harris	Hoskins	Hummel	Kirkton	Koenig
Kratky	LaFaver	Marshall	May	Mayfield
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Molendorp
Morgan	Neely	Newman	Nichols	Norr
Otto	Pace	Phillips	Pierson	Roorda
Runions	Schieber	Schieffer	Schupp	Shull
Spencer	Swearingen	Torpey	Walton Gray	Webber
White	Wieland	Wilson	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 012

Bahr	Fitzpatrick	Haefner	Hodges	Jones 50
Justus	Lichtenegger	Love	Muntzel	Remole
Smith 85	Stream			

VACANCIES: 002

Representative Elmer declared the bill passed.

HB 412, relating to livestock feed and crop loans, was taken up by Representative Reiboldt.

On motion of Representative Reiboldt, **HB 412** was read the third time and passed by the following vote:

AYES: 145

Allen	Anders	Anderson	Austin	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Elmer	Engler	English	Englund
Entlicher	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Grisamore	Guernsey
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Keeney	Kelley 127
Kelly 45	Kirkton	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Love	Lynch	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Molendorp	Montecillo	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Pace	Pfausch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 005

Bahr	Ellington	Haahr	Koenig	Marshall
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PRESENT: 000

ABSENT WITH LEAVE: 011

Fitzpatrick	Haefner	Hodges	Jones 50	Justus
Lichtenegger	Parkinson	Rowden	Smith 85	Stream
Webber				

VACANCIES: 002

Representative Elmer declared the bill passed.

HB 432, relating to the Missouri Public Service Commission, was taken up by Representative Webb.

On motion of Representative Webb, **HB 432** was read the third time and passed by the following vote:

AYES: 147

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Elmer	Engler	English	Englund
Entlicher	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Love
Lynch	Marshall	May	Mayfield	McCaherty
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Molendorp	Montecillo	Morgan	Muntzel	Neth
Newman	Nichols	Norr	Otto	Pace
Parkinson	Pfautsch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Smith 120	Solon	Sommer	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	White	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 005

Curtis	McGaugh	Neely	Spencer	Wieland
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PRESENT: 001

Ellington

ABSENT WITH LEAVE: 008

Fitzpatrick	Hodges	Justus	Lichtenegger	Morris
Smith 85	Stream	Webber		

VACANCIES: 002

Representative Elmer declared the bill passed.

HB 542, relating to the regulation of eggs, was taken up by Representative Love.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 102

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Black	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Keeney
Kelley 127	Koenig	Kolkmeier	Korman	Lair
Lant	Lauer	Leara	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller
Molendorp	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr			

NOES: 047

Anders	Burns	Butler	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Swearingen
Walton Gray	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 012

Barnes	Cross	Fitzpatrick	Hodges	Justus
Lichtenegger	Riddle	Smith 85	Stream	Webb
Webber	Mr Speaker			

VACANCIES: 002

On motion of Representative Love, **HB 542** was read the third time and passed by the following vote:

AYES: 133

Allen	Anders	Austin	Barnes	Bernskoetter
Berry	Black	Brown	Burns	Butler
Carpenter	Cierpiot	Conway 10	Conway 104	Cookson
Cornejo	Crawford	Cross	Curtis	Davis
Diehl	Dohrman	Dunn	Ellinger	Ellington
Elmer	Engler	Englund	Entlicher	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gardner	Gatschenberger
Grisamore	Guernsey	Haefner	Hampton	Hansen
Harris	Higdon	Hinson	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Keeney	Kelley 127	Kelly 45	Kirkton	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Love	Lynch	May
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Montecillo	Morgan	Morris
Muntzel	Neely	Newman	Nichols	Norr
Otto	Pace	Pfautsch	Phillips	Pierson
Pike	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieffer	Schupp	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 022

Anderson	Bahr	Brattin	Burlison	Colona
Cox	Curtman	Dugger	English	Gosen
Haahr	Hicks	Hoskins	Koenig	Marshall
Mayfield	Molendorp	Neth	Parkinson	Pogue
Schieber	White			

PRESENT: 000

ABSENT WITH LEAVE: 006

Fitzpatrick	Hodges	Justus	Lichtenegger	Smith 85
Stream				

VACANCIES: 002

Representative Elmer declared the bill passed.

HCS HB 586, relating to rodeos, was taken up by Representative Schieffer.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 101

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzwater
Fowler	Fraker	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Swan	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 010

Cross	Fitzpatrick	Flanigan	Hodges	Jones 50
Justus	Lichtenegger	Smith 85	Stream	Thomson

VACANCIES: 002

On motion of Representative Schieffer, **HCS HB 586** was read the third time and passed by the following vote:

AYES: 151

Anders	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Elmer	Engler	English	Englund	Entlicher
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gardner
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeier	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Love	Lynch
Marshall	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Molendorp	Montecillo	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Parkinson	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 001

Ellington

PRESENT: 001

Carpenter

ABSENT WITH LEAVE: 008

Allen	Fitzpatrick	Hodges	Justus	Lichtenegger
Reiboldt	Smith 85	Stream		

VACANCIES: 002

Representative Elmer declared the bill passed.

Speaker Jones resumed the Chair.

HB 591, relating to the "Congressman William Clay Bridge", was taken up by Representative Hubbard.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 101

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Richardson	Riddle
Ross	Rowden	Rowland	Schatz	Schieber
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 046

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Gardner	Harris
Hubbard	Hummel	Kelly 45	Kirkton	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Pierson	Rizzo	Roorda	Runions
Schieffer	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 014

Conway 104	Fitzpatrick	Frame	Hodges	Justus
Kratky	Leara	Lichtenegger	Mitten	Rhoads
Scharnhorst	Schupp	Smith 85	Stream	

VACANCIES: 002

On motion of Representative Hubbard, **HB 591** was read the third time and passed by the following vote:

AYES: 135

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gardner
Gatschenberger	Gosen	Grisamore	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hubbard	Hurst
Johnson	Jones 50	Keeney	Kelley 127	Kirkton
Koenig	Kolkmeier	Korman	Lair	Lant
Lauer	Love	Lynch	May	McCaherty
McCann Beatty	McDonald	McGaugh	McManus	McNeil
Meredith	Messenger	Miller	Mims	Molendorp
Montecillo	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Parkinson	Pfautsch	Phillips	Pierson
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Schieffer
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	Webber	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 008

Brattin	Curtman	Guernsey	Haahr	Kelly 45
Marshall	Schieber	White		

PRESENT: 003

Hummel	Mayfield	McKenna
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ABSENT WITH LEAVE: 015

Fitzpatrick	Frame	Hodges	Justus	Kratky
LaFaver	Leara	Lichtenegger	Mitten	Rhoads
Scharnhorst	Schatz	Schupp	Smith 85	Stream

VACANCIES: 002

Speaker Jones declared the bill passed.

HB 68, relating to Pancreatic Cancer Awareness Month, was taken up by Representative Kelley (127).

On motion of Representative Kelley (127), **HB 68** was read the third time and passed by the following vote:

AYES: 149

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	Lair	Lant	Lauer	Leara
Love	Lynch	Marshall	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Molendorp	Montecillo	Morgan	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Parkinson	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Schatz	Schieber	Schieffer	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Fitzpatrick	Hodges	Justus	LaFaver	Lichtenegger
Mitten	Morris	Rhoads	Scharnhorst	Schupp
Smith 85	Stream			

VACANCIES: 002

Speaker Jones declared the bill passed.

HB 142, relating to the Energy Efficiency Investment Act, was taken up by Representative Dugger.

On motion of Representative Dugger, **HB 142** was read the third time and passed by the following vote:

AYES: 148

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Ellington	Elmer	English
Englund	Entlicher	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeyer	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Love
Lynch	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Molendorp	Montecillo	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Parkinson	Pfausch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Schatz	Schieber	Schieffer	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Swan
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 002

Korman	Marshall
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PRESENT: 000

ABSENT WITH LEAVE: 011

Engler	Fitzpatrick	Hodges	Justus	Lichtenegger
Rhoads	Scharnhorst	Schupp	Smith 85	Stream
Swearingen				

VACANCIES: 002

Speaker Jones declared the bill passed.

HCS HB 159, relating to proof of school district residency, was taken up by Representative Guernsey.

On motion of Representative Guernsey, **HCS HB 159** was read the third time and passed by the following vote:

AYES: 151

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Gannon	Gardner	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Love	Lynch	Marshall	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Parkinson
Pfausch	Phillips	Pierson	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Schatz	Schieber	Schieffer
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Fitzpatrick	Funderburk	Hodges	Justus	Lichtenegger
Rhoads	Scharnhorst	Schupp	Smith 85	Stream

VACANCIES: 002

Speaker Jones declared the bill passed.

HB 346, relating to non-covered health service fees, was taken up by Representative Molendorp.

On motion of Representative Molendorp, **HB 346** was read the third time and passed by the following vote:

AYES: 142

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Gannon	Gardner
Gatschenberger	Gosen	Grisamore	Guernsey	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Keeney
Kelley 127	Kelly 45	Kirkton	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Love	Lynch	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Morgan
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Pace	Pfautsch	Phillips
Pierson	Pike	Redmon	Rehder	Reiboldt
Remole	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Schatz
Schieber	Schieffer	Shull	Shumake	Solon
Sommer	Spencer	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webb	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 009

Burlison	Curtman	Fitzpatrick	Haahr	Koenig
Marshall	Parkinson	Pogue	Smith 120	

PRESENT: 000

ABSENT WITH LEAVE: 010

Funderburk	Hodges	Justus	Lichtenegger	Morris
Rhoads	Scharnhorst	Schupp	Smith 85	Stream

VACANCIES: 002

Speaker Jones declared the bill passed.

PERFECTION OF HOUSE BILL

HB 112, relating to statutory cause of action claims, was again taken up by Representative Burlison.

Representative Hoskins assumed the Chair.

Speaker Jones resumed the Chair.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Keeney	Kelley 127	Koenig	Kolkmeier	Korman
Lair	Lant	Lauer	Leara	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Molendorp	Morris	Muntzel	Neely
Neth	Parkinson	Pfausch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Mr Speaker	

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Pierson
Rizzo	Roorda	Runions	Schieffer	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

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ABSENT WITH LEAVE: 008

Cierpiot	Hodges	Justus	Lichtenegger	Schupp
Smith 85	Stream	Zerr		

VACANCIES: 002

On motion of Representative Burlison, **HB 112** was ordered perfected and printed by the following vote:

AYES: 091

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Brattin	Brown	Burlison	Conway 104
Cookson	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fraker	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Guernsey	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Love	Lynch
McGaugh	Messenger	Miller	Molendorp	Morris
Neely	Neth	Parkinson	Pfausch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Rhoads	Richardson	Riddle	Ross	Rowland
Scharnhorst	Schatz	Shull	Shumake	Smith 120
Sommer	Spencer	Swan	Thomson	Torpey
Walker	White	Wieland	Wood	Zerr
Mr Speaker				

NOES: 063

Anders	Barnes	Black	Burns	Butler
Carpenter	Colona	Conway 10	Cornejo	Curtis
Dunn	Ellinger	Ellington	English	Englund
Fowler	Frame	Gardner	Grisamore	Haahr
Harris	Hubbard	Hummel	Jones 50	Kelly 45
Kirkton	Kratky	LaFaver	Marshall	May
Mayfield	McCaherty	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Muntzel	Newman	Nichols
Norr	Otto	Pace	Pierson	Remole
Rizzo	Roorda	Rowden	Runions	Schieber
Schieffer	Solon	Swearingen	Walton Gray	Webb
Webber	Wilson	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 007

Cierpiot	Hodges	Justus	Lichtenegger	Schupp
Smith 85	Stream			

VACANCIES: 002

REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

HCS HBs 521 & 579 - Fiscal Review

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

SCS SB 7 - Elementary and Secondary Education
SCS SB 9 - Agri-Business
SB 16 - Agriculture Policy
SCS SB 17 - Higher Education
SB 18 - Downsizing State Government
SB 23 - General Laws
SB 24 - General Laws
SS#2 SCS SBs 26, 11 & 31 - Ways and Means
SS SB 28 - Workforce Development and Workplace Safety
SS SCS SB 29 - Workforce Development and Workplace Safety
SCS SB 33 - Children, Families, and Persons with Disabilities
SS SB 34 - Workforce Development and Workplace Safety
SB 41 - Judiciary
SCS SB 42 - General Laws
SB 43 - Transportation
SCS SB 45 - Judiciary
SCS SB 47 - Children, Families, and Persons with Disabilities
SB 51 - Agri-Business
SB 58 - Local Government
SB 77 - Children, Families, and Persons with Disabilities
SB 80 - Professional Registration and Licensing
SCS SB 86 - Retirement
SCS SB 88 - Health Care Policy
SB 90 - Elections
SCS SB 101 - Professional Registration and Licensing
SB 102 - General Laws
SCS SB 106 - Veterans
SB 110 - Judiciary
SS SCS SB 114 - General Laws
SCS SB 117 - Veterans
SS SCS SB 120 - Economic Development
SS SCS SB 121 - General Laws
SS SCS SB 125 - Elementary and Secondary Education
SB 127 - Health Care Policy
SS SCS SB 129 - Health Care Policy
SB 137 - Downsizing State Government
SB 138 - Local Government

SB 139 - General Laws
SB 148 - Transportation
SCS SB 157 - General Laws
SCS SB 191 - Utilities
SB 197 - Health Care Policy
SB 216 - Crime Prevention and Public Safety
SB 234 - Professional Registration and Licensing
SB 237 - Utilities

COMMITTEE REPORTS

Committee on Elementary and Secondary Education, Chairman Cookson reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 631**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Special Standing Committee on Corrections, Chairman Fitzwater reporting:

Mr. Speaker: Your Special Standing Committee on Corrections, to which was referred **HB 635**, begs leave to report it has examined the same and recommends that it **Do Pass - Federal Mandate**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Workforce Development and Workplace Safety, Chairman Lant reporting:

Mr. Speaker: Your Committee on Workforce Development and Workplace Safety, to which was referred **SS#2 SCS SB 1**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

INTRODUCTION OF HOUSE JOINT RESOLUTION

The following House Joint Resolution was read the first time and copies ordered printed:

HJR 35, introduced by Representatives Jones (50) and Jones (110), relating to the right of Missouri citizens to keep and bear arms.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 916, introduced by Representatives Schupp and Hummel, relating to business fees.

HB 917, introduced by Representative Burlison, relating to Missouri adjusted gross income.

HB 918, introduced by Representatives Roorda, Kratky, Swearingen, Harris, Otto, Schieffer, English, Conway (10), Rizzo, Hummel, Higdon, McKenna, LaFaver, Ellinger, Meredith, Burns, Mayfield, Anders, Butler, Carpenter, Runions, Walton Gray, Mims, Englund, Kelley (127), Hurst, Gardner, Nichols, Curtis, Webber, Davis, McCann Beatty and McManus, relating to business fees.

HB 919, introduced by Representatives Mayfield, Hummel, McCann Beatty, Dunn, Burns, Butler, English, Mitten, Rizzo, Otto, Carpenter, Runions, Mims, Walton Gray, McManus and Smith (85), relating to government meetings and records.

HB 920, introduced by Representatives Dunn, Mims, Otto, Ellington, Mayfield, Runions and English, relating to early childhood education.

HB 921, introduced by Representatives Berry and Rizzo, relating to the Missouri Quality Jobs Act.

HB 922, introduced by Representative Nichols, relating to the licensing of clinical laboratory science personnel.

HB 923, introduced by Representative Richardson, relating to contracts for public works.

HB 924, introduced by Representative Johnson, relating to the Missouri Business Recruiters Act.

HB 925, introduced by Representatives Allen, Flanigan, Diehl, Torpey, Zerr, Kelly (45), Gosen, Haefner, Conway (104), Lichtenegger, Richardson and Jones (50), relating to medical assistance.

HB 926, introduced by Representatives Allen, Flanigan, Diehl, Torpey, Zerr, Kelly (45), Gosen, Haefner, Conway (104), Lichtenegger, Molendorp, Richardson and Jones (50), relating to medical assistance.

HB 927, introduced by Representative Reiboldt, relating to agriculture.

HB 928, introduced by Representatives Burlison, Jones (110), Funderburk, Cookson, Spencer, Scharnhorst, Rowland, Cierpiot, Diehl and Lair, relating to the education compact.

HB 929, introduced by Representatives Cornejo, Jones (50) and Rowden, relating to mental health services.

HB 930, introduced by Representatives Flanigan, Davis, White, Lant and Reiboldt, relating to rebuilding damaged infrastructure.

HB 931, introduced by Representative Jones (50), relating to alcohol-related traffic offenses.

HB 932, introduced by Representatives Funderburk and Parkinson, relating to local health departments.

HB 933, introduced by Representatives Jones (50) and Bahr, relating to travel hardships of public school pupils.

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 9:00 a.m., Thursday, March 28, 2013.

CORRECTION TO THE HOUSE JOURNAL

AFFIDAVIT

I, State Representative Jeff Grisamore, District 34, hereby state and affirm that my vote to approve the Journal of the House for the thirty-ninth day as recorded on page 651 of the Journal of the House for the fortieth day, Monday, March 25, 2013 was incorrectly recorded as Absent With Leave. Pursuant to House Rule 89, I ask that the Journal be corrected to show that I was present, my vote was incorrectly recorded, and should have been recorded as yes.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 27th day of March, 2013.

/s/ Jeff Grisamore
State Representative

State of Missouri)
) ss.
Signed in County of Cole)
Notary Commissioned in County of Miller)

Subscribed and sworn to before me this 27th day of March in the year 2013.

/s/ Leticia Long
Notary Public

COMMITTEE HEARINGS

APPROPRIATIONS - INFRASTRUCTURE AND JOB CREATION

Thursday, April 4, 2013, 8:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Work session on resolution in conjunction with HJR 14

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, April 3, 2013, 2:00 PM House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

Working meeting - agenda to be announced

CRIME PREVENTION AND PUBLIC SAFETY

Tuesday, April 2, 2013, 7:00 PM 516 S Country Club Drive, Jefferson City.

DOWNSIZING STATE GOVERNMENT

Thursday, March 28, 2013, 8:00 AM House Hearing Room 4.

Public hearing will be held: HB 651, HB 818, HB 806, HB 859

Executive session may be held on any matter referred to the committee.

ELECTIONS

Thursday, March 28, 2013, 8:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Committee members should be prepared to work on an omnibus bill.

CORRECTED

FISCAL REVIEW

Thursday, March 28, 2013, 8:30 AM South Gallery.

Executive session may be held on any matter referred to the committee.

GENERAL LAWS

Thursday, March 28, 2013, 8:15 AM House Hearing Room 1.

Public hearing will be held: HJR 26, HB 795, HB 609

Executive session will be held: HB 424, HB 543

Executive session may be held on any matter referred to the committee.

HEALTH CARE POLICY

Wednesday, April 3, 2013, Upon Morning Recess House Hearing Room 6.

Public hearing will be held: HB 99, HB 185, HCR 15, HB 262

Executive session may be held on any matter referred to the committee.

LOCAL GOVERNMENT

Thursday, March 28, 2013, 8:00 AM House Hearing Room 5.

Public hearing will be held: HB 84, HB 805, HB 311

Executive session may be held on any matter referred to the committee.

AMENDED

RETIREMENT

Thursday, April 4, 2013, 9:00 AM House Hearing Room 1.

Public hearing will be held: SCS SB 86, HB 737, HB 782

Executive session may be held on any matter referred to the committee.

RULES

Thursday, March 28, 2013, Upon Morning Adjournment South Gallery.

Executive session will be held: HCS HB 28, HB 62, HCS HB 114, HB 162, HCS HB 170, HCS#2 HB 178, HCS HB 194, HB 218, HCS HB 234, HB 242, HB 255, HCS HB 257, HB 274, HCS HB 290, HCS HB 345, HCS HB 351, HCS HBs 373 & 435, HCS HBs 374 & 434, HCS HB 389, HCS HB 418, HB 503, HB 526, HB 533, HCS HB 631, HCS HB 722, HB 733, HCR 10

Executive session may be held on any matter referred to the committee.

AMENDED

TOURISM AND NATURAL RESOURCES

Thursday, March 28, 2013, 8:00 AM House Hearing Room 7.

Public hearing will be held: HB 258, HB 758, HB 570, HCR 29, HCR 30, HB 739, HB 740, HB 741

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

FORTY-THIRD DAY, THURSDAY, MARCH 28, 2013

HOUSE JOINT RESOLUTIONS FOR SECOND READING

HJR 35

HOUSE BILLS FOR SECOND READING

HB 916 through HB 933

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 169 - Diehl
- 2 HB 227 - Zerr
- 3 HB 152 - Solon
- 4 HB 423 - Zerr
- 5 HB 578 - Funderburk
- 6 HB 316 - Phillips
- 7 HCS HB 30 - Scharnhorst
- 8 HCS HB 46 - Guernsey
- 9 HB 47 - Cross
- 10 HCS HB 134 - Allen
- 11 HCS HB 137 - Hinson
- 12 HCS HB 168 - Davis
- 13 HB 217 - Cox
- 14 HCS HB 221 - Leara
- 15 HB 253 - Berry
- 16 HCS HB 315 - Rowland
- 17 HB 400 - Riddle
- 18 HB 443 - Hubbard
- 19 HCS HB 343 - Guernsey

HOUSE BILLS FOR PERFECTION - CONSENT

(3/15/2013)

- 1 HB 53 - Gatschenberger
- 2 HCS HB 58 - Molendorp
- 3 HB 60 - Engler
- 4 HCS HB 79 - Johnson
- 5 HCS HB 81 - Johnson
- 6 HB 116 - Dugger
- 7 HCS HB 199 - Dugger
- 8 HCS HB 235 - Crawford
- 9 HB 278 - Brattin

- 10 HCS HBs 303 & 304 - Scharnhorst
- 11 HCS HB 306 - Hoskins
- 12 HB 331 - Miller
- 13 HB 334 - Dugger
- 14 HB 406 - Wieland
- 15 HB 428 - Schatz
- 16 HB 429 - Schatz
- 17 HB 433 - Korman
- 18 HCS HB 438 - Rowland
- 19 HCS HB 440 - Webb
- 20 HB 442 - Hoskins
- 21 HB 445 - Engler
- 22 HB 450 - Carpenter
- 23 HB 451 - Fraker
- 24 HB 460 - Engler
- 25 HB 471 - Spencer
- 26 HB 478 - Wieland
- 27 HB 498 - Jones (50)
- 28 HB 525 - Franklin
- 29 HB 568 - Lauer
- 30 HB 581 - Roorda
- 31 HB 585 - Schieffer
- 32 HB 625 - Burlison
- 33 HB 632 - Dunn
- 34 HB 634 - Elmer
- 35 HB 650 - Ross
- 36 HCS HB 656 - May
- 37 HB 673 - Schatz
- 38 HB 702 - Englund
- 39 HB 715 - McCaherty

HOUSE BILLS FOR THIRD READING - APPROPRIATIONS

- 1 HCS HB 1 - Stream
- 2 HCS HB 2 - Stream
- 3 HCS HB 3 - Stream
- 4 HCS HB 4 - Stream
- 5 HCS HB 5 - Stream
- 6 HCS HB 6 - Stream
- 7 HCS HB 7 - Stream
- 8 HCS HB 8 - Stream
- 9 HCS HB 9 - Stream
- 10 HCS HB 10 - Stream
- 11 HCS HB 11 - Stream
- 12 HCS HB 12 - Stream
- 13 HCS HB 13 - Stream

HOUSE BILLS FOR THIRD READING

- 1 HB 201 - Torpey
- 2 HCS HBs 521 & 579, (Fiscal Review 3/27/13) - Koenig
- 3 HB 112 - Burlison

SENATE BILLS FOR THIRD READING

HCS SCS SB 182, E.C. - Hough

HOUSE BILLS WITH SENATE AMENDMENTS

SCS HCS HB 14 - Stream

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

FORTY-THIRD DAY, THURSDAY, MARCH 28, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Representative Pat Conway.

Almighty Father, we ask this day that You bestow a special blessing upon those who have served us in the military. We devoutly pray, in recognition of those who are to be honored this Saturday, on Missouri's first Vietnam Veterans Day. May their sacrifices never be forgotten! Let us ask Your blessing on those over 58,000 men and women, over 1,400 from Missouri alone, who gave their lives on behalf of their country. Pray too for their families, those parents who lost a child, those brothers and sisters that grew up without their loved ones and especially for those children whose fathers were not there for their birthdays, graduations and weddings.

For those who are living who have faced their challenges and their demons we ask a special prayer. Give them peace in their days and new hope in this Easter season.

Let us please remember as Legislators, much like lawmakers in those chaotic days of Vietnam, that in each of our decisions we must ask for Your guidance, that even the simplest choice can have unimagined repercussions.

As my fellow Vietnam veteran Representative Shumake leads us in the Pledge of Allegiance, let us all stand a little taller, let us speak a little louder, and may we reflect a little deeper, O Lord, on the multitude of blessings You have bestowed upon our nation.

May this Saturday give comfort to all who have served during the Vietnam conflict and bless those who have served these United States and this Great State of Missouri...

And the House says "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Mrs. Evrard's and Mrs. Legters's 4th Grade Classes, Mason Murphy, Zach Leader, Braxton Hardy and Brooklyn Jones.

The Journal of the forty-second day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1011 through House Resolution No. 1033

HOUSE CONCURRENT RESOLUTIONS

Representative Swan, et al., offered House Concurrent Resolution No. 33.
 Representative Houghton, et al., offered House Concurrent Resolution No. 34.
 Representative Jones (110), et al., offered House Concurrent Resolution No. 35.

SECOND READING OF HOUSE JOINT RESOLUTION

HJR 35 was read the second time.

SECOND READING OF HOUSE BILLS

HB 916 through **HB 933** were read the second time.

HOUSE BILL WITH SENATE AMENDMENTS

SCS HCS HB 14, relating to appropriations, was taken up by Representative Stream.

On motion of Representative Stream, **SCS HCS HB 14** was adopted by the following vote:

AYES: 143

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Gardner	Gosen
Grisamore	Guernsey	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Justus	Keeney	Kelly 45
Kirkton	Koenig	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lynch	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mitten	Montecillo
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Pfautsch	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 85
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 001

Marshall

PRESENT: 000

ABSENT WITH LEAVE: 017

Carpenter	Cross	Ellington	Funderburk	Gannon
Gatschenberger	Haahr	Jones 50	Kelley 127	Lichtenegger
Love	Mims	Molendorp	Parkinson	Phillips
Swearingen	Wright			

VACANCIES: 002

On motion of Representative Stream, **SCS HCS HB 14** was truly agreed to and finally passed by the following vote:

AYES: 148

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Curtis	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Gannon	Gardner	Gosen
Grisamore	Guernsey	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelly 45	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Love	Lynch	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Montecillo	Morgan	Morris
Muntzel	Neth	Newman	Nichols	Norr
Otto	Pace	Parkinson	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 85	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 002

Ellington Marshall

PRESENT: 000

ABSENT WITH LEAVE: 011

Carpenter	Cierpiot	Cross	Funderburk	Gatschenberger
Haahr	Kelley 127	Lichtenegger	Molendorp	Neely
Swearingen				

VACANCIES: 002

Speaker Jones declared the bill passed.

SIGNING OF HOUSE BILL

All other business of the House was suspended while **SCS HCS HB 14** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

Having been duly signed in open session of the Senate, **SCS HCS HB 14** was delivered to the Governor by the Chief Clerk of the House.

THIRD READING OF HOUSE BILL

HB 112, relating to statutory cause of action claims, was taken up by Representative Burlison.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 103

Allen	Anderson	Austin	Barnes	Bernskoetter
Berry	Brattin	Brown	Burlison	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Love
Lynch	McCaherty	McGaugh	Messenger	Miller
Molendorp	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Thomson	Walker	White	Wieland
Wilson	Wood	Mr Speaker		

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 001

Marshall

ABSENT WITH LEAVE: 005

Bahr	Cierpiot	Lichtenegger	Torpey	Zerr
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VACANCIES: 002

On motion of Representative Burlison, **HB 112** was read the third time and passed by the following vote:

AYES: 093

Allen	Anderson	Austin	Bernskoetter	Berry
Brattin	Brown	Burlison	Conway 104	Cookson
Cox	Crawford	Cross	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Guernsey	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Love	Lynch	McGaugh
Messenger	Miller	Molendorp	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowland	Scharnhorst	Schatz	Shull	Shumake
Smith 120	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Mr Speaker		

NOES: 062

Anders	Barnes	Black	Burns	Butler
Carpenter	Colona	Conway 10	Cornejo	Curtis
Dunn	Ellinger	Ellington	English	Englund
Fowler	Frame	Gardner	Grisamore	Haahr
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	Marshall	May

Mayfield	McCaherty	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Pierson	Rizzo	Roorda
Rowden	Runions	Schieber	Schieffer	Schupp
Smith 85	Solon	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 006

Bahr	Cierpiot	Curtman	Jones 50	Lichtenegger
Zerr				

VACANCIES: 002

Speaker Jones declared the bill passed.

THIRD READING OF HOUSE BILLS - APPROPRIATIONS

HCS HB 1 was taken up by Representative Stream.

On motion of Representative Stream, **HCS HB 1** was read the third time and passed by the following vote:

AYES: 157

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeier	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Love	Lynch
Marshall	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Molendorp	Montecillo	Morgan	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Parkinson	Pfautsch	Phillips	Pierson
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Schupp

Shull	Shumake	Smith 85	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wood	Wright
Zerr	Mr Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 004

Flanigan	Lichtenegger	Morris	Wilson
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VACANCIES: 002

Speaker Jones declared the bill passed.

HCS HB 2 was taken up by Representative Stream.

On motion of Representative Stream, **HCS HB 2** was read the third time and passed by the following vote:

AYES: 132

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Carpenter	Cierpiot	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Dunn	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeier	Korman	LaFaver
Lair	Lant	Lauer	Leara	Love
Lynch	May	McCaherty	McCann Beatty	McDonald
McManus	Messenger	Miller	Mims	Molendorp
Montecillo	Morris	Muntzel	Neely	Neth
Nichols	Parkinson	Pfausch	Phillips	Pierson
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Ross	Rowland	Runions	Scharnhorst	Schatz
Schieber	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Webb	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 026

Burns	Butler	Colona	Curtis	Ellinger
Ellington	Frame	Gardner	Hummel	Kratky
Marshall	Mayfield	McKenna	McNeil	Meredith
Mitten	Morgan	Newman	Norr	Otto
Pace	Roorda	Schieffer	Schupp	Smith 85
Walton Gray				

PRESENT: 000

ABSENT WITH LEAVE: 003

Lichtenegger	McGaugh	Rowden
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VACANCIES: 002

Speaker Jones declared the bill passed.

HCS HB 3 was taken up by Representative Stream.

On motion of Representative Stream, **HCS HB 3** was read the third time and passed by the following vote:

AYES: 133

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Carpenter	Cierpiot	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Dunn	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeier	Korman	LaFaver
Lair	Lant	Lauer	Leara	Lynch
May	McCaherty	McCann Beatty	McGaugh	McKenna
McManus	Messenger	Miller	Molendorp	Montecillo
Morris	Muntzel	Neely	Neth	Nichols
Parkinson	Pfautsch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 026

Burns	Butler	Colona	Curtis	Ellinger
Ellington	Frame	Gardner	Hummel	Kratky
Marshall	Mayfield	McDonald	McNeil	Meredith
Mims	Mitten	Morgan	Newman	Norr
Otto	Pace	Roorda	Schupp	Smith 85
Walton Gray				

PRESENT: 000

ABSENT WITH LEAVE: 002

Lichtenegger Love

VACANCIES: 002

Speaker Jones declared the bill passed.

HCS HB 4 was taken up by Representative Stream.

On motion of Representative Stream, **HCS HB 4** was read the third time and passed by the following vote:

AYES: 146

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Butler	Carpenter	Cierpiot
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Love	Lynch	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Morgan
Morris	Muntzel	Neely	Neth	Nichols
Norr	Pace	Parkinson	Pfautsch	Phillips
Pierson	Pike	Redmon	Rehder	Reiboldt
Remole	Rhoads	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey

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Walker	Walton Gray	Webb	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 010

Burns	Colona	Ellington	Frame	Gardner
Marshall	McNeil	Newman	Otto	Smith 85

PRESENT: 000

ABSENT WITH LEAVE: 005

Funderburk	Jones 50	Lichtenegger	Pogue	Richardson
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VACANCIES: 002

Speaker Jones declared the bill passed.

HCS HB 5 was taken up by Representative Stream.

On motion of Representative Stream, **HCS HB 5** was read the third time and passed by the following vote:

AYES: 144

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Franklin	Frederick	Gatschenberger
Gosen	Grisamore	Guernsey	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lynch	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	Messenger	Miller	Mims	Molendorp
Montecillo	Morris	Muntzel	Neely	Neth
Nichols	Norr	Pace	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 85	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 010

Frame	Gardner	Marshall	McNeil	Meredith
Mitten	Morgan	Newman	Otto	Parkinson

PRESENT: 000

ABSENT WITH LEAVE: 007

Burns	Funderburk	Gannon	Haahr	Jones 50
Lichtenegger	Love			

VACANCIES: 002

Speaker Jones declared the bill passed.

HCS HB 6 was taken up by Representative Stream.

On motion of Representative Stream, **HCS HB 6** was read the third time and passed by the following vote:

AYES: 148

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Franklin	Frederick	Gannon
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeyer	Korman	LaFaver
Lair	Lant	Lauer	Leara	Love
Lynch	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	Meredith
Messenger	Miller	Mims	Molendorp	Montecillo
Morris	Muntzel	Neely	Neth	Nichols
Norr	Otto	Parkinson	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 011

Ellington	Frame	Gardner	Kratky	Marshall
McNeil	Mitten	Morgan	Newman	Pace
Smith 85				

PRESENT: 000

ABSENT WITH LEAVE: 002

Funderburk	Lichtenegger
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VACANCIES: 002

Speaker Jones declared the bill passed.

HCS HB 7 was taken up by Representative Stream.

On motion of Representative Stream, **HCS HB 7** was read the third time and passed by the following vote:

AYES: 116

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Cierpiot	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Ellinger	Elmer	Engler	Englund	Entlicher
Fitzpatrick	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hubbard	Hurst	Johnson
Jones 50	Keeney	Kelley 127	Kelly 45	Koenig
Kolkmeyer	Korman	Kratky	Lair	Lant
Lauer	Leara	Love	Lynch	McGaugh
Messenger	Miller	Molendorp	Morris	Neely
Neth	Newman	Nichols	Parkinson	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 041

Burns	Butler	Carpenter	Colona	Curtis
Dunn	Ellington	English	Frame	Gardner
Harris	Hodges	Hummel	Kirkton	LaFaver
Marshall	May	Mayfield	McCaherty	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Norr

Otto	Pace	Rizzo	Roorda	Runions
Schieffer	Schupp	Smith 85	Walton Gray	Webb
Webber				

PRESENT: 000

ABSENT WITH LEAVE: 004

Fitzwater	Justus	Lichtenegger	Muntzel
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VACANCIES: 002

Speaker Jones declared the bill passed.

HCS HB 8 was taken up by Representative Stream.

Representative Keeney assumed the Chair.

On motion of Representative Stream, **HCS HB 8** was read the third time and passed by the following vote:

AYES: 155

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Love	Lynch
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Montecillo	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 003

Marshall Pierson Smith 85

PRESENT: 000

ABSENT WITH LEAVE: 003

Funderburk Lichtenegger Webb

VACANCIES: 002

Representative Keeney declared the bill passed.

HCS HB 9 was taken up by Representative Stream.

On motion of Representative Stream, **HCS HB 9** was read the third time and passed by the following vote:

AYES: 153

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Franklin	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Love	Lynch	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Otto	Pace	Parkinson
Pfautsch	Phillips	Pierson	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Smith 120	Solon	Sommer	Stream	Swan
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 005

Ellington	Frame	Marshall	Norr	Smith 85
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PRESENT: 000

ABSENT WITH LEAVE: 003

Lichtenegger	Spencer	Swearingen
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VACANCIES: 002

Representative Keeney declared the bill passed.

HCS HB 10 was taken up by Representative Stream.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Love	Lynch	McGaugh	Messenger	Miller
Molendorp	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 052

Black	Burns	Butler	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	Marshall	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace

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Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 005

Anders	Funderburk	Lichtenegger	McCaherty	Shumake
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VACANCIES: 002

On motion of Representative Stream, **HCS HB 10** was read the third time and passed by the following vote:

AYES: 106

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Love	Lynch	McCaherty	McGaugh	Messenger
Miller	Molendorp	Morris	Muntzel	Neely
Neth	Parkinson	Pfausch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 052

Black	Burns	Butler	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	Marshall	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 003

Anders Funderburk Lichtenegger

VACANCIES: 002

Representative Keeney declared the bill passed.

HCS HB 11 was taken up by Representative Stream.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 108

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeier	Korman	Lair	Lant	Lauer
Leara	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 002

Lichtenegger Swearingen

VACANCIES: 002

On motion of Representative Stream, **HCS HB 11** was read the third time and passed by the following vote:

AYES: 107

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Love	Lynch	McCaherty	McGaugh
Messenger	Miller	Molendorp	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 053

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	Marshall	May
Mayfield	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Pierson	Rizzo	Roorda	Runions
Schieffer	Schupp	Smith 85	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 001

Lichtenegger

VACANCIES: 002

Representative Keeney declared the bill passed.

HCS HB 12 was taken up by Representative Stream.

On motion of Representative Stream, **HCS HB 12** was read the third time and passed by the following vote:

AYES: 148

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gardner
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Love
Lynch	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Messenger	Miller	Mims	Molendorp	Montecillo
Morgan	Morris	Muntzel	Neely	Neth
Nichols	Norr	Otto	Pace	Parkinson
Pfautsch	Phillips	Pierson	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 010

Burns	Curtis	Ellington	Frame	Marshall
Meredith	Mitten	Newman	Roorda	Smith 85

PRESENT: 000

ABSENT WITH LEAVE: 003

Hoskins	Lichtenegger	Webb
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VACANCIES: 002

Representative Keeney declared the bill passed.

Speaker Jones resumed the Chair.

HCS HB 13 was taken up by Representative Stream.

On motion of Representative Stream, **HCS HB 13** was read the third time and passed by the following vote:

AYES: 154

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Love	Lynch	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Parkinson
Pfautsch	Phillips	Pierson	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 004

Curtis	Ellington	Marshall	Smith 85
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PRESENT: 000

ABSENT WITH LEAVE: 003

Hoskins	Lichtenegger	Webb
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VACANCIES: 002

Speaker Jones declared the bill passed.

THIRD READING OF SENATE BILL

HCS SCS SB 182, relating to local sales tax on motor vehicles, was taken up by Representative Hough.

HCS SCS SB 182 was laid over.

REFERRAL OF HOUSE CONCURRENT RESOLUTION

The following House Concurrent Resolution was referred to the Committee indicated:

HCR 18 - General Laws

REFERRAL OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were referred to the Committee indicated:

HJR 32 - Elections

HJR 33 - Tourism and Natural Resources

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 411 - General Laws

HB 504 - Professional Registration and Licensing

HB 539 - Judiciary

HB 540 - Special Standing Committee on Urban Issues

HB 580 - Insurance Policy

HB 620 - Government Oversight and Accountability

HB 637 - Special Standing Committee on Corrections

HB 696 - Judiciary

HB 725 - Transportation

HB 729 - General Laws

HB 730 - General Laws

HB 742 - Special Standing Committee on Corrections

HB 743 - Elementary and Secondary Education

HB 744 - Crime Prevention and Public Safety

HB 765 - Downsizing State Government

HB 781 - Government Oversight and Accountability

HB 796 - Professional Registration and Licensing

HB 797 - Children, Families, and Persons with Disabilities

HB 800 - Judiciary

HB 801 - Government Oversight and Accountability

HB 802 - General Laws

HB 803 - Government Oversight and Accountability

HB 810 - Economic Development

HB 812 - Crime Prevention and Public Safety
HB 814 - Special Standing Committee on Corrections
HB 817 - Downsizing State Government
HB 819 - Agri-Business
HB 824 - Ways and Means
HB 827 - Economic Development
HB 829 - Higher Education
HB 830 - Special Standing Committee on Corrections
HB 832 - Ways and Means
HB 837 - Health Care Policy
HB 840 - Government Oversight and Accountability
HB 841 - Agriculture Policy
HB 842 - Children, Families, and Persons with Disabilities
HB 846 - Local Government
HB 847 - Judiciary
HB 848 - Elections
HB 849 - Judiciary
HB 852 - Crime Prevention and Public Safety
HB 853 - Financial Institutions
HB 854 - Professional Registration and Licensing
HB 860 - Elementary and Secondary Education
HB 861 - Retirement
HB 862 - Judiciary
HB 865 - Elections
HB 869 - Transportation
HB 875 - Local Government
HB 876 - Elementary and Secondary Education
HB 879 - Higher Education
HB 880 - Agri-Business
HB 881 - Agri-Business
HB 885 - Transportation
HB 887 - Downsizing State Government
HB 888 - Transportation
HB 909 - Local Government
HB 914 - Economic Development
HB 927 - Agriculture Policy

COMMITTEE REPORTS

Committee on Children, Families, and Persons with Disabilities, Chairman Grisamore reporting:

Mr. Speaker: Your Committee on Children, Families, and Persons with Disabilities, to which was referred **HB 513**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Downsizing State Government, Chairman Curtman reporting:

Mr. Speaker: Your Committee on Downsizing State Government, to which was referred **HB 455** and **HB 297**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Elections, Chairman Entlicher reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **HB 348**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Government Oversight and Accountability, Chairman Barnes reporting:

Mr. Speaker: Your Committee on Government Oversight and Accountability, to which was referred **HB 787**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on International Trade, Chairman McCaherty reporting:

Mr. Speaker: Your Committee on International Trade, to which was referred **HB 630**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on International Trade, to which was referred **HB 850**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Special Standing Committee on Small Business, Chairman Torpey reporting:

Mr. Speaker: Your Special Standing Committee on Small Business, to which was referred **HB 78**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Standing Committee on Small Business, to which was referred **HB 813**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Utilities, Chairman Funderburk reporting:

Mr. Speaker: Your Committee on Utilities, to which was referred **HB 398**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Workforce Development and Workplace Safety, Chairman Lant reporting:

Mr. Speaker: Your Committee on Workforce Development and Workplace Safety, to which was referred **HB 404** and **HB 614**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Riddle reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCR 10**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCR 25**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 28**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 62**, begs leave to report it has examined the same and recommends that it **Be Returned to the Committee of Origin**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 114**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 162**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 170**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 194**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 218**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 242**, begs leave to report it has examined the same and recommends that it **Do Pass - Not Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 255**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 257**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 274**, begs leave to report it has examined the same and recommends that it **Do Pass - Not Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 290**, begs leave to report it has examined the same and recommends that it **Do Pass - Not Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 345**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 351**, begs leave to report it has examined the same and recommends that it **Do Pass - Not Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HBs 373 & 435**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HBs 374 & 434**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 389**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 418**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 503**, begs leave to report it has examined the same and recommends that it **Do Pass - Not Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 526**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 533**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 631**, begs leave to report it has examined the same and recommends that it **Be Returned to the Committee of Origin as HB 631**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 722**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 733**, begs leave to report it has examined the same and recommends that it **Do Pass - Not Consent**.

ADVANCEMENT OF HOUSE BILLS - CONSENT

Pursuant to Rule 45(b), the following bills, having remained on the House Consent Calendar for Perfection for five legislative days, were ordered perfected and printed by consent with all committee substitutes and committee amendments thereto adopted and perfected by consent: **HB 53, HCS HB 58, HB 60, HCS HB 79, HCS HB 81, HB 116, HCS HB 199, HCS HB 235, HB 278, HCS HBs 303 & 304, HCS HB 306, HB 331, HB 334, HB 406, HB 428, HB 429, HB 433, HCS HB 438, HCS HB 440, HB 442, HB 445, HB 450, HB 451, HB 460, HB 471, HB 478, HB 498, HB 525, HB 568, HB 581, HB 585, HB 625, HB 632, HB 634, HB 650, HCS HB 656, HB 673, HB 702 and HB 715.**

INTRODUCTION OF HOUSE CONCURRENT RESOLUTION

The following House Concurrent Resolution was read the first time and copies ordered printed:

HCR 36, introduced by Representatives Morgan, McNeil, Dunn, Pierson, Mims, Walton Gray, Nichols, Pace, Runions, Meredith, Mitten, Gardner, Kirkton, LaFaver, Schupp, McCann Beatty, Norr, Carpenter, Ellinger, English, Burns, Butler, Kratky, McDonald, Webb, Roorda, Webber, Swearingen, Smith (85), Rizzo and Newman, relating to ratification of the Equal Rights Amendment to the United States Constitution.

INTRODUCTION OF HOUSE JOINT RESOLUTION

The following House Joint Resolution was read the first time and copies ordered printed:

HJR 36, introduced by Representatives Jones (50) and Richardson, relating to the department of conservation.

INTRODUCTION OF HOUSE BILLS - APPROPRIATIONS

The following House Appropriation Bills were read the first time and copies ordered printed:

HB 17, introduced by Representative Stream, to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2013 and ending June 30, 2015.

HB 18, introduced by Representative Stream, to appropriate money for purposes for the several departments and offices of state government; for the purchase of equipment; for planning, expenses, and for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems; for grants, refunds, distributions, planning, expenses, and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions; and to transfer money among certain funds, from the funds designated for the fiscal period beginning July 1, 2013 and ending June 30, 2015.

HB 19, introduced by Representative Stream, to appropriate money for purposes for the several departments and offices of state government; for planning and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions; to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the fiscal period beginning July 1, 2013 and ending June 30, 2015.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 934, introduced by Representatives Curtis, Swan, Walton Gray, Kelly (45), Lichtenegger, Schupp, Burns, Zerr, Funderburk, Fraker, Kratky, Cornejo, Hicks, May and Dunn, relating to the Missouri science, technology, engineering and mathematics initiative.

HB 935, introduced by Representatives Mayfield, Mitten, English, Anders, Runions and Carpenter, relating to consumer credit interest rates.

HB 936, introduced by Representatives Swan, Kirkton, English, Keeney, Richardson, Lichtenegger and Gardner, relating to a pilot project to utilization of telehealth by nurses.

HB 937, introduced by Representatives Hummel and Rizzo, relating to the MO HealthNet program.

HB 938, introduced by Representative Schupp, relating to technical codes.

HB 939, introduced by Representatives Fitzpatrick, Haahr, Rowden, Allen and Flanigan, relating to public assistance.

HB 940, introduced by Representative Fitzpatrick, relating to county planning and zoning commissions.

HB 941, introduced by Representative Walton Gray, relating to delegation of child visitation for incarcerated persons.

HB 942, introduced by Representatives Swan, Lichtenegger, Richardson, Haahr, Spencer, Gannon and Pfautsch, relating to virtual education.

HB 943, introduced by Representative Austin, relating to the liability of amusement ride owners or operators.

HB 944, introduced by Representatives Schatz, Korman, Hinson, Miller, Hampton, Brattin, Hansen, Haahr, Redmon, Houghton, Fitzpatrick, Rowden, Dugger, Kolkmeyer, Fraker, Lant and Reiboldt, relating to clean water permits.

HB 945, introduced by Representative Rowland, relating to compensation for damages arising from service of process.

HB 946, introduced by Representatives Schupp, McNeil, English, Webb, Ellinger, Roorda, McDonald, Meredith, LaFaver, Curtis, Kirkton, Gardner, Burns and Norr, relating to domestic violence.

HB 947, introduced by Representatives Dunn, Otto, Ellington, Curtis, Kirkton, Runions, Swearingen, Pace, Englund, Pierson, Nichols, Schupp, Schieffer, Hummel, McNeil, LaFaver, Morgan, Gardner, Mims, Walton Gray, McKenna and English, relating to the MO HealthNet program.

HB 948, introduced by Representatives Burns, Butler, Dunn, Ellington, Meredith, Harris, Walton Gray, Mims, Swearingen, Runions, English, Hubbard, Pace, Otto, Carpenter, Smith (85), May, Kratky, McDonald, Webber, Wright, Colona, Frame and Mayfield, relating to the MO HealthNet program.

HB 949, introduced by Representatives Curtis, Dunn, Otto and LaFaver, relating to the MO HealthNet program.

HB 950, introduced by Representatives McNeil, McKenna, Harris, Ellinger, Norr, Pace, Curtis, Ellington, Schieffer, Dunn, Schupp, Gardner, Otto, English, Mims, May and Pierson, relating to the MO HealthNet program.

HB 951, introduced by Representative Colona, relating to the MO HealthNet program.

HB 952, introduced by Representatives Mayfield, Dunn, Kratky, Runions and Burns, relating to the MO HealthNet program.

HB 953, introduced by Representative Ellinger, relating to the MO HealthNet program.

HB 954, introduced by Representatives Schieffer, Rizzo, Schupp, Hummel, McManus, Swearingen, McCann Beatty, Montecillo, McNeil, Gardner, Otto, Morgan, Englund, Kirkton, Dunn, Pierson, Anders, Carpenter, Walton Gray, Curtis, Burns, Meredith, English and Mayfield, relating to the MO HealthNet program.

HB 955, introduced by Representatives Nichols, Pierson, Schupp, Otto, McKenna, Mims, English and Dunn, relating to the MO HealthNet program.

HB 956, introduced by Representatives Otto, Dunn, Curtis, Hubbard, Pace, Anders, Runions, Pierson, Schupp, Englund, Nichols, Swearingen, McDonald, Conway (10), Hummel, Colona, LaFaver, McKenna, Burns, Mayfield, English, Butler, Mims, Walton Gray, McNeil, Schieffer, Gardner, Newman, Wright, Roorda, Rizzo, Frame, Kratky and Carpenter, relating to the MO HealthNet program.

HB 957, introduced by Representatives Schupp, Dunn, Frame, McManus, McNeil, Morgan, Schieffer, Rizzo, Butler, Roorda, Mayfield, Swearingen, McDonald, Hummel, Englund, Nichols, McKenna, Pierson, English and Kirkton, relating to the MO HealthNet program.

HB 958, introduced by Representatives Mims, Otto, Curtis, Ellinger, Walton Gray, Dunn, Pierson, Anders, McKenna, Runions, English, Schupp, Nichols, Englund, Kirkton, Morgan, McNeil, McDonald, Montecillo and Wright, relating to the MO HealthNet program.

HB 959, introduced by Representatives Morgan, McManus, Rizzo, Hummel, McNeil, Webb, Montecillo, Schieffer, Wright, Ellinger, McDonald, Norr, Newman, May, McKenna, Gardner, Burns, Meredith, Mayfield, Walton Gray, Mims, Runions, Anders, Pace, Otto, Carpenter, Butler, English, Harris, Ellington, Swearingen, Colona, Roorda, LaFaver, McCann Beatty, Schupp, Kirkton, Englund, Nichols, Dunn, Pierson and Curtis, relating to the MO HealthNet program.

HB 960, introduced by Representatives Englund, Pace, Dunn, Otto, Kirkton, Schieffer, Mims, McKenna, LaFaver, Nichols, Pierson, Morgan, McNeil, Norr, Ellinger, Webb, Rizzo, Kelly (45), Wright, McDonald, Newman and May, relating to the MO HealthNet program.

HB 961, introduced by Representatives Walton Gray, Mims, Dunn, Mayfield, English, McKenna, Morgan, Pace, Carpenter, Otto, Harris, Curtis, Pierson, Ellinger and Schupp, relating to the MO HealthNet program.

HB 962, introduced by Representatives Richardson, Jones (50), Hampton, Ross, Cookson and Barnes, relating to the definition of livestock.

HB 963, introduced by Representatives Houghton, Pfautsch, McGaugh, Spencer, Wood, Hurst and Schieffer, relating to crimes committed on agricultural property.

HB 964, introduced by Representatives Houghton, McGaugh, Spencer and Anderson, relating to animal slaughter and processing facilities.

HB 965, introduced by Representatives Houghton, Hansen, Riddle, Phillips, Redmon, Hough, Frederick, Korman, Hicks, Spencer, Wood, Hurst and Schieffer, relating to youth hunting.

HB 966, introduced by Representatives Gardner, Morgan, Pace, Dunn, McNeil, Schieffer, Otto, Montecillo, Rizzo, Swearingen, Ellington, Smith (85), May, LaFaver, McKenna and Newman, relating to the MO HealthNet program.

HB 967, introduced by Representative LaFaver, relating to the MO HealthNet program.

HB 968, introduced by Representatives Grisamore and Kirkton, relating to guardianship subsidies.

HB 969, introduced by Representatives May, Kratky, McDonald, Wright, Webb, Rizzo, Ellinger, Schupp, McNeil, Norr, Pierson, LaFaver, Hubbard, Burns, Harris, Walton Gray, Mims, Nichols, Morgan, Kirkton and Englund, relating to the MO HealthNet program.

HB 970, introduced by Representatives Wieland and Berry, relating to motor vehicle insurance.

HB 971, introduced by Representatives Fitzwater and Redmon, relating to local log trucks.

HB 972, introduced by Representatives Morgan, McNeil, Anders, Dunn, Montecillo, Pace, Pierson, Butler and Newman, relating to higher education tuition policy.

HB 973, introduced by Representative Stream, relating to grandparent visitation.

HB 974, introduced by Representatives Kirkton and Schupp, relating to the MO HealthNet program.

HB 975, introduced by Representative Richardson, relating to damages for certain civil actions.

HB 976, introduced by Representatives Schupp, Roorda, Webber, Ellinger, Stream, Scharnhorst, Phillips, Shull, Grisamore, Lant, Reiboldt, Rowland, Burns, Norr and Guernsey, relating to safety belts.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 35**, entitled:

An act to amend chapter 143, RSMo, by adding thereto one new section relating to the designation of tax refunds to certain funds.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 116**, entitled:

An act to repeal sections 115.139, 115.156, 115.159, 115.275, 115.277, 115.278, 115.281, 115.283, 115.287, 115.291, 115.292, 115.425, 115.541, and 115.585, RSMo, and to enact in lieu thereof thirty new sections relating to voting procedures for uniformed services and overseas voters, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 147**, entitled:

An act to amend chapter 376, RSMo, by adding thereto one new section relating to prescription eye drop refills.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 161**, entitled:

An act to amend chapter 376, RSMo, by adding thereto one new section relating to an actuarial analysis to study the cost impact of mandating health insurance coverage for eating disorders.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 178**, entitled:

An act to repeal sections 56.700 and 630.175, RSMo, and to enact in lieu thereof two new sections relating to mental health facilities.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 186**, entitled:

An act to repeal sections 194.350 and 194.360, RSMo, and to enact in lieu thereof two new sections relating to unclaimed veterans' remains.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 211**, entitled:

An act to amend chapter 167, RSMo, by adding thereto ten new sections relating to the management of diabetes in elementary and secondary schools.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 222**, entitled:

An act to repeal sections 455.010, 455.015, 455.020, 455.030, 455.032, 455.035, 455.040, 455.045, 455.050, 455.060, 455.080, 455.085, 455.503, 455.505, 455.513, 455.520, 455.523, 455.538, and 527.290, RSMo, and to enact in lieu thereof nineteen new sections relating to domestic violence, with existing penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 230**, entitled:

An act to amend chapter 191, RSMo, by adding thereto one new section relating to newborn screenings.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 248**, entitled:

An act to repeal section 67.457, RSMo, and to enact in lieu thereof one new section relating to notice of neighborhood improvement districts.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 262**, entitled:

An act to amend chapter 376, RSMo, by adding thereto one new section relating to the reimbursement of covered health care services provided through telemedicine, with an effective date.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 287**, entitled:

An act to repeal sections 379.1300, 379.1306, 379.1310, 379.1312, and 379.1326, RSMo, and to enact in lieu thereof six new sections relating to captive insurance companies.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 302**, entitled:

An act to amend chapter 338, RSMo, by adding thereto one new section relating to emergency prescription refills.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 305**, entitled:

An act to repeal section 334.040, RSMo, and to enact in lieu thereof one new selection relating to examination requirements for physicians.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 324**, entitled:

An act to amend chapter 375, RSMo, by adding thereto one new section relating to limited lines travel insurance producer licensing.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 329**, entitled:

An act to repeal section 196.311, RSMo, and to enact in lieu thereof one new section relating to eggs.

In which the concurrence of the House is respectfully requested.

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 4:00 p.m., Tuesday, April 2, 2013.

COMMITTEE HEARINGS

AGRI-BUSINESS

Wednesday, April 3, 2013, 8:00 AM House Hearing Room 4.

Public hearing will be held: HB 880, HB 881

Executive session may be held on any matter referred to the committee.

AGRICULTURE POLICY

Wednesday, April 3, 2013, 12:00 PM House Hearing Room 3.

Public hearing will be held: SB 16, HB 841, HB 927

Executive session may be held on any matter referred to the committee.

APPROPRIATIONS - INFRASTRUCTURE AND JOB CREATION

Thursday, April 4, 2013, 8:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Work session on resolution in conjunction with HJR 14

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, April 3, 2013, 2:00 PM House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

Working meeting - agenda to be announced

CHILDREN, FAMILIES, AND PERSONS WITH DISABILITIES

Wednesday, April 3, 2013, 12:00 PM or Upon Adjournment House Hearing Room 7.

Public hearing will be held: SCS SB 33, SCS SB 47, SB 77, HB 797, HB 842, HB 707, HB 717, HB 718, HB 721

Executive session may be held on any matter referred to the committee.

CRIME PREVENTION AND PUBLIC SAFETY

Tuesday, April 2, 2013, 7:00 PM 516 S Country Club Drive, Jefferson City.

CRIME PREVENTION AND PUBLIC SAFETY

Wednesday, April 3, 2013, Upon Afternoon Adjournment House Hearing Room 6.

Public hearing will be held: HB 36, HB 38, HB 296, SB 216

Executive session may be held on any matter referred to the committee.

Executive session will follow.

ELEMENTARY AND SECONDARY EDUCATION

Tuesday, April 2, 2013, Upon Evening Adjournment House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

Executive session only

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, April 3, 2013, 8:00 AM House Hearing Room 6.

Public hearing will be held: HB 396, HB 675, HB 626

Executive session may be held on any matter referred to the committee.

GENERAL LAWS

Tuesday, April 2, 2013, 1:00 PM House Hearing Room 4.

Public hearing will be held: HB 427, HB 465, HB 749, HJR 15

Executive session will be held: HJR 26, HB 372, HB 543, HB 759

Executive session may be held on any matter referred to the committee.

AMENDED

GOVERNMENT OVERSIGHT AND ACCOUNTABILITY

Wednesday, April 3, 2013, 4:00 PM House Hearing Room 1.

Public hearing will be held: HB 803

Executive session will be held: HB 700

Executive session may be held on any matter referred to the committee.

HEALTH CARE POLICY

Wednesday, April 3, 2013, Upon Morning Recess House Hearing Room 6.

Public hearing will be held: HB 99, HB 185, HCR 15, HB 262

Executive session may be held on any matter referred to the committee.

HEALTH INSURANCE

Wednesday, April 3, 2013, 12:00 PM House Hearing Room 5.

Public hearing will be held: HB 308, HB 598

Executive session may be held on any matter referred to the committee.

INSURANCE POLICY

Tuesday, April 2, 2013, Upon Afternoon Adjournment House Hearing Room 5.

Public hearing will be held: HB 338

Executive session will be held: HB 481, HB 610, HB 654

Executive session may be held on any matter referred to the committee.

HCS for HB 654 is being distributed.

JUDICIARY

Wednesday, April 3, 2013, 12:00 PM or Upon Morning Adjournment (whichever is earlier) House Hearing Room 1.

Public hearing will be held: HB 281, HB 831

Executive session will be held: HB 210, HB 371

Executive session may be held on any matter referred to the committee.

RETIREMENT

Thursday, April 4, 2013, 9:00 AM House Hearing Room 1.

Public hearing will be held: SCS SB 86, HB 737, HB 782, HB 861

Executive session may be held on any matter referred to the committee.

AMENDED

RULES

Tuesday, April 2, 2013, Upon Afternoon Adjournment South Gallery.
Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON CORRECTIONS

Wednesday, April 3, 2013, 8:00 AM House Hearing Room 3.
Public hearing will be held: HB 241, HB 742, HB 814, HB 830
Executive session may be held on any matter referred to the committee.

TRANSPORTATION

Tuesday, April 2, 2013, 2:00 PM House Hearing Room 7.
Public hearing will be held: SB 43, SB 148
Executive session will be held: HB 415
Executive session may be held on any matter referred to the committee.

UTILITIES

Wednesday, April 3, 2013, 8:00 AM House Hearing Room 7.
Public hearing will be held: SCS SB 191, SB 237
Executive session may be held on any matter referred to the committee.

VETERANS

Tuesday, April 2, 2013, 11:00 AM House Hearing Room 1.
Public hearing will be held: SCS SB 106, SCS SB 117
Executive session will be held: SCS SB 106, SCS SB 117
Executive session may be held on any matter referred to the committee.

WAYS AND MEANS

Tuesday, April 2, 2013, 12:30 PM House Hearing Room 6.
Public hearing will be held: SS#2 SCS SBs 26, 11 & 31, HB 500, HB 628
Executive session will be held: HB 421
Executive session may be held on any matter referred to the committee.

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Wednesday, April 3, 2013, 8:00 AM House Hearing Room 5.
Public hearing will be held: SS SCS SB 29, SS SB 34
Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

FORTY-FOURTH DAY, TUESDAY, APRIL 2, 2013

HOUSE CONCURRENT RESOLUTIONS FOR SECOND READING

HCR 36

HOUSE JOINT RESOLUTIONS FOR SECOND READING

HJR 36

HOUSE BILLS FOR SECOND READING - APPROPRIATIONS

HB 17 through HB 19

HOUSE BILLS FOR SECOND READING

HB 934 through HB 976

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 169 - Diehl
- 2 HB 227 - Zerr
- 3 HB 152 - Solon
- 4 HB 423 - Zerr
- 5 HB 578 - Funderburk
- 6 HB 316 - Phillips
- 7 HCS HB 30 - Scharnhorst
- 8 HCS HB 46 - Guernsey
- 9 HB 47 - Cross
- 10 HCS HB 134 - Allen
- 11 HCS HB 137 - Hinson
- 12 HCS HB 168 - Davis
- 13 HB 217 - Cox
- 14 HCS HB 221 - Leara
- 15 HB 253 - Berry
- 16 HCS HB 315 - Rowland
- 17 HB 400 - Riddle
- 18 HB 443 - Hubbard
- 19 HCS HB 343 - Guernsey
- 20 HCS HBs 446 & 211 - Cox
- 21 HCS HB 470 - Barnes

HOUSE BILLS FOR THIRD READING

- 1 HB 201 - Torpey
- 2 HCS HBs 521 & 579, (Fiscal Review 3/27/13) - Koenig

HOUSE BILLS FOR THIRD READING - CONSENT

- 1 HB 53 - Gatschenberger
- 2 HCS HB 58, E.C. - Molendorp
- 3 HB 60 - Engler
- 4 HCS HB 79 - Johnson
- 5 HCS HB 81 - Johnson
- 6 HB 116 - Dugger
- 7 HCS HB 199 - Dugger
- 8 HCS HB 235 - Crawford
- 9 HB 278 - Brattin
- 10 HCS HBs 303 & 304 - Scharnhorst
- 11 HCS HB 306 - Hoskins
- 12 HB 331 - Miller
- 13 HB 334 - Dugger
- 14 HB 406 - Wieland
- 15 HB 428 - Schatz
- 16 HB 429 - Schatz
- 17 HB 433 - Korman
- 18 HCS HB 438, E.C. - Rowland
- 19 HCS HB 440 - Webb
- 20 HB 442 - Hoskins
- 21 HB 445 - Engler
- 22 HB 450 - Carpenter
- 23 HB 451 - Fraker
- 24 HB 460 - Engler
- 25 HB 471 - Spencer
- 26 HB 478 - Wieland
- 27 HB 498 - Jones (50)
- 28 HB 525 - Franklin
- 29 HB 568 - Lauer
- 30 HB 581 - Roorda
- 31 HB 585 - Schieffer
- 32 HB 625 - Burlison
- 33 HB 632 - Dunn
- 34 HB 634 - Elmer
- 35 HB 650 - Ross
- 36 HCS HB 656 - May
- 37 HB 673 - Schatz
- 38 HB 702 - Englund
- 39 HB 715 - McCaherty

SENATE BILLS FOR SECOND READING

- 1 SB 35
- 2 SS SCS SB 116
- 3 SCS SB 147
- 4 SB 161
- 5 SCS SB 178
- 6 SCS SB 186
- 7 SB 211
- 8 SB 222
- 9 SB 230
- 10 SCS SB 248
- 11 SS SB 262
- 12 SCS SB 287
- 13 SCS SB 302
- 14 SCS SB 305
- 15 SCS SB 324
- 16 SB 329

SENATE BILLS FOR THIRD READING

HCS SCS SB 182, E.C. - Hough

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

FORTY-FOURTH DAY, TUESDAY, APRIL 2, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Representative John McCaherty.

Father, this is the day You have made; this is the moment that You have appointed for us to serve the people of this great state. They have trusted us to do what is right, and we know what is right is not always easy. Give us wisdom, courage, and understanding of the issues we face as we seek to serve others and honor You. We pray in Your name...

And the House says "Amen!"

The Pledge of Allegiance to the flag was recited.

The Journal of the forty-third day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1034 through House Resolution No. 1157

HOUSE CONCURRENT RESOLUTION

Representative McCann Beatty, et al., offered House Concurrent Resolution No. 37.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 36 was read the second time.

SECOND READING OF HOUSE JOINT RESOLUTION

HJR 36 was read the second time.

SECOND READING OF HOUSE BILLS - APPROPRIATIONS

HB 17 through **HB 19** were read the second time.

SECOND READING OF HOUSE BILLS

HB 934 through **HB 976** were read the second time.

SECOND READING OF SENATE BILLS

SB 35, SS SCS SB 116, SCS SB 147, SB 161, SCS SB 178, SCS SB 186, SB 211, SB 222, SB 230, SCS SB 248, SS SB 262, SCS SB 287, SCS SB 302, SCS SB 305, SCS SB 324 and **SB 329** were read the second time.

THIRD READING OF HOUSE BILLS - CONSENT

HB 53, relating to the Missouri Life and Health Insurance Guaranty Association Act, was taken up by Representative Gatschenberger.

On motion of Representative Gatschenberger, **HB 53** was read the third time and passed by the following vote:

AYES: 147

Allen	Anders	Anderson	Austin	Bahr
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Love	Lynch
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Montecillo	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Parkinson	Pfautsch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Swan
Swearingen	Thomson	Torpey	Walker	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 003

Ellington	Gardner	Marshall
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PRESENT: 000

ABSENT WITH LEAVE: 011

Barnes	Conway 104	Curtis	Grisamore	Lichtenegger
Pace	Rowden	Smith 85	Stream	Walton Gray
Webb				

VACANCIES: 002

Speaker Jones declared the bill passed.

HCS HB 58, relating to portable electronics insurance coverage, was taken up by Representative Molendorp.

On motion of Representative Molendorp, **HCS HB 58** was read the third time and passed by the following vote:

AYES: 149

Allen	Anders	Anderson	Austin	Bahr
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeier
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Love	Lynch	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Morgan	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Parkinson	Pfautsch
Phillips	Pierson	Pike	Pogue	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Swan	Swearingen	Thomson	Torpey
Walker	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 001

Marshall

PRESENT: 000

ABSENT WITH LEAVE: 011

Barnes	Grisamore	Lichtenegger	Morris	Pace
Redmon	Rowden	Smith 85	Stream	Walton Gray
Webb				

VACANCIES: 002

Speaker Jones declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 133

Allen	Anders	Anderson	Austin	Bahr
Bernskoetter	Black	Brattin	Brown	Burns
Butler	Cierpiot	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Elmer	Engler	English	Entlicher
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Guernsey	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Koenig	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Love	Lynch	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Molendorp	Montecillo	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Otto
Pfautsch	Phillips	Pierson	Pike	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieffer	Schupp
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Swan	Thomson	Torpey	Walker
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 019

Berry	Burlison	Carpenter	Colona	Curtis
Ellington	Englund	Fitzpatrick	Frame	Gardner
Haahr	Kirkton	Marshall	Mitten	Norr
Parkinson	Pogue	Schieber	Swearingen	

PRESENT: 001

Barnes

ABSENT WITH LEAVE: 008

Grisamore	Lichtenegger	Pace	Redmon	Smith 85
Stream	Walton Gray	Webb		

VACANCIES: 002

HB 60, relating to the removal of weeds and trash, was taken up by Representative Engler.

On motion of Representative Engler, **HB 60** was read the third time and passed by the following vote:

AYES: 146

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burns	Butler	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Grisamore	Haahr	Haefner
Hampton	Harris	Hicks	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeier
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Love	Lynch	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Parkinson	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 85	Smith 120
Solon	Sommer	Spencer	Swan	Swearingen
Thomson	Torpey	Walker	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 009

Burlison	Carpenter	Ellinger	Gardner	Guernsey
Higdon	Marshall	May	Remole	

PRESENT: 000

ABSENT WITH LEAVE: 006

Hansen	Lichtenegger	Pace	Stream	Walton Gray
Webb				

VACANCIES: 002

Speaker Jones declared the bill passed.

HCS HB 79, relating to the creation of the Missouri International Business Advertising Fund, was taken up by Representative Johnson.

On motion of Representative Johnson, **HCS HB 79** was read the third time and passed by the following vote:

AYES: 139

Allen	Anders	Anderson	Austin	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burns	Butler	Carpenter	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Davis	Diehl
Dohrman	Ellinger	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Guernsey	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Kelley 127
Kelly 45	Kirkton	Kolkmeyer	Korman	Kratky
LaFayer	Lair	Lant	Lauer	Lichtenegger
Love	Lynch	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Montecillo	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Parkinson	Pfautsch	Phillips	Pierson	Pike
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Rowden	Rowland
Runions	Schatz	Schieffer	Schupp	Shull
Shumake	Smith 85	Smith 120	Solon	Sommer
Spencer	Swan	Swearingen	Thomson	Torpey
Walker	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 014

Bahr	Burlison	Curtman	Dugger	Ellington
Haahr	Keeney	Koenig	Leara	Marshall
May	Pogue	Ross	Schieber	

PRESENT: 000

ABSENT WITH LEAVE: 008

Dunn	Molendorp	Pace	Redmon	Scharnhorst
Stream	Walton Gray	Webb		

VACANCIES: 002

Speaker Jones declared the bill passed.

HCS HB 81, relating to the establishment of the Missouri International Agriculture Exchange website, was taken up by Representative Johnson.

On motion of Representative Johnson, **HCS HB 81** was read the third time and passed by the following vote:

AYES: 144

Allen	Anders	Anderson	Austin	Bahr
Barnes	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Molendorp	Montecillo	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Parkinson	Pfautsch	Phillips	Pierson
Pike	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Schatz
Schieffer	Shull	Smith 85	Smith 120	Solon
Sommer	Spencer	Swan	Swearingen	Thomson
Torpey	Walker	Webber	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 009

Ellinger	Gardner	Kirkton	Marshall	Mitten
Pogue	Schieber	Schupp	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 008

Bernskoetter	Colona	Pace	Scharnhorst	Shumake
Stream	Walton Gray	Webb		

VACANCIES: 002

Speaker Jones declared the bill passed.

HB 116, relating to audits of county government accounts, was taken up by Representative Dugger.

On motion of Representative Dugger, **HB 116** was read the third time and passed by the following vote:

AYES: 151

Allen	Anders	Anderson	Austin	Bahr
Barnes	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Gannon	Gardner
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Morgan	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 85	Smith 120	Solon
Sommer	Spencer	Swan	Swearingen	Thomson
Torpey	Walker	Webb	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 001

Curtis

PRESENT: 000

ABSENT WITH LEAVE: 009

Bernskoetter	Curtman	Funderburk	Morris	Pace
Parkinson	Scharnhorst	Stream	Walton Gray	

VACANCIES: 002

Speaker Jones declared the bill passed.

HCS HB 199, relating to obsolete election statutes, was taken up by Representative Dugger.

On motion of Representative Dugger, **HCS HB 199** was read the third time and passed by the following vote:

AYES: 152

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Molendorp	Montecillo	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Parkinson	Pfautsch	Phillips	Pierson
Pike	Pogue	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Swan	Swearingen
Thomson	Torpey	Walker	Webb	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 002

Ellington	Smith 85
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PRESENT: 000

ABSENT WITH LEAVE: 007

Kolkmeyer	Pace	Redmon	Rehder	Schatz
Stream	Walton Gray			

VACANCIES: 002

Speaker Jones declared the bill passed.

HCS HB 235, relating to county treasurer qualifications, was taken up by Representative Crawford.

On motion of Representative Crawford, **HCS HB 235** was read the third time and passed by the following vote:

AYES: 152

Anders	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gardner
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Parkinson
Pfausch	Phillips	Pierson	Pike	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 85	Smith 120
Solon	Sommer	Spencer	Swan	Swearingen
Thomson	Torpey	Walker	Webb	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 003

Ellinger	Ellington	Pogue
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PRESENT: 000

ABSENT WITH LEAVE: 006

Allen	Colona	Pace	Redmon	Stream
Walton Gray				

VACANCIES: 002

Speaker Jones declared the bill passed.

Representative Funderburk assumed the Chair.

HB 278, relating to federal holidays, was taken up by Representative Brattin.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Diehl	Dugger
Elmer	Engler	Entlicher	Fitzwater	Flanigan
Fowler	Fraker	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Morris
Muntzel	Neely	Neth	Pfautsch	Phillips
Pike	Pogue	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 012

Davis	Dohrman	Fitzpatrick	Higdon	Leara
Mims	Molendorp	Pace	Parkinson	Redmon
Stream	Walton Gray			

VACANCIES: 002

On motion of Representative Brattin, **HB 278** was read the third time and passed by the following vote:

AYES: 114

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Ellington	Elmer
Engler	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Kratky	Lair	Lant
Lauer	Lichtenegger	Love	Lynch	Marshall
Mayfield	McCaherty	McGaugh	McKenna	McManus
Messenger	Miller	Morris	Muntzel	Neely
Pfautsch	Phillips	Pike	Pogue	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Schatz	Schieber	Schieffer	Shumake	Smith 120
Solon	Sommer	Spencer	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 032

Anders	Burns	Butler	Carpenter	Curtis
Dunn	Ellinger	English	Gardner	Hummel
Kelly 45	Kirkton	LaFaver	May	McCann Beatty
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pierson	Runions	Schupp	Smith 85	Swearingen
Webb	Webber			

PRESENT: 000

ABSENT WITH LEAVE: 015

Cierpiot	Colona	Gannon	Higdon	Leara
McDonald	Molendorp	Neth	Pace	Parkinson
Redmon	Scharnhorst	Shull	Stream	Walton Gray

VACANCIES: 002

Representative Funderburk declared the bill passed.

HCS HBs 303 & 304, relating to the designation of the “Stan Musial Memorial Bridge,” was taken up by Representative Scharnhorst.

On motion of Representative Scharnhorst, **HCS HBs 303 & 304** was read the third time and passed by the following vote:

AYES: 147

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Cookson	Cornejo
Cox	Crawford	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Frame
Franklin	Frederick	Funderburk	Gannon	Gardner
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	Lair	Lant
Lauer	Lichtenegger	Love	Lynch	Marshall
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Montecillo
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pfautsch
Phillips	Pierson	Pike	Pogue	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 85	Smith 120
Solon	Sommer	Spencer	Swan	Swearingen
Thomson	Torpey	Walker	Webb	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 000

PRESENT: 002

Ellington	Hummel
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ABSENT WITH LEAVE: 012

Conway 104	Cross	Fraker	Higdon	LaFaver
Leara	Molendorp	Pace	Parkinson	Redmon
Stream	Walton Gray			

VACANCIES: 002

Representative Funderburk declared the bill passed.

HCS HB 306, relating to the designation of the official state historical dog, was taken up by Representative Hoskins.

On motion of Representative Hoskins, **HCS HB 306** was read the third time and passed by the following vote:

AYES: 097

Allen	Anders	Bahr	Barnes	Berry
Black	Brattin	Brown	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Crawford
Cross	Davis	Diehl	Dohrman	Dugger
Elmer	Entlicher	Fitzpatrick	Fitzwater	Fowler
Frederick	Funderburk	Gatschenberger	Grisamore	Guernsey
Haefner	Hampton	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hummel
Johnson	Jones 50	Justus	Kelley 127	Kirkton
Kolkmeyer	Korman	Kratky	Lair	Lant
Lauer	Lichtenegger	Love	Lynch	Mayfield
McCann Beatty	McDonald	McGaugh	McManus	Messenger
Miller	Montecillo	Morris	Muntzel	Neely
Pfausch	Phillips	Pike	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Ross	Rowden	Scharnhorst	Schatz	Schieffer
Shull	Shumake	Smith 85	Smith 120	Solon
Swan	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	White	Wieland	Wood
Wright	Zerr			

NOES: 050

Anderson	Austin	Burlison	Burns	Butler
Carpenter	Curtman	Dunn	Ellinger	Ellington
Engler	English	Englund	Flanigan	Gannon
Gardner	Gosen	Haahr	Hansen	Harris
Hubbard	Hurst	Kelly 45	Koenig	LaFaver
Leara	Marshall	May	McKenna	McNeil
Meredith	Mims	Mitten	Morgan	Neth
Newman	Nichols	Norr	Otto	Parkinson
Pierson	Pogue	Roorda	Runions	Schieber
Schupp	Sommer	Spencer	Swearingen	Wilson

PRESENT: 001

Frame

ABSENT WITH LEAVE: 013

Bernskoetter	Cox	Curtis	Fraker	Franklin
Keeney	McCaherty	Molendorp	Pace	Redmon
Rowland	Stream	Mr Speaker		

VACANCIES: 002

Representative Funderburk declared the bill passed.

HB 331, relating to telecommunication price cap waivers, was taken up by Representative Miller.

On motion of Representative Miller, **HB 331** was read the third time and passed by the following vote:

AYES: 142

Allen	Anders	Anderson	Austin	Barnes
Berry	Black	Brattin	Brown	Burlison
Burns	Carpenter	Cierpiot	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Elmer	Engler	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Franklin	Frederick	Gannon	Gardner
Gatschenberger	Gosen	Grisamore	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Montecillo
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Parkinson
Pfautsch	Phillips	Pierson	Pike	Pogue
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 85
Smith 120	Solon	Sommer	Spencer	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	White	Wieland	Wood
Wright	Zerr			

NOES: 008

Butler	Colona	Curtis	Ellington	Frame
Marshall	May	Wilson		

PRESENT: 000

ABSENT WITH LEAVE: 011

Bahr	Bernskoetter	English	Funderburk	Guernsey
Jones 50	Molendorp	Pace	Redmon	Stream
Mr Speaker				

VACANCIES: 002

Representative Funderburk declared the bill passed.

HB 334, relating to children working on family farms, was taken up by Representative Dugger.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Anderson	Austin	Bahr	Barnes	Berry
Brattin	Brown	Burlison	Cierpiot	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Fowler	Fraker	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Haahr
Haefner	Hampton	Hansen	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Lichtenegger	Love	Lynch	McCaherty
McGaugh	Messenger	Miller	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 001

Marshall

ABSENT WITH LEAVE: 009

Allen	Bernskoetter	Flanigan	Guernsey	Leara
Molendorp	Pace	Ross	Stream	

VACANCIES: 002

On motion of Representative Dugger, **HB 334** was read the third time and passed by the following vote:

AYES: 112

Anderson	Austin	Bahr	Barnes	Berry
Black	Brattin	Brown	Burlison	Cierpiot
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Fowler	Frame	Franklin
Frederick	Funderburk	Gannon	Gardner	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Lichtenegger
Love	Lynch	Marshall	McGaugh	McKenna
Messenger	Miller	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Schieffer	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Swan	Thomson	Walker
Webb	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 040

Anders	Burns	Butler	Carpenter	Colona
Curtis	Dunn	Ellinger	Ellington	English
Englund	Hummel	Kirkton	Kratky	LaFaver
May	Mayfield	McCaherty	McCann Beatty	McDonald
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pierson	Runions	Schupp	Smith 85
Swearingen	Torpey	Walton Gray	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 009

Allen	Bernskoetter	Flanigan	Fraker	Leara
Molendorp	Pace	Phillips	Stream	

VACANCIES: 002

Representative Funderburk declared the bill passed.

HB 406, relating to the electronic payment of child support, was taken up by Representative Wieland.

On motion of Representative Wieland, **HB 406** was read the third time and passed by the following vote:

AYES: 143

Anders	Anderson	Austin	Bahr	Barnes
Berry	Black	Brattin	Brown	Burlison
Burns	Carpenter	Cierpiot	Colona	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtis	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzwater	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gardner	Gatschenberger
Gosen	Grisamore	Guernsey	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Lichtenegger	Love	Lynch	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Montecillo	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pfautsch	Phillips
Pierson	Pike	Pogue	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieffer	Schupp	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Swan	Swearingen	Thomson	Torpey	Walker
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 011

Bernskoetter	Butler	Fitzpatrick	Haahr	Hubbard
Marshall	Parkinson	Schieber	Smith 85	Walton Gray
Webb				

PRESENT: 000

ABSENT WITH LEAVE: 007

Allen	Flanigan	Leara	Molendorp	Pace
Redmon	Stream			

VACANCIES: 002

Representative Funderburk declared the bill passed.

HB 428, relating to salvage titles, was taken up by Representative Schatz.

On motion of Representative Schatz, **HB 428** was read the third time and passed by the following vote:

AYES: 147

Anders	Anderson	Austin	Bahr	Barnes
Berry	Black	Brattin	Brown	Burlison
Burns	Butler	Carpenter	Cierpiot	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtis	Curtman	Davis	Dohrman
Dugger	Dunn	Ellinger	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Montecillo	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Parkinson	Pfautsch	Phillips	Pierson	Pike
Pogue	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Swan
Swearingen	Thomson	Torpey	Walker	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Zerr			

NOES: 005

Colona	Ellington	Marshall	Smith 85	Walton Gray
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PRESENT: 000

ABSENT WITH LEAVE: 009

Allen	Bernskoetter	Diehl	Flanigan	Molendorp
Pace	Redmon	Stream	Mr Speaker	

VACANCIES: 002

Representative Funderburk declared the bill passed.

HB 429, relating to salvage vehicle titles, was taken up by Representative Schatz.

On motion of Representative Schatz, **HB 429** was read the third time and passed by the following vote:

AYES: 147

Anders	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gardner
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Korman	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mitten	Montecillo
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Parkinson
Pfautsch	Phillips	Pierson	Pike	Pogue
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Swan	Swearingen
Thomson	Torpey	Walker	Webb	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 007

Colona	Ellington	Kratky	Marshall	Mims
Smith 85	Walton Gray			

PRESENT: 000

ABSENT WITH LEAVE: 007

Allen	Flanigan	Kolkmeier	Molendorp	Pace
Redmon	Stream			

VACANCIES: 002

Representative Funderburk declared the bill passed.

HB 433, relating to meat processor inspections, was taken up by Representative Korman.

On motion of Representative Korman, **HB 433** was read the third time and passed by the following vote:

AYES: 103

Anderson	Austin	Bahr	Barnes	Bernskoetter
Berry	Brown	Burlison	Cierpiot	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McGaugh	McKenna	Messenger	Miller	Morris
Muntzel	Neely	Neth	Parkinson	Pfausch
Phillips	Pike	Pogue	Redmon	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Schatz	Schieber	Schieffer
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Swan	Thomson	Walker	Wieland
Wilson	Wood	Zerr		

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Hummel
Kelly 45	Kirkton	Kratky	LaFaver	May
Mayfield	McCaherty	McCann Beatty	McDonald	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pierson	Rehder	Rizzo	Roorda	Runions
Schupp	Smith 85	Swearingen	Torpey	Walton Gray
Webb	Webber	White	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 009

Allen	Brattin	Conway 10	Higdon	Molendorp
Pace	Scharnhorst	Stream	Mr Speaker	

VACANCIES: 002

Representative Funderburk declared the bill passed.

HCS HB 438, relating to college specialty license plates, was taken up by Representative Rowland.

On motion of Representative Rowland, **HCS HB 438** was read the third time and passed by the following vote:

AYES: 134

Allen	Anderson	Bahr	Barnes	Bernskoetter
Berry	Black	Brattin	Brown	Burlison
Burns	Butler	Conway 104	Cookson	Cox
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gardner
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Harris	Hicks	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Love	Lynch	May	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Messenger	Miller	Mims	Montecillo
Morgan	Morris	Muntzel	Neely	Neth
Newman	Norr	Parkinson	Pfautsch	Phillips
Pierson	Pike	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 85	Smith 120	Solon
Sommer	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	Webber	Wieland
Wilson	Wood	Wright	Zerr	

NOES: 016

Anders	Austin	Carpenter	Colona	Ellington
Hansen	Kirkton	Marshall	Mayfield	Meredith
Mitten	Nichols	Otto	Pogue	Spencer
White				

PRESENT: 000

ABSENT WITH LEAVE: 011

Cierpiot	Conway 10	Cornejo	Fitzwater	Hampton
Higdon	Lichtenegger	Molendorp	Pace	Stream
Mr Speaker				

VACANCIES: 002

Representative Funderburk declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 120

Allen	Anderson	Austin	Barnes	Bernskoetter
Black	Brattin	Brown	Burns	Butler
Cookson	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Grisamore	Guernsey	Haefner
Hansen	Harris	Hicks	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Koenig	Kolkmeier	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Messenger	Miller	Mitten	Montecillo
Morgan	Morris	Muntzel	Neely	Neth
Newman	Otto	Parkinson	Pfautsch	Phillips
Pierson	Pike	Redmon	Rehder	Reiboldt
Rhoads	Richardson	Rizzo	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieffer	Schupp
Shull	Shumake	Smith 85	Smith 120	Solon
Sommer	Swan	Thomson	Torpey	Walker
Webb	Webber	Wieland	Wood	Wright

NOES: 030

Anders	Bahr	Berry	Burlison	Carpenter
Colona	Conway 104	Curtis	Ellington	Frame
Gardner	Haahr	Kirkton	Marshall	May
Mayfield	Meredith	Mims	Nichols	Norr
Pogue	Remole	Roorda	Runions	Schieber
Spencer	Swearingen	Walton Gray	White	Wilson

PRESENT: 000

ABSENT WITH LEAVE: 011

Cierpiot	Conway 10	Cornejo	Hampton	Higdon
Molendorp	Pace	Riddle	Stream	Zerr
Mr Speaker				

VACANCIES: 002

HB 442, relating to professional therapy dogs, was taken up by Representative Hoskins.

On motion of Representative Hoskins, **HB 442** was read the third time and passed by the following vote:

AYES: 151

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burns	Butler	Carpenter	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hodges	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeyer	Korman	Kratky
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Montecillo	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Parkinson	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 85	Smith 120	Solon
Sommer	Spencer	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webb	Webber
White	Wieland	Wilson	Wood	Wright
Mr Speaker				

NOES: 001

Burlison

PRESENT: 000

ABSENT WITH LEAVE: 009

Cierpiot	Grisamore	Hinson	LaFaver	Molendorp
Pace	Scharnhorst	Stream	Zerr	

VACANCIES: 002

Representative Funderburk declared the bill passed.

HB 445, relating to the designation of the “Andy Gammon Memorial Highway,” was taken up by Representative Engler.

On motion of Representative Engler, **HB 445** was read the third time and passed by the following vote:

AYES: 154

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Dohrman	Dugger	Dunn
Ellinger	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hodges	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Montecillo	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Parkinson	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 85
Smith 120	Solon	Sommer	Spencer	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 000

PRESENT: 001

Ellington

ABSENT WITH LEAVE: 006

Diehl	Grisamore	Hinson	Molendorp	Pace
Stream				

VACANCIES: 002

Representative Funderburk declared the bill passed.

HB 451, relating to county budgets, was taken up by Representative Fraker.

On motion of Representative Fraker, **HB 451** was read the third time and passed by the following vote:

AYES: 151

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hodges	Hoskins
Hough	Houghton	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Lichtenegger
Love	Lynch	Marshall	May	Mayfield
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Montecillo	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Parkinson	Pfausch	Phillips	Pierson
Pike	Pogue	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Smith 85	Smith 120	Solon	Sommer
Spencer	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 001

Ellington

PRESENT: 000

ABSENT WITH LEAVE: 009

Guernsey	Hinson	Hubbard	Leara	McCaherty
Molendorp	Pace	Redmon	Stream	

VACANCIES: 002

Representative Funderburk declared the bill passed.

HB 498, relating to paid-in surplus distributions, was taken up by Representative Jones (50).

On motion of Representative Jones (50), **HB 498** was read the third time and passed by the following vote:

AYES: 151

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Dohrman	Dugger	Dunn
Ellinger	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hodges	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Lichtenegger
Love	Lynch	Marshall	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Molendorp	Montecillo	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Parkinson	Pfautsch	Phillips
Pierson	Pike	Pogue	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Smith 85	Smith 120	Solon	Sommer
Spencer	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 002

Ellington May

PRESENT: 000

ABSENT WITH LEAVE: 008

Diehl	Flanigan	Hinson	Leara	Pace
Redmon	Scharnhorst	Stream		

VACANCIES: 002

Representative Funderburk declared the bill passed.

HB 460, relating to the conveyance of state property, was taken up by Representative Engler.

Representative Jones (50) assumed the Chair.

On motion of Representative Engler, **HB 460** was read the third time and passed by the following vote:

AYES: 148

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Gannon
Gardner	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hodges	Hoskins	Hough
Houghton	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Lichtenegger	Love
Lynch	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Montecillo
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 85
Smith 120	Solon	Sommer	Spencer	Swan
Swearingen	Thomson	Walker	Walton Gray	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 004

Butler	Ellington	Marshall	May
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PRESENT: 001

Hubbard

ABSENT WITH LEAVE: 008

Funderburk	Hinson	Leara	Molendorp	Pace
Parkinson	Stream	Torpey		

VACANCIES: 002

Representative Jones (50) declared the bill passed.

HB 471, relating to the designation of “Engineers Awareness Week,” was taken up by Representative Spencer.

On motion of Representative Spencer, **HB 471** was read the third time and passed by the following vote:

AYES: 147

Allen	Anders	Anderson	Austin	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Cierpiot	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtis	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Gannon	Gardner
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Lichtenegger	Love	Lynch	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Messenger	Miller
Mims	Mitten	Montecillo	Morgan	Morris
Muntzel	Neely	Neth	Newman	Norr
Otto	Parkinson	Pfautsch	Phillips	Pierson
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 85	Smith 120	Solon
Sommer	Spencer	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webb	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 006

Bahr	Carpenter	Colona	Marshall	Meredith
Nichols				

PRESENT: 000

ABSENT WITH LEAVE: 008

Funderburk	Higdon	Hinson	Keeney	Leara
Molendorp	Pace	Stream		

VACANCIES: 002

Representative Jones (50) declared the bill passed.

HB 478, relating to shares in credit unions, was taken up by Representative Wieland.

On motion of Representative Wieland, **HB 478** was read the third time and passed by the following vote:

AYES: 153

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Hodges	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Lichtenegger	Love
Lynch	Marshall	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Molendorp	Montecillo	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Parkinson	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 85	Smith 120
Solon	Sommer	Spencer	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 001

Gardner

PRESENT: 000

ABSENT WITH LEAVE: 007

Funderburk	Higdon	Hinson	Keeney	Leara
Pace	Stream			

VACANCIES: 002

Representative Jones (50) declared the bill passed.

HB 525, relating to state purchasing of commodities, was taken up by Representative Franklin.

On motion of Representative Franklin, **HB 525** was read the third time and passed by the following vote:

AYES: 152

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brown
Burlison	Burns	Butler	Carpenter	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Fowler	Fraker
Frame	Franklin	Frederick	Gannon	Gardner
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Lichtenegger	Love	Lynch
Marshall	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Molendorp	Montecillo	Morgan	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Parkinson	Pfausch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Smith 85	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webb	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Brattin	Cierpiot	Flanigan	Funderburk	Higdon
Hinson	Leara	Morris	Pace	

VACANCIES: 002

Representative Jones (50) declared the bill passed.

HB 568, relating to the collection of special assessments for Neighborhood Improvement Districts, was taken up by Representative Lauer.

On motion of Representative Lauer, **HB 568** was read the third time and passed by the following vote:

AYES: 139

Allen	Anders	Anderson	Austin	Barnes
Bernskoetter	Berry	Black	Brown	Burns
Butler	Carpenter	Colona	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtis	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzwater	Fowler
Fraker	Frame	Frederick	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Grisamore	Guernsey
Haefner	Hampton	Hansen	Harris	Hicks
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Kolkmeyer	Kratky	LaFaver	Lair	Lant
Lauer	Lichtenegger	Love	Lynch	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Molendorp	Montecillo	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Parkinson	Pfautsch
Phillips	Pierson	Pike	Redmon	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webb	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	

NOES: 016

Bahr	Brattin	Burlison	Curtman	Fitzpatrick
Franklin	Haahr	Koenig	Korman	Marshall
Mitten	Pogue	Rehder	Ross	Smith 85
Smith 120				

PRESENT: 000

ABSENT WITH LEAVE: 006

Cierpiot	Flanigan	Higdon	Leara	Pace
Mr Speaker				

VACANCIES: 002

Representative Jones (50) declared the bill passed.

HB 625, relating to collaborative practice arrangements, was taken up by Representative Burlison.

On motion of Representative Burlison, **HB 625** was read the third time and passed by the following vote:

AYES: 150

Anders	Anderson	Austin	Bahr	Barnes
Berry	Black	Brattin	Brown	Burlison
Burns	Butler	Carpenter	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Dohrman	Dugger	Dunn	Ellinger	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Fowler	Fraker	Frame
Frederick	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Lichtenegger	Love	Lynch	Marshall
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Montecillo	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Parkinson	Pfautsch	Phillips	Pierson	Pike
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Smith 85	Smith 120	Solon	Sommer	Spencer
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webb	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 002

Franklin	Pogue
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PRESENT: 000

ABSENT WITH LEAVE: 009

Allen	Bernskoetter	Diehl	Flanigan	Funderburk
Higdon	Leara	Pace	Stream	

VACANCIES: 002

Representative Jones (50) declared the bill passed.

HB 634, relating to the designation of "Turner Syndrome Awareness Month," was taken up by Representative Elmer.

On motion of Representative Elmer, **HB 634** was read the third time and passed by the following vote:

AYES: 151

Allen	Anders	Anderson	Austin	Bahr
Barnes	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Fowler
Fraker	Frame	Franklin	Frederick	Gannon
Gardner	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Hinson	Hodges	Hoskins	Hough
Houghton	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Lichtenegger	Love
Lynch	Marshall	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Molendorp	Montecillo	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Parkinson	Pfautsch	Phillips	Pierson
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 85	Smith 120	Solon
Sommer	Spencer	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Bernskoetter	Flanigan	Funderburk	Higdon	Hubbard
Leara	McKenna	Pace	Stream	Webb

VACANCIES: 002

Representative Jones (50) declared the bill passed.

HB 650, relating to the designation of the Land Survey Program headquarters, was taken up by Representative Ross.

On motion of Representative Ross, **HB 650** was read the third time and passed by the following vote:

AYES: 147

Anders	Anderson	Austin	Bahr	Barnes
Berry	Black	Brattin	Burlison	Burns
Butler	Carpenter	Cierpiot	Colona	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtis	Davis	Diehl	Dohrman
Dugger	Dunn	Ellinger	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Fowler	Fraker	Frame	Franklin	Frederick
Gannon	Gardner	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Lichtenegger	Love	Lynch	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Parkinson	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 85	Smith 120
Solon	Sommer	Spencer	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wood	Wright
Zerr	Mr Speaker			

NOES: 001

Marshall

PRESENT: 001

Ellington

ABSENT WITH LEAVE: 012

Allen	Bernskoetter	Brown	Curtman	Flanigan
Funderburk	Higdon	Leara	Pace	Scharnhorst
Stream	Wilson			

VACANCIES: 002

Representative Jones (50) declared the bill passed.

HB 673, relating to Linn State Technical College, was taken up by Representative Schatz.

On motion of Representative Schatz, **HB 673** was read the third time and passed by the following vote:

AYES: 126

Bahr	Barnes	Berry	Black	Brattin
Burns	Butler	Carpenter	Cierpiot	Conway 10
Conway 104	Cookson	Cox	Crawford	Cross
Curtis	Curtman	Davis	Diehl	Dunn
Ellinger	Ellington	Elmer	Engler	Englund
Fitzwater	Fowler	Frame	Franklin	Frederick
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haefner	Hampton	Hansen	Harris	Hicks
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Lichtenegger	Love	Lynch
Marshall	McCaherty	McCann Beatty	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mitten	Montecillo	Morgan	Morris	Neely
Neth	Newman	Nichols	Otto	Parkinson
Pfautsch	Phillips	Pierson	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Rowden
Rowland	Runions	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Swan	Thomson	Torpey
Walker	Walton Gray	Webb	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 019

Anders	Anderson	Austin	Burlison	Colona
Cornejo	Dugger	English	Fitzpatrick	Gardner
Haahr	Kirkton	Mayfield	McDonald	Mims
Molendorp	Norr	Ross	Smith 85	

PRESENT: 000

ABSENT WITH LEAVE: 016

Allen	Bernskoetter	Brown	Dohrman	Entlicher
Flanigan	Fraker	Funderburk	Higdon	Leara
May	Muntzel	Pace	Scharnhorst	Stream
Swearingen				

VACANCIES: 002

Representative Jones (50) declared the bill passed.

HB 715, relating to motorcycle brake lights, was taken up by Representative McCaherty.

On motion of Representative McCaherty, **HB 715** was read the third time and passed by the following vote:

AYES: 153

Allen	Anders	Anderson	Austin	Bahr
Barnes	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Fowler	Fraker
Frame	Franklin	Frederick	Gannon	Gardner
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Lichtenegger	Love
Lynch	Marshall	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Molendorp	Montecillo	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Parkinson	Pfausch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 85	Smith 120
Solon	Sommer	Spencer	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Bernskoetter	Conway 10	Flanigan	Funderburk	Higdon
Leara	Pace	Stream		

VACANCIES: 002

Representative Jones (50) declared the bill passed.

HCS HB 440, relating to the sale of cottage foods, was taken up by Representative Webb.

On motion of Representative Webb, **HCS HB 440** was read the third time and passed by the following vote:

AYES: 151

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Fowler
Fraker	Frame	Franklin	Frederick	Gannon
Gardner	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Lichtenegger
Love	Lynch	Marshall	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Parkinson	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 85	Smith 120
Solon	Sommer	Spencer	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
White	Wieland	Wilson	Wood	Wright
Zerr				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Cornejo	Flanigan	Funderburk	Higdon	Leara
Pace	Scharnhorst	Stream	Webber	Mr Speaker

VACANCIES: 002

Representative Jones (50) declared the bill passed.

HB 702, relating to unclaimed military medals, was taken up by Representative Englund.

On motion of Representative Englund, **HB 702** was read the third time and passed by the following vote:

AYES: 153

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Fowler
Fraker	Frame	Franklin	Frederick	Gannon
Gardner	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Lichtenegger
Love	Lynch	Marshall	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Parkinson	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 85	Smith 120
Solon	Sommer	Spencer	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Cornejo	Flanigan	Funderburk	Keeney	Leara
Pace	Scharnhorst	Stream		

VACANCIES: 002

Representative Jones (50) declared the bill passed.

Speaker Jones resumed the Chair.

HCS HB 656, relating to the City of St. Louis parking division, was taken up by Representative May.

On motion of Representative May, **HCS HB 656** was read the third time and passed by the following vote:

AYES: 144

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Burlison	Burns	Butler	Carpenter	Cierpiot
Conway 10	Conway 104	Cookson	Cox	Crawford
Curtis	Curtman	Davis	Diehl	Dohrman
Dugger	Dunn	Ellinger	Ellington	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Fowler	Fraker	Frame	Franklin
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hummel
Hurst	Johnson	Jones 50	Justus	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Lichtenegger	Love	Lynch	Marshall	May
Mayfield	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Morgan
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Parkinson	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webb	Webber	White	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 001

Smith 85

PRESENT: 001

Hubbard

ABSENT WITH LEAVE: 015

Brown	Colona	Cornejo	Cross	Flanigan
Frederick	Keeney	Leara	McCaherty	Morris
Pace	Rehder	Scharnhorst	Stream	Wieland

VACANCIES: 002

Speaker Jones declared the bill passed.

HB 632, relating to the designation of "Alpha Phi Alpha Day," was taken up by Representative Dunn.

On motion of Representative Dunn, **HB 632** was read the third time and passed by the following vote:

AYES: 150

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Conway 10	Cookson	Cox	Crawford
Curtis	Curtman	Davis	Diehl	Dohrman
Dugger	Dunn	Ellinger	Ellington	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gardner	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Lichtenegger	Love
Lynch	Marshall	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Molendorp	Montecillo	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Parkinson	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Reiboldt
Remole	Rhoads	Richardson	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Smith 85	Smith 120	Solon	Sommer
Spencer	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	Webber	White
Wieland	Wilson	Wood	Wright	Mr Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Colona	Conway 104	Cornejo	Cross	Flanigan
Leara	Pace	Rehder	Riddle	Stream
Zerr				

VACANCIES: 002

Speaker Jones declared the bill passed.

HB 585, relating to the designation of "Stan Musial Day," was taken up by Representative Schieffer.

On motion of Representative Schieffer, **HB 585** was read the third time and passed by the following vote:

AYES: 150

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Conway 10	Cookson	Cox	Crawford
Cross	Curtis	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gardner	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Lichtenegger	Love
Lynch	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Montecillo	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Parkinson	Pfautsch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Smith 85	Smith 120	Solon	Sommer	Spencer
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webb	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 001

Marshall

PRESENT: 001

Ellington

ABSENT WITH LEAVE: 009

Colona	Conway 104	Cornejo	Flanigan	Leara
Molendorp	Pace	Riddle	Stream	

VACANCIES: 002

Speaker Jones declared the bill passed.

HB 450, relating to military medallions and medals, was taken up by Representative Carpenter.

On motion of Representative Carpenter, **HB 450** was read the third time and passed by the following vote:

AYES: 153

Anders	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cox
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Lichtenegger	Love	Lynch	Marshall	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Montecillo	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Parkinson	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 85
Smith 120	Solon	Sommer	Spencer	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	White	Wieland	Wilson
Wood	Wright	Mr Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Allen	Cornejo	Flanigan	Leara	Molendorp
Pace	Stream	Zerr		

VACANCIES: 002

Speaker Jones declared the bill passed.

PERFECTION OF HOUSE BILLS

HB 152, relating to school officers, was taken up by Representative Solon.

Representative Riddle offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 152, Page 2, Section 162.215, Line 23, by inserting after all of said section and line, the following:

“Section 1. The Missouri state training center for the D.A.R.E. program shall develop the curriculum and certification requirements for school resource officers. At a minimum, school resource officers must complete forty hours of basic school resource officer training to include legal operations within an educational environment, intruder training and planning, juvenile law, and any other relevant topics relating to the job and functions of a school resource officer.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 106

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Mr Speaker				

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Conway 10	Curtis	Dunn	Ellinger	English
Englund	Frame	Gardner	Harris	Hodges
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald

McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 006

Colona	Ellington	Hoskins	Pace	Stream
Zerr				

VACANCIES: 002

On motion of Representative Riddle, **House Amendment No. 1** was adopted.

Representative Haefner offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Bill No. 152, Page 2, Section 162.215, Line 23, by inserting after all of said line the following:

"160.261. 1. The local board of education of each school district shall clearly establish a written policy of discipline, including the district's determination on the use of corporal punishment and the procedures in which punishment will be applied. A written copy of the district's discipline policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning of each school year and also made available in the office of the superintendent of such district, during normal business hours, for public inspection. All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties, including but not limited to approved methods of dealing with acts of school violence, disciplining students with disabilities and instruction in the necessity and requirements for confidentiality.

2. The policy shall require school administrators to report acts of school violence to all teachers at the attendance center and, in addition, to other school district employees with a need to know. For the purposes of this chapter or chapter 167, "need to know" is defined as school personnel who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties. As used in this section, the phrase "act of school violence" or "violent behavior" means the exertion of physical force by a student with the intent to do serious physical injury as defined in subdivision (6) of section 565.002 to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. The policy shall at a minimum require school administrators to report, as soon as reasonably practical, to the appropriate law enforcement agency any of the following crimes, or any act which if committed by an adult would be one of the following crimes:

- (1) First degree murder under section 565.020;
- (2) Second degree murder under section 565.021;
- (3) Kidnapping under section 565.110;
- (4) First degree assault under section 565.050;
- (5) Forcible rape under section 566.030;
- (6) Forcible sodomy under section 566.060;
- (7) Burglary in the first degree under section 569.160;
- (8) Burglary in the second degree under section 569.170;
- (9) Robbery in the first degree under section 569.020;
- (10) Distribution of drugs under section 195.211;
- (11) Distribution of drugs to a minor under section 195.212;
- (12) Arson in the first degree under section 569.040;
- (13) Voluntary manslaughter under section 565.023;
- (14) Involuntary manslaughter under section 565.024;

- (15) Second degree assault under section 565.060;
- (16) Sexual assault under section 566.040;
- (17) Felonious restraint under section 565.120;
- (18) Property damage in the first degree under section 569.100;
- (19) The possession of a weapon under chapter 571;
- (20) Child molestation in the first degree pursuant to section 566.067;
- (21) Deviate sexual assault pursuant to section 566.070;
- (22) Sexual misconduct involving a child pursuant to section 566.083;
- (23) Sexual abuse pursuant to section 566.100;
- (24) Harassment under section 565.090; or
- (25) Stalking under section 565.225;

committed on school property, including but not limited to actions on any school bus in service on behalf of the district or while involved in school activities. The policy shall require that any portion of a student's individualized education program that is related to demonstrated or potentially violent behavior shall be provided to any teacher and other school district employees who are directly responsible for the student's education or who otherwise interact with the student on an educational basis while acting within the scope of their assigned duties. The policy shall also contain the consequences of failure to obey standards of conduct set by the local board of education, and the importance of the standards to the maintenance of an atmosphere where orderly learning is possible and encouraged.

3. The policy shall provide that any student who is on suspension for any of the offenses listed in subsection 2 of this section or any act of violence or drug-related activity defined by school district policy as a serious violation of school discipline pursuant to subsection 9 of this section shall have as a condition of his or her suspension the requirement that such student is not allowed, while on such suspension, to be within one thousand feet of any school property in the school district where such student attended school or any activity of that district, regardless of whether or not the activity takes place on district property unless:

(1) Such student is under the direct supervision of the student's parent, legal guardian, or custodian and the superintendent or the superintendent's designee has authorized the student to be on school property;

(2) Such student is under the direct supervision of another adult designated by the student's parent, legal guardian, or custodian, in advance, in writing, to the principal of the school which suspended the student and the superintendent or the superintendent's designee has authorized the student to be on school property;

(3) Such student is enrolled in and attending an alternative school that is located within one thousand feet of a public school in the school district where such student attended school; or

(4) Such student resides within one thousand feet of any public school in the school district where such student attended school in which case such student may be on the property of his or her residence without direct adult supervision.

4. Any student who violates the condition of suspension required pursuant to subsection 3 of this section may be subject to expulsion or further suspension pursuant to the provisions of sections 167.161, 167.164, and 167.171. In making this determination consideration shall be given to whether the student poses a threat to the safety of any child or school employee and whether such student's unsupervised presence within one thousand feet of the school is disruptive to the educational process or undermines the effectiveness of the school's disciplinary policy. Removal of any pupil who is a student with a disability is subject to state and federal procedural rights. This section shall not limit a school district's ability to:

(1) Prohibit all students who are suspended from being on school property or attending an activity while on suspension;

(2) Discipline students for off-campus conduct that negatively affects the educational environment to the extent allowed by law.

5. The policy shall provide for a suspension for a period of not less than one year, or expulsion, for a student who is determined to have brought a weapon to school, including but not limited to the school playground or the school parking lot, brought a weapon on a school bus or brought a weapon to a school activity whether on or off of the school property in violation of district policy, except that:

(1) The superintendent or, in a school district with no high school, the principal of the school which such child attends may modify such suspension on a case-by-case basis; and

(2) This section shall not prevent the school district from providing educational services in an alternative setting to a student suspended under the provisions of this section.

6. For the purpose of this section, the term "weapon" shall mean a firearm as defined under 18 U.S.C. 921 and the following items, as defined in section 571.010: a blackjack, a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or

a switchblade knife; except that this section shall not be construed to prohibit a school board from adopting a policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for educational purposes so long as the firearm is unloaded. The local board of education shall define weapon in the discipline policy. Such definition shall include the weapons defined in this subsection but may also include other weapons.

7. All school district personnel responsible for the care and supervision of students are authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any property of the school, on any school bus going to or returning from school, during school-sponsored activities, or during intermission or recess periods.

8. Teachers and other authorized district personnel in public schools responsible for the care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by the school district, shall not be civilly liable when acting in conformity with the established policies developed by each board, including but not limited to policies of student discipline or when reporting to his or her supervisor or other person as mandated by state law acts of school violence or threatened acts of school violence, within the course and scope of the duties of the teacher, authorized district personnel or volunteer, when such individual is acting in conformity with the established policies developed by the board. Nothing in this section shall be construed to create a new cause of action against such school district, or to relieve the school district from liability for the negligent acts of such persons.

9. Each school board shall define in its discipline policy acts of violence and any other acts that constitute a serious violation of that policy. "Acts of violence" as defined by school boards shall include but not be limited to exertion of physical force by a student with the intent to do serious bodily harm to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. School districts shall for each student enrolled in the school district compile and maintain records of any serious violation of the district's discipline policy. Such records shall be made available to teachers and other school district employees with a need to know while acting within the scope of their assigned duties, and shall be provided as required in section 167.020 to any school district in which the student subsequently attempts to enroll.

10. Spanking, when administered by certificated personnel and in the presence of a witness who is an employee of the school district, or the use of reasonable force to protect persons or property, when administered by personnel of a school district in a reasonable manner in accordance with the local board of education's written policy of discipline, is not abuse within the meaning of chapter 210. [The provisions of sections 210.110 to 210.165 notwithstanding, the children's division shall not have jurisdiction over or investigate any report of alleged child abuse arising out of or related to the use of reasonable force to protect persons or property when administered by personnel of a school district or any spanking administered in a reasonable manner by any certificated school personnel in the presence of a witness who is an employee of the school district pursuant to a written policy of discipline established by the board of education of the school district, as long as no allegation of sexual misconduct arises from the spanking or use of force.]

11. [If a student reports alleged sexual misconduct on the part of a teacher or other school employee to a person employed in a school facility who is required to report such misconduct to the children's division under section 210.115, such person and the superintendent of the school district shall forward the allegation to the children's division within twenty-four hours of receiving the information. Reports made to the children's division under this subsection shall be investigated by the division in accordance with the provisions of sections 210.145 to 210.153 and shall not be investigated by the school district under subsections 12 to 20 of this section for purposes of determining whether the allegations should or should not be substantiated. The district may investigate the allegations for the purpose of making any decision regarding the employment of the accused employee.]

12. Upon receipt of any reports of child abuse by the children's division other than reports provided under subsection 11 of this section, pursuant to sections 210.110 to 210.165 which allegedly involve personnel of a school district, the children's division shall notify the superintendent of schools of the district or, if the person named in the alleged incident is the superintendent of schools, the president of the school board of the school district where the alleged incident occurred.

13. If, after an initial investigation, the superintendent of schools or the president of the school board finds that the report involves an alleged incident of child abuse other than the administration of a spanking by certificated school personnel or the use of reasonable force to protect persons or property when administered by school personnel pursuant to a written policy of discipline or that the report was made for the sole purpose of harassing a public school employee, the superintendent of schools or the president of the school board shall immediately refer the matter back to the children's division and take no further action. In all matters referred back to the children's division, the division shall treat the report in the same manner as other reports of alleged child abuse received by the division.

14. If the report pertains to an alleged incident which arose out of or is related to a spanking administered by certificated personnel or the use of reasonable force to protect persons or property when administered by personnel of a school district pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public

school employee, a notification of the reported child abuse shall be sent by the superintendent of schools or the president of the school board to the law enforcement in the county in which the alleged incident occurred.

15. The report shall be jointly investigated by the law enforcement officer and the superintendent of schools or, if the subject of the report is the superintendent of schools, by a law enforcement officer and the president of the school board or such president's designee.

16. The investigation shall begin no later than forty-eight hours after notification from the children's division is received, and shall consist of, but need not be limited to, interviewing and recording statements of the child and the child's parents or guardian within two working days after the start of the investigation, of the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident.

17. The law enforcement officer and the investigating school district personnel shall issue separate reports of their findings and recommendations after the conclusion of the investigation to the school board of the school district within seven days after receiving notice from the children's division.

18. The reports shall contain a statement of conclusion as to whether the report of alleged child abuse is substantiated or is unsubstantiated.

19. The school board shall consider the separate reports referred to in subsection 17 of this section and shall issue its findings and conclusions and the action to be taken, if any, within seven days after receiving the last of the two reports. The findings and conclusions shall be made in substantially the following form:

(1) The report of the alleged child abuse is unsubstantiated. The law enforcement officer and the investigating school board personnel agree that there was not a preponderance of evidence to substantiate that abuse occurred;

(2) The report of the alleged child abuse is substantiated. The law enforcement officer and the investigating school district personnel agree that the preponderance of evidence is sufficient to support a finding that the alleged incident of child abuse did occur;

(3) The issue involved in the alleged incident of child abuse is unresolved. The law enforcement officer and the investigating school personnel are unable to agree on their findings and conclusions on the alleged incident.

20. The findings and conclusions of the school board under subsection 19 of this section shall be sent to the children's division. If the findings and conclusions of the school board are that the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the case closed, and no record shall be entered in the children's division central registry. If the findings and conclusions of the school board are that the report of the alleged child abuse is substantiated, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school district and shall include the information in the division's central registry. If the findings and conclusions of the school board are that the issue involved in the alleged incident of child abuse is unresolved, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school board, however, the incident and the names of the parties allegedly involved shall not be entered into the central registry of the children's division unless and until the alleged child abuse is substantiated by a court of competent jurisdiction.

21. Any superintendent of schools, president of a school board or such person's designee or law enforcement officer who knowingly falsifies any report of any matter pursuant to this section or who knowingly withholds any information relative to any investigation or report pursuant to this section is guilty of a class A misdemeanor.

22.] In order to ensure the safety of all students, should a student be expelled for bringing a weapon to school, violent behavior, or for an act of school violence, that student shall not, for the purposes of the accreditation process of the Missouri school improvement plan, be considered a dropout or be included in the calculation of that district's educational persistence ratio."; and

"210.115. 1. When any physician, medical examiner, coroner, dentist, chiropractor, optometrist, podiatrist, resident, intern, nurse, hospital or clinic personnel that are engaged in the examination, care, treatment or research of persons, and any other health practitioner, psychologist, mental health professional, social worker, day care center worker or other child-care worker, juvenile officer, probation or parole officer, jail or detention center personnel, teacher, principal or other school official, minister as provided by section 352.400, peace officer or law enforcement official, or other person with responsibility for the care of children has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect, that person shall immediately report [or cause a report to be made] to the division in accordance with the provisions of sections 210.109 to 210.183. **No internal investigation shall be initiated until such a report has been made.** As used in this section, the term "abuse" is not limited to abuse inflicted by a person responsible for the child's care, custody and control as specified in section 210.110, but shall also include abuse inflicted by any other person.

2. [Whenever such person is required to report pursuant to sections 210.109 to 210.183 in an official capacity as a staff member of a medical institution, school facility, or other agency, whether public or private, the person in charge or a designated agent shall be notified immediately. The person in charge or a designated agent shall then become responsible for immediately making or causing such report to be made to the division. Nothing in this section, however, is meant to preclude any person from reporting abuse or neglect] **If two or more members of a medical institution who are required to report jointly have knowledge of a known or suspected instance of child abuse or neglect, a single report may be made by a member of that team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter immediately make the report.**

3. **The reporting requirements under this section are individual, and no supervisor or administrator may impede or inhibit any reporting under this section. No person making a report under this section shall be subject to any sanction, including any adverse employment action, for making such report.**

4. Notwithstanding any other provision of sections 210.109 to 210.183, any child who does not receive specified medical treatment by reason of the legitimate practice of the religious belief of the child's parents, guardian, or others legally responsible for the child, for that reason alone, shall not be found to be an abused or neglected child, and such parents, guardian or other persons legally responsible for the child shall not be entered into the central registry. However, the division may accept reports concerning such a child and may subsequently investigate or conduct a family assessment as a result of that report. Such an exception shall not limit the administrative or judicial authority of the state to ensure that medical services are provided to the child when the child's health requires it.

[4.] 5. In addition to those persons and officials required to report actual or suspected abuse or neglect, any other person may report in accordance with sections 210.109 to 210.183 if such person has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect.

[5.] 6. Any person or official required to report pursuant to this section, including employees of the division, who has probable cause to suspect that a child who is or may be under the age of eighteen, who is eligible to receive a certificate of live birth, has died shall report that fact to the appropriate medical examiner or coroner. If, upon review of the circumstances and medical information, the medical examiner or coroner determines that the child died of natural causes while under medical care for an established natural disease, the coroner, medical examiner or physician shall notify the division of the child's death and that the child's attending physician shall be signing the death certificate. In all other cases, the medical examiner or coroner shall accept the report for investigation, shall immediately notify the division of the child's death as required in section 58.452 and shall report the findings to the child fatality review panel established pursuant to section 210.192.

[6.] 7. Any person or individual required to report may also report the suspicion of abuse or neglect to any law enforcement agency or juvenile office. Such report shall not, however, take the place of reporting [or causing a report to be made] to the division.

[7.] 8. If an individual required to report suspected instances of abuse or neglect pursuant to this section has reason to believe that the victim of such abuse or neglect is a resident of another state or was injured as a result of an act which occurred in another state, the person required to report such abuse or neglect may, in lieu of reporting to the Missouri division of family services, make such a report to the child protection agency of the other state with the authority to receive such reports pursuant to the laws of such other state. If such agency accepts the report, no report is required to be made, but may be made, to the [Missouri] division [of family services]."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Roorda raised a point of order that **House Amendment No. 2** is out of order pursuant to Rule 69.

The Chair ruled the point of order not well taken.

On motion of Representative Haefner, **House Amendment No. 2** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Morris
Muntzel	Neely	Parkinson	Pfausch	Phillips
Pike	Pogue	Redmon	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Mr Speaker	

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 007

Colona	Franklin	Neth	Pace	Rehder
Stream	Zerr			

VACANCIES: 002

On motion of Representative Solon, **HB 152, as amended**, was ordered perfected and printed.

HB 578, relating to sales and use taxation, was taken up by Representative Funderburk.

Representative Kelly (45) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 578, Page 1, Section A, Line 3, by inserting after all of said line the following:

"32.070. 1. This act shall be known and may be cited as the "Streamlined Sales and Use Tax Agreement Act".

2. The director of the department of revenue shall enter into the streamlined sales and use tax agreement with one or more states to simplify and modernize sales and use tax administration in order to substantially reduce the burden of tax compliance for all sellers and for all types of commerce. In furtherance of the streamlined sales and use tax agreement, the director of the department of revenue may act jointly with other states that are members of the streamlined sales and use tax agreement to establish standards for certification of a certified service provider and certified automated system and establish performance standards for multistate sellers.

3. The director of the department of revenue may take other action reasonably required to implement the provisions set forth in the streamlined sales and use tax administration act, including, but not limited to, the promulgation of rules and the joint procurement, with other member states, of goods and services in furtherance of the streamlined sales and use tax agreement.

4. For the purposes of representing the state as a member of the agreement and, if necessary, amending the agreement, the state shall be represented by three delegates, one of whom shall be appointed by the governor, one shall be a member of the general assembly appointed by mutual agreement of the president pro tem of the senate and the speaker of the house of representatives, with the director of the department of revenue or the director's designee as the third delegate. The delegates shall recommend to the committees responsible for reviewing tax issues in the senate and the house of representatives each year any amendment of state statutes required to be substantially in compliance with the agreement. Such delegates shall make a written report by the fifteenth day of January each year regarding the status of the agreement.

5. The department of revenue shall promulgate rules necessary to implement the provisions of the streamlined sales and use tax agreement.

32.086. Notwithstanding any other provision of law, for all local sales and use taxes collected by the department and remitted to a political jurisdiction or taxing district, the department shall remit one percent of the amount collected to the general revenue fund to offset the cost of collection, unless a greater amount is specified in the local sales and use tax law. The department shall not commingle the remaining amounts collected with general revenues and shall remit the remaining amounts collected to the political jurisdiction or taxing district less any credits for erroneous payments, overpayments, and dishonored checks.

32.087. 1. Within ten days after the adoption of any ordinance or order in favor of adoption of any local sales tax authorized under the local sales tax law by the voters of a taxing entity, the governing body or official of such taxing entity shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance or order. The ordinance or order shall reflect the effective date thereof.

2. Any local sales tax so adopted shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the local sales tax, except as provided in subsection [18] 17 of this section.

3. Every retailer within the jurisdiction of one or more taxing entities which has imposed one or more local sales taxes under the local sales tax law shall add all taxes so imposed along with the tax imposed by the sales tax law of the state of Missouri to the sale price and, when added, the combined tax shall constitute a part of the price, and shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. The combined rate of the state sales tax and all local sales taxes shall be the sum of the rates, multiplying the combined rate times the amount of the sale.

4. [The brackets required to be established by the director of revenue under the provisions of section 144.285 shall be based upon the sum of the combined rate of the state sales tax and all local sales taxes imposed under the provisions of the local sales tax law.

5.] The ordinance or order imposing a local sales tax under the local sales tax law shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the sum of the combined rate of the state sales tax or state highway use tax and all local sales taxes imposed under the provisions of the local sales tax law.

[6.] 5. On and after the effective date of any local sales tax imposed under the provisions of the local sales tax law, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri all additional local sales taxes authorized under the authority of the local sales tax law. All local sales taxes imposed under the local sales tax law together with all taxes imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

[7.] 6. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of any local sales tax imposed under the local sales tax law except as modified by the local sales tax law.

[8.] 7. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.525, as these sections now read and as they may hereafter be amended, it being the intent of this general assembly to ensure that the same sales tax exemptions granted from the state sales tax law also be granted under the local sales tax law, are hereby made applicable to the imposition and collection of all local sales taxes imposed under the local sales tax law.

[9.] 8. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of the local sales tax law, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from any local sales tax imposed by the local sales tax law.

[10.] 9. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under the provisions of the state sales tax law are hereby allowed and made applicable to any local sales tax collected under the provisions of the local sales tax law.

[11.] 10. The penalties provided in section 32.057 and sections 144.010 to 144.525 for a violation of the provisions of those sections are hereby made applicable to violations of the provisions of the local sales tax law.

[12. (1)] 11. For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales[, except the sale of motor vehicles, trailers, boats, and outboard motors, shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's agent or employee shall be deemed to be consummated at the place of business from which he works.

(2) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales of motor vehicles, trailers, boats, and outboard motors shall be deemed to be consummated at the residence of the purchaser and not at the place of business of the retailer, or the place of business from which the retailer's agent or employee works.

(3) For the purposes of any local tax imposed by an ordinance or under the local sales tax law on charges for mobile telecommunications services, all taxes of mobile telecommunications service shall be imposed as provided in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended] **shall be sourced as provided by sections 144.040 to 144.043.**

[13.] 12. Local sales taxes imposed pursuant to the local sales tax law on the purchase and sale of motor vehicles, trailers, boats, and outboard motors shall not be collected and remitted by the seller, but shall be collected by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a taxing entity imposing a local sales tax under the local sales tax law.

[14.] 13. The director of revenue and any of [his] **the director's** deputies, assistants and employees who have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of the local sales tax law shall enter a surety bond or bonds payable to any and all taxing entities in whose behalf such funds have been collected under the local sales tax law in the amount of one hundred thousand dollars for each such tax; but the director of revenue may enter into a blanket bond covering [himself] **the director** and all such deputies, assistants and

employees. The cost of any premium for such bonds shall be paid by the director of revenue from the share of the collections under the sales tax law retained by the director of revenue for the benefit of the state.

[15.] **14.** The director of revenue shall annually report on [his] **the director's** management of each trust fund which is created under the local sales tax law and administration of each local sales tax imposed under the local sales tax law. [He] **The director** shall provide each taxing entity imposing one or more local sales taxes authorized by the local sales tax law with a detailed accounting of the source of all funds received by [him] **the director** for the taxing entity. Notwithstanding any other provisions of law, the state auditor shall annually audit each trust fund. A copy of the director's report and annual audit shall be forwarded to each taxing entity imposing one or more local sales taxes.

[16.] **15.** Within the boundaries of any taxing entity where one or more local sales taxes have been imposed, if any person is delinquent in the payment of the amount required to be paid by [him] **such person** under the local sales tax law or in the event a determination has been made against [him] **such person** for taxes and penalty under the local sales tax law, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under the local sales tax law, the director of revenue shall notify the taxing entity in the event any person fails or refuses to pay the amount of any local sales tax due so that appropriate action may be taken by the taxing entity.

[17.] **16.** Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by the local sales tax law, the director of revenue shall permit the taxing entity to join in any sale of property to pay the delinquent taxes and penalties due the state and to the taxing entity under the local sales tax law. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such taxing entity.

[18.] **17.** If a local sales tax has been in effect for at least one year under the provisions of the local sales tax law and voters approve reimposition of the same local sales tax at the same rate at an election as provided for in the local sales tax law prior to the date such tax is due to expire, the tax so reimposed shall become effective the first day of the first calendar quarter after the director receives a certified copy of the ordinance, order or resolution accompanied by a map clearly showing the boundaries thereof and the results of such election, provided that such ordinance, order or resolution and all necessary accompanying materials are received by the director at least thirty days prior to the expiration of such tax. Any administrative cost or expense incurred by the state as a result of the provisions of this subsection shall be paid by the city or county reimposing such tax.

18. If the boundaries of a city in which a sales tax or use tax has been imposed shall thereafter be changed or altered, the city clerk shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the city within ten days of adoption of the ordinance. The ordinance shall reflect the effective date of the ordinance and shall be accompanied by a map of the city clearly showing the territory added or detached from the city boundaries. Upon receipt of the ordinance and map, the tax imposed under the local sales tax law or local use tax law shall be effective in the added territory or abolished in the detached territory on the first day of a calendar quarter after one hundred twenty days' notice to sellers.

19. Any change to any local sales tax or local use tax boundary or rate shall be effective on the first day of a calendar quarter after one hundred twenty days' notice to sellers.

66.620. 1. All county sales taxes collected by the director of revenue under sections 66.600 to 66.630 on behalf of any county[, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited in a special trust fund, which is hereby created, to be known as the "County Sales Tax Trust Fund". [The moneys in the county sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a county sales tax, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax; such funds shall be deposited with the county treasurer of the county and all expenditures of funds arising from the county sales tax trust fund shall be by an appropriation act to be enacted by the legislative council of the county, and to the cities, towns and villages located wholly or partly within the county which levied the tax in the manner as set forth in sections 66.600 to 66.630.

2. In any county not adopting an additional sales tax and alternate distribution system as provided in section 67.581, for the purposes of distributing the county sales tax, the county shall be divided into two groups, "Group A" and

"Group B". Group A shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which had a city sales tax in effect under the provisions of sections 94.500 to 94.550 on the day prior to the adoption of the county sales tax ordinance, except that beginning January 1, 1980, group A shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which had a city sales tax approved by the voters of such city under the provisions of sections 94.500 to 94.550 on the day prior to the effective date of the county sales tax. For the purposes of determining the location of consummation of sales for distribution of funds to cities, towns and villages in group A, the boundaries of any such city, town or village shall be the boundary of that city, town or village as it existed on March 19, 1984. Group B shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which did not have a city sales tax in effect under the provisions of sections 94.500 to 94.550 on the day prior to the adoption of the county sales tax ordinance, and shall also include all unincorporated areas of the county which levied the tax; except that, beginning January 1, 1980, group B shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which did not have a city sales tax approved by the voters of such city under the provisions of sections 94.500 to 94.550 on the day prior to the effective date of the county sales tax and shall also include all unincorporated areas of the county which levied the tax.

3. Until January 1, 1994, the director of revenue shall distribute to the cities, towns and villages in group A the taxes based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087. Except for distribution governed by section 66.630, after deducting the distribution to the cities, towns and villages in group A, the director of revenue shall distribute the remaining funds in the county sales tax trust fund to the cities, towns and villages and the county in group B as follows: To the county which levied the tax, a percentage of the distributable revenue equal to the percentage ratio that the population of the unincorporated areas of the county bears to the total population of group B; and to each city, town or village in group B located wholly within the taxing county, a percentage of the distributable revenue equal to the percentage ratio that the population of such city, town or village bears to the total population of group B; and to each city, town or village located partly within the taxing county, a percentage of the distributable revenue equal to the percentage ratio that the population of that part of the city, town or village located within the taxing county bears to the total population of group B.

4. From and after January 1, 1994, the director of revenue shall distribute to the cities, towns and villages in group A a portion of the taxes based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087 in accordance with the formula described in this subsection. After deducting the distribution to the cities, towns and villages in group A, the director of revenue shall distribute funds in the county sales tax trust fund to the cities, towns and villages and the county in group B as follows: To the county which levied the tax, ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated since April 1, 1993, multiplied by the total of all sales tax revenues countywide, and a percentage of the remaining distributable revenue equal to the percentage ratio that the population of unincorporated areas of the county bears to the total population of group B; and to each city, town or village in group B located wholly within the taxing county, a percentage of the remaining distributable revenue equal to the percentage ratio that the population of such city, town or village bears to the total population of group B; and to each city, town or village located partly within the taxing county, a percentage of the remaining distributable revenue equal to the percentage ratio that the population of that part of the city, town or village located within the taxing county bears to the total population of group B.

5. (1) For purposes of administering the distribution formula of subsection 4 of this section, the revenues arising each year from sales occurring within each group A city, town or village shall be distributed as follows: Until such revenues reach the adjusted county average, as hereinafter defined, there shall be distributed to the city, town or village all of such revenues reduced by the percentage which is equal to ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993; and once revenues exceed the adjusted county average, total revenues shall be shared in accordance with the redistribution formula as defined in this subsection.

(2) For purposes of this subsection, the "adjusted county average" is the per capita countywide average of all sales tax distributions during the prior calendar year reduced by the percentage which is equal to ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993; the "redistribution formula" is as follows: During 1994, each group A city, town and village shall receive that portion of the revenues arising from sales occurring within the municipality that remains after deducting therefrom an amount equal to the cumulative sales tax revenues arising from sales within the municipality multiplied by the percentage which is the sum of ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993, and the percentage, if greater than zero, equal to the product of 8.5 multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of cumulative per capita sales taxes arising from sales within the municipality less the adjusted county average. During 1995, each group A city, town

and village shall receive that portion of the revenues arising from sales occurring within the municipality that remains after deducting therefrom an amount equal to the cumulative sales tax revenues arising from sales within the municipality multiplied by the percentage which is the sum of ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993, and the percentage, if greater than zero, equal to the product of seventeen multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of cumulative per capita sales taxes arising from sales within the municipality less the adjusted county average. From January 1, 1996, until January 1, 2000, each group A city, town and village shall receive that portion of the revenues arising from sales occurring within the municipality that remains after deducting therefrom an amount equal to the cumulative sales tax revenues arising from sales within the municipality multiplied by the percentage which is the sum of ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993, and the percentage, if greater than zero, equal to the product of 25.5 multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of cumulative per capita sales taxes arising from sales within the municipality less the adjusted county average. From and after January 1, 2000, the distribution formula covering the period from January 1, 1996, until January 1, 2000, shall continue to apply, except that the percentage computed for sales arising within the municipalities shall be not less than 7.5 percent for municipalities within which sales tax revenues exceed the adjusted county average, nor less than 12.5 percent for municipalities within which sales tax revenues exceed the adjusted county average by at least twenty-five percent.

(3) For purposes of applying the redistribution formula to a municipality which is partly within the county levying the tax, the distribution shall be calculated alternately for the municipality as a whole, except that the factor for annexed portion of the county shall not be applied to the portion of the municipality which is not within the county levying the tax, and for the portion of the municipality within the county levying the tax. Whichever calculation results in the larger distribution to the municipality shall be used.

(4) Notwithstanding any other provision of this section, the fifty percent of additional sales taxes as described in section 99.845 arising from economic activities within the area of a redevelopment project established after July 12, 1990, pursuant to sections 99.800 to 99.865, while tax increment financing remains in effect shall be deducted from all calculations of countywide sales taxes, shall be distributed directly to the municipality involved, and shall be disregarded in calculating the amounts distributed or distributable to the municipality. Further, any agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of incremental sales tax revenues to the special allocation fund of a tax increment financing project while tax increment financing remains in effect shall continue to be in full force and effect and the sales taxes so appropriated shall be deducted from all calculations of countywide sales taxes, shall be distributed directly to the municipality involved, and shall be disregarded in calculating the amounts distributed or distributable to the municipality. In addition, and notwithstanding any other provision of this chapter to the contrary, economic development funds shall be distributed in full to the municipality in which the sales producing them were deemed consummated. Additionally, economic development funds shall be deducted from all calculations of countywide sales taxes and shall be disregarded in calculating the amounts distributed or distributable to the municipality. As used in this subdivision, the term "economic development funds" means the amount of sales tax revenue generated in any fiscal year by projects authorized pursuant to chapter 99 or chapter 100 in connection with which such sales tax revenue was pledged as security for, or was guaranteed by a developer to be sufficient to pay, outstanding obligations under any agreement authorized by chapter 100, entered into or adopted prior to September 1, 1993, between a municipality and another public body. The cumulative amount of economic development funds allowed under this provision shall not exceed the total amount necessary to amortize the obligations involved.

6. If the qualified voters of any city, town or village vote to change or alter its boundaries by annexing any unincorporated territory included in group B or if the qualified voters of one or more city, town or village in group A and the qualified voters of one or more city, town or village in group B vote to consolidate, the area annexed or the area consolidated which had been a part of group B shall remain a part of group B after annexation or consolidation. After the effective date of the annexation or consolidation, the annexing or consolidated city, town or village shall receive a percentage of the group B distributable revenue equal to the percentage ratio that the population of the annexed or consolidated area bears to the total population of group B and such annexed area shall not be classified as unincorporated area for determination of the percentage allocable to the county. If the qualified voters of any two or more cities, towns or villages in group A each vote to consolidate such cities, towns or villages, then such consolidated cities, towns or villages shall remain a part of group A. For the purpose of sections 66.600 to 66.630, population shall be as determined by the last federal decennial census or the latest census that determines the total population of the county and all political subdivisions therein. For the purpose of calculating the adjustment based on the percentage of unincorporated county population which is annexed after April 1, 1993, the accumulated percentage immediately before each census shall be used as the new percentage base after such census. After any annexation, incorporation or other municipal boundary

change affecting the unincorporated area of the county, the chief elected official of the county shall certify the new population of the unincorporated area of the county and the percentage of the population which has been annexed or incorporated since April 1, 1993, to the director of revenue. After the adoption of the county sales tax ordinance, any city, town or village in group A may by adoption of an ordinance by its governing body cease to be a part of group A and become a part of group B. Within ten days after the adoption of the ordinance transferring the city, town or village from one group to the other, the clerk of the transferring city, town or village shall forward to the director of revenue, by registered mail, a certified copy of the ordinance. Distribution to such city as a part of its former group shall cease and as a part of its new group shall begin on the first day of January of the year following notification to the director of revenue, provided such notification is received by the director of revenue on or before the first day of July of the year in which the transferring ordinance is adopted. If such notification is received by the director of revenue after the first day of July of the year in which the transferring ordinance is adopted, then distribution to such city as a part of its former group shall cease and as a part of its new group shall begin the first day of July of the year following such notification to the director of revenue. Once a group A city, town or village becomes a part of group B, such city may not transfer back to group A.

7. If any city, town or village shall hereafter change or alter its boundaries, the city clerk of the municipality shall forward to the director of revenue, by registered mail, a certified copy of the ordinance adding or detaching territory from the municipality. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the municipality clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by sections 66.600 to 66.630 shall be redistributed and allocated in accordance with the provisions of this section on the effective date of the change of the municipal boundary so that the proper percentage of group B distributable revenue is allocated to the municipality in proportion to any annexed territory. If any area of the unincorporated county elects to incorporate subsequent to the effective date of the county sales tax as set forth in sections 66.600 to 66.630, the newly incorporated municipality shall remain a part of group B. The city clerk of such newly incorporated municipality shall forward to the director of revenue, by registered mail, a certified copy of the incorporation election returns and a map of the municipality clearly showing the boundaries thereof. The certified copy of the incorporation election returns shall reflect the effective date of the incorporation. Upon receipt of the incorporation election returns and map, the tax imposed by sections 66.600 to 66.630 shall be distributed and allocated in accordance with the provisions of this section on the effective date of the incorporation.

8. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

9. Except as modified in sections 66.600 to 66.630, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under sections 66.600 to 66.630.

67.395. 1. All sales taxes collected by the director of revenue under sections 67.391 to 67.395 on behalf of any county[, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087] shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County AntiDrug Sales Tax Trust Fund". [The moneys in the county antidrug sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a sales tax under sections 67.391 to 67.395, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax. Such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from the county antidrug sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county.

2. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of

revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

3. Except as modified in sections 67.391 to 67.395, all provisions of sections 32.085 [and] **to** 32.087 shall apply to the tax imposed under sections 67.391 to 67.395.

67.525. 1. All county sales taxes collected by the director of revenue under sections 67.500 to 67.545 on behalf of any county[, less one percent for cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a county sales tax trust fund, which fund shall be separate and apart from the county sales tax trust fund established by section 66.620. [The moneys in such county sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a county sales tax, and the records shall be open to the inspection of officers of the county and to the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month by distributing to the county treasurer, or such other officer as may be designated by the county ordinance or order, of each county imposing the tax authorized by sections 67.500 to 67.545, the sum due the county as certified by the director of revenue.

2. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

3. Except as modified in sections 67.500 to 67.545, all provisions of sections 32.085 [and] **to** 32.087 shall apply to the tax imposed under sections 67.500 to 67.545.

67.571. 1. The governing body of any county of the first classification with a population of more than eighty-two thousand inhabitants and less than ninety thousand inhabitants may, in addition to any tourism sales tax imposed pursuant to sections 67.671 to 67.685, by a majority vote, impose a sales tax for the funding of museums and festivals. For purposes of this section, the term "funding of museums and festivals" shall mean:

(1) Funding of museums operating in the county, which are registered with the United States Internal Revenue Service as a 501(C)(3) corporation and which are considered by the board to be tourism attractions; and

(2) Funding of organizations that are registered as 501(C)(3) corporations which promote cultural heritage tourism including festivals and the arts.

2. Any question submitted to the voters of such county to establish a sales tax pursuant to this section shall be submitted in substantially the following form:

Shall the county of (insert the name of the county) impose a sales tax of (insert rate of percent) percent to be used to fund (museums, cultural heritage, festivals) in certain areas of the county?

☐ YES

☐ NO

3. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, and the tax takes effect pursuant to this section, the museums and festivals board appointed pursuant to subsection 5 of this section shall determine in what manner the tax revenue moneys will be expended, and disbursements of these moneys shall be made strictly in accordance with directions of the board which are consistent with the provisions of sections 67.571 to 67.577. Expenditures of these tax moneys may be made for the employment of personnel selected by the board to assist in carrying out the duties of the board, and the board is expressly authorized to employ such personnel. Expenditures of these tax moneys may be made directly to corporations pursuant to subsection 1 of this section. No such tax revenue moneys shall be disbursed to or on behalf of any corporation, organization or entity that is not duly registered with the Internal Revenue Service as a 501(C)(3) organization.

4. Any sales tax imposed pursuant to this section shall be imposed at a rate not to exceed two-tenths of one percent on receipts from the sale of certain tangible personal property or taxable services within the county pursuant to sections 67.571 to 67.577.

5. The governing body of any county which imposes a sales tax pursuant to this section may establish a museums and festivals board for the purpose of expending funds collected from any sales tax submitted and approved by the county's voters pursuant to this section. The board shall be comprised of six members who are appointed by the governing body of the county from a list of candidates supplied by the chair of each of the two major political parties of the county. The board shall be comprised of three members from each of the two political parties. Members shall serve for three-year terms, but of the members first appointed, one shall be appointed for a term of one year, two shall be appointed for a term of two years, and two shall be appointed for a term of three years. Each member shall be a resident of the county from which he or she is appointed. The members of the board shall not receive compensation for service on the board, but shall be reimbursed from the tax revenue money for any reasonable and necessary expenses incurred in service on the board.

6. In the area of each county in which a sales tax has been imposed in the manner provided by sections 67.571 to 67.577, every retailer within such area shall add the tax imposed by the provisions of sections 67.571 to 67.577 to his sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

7. In counties imposing a tax under the provisions of sections 67.571 to 67.577, in order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing body may authorize the use of a bracket system similar to that authorized by the provisions of section 144.285, and notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions.

8. Except as modified in this section, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under this section.

67.576. 1. The following provisions shall govern the collection of the tax imposed by the provisions of sections 67.571 to 67.577:

(1) All applicable provisions contained in sections 144.010 to 144.510 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by the provisions of sections 67.571 to 67.577;

(2) All exemptions granted to agencies of government, organizations, and persons under the provisions of sections 144.010 to 144.510 are hereby made applicable to the imposition and collection of the tax imposed by sections 67.571 to 67.577.

2. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.510 for the administration and collection of the state sales tax shall satisfy the requirements of sections 67.571 to 67.577, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax imposed by sections 67.571 to 67.577.

3. All discounts allowed the retailer pursuant to the provisions of the state sales tax law for the collection of and for payment of taxes pursuant to that act are hereby allowed and made applicable to any taxes collected pursuant to the provisions of sections 67.571 to 67.577.

4. The penalties provided in section 32.057 and sections 144.010 to 144.510 for a violation of those acts are hereby made applicable to violations of the provisions of sections 67.571 to 67.577.

5. [For the purposes of the sales tax imposed by an order pursuant to sections 67.571 to 67.577, all retail sales shall be deemed to be consummated at the place of business of the retailer] **Except as provided in sections 67.571 to 67.577, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under sections 67.571 to 67.577.**

67.578. 1. The governing authority of any county of the third classification without a township form of government and with more than sixteen thousand four hundred but less than sixteen thousand five hundred inhabitants may impose a sales tax in an amount not to exceed one-fifth of one percent on all retail sales made in the county which are subject to taxation pursuant to sections 144.010 to 144.525, to be used solely for the funding of museums. For purposes of this section, the term "museums" means museums operating in the county, which are registered with the United States Internal Revenue Service as a 501(c)(3) corporation and which are considered by the board to be a tourism attraction. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax shall be imposed pursuant to this section unless the governing authority submits to the voters of the

county, at a county or state general, primary, or special election, a proposal to authorize the governing authority to impose the tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the county of (insert the name of the county) impose a sales tax of (insert rate of percent) percent for the funding of museums? "Museums" means museums operating in the county, which are registered with the United States Internal Revenue Service as a 501(c)(3) corporation and which are considered by the museum board to be a tourism attraction.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO". If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the sales tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of the tax. If the proposal receives less than the required majority of votes, then the governing authority shall have no power to impose the tax unless and until the governing authority has again submitted another proposal to authorize the governing authority to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon.

3. On or after the effective date of the tax, the director of revenue shall be responsible for the administration, collection, enforcement, and operation of the tax, and sections 32.085 [and] **to** 32.087 shall apply. The director may retain an amount not to exceed one percent for deposit in the general revenue fund to offset the costs of collection. In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing authority may authorize the use of a bracket system similar to that authorized in section 144.285, and notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions. Beginning with the effective date of the tax, every retailer in the county shall add the sales tax to the sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. For purposes of this section, all retail sales shall be deemed to be consummated at the place of business of the retailer.

4. All applicable provisions in sections 144.010 to 144.525 governing the state sales tax, and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax, and all exemptions granted to agencies of government, organizations, and persons pursuant to sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax. The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax. All discounts allowed the retailer pursuant to the state sales tax law for the collection of and for payment of taxes are hereby allowed and made applicable to the tax. The penalties for violations provided in section 32.057 and sections 144.010 to 144.525 are hereby made applicable to violations of this section. If any person is delinquent in the payment of the amount required to be paid pursuant to this section, or in the event a determination has been made against the person for taxes and penalty pursuant to this section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525.

5. The governing authority may authorize any museum board already existing in the county, or may establish a museum board, to expend revenue collected pursuant to this section. In the event that no museum board already exists, the board established pursuant to this section shall consist of six members who are appointed by the governing authority from a list of candidates supplied by the chair of each of the two major political parties of the county, with three members from each of the two parties. Members shall serve for three-year terms, but of the members first appointed, [one] **two** shall be appointed for a term of one year, two shall be appointed for a term of two years, and two shall be appointed for a term of three years. Each member shall be a resident of the county. The members shall not receive compensation for service on the board, but shall be reimbursed from the revenues collected pursuant to this section for any reasonable and necessary expenses incurred in service on the board. The board shall determine in what manner the revenues will be expended, and disbursements of these moneys shall be made strictly in accordance with this section. Expenditures may be made for the employment of personnel selected by the board to assist in carrying out the duties of the board, and the board is expressly authorized to employ such personnel.

6. The governing authority may submit the question of repeal of the tax to the voters at any county or state general, primary, or special election. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the county of (insert name of county) repeal the sales tax of (insert rate of percent) percent for the funding of museums?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES".

If you are opposed to the question, place an "X" in the box opposite "NO". [If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which the repeal was approved.]

67.581. 1. In addition to the sales tax permitted by sections 66.600 to 66.630, any county of the first class having a charter form of government and having a population of nine hundred thousand or more may impose an additional countywide sales tax upon approval by a vote of the qualified voters of the county. The proposal may be submitted to the voters by the governing body of the county and shall be submitted to the voters at the next general election upon petitions signed by a number of qualified voters residing in the county equal to at least eight percent of the votes cast in the county in the next preceding gubernatorial election filed with the governing body of the county. The submission shall include the levying of a sales tax at a rate of not to exceed two hundred seventy-five one-thousandths of one percent on the receipts from the sale at retail of all tangible personal property or taxable services within the county which are also taxable under the provisions of sections 66.600 to 66.630, and shall provide for the distribution of the proceeds in the manner provided in either subsection 4 or subsection 5 of this section. If either of the alternative distribution systems as provided in subsection 4 or subsection 5 of this section is approved by the voters, then the alternative system of distribution may not be submitted to the voters for at least three years from the date of such voter approval.

2. The ballot of submission shall contain, but is not limited to, the following language:

Shall the County of levy an additional sales tax at the rate of (insert rate) and distribute the proceeds in the manner provided in (insert proper reference) (subsection 4)(subsection 5) of section 67.581, RSMo?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, the additional sales tax shall be levied and collected and the proceeds from the additional tax shall be distributed as provided in either subsection 4 or subsection 5 of this section. If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal, then the governing body of the county shall have no power to impose the additional sales tax authorized by this section unless and until a proposal for the levy of such tax is submitted to and approved by the voters of the county.

3. The provisions of sections 66.600 to 66.630 and sections 32.085 [and] **to** 32.087, except to the extent otherwise provided in this section, shall govern the levy, collection, distribution and other procedures related to an additional sales tax imposed pursuant to this section.

4. In any county adopting an additional sales tax pursuant to the provisions of this section, and selecting the method of distribution provided in this subsection, the proceeds from the sales tax imposed pursuant to this section, less one percent collection cost, shall be distributed first to those municipalities that did not receive during the preceding calendar year ninety-five percent of the amount the municipality would have received by multiplying the population of the municipality by the average per capita sales tax receipt for such county in an amount which will bring each municipality receipt of sales tax moneys up to ninety-five percent of the average per capita receipts from the proceeds of the sales tax imposed pursuant to sections 66.600 to 66.630. Any remainder of the money received from the sales tax imposed pursuant to this section shall be distributed to all municipalities on the ratio that the population of each municipality bears to the total population of the county. The average per capita sales tax distribution shall be calculated by dividing the sum of the total sales tax revenue derived from the tax imposed pursuant to sections 66.600 to 66.630 by the total population of the county. Population of each municipality, of the unincorporated area of the county, and the total population of the county shall be determined on the basis of the most recent federal decennial census. For the purposes of this subsection, any city, town, village or the unincorporated area of the county shall be considered a municipality.

5. In any county adopting an additional sales tax pursuant to the provisions of this section and selecting the method of distribution provided in this subsection, the proceeds from the sales tax imposed pursuant to this section, less one percent collection cost, shall be distributed to all cities, towns and villages, and the unincorporated areas of the county in group B and to such cities, towns and villages in group A as necessary so that no city, town, or village in group

A receives from the combined proceeds of both the sales tax imposed pursuant to this section and the sales tax imposed pursuant to sections 66.600 to 66.630, less than the per capita amount received by the cities, towns and villages and the unincorporated area of the county in group B receives from the total proceeds from both sales taxes.

6. The governing body of any county which is imposing a sales tax under the provisions of sections 66.600 to 66.630 may on its own motion and shall, upon petitions filed with the governing body of the county signed by a number of qualified voters residing in the county equal to at least eight percent of the votes cast in the county at the next preceding gubernatorial election, submit to the qualified voters of the county a proposal to change the method of distribution of sales tax proceeds from the manner provided in subsection 2 of section 66.620 to the method provided in this subsection. The ballot of submission shall be in substantially the following form:

Shall the proceeds from the county sales tax be distributed among the county of and the various cities, towns and villages therein in the manner provided in subdivisions (1) and (2) of subsection 6 of section 67.581, RSMo, in lieu of the present manner of distribution?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters of the county voting thereon are in favor of the proposal, the sales tax imposed by the county under the provisions of sections 66.600 to 66.630 shall be distributed in the manner provided in this subsection and not in the manner provided in subsection 2 of section 66.620. If a majority of the votes cast by the qualified voters of the county voting thereon are opposed to the proposal, then the governing body of the county shall have no power to order the proceeds from the sales tax imposed pursuant to the provisions of sections 66.600 to 66.630 in the manner provided in this subsection in lieu of the method provided in subsection 2 of section 66.620, unless and until a proposal authorizing such method of distribution is submitted to and approved by the voters of the county. If the voters approve the change in the method of distribution of the sales tax proceeds in the manner provided in this subsection, the county clerk of the county shall notify the director of revenue of the change in the method of distribution within ten days after adoption of the proposal and shall inform the director of the effective date of the change in the method of distribution, which shall be on the first day of the third calendar quarter after the director of revenue receives notice. After the effective date of the change in the manner of distribution, the director of revenue shall distribute the proceeds of the sales tax imposed by such county under the provisions of sections 66.600 to 66.630 in the manner provided in this subsection in lieu of the manner of distribution provided in subsection 2 of section 66.620. The proceeds of the sales tax imposed under the provisions of sections 66.600 to 66.630 in any county which elects to have the proceeds distributed in the manner provided in this subsection shall be distributed in the following manner:

(1) The proceeds from the sales taxes shall be distributed to the cities, towns and villages in group A and to the cities, towns and villages, and the county in group B as defined in section 66.620 in the manner provided in subsection 2 of section 66.620, until an amount equal to the total amount distributed under section 66.620, for the twelve-month period immediately preceding the effective date of the tax levied pursuant to the provisions of this section has been distributed;

(2) All moneys received in excess of the total amount distributed under section 66.620 for the twelve-month period immediately preceding the effective date of the tax levied pursuant to the provisions of this section shall be distributed to all cities, towns and villages and to the county on the basis that the population of each city, town or village, and in the case of the county the basis that the population of the unincorporated area of the county, bears to the total population of the county. The average per capita sales tax distribution shall be calculated by dividing the sum of the remaining amount of the total sales tax revenues by the total population of the county. Population of each city, town or village, of the unincorporated area of the county, and the total population of the county shall be determined on the basis of the most recent federal decennial census.

7. No municipality incorporated after the adoption of the tax authorized by this section shall be included as other than part of the unincorporated area of the county nor receive any share of either the proceeds from the tax levied pursuant to the provisions of this section or the tax levied pursuant to the provisions of sections 66.600 to 66.630 unless, at the time of incorporation, such municipality had a population of ten thousand or more.

8. The county sales tax imposed pursuant to this section on the purchase and sale of motor vehicles shall not be collected and remitted by the seller, but shall be collected by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within the county imposing the additional sales tax. [The amounts so collected, less one percent collection cost, shall be deposited in the county sales tax trust fund to be distributed in accordance with section 66.620. The purchase or sale of motor vehicles shall be deemed to be consummated at the address of the applicant for a certificate of title.]

9. No tax shall be imposed pursuant to this section for the purpose of funding in whole or in part the construction, operation or maintenance of a sports stadium, field house, indoor or outdoor recreational facility, center,

playing field, parking facility or anything incidental or necessary to a complex suitable for any type of professional sport, either upon, above or below the ground.

10. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

67.582. 1. The governing body of any county, except a county of the first class with a charter form of government with a population of greater than four hundred thousand inhabitants, is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of one percent on all retail sales made in such county which are subject to taxation under the provisions of sections 144.010 to 144.525 for the purpose of providing law enforcement services for such county. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax under the provisions of this section shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the governing body of the county to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

(1) If the proposal submitted involves only authorization to impose the tax authorized by this section the ballot shall contain substantially the following:

Shall the county of (county's name) impose a countywide sales tax of (insert amount) for the purpose of providing law enforcement services for the county?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No"; or

(2) If the proposal submitted involves authorization to enter into agreements to form a regional jail district and obligates the county to make payments from the tax authorized by this section the ballot shall contain substantially the following:

Shall the county of (county's name) be authorized to enter into agreements for the purpose of forming a regional jail district and obligating the county to impose a countywide sales tax of (insert amount) to fund dollars of the costs to construct a regional jail and to fund the costs to operate a regional jail, with any funds in excess of that necessary to construct and operate such jail to be used for law enforcement purposes?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to subdivision (1) of this subsection, then the ordinance or order and any amendments thereto shall be in effect [on the first day of the second quarter immediately following the election approving the proposal] **as provided by section 32.087**. If the constitutionally required percentage of the voters voting thereon are in favor of the proposal submitted pursuant to subdivision (2) of this subsection, then the ordinance or order and any amendments thereto shall be in effect [on the first day of the second quarter immediately following the election approving the proposal] **as provided by section 32.087**. If a proposal receives less than the required majority, then the governing body of the county shall have no power to impose the sales tax herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. All revenue received by a county from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for providing law enforcement services for such county for so

long as the tax shall remain in effect. Revenue placed in the special trust fund may also be utilized for capital improvement projects for law enforcement facilities and for the payment of any interest and principal on bonds issued for said capital improvement projects.

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for providing law enforcement services for the county. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue under this section on behalf of any county[, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited in a special trust fund, which is hereby created, to be known as the "County Law Enforcement Sales Tax Trust Fund". [The moneys in the county law enforcement sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust and which was collected in each county imposing a sales tax under this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax; such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from the county law enforcement sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county. Expenditures may be made from the fund for any law enforcement functions authorized in the ordinance or order adopted by the governing body submitting the law enforcement tax to the voters.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, **the repeal of such tax shall become effective as provided in section 32.087.** The county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

7. Except as modified in this section, all provisions of sections 32.085 [and] **to** 32.087 shall apply to the tax imposed under this section.

67.583. 1. The governing body of any county of the second class with a population of more than forty thousand but less than sixty thousand and which contains institutions operated by the department of corrections and by the department of mental health is hereby authorized to impose, by ordinance or order, a sales tax in the amount of one-eighth of one percent on all retail sales made in such county which are subject to taxation under the provisions of sections 144.010 to 144.525. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law; provided, however, that no ordinance or order imposing a sales tax under the provisions of this section shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the governing body of the county to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the county of (county's name) impose a countywide sales tax of (insert amount) for the purpose of providing retirement and health care benefits for county employees and their dependents?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to impose the sales tax herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. All revenue received by a county from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for providing retirement and health care benefits for county employees and their dependents.

4. All sales taxes collected by the director of revenue under this section on behalf of any county[, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited in a special trust fund, which is hereby created, to be known as the "County Employee Benefit Sales Tax Trust Fund". [The moneys in the county employee benefit sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust and which was collected in each county imposing a sales tax under this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax. Such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from the county employee benefit sales tax trust fund shall be for the provision of retirement benefits or health care benefits for employees of the county and their dependents and for no other purpose.

5. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

6. Except as modified in this section, all provisions of sections 32.085 [and] to 32.087 shall apply to the tax imposed under this section.

67.584. 1. The governing body of any county of the first classification with more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half percent on all retail sales made in such county which are subject to taxation pursuant to sections 144.010 to 144.525 for the purpose of providing law enforcement services for such county. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to this section shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary, or special election, a proposal to authorize the governing body of the county to impose a tax.

2. If the proposal submitted involves only authorization to impose the tax authorized by this section, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the county of (county's name) impose a countywide sales tax of (insert amount) for the purpose of providing law enforcement services for the county?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to this subsection, then the ordinance or order and any amendments thereto shall be in effect [on the first day of the second quarter immediately following the election approving the proposal] **as provided by section 32.087**. If a proposal receives less than the required majority, then the governing body of the county shall have no power to impose the sales tax herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. Twenty-five percent of the revenue received by a county treasurer from the tax authorized pursuant to this section shall be deposited in a special trust fund and shall be used solely by a prosecuting attorney's office for such

county for so long as the tax shall remain in effect. The remainder of revenue shall be deposited in the county law enforcement sales tax trust fund established pursuant to section 67.582 of the county levying the tax pursuant to this section. The revenue derived from the tax imposed pursuant to this section shall be used for public law enforcement services only. No revenue derived from the tax imposed pursuant to this section shall be used for any private contractor providing law enforcement services or for any private jail.

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the prosecuting attorney's trust fund shall be used solely by a prosecuting attorney's office for the county. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue pursuant to this section on behalf of any county[, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited in a special trust fund, which is hereby created, to be known as the "County Prosecuting Attorney's Office Sales Tax Trust Fund" or in the county law enforcement sales tax trust fund, pursuant to the deposit ratio in subsection 3 of this section. [The moneys in the trust funds shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trusts and which was collected in each county imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust funds during the preceding month to the county which levied the tax; such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from either trust fund shall be by an appropriation act to be enacted by the governing body of each such county. Expenditures may be made from the funds for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust funds and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, **the repeal of such tax shall become effective as provided in section 32.087.** The county shall notify the director of revenue of the action at least ninety days before the effective date of the repeal and the director of revenue may order retention in the appropriate trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayments of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county established pursuant to this section. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

7. Except as modified in this section, all provisions of sections 32.085 [and] **to 32.087** shall apply to the tax imposed pursuant to this section.

67.712. 1. All sales taxes collected by the director of revenue under sections 67.700 to 67.727 on behalf of any county[, less one percent for the cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Alternate Sales Tax Trust Fund". [The moneys in the county alternate sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a sales tax under sections 67.700 to 67.727, and the records shall be open to the inspection of officers of each county and the general public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month by distributing to the county treasurer, or such other officer as may be designated by the county ordinance or order, of each county imposing the tax authorized by sections 67.700 to 67.727, the sum, as certified by the director of revenue, due the county.

2. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county repeals the tax authorized by sections 67.700 to 67.727, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and **the repeal shall be effective as provided in section 32.087.** The director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of repeal of the tax authorized by sections 67.700 to 67.727 in such county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the county and

close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

3. Except as modified in sections 67.700 to 67.727, all provisions of sections 32.085 [and] to 32.087 shall apply to the tax imposed under sections 67.700 to 67.727.

67.713. 1. Notwithstanding the provisions of section 67.712, as to the disposition of any other sales tax imposed under the provisions of sections 67.700 to 67.727, one-fifth of the sales taxes collected by the director of revenue from the tax authorized by section 67.701 on behalf of any county of the first class having a charter form of government and having a population of nine hundred thousand or more[, less one percent for cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in sections 67.700 to 67.727,] shall be deposited in a special trust fund, which is hereby created, to be known as the "County-Municipal Storm Water and Public Works Sales Tax Trust Fund". [The moneys in the county-municipal storm water and public works sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county and the records shall be open to the inspection of officers of the county and of the municipalities within the county and the public. Not later than the tenth day of each month, the director of the department of revenue shall distribute all moneys deposited in the county-municipal storm water and public works sales tax trust fund during the preceding month to the county which levied the tax, and the municipalities which are located wholly or partially within such county as follows:

(1) The county which levied the sales tax shall receive a percentage of the distributable revenue equal to the percentage ratio that the population of the unincorporated areas of the county bears to the total population of the county;

(2) Each municipality located wholly within the county which levied the tax shall receive a percentage of the distributable revenue equal to the percentage ratio that the population of such municipality bears to the total population of the county; and

(3) Each municipality located partially within the county which levied the tax shall receive a percentage of the distributable revenue equal to the percentage ratio that the population of that part of the municipality located within the county bears to the total population of the county.

2. The director of revenue may make refunds from the amounts in the county-municipal storm water and public works sales tax trust fund and credited to any county or municipality for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such county or municipality. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the county-municipal storm water and public works sales tax trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county or municipality and close the account of that county or municipality. The director of revenue shall notify each county or municipality of each instance of any amount refunded or any check redeemed from receipts due the county or municipality.

3. If the governing body of any municipality located wholly or partially within the county so requests by resolution, no funds shall be expended from the proceeds of any tax imposed under section 67.701 within the corporate boundaries of the requesting municipality for the construction, reconstruction or widening of any road established or to be established pursuant to section 137.558, the total cost of which exceeds one hundred thousand dollars unless: (a) a public hearing is first held at a place near such proposed action; and (b) plans and specifications of such proposed action are prepared and a cost-benefit analysis prepared in accordance with accepted accounting principles of such proposed action is presented to such public hearing. Such cost-benefit analysis and its work papers shall be a public document and subject to inspection as provided in chapter 610. The provisions of this subsection shall not apply to proposed projects in unincorporated areas of the county.

67.729. 1. Any county except any first class county having a charter form of government and having a population of nine hundred thousand or more may, in the same manner and by the same procedure and subject to the same penalties as set out in sections 67.700 to 67.727, impose a sales tax of not more than one-tenth of one percent for the purpose of funding storm water control and public works projects other than stadiums or other sports facilities. This sales tax shall be in addition to any other sales tax authorized by law.

2. Notwithstanding the provisions of section 67.712 as to the disposition of any other sales tax imposed under the provisions of sections 67.700 to 67.727, all sales taxes collected by the director of revenue from the tax authorized

by this section on behalf of any county[, less one percent for cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Storm Water and Public Works Sales Tax Trust Fund". [The moneys in the county storm water and public works sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a sales tax under this section and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the county storm water and public works sales tax trust fund during the preceding month to the county which levied the tax, and the municipalities which are located wholly or partially within such county as follows:

(1) The county which levied the sales tax shall receive a percentage of the distributable revenue equal to the percentage ratio that the population of the unincorporated areas of the county bears to the total population of the county;

(2) Each municipality located wholly within the county which levied the tax shall receive a percentage of the distributable revenue equal to the percentage ratio that the population of such municipality bears to the total population of the county; and

(3) Each municipality located partially within the county which levied the tax shall receive a percentage of the distributable revenue equal to the percentage ratio that the population of that part of the municipality located within the county bears to the total population of the county.

3. The director of revenue may authorize the state treasurer to make refunds from the amounts in the county storm water and public works sales tax trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the county storm water and public works sales tax trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

67.737. Except as modified in sections 67.730 to 67.739, all provisions of sections 32.085 [and] **to** 32.087 shall apply to the tax imposed under sections 67.730 to 67.739.

67.738. 1. All sales taxes collected by the director of revenue under sections 67.730 to 67.739 on behalf of any county[, less one percent for the cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Capital Improvement Bond Sales Tax Trust Fund". [The moneys in the county capital improvement bond sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a sales tax under sections 67.730 to 67.739, and the records shall be open to the inspection of officers of each county and the general public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month by distributing to the county treasurer, or such other officer as may be designated by the county ordinance or order, of each county imposing the tax authorized by sections 67.730 to 67.739, the sum, as certified by the director of revenue, due the county.

2. The director of revenue may authorize the state treasurer to make refund from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county repeals the tax authorized by sections 67.730 to 67.739, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal or expiration and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of repeal or expiration of the tax authorized by sections 67.730 to 67.739 in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

67.745. 1. Any county of the third classification without a township form of government and with more than eleven thousand seven hundred fifty but fewer than eleven thousand eight hundred fifty inhabitants may impose a sales tax throughout the county for public recreational projects and programs, but the sales tax authorized by this section shall not become effective unless the governing body of such county submits to the qualified voters of the county a proposal to authorize the county to impose the sales tax.

2. The ballot submission shall be in substantially the following form:

Shall the County of impose a sales tax of up to one percent for the purpose of funding the financing, acquisition, construction, operation, and maintenance of recreational projects and programs, including the acquisition of land for such purposes?

☐ YES

☐ NO

3. If approved by a majority of qualified voters **voting on the issue** in the county, the governing body of the county shall appoint a board of directors consisting of nine members. Of the initial members appointed to the board, three members shall be appointed for a term of three years, three members shall be appointed for a term of two years, and three members shall be appointed for a term of one year. After the initial appointments, board members shall be appointed to three-year terms.

4. The sales tax may be imposed at a rate of up to one percent on the receipts from the retail sale of all tangible personal property or taxable service within the county, if such property and services are subject to taxation by the state of Missouri under sections 144.010 to 144.525.

5. All revenue collected from the sales tax under this section by the director of revenue on behalf of a county[, less one percent for the cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Recreation Sales Trust Fund". [Moneys in the fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund collected in each county imposing a sales tax under this section, and the records shall be open to the inspection of officers of such county and the general public. Not later than the tenth day of each calendar month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding calendar month by distributing to the county treasurer, or such officer as may be designated by county ordinance or order, of each county imposing the tax under this section the sum due the county as certified by the director of revenue.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. Each county shall notify the director of revenue at least ninety days prior to the effective date of the expiration of the sales tax authorized by this section and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the trust fund for a period of one year of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayments of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the date of expiration of the tax authorized by this section in a county, the director of revenue shall remit the balance in the account to the county and close the account of such county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due such county.

7. The tax authorized under this section may be imposed in accordance with this section by a county in addition to or in lieu of the tax authorized in sections 67.750 to 67.780.

8. The sales tax imposed under this section shall expire twenty years from the effective date thereof unless an extension of the tax is submitted to and approved by the qualified voters in the county in the manner provided in this section. Each extension of the sales tax shall be for a period of ten years.

9. The provisions of this section shall not in any way affect or limit the powers granted to any county to establish, maintain, and conduct parks and other recreational grounds for public recreation.

10. Except as modified in this section, the provisions of sections 32.085 [and] **to 32.087** shall apply to the tax imposed under this section.

67.782. 1. Any county of the third class having a population of more than ten thousand and less than fifteen thousand and any county of the second class having a population of more than fifty-eight thousand and less than seventy thousand adjacent to such third class county, both counties making up the same judicial circuit, may jointly impose a sales tax throughout each of their respective counties for public recreational purposes including the financing, acquisition, construction, operation and maintenance of recreational projects and programs, but the sales taxes authorized by this section shall not become effective unless the governing body of each such county submits to the voters of their respective counties a proposal to authorize the counties to impose the sales tax.

2. The ballot of submission shall be in substantially the following form:

Shall the County of impose a sales tax of percent in conjunction with the county of for the purpose of funding the financing, acquisition, construction, operation and maintenance of recreational projects and programs, including the acquisition of land for such purposes?

☐ YES

☐ NO

If a separate majority of the votes cast on the proposal by the qualified voters voting thereon in each county are in favor of the proposal, then the tax shall be in effect in both counties. If a majority of the votes cast by the qualified voters voting thereon in either county are opposed to the proposal, then the governing body of neither county shall have power to impose the sales tax authorized by this section unless or until the governing body of the county that has not approved the tax shall again have submitted another proposal to authorize the governing body to impose the tax, and the proposal is approved by a majority of the qualified voters voting thereon in that county.

3. The sales tax may be imposed at a rate of one percent on the receipts from the sale at retail of all tangible personal property or taxable service at retail within the county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525.

4. All sales taxes collected by the director of revenue under this section on behalf of any county[, less one percent for the cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Recreation Sales Tax Trust Fund". [The moneys in the county recreation sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a sales tax under this section, and the records shall be open to the inspection of officers of each county and the general public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month by distributing to the county treasurer, or such other officer as may be designated by the county ordinance or order, of each county imposing the tax authorized by this section, the sum, as certified by the director of revenue, due the county.

5. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. Each county shall notify the director of revenue at least ninety days prior to the effective date of the expiration of the sales tax authorized by this section and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the date of expiration of the tax authorized by this section in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

6. The tax authorized by this section may be imposed, in accordance with this section, by a county in addition to or in lieu of the tax authorized by sections 67.750 to 67.780.

7. Any county imposing a sales tax pursuant to the provisions of this section may contract with the authority of any other county or with any city or political subdivision for the financing, acquisition, operation, construction, maintenance, or utilization of any recreation facility or project or program funded in whole or in part from revenues derived from the tax levied pursuant to the provisions of this section.

8. The sales tax imposed pursuant to the provisions of this section shall expire twenty-five years from the effective date thereof unless an extension of the tax is submitted to and approved by the voters in each county in the manner provided in this section. Each extension of the sales tax shall be for a period of ten years.

9. The governing body of each of the counties imposing a sales tax under the provisions of this section may cooperate with the governing body of any county or other political subdivision of this state in carrying out the provisions of this section, and may establish and conduct jointly a system of public recreation. The respective governing bodies administering programs jointly may provide by agreement among themselves for all matters connected with the programs and determine what items of cost and expense shall be paid by each.

10. The provisions of this section shall not in any way repeal, affect or limit the powers granted to any county to establish, maintain and conduct parks and other recreational grounds for public recreation.

11. Except as modified in this section, all provisions of sections 32.085 [and] **to** 32.087 shall apply to the tax imposed under this section.

67.799. 1. A regional recreational district may, by a majority vote of its board of directors, impose an annual property tax for the establishment and maintenance of public parks and recreational facilities and grounds within the boundaries of the regional recreational district not to exceed sixty cents per year on each one hundred dollars of assessed valuation on all property within the district, except that no such tax shall become effective unless the board of directors of the district submits to the voters of the district, at a county or state general, primary or special election, a proposal to authorize the tax.

2. The question shall be submitted in substantially the following form:

Shall a cent tax per one hundred dollars assessed valuation be levied for public parks and recreational facilities?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall become effective. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors shall have no power to impose the tax unless and until the board of directors of the district submits another proposal to authorize the tax and such proposal is approved by a majority of the qualified voters voting thereon.

3. The property tax authorized in subsections 1 and 2 of this section shall be levied and collected in the same manner as other ad valorem property taxes are levied and collected.

4. (1) A regional recreational district may, by a majority vote of its board of directors, impose a tax not to exceed one-half of one cent on all retail sales subject to taxation pursuant to sections 144.010 to 144.525 for the purpose of funding the creation, operation and maintenance of public parks, recreational facilities and grounds within the boundaries of a regional recreational district. The tax authorized by this subsection shall be in addition to all other sales taxes allowed by law. No tax pursuant to this subsection shall become effective unless the board of directors submits to the voters of the district, at a county or state general, primary or special election, a proposal to authorize the tax, and such tax shall become effective only after the majority of the voters voting on such tax approve such tax.

(2) In the event the district seeks to impose a sales tax pursuant to this subsection, the question shall be submitted in substantially the following form:

Shall a cent sales tax be levied on all retail sales within the district for public parks and recreational facilities?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall become effective. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors shall have no power to impose the tax unless and until another proposal to authorize the tax is submitted to the voters of the district and such proposal is approved by a majority of the qualified voters voting thereon. The provisions of sections 32.085 [and] to 32.087 shall apply to any tax approved pursuant to this subsection.

5. As used in this section, "qualified voters" or "voters" means any individuals residing within the proposed district who are eligible to be registered voters and who have registered to vote under chapter 115 or, if no individuals eligible and registered to vote reside within the proposed district, all of the owners of real property located within the proposed district who have unanimously petitioned for or consented to the adoption of an ordinance by the governing body imposing a tax authorized in this section. If the owner of the property within the proposed district is a political subdivision or corporation of the state, the governing body of such political subdivision or corporation shall be considered the owner for purposes of this section.

67.997. 1. The governing body of any county of the third classification without a township form of government and with more than eighteen thousand one hundred but fewer than eighteen thousand two hundred inhabitants may impose, by order or ordinance, a sales tax on all retail sales made within the county which are subject to sales tax under chapter 144. The tax authorized in this section shall not exceed one-fourth of one percent, and shall be imposed solely for the purpose of funding senior services and youth programs provided by the county. One-half of all revenue collected under this section[, less one-half the cost of collection,] shall be used solely to fund any service or activity deemed necessary by the senior service tax commission established in this section, and one-half of all revenue collected under this section[, less one-half the cost of collection,] shall be used solely to fund all youth programs administered by an existing county community task force. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The order or ordinance shall not become effective unless the governing body of the county submits to the voters residing within the county at a state general, primary, or special election a proposal to authorize the governing body of the county to impose a tax under this section.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:
 Shall (insert the name of the county) impose a sales tax at a rate of (insert rate of percent) percent, with half of the revenue from the tax, less one-half the cost of collection, to be used solely to fund senior services provided by the county and half of the revenue from the tax, less one-half the cost of collection, to be used solely to fund youth programs provided by the county?

☐ YES ☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter immediately following the approval of the tax or notification to the department of revenue if such tax will be administered by the department of revenue. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. [On or after the effective date of any tax authorized under this section, the county which imposed the tax shall enter into an agreement with the director of the department of revenue for the purpose of collecting the tax authorized in this section. On or after the effective date of the tax the director of revenue shall be responsible for the administration, collection, enforcement, and operation of the tax, and] Sections 32.085 [and] to 32.087 shall apply. All revenue collected under this section by the director of the department of revenue on behalf of any county[, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund.] shall be deposited in a special trust fund, which is hereby created and shall be known as the "Senior Services and Youth Programs Sales Tax Trust Fund", and shall be used solely for the designated purposes. [Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state.] The director may make refunds from the amounts in the trust fund and credited to the county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such county. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. [In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing body of the county may authorize the use of a bracket system similar to that authorized in section 144.285 and notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions.] Beginning with the effective date of the tax, every retailer in the county shall add the sales tax to the sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. For purposes of this section, all retail sales shall be deemed to be consummated at the place of business of the retailer.

5. All applicable provisions in sections 144.010 to 144.525 governing the state sales tax, and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax[, and all exemptions granted to agencies of government, organizations, and persons under sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax. The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax. All discounts allowed the retailer under the state sales tax for the collection of and for payment of taxes are hereby allowed and made applicable to the tax. The penalties for violations provided in section 32.057 and sections 144.010 to 144.525 are hereby made applicable to violations of this section. If any person is delinquent in the payment of the amount required to be paid under this section, or in the event a determination has been made against the person for taxes and penalty under this section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525].

6. The governing body of any county that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the county. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the county) repeal the sales tax imposed at a rate of (insert rate of percent) percent for the purpose of funding senior services and youth programs provided by the county?

☐ YES ☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of repeal, that repeal shall become effective [on December thirty-first of the calendar year in which such repeal was approved] **as provided by section 32.087**. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

7. Whenever the governing body of any county that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the county voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the county a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective [on December thirty-first of the calendar year in which such repeal was approved] **as provided by section 32.087**. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

8. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the county shall notify the director of the department of revenue of the action at least thirty days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director shall remit the balance in the account to the county and close the account of that county. The director shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

9. Each county imposing the tax authorized in this section shall establish a senior services tax commission to administer the portion of the sales tax revenue dedicated to providing senior services. Such commission shall consist of seven members appointed by the county commission. The county commission shall determine the qualifications, terms of office, compensation, powers, duties, restrictions, procedures, and all other necessary functions of the commission.

67.1300. 1. The governing body of any of the contiguous counties of the third classification without a township form of government enumerated in subdivisions (1) to (5) of this subsection or in any county of the fourth classification acting as a county of the second classification, having a population of at least forty thousand but less than forty-five thousand with a state university, and adjoining a county of the first classification with part of a city with a population of three hundred fifty thousand or more inhabitants or a county of the third classification with a township form of government and with a population of at least eight thousand but less than eight thousand four hundred inhabitants or a county of the third classification with more than fifteen townships having a population of at least twenty-one thousand inhabitants or a county of the third classification without a township form of government and with a population of at least seven thousand four hundred but less than eight thousand inhabitants or any county of the third classification with a population greater than three thousand but less than four thousand or any county of the third classification with a population greater than six thousand one hundred but less than six thousand four hundred or any county of the third classification with a population greater than six thousand eight hundred but less than seven thousand or any county of the third classification with a population greater than seven thousand eight hundred but less than seven thousand nine hundred or any county of the third classification with a population greater than eight thousand four hundred sixty but less than eight thousand five hundred or any county of the third classification with a population greater than nine thousand but less than nine thousand two hundred or any county of the third classification with a population greater than ten thousand five hundred but less than ten thousand six hundred or any county of the third classification with a population greater than twenty-three thousand five hundred but less than twenty-three thousand seven hundred or a county of the third classification with a population greater than thirty-three thousand but less than thirty-four thousand or a county of the third classification with a population greater than twenty thousand eight hundred but less than twenty-one thousand or a county of the third classification with a population greater than fourteen thousand one hundred but less than fourteen thousand five hundred or a county of the third classification with a population greater than twenty thousand eight hundred fifty but less than twenty-two thousand or a county of the third classification with a population greater than thirty-nine thousand but less than forty thousand or a county of the third classification with a township form of organization and a population greater than twenty-eight thousand but less than twenty-nine thousand or a county of

the third classification with a population greater than fifteen thousand but less than fifteen thousand five hundred or a county of the third classification with a population greater than eighteen thousand but less than nineteen thousand seven hundred or a county of the third classification with a population greater than thirteen thousand nine hundred but less than fourteen thousand four hundred or a county of the third classification with a population greater than twenty-seven thousand but less than twenty-seven thousand five hundred or a county of the first classification without a charter form of government and a population of at least eighty thousand but not greater than eighty-three thousand or a county of the third classification with a population greater than fifteen thousand but less than fifteen thousand nine hundred without a township form of government which does not adjoin any county of the first, second or fourth classification or a county of the third classification with a population greater than twenty-three thousand but less than twenty-five thousand without a township form of government which does not adjoin any county of the second or fourth classification and does adjoin a county of the first classification with a population greater than one hundred twenty thousand but less than one hundred fifty thousand or in any county of the fourth classification acting as a county of the second classification, having a population of at least forty-eight thousand or any governing body of a municipality located in any of such counties may impose, by ordinance or order, a sales tax on all retail sales made in such county or municipality which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525:

- (1) A county with a population of at least four thousand two hundred inhabitants but not more than four thousand five hundred inhabitants;
- (2) A county with a population of at least four thousand seven hundred inhabitants but not more than four thousand nine hundred inhabitants;
- (3) A county with a population of at least seven thousand three hundred inhabitants but not more than seven thousand six hundred inhabitants;
- (4) A county with a population of at least ten thousand one hundred inhabitants but not more than ten thousand three hundred inhabitants; and
- (5) A county with a population of at least four thousand three hundred inhabitants but not more than four thousand five hundred inhabitants.

2. The maximum rate for a sales tax pursuant to this section shall be one percent for municipalities and one-half of one percent for counties.

3. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to the provisions of this section shall be effective unless the governing body of the county or municipality submits to the voters of the county or municipality, at a regularly scheduled county, municipal or state general or primary election, a proposal to authorize the governing body of the county or municipality to impose a tax. Any sales tax imposed pursuant to this section shall not be authorized for a period of more than five years.

4. Such proposal shall be submitted in substantially the following form:

Shall the (city, town, village or county) of impose a sales tax of (insert amount) for the purpose of economic development in the (city, town, village or county)?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter after the director of revenue receives notice of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county or municipality shall not impose the sales tax authorized in this section until the governing body of the county or municipality resubmits another proposal to authorize the governing body of the county or municipality to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon; however no such proposal shall be resubmitted to the voters sooner than twelve months from the date of the submission of the last such proposal.

5. All revenue received by a county or municipality from the tax authorized pursuant to the provisions of this section shall be deposited in a special trust fund and shall be used solely for economic development purposes within such county or municipality for so long as the tax shall remain in effect.

6. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for economic development purposes within the county or municipality. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county or municipal funds.

7. All sales taxes collected by the director of revenue pursuant to this section on behalf of any county or municipality[, less one percent for cost of collection which shall be deposited in the state's general revenue fund after

payment of premiums for surety bonds as provided in section 32.087,] shall be deposited in a special trust fund, which is hereby created, to be known as the "Local Economic Development Sales Tax Trust Fund".

8. [The moneys in the local economic development sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund and which was collected in each county or municipality imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the county or municipality and the public.

9. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county or municipality which levied the tax. Such funds shall be deposited with the county treasurer of each such county or the appropriate municipal officer in the case of a municipal tax, and all expenditures of funds arising from the local economic development sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county or municipality. Expenditures may be made from the fund for any economic development purposes authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.

10. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county or municipality for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties and municipalities.

11. If any county or municipality abolishes the tax, the county or municipality shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county or municipality, the director of revenue shall remit the balance in the account to the county or municipality and close the account of that county or municipality. The director of revenue shall notify each county or municipality of each instance of any amount refunded or any check redeemed from receipts due the county or municipality.

12. Except as modified in this section, all provisions of sections 32.085 [and] to 32.087 shall apply to the tax imposed pursuant to this section.

13. For purposes of this section, the term "economic development" is limited to the following:

- (1) Operations of economic development or community development offices, including the salaries of employees;
- (2) Provision of training for job creation or retention;
- (3) Provision of infrastructure and sites for industrial development or for public infrastructure projects; and
- (4) Refurbishing of existing structures and property relating to community development.

67.1303. 1. The governing body of any home rule city with more than one hundred fifty-one thousand five hundred but less than one hundred fifty-one thousand six hundred inhabitants, any home rule city with more than forty-five thousand five hundred but less than forty-five thousand nine hundred inhabitants and the governing body of any city within any county of the first classification with more than one hundred four thousand six hundred but less than one hundred four thousand seven hundred inhabitants and the governing body of any county of the third classification without a township form of government and with more than forty thousand eight hundred but less than forty thousand nine hundred inhabitants or any city within such county may impose, by order or ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax under chapter 144. In addition, the governing body of any county of the first classification with more than eighty-five thousand nine hundred but less than eighty-six thousand inhabitants or the governing body of any home rule city with more than seventy-three thousand but less than seventy-five thousand inhabitants may impose, by order or ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax under chapter 144. The tax authorized in this section shall not be more than one-half of one percent. The order or ordinance imposing the tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general or primary election a proposal to authorize the governing body to impose a tax under this section. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city or county) impose a sales tax at a rate of (insert rate of percent) percent for economic development purposes?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective [on the first day of the second calendar quarter following the calendar quarter in which the election was held] **as provided by section 32.087**. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question, provided that no proposal shall be resubmitted to the voters sooner than twelve months from the date of the submission of the last proposal.

3. No revenue generated by the tax authorized in this section shall be used for any retail development project. At least twenty percent of the revenue generated by the tax authorized in this section shall be used solely for projects directly related to long-term economic development preparation, including, but not limited to, the following:

- (1) Acquisition of land;
- (2) Installation of infrastructure for industrial or business parks;
- (3) Improvement of water and wastewater treatment capacity;
- (4) Extension of streets;
- (5) Providing matching dollars for state or federal grants;
- (6) Marketing;
- (7) Construction and operation of job training and educational facilities; and
- (8) Providing grants and low-interest loans to companies for job training, equipment acquisition, site development, and infrastructure. Not more than twenty-five percent of the revenue generated may be used annually for administrative purposes, including staff and facility costs.

4. All revenue generated by the tax shall be deposited in a special trust fund and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city or county funds.

5. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city or county for erroneous payments in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any city or county abolishes the tax authorized under this section, the repeal of such tax shall become effective December thirty-first of the calendar year in which such abolishment was approved. Each city or county shall notify the director of revenue at least ninety days prior to the effective date of the expiration of the sales tax authorized by this section and the repeal shall be effective as provided by section 32.087. The director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the date of expiration of the tax authorized by this section in such city or county, the director of revenue shall remit the balance in the account to the city or county and close the account of that city or county. The director of revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county.

6. Any city or county imposing the tax authorized in this section shall establish an economic development tax board. The board shall consist of eleven members, to be appointed as follows:

(1) Two members shall be appointed by the school boards whose districts are included within any economic development plan or area funded by the sales tax authorized in this section. Such members shall be appointed in any manner agreed upon by the affected districts;

(2) One member shall be appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for an economic development project or area funded by the sales tax authorized in this section, excluding representatives of the governing body of the city or county;

(3) One member shall be appointed by the largest public school district in the city or county;

(4) In each city or county, five members shall be appointed by the chief elected officer of the city or county with the consent of the majority of the governing body of the city or county;

(5) In each city, two members shall be appointed by the governing body of the county in which the city is located. In each county, two members shall be appointed by the governing body of the county. At the option of the members appointed by a city or county the members who are appointed by the school boards and other taxing districts may serve on the board for a term to coincide with the length of time an economic development project, plan, or designation of an economic development area is considered for approval by the board, or for the definite terms as provided in this subsection. If the members representing school districts and other taxing districts are appointed for a

term coinciding with the length of time an economic development project, plan, or area is approved, such term shall terminate upon final approval of the project, plan, or designation of the area by the governing body of the city or county. If any school district or other taxing jurisdiction fails to appoint members of the board within thirty days of receipt of written notice of a proposed economic development plan, economic development project, or designation of an economic development area, the remaining members may proceed to exercise the power of the board. Of the members first appointed by the city or county, three shall be designated to serve for terms of two years, three shall be designated to serve for a term of three years, and the remaining members shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the city or county shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

[6.] 7. The board, subject to approval of the governing body of the city or county, shall develop economic development plans, economic development projects, or designations of an economic development area, and shall hold public hearings and provide notice of any such hearings. The board shall vote on all proposed economic development plans, economic development projects, or designations of an economic development area, and amendments thereto, within thirty days following completion of the hearing on any such plan, project, or designation, and shall make recommendations to the governing body within ninety days of the hearing concerning the adoption of or amendment to economic development plans, economic development projects, or designations of an economic development area.

[7.] 8. The board shall report at least annually to the governing body of the city or county on the use of the funds provided under this section and on the progress of any plan, project, or designation adopted under this section.

[8.] 9. The governing body of any city or county that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city or county. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city or county) repeal the sales tax imposed at a rate of (insert rate of percent) percent for economic development purposes?

☐ YES

☐ NO

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters of the city or county, and the repeal is approved by a majority of the qualified voters voting on the question.

[9.] 10. Whenever the governing body of any city or county that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city or county voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective [on December thirty-first of the calendar year in which such repeal was approved] **as provided by section 32.087.** If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question. **If the city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least one hundred twenty days prior to the effective date of the repeal.**

11. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

12. Except as provided in this section, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under this section.

67.1305. 1. As used in this section, the term "city" shall mean any incorporated city, town, or village.

2. In lieu of the sales taxes authorized under sections 67.1300 and 67.1303, the governing body of any city or county may impose, by order or ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax under chapter 144. The tax authorized in this section shall not be more than one-half of one percent. The order or ordinance imposing the tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at any citywide, county or state general, primary or special election a proposal to authorize the governing body to impose a tax under this section. The tax authorized in this section shall be in addition to all other

3. The ballot of submission for the tax authorized in this section shall be in substantially the following form:
Shall (insert the name of the city or county) impose a sales tax at a rate of (insert rate of percent)
percent for economic development purposes?

☐ NO

(a) Marketing;

(b) Providing grants and loans to companies for job training, equipment acquisition, site development, and infrastructures;

(c) Training programs to prepare workers for advanced technologies and high skill jobs;

(d) Legal and accounting expenses directly associated with the economic development planning and preparation process;

(e) Developing value-added and export opportunities for Missouri agricultural products.

11. All revenue generated by the tax shall be deposited in a special trust fund and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city or county funds.

12. (1) Any city or county imposing the tax authorized in this section shall establish an economic development tax board. The volunteer board shall receive no compensation or operating budget.

(2) The economic development tax board established by a city shall consist of at least five members, but may be increased to nine members. Either a five-member or nine-member board shall be designated in the order or ordinance imposing the sales tax authorized by this section, and the members are to be appointed as follows:

(a) One member of a five-member board, or two members of a nine-member board, shall be appointed by the school districts included within any economic development plan or area funded by the sales tax authorized in this section. Such member or members shall be appointed in any manner agreed upon by the affected districts;

(b) Three members of a five-member board, or five members of a nine-member board, shall be appointed by the chief elected officer of the city with the consent of the majority of the governing body of the city;

(c) One member of a five-member board, or two members of a nine-member board, shall be appointed by the governing body of the county in which the city is located.

(3) The economic development tax board established by a county shall consist of seven members, to be appointed as follows:

(a) One member shall be appointed by the school districts included within any economic development plan or area funded by the sales tax authorized in this section. Such member shall be appointed in any manner agreed upon by the affected districts;

(b) Four members shall be appointed by the governing body of the county; and

(c) Two members from the cities, towns, or villages within the county appointed in any manner agreed upon by the chief elected officers of the cities or villages.

Of the members initially appointed, three shall be designated to serve for terms of two years, except that when a nine-member board is designated, seven of the members initially appointed shall be designated to serve for terms of two years, and the remaining members shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

(4) If an economic development tax board established by a city is already in existence on August 28, 2012, any increase in the number of members of the board shall be designated in an order or ordinance. The four board members added to the board shall be appointed to a term with an expiration coinciding with the expiration of the terms of the three board member positions that were originally appointed to terms of two years. Thereafter, the additional members appointed shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the additional appointments.

13. The board, subject to approval of the governing body of the city or county, shall consider economic development plans, economic development projects, or designations of an economic development area, and shall hold public hearings and provide notice of any such hearings. The board shall vote on all proposed economic development plans, economic development projects, or designations of an economic development area, and amendments thereto, within thirty days following completion of the hearing on any such plan, project, or designation, and shall make recommendations to the governing body within ninety days of the hearing concerning the adoption of or amendment to economic development plans, economic development projects, or designations of an economic development area. The governing body of the city or county shall have the final determination on use and expenditure of any funds received from the tax imposed under this section.

14. The board may consider and recommend using funds received from the tax imposed under this section for plans, projects or area designations outside the boundaries of the city or county imposing the tax if, and only if:

(1) The city or county imposing the tax or the state receives significant economic benefit from the plan, project or area designation; and

(2) The board establishes an agreement with the governing bodies of all cities and counties in which the plan, project or area designation is located detailing the authority and responsibilities of each governing body with regard to the plan, project or area designation.

15. Notwithstanding any other provision of law to the contrary, the economic development sales tax imposed under this section when imposed within a special taxing district, including but not limited to a tax increment financing district, neighborhood improvement district, or community improvement district, shall be excluded from the calculation of revenues available to such districts, and no revenues from any sales tax imposed under this section shall be used for the purposes of any such district unless recommended by the economic development tax board established under this section and approved by the governing body imposing the tax.

16. The board and the governing body of the city or county imposing the tax shall report at least annually to the governing body of the city or county on the use of the funds provided under this section and on the progress of any plan, project, or designation adopted under this section and shall make such report available to the public.

17. Not later than the first day of March each year the board shall submit to the joint committee on economic development a report, not exceeding one page in length, which must include the following information for each project using the tax authorized under this section:

- (1) A statement of its primary economic development goals;
- (2) A statement of the total economic development sales tax revenues received during the immediately preceding calendar year;
- (3) A statement of total expenditures during the preceding calendar year in each of the following categories:
 - (a) Infrastructure improvements;
 - (b) Land and/or buildings;
 - (c) Machinery and equipment;
 - (d) Job training investments;
 - (e) Direct business incentives;
 - (f) Marketing;
 - (g) Administration and legal expenses; and
 - (h) Other expenditures.

18. The governing body of any city or county that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city or county. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city or county) repeal the sales tax imposed at a rate of (insert rate of percent) percent for economic development purposes?

☐ YES ☐ NO

If a majority of the votes cast on the proposal are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters of the city or county, and the repeal is approved by a majority of the qualified voters voting on the question.

19. Whenever the governing body of any city or county that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city or county voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

20. If any provision of this section or section 67.1303 or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of this section or section 67.1303 which can be given effect without the invalid provision or application, and to this end the provisions of this section and section 67.1303 are declared severable.

67.1545. 1. Any district formed as a political subdivision may impose by resolution a district sales and use tax on all retail sales made in such district which are subject to taxation pursuant to sections 144.010 to 144.525, except sales of [motor vehicles, trailers, boats or outboard motors and sales to or by public utilities and providers of communications, cable, or video services] **fuel used to power motor vehicles, aircraft, locomotives, or watercraft,**

or sales of electricity, piped natural or artificial gas, or other fuels delivered by the seller, and the retail sale or transfer of motor vehicles, aircraft, watercraft, modular homes, manufactured homes, or mobile homes. Any sales and use tax imposed pursuant to this section may be imposed in increments of one-eighth of one percent, up to a maximum of one percent. Such district sales and use tax may be imposed for any district purpose designated by the district in its ballot of submission to its qualified voters; except that, no resolution adopted pursuant to this section shall become effective unless the board of directors of the district submits to the qualified voters of the district, by mail-in ballot, a proposal to authorize a sales and use tax pursuant to this section. If a majority of the votes cast by the qualified voters on the proposed sales tax are in favor of the sales tax, then the resolution is adopted. If a majority of the votes cast by the qualified voters are opposed to the sales tax, then the resolution is void.

2. The ballot shall be substantially in the following form:

Shall the (insert name of district) Community Improvement District impose a community improvement districtwide sales and use tax at the maximum rate of (insert amount) for a period of (insert number) years from the date on which such tax is first imposed for the purpose of providing revenue for (insert general description of the purpose)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

3. Within ten days after the qualified voters have approved the imposition of the sales and use tax, the district shall, in accordance with section 32.087, notify the director of the department of revenue. The sales and use tax authorized by this section shall become effective on the first day of the second calendar quarter after the director of the department of revenue receives notice of the adoption of such tax.

4. [The director of the department of revenue shall collect any tax adopted pursuant to this section pursuant to section 32.087] **After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.**

5. In each district in which a sales and use tax is imposed pursuant to this section, every retailer shall add such additional tax imposed by the district to such retailer's sale price, and when so added such tax shall constitute a part of the purchase price, shall be a debt of the purchaser to the retailer until paid and shall be recoverable at law in the same manner as the purchase price.

6. [In order to allow retailers to collect and report the sales and use tax authorized by this section as well as all other sales and use taxes required by law in the simplest and most efficient manner possible, a district may establish appropriate brackets to be used in the district imposing a tax pursuant to this section in lieu of the brackets provided in section 144.285.

7.] The penalties provided in sections 144.010 to 144.525 shall apply to violations of this section.

[8.] 7. All revenue received by the district from a sales and use tax imposed pursuant to this section which is designated for a specific purpose shall be deposited into a special trust fund and expended solely for such purpose. Upon the expiration of any sales and use tax adopted pursuant to this section, all funds remaining in the special trust fund shall continue to be used solely for the specific purpose designated in the resolution adopted by the qualified voters. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors pursuant to applicable laws relating to the investment of other district funds.

[9.] 8. A district may repeal by resolution any sales and use tax imposed pursuant to this section before the expiration date of such sales and use tax unless the repeal of such sales and use tax will impair the district's ability to repay any liabilities the district has incurred, moneys the district has borrowed or obligation the district has issued to finance any improvements or services rendered for the district.

[10.] 9. Notwithstanding the provisions of chapter 115, an election for a district sales and use tax under this section shall be conducted in accordance with the provisions of this section.

10. Except as provided in this section, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under this section.

67.1712. 1. The governing body of any county located within the proposed metropolitan district is hereby authorized to impose by ordinance a one-tenth of one cent sales tax on all retail sales subject to taxation pursuant to

sections 144.010 to 144.525 for the purpose of funding the creation, operation and maintenance of a metropolitan park and recreation district.

2. In addition to the tax authorized in subsection 1 of this section, the governing body of any county located within the metropolitan district as of January 1, 2012, is authorized to impose by ordinance an incremental sales tax of up to three-sixteenths of one cent on all retail sales subject to taxation under sections 144.010 to 144.525 for the purpose of funding the operation and maintenance of the metropolitan park and recreation district. Such incremental sales tax shall not be implemented unless approved by the voters of the county with the largest population within the district and at least one other such county under subsection 2 of section 67.1715.

3. The taxes authorized by sections 67.1700 to 67.1769 shall be in addition to all other sales taxes allowed by law. The governing body of any county within the metropolitan district enacting such an ordinance shall submit to the voters of such county a proposal to approve its ordinance imposing or increasing the tax. Such ordinance shall become effective only after the majority of the voters voting on such ordinance approve such ordinance. The provisions of sections 32.085 [and] to 32.087 shall apply to any tax and increase in tax approved pursuant to this section and sections 67.1715 to 67.1721.

67.1775. 1. The governing body of a city not within a county, or any county of this state may, after voter approval under this section, levy a sales tax not to exceed one-quarter of a cent in the county or city, or city not within a county, for the purpose of providing services described in section 210.861, including counseling, family support, and temporary residential services to persons nineteen years of age or less. The question shall be submitted to the qualified voters of the county or city, or city not within a county, at a county or city or state general, primary or special election upon the motion of the governing body of the county or city, or city not within a county or upon the petition of eight percent of the qualified voters of the county or city, or city not within a county, determined on the basis of the number of votes cast for governor in such county at the last gubernatorial election held prior to the filing of the petition. The election officials of the county or city, or city not within a county, shall give legal notice as provided in chapter 115. The question shall be submitted in substantially the following form:

Shall County or City, solely for the purpose of establishing a community children's services fund for the purpose of providing services to protect the well-being and safety of children and youth nineteen years of age or less and to strengthen families, be authorized to levy a sales tax of (not to exceed one-quarter of a cent) in the city or county?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second calendar quarter after the director receives notification of the local sales tax. If a question receives less than the required majority, then the governing authority of the city or county, or city not within a county, shall have no power to impose the sales tax unless and until the governing authority of the city or county, or city not within a county, has submitted another question to authorize the imposition of the sales tax authorized by this section and such question is approved by the required majority of the qualified voters voting thereon. However, in no event shall a question under this section be submitted to the voters sooner than twelve months from the date of the last question under this section.

2. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and the director of revenue shall collect in addition to the sales tax for the state of Missouri the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

3. All sales taxes collected by the director of revenue under this section on behalf of any city or county, or city not within a county[, less one percent for the cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a special fund, which is hereby created, to be known as the "Community Children's Services Fund". [The moneys in the city or county, or city not within a county, community children's services fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the fund which was collected in each city or county, or city not within a county, imposing a sales tax under this section, and the records shall be open to the inspection of officers of each city or county, or city not within a county, and the general public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the fund during the preceding month by distributing to the city or county treasurer, or the treasurer of a city not within a county, or such other officer as may be designated by a city or county ordinance

or order, or ordinance or order of a city not within a county, of each city or county, or city not within a county, imposing the tax authorized by this section, the sum, as certified by the director of revenue, due the city or county.

4. The director of revenue may authorize the state treasurer to make refunds from the amounts in the fund and credited to any city or county, or city not within a county, for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. Each city or county, or city not within a county, shall notify the director of revenue at least ninety days prior to the effective date of the expiration of the sales tax authorized by this section and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the date of expiration of the tax authorized by this section in such city not within a county or such city or county, the director of revenue shall remit the balance in the account to the city or county, or city not within a county, and close the account of that city or county, or city not within a county. The director of revenue shall notify each city or county, or city not within a county, of each instance of any amount refunded or any check redeemed from receipts due the city or county.

5. Except as modified in this section, all provisions of sections 32.085 [and] **to 32.087** shall apply to the tax imposed under this section.

6. All revenues generated by the tax prescribed in this section shall be deposited in the county treasury or, in a city not within a county, to the board established by law to administer such fund to the credit of a special community children's services fund to accomplish the purposes set out herein and in section 210.861, and shall be used for no other purpose. Such fund shall be administered by a board of directors, established under section 210.861.

67.1959. 1. The board, by a majority vote, may submit to the residents of such district a tax of not more than one percent on all retail sales, except sales of [food as defined in section 144.014, sales of] new or used motor vehicles, trailers, boats, or other outboard motors, [all utilities, telephone and wireless services,] and sales of funeral services, made **on or after January 1, 2014**, within the district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525. Upon the written request of the board to the election authority of the county in which a majority of the area of the district is situated, such election authority shall submit a proposition to the residents of such district at a municipal or statewide primary or general election, or at a special election called for that purpose. Such election authority shall give legal notice as provided in chapter 115.

2. Such proposition shall be submitted to the voters of the district in substantially the following form at such election:

Shall the Tourism Community Enhancement District impose a sales tax of (insert amount) for the purpose of promoting tourism in the district?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters of the proposed district voting thereon are in favor of the proposal, then the order shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the tax. If the proposal receives less than the required majority, then the board shall have no power to impose the sales tax authorized pursuant to this section unless and until the board shall again have submitted another proposal to authorize the board to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters of the district.

67.2000. 1. This section shall be known as the "Exhibition Center and Recreational Facility District Act".

2. An exhibition center and recreational facility district may be created under this section in the following counties:

(1) Any county of the first classification with more than seventy-one thousand three hundred but less than seventy-one thousand four hundred inhabitants;

(2) Any county of the first classification with more than one hundred ninety-eight thousand but less than one hundred ninety-nine thousand two hundred inhabitants;

(3) Any county of the first classification with more than eighty-five thousand nine hundred but less than eighty-six thousand inhabitants;

(4) Any county of the second classification with more than fifty-two thousand six hundred but less than fifty-two thousand seven hundred inhabitants;

(5) Any county of the first classification with more than one hundred four thousand six hundred but less than one hundred four thousand seven hundred inhabitants;

(6) Any county of the third classification without a township form of government and with more than seventeen thousand nine hundred but less than eighteen thousand inhabitants;

(7) Any county of the first classification with more than thirty-seven thousand but less than thirty-seven thousand one hundred inhabitants;

(8) Any county of the third classification without a township form of government and with more than twenty-three thousand five hundred but less than twenty-three thousand six hundred inhabitants;

(9) Any county of the third classification without a township form of government and with more than nineteen thousand three hundred but less than nineteen thousand four hundred inhabitants;

(10) Any county of the first classification with more than two hundred forty thousand three hundred but less than two hundred forty thousand four hundred inhabitants;

(11) Any county of the third classification with a township form of government and with more than eight thousand nine hundred but fewer than nine thousand inhabitants;

(12) Any county of the third classification without a township form of government and with more than eighteen thousand nine hundred but fewer than nineteen thousand inhabitants;

(13) Any county of the third classification with a township form of government and with more than eight thousand but fewer than eight thousand one hundred inhabitants;

(14) Any county of the third classification with a township form of government and with more than eleven thousand five hundred but fewer than eleven thousand six hundred inhabitants.

3. Whenever not less than fifty owners of real property located within any county listed in subsection 2 of this section desire to create an exhibition center and recreational facility district, the property owners shall file a petition with the governing body of each county located within the boundaries of the proposed district requesting the creation of the district. The district boundaries may include all or part of the counties described in this section. The petition shall contain the following information:

- (1) The name and residence of each petitioner and the location of the real property owned by the petitioner;
- (2) A specific description of the proposed district boundaries, including a map illustrating the boundaries; and
- (3) The name of the proposed district.

4. Upon the filing of a petition pursuant to this section, the governing body of any county described in this section may, by resolution, approve the creation of a district. Any resolution to establish such a district shall be adopted by the governing body of each county located within the proposed district, and shall contain the following information:

- (1) A description of the boundaries of the proposed district;
- (2) The time and place of a hearing to be held to consider establishment of the proposed district;
- (3) The proposed sales tax rate to be voted on within the proposed district; and
- (4) The proposed uses for the revenue generated by the new sales tax.

5. Whenever a hearing is held as provided by this section, the governing body of each county located within the proposed district shall:

- (1) Publish notice of the hearing on two separate occasions in at least one newspaper of general circulation in each county located within the proposed district, with the first publication to occur not more than thirty days before the hearing, and the second publication to occur not more than fifteen days or less than ten days before the hearing;
- (2) Hear all protests and receive evidence for or against the establishment of the proposed district; and
- (3) Rule upon all protests, which determinations shall be final.

6. Following the hearing, if the governing body of each county located within the proposed district decides to establish the proposed district, it shall adopt an order to that effect; if the governing body of any county located within the proposed district decides to not establish the proposed district, the boundaries of the proposed district shall not include that county. The order shall contain the following:

- (1) The description of the boundaries of the district;
- (2) A statement that an exhibition center and recreational facility district has been established;
- (3) The name of the district;
- (4) The uses for any revenue generated by a sales tax imposed pursuant to this section; and
- (5) A declaration that the district is a political subdivision of the state.

7. A district established pursuant to this section may, at a general, primary, or special election, submit to the qualified voters within the district boundaries a sales tax of one-fourth of one percent, for a period not to exceed twenty-five years, on all retail sales within the district, which are subject to taxation pursuant to sections 144.010 to 144.525, to fund the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition center and recreational facilities. The ballot of submission shall be in substantially the following form:

Shall the (name of district) impose a sales tax of one-fourth of one percent to fund the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition center and recreational facilities, for a period of (insert number of years)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast in the portion of any county that is part of the proposed district favor the proposal, then the sales tax shall become effective in that portion of the county [that is part of the proposed district on the first day of the first calendar quarter immediately following the election] **as provided by section 32.087**. If a majority of the votes cast in the portion of a county that is a part of the proposed district oppose the proposal, then that portion of such county shall not impose the sales tax authorized in this section until after the county governing body has submitted another such sales tax proposal and the proposal is approved by a majority of the qualified voters voting thereon. However, if a sales tax proposal is not approved, the governing body of the county shall not resubmit a proposal to the voters pursuant to this section sooner than twelve months from the date of the last proposal submitted pursuant to this section. If the qualified voters in two or more counties that have contiguous districts approve the sales tax proposal, the districts shall combine to become one district.

8. There is hereby created a board of trustees to administer any district created and the expenditure of revenue generated pursuant to this section consisting of four individuals to represent each county approving the district, as provided in this subsection. The governing body of each county located within the district, upon approval of that county's sales tax proposal, shall appoint four members to the board of trustees; at least one shall be an owner of a nonlodging business located within the taxing district, or their designee, at least one shall be an owner of a lodging facility located within the district, or their designee, and all members shall reside in the district except that one nonlodging business owner, or their designee, and one lodging facility owner, or their designee, may reside outside the district. Each trustee shall be at least twenty-five years of age and a resident of this state. Of the initial trustees appointed from each county, two shall hold office for two years, and two shall hold office for four years. Trustees appointed after expiration of the initial terms shall be appointed to a four-year term by the governing body of the county the trustee represents, with the initially appointed trustee to remain in office until a successor is appointed, and shall take office upon being appointed. Each trustee may be reappointed. Vacancies shall be filled in the same manner in which the trustee vacating the office was originally appointed. The trustees shall not receive compensation for their services, but may be reimbursed for their actual and necessary expenses. The board shall elect a chair and other officers necessary for its membership. Trustees may be removed if:

(1) By a two-thirds vote, the board moves for the member's removal and submits such motion to the governing body of the county from which the trustee was appointed; and

(2) The governing body of the county from which the trustee was appointed, by a majority vote, adopts the motion for removal.

9. The board of trustees shall have the following powers, authority, and privileges:

(1) To have and use a corporate seal;

(2) To sue and be sued, and be a party to suits, actions, and proceedings;

(3) To enter into contracts, franchises, and agreements with any person or entity, public or private, affecting the affairs of the district, including contracts with any municipality, district, or state, or the United States, and any of their agencies, political subdivisions, or instrumentalities, for the funding, including without limitation interest rate exchange or swap agreements, planning, development, construction, acquisition, maintenance, or operation of a single exhibition center and recreational facilities or to assist in such activity. "Recreational facilities" means locations explicitly designated for public use where the primary use of the facility involves participation in hobbies or athletic activities;

(4) To borrow money and incur indebtedness and evidence the same by certificates, notes, or debentures, to issue bonds and use any one or more lawful funding methods the district may obtain for its purposes at such rates of interest as the district may determine. Any bonds, notes, and other obligations issued or delivered by the district may be secured by mortgage, pledge, or deed of trust of any or all of the property and income of the district. Every issue of such bonds, notes, or other obligations shall be payable out of property and revenues of the district and may be further secured by other property of the district, which may be pledged, assigned, mortgaged, or a security interest granted for such payment, without preference or priority of the first bonds issued, subject to any agreement with the holders of any other bonds pledging any specified property or revenues. Such bonds, notes, or other obligations shall be authorized by resolution of the district board, and shall bear such date or dates, and shall mature at such time or times, but not in excess of thirty years, as the resolution shall specify. Such bonds, notes, or other obligations shall be in such

denomination, bear interest at such rate or rates, be in such form, either coupon or registered, be issued as current interest bonds, compound interest bonds, variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such manner, be payable in such place or places, and be subject to redemption as such resolution may provide, notwithstanding section 108.170. The bonds, notes, or other obligations may be sold at either public or private sale, at such interest rates, and at such price or prices as the district shall determine;

(5) To acquire, transfer, donate, lease, exchange, mortgage, and encumber real and personal property in furtherance of district purposes;

(6) To refund any bonds, notes, or other obligations of the district without an election. The terms and conditions of refunding obligations shall be substantially the same as those of the original issue, and the board shall provide for the payment of interest at not to exceed the legal rate, and the principal of such refunding obligations in the same manner as is provided for the payment of interest and principal of obligations refunded;

(7) To have the management, control, and supervision of all the business and affairs of the district, and the construction, installation, operation, and maintenance of district improvements therein; to collect rentals, fees, and other charges in connection with its services or for the use of any of its facilities;

(8) To hire and retain agents, employees, engineers, and attorneys;

(9) To receive and accept by bequest, gift, or donation any kind of property;

(10) To adopt and amend bylaws and any other rules and regulations not in conflict with the constitution and laws of this state, necessary for the carrying on of the business, objects, and affairs of the board and of the district; and

(11) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted by this section.

10. There is hereby created the "Exhibition Center and Recreational Facility District Sales Tax Trust Fund", which shall consist of all sales tax revenue collected pursuant to this section. The director of revenue shall be custodian of the trust fund, and moneys in the trust fund shall be used solely for the purposes authorized in this section. [Moneys in the trust fund shall be considered nonstate funds pursuant to section 15, article IV, Constitution of Missouri.] The director of revenue shall invest moneys in the trust fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the trust fund. All sales taxes collected by the director of revenue pursuant to this section on behalf of the district, less one percent for the cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in the trust fund. The director of revenue shall keep accurate records of the amount of moneys in the trust fund which was collected in the district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of the officers of each district and the general public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the district. The director of revenue may authorize refunds from the amounts in the trust fund and credited to the district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of the district.

11. The sales tax authorized by this section is in addition to all other sales taxes allowed by law. **After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.**

12. Except as modified in this section, all provisions of sections 32.085 [and] to 32.087 apply to the sales tax imposed pursuant to this section.

[12.] 13. Any sales tax imposed pursuant to this section shall not extend past the initial term approved by the voters unless an extension of the sales tax is submitted to and approved by the qualified voters in each county in the manner provided in this section. Each extension of the sales tax shall be for a period not to exceed twenty years. The ballot of submission for the extension shall be in substantially the following form:

Shall the (name of district) extend the sales tax of one-fourth of one percent for a period of (insert number of years) years to fund the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition center and recreational facilities?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast favor the extension, then the sales tax shall remain in effect at the rate and for the time period approved by the voters. If a sales tax extension is not approved, the district may submit another sales tax proposal as authorized in this section, but the district shall not submit such a proposal to the voters sooner than twelve months from the date of the last extension submitted.

[13.] **14.** Once the sales tax authorized by this section is abolished or terminated by any means, all funds remaining in the trust fund shall be used solely for the purposes approved in the ballot question authorizing the sales tax. The sales tax shall not be abolished or terminated while the district has any financing or other obligations outstanding; provided that any new financing, debt, or other obligation or any restructuring or refinancing of an existing debt or obligation incurred more than ten years after voter approval of the sales tax provided in this section or more than ten years after any voter-approved extension thereof shall not cause the extension of the sales tax provided in this section or cause the final maturity of any financing or other obligations outstanding to be extended. Any funds in the trust fund which are not needed for current expenditures may be invested by the district in the securities described in subdivisions (1) to (12) of subsection 1 of section 30.270 or repurchase agreements secured by such securities. If the district abolishes the sales tax, the district shall notify the director of revenue of the action at least ninety days before the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the sales tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the sales tax in the district, the director of revenue shall remit the balance in the account to the district and close the account of the district. The director of revenue shall notify the district of each instance of any amount refunded or any check redeemed from receipts due the district.

[14.] **15.** In the event that the district is dissolved or terminated by any means, the governing bodies of the counties in the district shall appoint a person to act as trustee for the district so dissolved or terminated. Before beginning the discharge of duties, the trustee shall take and subscribe an oath to faithfully discharge the duties of the office, and shall give bond with sufficient security, approved by the governing bodies of the counties, to the use of the dissolved or terminated district, for the faithful discharge of duties. The trustee shall have and exercise all powers necessary to liquidate the district, and upon satisfaction of all remaining obligations of the district, shall pay over to the county treasurer of each county in the district and take receipt for all remaining moneys in amounts based on the ratio the levy of each county bears to the total levy for the district in the previous three years or since the establishment of the district, whichever time period is shorter. Upon payment to the county treasurers, the trustee shall deliver to the clerk of the governing body of any county in the district all books, papers, records, and deeds belonging to the dissolved district.

67.2030. 1. The governing authority of any city of the fourth classification with more than one thousand six hundred but less than one thousand seven hundred inhabitants and located in any county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants is hereby authorized to impose, by ordinance or order, a sales tax in the amount not to exceed one-half of one percent on all retail sales made in such city which are subject to taxation pursuant to sections 144.010 to 144.525 for the promotion of tourism in such city. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to this section shall be effective unless the governing authority of the city submits to the qualified voters of the city, at any municipal or state general, primary, or special election, a proposal to authorize the governing authority of the city to impose a tax.

2. The ballot of submission shall be in substantially the following form:

Shall the city of (city's name) impose a citywide sales tax of (insert amount) for the purpose of promoting tourism in the city?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect [on the first day of the first calendar quarter immediately following notification to the director of the department of revenue of the election approving the proposal] **as provided by section 32.087.** If a proposal receives less than the required majority, then the governing authority of the city shall have no power to impose the sales tax unless and until the governing authority of the city has submitted another proposal to authorize the imposition of the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. [On and after the effective date of any tax authorized in this section, the city may adopt one of the two following provisions for the collection and administration of the tax:

(1) The city may adopt rules and regulations for the internal collection of such tax by the city officers usually responsible for collection and administration of city taxes; or

(2) The city may enter into an agreement with the director of revenue of the state of Missouri for the purpose of collecting the tax authorized in this section. In the event any city enters into an agreement with the director of revenue of the state of Missouri for the collection of the tax authorized in this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of such tax, and the director of revenue shall collect the additional tax authorized in this section. The tax authorized in this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue, and the director of revenue shall retain an amount not to exceed one percent for cost of collection.

4. If a tax is imposed by a city pursuant to this section, the city may collect a penalty of one percent and interest not to exceed two percent per month on unpaid taxes which shall be considered delinquent thirty days after the last day of each quarter] **After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.**

[5.] 4. (1) The governing authority of any city that has adopted any sales tax pursuant to this section shall, upon filing of a petition calling for the repeal of such sales tax signed by at least ten percent of the qualified voters in the city, submit the question of repeal of the sales tax to the qualified voters at any primary or general election. The ballot of submission shall be in substantially the following form:

Shall (insert name of city) repeal the sales tax of (insert rate of percent) percent for tourism purposes now in effect in (insert name of city)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. **If the city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least one hundred twenty days prior to the effective date of the repeal.**

(2) Once the tax is repealed as provided in this section, all funds remaining in any trust fund or account established to receive revenues generated by the tax shall be used solely for the original stated purpose of the tax. Any funds which are not needed for current expenditures may be invested by the governing authority in accordance with applicable laws relating to the investment of other city funds.

(3) The governing authority of a city repealing a tax pursuant to this section shall notify the director of revenue of the action at least forty-five days before the effective date of the repeal and the director of revenue may order retention in any trust fund created in the state treasury associated with the tax, for a period of one year, of two percent of the amount collected after receipt of such notice to cover refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of repeal of the tax in the city, the director of revenue shall remit the balance in the trust fund to the city and close the account of that city. The director of revenue shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

(4) In the event that the repeal of a sales tax pursuant to this section dissolves or terminates a taxing district, the governing authority of the city shall appoint a person to act as trustee for the district so dissolved or terminated. Before beginning the discharge of duties, the trustee shall take and subscribe an oath to faithfully discharge the duties of the office, and shall give bond with sufficient security, approved by the governing authority of the city, to the use of the dissolved or terminated district, for the faithful discharge of duties. The trustee shall have and exercise all powers necessary to liquidate the district, and upon satisfaction of all remaining obligations of the district, shall pay over to the city treasurer or the equivalent official and take receipt for all remaining moneys. Upon payment to the city treasurer, the trustee shall deliver to the clerk of the governing authority of the city all books, papers, records, and deeds belonging to the dissolved district.

[6.] 5. Except as modified in this section, all provisions of sections 32.085 [and] to 32.087 shall apply to the tax imposed pursuant to this section.

67.2525. 1. Each member of the board of directors shall have the following qualifications:

(1) As to those subdistricts in which there are registered voters, a resident registered voter in the subdistrict that he or she represents, or be a property owner or, as to those subdistricts in which there are not registered voters who are residents, a property owner or representative of a property owner in the subdistrict he or she represents;

(2) Be at least twenty-one years of age and a registered voter in the district.

2. The district shall be subdivided into at least five but not more than fifteen subdistricts, which shall be represented by one representative on the district board of directors. All board members shall have terms of four years, including the initial board of directors. All members shall take office upon being appointed and shall remain in office until a successor is appointed by the mayor or chairman of the municipality in which the district is located, or elected by the property owners in those subdistricts without registered voters.

3. For those subdistricts which contain one or more registered voters, the mayor or chairman of the city, town, or village shall, with the consent of the governing body, appoint a registered voter residing in the subdistrict to the board of directors.

4. For those subdistricts which contain no registered voters, the property owners who collectively own one or more parcels of real estate comprising more than half of the land situated in each subdistrict shall meet and shall elect a representative to serve upon the board of directors. The clerk of the city, town, or village in which the petition was filed shall, unless waived in writing by all property owners in the subdistrict, give notice by causing publication to be made once a week for two consecutive weeks in a newspaper of general circulation in the county, the last publication of which shall be at least ten days before the day of the meeting required by this section, to call a meeting of the owners of real property within the subdistrict at a day and hour specified in a public place in the city, town, or village in which the petition was filed for the purpose of electing members of the board of directors.

5. The property owners, when assembled, shall organize by the election of a temporary chairman and secretary of the meeting who shall conduct the election. An election shall be conducted for each subdistrict, with the eligible property owners voting in that subdistrict. At the election, each acre of real property within the subdistrict shall represent one share, and each owner, including corporations and other entities, may have one vote in person or for every acre of real property owned by such person within the subdistrict. Each voter which is not an individual shall determine how to cast its vote as provided for in its articles of incorporation, articles of organization, articles of partnership, bylaws, or other document which sets forth an appropriate mechanism for the determination of the entity's vote. If a voter has no such mechanism, then its vote shall be cast as determined by a majority of the persons who run the day-to-day affairs of the voter. The results of the meeting shall be certified by the temporary chairman and secretary to the municipal clerk if the district is established by a municipality described in this section, or to the circuit clerk if the district is established by a circuit court.

6. Successor boards shall be appointed or elected, depending upon the presence or absence of resident registered voters, by the mayor or chairman of a city, town, or village described in this section, or the property owners as set forth above; provided, however, that elections held by the property owners after the initial board is elected shall be certified to the municipal clerk of the city, town, or village where the district is located and the board of directors of the district.

7. Should a vacancy occur on the board of directors, the mayor or chairman of the city, town, or village if there are registered voters within the subdistrict, or a majority of the owners of real property in a subdistrict if there are not registered voters in the subdistrict, shall have the authority to appoint or elect, as set forth in this section, an interim director to complete any unexpired term of a director caused by resignation or disqualification.

8. The board shall possess and exercise all of the district's legislative and executive powers, including:

(1) The power to fund, promote and provide educational, civic, musical, theatrical, cultural, concerts, lecture series, and related or similar entertainment events or activities, and fund, promote, plan, design, construct, improve, maintain, and operate public improvements, transportation projects, and related facilities within the district;

(2) The power to accept and disburse tax or other revenue collected in the district; and

(3) The power to receive property by gift or otherwise.

9. Within thirty days after the selection of the initial directors, the board shall meet. At its first meeting and annually thereafter the board shall elect a chairman from its members.

10. The board shall appoint an executive director, district secretary, treasurer, and such other officers or employees as it deems necessary.

11. At the first meeting, the board, by resolution, shall define the first and subsequent fiscal years of the district, and shall adopt a corporate seal.

12. A simple majority of the board shall constitute a quorum. If a quorum exists, a majority of those voting shall have the authority to act in the name of the board, and approve any board resolution.

13. At the first meeting, the board, by resolution, shall receive the certification of the election regarding the sales tax, and may impose the sales tax in all subdistricts approving the imposing sales tax. In those subdistricts that approve the sales tax, the sales tax shall become effective [on the first day of the first calendar quarter immediately following the action by the district board of directors imposing the tax] **as provided by section 32.087.**

14. Each director shall devote such time to the duties of the office as the faithful discharge thereof may require and be reimbursed for his or her actual expenditures in the performance of his or her duties on behalf of the district. Directors may be compensated, but such compensation shall not exceed one hundred dollars per month.

15. In addition to all other powers granted by sections 67.2500 to 67.2530, the district shall have the following general powers:

(1) To sue and be sued in its own name, and to receive service of process, which shall be served upon the district secretary;

(2) To fix compensation of its employees and contractors;

(3) To enter into contracts, franchises, and agreements with any person or entity, public or private, affecting the affairs of the district, including contracts with any municipality, district, or state, or the United States, and any of their agencies, political subdivisions, or instrumentalities, for the funding, including without limitation, interest rate exchange or swap agreements, planning, development, construction, acquisition, maintenance, or operation of a district facility or to assist in such activity;

(4) To acquire, develop, construct, equip, transfer, donate, lease, exchange, mortgage, and encumber real and personal property in furtherance of district purposes;

(5) To collect and disburse funds for its activities;

(6) To collect taxes and other revenues;

(7) To borrow money and incur indebtedness and evidence the same by certificates, notes, bonds, debentures, or refunding of any such obligations for the purpose of paying all or any part of the cost of land, construction, development, or equipping of any facilities or operations of the district;

(8) To own or lease real or personal property for use in connection with the exercise of powers pursuant to this subsection;

(9) To provide for the election or appointment of officers, including a chairman, treasurer, and secretary. Officers shall not be required to be residents of the district, and one officer may hold more than one office;

(10) To hire and retain agents, employees, engineers, and attorneys;

(11) To enter into entertainment contracts binding the district and artists, agencies, or performers, management contracts, contracts relating to the booking of entertainment and the sale of tickets, and all other contracts which relate to the purposes of the district;

(12) To contract with a local government, a corporation, partnership, or individual regarding funding, promotion, planning, designing, constructing, improving, maintaining, or operating a project or to assist in such activity;

(13) To contract for transfer to a city, town, or village such district facilities and improvements free of cost or encumbrance on such terms set forth by contract;

(14) To exercise such other powers necessary or convenient for the district to accomplish its purposes which are not inconsistent with its express powers.

16. A district may at any time authorize or issue notes, bonds, or other obligations for any of its powers or purposes. Such notes, bonds, or other obligations:

(1) Shall be in such amounts as deemed necessary by the district, including costs of issuance thereof;

(2) Shall be payable out of all or any portion of the revenues or other assets of the district;

(3) May be secured by any property of the district which may be pledged, assigned, mortgaged, or otherwise encumbered for payment;

(4) Shall be authorized by resolution of the district, and if issued by the district, shall bear such date or dates, and shall mature at such time or times, but not in excess of forty years, as the resolution shall specify;

(5) Shall be in such denomination, bear interest at such rates, be in such form, be issued as current interest bonds, compound interest bonds, variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such manner, be payable in such place or places and subject to redemption as such resolution may provide; and

(6) May be sold at either public or private sale, at such interest rates, and at such price or prices as the district shall determine.

The provisions of this subsection are applicable to the district notwithstanding the provisions of section 108.170.

67.2530. 1. Any note, bond, or other indebtedness of the district may be refunded at any time by the district by issuing refunding bonds in such amount as the district may deem necessary. Such bonds shall be subject to and shall have the benefit of the foregoing provisions regarding notes, bonds, and other obligations. Without limiting the generality of the foregoing, refunding bonds may include amounts necessary to finance any premium, unpaid interest, and costs of issuance in connection with the refunding bonds. Any such refunding may be effected whether the bonds to be refunded then shall have matured or thereafter shall mature, either by sale of the refunding bonds and the application of the proceeds thereof to the payment of the obligations being refunded or the exchange of the refunding bonds for the obligations being refunded with the consent of the holders of the obligations being refunded.

2. Notes, bonds, or other indebtedness of the district shall be exclusively the responsibility of the district payable solely out of the district funds and property and shall not constitute a debt or liability of the state of Missouri or any agency or political subdivision of the state. Any notes, bonds, or other indebtedness of the district shall state on their face that they are not obligations of the state of Missouri or any agency or political subdivision thereof other than the district.

3. Any district may by resolution impose a district sales tax of up to one-half of one percent on all retail sales made in such district that are subject to taxation pursuant to the provisions of sections 144.010 to 144.525. Upon voter approval, and receiving the necessary certifications from the governing body of the municipality in which the district is located, or from the circuit court if the district was formed by the circuit court, the board of directors shall have the power to impose a sales tax at its first meeting, or any meeting thereafter. Voter approval of the question of the imposing sales tax shall be in accordance with section 67.2520. [The sales tax shall become effective in those subdistricts that approve the sales tax on the first day of the first calendar quarter immediately following the passage of a resolution by the board of directors imposing the sales tax.

4. In each district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the district pursuant to this section to the retailer's sale price, and when so added, such tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

5. In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the district may establish appropriate brackets which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided in section 144.285.

6.] 4. All revenue received by a district from the sales tax authorized by this section shall be deposited in a special trust fund and shall be used solely for the purposes of the district. Any funds in such special trust fund which are not needed for the district's current expenditures may be invested by the district board of directors in accordance with applicable laws relating to the investment of other district funds.

[7.] 5. The sales tax may be imposed at a rate of up to one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525. Any district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the subdistricts approving the sales tax.

[8. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525 and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax and the tax shall be reported and returned to and collected by the district.

9. (1) On and after the effective date of any sales tax imposed pursuant to this section, the district shall perform all functions incident to the administration, collection, enforcement, and operation of the tax. The sales tax imposed pursuant to this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the district.

(2)] 6. **After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.**

7. All [such] sales taxes [collected by the district] shall be deposited by the district in a special fund to be expended for the purposes authorized in this section. The district shall keep accurate records of the amount of money

which was collected pursuant to this section, and the records shall be open to the inspection of officers of each district and the general public.

[(3) The district may contract with the municipality that the district is within for the municipality to collect any revenue received by the district and, after deducting the cost of such collection, but not to exceed one percent of the total amount collected, deposit such revenue in a special trust account. Such revenue and interest may be applied by the municipality to expenses, costs, or debt service of the district at the direction of the district as set forth in a contract between the municipality and the district.

10. (1) All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax, sections 32.085 and 32.087, and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section.

(2) All exemptions granted to agencies of government, organizations, persons, and to the sale of certain articles and items of tangible personal property and taxable services pursuant to the provisions of sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax imposed by this section.

(3) The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

(4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws for the collection of and for payment of taxes pursuant to such laws are hereby allowed and made applicable to any taxes collected pursuant to the provisions of this section.

(5) The penalties provided in section 32.057 and sections 144.010 to 144.525 for violation of those sections are hereby made applicable to violations of this section.

(6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment, or billing.

A sale by a retailer's employee shall be deemed to be consummated at the place of business from which the employee works.

(7)] **8.** Subsequent to the initial approval by the voters and implementation of a sales tax in the district, the rate of the sales tax may be increased, but not to exceed a rate of one-half of one percent on retail sales as provided in this subsection. The election shall be conducted in accordance with section 67.2520; provided, however, that the district board of directors may place the question of the increase of the sales tax before the voters of the district by resolution, and the municipal clerk of the city, town, or village which originally conducted the incorporation of the district, or the circuit clerk of the court which originally conducted the incorporation of the district, shall conduct the subsequent election. In subsequent elections, the election judges shall certify the election results to the district board of directors. The ballot of submission shall be in substantially the following form:

Shall (name of district) increase the (insert amount) percent district sales tax now in effect to..... (insert amount) in the (name of district)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon are in favor of the increase, the increase shall become effective [December thirty-first of the calendar year in which such increase was approved] **as provided by section 32.087.**

[11.] **9.** (1) There shall not be any election as provided for in this section while the district has any financing or other obligations outstanding.

(2) The board, when presented with a petition signed by at least one-third of the registered voters in a district that voted in the last gubernatorial election, or signed by at least two-thirds of property owners of the district, calling for an election to dissolve and repeal the tax shall submit the question to the voters using the same procedure by which the imposing tax was voted. The ballot of submission shall be in substantially the following form:

Shall (name of district) dissolve and repeal the (insert amount) percent district sales tax now in effect in the (name of district)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

Such subsequent elections for the repeal of the sales tax shall be conducted in accordance with section 67.2520; provided, however, that the district board of directors may place the question of the repeal of the sales tax before the voters of the district, and the municipal clerk of the city, town, or village which originally conducted the incorporation of the district, or the circuit clerk of the court which originally conducted the incorporation of the district, shall conduct the subsequent election. In subsequent elections the election judges shall certify the election results to the district board of directors.

(3) If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon are in favor of repeal, that repeal shall become effective December thirty-first of the calendar year in which such repeal was approved or after the repayment of the district's indebtedness, whichever occurs later. **If the district abolishes the tax, the district shall notify the director of revenue of the action at least one hundred twenty days prior to the effective date of the repeal.**

[12.] **10.** (1) At such time as the board of directors of the district determines that further operation of the district is not in the best interests of the inhabitants of the district, and that the district should dissolve, the board shall submit for a vote in an election held throughout the district the question of whether the district should be abolished. The question shall be submitted in substantially the following form:

Shall the theater, cultural arts, and entertainment district be abolished?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(2) The district board shall not propose the question to abolish the district while there are outstanding claims or causes of action pending against the district, while the district liabilities exceed its assets, while indebtedness of the district is outstanding, or while the district is insolvent, in receivership or under the jurisdiction of the bankruptcy court.

Prior to submitting the question to abolish the district to a vote of the entire district, the state auditor shall audit the district to determine the financial status of the district, and whether the district may be abolished pursuant to law. The vote on the abolition of the district shall be conducted by the municipal clerk of the city, town, or village in which the district is located. The procedure shall be the same as in section 67.2520, except that the question shall be determined by the qualified voters of the entire district. No individual subdistrict may be abolished, except at such time as the district is abolished.

(3) While the district still exists, it shall continue to accrue all revenues to which it is entitled at law.

(4) Upon receipt by the board of directors of the district of the certification by the city, town, or village in which the district is located that the majority of those voting within the entire district have voted to abolish the district, and if the state auditor has determined that the district's financial condition is such that it may be abolished pursuant to law, then the board of directors of the district shall:

(a) Sell any remaining district real or personal property it wishes, and then transfer the proceeds and any other real or personal property owned by the district to the city, town, or village in which the district is located, including revenues due and owing the district, for its further use and disposition;

(b) Terminate the employment of any remaining district employees, and otherwise conclude its affairs;

(c) At a public meeting of the district, declare by a resolution of the board of directors passed by a majority vote that the district has been abolished effective that date;

(d) Cause copies of that resolution under seal to be filed with the secretary of state and the city, town, or village in which the district is located. Upon the completion of the final act specified in this subsection, the legal existence of the district shall cease.

(5) The legal existence of the district shall not cease for a period of two years after voter approval of the abolition.

11. Except as provided in this section, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under this section.

94.578. 1. In addition to the sales tax authorized in section 94.577, the governing body of any home rule city with more than one hundred fifty-one thousand five hundred but less than one hundred fifty-one thousand six hundred inhabitants is hereby authorized to impose, by order or ordinance, a sales tax on all retail sales made within the city which are subject to sales tax under chapter 144. The tax authorized in this section may be imposed at a rate of one-eighth, one-fourth, three-eighths, or one-half of one percent, but shall not exceed one-half of one percent, shall not be imposed for longer than three years, and shall be imposed solely for the purpose of funding the construction, operation, and maintenance of capital improvements in the city's center city. The governing body may issue bonds for the funding of such capital improvements, which will be retired by the revenues received from the sales tax authorized by this section. The order or ordinance shall not become effective unless the governing body of the city submits to the voters residing within the city at a state or municipal general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. The ballot submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city) impose a sales tax at a rate of (insert rate of percent) percent for [a] capital improvements purposes in the city's center city for a period of (insert number of years, not to exceed three) years?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of the sales tax. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question. In no case shall a tax be resubmitted to the qualified voters of the city sooner than twelve months from the date of the proposal under this section.

3. Any sales tax imposed under this section shall be administered, collected, enforced, and operated as required in [section] **sections 32.085 to 32.087**. All revenue generated by the tax shall be deposited in a special trust fund and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes the tax, the city shall notify the director of revenue of the action at least ninety days before the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director of revenue shall remit the balance in the account to the city and close the account of that city. The director of revenue shall notify each city of each instance of any amount refunded.

5. The governing body of any city that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city) repeal the sales tax imposed at a rate of (insert rate of percent) percent for capital improvements purposes in the city's center city?

☐ YES

☐ NO

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters, and the repeal is approved by a majority of the qualified voters voting on the question. **If the city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least one hundred twenty days prior to the effective date of the repeal.**

6. Whenever the governing body of any city that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city voting in the last gubernatorial election, calling for

an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

7. Except as provided in this section, all provisions of sections 32.085 to 32.087 apply to the sales tax imposed under this section.

94.605. 1. Any city as defined in section 94.600 may by a majority vote of its governing body impose a sales tax for transportation purposes enumerated in sections 94.600 to 94.655.

2. The sales tax may be imposed at a rate not to exceed one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any city adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525.

3. With respect to any tax increment financing plan originally approved by ordinance of the city council after March 31, 2009, in any home rule city with more than four hundred thousand inhabitants and located in more than one county, any three-eighths of one cent sales tax imposed under sections 94.600 to 94.655 shall not be considered economic activity taxes as such term is defined under sections 99.805 and 99.918, and tax revenues derived from such taxes shall not be subject to allocation under the provisions of subsection 3 of section 99.845 or subsection 4 of section 99.957. Any one-eighth of one cent sales tax imposed in such city under sections 94.600 to 94.655 for constructing and operating a light-rail transit system shall not be considered economic activity taxes as such term is defined under sections 99.805 and 99.918, and tax revenues derived from such tax shall not be subject to allocation under the provisions of subsection 3 of section 99.845 or subsection 4 of section 99.957.

[4. If the boundaries of a city in which such sales tax has been imposed shall thereafter be changed or altered, the city or county clerk shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the city. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the city clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by sections 94.600 to 94.655 shall be effective in the added territory or abolished in the detached territory on the effective date of the change of the city boundary.]

94.660. 1. The governing body of any city not within a county and any county of the first classification having a charter form of government with a population of over nine hundred thousand inhabitants may propose, by ordinance or order, a transportation sales tax of up to one percent for submission to the voters of that city or county at an authorized election date selected by the governing body.

2. Any sales tax approved under this section shall be imposed on the receipts from the sale at retail of all tangible personal property or taxable services within the city or county adopting the tax, if such property and services are subject to taxation by the state of Missouri under sections 144.010 to 144.525.

3. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the county/city of (county's or city's name) impose a county/citywide sales tax of percent for the purpose of providing a source of funds for public transportation purposes?

☐ YES

☐ NO

Except as provided in subsection 4 of this section, if a majority of the votes cast in that county or city not within a county on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall go into effect [on the first day of the next calendar quarter beginning after its adoption and notice to the director of revenue, but no sooner than thirty days after such adoption and notice] **as provided by section 32.087.** If a majority of the votes cast in that county or city not within a county by the qualified voters voting are opposed to the proposal, then the additional sales tax shall not be imposed in that county or city not within a county unless and until the governing body of that county or city not within a county shall have submitted another proposal to authorize the local option transportation sales tax authorized in this section, and such proposal is approved by a majority of the qualified voters voting on it. In no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal.

4. No tax shall go into effect under this section in any city not within a county or any county of the first classification having a charter form of government with a population over nine hundred thousand inhabitants unless and until both such city and such county approve the tax.

5. The provisions of subsection 4 of this section requiring both the city and county to approve a transportation sales tax before a transportation sales tax may go into effect in either jurisdiction shall not apply to any transportation sales tax submitted to and approved by the voters in such city or such county on or after August 28, 2007.

6. All sales taxes collected by the director of revenue under this section on behalf of any city or county, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds, shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Public Transit Sales Tax Trust Fund". The sales taxes shall be collected as provided in section 32.087. The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each city or county approving a sales tax under this section, and the records shall be open to inspection by officers of the city or county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city or county which levied the tax, and such funds shall be deposited with the treasurer of each such city or county and all expenditures of funds arising from the county public transit sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county or city not within a county.

7. The revenues derived from any transportation sales tax under this section shall be used only for the planning, development, acquisition, construction, maintenance and operation of public transit facilities and systems other than highways.

8. The director of revenue may authorize the state treasurer to make refunds from the amount in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities or counties. If any city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city or county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the city or county and close the account of that city or county. The director of revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county.

94.705. 1. Any city may by a majority vote of its governing body impose a sales tax for transportation purposes enumerated in sections 94.700 to 94.755, and issue bonds for transportation purposes which shall be retired by the revenues received from the sales tax authorized by this section. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law. No ordinance imposing a sales tax pursuant to the provisions of this section shall become effective unless the council or other governing body submits to the voters of the city, at a city or state general, primary, or special election, a proposal to authorize the council or other governing body of the city to impose such a sales tax and, if such tax is to be used to retire bonds authorized pursuant to this section, to authorize such bonds and their retirement by such tax; except that no vote shall be required in any city that imposed and collected such tax under sections 94.600 to 94.655, before January 5, 1984. The ballot of the submission shall contain, but is not limited to, the following language:

(1) If the proposal submitted involves only authorization to impose the tax authorized by this section, the following language:

Shall the city of (city's name) impose a sales tax of (insert amount) for transportation purposes?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No";

(2) If the proposal submitted involves authorization to issue bonds and repay such bonds with revenues from the tax authorized by this section, the following language:

Shall the city of (city's name) issue bonds in the amount of (insert amount) for transportation purposes and impose a sales tax of (insert amount) to repay such bonds?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal, provided in subdivision (1) of this subsection, by the qualified voters voting thereon are in favor of the proposal, then the ordinance and any amendments thereto shall be in effect. If the four-sevenths majority of the votes, as required by the Missouri Constitution, article VI, section 26, cast on the proposal, provided in subdivision (2) of this subsection to issue bonds and impose a sales tax to retire such bonds, by the qualified voters voting thereon are in favor of the proposal, then the ordinance and any amendments thereto shall be in effect. If a majority of the votes cast on the proposal, as provided in subdivision (1) of this subsection, by the qualified voters voting thereon are opposed to the proposal, then the council or other governing body of the city shall have no power to impose the tax authorized in subdivision (1) of this subsection unless and until the council or other governing body of the city submits another proposal to authorize the council or other governing body of the city to impose the tax and such proposal is approved by a majority of the qualified voters voting thereon. If more than three-sevenths of the votes cast by the qualified voters voting thereon are opposed to the proposal, as provided in subdivision (2) of this subsection to issue bonds and impose a sales tax to retire such bonds, then the council or other governing body of the city shall have no power to issue any bonds or to impose the tax authorized in subdivision (2) of this subsection unless and until the council or other governing body of the city submits another proposal to authorize the council or other governing body of the city to issue such bonds or impose the tax to retire such bonds and such proposal is approved by four-sevenths of the qualified voters voting thereon.

2. No incorporated municipality located wholly or partially within any first class county operating under a charter form of government and having a population of over nine hundred thousand inhabitants shall impose such a sales tax for that part of the city, town or village that is located within such first class county, in the event such a first class county imposes a sales tax under the provisions of sections 94.600 to 94.655.

3. The sales tax may be imposed at a rate not to exceed one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any city adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525.

4. [If the boundaries of a city in which such sales tax has been imposed shall thereafter be changed or altered, the city clerk shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the city. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the city clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by sections 94.700 to 94.755 shall be effective in the added territory or abolished in the detached territory on the effective date of the change of the city boundary.

5.] No tax imposed pursuant to this section for the purpose of retiring bonds issued pursuant to this section may be terminated until all of such bonds have been retired."; and

Further amend said bill, Pages 1 to 5, Section 144.010, by deleting all of said section and inserting in lieu thereof the following:

"144.010. 1. The following words, terms, and phrases when used in [sections 144.010 to 144.525] **this chapter shall** have the meanings ascribed to them in this section, except when the context indicates a different meaning:

(1) "Admission" includes seats and tables, reserved or otherwise, and other similar accommodations and charges made therefor and amount paid for admission, exclusive of any admission tax imposed by the federal government or by sections 144.010 to 144.525;

(2) **"Advertising and promotional direct mail", printed material that meets the definition of direct mail, the primary purpose of which is to attract public attention to a product, person, business, or organization, or to attempt to sell, popularize, or secure financial support for a product, person, business, or organization. As used in this subdivision, the word "product" means tangible personal property, a product transferred electronically or a service;**

(3) **"Agreement", the streamlined sales and use tax agreement, as amended from time to time;**

(4) **"Air-to-ground radiotelephone service", a radio service, as that term is defined in 47 CFR 22.99, in which common carriers are authorized to offer and provide radio telecommunications service for hire to subscribers in aircraft;**

(5) **"Alcoholic beverages", beverages that are suitable for human consumption and contain one-half of one percent or more of alcohol by volume;**

(6) **"Ancillary services", services that are associated with or incidental to the provisions of telecommunications services, including but not limited to, detailed telecommunications billing, directory assistance, vertical service, and voice mail services. Ancillary services shall not include specified digital products, digital audio-visual works, digital audio works, or digital books;**

(7) "Appliance", clothes washers and dryers, water heaters, trash compactors, dishwashers, conventional ovens, ranges, stoves, air conditioners, furnaces, refrigerators and freezers;

(8) "Bottled water", water that is placed in a safety sealed container or package for human consumption. Bottled water is calorie free and does not contain sweeteners or other additives except that it may contain:

- (a) Antimicrobial agents;
- (b) Fluoride;
- (c) Carbonation;
- (d) Vitamins, minerals, and electrolytes;
- (e) Oxygen;
- (f) Preservatives; and
- (g) Only those flavors, extracts, or essences derived from a spice or fruit.

Bottled water includes water that is delivered to the buyer in a reusable container that is not sold with the water;

(9) "Bundled transaction":

(a) The retail sale of two or more products, except real property and services to real property, where the products are otherwise distinct and identifiable, and the products are sold for one nonitemized price. A bundled transaction shall not include the sale of any products in which the sales price varies, or is negotiable, based on the selection by the purchaser of the products included in the transaction;

(b) As used in this paragraph, the term "distinct and identifiable products" shall not include:

a. Packaging, such as containers, boxes, sacks, bags, and bottles, or other materials, such as wrapping, labels, tags, and instruction guides, that accompany the retail sale of the products and are incidental or immaterial to the retail sale thereof;

b. A product provided free of charge with the required purchase of another product. A product is provided free of charge if the sales price of the product purchased does not vary depending on the inclusion of the product provided free of charge;

c. Items included in the definition of the term sales price;

(c) As used in this paragraph, the term "one nonitemized price" shall not include a price that is separately identified by product on binding sales or other supporting sales-related documentation made available to the customer in paper or electronic form, including but not limited to an invoice, bill of sale, receipt, contract, service agreement, lease agreement, periodic notice of rates and services, rate card, or price list;

(d) a. A transaction that otherwise meets the definition of a bundled transaction as defined in this subdivision shall not constitute a bundled transaction if it is:

(i) A retail sale of tangible personal property and a service where the tangible personal property is essential to the use of the service, and is provided exclusively in connection with the service, and the true object of the transaction is the service; or

(ii) A retail sale of services where one service is provided that is essential to the use of receipt of a second service and the first service is provided exclusively in connection with the second service and the true object of the transaction is the second service; or

(iii) A transaction that includes taxable products and nontaxable products and the sales price of the taxable products is de minimis.

b. "De minimis" means the sales price of the taxable product is ten percent or less of the total sales price of the bundled products.

c. Sellers shall use the sales price of the products to determine if the taxable products are de minimis.

d. (i) Sellers shall use the full term of a service contract to determine if the taxable products are de minimis; or

(ii) A retail sale of exempt tangible personal property and taxable tangible personal property where:

i. The transaction included food and food ingredients, drugs, durable medical equipment, mobility enhancing equipment, over-the-counter drugs, prosthetic devices, or medical supplies; and

ii. The seller's purchase price or sales price of the taxable tangible personal property is fifty percent or less of the total sales price of the bundled tangible personal property. Sellers shall not use a combination of the purchase price and sales price of the tangible personal property when making the fifty percent determination for a transaction;

(10) "Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either direct or indirect, and the classification of which business is of such character as to be subject to the terms of sections 144.010 to 144.525. A person is "engaging in business" in this state for purposes of sections 144.010 to 144.525 if such person "engages in business in this state" or "maintains a place

of business in this state" under section 144.605. The isolated or occasional sale of tangible personal property, service, substance, or thing, by a person not engaged in such business, does not constitute engaging in business within the meaning of sections 144.010 to 144.525 unless the total amount of the gross receipts from such sales, exclusive of receipts from the sale of tangible personal property by persons which property is sold in the course of the partial or complete liquidation of a household, farm or nonbusiness enterprise, exceeds three thousand dollars in any calendar year. The provisions of this subdivision shall not be construed to make any sale of property which is exempt from sales tax or use tax on June 1, 1977, subject to that tax thereafter;

[(3)] (11) "Calendar quarter", the period of three consecutive calendar months ending on March thirty-first, June thirtieth, September thirtieth or December thirty-first;

(12) "Call-by-call basis", any method of charging for telecommunications services where the price is measured by individual calls;

(13) "Candy", a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts or other ingredients or flavorings in the form of bars, drops, or pieces. Candy shall not include any preparation containing flour and shall require no refrigeration;

(14) "Captive wildlife", includes but is not limited to exotic partridges, gray partridge, northern bobwhite quail, ring-necked pheasant, captive waterfowl, captive white-tailed deer, captive elk, and captive furbearers held under permit issued by the Missouri department of conservation for hunting purposes. The provisions of this subdivision shall not apply to sales tax on a harvested animal;

(15) "Certified automated system" or "CAS", software certified under the streamlined sales and use tax agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state, and maintain a record of the transaction;

(16) "Certified service provider" or "CSP", an agent certified under the streamlined sales and use tax agreement to perform all the seller's sales and use tax functions, other than the seller's obligation to remit tax on its own purchases;

(17) "Clothing":

(a) All human wearing apparel suitable for general use;

(b) Clothing shall include:

a. Aprons, household and shop;

b. Athletic supporters;

c. Baby receiving blankets;

d. Bathing suits and caps;

e. Beach capes and coats;

f. Belts and suspenders;

g. Boots;

h. Coats and jackets;

i. Costumes;

j. Diapers, children and adult, including disposable diapers;

k. Ear muffs;

l. Footlets;

m. Formal wear;

n. Garters and garter belts;

o. Girdles;

p. Gloves and mittens for general use;

q. Hats and caps;

r. Hosiery;

s. Insoles for shoes;

t. Lab coats;

u. Neckties;

v. Overshoes;

w. Pantyhose;

x. Rainwear;

y. Rubber pants;

z. Sandals;

aa. Scarves;

bb. Shoes and shoe laces;

cc. Slippers;

- dd. Sneakers;
- ee. Socks and stockings;
- ff. Steel toed shoes;
- gg. Underwear;
- hh. Uniforms, athletic and nonathletic; and
- ii. Wedding apparel;
- (c) Clothing shall not include:
 - a. Belt buckles sold separately;
 - b. Costume masks sold separately;
 - c. Patches and emblems sold separately;
 - d. Sewing equipment and supplies, including but not limited to, knitting needles, patterns, pins, scissors, sewing machines, sewing needles, tape measures, and thimbles; and
 - e. Sewing materials that become part of clothing, including but not limited to buttons, fabric, lace, thread, yarn, and zippers;
- (18) "Clothing accessories and equipment", incidental items worn on the person or in conjunction with clothing. Clothing accessories or equipment are mutually exclusive of clothing, sport or recreational equipment, and protective equipment;
- (19) "Coin-operated telephone service", a telecommunications service paid for by inserting money into a telephone accepting direct deposits of money to operate;
- (20) "Communications channel", a physical or virtual path of communications over which signals are transmitted between or among customer channel termination points;
- (21) "Computer", an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions;
- (22) "Computer software", a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task. Computer software shall not include specified digital products, digital audio-visual works, digital audio works, or digital books;
- (23) "Conference bridging service", an ancillary service that links two or more participants of an audio or video conference call and may include the provision of a telephone number. Conference bridging service does not include the telecommunications services used to reach the conference bridge;
- (24) "Customer", the person or entity that contracts with the seller of telecommunications services. If the end user of telecommunications services is not the contracting party, the end user of the telecommunications service is the customer of the telecommunication service, but this definition only applies to the purpose of sourcing sales of telecommunications services under section 144.043. Customer shall not include a reseller of telecommunications service or for mobile telecommunications service of a serving carrier under an agreement to serve the customer outside the home service provider's licensed service area;
- (25) "Customer channel termination point", the location where the customer either inputs or receives the communication;
- (26) "Delivered electronically", delivered to the purchaser by means other than tangible storage media;
- (27) "Delivery charges", charges by the seller of personal property or services for preparation and delivery to a location designated by the purchaser of personal property or services, including but not limited to transportation, shipping, postage, handling, crating, and packing;
- (28) "Detailed telecommunications billing service", an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement;
- (29) "Dietary supplement", any product, other than tobacco, intended to supplement the diet that contains one or more of the following dietary ingredients: a vitamin; a mineral; an herb or other botanical; an amino acid; a dietary substance for use by humans to supplement the diet by increasing the total dietary intake; or a concentrate, metabolite, constituent, extract, or combination of any ingredient described above; and that is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or if not intended for ingestion in such a form, is not represented as a conventional food and is not represented for use as a sole item of a meal or of the diet; and that is required to be labeled as a dietary supplement, identifiable by the supplemental facts box found on the label and as required under 21 CFR Section 101.36;
- (30) "Digital audio works", works that result from the fixation of a series of musical, spoken, or other sounds, including ringtones;
- (31) "Digital audio-visual works", a series of related images which, when shown in succession, impart an impression of motion, together with accompanying sounds, if any;
- (32) "Digital books", works that are generally recognized in the ordinary and usual sense as books;

(33) "Direct mail", printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addressees on a mailing list provided by the purchaser or at the direction of the purchaser when the cost of the items are not billed directly to the recipients. Direct mail shall include tangible personal property supplied directly or indirectly by the purchaser to the direct mail seller for inclusion in the package containing the printed material. Direct mail shall not include multiple items of printed material delivered to a single address;

(34) "Directory assistance", an ancillary service of providing telephone number information, or address information;

(35) "Drug":

(a) A compound, substance, or preparation, and any component of a compound, substance, or preparation, other than food and food ingredients, dietary supplements, alcoholic beverages, or grooming and hygiene products:

a. Recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, and supplement to any of them;

b. Intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or

c. Intended to affect the structure or any function of the body;

(b) Drug shall include insulin and medical oxygen;

(36) "Durable medical equipment", equipment including repair and replacement parts for same, excluding mobility enhancing equipment. Durable medical equipment:

(a) Can withstand repeated use;

(b) Is primarily and customarily used to serve a medical purpose;

(c) Generally is not useful to a person in the absence of illness or injury;

(d) Is not worn in or on the body;

(e) Is for home use;

(f) Is within the classification of devices eligible for MO HealthNet and Medicare reimbursement;

(g) Shall not include:

a. Kidney dialysis equipment not worn in or on the body, including repair and replacement parts; and

b. Enteral feeding systems not worn in or on the body, including repair and replacement parts.

As used in this subdivision, repair and replacement parts shall include all components or attachments used in conjunction with the durable medical equipment;

(37) "Electronic", relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;

(38) "End user", the person who utilizes the telecommunication service. In case of an entity, "end user" means the individual who utilizes the service on behalf of the entity;

(39) "Energy star qualified product", a product that meets the energy efficient guidelines set by the United States Environmental Protection Agency and the United States Department of Energy that are authorized to carry the Energy Star label. Covered products are those listed at www.energystar.gov or successor address;

(40) "Engages in business activities within this state", includes:

(a) Purposefully or systematically exploiting the market provided by this state by any media-assisted, media-facilitated, or media-solicited means, including but not limited to direct mail advertising, distribution of catalogs, computer-assisted shopping, telephone, television, radio, or other electronic media, or magazine or newspaper advertisements, or other media; or

(b) Being owned or controlled by the same interests which own or control any seller engaged in the same or similar line of business in this state; or

(c) Maintaining or having a franchisee or licensee operating under the seller's trade name in this state if the franchisee or licensee is required to collect sales tax under sections 144.010 to 144.525; or

(d) Soliciting sales or taking orders by sales agents or traveling representatives;

(41) "Food and food ingredients", substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. Food and food ingredients shall not include alcoholic beverages, tobacco, or dietary supplements;

(42) "Food sold through vending machines", food dispensed from a machine or other mechanical device that accepts payment;

(43) "Grooming and hygiene products", soaps and cleaning solutions, shampoo, toothpaste, mouthwash, antiperspirants, and suntan lotions and screens, regardless of whether the items meet the definition of over-the-counter-drugs;

[(4)] (44) "Gross receipts"[,] or "sales price":

(a) Except as provided in section 144.012, [means the total amount of the sale price of the sales at retail including any services other than charges incident to the extension of credit that are a part of such sales made by the businesses herein referred to, capable of being valued in money, whether received in money or otherwise; except that, the term "gross receipts" shall not include the sale price of property returned by customers when the full sale price thereof is refunded either in cash or by credit. In determining any tax due under sections 144.010 to 144.525 on the gross receipts, charges incident to the extension of credit shall be specifically exempted. For the purposes of sections 144.010 to 144.525 the total amount of the sale price above mentioned shall be deemed to be the amount received. It shall also include the lease or rental consideration where the right to continuous possession or use of any article of tangible personal property is granted under a lease or contract and such transfer of possession would be taxable if outright sale were made and, in such cases, the same shall be taxable as if outright sale were made and considered as a sale of such article, and the tax shall be computed and paid by the lessee upon the rentals paid;] **applies to the measure subject to sales tax and means the total amount of consideration, including cash, credit, property, and services, for which personal property or services are sold, leased, or rented, valued in money, whether received in money or otherwise, without any deduction for the following:**

- a. The seller's cost of the property sold;**
- b. The cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller;**
- c. Charges by the seller for any services necessary to complete the sale, other than delivery and installation charges;**
- d. Delivery charges; and**
- e. Credit for any trade-in;**

(b) Shall not include:

- a. Discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a seller and taken by a purchaser on a sale;**
- b. Interest, financing, and carrying charges from credit extended on the sale of personal property or services, if the amount is separately stated on the invoice, bill of sale or similar document given to the purchaser; and**

c. Any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale or similar document given to the purchaser;

(c) Shall include consideration received by the seller from third parties if:

- a. The seller actually receives consideration from a party other than the purchaser and the consideration is directly related to a price reduction or discount on the sale;**
- b. The seller has an obligation to pass the price reduction or discount through to the purchaser;**
- c. The amount of the consideration attributable to the sale is fixed and determinable by the seller at the time of the sale of the item to the purchaser; and**
- d. One of the following criteria is met:**

(i) The purchaser presents a coupon, certificate or other documentation to the seller to claim a price reduction or discount where the coupon, certificate or documentation is authorized, distributed, or granted by a third party with the understanding that the third party will reimburse any seller to whom the coupon, certificate or documentation is presented;

(ii) The purchaser identifies himself or herself to the seller as a member of a group or organization entitled to a price reduction or discount (a preferred customer card that is available to any patron does not constitute membership in such a group); or

(iii) The price reduction or discount is identified as a third-party price reduction or discount on the invoice received by the purchaser or on a coupon, certificate or other documentation presented by the purchaser;

(45) "Home service provider", the same as such term is defined in Section 124(5) of Public Law 106-252, Mobile Telecommunications Sourcing Act;

(46) "Lease or rental":

(a) Any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration. A lease or rental may include future options to purchase or extend;

(b) Lease or rental shall not include:

a. A transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments;

b. A transfer of possession or control of property under an agreement that requires the transfer of title upon completion of required payments and where any payment of an option price does not exceed the greater of one hundred dollars or one percent of the total required payments;

c. Providing tangible personal property along with an operator for a fixed or indeterminate period of time provided that the operator is necessary for the equipment to perform as designed and the operator does more than maintain, inspect, or set up the tangible personal property;

(c) Lease or rental includes agreements covering motor vehicles and trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon sale or disposition of the property as defined in 26 U.S.C. Section 7701(h)(1), as amended;

(47) "Light aircraft", a light airplane that seats no more than four persons, with a gross weight of three thousand pounds or less, which is primarily used for recreational flying or flight training;

(48) "Light aircraft kit", factory manufactured light aircraft parts and components, including engine, propeller, instruments, wheels, brakes, and air frame parts which make up a complete aircraft kit or partial kit designed to be assembled into a light aircraft and then operated by a qualified light aircraft purchaser for recreational and educational purposes;

(49) "Light aircraft parts and components", manufactured light aircraft parts, including air frame and engine parts, that are required by the qualified light aircraft purchaser to complete a light aircraft kit, or spare or replacement parts for an already completed light aircraft;

[(5)] (50) "Livestock", cattle, calves, sheep, swine, ratite birds, including but not limited to, ostrich and emu, aquatic products as defined in section 277.024, llamas, alpaca, buffalo, elk documented as obtained from a legal source and not from the wild, goats, horses, other equine, or rabbits raised in confinement for human consumption;

[(6)] (51) "Load and leave", delivery to the purchaser by use of a tangible storage media where the tangible storage media is not physically transferred to the purchaser;

(52) "Maintains a place of business in this state", includes maintaining, occupying, or using, permanently or temporarily, directly or indirectly, or through a subsidiary, or agent, by whatever name called, an office, place of distribution, sales or sample room or place, warehouse or storage place, or other place of business;

(53) "Mobile telecommunications service", the same as such term is defined in Section 124(7) of Public Law 106-252, Mobile Telecommunications Sourcing Act;

(54) "Mobility enhancing equipment", equipment, including repair and replacement parts to same, which:

(a) Is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either in a home or a motor vehicle; and

(b) Is not generally used by persons with normal mobility; and

(c) Is within the classification of devices eligible for MO HealthNet and Medicare reimbursement.

Mobility enhancement equipment shall not include durable medical equipment or any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer;

(55) "Model 1 seller", a seller registered under the agreement that has selected a certified service provider as its agent to perform all the seller's sales and use tax functions, other than the seller's obligation to remit tax on its own purchases;

(56) "Model 2 seller", a seller that has selected a certified automated system (CAS) to perform part of its sales and use tax functions, but retains responsibility for remitting the tax;

(57) "Model 3 seller", a seller registered under the agreement that has sales in at least five member states, has total annual sales revenue of at least five hundred million dollars, has a proprietary system that calculates the amount of tax due each jurisdiction, and has entered into a performance agreement with the member states that establishes a tax performance standard for the seller. As used in this subdivision, a seller shall include an affiliated group of sellers using the same proprietary system;

(58) "Model 4 seller", a seller that is registered under the agreement and is not a Model 1 Seller, a Model 2 Seller or a Model 3 Seller;

(59) "Motor vehicle leasing company" [shall be], a company obtaining a permit from the director of revenue to operate as a motor vehicle leasing company. Not all persons renting or leasing trailers or motor vehicles need to obtain such a permit; however, no person failing to obtain such a permit may avail itself of the optional tax provisions of subsection 5 of section 144.070, as hereinafter provided;

[(7)] (60) "Other direct mail", any direct mail that is not advertising and promotional direct mail regardless of whether advertising and promotional direct mail is included in the same mailing. Other direct mail includes, but is not limited to:

- (a) Transactional direct mail that contains personal information specific to the one addressee including, but not limited to, invoices, bills, statements of account, and payroll advices;
- (b) Any legally required mailings including, but not limited to, privacy notices, tax reports, and stockholder reports; and
- (c) Other nonpromotional direct mail delivered to existing or former shareholders, customers, employees, or agents including, but not limited to, newsletters and informational pieces.

Other direct mail shall not include the development of billing information or the provision of any data processing service that is more than incidental;

(61) "Over-the-counter-drug", a drug, excluding grooming and hygiene products, that contains a label that identifies the product as a drug as required by 21 CFR Section 201.66 and includes:

- (a) A drug facts panel; or
- (b) A statement of the active ingredients with a list of those ingredients contained in the compound, substance, or preparation;

(62) "Person" includes any individual, firm, copartnership, joint adventure, association, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or agency, [except the state transportation department,] estate, trust, business trust, receiver or trustee appointed by the state or federal court, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number, or any other legal entity;

[(8)] (63) "Place of primary use", the street address representative of where the customer's use of the telecommunications service primarily occurs, which shall be the residential street address or the primary business street address of the customer. In the case of mobile telecommunications services, place of primary use shall be within the licensed service area of the home service provider;

(64) "Post-paid calling service", the telecommunications service obtained by making a payment on a call-by-call basis either through the use of a credit card or payment mechanism such as a bank card, travel card, credit card, or debit card, or by charge made to a telephone number which is not associated with the origination or termination of the telecommunications service. A post-paid calling service includes a telecommunications service, except a prepaid wireless calling service, that would be a prepaid calling service except it is not exclusively a telecommunications service;

(65) "Prepaid calling service", the right to access exclusively telecommunications services, which must be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount;

(66) "Prepaid wireless calling service", a telecommunications service that provides the right to utilize mobile wireless services as well as other nontelecommunications services, including the download of digital products delivered electronically, content and ancillary services, which must be paid for in advance and that is sold in predetermined units or dollars of which the number declines with use in a known amount;

(67) "Prepared food", food sold in a heated state or heated by the seller; two or more food ingredients mixed or combined by the seller for sale as a single item; or food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws. A plate shall not include a container or packaging used to transport the food. Prepared food shall not include food that is only cut, repackaged, or pasteurized by the seller and eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the Food and Drug Administration in Chapter 3, Part 401.11 of the Food Code so as to prevent food borne illnesses;

(68) "Prescription", an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized by the laws of the state;

(69) "Prewritten computer software", computer software, including prewritten upgrades, which is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten portions thereof shall not cause the combination to be other than prewritten computer software. Prewritten computer software shall include software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the specific purchaser. Where a person modifies or enhances computer software of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person's modifications or enhancements. Prewritten computer software or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains prewritten computer software; provided, however, that where there

is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for such modification or enhancement, such modification or enhancement shall not constitute prewritten computer software;

(70) "Private communication service", a telecommunications service that entitles the customer to exclusive or priority use of a communications channel or group of channels between or among termination points, regardless of the manner in which such channel or channels are connected, and includes switching capacity, extension lines, stations, and any other associated services that are provided in connection with the use of such channel or channels;

(71) "Product-based exemption", an exemption based on the description of the product and not based on who purchases the product or how the purchaser intends to use the product;

(72) "Product which is intended to be sold ultimately for final use or consumption", tangible personal property, or any service that is subject to state or local sales or use taxes, or any tax that is substantially equivalent to these taxes, in this state or any other state;

(73) "Prosthetic device", a replacement, corrective, or supportive device including repair and replacement parts for same worn on or in the body to artificially replace a missing portion of the body, prevent or correct physical deformity or malfunction, or support a weak or deformed portion of the body. The term "prosthetic device" shall not include corrective eyeglasses or contact lenses and shall be limited to the classification of devices eligible for MO HealthNet and Medicare reimbursement;

(74) "Protective equipment", items for human wear and designed as protection of the wearer against injury or disease or as protections against damage or injury of other persons or property but not suitable for general use. Protective equipment are mutually exclusive of clothing, clothing accessories or equipment, and sport or recreational equipment;

(75) "Purchase", the acquisition of the ownership of, or title to, tangible personal property, through a sale, as defined herein, for the purpose of storage, use or consumption in this state;

(76) "Purchase price", applies to the measure subject to use tax and has the same meaning as sales price;

(77) "Purchaser" [means], a person [who purchases tangible] to whom a sale of personal property is made or to whom [are rendered services, receipts from which are taxable under sections 144.010 to 144.525] a service is furnished;

[(9)] (78) "Qualified light aircraft purchaser", a purchaser of a light aircraft, light aircraft kit, light aircraft parts or components who is a nonresident of this state, who will transport the light aircraft, light aircraft kit, light aircraft parts or components outside this state within ten days after the date of purchase, and who will register any light aircraft so purchased in another state or country. Such purchaser shall not base such aircraft in this state and such purchaser shall not be a resident of the state unless such purchaser has paid sales or use tax on such aircraft in another state;

(79) "Receive" or "receipt", taking possession of tangible personal property; making first use of services; or taking possession or making first use of digital goods, whichever comes first. Receive and receipt shall not include possession by a shipping company on behalf of the purchaser;

(80) "Registered under the agreement", registration by a seller with the member states under the central registration system provided in Article IV of the agreement;

(81) "Research or experimentation activities" are the development of an experimental or pilot model, plant process, formula, invention or similar property, and the improvement of existing property of such type. Research or experimentation activities do not include activities such as ordinary testing or inspection of materials or products for quality control, efficiency surveys, advertising promotions or research in connection with literary, historical or similar projects;

[(10)] "Sale" or "sales" includes installment and credit sales, and the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale, and means any transfer, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for valuable consideration and the rendering, furnishing or selling for a valuable consideration any of the substances, things and services herein designated and defined as taxable under the terms of sections 144.010 to 144.525;

[(11)] (82) "Sale at retail" [means any transfer made by any person engaged in business as defined herein of the ownership of, or title to, tangible personal property to the purchaser, for use or consumption and not for resale in any form as tangible personal property, for a valuable consideration; except that, for the purposes of sections 144.010 to 144.525 and the tax imposed thereby: (i) purchases of tangible personal property made by duly licensed physicians, dentists, optometrists and veterinarians and used in the practice of their professions shall be deemed to be purchases for use or consumption and not for resale; and (ii) the selling of computer printouts, computer output or microfilm or microfiche and computer-assisted photo compositions to a purchaser to enable the purchaser to obtain for his or her own

use the desired information contained in such computer printouts, computer output on microfilm or microfiche and computer-assisted photo compositions shall be considered as the sale of a service and not as the sale of tangible personal property] or "retail sale", any sale, lease, or rental for any purpose other than for resale, sublease, or subrent. **Purchases of tangible personal property made by duly licensed physicians, dentists, optometrists, and veterinarians and used in the practice of their professions shall be deemed to be purchases for use or consumption and not for resale.** Where necessary to conform to the context of sections 144.010 to 144.525 and the tax imposed thereby, the term "sale at retail" shall be construed to embrace:

(a) Sales of admission tickets, cash admissions, charges and fees to or in places of amusement, entertainment and recreation, games and athletic events;

(b) Sales of electricity, electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(c) Sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations, and the sale, rental or leasing of all equipment or services pertaining or incidental thereto;

(d) Sales of service for transmission of messages by telegraph companies;

(e) Sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist camp, tourist cabin, or other place in which rooms, meals or drinks are regularly served to the public;

(f) Sales of tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane, and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(83) "School art supply":

(a) An item commonly used by a student in a course of study for artwork. The term is mutually exclusive of the terms school supply, school instructional material, and school computer supply;

(b) The following is an all-inclusive list:

- a. Clay and glazes;
- b. Paints, acrylic, tempora, and oil;
- c. Paintbrushes for artwork;
- d. Sketch and drawing pads; and
- e. Watercolors;

(84) "School computer supply":

(a) An item commonly used by a student in a course of study in which a computer is used. The term is mutually exclusive of the terms school supply, school art supply, and school instructional material.

(b) The following is an all-inclusive list:

- a. Computer storage media, diskettes, compact disks;
- b. Handheld electronic schedulers, except devices that are cellular phones;
- c. Personal digital assistants, except devices that are cellular phones; and
- d. Computer printers and printer supplies for computers, printer paper, and printer ink;

(85) "School instructional material":

(a) Written material commonly used by a student in a course of study as a reference and to learn the subject being taught. The term is mutually exclusive of the terms school supply, school art supply, and school computer supply;

(b) The following is an all-inclusive list:

- a. Reference books;
- b. Reference maps and globes;
- c. Textbooks; and
- d. Workbooks;

(86) "School supply":

(a) An item commonly used by a student in a course of study. The term is mutually exclusive of the terms school art supply, school instructional material, and school computer supply;

(b) The following is an all-inclusive list:

- a. Binders;
- b. Book bags;
- c. Calculators;
- d. Cellophane tape;
- e. Blackboard chalk;

- f. Compasses;
- g. Composition books;
- h. Crayons;
- i. Erasers;
- j. Folders, expandable, pocket, plastic, and manila;
- k. Glue, paste, and paste sticks;
- l. Highlighters;
- m. Index cards;
- n. Index card boxes;
- o. Legal pads;
- p. Lunch boxes;
- q. Markers;
- r. Notebooks;
- s. Paper, loose leaf notebook paper, copy paper, graph paper, tracing paper, manila paper, colored paper, poster board, and construction paper;
- t. Pencil boxes and other school supply boxes;
- u. Pencil sharpeners;
- v. Pencils;
- w. Pens;
- x. Protractors;
- y. Rulers;
- z. Scissors; and
- aa. Writing tablets;

[(12)] (87) "Seller" means a person [selling or furnishing tangible] **making sales, leases, or rentals of personal property or [rendering services, on the receipts from which a tax is imposed pursuant to section 144.020] service;**

(88) **"Selling agent", every person acting as a representative of a principal, when such principal is not registered with the director of revenue of the state of Missouri for the collection of the taxes imposed under this chapter and who receives compensation by reason of the sale of tangible personal property of the principal, if such property is to be stored, used, or consumed in this state;**

(89) **"Service address":**

(a) **The location of the telecommunications equipment to which a customer's call is charged and from which the call originates or terminates, regardless of where the call is billed or paid;**

(b) **If the location in paragraph (a) of this subdivision is not known, "service address" means the origination point of the signal of the telecommunications services first identified by either the seller's telecommunications system or in information received by the seller from its service provider, where the system used to transport such signals is not that of the seller;**

(c) **If the location in paragraphs (a) and (b) of this subdivision are not known, the service address shall be the location of the customer's place of primary use;**

(90) **"Specified digital products", electronically transferred digital audio-visual works, digital audio works, and digital books;**

(91) **"Sport or recreational equipment", items designed for human use and worn in conjunction with an athletic or recreational activity that are not suitable for general use. Sport or recreational equipment are mutually exclusive of clothing, clothing accessories or equipment, and protective equipment;**

(92) **"State", any state of the United States, the District of Columbia, and the Commonwealth of Puerto Rico;**

(93) **"Storage", any keeping or retention in this state of tangible personal property purchased from a vendor, except property for sale or property that is temporarily kept or retained in this state for subsequent use outside the state;**

(94) **"Tangible personal property", personal property that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses. Tangible personal property shall include electricity, water, gas, steam, and prewritten computer software. Tangible personal property shall not include specified digital products, digital audio-visual works, digital audio works, or digital books;**

[(13)] The noun] (95) **"Tax" [means], either the tax payable by the purchaser of a commodity or service subject to tax, or the aggregate amount of taxes due from the vendor of such commodities or services during the period for which he or she is required to report his or her collections, as the context may require;**

(96) **"Taxpayer", any person remitting the tax or who should remit the tax levied by this chapter;**

(97) "Telecommunications nonrecurring charges", an amount billed for the installation, connection, change or initiation of telecommunications service received by the customer;

[(14)] **(98) "Telecommunications service"**[, for the purpose of this chapter, the transmission of information by wire, radio, optical cable, coaxial cable, electronic impulses, or other similar means. As used in this definition, "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. Telecommunications service does not include the following if such services are separately stated on the customer's bill or on records of the seller maintained in the ordinary course of business:

(a) Access to the internet, access to interactive computer services or electronic publishing services, except the amount paid for the telecommunications service used to provide such access;

(b) Answering services and one-way paging services;

(c) Private mobile radio services which are not two-way commercial mobile radio services such as wireless telephone, personal communications services or enhanced specialized mobile radio services as defined pursuant to federal law; or

(d) Cable or satellite television or music services; and

(15) "Product which is intended to be sold ultimately for final use or consumption" means tangible personal property, or any service that is subject to state or local sales or use taxes, or any tax that is substantially equivalent thereto, in this state or any other state.];

(a) The electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points;

(b) Telecommunications service shall include such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether such service is referred to as voice over internet protocol services or is classified by the Federal Communications Commission as enhanced or value added;

(c) Telecommunications service shall include air-to-ground radiotelephone service, mobile telecommunications service, post-paid calling service, prepaid calling service, prepaid wireless calling service, and private communication service;

(d) Telecommunications service shall not include:

a. Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a purchaser where such purchaser's primary purpose for the underlying transaction is the processed data or information;

b. Installation or maintenance of wiring or equipment on a customer's premises;

c. Tangible personal property;

d. Advertising, including but not limited to directory advertising;

e. Billing and collection services provided to third parties;

f. Internet access service;

g. Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services shall include but not be limited to cable service, as defined in 47 U.S.C. Section 522(6), as amended, and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 CFR 20.3;

h. Ancillary services; or

i. Digital products delivered electronically, including, but not limited to, software, music, video, reading materials, or ring tones;

(99) "Transportation equipment", any of the following:

(a) Locomotives and railcars that are utilized for the carriage of persons or property in interstate commerce;

(b) Trucks and truck-tractors with a gross vehicle weight rating (GVWR) of ten thousand one pounds or greater, trailers, semitrailers, or passenger buses that are:

a. Registered through the International Registration Plan; and

b. Operated under authority of a carrier authorized and certificated by the United States Department of Transportation or another federal authority to engage in the carriage of persons or property in interstate commerce;

(c) Aircraft that are operated by air carriers authorized and certificated by the United States Department of Transportation or another federal or a foreign authority to engage in the carriage of persons or property in interstate or foreign commerce;

(d) Containers designed for use on and component parts attached or secured on the items set forth in paragraphs (a) to (c) of this subdivision;

(100) "Tobacco", cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco;

(101) "Use", the exercise of any right or power over tangible personal property incident to the ownership or control of that property, except that it does not include the temporary storage of property in this state for subsequent use outside the state, or the sale of the property in the regular course of business;

(102) "Use-based exemption", an exemption based on a specified use of the product by the purchaser;

(103) "Vendor", every person engaged in making sales of tangible personal property by mail order, by advertising, by agent or peddling tangible personal property, soliciting or taking orders for sales of tangible personal property, for storage, use or consumption in this state, all salesmen, solicitors, hawkers, representatives, consignees, peddlers or canvassers, as agents of the dealers, distributors, consignors, supervisors, principals or employers under whom they operate or from whom they obtain the tangible personal property sold by them, and every person who maintains a place of business in this state, maintains a stock of goods in this state, or engages in business activities within this state and every person who engages in this state in the business of acting as a selling agent for persons not otherwise vendors as defined in this subdivision. Irrespective of whether they are making sales on their own behalf or on behalf of the dealers, distributors, consignors, supervisors, principals or employers, they shall be regarded as vendors and the dealers, distributors, consignors, supervisors, principals or employers shall be regarded as vendors for the purposes of sections 144.600 to 144.745. A person shall not be considered a vendor for the purposes of sections 144.600 to 144.745 if all of the following apply:

(a) The person's total gross receipts did not exceed five hundred thousand dollars in this state, or twelve and one-half million dollars in the entire United States, in the immediately preceding calendar year;

(b) The person maintains no place of business in this state; and

(c) The person has no selling agents in this state.

2. For purposes of the taxes imposed under sections 144.010 to 144.525, and any other provisions of law pertaining to sales or use taxes which incorporate the provisions of sections 144.010 to 144.525 by reference, the term "manufactured homes" shall have the same meaning given it in section 700.010.

3. Sections 144.010 to 144.525 may be known and quoted as the "Sales Tax Law".

144.014. 1. Notwithstanding other provisions of law to the contrary, beginning October 1, 1997, the tax levied and imposed pursuant to sections 144.010 to 144.525 and sections 144.600 to 144.746 on all retail sales of food **and food ingredients** shall be at the rate of one percent. The revenue derived from the one percent rate pursuant to this section shall be deposited by the state treasurer in the school district trust fund and shall be distributed as provided in section 144.701.

2. [For the purposes of this section, the term "food" shall include only those products and types of food for which food stamps may be redeemed pursuant to the provisions of the Federal Food Stamp Program as contained in 7 U.S.C. Section 2012, as that section now reads or as it may be amended hereafter, and shall include food dispensed by or through vending machines. For the purpose of this section,] Except for **food sold through** vending [machine sales, the term "food"] **machines, subsection 1 of this section** shall not [include] **apply to** food or drink sold by any establishment where the gross receipts derived from the sale of food prepared by such establishment for immediate consumption on or off the premises of the establishment constitutes more than eighty percent of the total gross receipts of that establishment, regardless of whether such prepared food is consumed on the premises of that establishment, including, but not limited to, sales of food by any restaurant, fast food restaurant, delicatessen, eating house, or café.

144.022. 1. In the case of a bundled transaction that includes any of the following: telecommunication service, ancillary service, internet access, or audio or video programming service:

(1) If the price is attributable to products that are taxable and products that are nontaxable, the portion of the price attributable to the nontaxable products may be subject to tax unless the provider can identify by reasonable and verifiable standards such portion from its books and records that are kept in the regular course of business for other purposes, including, but not limited to, nontax purposes;

(2) If the price is attributable to products that are subject to tax at different tax rates, the total price shall be treated as attributable to the products subject to tax at the highest tax rate unless the provider can identify by reasonable and verifiable standards the portion of the price attributable to the products subject to tax at the lower rate from its books and records that are kept in the regular course of business for other purposes, including, but not limited to, nontax purposes;

(3) The provisions of this section shall apply unless otherwise provided by federal law.

2. In the case of a transaction that includes an optional computer software maintenance contract for prewritten computer software, the following provisions apply:

(1) If an optional computer software maintenance contract only obligates the vendor to provide upgrades and updates, it shall be characterized as a sale of prewritten computer software;

(2) If an optional computer software maintenance contract only obligates the vendor to provide support services, it shall be characterized as a sale of services and not a sale of tangible personal property;

(3) If an optional computer software maintenance contract is a bundled transaction in which both taxable and nontaxable or exempt products that are not separately itemized on the invoice or similar billing document, the purchase price under the contract shall be taxable."; and

Further amend said bill, Pages 5 to 13, Section 144.030, by deleting all of said section and inserting in lieu thereof the following:

"144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.824; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Motor vehicles registered in excess of fifty-four thousand pounds, and the trailers pulled by such motor vehicles, that are actually used in the normal course of business to haul property on the public highways of the state, and that are capable of hauling loads commensurate with the motor vehicle's registered weight; and the materials, replacement parts, and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of such vehicles. For purposes of this subdivision "motor vehicle" and "public highway" shall have the meaning as ascribed in section 390.020;

(5) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant" means a facility that has as its primary purpose the recovery of materials into a usable product or a different form which is used

in producing a new product and shall include a facility or equipment which are used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms motor vehicle and highway shall have the same meaning pursuant to section 301.010. Material recovery is not the reuse of materials within a manufacturing process or the use of a product previously recovered. The material recovery processing plant shall qualify under the provisions of this section regardless of ownership of the material being recovered;

(6) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

(7) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(8) Animals or poultry used for breeding or feeding purposes, or captive wildlife;

(9) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public;

(10) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(11) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(12) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, in the transportation of persons or property;

(13) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (5) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200. There shall be a rebuttable presumption that the raw materials used in the primary manufacture of automobiles contain at least twenty-five percent recovered materials. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(14) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(16) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(17) Tangible personal property purchased by a rural water district;

(18) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation, **provided, however, that a municipality or other political subdivision may enter into revenue-sharing agreements with private persons, firms, or corporations providing goods or services, including management services, in or for the place of amusement, entertainment or recreation, games or athletic events, and provided further that nothing in this paragraph shall exempt from tax any amounts retained by any private person, firm, or corporation under such revenue-sharing agreement;**

(19) All sales of [insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales or rental of medical oxygen, home respiratory equipment and

accessories, hospital beds and accessories and ambulatory aids, all sales or rental of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales or rental of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of] over-the-counter [or nonprescription] drugs to individuals with disabilities, **all sales of durable medical equipment, prosthetic devices, and mobility enhancing equipment**, and [drugs required by the Food and Drug Administration to meet the] **all sales of** over-the-counter [drug product labeling requirements in 21 CFR 201.66, or its successor,] **drugs** as prescribed by a health care practitioner licensed to prescribe;

(20) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(21) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (20) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(22) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530;

(23) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as defined in section 142.028, natural gas, propane, and electricity used by an eligible new generation cooperative or an eligible new generation processing entity as defined in section 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and trailers, and any freight charges on any exempt item. As used in this subdivision, the term "feed additives" means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term "farm machinery and equipment" means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon and any accessories for and upgrades to such farm machinery and equipment, rotary mowers used exclusively for agricultural purposes, and supplies and lubricants used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and one-half of each purchaser's purchase of diesel fuel therefor which is:

- (a) Used exclusively for agricultural purposes;
- (b) Used on land owned or leased for the purpose of producing farm products; and
- (c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(24) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, [electrical current, natural, artificial or propane gas, wood, coal or home heating oil] **pipd natural or artificial gas, or other fuels delivered by the seller** for domestic use [and in any city not within a county, all sales of metered or unmetered water service for domestic use]:

(a) "Domestic use" means that portion of metered water service, electricity, [electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service,] **pipd natural or artificial gas, or other fuels delivered by the seller** which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units,

shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of [services or property] **electricity, piped natural or artificial gas, or other fuels delivered by the seller** and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of [services or property] **electricity, piped natural or artificial gas, or other fuels delivered by the seller** and who uses any portion of the [services or property] **electricity, piped natural or artificial gas, or other fuels delivered by the seller** so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(25) All sales of handcraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(26) Excise taxes, collected on sales at retail, imposed by Sections 4041, [4061,] 4071, 4081, [4091,] 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local sales taxes on such excise taxes;

(27) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(28) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(29) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(30) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(31) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

(32) Electrical energy or gas, whether natural, artificial or propane, water, or other utilities which are ultimately consumed in connection with the manufacturing of cellular glass products or in any material recovery processing plant as defined in subdivision (5) of this subsection;

(33) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

(34) Tangible personal property and utilities purchased for use or consumption directly or exclusively in the research and development of agricultural/biotechnology and plant genomics products and prescription pharmaceuticals consumed by humans or animals;

(35) All sales of grain bins for storage of grain for resale;

(36) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, and licensed pursuant to sections 273.325 to 273.357;

(37) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

(38) All sales or other transfers of tangible personal property to a lessor who leases the property under a lease of one year or longer executed or in effect at the time of the sale or other transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100;

(39) Sales of tickets to any collegiate athletic championship event that is held in a facility owned or operated by a governmental authority or commission, a quasi-governmental agency, a state university or college or by the state or any political subdivision thereof, including a municipality, and that is played on a neutral site and may reasonably be played at a site located outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that is not located on the campus of a conference member institution participating in the event;

(40) All purchases by a sports complex authority created under section 64.920, and all sales of utilities by such authority at the authority's cost that are consumed in connection with the operation of a sports complex leased to a professional sports team;

(41) Beginning January 1, 2009, but not after January 1, 2015, materials, replacement parts, and equipment purchased for use directly upon, and for the modification, replacement, repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

(42) Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or similar places of business for use in the normal course of business and money received by a shooting range or similar places of business from patrons and held by a shooting range or similar place of business for redistribution to patrons at the conclusion of a shooting event;

(43) All sales of new light aircraft, light aircraft kits, light aircraft parts or components manufactured or substantially completed within this state, when such new light aircraft, light aircraft kits, light aircraft parts or components are sold by the manufacturer to a qualified purchaser. The director of revenue shall prescribe the manner for a purchaser of a light aircraft, light aircraft kit, parts or components to establish that such person is a qualified purchaser and is eligible for the exemption established in this section;

(44) All sales of computer printouts, computer output or microfilm or microfiche and computer-assisted photo compositions to a purchaser to enable the purchaser to obtain for his or her own use the desired information contained in such computer printouts, computer output on microfilm or microfiche and computer-assisted photo compositions.

3. Any ruling, agreement, or contract, whether written or oral, express or implied, between a person and this state's executive branch, or any other state agency or department, stating, agreeing, or ruling that such person is not required to collect sales and use tax in this state despite the presence of a warehouse, distribution center, or fulfillment center in this state that is owned or operated by the person or an affiliated person shall be null and void unless it is specifically approved by a majority vote of each of the houses of the general assembly. For purposes of this subsection, an "affiliated person" means any person that is a member of the same "controlled group of corporations" as defined in Section 1563(a) of the Internal Revenue Code of 1986, as amended, as the vendor or any other entity that, notwithstanding its form of organization, bears the same ownership relationship to the vendor as a corporation that is a member of the same "controlled group of corporations" as defined in Section 1563(a) of the Internal Revenue Code, as amended.

144.032. The provisions of section 144.030 to the contrary notwithstanding, any city imposing a sales tax under the provisions of sections 94.500 to 94.570, or any county imposing a sales tax under the provisions of sections 66.600 to 66.635, or any county imposing a sales tax under the provisions of sections 67.500 to 67.729, or any hospital district

imposing a sales tax under the provisions of section 205.205 may by ordinance impose a sales tax upon all sales of [metered water services,] electricity, [electrical current and natural, artificial or propane gas, wood, coal, or home heating oil] **piped natural or artificial gas, or other fuels delivered by the seller** for domestic use only. Such tax shall be administered by the department of revenue and assessed by the retailer in the same manner as any other city, county, or hospital district sales tax. Domestic use shall be determined in the same manner as the determination of domestic use for exemption of such sales from the state sales tax under the provisions of section 144.030.

144.040. 1. (1) All retail sales in Missouri, excluding leases and rentals, of tangible personal property or digital goods shall be sourced to the location where the order is received by the seller.

(2) This subsection shall apply only if:

(a) The location where receipt of the product by the purchaser occurs is determined in accordance with subsection 2 of this section; and

(b) At the time the order is received, the record keeping system of the seller used to calculate the proper amount of sales or use tax to be imposed captures the location where the order is received.

(3) When the sale is sourced under this section to the location where the order is received by the seller, only the sales tax for the location where the order is received by the seller may be levied. No additional sales or use tax based on the location where the product is delivered to the purchaser may be levied on that sale. The purchaser shall not be entitled to any refund if the combined state and local rate or rates at the location where the product is received by the purchaser is lower than the rate where the order is received by the seller.

(4) A purchaser shall have no additional liability to the state for tax, penalty or interest on a sale for which the purchaser remits tax to the seller in the amount invoiced by the seller if such invoice amount is calculated at either the rate applicable to the location where receipt by the purchaser occurs or at the rate applicable to the location where the order is received by the seller. A purchaser may rely on a written representation by the seller as to the location where the order for such sale was received by the seller. When the purchaser does not have a written representation by the seller as to the location where the order for such sale was received by the seller, the purchaser may use a location indicated by a business address for the seller that is available from the business records of the purchaser that are maintained in the ordinary course of the purchaser's business to determine the rate applicable to the location where the order was received.

(5) The location where the order is received by or on behalf of the seller means the physical location of a seller or third party such as an established outlet, office location or automated order receipt system operated by or on behalf of the seller where an order is initially received by or on behalf of the seller and not where the order may be subsequently accepted, completed or fulfilled. An order is received when all of the information from the purchaser necessary to the determination whether the order can be accepted has been received by or on behalf of the seller. The location from which a product is shipped shall not be used in determining the location where the order is received by the seller.

(6) When taxable services are sold with tangible personal property or digital products pursuant to a single contract or in the same transaction, are billed on the same billing statement or statements, and, because of the application of this section, would be sourced to different jurisdictions, this subsection shall apply to determine the source for tax.

2. Except as provided in subsection 7 of this section, when the location where the order is received by the seller and the location where the receipt of the product by the purchaser (or the purchaser's donee, designated as such by the purchaser) occurs are in different states, the retail sale, excluding lease or rental, of a product shall be sourced as follows:

(1) When the product is received by the purchaser at a business location of the seller, the sale shall be sourced to such business location;

(2) When the product is not received by the purchaser at a business location of the seller, the sale shall be sourced to the location where receipt by the purchaser (or the purchaser's donee, designated as such by the purchaser) occurs, including the location indicated by instructions for delivery to the purchaser or donee, known to the seller;

(3) When subdivisions (1) and (2) of this subsection do not apply, the sale shall be sourced to the location indicated by an address for the purchaser that is available from the business records of the seller that are maintained in the ordinary course of the seller's business when use of this address does not constitute bad faith;

(4) When subdivisions (1), (2), and (3) of this subsection do not apply, the sale shall be sourced to the location indicated by an address for the purchaser obtained during the consummation of the sale, including the address of a purchaser's payment instrument, if no other address is available, when use of this address does not constitute bad faith;

(5) When none of the previous rules of subdivisions (1), (2), (3), and (4) of this subsection do not apply, including the circumstances in which the seller is without sufficient information to apply the previous rules, then the location will be determined by the address from which tangible personal property was shipped, from which the digital good or computer software delivered electronically was first available for transmission from the seller, or from which the service was provided (disregarding for these purposes any location that merely provided the digital transfer of the product sold).

3. Notwithstanding subsections 1 and 2 of this section, all sales of motor vehicles, trailers, semitrailers, watercraft and aircraft that do not qualify as transportation equipment shall be sourced to the address of the owner thereof.

4. The lease or rental of tangible personal property, other than property identified in subsection 2 or 3 of this section or transactions regulated under sections 407.660 to 407.665, shall be sourced as follows:

(1) For a lease or rental that requires recurring periodic payments, the first periodic payment is sourced the same as a retail sale in accordance with the provisions of subsection 1 of this section. Periodic payments made subsequent to the first payment are sourced to the primary property location for each period covered by the payment. The primary property location shall be as indicated by an address for the property provided by the lessee that is available to the lessor from its records maintained in the ordinary course of business, when use of this address does not constitute bad faith. The property location shall not be altered by intermittent use at different locations, such as use of business property that accompanies employees on business trips and service calls;

(2) For a lease or rental that does not require recurring periodic payments, the payment is sourced the same as a retail sale in accordance with the provisions of subsection 1 of this section;

(3) This subsection does not affect the imposition or computation of sales or use tax on leases or rentals based on a lump sum or accelerated basis, or on the acquisition of property for lease.

5. The lease or rental of motor vehicles, trailers, semitrailers, or aircraft that do not qualify as transportation equipment, as defined in section 144.010, shall be sourced as follows:

(1) For a lease or rental that requires recurring periodic payments, each periodic payment is sourced to the primary property location. The primary property location shall be as indicated by an address for the property provided by the lessee that is available to the lessor from its records maintained in the ordinary course of business, when use of such address does not constitute bad faith. Such location shall not be altered by intermittent use at different locations;

(2) For a lease or rental that does not require recurring periodic payments, the payment is sourced the same as a retail sale in accordance with the provisions of subsection 1 of this section;

(3) This subsection does not affect the imposition or computation of sales or use tax on leases or rentals based on a lump sum or accelerated basis, or on the acquisition of property for lease.

6. The retail sale, including lease or rental, of transportation equipment shall be sourced the same as a retail sale in accordance with the provisions of subsection 1 of this section, notwithstanding the exclusion of lease or rental in subsection 1 of this section.

7. (1) The retail sale of a product shall be sourced in accordance with this section. The provisions of this section shall apply regardless of the characterization of a product as tangible personal property, a digital good, or a service. The provisions of this section shall only apply to determine a seller's obligation to pay or collect and remit sales or use tax with respect to the seller's retail sale of a product. The provisions of this subsection shall not affect the obligation of a purchaser or lessee to remit tax on the use of the product to the taxing jurisdictions of that use.

(2) This section shall not apply to sales or use taxes levied on the following:

- (a) Retail sales or transfers of watercraft, modular homes, manufactured homes, or mobile homes; and
- (b) Telecommunications services and ancillary services.

144.042. 1. (1) A purchaser of advertising and promotional direct mail may provide the seller with either:

- (a) A direct pay permit;
- (b) An agreement certificate of exemption claiming direct mail (or other written statement approved, authorized or accepted by the state); or
- (c) Information showing the jurisdictions to which the advertising and promotional direct mail is to be delivered to recipients.

(2) If the purchaser provides the permit, certificate or statement referred to in paragraph (a) or (b) of subdivision (1) of subsection 1 of this section, the seller, in the absence of bad faith, is relieved of all obligations

to collect, pay, or remit any tax on any transaction involving advertising and promotional direct mail to which the permit, certificate or statement applies. The purchaser shall source the sale to the jurisdictions to which the advertising and promotional direct mail is to be delivered to the recipients and shall report and pay any applicable tax due.

(3) If the purchaser provides the seller information showing the jurisdictions to which the advertising and promotional direct mail is to be delivered to recipients, the seller shall source the sale to the jurisdictions to which the advertising and promotional direct mail is to be delivered and shall collect and remit the applicable tax. In the absence of bad faith, the seller is relieved of any further obligation to collect any additional tax on the sale of advertising and promotional direct mail where the seller has sourced the sale according to the delivery information provided by the purchaser.

(4) If the purchaser does not provide the seller with any of the items listed in paragraph (a), (b) or (c) of subdivision (1) of subsection 1 of this section, the sale shall be sourced according to subdivision (5) of subsection 2 of section 144.040. The state to which the advertising and promotional direct mail is delivered may disallow credit for tax paid on sales sourced under this subdivision.

(5) Notwithstanding section 144.040, this subsection shall apply to sales of advertising and promotional direct mail.

2. (1) Except as otherwise provided in this subsection, sales of other direct mail are sourced in accordance with subdivision (3) of subsection 2 of section 144.040.

(2) A purchaser of other direct mail may provide the seller with either:

(a) A direct pay permit; or

(b) An agreement certificate of exemption claiming direct mail (or other written statement approved, authorized or accepted by the state).

(3) If the purchaser provides the permit, certificate or statement referred to in paragraph (a) or (b) of subdivision (2) of this subsection, the seller, in the absence of bad faith, is relieved of all obligations to collect, pay or remit any tax on any transaction involving other direct mail to which the permit, certificate or statement apply. Notwithstanding subdivision (1) of this subsection, the sale shall be sourced to the jurisdictions to which the other direct mail is to be delivered to the recipients and the purchaser shall report and pay applicable tax due.

(4) Notwithstanding section 144.040, this subsection shall apply to sales of other direct mail.

3. (1) (a) This section applies to a transaction characterized under state law as the sale of services only if the service is an integral part of the production and distribution of printed material that meets the definition of direct mail.

(b) This section does not apply to any transaction that includes the development of billing information or the provision of any data processing service that is more than incidental regardless of whether advertising and promotional direct mail is included in the same mailing.

(2) If a transaction is a bundled transaction that includes advertising and promotion direct mail, this section applies only if the primary purpose of the transaction is the sale of products or services that meet the definition of advertising and promotional direct mail.

(3) Nothing in this section shall limit any purchaser's:

(a) Obligation for sales or use tax to any state to which the direct mail is delivered;

(b) Right under local, state, federal or constitutional law, to a credit for sales or use taxes legally due and paid to other jurisdictions; or

(c) Right to a refund of sales or use taxes overpaid to any jurisdiction.

(4) This section applies for purposes of uniformly sourcing direct mail transactions and does not impose requirements on states regarding the taxation of products that meet the definition of direct mail or to the application of sales for resale or other exemptions.

144.043. 1. [As used in this section, the following terms mean:

(1) "Light aircraft", a light airplane that seats no more than four persons, with a gross weight of three thousand pounds or less, which is primarily used for recreational flying or flight training;

(2) "Light aircraft kit", factory manufactured parts and components, including engine, propeller, instruments, wheels, brakes, and air frame parts which make up a complete aircraft kit or partial kit designed to be assembled into a light aircraft and then operated by a qualified purchaser for recreational and educational purposes;

(3) "Parts and components", manufactured light aircraft parts, including air frame and engine parts, that are required by the qualified purchaser to complete a light aircraft kit, or spare or replacement parts for an already completed light aircraft;

(4) "Qualified purchaser", a purchaser of a light aircraft, light aircraft kit, parts or components who is nonresident of this state, who will transport the light aircraft, light aircraft kit, parts or components outside this state within ten days after the date of purchase, and who will register any light aircraft so purchased in another state or country. Such purchaser shall not base such aircraft in this state and such purchaser shall not be a resident of the state unless such purchaser has paid sales or use tax on such aircraft in another state.

2. In addition to the exemptions granted under the provisions of section 144.030, there shall also be specifically exempted from the provisions of sections 144.010 to 144.525, sections 144.600 to 144.748, section 238.235, and from the provisions of any local sales tax law, as defined in section 32.085, and from the computation of the tax levied, assessed or payable under sections 144.010 to 144.525, sections 144.600 to 144.748, section 238.235, and under any local sales tax law, as defined in section 32.085, all sales of new light aircraft, light aircraft kits, parts or components manufactured or substantially completed within this state, when such new light aircraft, light aircraft kits, parts or components are sold by the manufacturer to a qualified purchaser. The director of revenue shall prescribe the manner for a purchaser of a light aircraft, light aircraft kit, parts or components to establish that such person is a qualified purchaser and is eligible for the exemption established in this section] **Except for the defined telecommunication services in subsection 3 of this section, the sale of telecommunication service sold on a call-by-call basis shall be sourced to:**

- (1) Each level of taxing jurisdiction where the call originates and terminates in that jurisdiction; or
- (2) Each level of taxing jurisdiction where the call either originates or terminates and in which the service address is also located.

2. **Except for the defined telecommunication services in subsection 3 of this section, a sale of telecommunication services sold on a basis other than a call-by-call basis is sourced to the customer's place of primary use.**

3. **The sale of the following telecommunication services shall be sourced to each level of taxing jurisdiction as follows:**

(1) **A sale of mobile telecommunications services other than air-to-ground radiotelephone service and prepaid calling service is sourced to the customer's place of primary use as required by the Mobile Telecommunications Sourcing Act;**

(2) **A sale of post-paid calling service is sourced to the origination point of the telecommunications signal as first identified by either:**

- (a) **The seller's telecommunications system; or**
- (b) **Information received by the seller from its service provider, where the system used to transport such signals is not that of the seller;**

(3) **A sale of prepaid calling service or a sale of a prepaid wireless calling service is sourced in accordance with section 144.040, provided however, in the case of a sale of prepaid wireless calling service, the rule provided in subdivision (5) of subsection 2 of section 144.040 shall include as an option the location associated with the mobile telephone number;**

(4) **A sale of a private communication service is sourced as follows:**

(a) **Service for a separate charge related to a customer channel termination point is sourced to each level of jurisdiction in which such customer channel termination point is located;**

(b) **Service where all customer termination points are located entirely within one jurisdiction or levels of jurisdiction is sourced in such jurisdiction in which the customer channel termination points are located;**

(c) **Service for segments of a channel between two customer channel termination points located in different jurisdictions and which segment of channel are separately charged is sourced fifty percent in each level of jurisdiction in which the customer channel termination points are located; and**

(d) **Service for segments of a channel located in more than one jurisdiction or levels of jurisdiction and which segments are not separately billed is sourced in each jurisdiction based on the percentage determined by dividing the number of customer channel termination points in such jurisdiction by the total number of customer channel termination points.**

4. **The sale of internet access service is sourced to the customer's place of primary use.**

5. **The sale of an ancillary service is sourced to the customer's place of primary use.**

144.049. 1. [For purposes of this section, the following terms mean:

(1) "Clothing", any article of wearing apparel, including footwear, intended to be worn on or about the human body. The term shall include but not be limited to cloth and other material used to make school uniforms or other school clothing. Items normally sold in pairs shall not be separated to qualify for the exemption. The term shall not include watches, watchbands, jewelry, handbags, handkerchiefs, umbrellas, scarves, ties, headbands, or belt buckles; and

(2) "Personal computers", a laptop, desktop, or tower computer system which consists of a central processing unit, random access memory, a storage drive, a display monitor, and a keyboard and devices designed for use in conjunction with a personal computer, such as a disk drive, memory module, compact disk drive, daughterboard, digitalizer, microphone, modem, motherboard, mouse, multimedia speaker, printer, scanner, single-user hardware, single-user operating system, soundcard, or video card;

(3) "School supplies", any item normally used by students in a standard classroom for educational purposes, including but not limited to textbooks, notebooks, paper, writing instruments, crayons, art supplies, rulers, book bags, backpacks, handheld calculators, chalk, maps, and globes. The term shall not include watches, radios, CD players, headphones, sporting equipment, portable or desktop telephones, copiers or other office equipment, furniture, or fixtures. School supplies shall also include computer software having a taxable value of three hundred fifty dollars or less.

2.] In each year beginning on or after January 1, 2005, there is hereby specifically exempted from state sales tax law all retail sales of any article of clothing having a taxable value of one hundred dollars or less[.]; all retail sales of school supplies, **school art supplies, and school instructional materials** not to exceed fifty dollars per purchase[.]; all **prewritten** computer software with a taxable value of three hundred fifty dollars or less[.]; and all retail sales of [personal] computers [or computer peripheral devices] **and school computer supplies** not to exceed three thousand five hundred dollars, during a three-day period beginning at 12:01 a.m. on the first Friday in August and ending at midnight on the Sunday following.

[3. If the governing body of any political subdivision adopted an ordinance that applied to the 2004 sales tax holiday to prohibit the provisions of this section from allowing the sales tax holiday to apply to such political subdivision's local sales tax, then, notwithstanding any provision of a local ordinance to the contrary, the 2005 sales tax holiday shall not apply to such political subdivision's local sales tax. However, any such political subdivision may enact an ordinance to allow the 2005 sales tax holiday to apply to its local sales taxes. A political subdivision must notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any ordinance or order rescinding an ordinance or order to opt out.

4.] **2.** This section shall not apply to any sales which take place within the Missouri state fairgrounds.

[5.] **3.** This section applies to sales of items bought for personal use only.

[6. After the 2005 sales tax holiday, any political subdivision may, by adopting an ordinance or order, choose to prohibit future annual sales tax holidays from applying to its local sales tax. After opting out, the political subdivision may rescind the ordinance or order. The political subdivision must notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any ordinance or order rescinding an ordinance or order to opt out.

7.] **4.** This section may not apply to any retailer when less than two percent of the retailer's merchandise offered for sale qualifies for the sales tax holiday. The retailer shall offer a sales tax refund in lieu of the sales tax holiday.

144.054. 1. As used in this section, the following terms mean:

(1) "Processing", any mode of treatment, act, or series of acts performed upon materials to transform or reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(2) "Recovered materials", those materials which have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not they require subsequent separation and processing.

2. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, **section 238.235, and the local sales tax law as described in section 32.085**, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, **section 238.235, and the local sales tax law as described in section 32.085**, electrical energy and gas, whether natural, artificial, or propane, water, coal, and energy sources, chemicals, machinery, equipment, and materials used or consumed in the manufacturing, processing, compounding, mining, or producing of any product, or used or consumed in the processing of recovered materials, or used in research and development related to manufacturing, processing, compounding, mining, or producing any product. The exemptions granted in this subsection shall not apply to local sales **or use taxes as defined in section 32.085 levied on electricity, piped natural or artificial gas, or other fuels delivered by the seller** and the provisions of this subsection shall be in addition to any state and local sales tax exemption provided in section 144.030.

3. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, all utilities, machinery, and equipment used or consumed directly in television or radio broadcasting and all sales and

purchases of tangible personal property, utilities, services, or any other transaction that would otherwise be subject to the state or local sales or use tax when such sales are made to or purchases are made by a contractor for use in fulfillment of any obligation under a defense contract with the United States government, and all sales and leases of tangible personal property by any county, city, incorporated town, or village, provided such sale or lease is authorized under chapter 100, and such transaction is certified for sales tax exemption by the department of economic development, and tangible personal property used for railroad infrastructure brought into this state for processing, fabrication, or other modification for use outside the state in the regular course of business.

4. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, all sales and purchases of tangible personal property, utilities, services, or any other transaction that would otherwise be subject to the state or local sales or use tax when such sales are made to or purchases are made by a private partner for use in completing a project under sections 227.600 to 227.669.

144.070. 1. At the time the owner of any new or used motor vehicle, trailer, boat, or outboard motor which was acquired in a transaction subject to sales tax under the Missouri sales tax law makes application to the director of revenue for an official certificate of title and the registration of the motor vehicle, trailer, boat, or outboard motor as otherwise provided by law, the owner shall present to the director of revenue evidence satisfactory to the director of revenue showing the purchase price exclusive of any charge incident to the extension of credit paid by or charged to the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, or that no sales tax was incurred in its acquisition, and if sales tax was incurred in its acquisition, the applicant shall pay or cause to be paid to the director of revenue the sales tax provided by the Missouri sales tax law in addition to the registration fees now or hereafter required according to law, and the director of revenue shall not issue a certificate of title for any new or used motor vehicle, trailer, boat, or outboard motor subject to sales tax as provided in the Missouri sales tax law until the tax levied for the sale of the same under sections 144.010 to 144.510 has been paid as provided in this section or is registered under the provisions of subsection 5 of this section.

2. [As used in subsection 1 of this section, the term "purchase price" shall mean the total amount of the contract price agreed upon between the seller and the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, regardless of the medium of payment therefor.

3.] In the event that the purchase price is unknown or undisclosed, or that the evidence thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisalment by the director.

[4.] 3. The director of the department of revenue shall endorse upon the official certificate of title issued by the director upon such application an entry showing that such sales tax has been paid or that the motor vehicle, trailer, boat, or outboard motor represented by such certificate is exempt from sales tax and state the ground for such exemption.

[5.] 4. Any person, company, or corporation engaged in the business of renting or leasing motor vehicles, trailers, boats, or outboard motors, which are to be used exclusively for rental or lease purposes, and not for resale, may apply to the director of revenue for authority to operate as a leasing company. Any company approved by the director of revenue may pay the tax due on any motor vehicle, trailer, boat, or outboard motor as required in section 144.020 at the time of registration thereof or in lieu thereof may pay a sales tax as provided in sections 144.010, 144.020, 144.070 and 144.440. A sales tax shall be charged to and paid by a leasing company which does not exercise the option of paying in accordance with section 144.020, on the amount charged for each rental or lease agreement while the motor vehicle, trailer, boat, or outboard motor is domiciled in this state. Any motor vehicle, trailer, boat, or outboard motor which is leased as the result of a contract executed in this state shall be presumed to be domiciled in this state.

[6.] 5. Any corporation may have one or more of its divisions separately apply to the director of revenue for authorization to operate as a leasing company, provided that the corporation:

- (1) Has filed a written consent with the director authorizing any of its divisions to apply for such authority;
- (2) Is authorized to do business in Missouri;
- (3) Has agreed to treat any sale of a motor vehicle, trailer, boat, or outboard motor from one of its divisions to another of its divisions as a sale at retail;
- (4) Has registered under the fictitious name provisions of sections 417.200 to 417.230 each of its divisions doing business in Missouri as a leasing company; and
- (5) Operates each of its divisions on a basis separate from each of its other divisions. However, when the transfer of a motor vehicle, trailer, boat or outboard motor occurs within a corporation which holds a license to operate as a motor vehicle or boat dealer pursuant to sections 301.550 to 301.573 the provisions in subdivision (3) of this subsection shall not apply.

[7.] 6. If the owner of any motor vehicle, trailer, boat, or outboard motor desires to charge and collect sales tax as provided in this section, the owner shall make application to the director of revenue for a permit to operate as a motor vehicle, trailer, boat, or outboard motor leasing company. The director of revenue shall promulgate rules and regulations determining the qualifications of such a company, and the method of collection and reporting of sales tax charged and collected. Such regulations shall apply only to owners of motor vehicles, trailers, boats, or outboard motors, electing to qualify as motor vehicle, trailer, boat, or outboard motor leasing companies under the provisions of subsection 5 of this section, and no motor vehicle renting or leasing, trailer renting or leasing, or boat or outboard motor renting or leasing company can come under sections 144.010, 144.020, 144.070 and 144.440 unless all motor vehicles, trailers, boats, and outboard motors held for renting and leasing are included.

[8.] 7. Beginning July 1, 2010, any motor vehicle dealer licensed under section 301.560 engaged in the business of selling motor vehicles or trailers may apply to the director of revenue for authority to collect and remit the sales tax required under this section on all motor vehicles sold by the motor vehicle dealer. A motor vehicle dealer receiving authority to collect and remit the tax is subject to all provisions under sections 144.010 to 144.525. Any motor vehicle dealer authorized to collect and remit sales taxes on motor vehicles under this subsection shall be entitled to deduct and retain an amount equal to two percent of the motor vehicle sales tax pursuant to section 144.140. Any amount of the tax collected under this subsection that is retained by a motor vehicle dealer pursuant to section 144.140 shall not constitute state revenue. In no event shall revenues from the general revenue fund or any other state fund be utilized to compensate motor vehicle dealers for their role in collecting and remitting sales taxes on motor vehicles. In the event this subsection or any portion thereof is held to violate article IV, section 30(b) of the Missouri Constitution, no motor vehicle dealer shall be authorized to collect and remit sales taxes on motor vehicles under this section. No motor vehicle dealer shall seek compensation from the state of Missouri or its agencies if a court of competent jurisdiction declares that the retention of two percent of the motor vehicle sales tax is unconstitutional and orders the return of such revenues.

144.080. 1. Every person receiving any payment or consideration upon the sale of property or rendering of service, subject to the tax imposed by the provisions of sections 144.010 to 144.525, is exercising the taxable privilege of selling the property or rendering the service at retail and is subject to the tax levied in section 144.020. The person shall be responsible not only for the collection of the amount of the tax imposed on the sale or service to the extent possible under the provisions of section 144.285, but shall, on or before the last day of the month following each calendar quarterly period of three months, file a return with the director of revenue showing the person's gross receipts and the amount of tax levied in section 144.020 for the preceding quarter, and shall remit to the director of revenue, with the return, the taxes levied in section 144.020, except as provided in subsections 2 and 3 of this section. The director of revenue may promulgate rules or regulations changing the filing and payment requirements of sellers, but shall not require any seller to file and pay more frequently than required in this section.

2. [Where the aggregate amount levied and imposed upon a seller by section 144.020 is in excess of two hundred and fifty dollars for either the first or second month of a calendar quarter, the seller shall file a return and pay such aggregate amount for such months to the director of revenue by the twentieth day of the succeeding month.

3.] Where the aggregate amount levied and imposed upon a seller by section 144.020 is less than forty-five dollars in a calendar quarter, the director of revenue shall by regulation permit the seller to file a return for a calendar year. The return shall be filed and the taxes paid on or before January thirty-first of the succeeding year.

[4.] 3. The seller of any property or person rendering any service, subject to the tax imposed by sections 144.010 to 144.525, shall collect the tax from the purchaser of such property or the recipient of the service to the extent possible under the provisions of section 144.285, but the seller's inability to collect any part or all of the tax does not relieve the seller of the obligation to pay to the state the tax imposed by section 144.020; except that the collection of the tax imposed by sections 144.010 to 144.525 on motor vehicles and trailers shall be made as provided in sections 144.070 and 144.440.

[5.] 4. It shall be unlawful for any person to advertise or hold out or state to the public or to any customer directly or indirectly that the tax or any part thereof imposed by sections 144.010 to 144.525, and required to be collected by the person, will be assumed or absorbed by the person, or that it will not be separately stated and added to the selling price of the property sold or service rendered, or if added, that it or any part thereof will be refunded. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

144.082. 1. The director shall participate in an online registration system that will allow sellers to register in this state and other member states.

2. By registering, the seller agrees to collect and remit sales and use taxes for all taxable sales into this state as well as the other member states, including member states joining after the seller's registration.

Withdrawal or revocation of this state from the agreement shall not relieve a seller of its responsibility to remit taxes previously or subsequently collected on behalf of this state.

3. If the seller has a requirement to register prior to registering under the agreement, such seller shall obtain a retail sales license under section 144.083 and register under section 144.650.

4. Registration with the central registration system and the collection of sales and use taxes in this state shall not be used as a factor in determining whether the seller has nexus with this state for any tax at any time.

144.083. 1. The director of revenue shall require all persons who are responsible for the collection of taxes under the provisions of section 144.080 to procure a retail sales license at no cost to the licensee which shall be prominently displayed at the licensee's place of business, and the license is valid until revoked by the director or surrendered by the person to whom issued when sales are discontinued. The director shall issue the retail sales license within ten working days following the receipt of a properly completed application. Any person applying for a retail sales license or reinstatement of a revoked sales tax license who owes any tax under sections 144.010 to 144.510 or sections 143.191 to 143.261 must pay the amount due plus interest and penalties before the department may issue the applicant a license or reinstate the revoked license. All persons beginning business subsequent to August 13, 1986, and who are required to collect the sales tax shall secure a retail sales license prior to making sales at retail. Such license may, after ten days' notice, be revoked by the director of revenue only in the event the licensee shall be in default for a period of sixty days in the payment of any taxes levied under section 144.020 or sections 143.191 to 143.261. Notwithstanding the provisions of section 32.057 in the event of revocation, the director of revenue may publish the status of the business account including the date of revocation in a manner as determined by the director.

2. The possession of a retail sales license and a statement from the department of revenue that the licensee owes no tax due under sections 144.010 to 144.510 or sections 143.191 to 143.261 shall be a prerequisite to the issuance or renewal of any city or county occupation license or any state license which is required for conducting any business where goods are sold at retail. The date of issuance on the statement that the licensee owes no tax due shall be no more than ninety days before the date of submission for application or renewal of the local license. The revocation of a retailer's license by the director shall render the occupational license or the state license null and void.

3. No person responsible for the collection of taxes under section 144.080 shall make sales at retail unless such person is the holder of a valid retail sales license. After all appeals have been exhausted, the director of revenue may notify the county or city law enforcement agency representing the area in which the former licensee's business is located that the retail sales license of such person has been revoked, and that any county or city occupation license of such person is also revoked. The county or city may enforce the provisions of this section, and may prohibit further sales at retail by such person.

4. In addition to the provisions of subsection 2 of this section, beginning January 1, 2009, the possession of a statement from the department of revenue stating no tax is due under sections 143.191 to 143.265 or sections 144.010 to 144.510 shall also be a prerequisite to the issuance or renewal of any city or county occupation license or any state license required for conducting any business where goods are sold at retail. The statement of no tax due shall be dated no longer than ninety days before the date of submission for application or renewal of the city or county license.

[5. Notwithstanding any law or rule to the contrary, sales tax shall only apply to the sale price paid by the final purchaser and not to any off-invoice discounts or other pricing discounts or mechanisms negotiated between manufacturers, wholesalers, and retailers.]

144.084. 1. The director shall promulgate rules and regulations for remittance of returns. Such rules shall:

- (1) Allow for electronic payments by all remitters by both ACH credit and ACH debit;**
- (2) Provide an alternative method for making "same day" payments if an electronic funds transfer fails;**
- (3) Provide that if a due date falls on a legal banking holiday in the state, the taxes shall be due on the next succeeding business day; and**
- (4) Require that any data that accompanies a remittance be formatted using uniform tax type and payment type codes approved by the streamlined sales and use tax governing board.**

2. All model 1, model 2, and model 3 sellers shall file returns electronically. Any model 1, model 2, or model 3 seller shall submit its sales and use tax returns in a simplified format approved by the director at such times as may be prescribed by the director.

144.100. 1. Every person making any taxable sales of property or service, except transactions provided for in sections 144.070 and 144.440, individually or by duly authorized officer or agent, shall make and file a written return with the director of revenue in such manner as he may prescribe.

2. The returns shall be on blanks designed and furnished by the director of the department of revenue and shall be filed at the times provided in sections 144.080 and 144.090. The returns shall [show the amount of gross receipts from sales of taxable property and services by the person and the amount of tax due thereon by that person during and for the period covered by the return] **state:**

- (1) **The name and address of the retailer;**
- (2) **The total amount of gross sales of all tangible personal property and taxable services rendered by the retailer during the period for which the return is made;**
- (3) **The total amount received during the period for which the return is made on charge and time sales of tangible personal property made and taxable services rendered prior to the period for which the return is made;**
- (4) **Deductions allowed by law from such total amount of gross sales and from total amount received during the period for which the return is made on such charge and time sales;**
- (5) **Receipts during the period for which the return is made from the total amount of sales of tangible personal property and taxable services rendered during such period in the course of such business, after deductions allowed by law have been made;**
- (6) **Receipts during the period for which the return is made from charge and time sales of tangible personal property made and taxable services rendered prior to such period in the course of such business, after deductions allowed by law have been made;**
- (7) **Gross receipts during the period for which the return is made from sales of tangible personal property and taxable services rendered in the course of such business upon the basis of which the tax is imposed; and**
- (8) **Such other pertinent information as the director may require.**

3. In making such return, the retailer shall determine the market value of any consideration, other than money, received in connection with the sale of any tangible personal property in the course of the business and shall include such value in the return. Such value shall be subject to review and revision by the director as hereinafter provided. Refunds made by a retailer during the period for which the return is made on account of tangible personal property returned to the retailer shall be allowed as a deduction under subdivision (4) of subsection 2 of this section in case the retailer has included the receipts from such sale in a return made by such retailer and paid taxes on such sale. The retailer shall, at the time of making such return, pay to the director the amount of tax owed, except as otherwise provided in this section. The director may extend the time for making returns and paying the tax required by this section for any period not to exceed sixty days under such rules and regulations as the director of revenue may prescribe.

4. **The director shall only require a single tax return for each taxing period and such return shall include only the taxing jurisdictions in which the seller makes sales within the state.** With each return, the person shall remit to the director of revenue the full amount of the tax due.

[3.] 5. In case of charge and time sales the gross receipts thereof shall be included as sales in the returns as and when payments are received by the person, without any deduction therefrom whatsoever.

[4.] 6. If an error or omission is discovered in a return or a change be necessary to show the true facts, the error may be corrected, the omission supplied, or the change made in the return next filed with the director for the filing period immediately following the filing period in which the error was made or the omission occurred, as prescribed by law, except that no refund under this chapter shall be allowed for any amount of tax paid by a seller which is based upon charges incident to credit card discounts. Any other omission or error must be corrected by filing an amended return for the erroneously reported period if the amount of tax is less than that originally reported, or an additional return if the amount of tax is greater than that originally reported. An additional return shall be deemed filed on the date the envelope in which it is mailed is postmarked or the date it is received by the director, whichever is earlier. Any payment of tax, interest, penalty or additions to tax shall be deemed filed on the date the envelope containing the payment is postmarked or the date the payment is received by the director, whichever is earlier. If a refund or credit results from the filing of an amended return, no refund or credit shall be allowed unless an application for refund or credit is properly completed and submitted to the director pursuant to section 144.190.

[5.] 7. The amount of gross receipts from sales and the amount of tax due returned by the person, as well as all matters contained in the return, is subject to review and revision in the manner herein provided for the correction of the returns.

144.104. 1. A seller shall be allowed a deduction from taxable sales for bad debts attributable to taxable sales of such seller that have become uncollectable. Any deduction taken that is attributed to bad debts shall not include interest.

2. The amount of the bad debt deduction shall be calculated pursuant to 26 U.S.C. Section 166(b), as amended, except that such amount shall be adjusted to exclude financing charges or interest, sales, or use taxes charged on the purchase price, uncollectable amounts on property that remain in the possession of the seller until the full purchase price is paid, and expenses incurred in attempting to collect any debt or repossessed property.

3. Bad debts may be deducted on the return for the period during which the bad debt is written off as uncollectable in the seller's books and records and is eligible to be deducted for federal income tax purposes. For purposes of this subsection, a seller who is not required to file federal income tax returns may deduct a bad debt on a return filed for the period in which the bad debt is written off as uncollectable in the seller's books and records and would be eligible for a bad debt deduction for federal income tax purposes if the seller was required to file a federal income tax return.

4. If a deduction is taken for a bad debt and the debt is subsequently collected in whole or in part, the tax on the amount so collected shall be paid and reported on the return filed for the period in which the collection is made.

5. When the amount of bad debt exceeds the amount of taxable sales for the period during which the bad debt is written off, a refund claim may be filed by the seller within the applicable statute of limitations for refund claim; however, the statute of limitations shall be measured from the due date of the return on which the bad debt could first be claimed.

6. Where filing responsibilities have been assumed by a certified service provider, such service provider may claim, on behalf of the seller, any bad debt allowance provided by this section. The certified service provider shall credit or refund the full amount of any bad debt allowance or refund received to the seller.

7. For the purposes of reporting a payment received on a previously claimed bad debt, any payments made on a debt or account shall first be applied proportionally to the taxable price of the property or service and the sales tax thereon, and secondly to interest, service charges, and any other charges.

8. In situations where the books and records of the seller, or certified service provider on behalf of the seller, claiming the bad debt allowance support an allocation of the bad debts among the member states, such an allocation shall be permitted.

144.105. 1. The state shall review software submitted to the streamlined sales and use tax governing board for certification as a certified automated system (CAS) under Section 501 of the streamlined sales and use tax agreement. Such review shall include a review to determine that the program adequately classifies the state's product-based exemptions. Upon completion of the review, the state shall certify to the governing board its acceptance of the classifications made by the system. The state shall relieve a certified service provider (CSP) or model 2 seller from liability to this state and its local jurisdictions for failure to collect sales or use taxes resulting from the CSP or model 2 seller's reliance on the certification provided by the state.

2. The streamlined sales and use tax governing board and this state shall not be responsible for classification of an item or transaction with the product-based exemptions. The relief from liability provided in this section shall not be available for a CSP or model 2 seller that has incorrectly classified an item or transaction into a product-based exemption certified by this state. This subsection shall apply to the individual listing of items or transactions within a product definition approved by the governing board or the state.

3. If the state determines that an item or transaction is incorrectly classified as to its taxability, it shall notify the CSP or model 2 seller of the incorrect classification. The CSP or model 2 seller shall have ten days to revise the classification after receipt of notice from the state of the determination. Upon expiration of the ten days, such CSP or model 2 seller shall be liable for failure to collect the correct amount of sales or use taxes due and owing to the state.

144.123. 1. The director shall provide and maintain a database that describes boundary changes for all taxing jurisdictions and the effective dates of such changes for sales and use tax purposes.

2. The director shall provide and maintain a database of all sales and use tax rates for all taxing jurisdictions. For the identification of counties and cities, codes corresponding to the rates shall be provided according to Federal Information Processing Standards (FIPS) as developed by the National Institute of Standards and Technology. For the identification of all other jurisdictions, codes corresponding to the rates shall be in a format determined by the director.

3. The director shall provide and maintain a database that assigns each five- and nine-digit zip code to the proper rates and taxing jurisdictions. The lowest combined tax rate imposed in the zip code area shall apply if the area includes more than one tax rate in any level of taxing jurisdiction. If a nine-digit zip code designation is not available for a street address, or if a seller or a certified service provider (CSP) is unable to determine the

nine-digit zip code designation applicable to a purchase after exercising due diligence to determine the designation, the seller or CSP may apply the rate for the five-digit zip code area. For purposes of this section, there shall be a rebuttable presumption that a seller or CSP has exercised due diligence if the seller has attempted to determine the nine-digit zip code designation by utilizing software approved by the secretary that makes this designation from the street address and the five-digit zip code applicable to a purchase.

4. The director may provide address-based boundary database records for assigning taxing jurisdictions and associated rates which shall be in addition to the requirements of subsection 3 of this section. The database records shall be in the same approved format as the database records required under subsection 3 of this section and shall meet the requirements developed under the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. Section 119(a), as amended. If the director develops address-based assignment database records under the agreement, sellers that register under the agreement shall be required to use such database. A seller or CSP shall use such database records in place of the five- and nine-digit zip code database records provided for in subsection 3 of this section. If a seller or CSP is unable to determine the applicable rate and jurisdiction using an address-based database record after exercising due diligence, the seller or CSP may apply the nine-digit zip code designation applicable to a purchase. If a nine-digit zip code designation is not available for a street address or if a seller or CSP is unable to determine the nine-digit zip code designation applicable to a purchase after exercising due diligence to determine the designation, the seller or CSP may apply the rate for the five-digit zip code area. For the purposes of this section, there shall be a rebuttable presumption that a seller or CSP has exercised due diligence if the seller or CSP has attempted to determine the tax rate and jurisdiction by utilizing software approved by the director and makes the assignment from the address and zip code information applicable to the purchase. If the director has met the requirements of subsection 3 of this section, the director may also elect to certify vendor provided address-based databases for assigning tax rates and jurisdictions. The databases shall be in the same approved format as the database records under this section and meet the requirements developed under the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. Section 119(a), as amended. If the director certifies a vendor address-based database, a seller or CSP may use such database in place of the database provided for in this subsection.

5. The electronic databases provided for in subsections 1, 2, 3, and 4 of this section shall be in downloadable format as determined by the director. The databases may be directly provided by the director or provided by a vendor as designated by the director. A database provided by a vendor as designated by the director shall be applicable and subject to the provisions of section 144.1031 and this section. The databases shall be provided at no cost to the user of the database. The provisions of subsections 3 and 4 of this section shall not apply when the purchased product is received by the purchaser at the business location of the seller.

6. No seller or CSP shall be liable for reliance upon erroneous data provided by the director on tax rates, boundaries, or taxing jurisdiction assignments.

144.124. 1. The director shall complete a taxability matrix. The state's entries in the matrix shall be provided and maintained by the director in a database that is in a downloadable format.

2. The director shall provide reasonable notice of changes in the taxability of the products or services listed in the taxability matrix.

3. A seller or certified service provider (CSP) shall be relieved from liability to this state or any local taxing jurisdiction for having charged and collected the incorrect amount of state or local sales or use tax resulting from such seller's or CSP's reliance upon erroneous data provided by the director in the taxability matrix.

144.125. 1. (1) Amnesty shall be granted for uncollected or unpaid sales or use tax to a seller who registers to pay or to collect and remit applicable sales or use tax on sales made to purchasers in this state in accordance with the terms of the agreement, provided that the seller was not so registered in this state in the twelve-month period preceding the effective date of this state's participation in the agreement.

(2) Amnesty shall preclude assessment for uncollected or unpaid sales or use tax together with penalty or interest for sales made during the period the seller was not registered in this state, provided registration occurs within twelve months of the effective date of this state's participation in the agreement.

(3) Amnesty shall be provided if this state joins the agreement after the seller has registered.

2. Amnesty shall not be available to a seller with respect to any matter or matters for which the seller received notice of the commencement of an audit and which audit is not yet finally resolved including any related administrative and judicial processes. The amnesty shall not be available for sales or use taxes already paid or remitted to this state or to taxes collected by the seller.

3. Amnesty provided under this section shall be fully effective, absent the seller's fraud or intentional misrepresentation of a material fact, as long as the seller continues registration and payment or collection and remittance of applicable sales or use taxes for a period of at least thirty-six months. The statute of limitations applicable to asserting a tax liability during this thirty-six month period shall be tolled.

4. Amnesty provided under this section shall be applicable only to sales or use taxes due from a seller in its capacity as a seller and not to sales or use taxes due from a seller in its capacity as a purchaser.

5. The provisions of this section shall become effective as of the date that the state joins and becomes a member state of the agreement.

144.140. **1. From every remittance to the director of revenue made on or before the date when the same becomes due, the person required to remit the same shall be entitled to deduct and retain an amount equal to two percent thereof.**

2. If the director of the department of revenue enters into the streamlined sales and use tax agreement under section 32.070, the director shall provide a monetary allowance from the taxes collected to each of the following:

(1) A certified service provider, in accordance with the agreement and under the terms of the contract signed with the provider, provided that such allowance shall not exceed two percent of the amount collected;

(2) Any vendor registered under the agreement that selects a certified automated system to perform part of its sales or use tax functions;

(3) Any vendor registered under the agreement that uses a proprietary system to calculate taxes due and has entered into a performance agreement with states that are members to the streamlined sales and use tax agreement.

3. The monetary allowance provided for vendors in subdivision (2) or (3) of subsection 2 of this section shall be in an amount equal to two percent of the taxes collected.

4. Any vendor receiving an allowance under subsection 2 of this section shall not be entitled simultaneously to deduct the allowance provided for in subsection 1 of this section.

144.210. **1. The burden of proving that a sale of tangible personal property, services, substances or things was not a sale at retail shall be upon the person who made the sale, except that with respect to sales, services, or transactions provided for in section 144.070. [The seller shall obtain and maintain exemption certificates signed by the purchaser or his agent as evidence for any exempt sales claimed; provided, however, that before any administrative tribunal of this state, a seller may prove that sale is exempt from tax under this chapter in accordance with proof admissible under the applicable rules of evidence; except that when a purchaser has purchased tangible personal property or services sales tax free under a claim of exemption which is found to be improper, the director of revenue may collect the proper amount of tax, interest, additions to tax and penalty from the purchaser directly. Any tax, interest, additions to tax or penalty collected by the director from the purchaser shall be credited against the amount otherwise due from the seller on the purchases or sales where the exemption was claimed.]**

2. If the director of revenue is not satisfied with the return and payment of the tax made by any person, he is hereby authorized and empowered to make an additional assessment of tax due from such person, based upon the facts contained in the return or upon any information within his possession or that shall come into his possession.

3. The director of revenue shall give to the person written notice of such additional or revised assessment by certified or registered mail to the person at his or its last known address.

144.212. 1. In addition to all other provisions of law provided for exemptions, when an exemption is claimed by a purchaser:

(1) The seller shall obtain identifying information of the purchaser and the reason for claiming a tax exemption at the time of the purchase;

(2) A purchaser shall not be required to provide a signature to claim an exemption from tax unless a paper exemption certificate is used;

(3) The seller shall use the standard form for claiming an exemption electronically prescribed by the director of the department of revenue and acceptable to the streamlined sales and use tax governing board;

(4) The seller shall obtain the same information for proof of a claimed exemption regardless of the medium in which the transaction occurred;

(5) The seller shall maintain proper records of exempt transactions and provide such records to the director of the department of revenue or the director's designee upon request;

(6) In the case of drop shipment sales, a third-party vendor, such as a drop shipper, may claim a resale exemption based on an exemption certificate provided by its customer or any other acceptable information available to the third-party vendor evidencing qualification for a resale exemption, regardless of whether the customer is registered to collect and remit sales and use tax in the state where the sale is sourced.

2. Sellers that comply with the requirements of this section shall be relieved from collecting and remitting tax otherwise applicable if it is determined that the purchaser improperly claimed an exemption and such purchaser shall be liable for the nonpayment of tax. Relief from liability provided under this section shall not apply to a seller who fraudulently fails to collect tax; to a seller who solicits purchasers to participate in the unlawful claim of an exemption; to a seller who accepts an exemption certificate when the purchaser claims an entity-based exemption when the subject of the transaction sought to be covered by the exemption certificate is actually received by the purchaser at a location operated by the seller and the state in which that location resides provides an exemption certificate that clearly and affirmatively indicates that the claimed exemption is not available in such state; or to a seller who accepts an exemption certificate claiming multiple points of use for tangible personal property other than computer software for which an exemption claiming multiple points of use not available in such state.

(1) A seller shall be relieved from collecting and remitting tax otherwise applicable if the seller obtains a fully completed exemption certificate or captures the relevant data elements required under the agreement within ninety days subsequent to the date of sale.

(2) If a seller fails to obtain an exemption certificate or all relevant data elements as provided in this section, the seller may, within one hundred twenty days subsequent to a request for substantiation by the director of the department of revenue or the director's designee, either prove that the transaction was not subject to tax by other means or obtain a fully completed exemption certificate from the purchaser, taken in good faith.

3. Nothing in this section shall affect the ability of the director of the department of revenue or the director's designee to require purchasers to update exemption certificate information or to reapply with the state to claim certain exemptions.

4. Notwithstanding the provisions of subsection 2 of this section to the contrary, the director shall relieve a seller of the tax otherwise applicable if the seller obtains a blanket exemption certificate for a purchaser with which the seller has a recurring business relationship. The director shall not request from the seller renewal of blanket certificates or updates of exemption certificate information or data elements when there is a recurring business relationship between the buyer and seller. For purposes of this section, a recurring business relationship exists when a period of no more than twelve months elapses between sales transactions.

144.285. 1. [In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the director of revenue shall establish brackets, showing the amounts of tax to be collected on sales of specified amounts, which shall be applicable to all taxable transactions] **When the seller is computing the amount of tax owed by the purchaser and remitted to the state:**

(1) Tax computation shall be carried to the third decimal place; and

(2) The tax shall be rounded to a whole cent using a method that rounds up to the next cent whenever the third decimal place is greater than four.

2. [In all instances where statements covering taxable purchases are rendered to the taxpayer on a monthly or other periodic basis, the amount of tax shall be determined by applying the applicable tax rate to the taxable purchases represented on the statement, rounded to the nearest whole cent, or by application of the brackets established by the director of revenue, at the option of the retail vendor] **Sellers may elect to compute the tax due on a transaction on an item or an invoice basis. The provision of this subsection may be applied to the aggregated state and local taxes.**

3. No vendor or seller shall knowingly charge or receive from a purchaser as a sales tax any sum in excess of the sums provided for in this section.

4. [A vendor may, at his option, determine the amount charged to and received from each purchaser by use of a formula which applies the applicable tax rate to each taxable purchase, rounded to the nearest whole cent. The formula shall be uniformly and consistently applied to all purchases similarly situated.

5.] Amounts which a vendor charges to and receives from the purchaser in accordance with this section shall not be includable in his gross receipts if the amounts are separately charged or stated.

[6.] 5. If sales tax for one or more local political subdivisions is owed by a taxpayer pursuant to chapter 66, 67, 92, or 94 and that taxpayer remits less than all sales tax due for a filing period specified in section 144.080, the director of revenue shall deposit the tax remitted proportionately to each taxing jurisdiction in accordance with the

percentage that each such jurisdiction's share of the tax due for the filing period bears to the total tax due from such taxpayer for such period. The unpaid balance due along with penalties and interest shall be similarly prorated among the state and all local jurisdictions for which tax was due during the filing period for which an underpayment occurs. The provisions of this subsection shall apply to all returns or remittances relating to sales made on or after January 1, 1984.

144.526. 1. This section shall be known and may be cited as the "Show Me Green Sales Tax Holiday".

2. [For purposes of this section, the following terms mean:

(1) "Appliance", clothes washers and dryers, water heaters, trash compactors, dishwashers, conventional ovens, ranges, stoves, air conditioners, furnaces, refrigerators and freezers; and

(2) "Energy star certified", any appliance approved by both the United States Environmental Protection Agency and the United States Department of Energy as eligible to display the energy star label, as amended from time to time.

3.] In each year beginning on or after January 1, 2009, there is hereby specifically exempted from state sales tax law all retail sales of any [energy star certified] new appliance **that is an energy star qualified product**, up to one thousand five hundred dollars per appliance, during a seven-day period beginning at 12:01 a.m. on April nineteenth and ending at midnight on April twenty-fifth.

4. A political subdivision may allow the sales tax holiday under this section to apply to its local sales taxes by enacting an ordinance to that effect. Any such political subdivision shall notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any such ordinance or order.

5. This section may not apply to any retailer when less than two percent of the retailer's merchandise offered for sale qualifies for the sales tax holiday. The retailer shall offer a sales tax refund in lieu of the sales tax holiday.]; and

Further amend said bill, Page 16, Section 144.605, Line 121, by inserting after all of said line the following:

"144.655. 1. Every vendor, on or before the last day of the month following each calendar quarterly period of three months, shall file with the director of revenue a return of all taxes collected for the preceding quarter in the form prescribed by the director of revenue, showing the total sales price of the tangible personal property sold by the vendor, the storage, use or consumption of which is subject to the tax levied by this law, and other information the director of revenue deems necessary. The return shall be accompanied by a remittance of the amount of the tax required to be collected by the vendor during the period covered by the return. Returns shall be signed by the vendor or the vendor's authorized agent. The director of revenue may promulgate rules or regulations changing the filing and payment requirements of vendors, but shall not require any vendor to file and pay more frequently than required in this section.

2. Where the aggregate amount of tax required to be collected by a vendor is in excess of two hundred and fifty dollars for either the first or second month of a calendar quarter, the vendor shall pay such aggregate amount for such months to the director of revenue by the twentieth day of the succeeding month. The amount so paid shall be allowed as a credit against the liability shown on the vendor's quarterly return required by this section.

3. Where the aggregate amount of tax required to be collected by a vendor is less than forty-five dollars in a calendar quarter, the director of revenue shall by regulation permit the vendor to file a return for a calendar year. The return shall be filed and the taxes paid on or before January thirty-first of the succeeding year.

4. Except as provided in subsection 5 of this section, every person purchasing tangible personal property, the storage, use or consumption of which is subject to the tax levied by sections 144.600 to 144.748, who has not paid the tax due to a vendor registered in accordance with the provisions of section 144.650, shall file with the director of revenue a return for the preceding reporting period in the form and manner that the director of revenue prescribes, showing the total sales price of the tangible property purchased during the preceding reporting period and any other information that the director of revenue deems necessary for the proper administration of sections 144.600 to 144.748. The return shall be accompanied by a remittance of the amount of the tax required by sections 144.600 to 144.748 to be paid by the person. Returns shall be signed by the person liable for the tax or such person's duly authorized agent. For purposes of this subsection, the reporting period shall be determined by the director of revenue and may be a calendar quarter or a calendar year. Annual returns and payments required by the director pursuant to this subsection shall be due on or before April fifteenth of the year for the preceding calendar year and quarterly returns and payments shall be due on or before the last day of the month following each calendar period of three months. Upon the taxpayer's request, the director may allow the filing of such returns and payments on a monthly basis. If a taxpayer elects to file a monthly return and payment, such return and payment shall be due on or before the twentieth day of the succeeding month.

5. Any person purchasing tangible personal property subject to the taxes imposed by sections 144.600 to 144.748 shall not be required to file a use tax return with the director of revenue if such purchases on which such taxes were not paid do not exceed in the aggregate two thousand dollars in any calendar year.

6. Nothing in subsection 5 of this section shall relieve a vendor of liability to collect the tax imposed pursuant to sections 144.600 to 144.748 on the total gross receipts of all sales of tangible personal property used, stored or consumed in this state and to remit all taxes collected to the director of revenue in accordance with the provisions of this section nor shall it relieve a purchaser from paying such taxes to a vendor registered in accordance with the provisions of section 144.650.

7. Any out-of-state seller which is not legally required to register for use tax in this state but chooses to collect and remit use tax under sections 144.600 to 144.761 shall file a return for the calendar year. The return shall be filed and the taxes paid on or before January thirty-first of the succeeding year. In the event that any out-of-state seller which is not legally required to register for use tax in this state but chooses to collect and remit use tax under sections 144.600 to 144.761 has accumulated state and local use tax funds in an amount equal to one thousand dollars or more, such vendor shall file a return and remit the amount due for the month in which the accumulated state and local use tax funds equal or exceed one thousand dollars.

144.710. [From every remittance made by a vendor as required by sections 144.600 to 144.745 to the director of revenue on or before the date when the remittance becomes due, the vendor may deduct and retain an amount equal to two percent thereof.] **Sections 144.210 and 144.212, pertaining to the allowance for timely remittance of payment, are applicable to the tax levied by this law.**

184.845. 1. The board of the district may impose a museum district sales tax by resolution on all retail sales made in such museum district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525. Such museum district sales tax may be imposed for any museum purpose designated by the board of the museum district. If the resolution is adopted the board of the district may submit the question of whether to impose a sales tax authorized by this section to either the legal voters of the district and/or to the owners of real property within the district who shall have the same voting interests as with the election of members of the board of the district.

2. The sales tax authorized by this section shall become effective on the first day of the second calendar quarter [following adoption of the tax by the qualified voters] **after the director of revenue receives notification of the adoption of the local sales tax.**

3. In each museum district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the museum district pursuant to this section to the retailer's sale price, and when so added such tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

4. In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the museum district may establish appropriate brackets which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided in section 144.825.

5. All revenue received by a museum district from the tax authorized by this section which has been designated for a certain museum purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. All funds remaining in the special trust fund shall continue to be used solely for such designated museum purpose. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other museum district funds.

6. The sales tax may be imposed at a rate of one-half of one percent, three-fourths of one percent or one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the museum district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525. Any museum district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.

7. On and after the effective date of any tax imposed pursuant to this section, the [museum district] **director of revenue** shall perform all functions incident to the administration, collection, enforcement, and operation of the tax. The tax imposed pursuant to this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the [museum district] **director**.

8. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax, sections 32.085 [and] to 32.087, and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section[, except as modified in this section].

9. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services pursuant to the provisions of sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax imposed by this section.

10. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the museum district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

11. The penalties provided in section 32.057 and sections 144.010 to 144.525 for violation of those sections are hereby made applicable to violations of this section.

12. For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order shall be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which the employee works.

13. All sales taxes collected by the museum district shall be deposited by the museum district in a special fund to be expended for the purposes authorized in this section. The museum district shall keep accurate records of the amount of money which was collected pursuant to this section, and the records shall be open to the inspection by the officers and directors of each museum district and the Missouri department of revenue. Tax returns filed by businesses within the district shall otherwise be considered as confidential in the same manner as sales tax returns filed with the Missouri department of revenue.

14. No museum district imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued to finance any project or projects.

221.407. 1. The commission of any regional jail district may impose, by order, a sales tax in the amount of one-eighth of one percent, one-fourth of one percent, three-eighths of one percent, or one-half of one percent on all retail sales made in such region which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525 for the purpose of providing jail services and court facilities and equipment for such region. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no order imposing a sales tax pursuant to this section shall be effective unless the commission submits to the voters of the district, on any election date authorized in chapter 115, a proposal to authorize the commission to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the regional jail district of (counties' names) impose a region-wide sales tax of
(insert amount) for the purpose of providing jail services and court facilities and equipment for the region?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon are in favor of the proposal, then the order and any amendment to such order shall be in effect on the first day of the second **calendar** quarter [immediately following the election approving the proposal] **after the director of revenue receives notification of adoption of the local sales tax**. If the proposal receives less than the required majority, the commission shall have no power to impose the sales tax authorized pursuant to this section unless and until the commission shall again have submitted another proposal to authorize the commission to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters of the district voting on such proposal; however, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last submission of a proposal pursuant to this section.

3. All revenue received by a district from the tax authorized pursuant to this section shall be deposited in a special trust fund and shall be used solely for providing jail services and court facilities and equipment for such district for so long as the tax shall remain in effect.

4. Once the tax authorized by this section is abolished or terminated by any means, all funds remaining in the special trust fund shall be used solely for providing jail services and court facilities and equipment for the district. Any funds in such special trust fund which are not needed for current expenditures may be invested by the commission in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue pursuant to this section on behalf of any district, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created, to be known as the "Regional Jail District Sales Tax Trust Fund". The moneys in the regional jail district sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of each member county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the district which levied the tax. Such funds shall be deposited with the treasurer of each such district, and all expenditures of funds arising from the regional jail district sales tax trust fund shall be paid pursuant to an appropriation adopted by the commission and shall be approved by the commission. Expenditures may be made from the fund for any function authorized in the order adopted by the commission submitting the regional jail district tax to the voters.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such districts. If any district abolishes the tax, the commission shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such district, the director of revenue shall remit the balance in the account to the district and close the account of that district. The director of revenue shall notify each district in each instance of any amount refunded or any check redeemed from receipts due the district.

7. Except as provided in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed pursuant to this section.

8. The provisions of this section shall expire September 30, 2015.

238.235. 1. (1) Any transportation development district may by resolution impose a transportation development district sales tax on all retail sales made in such transportation development district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, except such transportation development district sales tax shall not apply to the sale or use of [motor vehicles, trailers, boats or outboard motors nor to all sales of electricity or electrical current, water and gas, natural or artificial, nor to sales of service to telephone subscribers, either local or long distance] **fuel used to power motor vehicles, aircraft, locomotives, or watercraft, or to electricity, piped natural or artificial gas, or other fuels delivered by the seller, and the retail sale or transfer of motor vehicles, aircraft, watercraft, modular homes, manufactured homes, or mobile homes.** Such transportation development district sales tax may be imposed for any transportation development purpose designated by the transportation development district in its ballot of submission to its qualified voters, except that no resolution enacted pursuant to the authority granted by this section shall be effective unless:

(a) The board of directors of the transportation development district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of this section; or

(b) The voters approved the question certified by the petition filed pursuant to subsection 5 of section 238.207.

(2) If the transportation district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of paragraph (a) of subdivision (1) of this subsection, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the transportation development district of (transportation development district's name) impose a transportation development district-wide sales tax at the rate of (insert amount) for a period of (insert number) years from the date on which such tax is first imposed for the purpose of (insert transportation development purpose)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors of the transportation development district shall have no power to impose the sales tax authorized by this section unless and until the board of directors of the transportation development district shall again have submitted another proposal to authorize it to impose the sales tax pursuant to the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon.

(3) [The sales tax authorized by this section shall become effective on the first day of the second calendar quarter after the department of revenue receives notification of the tax.

(4) In each transportation development district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the transportation development district pursuant to this section to the retailer's sale price, and when so added such tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

(5) In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the transportation development district may establish appropriate brackets which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided in section 144.285.

(6)] All revenue received by a transportation development district from the tax authorized by this section which has been designated for a certain transportation development purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. Upon the expiration of the period of years approved by the qualified voters pursuant to subdivision (2) of this subsection or if the tax authorized by this section is repealed pursuant to subsection 6 of this section, all funds remaining in the special trust fund shall continue to be used solely for such designated transportation development purpose. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other transportation development district funds.

[(7)] (4) The sales tax may be imposed in increments of one-eighth of one percent, up to a maximum of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the transportation development district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to public utilities. Any transportation development district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.

2. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax and the tax shall be reported and returned to and collected by the transportation development district.

3. [On and after the effective date of any tax imposed pursuant to this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect, in addition to all other sales taxes imposed by law, the additional tax authorized pursuant to this section. The tax imposed pursuant to this section and the taxes imposed pursuant to all other laws of the state of Missouri shall be collected together and reported upon such forms and pursuant to such administrative rules and regulations as may be prescribed by the director of revenue.

4. (1) All applicable provisions contained in sections 144.010 to 144.525, governing the state sales tax, sections 32.085 and 32.087 and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section.

(2) All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services pursuant to the provisions of sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax imposed by this section.

(3) The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the transportation

development district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

(4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws for the collection of and for payment of taxes pursuant to such laws are hereby allowed and made applicable to any taxes collected pursuant to the provisions of this section.

(5) The penalties provided in section 32.057 and sections 144.010 to 144.525 for violation of those sections are hereby made applicable to violations of this section.

(6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which the employee works.

5.] All sales taxes received by the transportation development district shall be deposited by the director of revenue in a special fund to be expended for the purposes authorized in this section. The director of revenue shall keep accurate records of the amount of money which was collected pursuant to this section, and the records shall be open to the inspection of officers of each transportation development district and the general public.

[6.] 4. (1) No transportation development district imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects.

(2) Whenever the board of directors of any transportation development district in which a transportation development sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the qualified voters calling for an election to repeal such transportation development sales tax, the board of directors shall, if such repeal will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects, submit to the qualified voters of such transportation development district a proposal to repeal the transportation development sales tax imposed pursuant to the provisions of this section. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal to repeal the transportation development sales tax, then the resolution imposing the transportation development sales tax, along with any amendments thereto, is repealed. If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal to repeal the transportation development sales tax, then the ordinance or resolution imposing the transportation development sales tax, along with any amendments thereto, shall remain in effect.

[7.] 5. Notwithstanding any provision of sections 99.800 to 99.865 and this section to the contrary, the sales tax imposed by a district whose project is a public mass transportation system shall not be considered economic activity taxes as such term is defined under sections 99.805 and 99.918 and shall not be subject to allocation under the provisions of subsection 3 of section 99.845, or subsection 4 of section 99.957.

6. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

7. Except as provided in this section, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under this section.

238.410. 1. Any county transit authority established pursuant to section 238.400 may impose a sales tax of up to one percent on all retail sales made in such county which are subject to taxation under the provisions of sections 144.010 to 144.525. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax imposed under the provisions of this section shall be effective unless the governing body of the county, on behalf of the transit authority, submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the transit authority to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the Transit Authority impose a countywide sales tax of (insert amount) in order to provide revenues for the operation of transportation facilities operated by the transit authority?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO". If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall become effective on the first day of the second calendar quarter following notification to the department of revenue of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the transit authority shall have no power to impose the sales tax authorized by this section unless and until another proposal to authorize the transit authority to impose the sales tax authorized by this section has been submitted and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by the transit authority from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely by the transit authority for construction, purchase, lease, maintenance and operation of transportation facilities located within the county for so long as the tax shall remain in effect. Any funds in such special trust fund which are not needed for current expenditures may be invested by the transit authority in accordance with applicable laws relating to the investment of county funds.

4. No transit authority imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment is submitted to and approved by the voters of the county in the same manner as provided in subsection 1 of this section for approval of such tax. Whenever the governing body of any county in which a sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the registered voters of such county voting in the last gubernatorial election, calling for an election to repeal such sales tax, the governing body shall submit to the voters of such county a proposal to repeal the sales tax imposed under the provisions of this section. If a majority of the votes cast on the proposal by the registered voters voting thereon are in favor of the proposal to repeal the sales tax, then such sales tax is repealed. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal the sales tax, then such sales tax shall remain in effect.

5. The sales tax imposed under the provisions of this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525 and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate approved pursuant to this section. The amount reported and returned to the director of revenue by the seller shall be computed on the basis of the combined rate of the tax imposed by sections 144.010 to 144.525 and the tax imposed by this section, plus any amounts imposed under other provisions of law.

6. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue. In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the applicable provisions of section 144.285 shall apply to all taxable transactions.

7. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax imposed by this section. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from the tax imposed by this section. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under chapter 144 are hereby allowed and made applicable to any taxes collected under the provisions of this section. The penalties provided in section 32.057 and sections 144.010 to 144.525 for a violation of those sections are hereby made applicable to violations of this section.

8. [For the purposes of a sales tax imposed pursuant to this section, all retail sales shall be deemed to be consummated at the place of business of the retailer, except for tangible personal property sold which is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination

and except for the sale of motor vehicles, trailers, boats and outboard motors, which is provided for in subsection 12 of this section. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which he works.

9.] All sales taxes collected by the director of revenue under this section on behalf of any transit authority, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in this section, shall be deposited in the state treasury in a special trust fund, which is hereby created, to be known as the "County Transit Authority Sales Tax Trust Fund". The moneys in the county transit authority sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each transit authority imposing a sales tax under this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the transit authority which levied the tax.

[10.] 9. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any transit authority for erroneous payments and overpayments made, and may authorize the state treasurer to redeem dishonored checks and drafts deposited to the credit of such transit authorities. If any transit authority abolishes the tax, the transit authority shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such transit authority, the director of revenue shall authorize the state treasurer to remit the balance in the account to the transit authority and close the account of that transit authority. The director of revenue shall notify each transit authority of each instance of any amount refunded or any check redeemed from receipts due the transit authority. The director of revenue shall annually report on his management of the trust fund and administration of the sales taxes authorized by this section. He shall provide each transit authority imposing the tax authorized by this section with a detailed accounting of the source of all funds received by him for the transit authority.

[11.] 10. The director of revenue and any of his deputies, assistants and employees who shall have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of this section shall enter a surety bond or bonds payable to any and all transit authorities in whose behalf such funds have been collected under this section in the amount of one hundred thousand dollars; but the director of revenue may enter into a blanket bond or bonds covering himself and all such deputies, assistants and employees. The cost of the premium or premiums for the surety bond or bonds shall be paid by the director of revenue from the share of the collection retained by the director of revenue for the benefit of the state.

[12.] 11. Sales taxes imposed pursuant to this section and use taxes on the purchase and sale of motor vehicles, trailers, boats, and outboard motors shall not be collected and remitted by the seller, but shall be collected by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a county where a sales tax is imposed under this section. The amounts so collected, less the one percent collection cost, shall be deposited in the county transit authority sales tax trust fund. The purchase or sale of motor vehicles, trailers, boats, and outboard motors shall be deemed to be consummated at the address of the applicant. As used in this subsection, the term "boat" shall only include motorboats and vessels as the terms "motorboat" and "vessel" are defined in section 306.010.

[13.] 12. In any county where the transit authority sales tax has been imposed, if any person is delinquent in the payment of the amount required to be paid by him under this section or in the event a determination has been made against him for taxes and penalty under this section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under this section, the director of revenue shall notify the transit authority to which delinquent taxes are due under this section by United States registered mail or certified mail at least ten days before turning the case over to the attorney general. The transit authority, acting through its attorney, may join in such suit as a party plaintiff to seek a judgment for the delinquent taxes and penalty due such transit authority. In the event any person fails or refuses to pay the amount of any sales tax due under this section, the director of revenue shall promptly notify the transit authority to which the tax would be due so that appropriate action may be taken by the transit authority.

[14.] 13. Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by this section, the director of revenue shall permit the transit authority to join in any sale of property to pay the delinquent taxes and penalties due the state and to the transit authority under this section. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such transit authority under this section.

[15. The transit authority created under the provisions of sections 238.400 to 238.412 shall notify any and all affected businesses of the change in tax rate caused by the imposition of the tax authorized by sections 238.400 to 238.412.

16.] 14. In the event that any transit authority in any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants submits a proposal in any election to increase the sales tax under this section, and such proposal is approved by the voters, the county shall be reimbursed for the costs of submitting such proposal from the funds derived from the tax levied under this section.

15. Except as provided in sections 238.400 to 238.412, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under sections 238.410 to 238.412.

644.032. 1. The governing body of any municipality or county may impose, by ordinance or order, a sales tax in an amount not to exceed one-half of one percent on all retail sales made in such municipality or county which are subject to taxation under the provisions of sections 144.010 to 144.525. The tax authorized by this section and section 644.033 shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax under the provisions of this section and section 644.033 shall be effective unless the governing body of the municipality or county submits to the voters of the municipality or county, at a municipal, county or state general, primary or special election, a proposal to authorize the governing body of the municipality or county to impose a tax[, provided, that the tax authorized by this section shall not be imposed on the sales of food, as defined in section 144.014, when imposed by any county with a charter form of government and with more than one million inhabitants].

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the municipality (county) of impose a sales tax of (insert amount) for the purpose of providing funding for (insert either storm water control, or local parks, or storm water control and local parks) for the municipality (county)?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter after the director of revenue receives notice of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the municipality or county shall not impose the sales tax authorized in this section and section 644.033 until the governing body of the municipality or county resubmits another proposal to authorize the governing body of the municipality or county to impose the sales tax authorized by this section and section 644.033 and such proposal is approved by a majority of the qualified voters voting thereon; however, in no event shall a proposal pursuant to this section and section 644.033 be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section and section 644.033.

3. All revenue received by a municipality or county from the tax authorized under the provisions of this section and section 644.033 shall be deposited in a special trust fund and shall be used to provide funding for storm water control or for local parks, or both, within such municipality or county, provided that such revenue may be used for local parks outside such municipality or county if the municipality or county is engaged in a cooperative agreement pursuant to section 70.220.

4. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other municipal or county funds.

[66.601. The duties of the director of revenue with respect to the allocation, division and distribution of sales and use tax proceeds determined to be due any county of the first classification having a charter form of government and having a population of nine hundred thousand or more inhabitants and all municipalities within such county, resulting from taxes levied or imposed under the authority of sections 66.600 to 66.630, section 144.748, and sections 94.850 to 94.857, may be delegated to the county levying the county sales tax under sections 66.600 to 66.630, at the discretion of the director of revenue and with the consent of the county. Notwithstanding the provisions of section 32.057 to the contrary, if such duties are so assigned, the director of revenue shall furnish the

county with sufficient information to perform such duties in such form as may be agreed upon by the director and the county at no cost to the county. The county shall be bound by the provisions of section 32.057, and shall use any information provided by the director of revenue under the provisions of this section solely for the purpose of allocating, dividing and distributing such sales and use tax revenues. The county shall exercise all of the director's powers and duties with respect to such allocation, division and distribution, and shall receive no fee for carrying out such powers and duties.]

[67.1713. Beginning January 1, 2002, there is hereby specifically exempted from the tax imposed pursuant to section 67.1712 all sales of food as defined by section 144.014.]

[67.1971. All entities remitting the sales tax authorized pursuant to section 67.1959 shall have their liability reduced by an amount equal to twenty-five percent of any taxes collected and remitted pursuant to sections 94.802 to 94.805.]

[144.069. All sales of motor vehicles, trailers, boats and outboard motors shall be deemed to be consummated at the address of the owner thereof, and all leases of over sixty-day duration of motor vehicles, trailers, boats and outboard motors subject to sales taxes under this chapter shall be deemed to be consummated unless the vehicle, trailer, boat or motor has been registered and sales taxes have been paid prior to the consummation of the lease agreement at the address of the lessee thereof on the date the lease is consummated, and all applicable sales taxes levied by any political subdivision shall be collected on such sales by the state department of revenue on that basis.]

[144.517. In addition to the exemptions granted pursuant to section 144.030, there shall also be exempted from state sales and use taxes all sales of textbooks, as defined by section 170.051, when such textbook is purchased by a student who possesses proof of current enrollment at any Missouri public or private university, college or other postsecondary institution of higher learning offering a course of study leading to a degree in the liberal arts, humanities or sciences or in a professional, vocational or technical field, provided that the books which are exempt from state sales tax are those required or recommended for a class. Upon request the institution or department must provide at least one list of textbooks to the bookstore each semester. Alternately, the student may provide to the bookstore a list from the instructor, department or institution of his or her required or recommended textbooks. This exemption shall not apply to any locally imposed sales or use tax.]

[144.605. The following words and phrases as used in sections 144.600 to 144.745 mean and include:

- (1) "Calendar quarter", the period of three consecutive calendar months ending on March thirty-first, June thirtieth, September thirtieth or December thirty-first;
- (2) "Engages in business activities within this state" includes:
 - (a) Purposefully or systematically exploiting the market provided by this state by any media-assisted, media-facilitated, or media-solicited means, including, but not limited to, direct mail advertising, distribution of catalogs, computer-assisted shopping, telephone, television, radio, or other electronic media, or magazine or newspaper advertisements, or other media; or
 - (b) Being owned or controlled by the same interests which own or control any seller engaged in the same or similar line of business in this state; or
 - (c) Maintaining or having a franchisee or licensee operating under the seller's trade name in this state if the franchisee or licensee is required to collect sales tax pursuant to sections 144.010 to 144.525; or
 - (d) Soliciting sales or taking orders by sales agents or traveling representatives;
- (3) "Maintains a place of business in this state" includes maintaining, occupying, or using, permanently or temporarily, directly or indirectly, or through a subsidiary, or agent, by whatever name called, an office, place of distribution, sales or sample room or place, warehouse or storage place, or other place of business;
- (4) "Person", any individual, firm, copartnership, joint venture, association, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or agency, except the state transportation department, estate,

trust, business trust, receiver or trustee appointed by the state or federal court, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number;

(5) "Purchase", the acquisition of the ownership of, or title to, tangible personal property, through a sale, as defined herein, for the purpose of storage, use or consumption in this state;

(6) "Purchaser", any person who is the recipient for a valuable consideration of any sale of tangible personal property acquired for use, storage or consumption in this state;

(7) "Sale", any transfer, barter or exchange of the title or ownership of tangible personal property, or the right to use, store or consume the same, for a consideration paid or to be paid, and any transaction whether called leases, rentals, bailments, loans, conditional sales or otherwise, and notwithstanding that the title or possession of the property or both is retained for security. For the purpose of this law the place of delivery of the property to the purchaser, user, storer or consumer is deemed to be the place of sale, whether the delivery be by the vendor or by common carriers, private contractors, mails, express, agents, salesmen, solicitors, hawkers, representatives, consignors, peddlers, canvassers or otherwise;

(8) "Sales price", the consideration including the charges for services, except charges incident to the extension of credit, paid or given, or contracted to be paid or given, by the purchaser to the vendor for the tangible personal property, including any services that are a part of the sale, valued in money, whether paid in money or otherwise, and any amount for which credit is given to the purchaser by the vendor, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service cost, losses or any other expenses whatsoever, except that cash discounts allowed and taken on sales shall not be included and "sales price" shall not include the amount charged for property returned by customers upon rescission of the contract of sales when the entire amount charged therefor is refunded either in cash or credit or the amount charged for labor or services rendered in installing or applying the property sold, the use, storage or consumption of which is taxable pursuant to sections 144.600 to 144.745. In determining the amount of tax due pursuant to sections 144.600 to 144.745, any charge incident to the extension of credit shall be specifically exempted;

(9) "Selling agent", every person acting as a representative of a principal, when such principal is not registered with the director of revenue of the state of Missouri for the collection of the taxes imposed pursuant to sections 144.010 to 144.525 or sections 144.600 to 144.745 and who receives compensation by reason of the sale of tangible personal property of the principal, if such property is to be stored, used, or consumed in this state;

(10) "Storage", any keeping or retention in this state of tangible personal property purchased from a vendor, except property for sale or property that is temporarily kept or retained in this state for subsequent use outside the state;

(11) "Tangible personal property", all items subject to the Missouri sales tax as provided in subdivisions (1) and (3) of section 144.020;

(12) "Taxpayer", any person remitting the tax or who should remit the tax levied by sections 144.600 to 144.745;

(13) "Use", the exercise of any right or power over tangible personal property incident to the ownership or control of that property, except that it does not include the temporary storage of property in this state for subsequent use outside the state, or the sale of the property in the regular course of business;

(14) "Vendor", every person engaged in making sales of tangible personal property by mail order, by advertising, by agent or peddling tangible personal property, soliciting or taking orders for sales of tangible personal property, for storage, use or consumption in this state, all salesmen, solicitors, hawkers, representatives, consignees, peddlers or canvassers, as agents of the dealers, distributors, consignors, supervisors, principals or employers under whom they operate or from whom they obtain the tangible personal property sold by them, and every person who maintains a place of business in this state, maintains a stock of goods in this state, or engages in business activities within this state and every person who engages in this state in the business of acting as a selling agent for persons not otherwise vendors as defined in this subdivision. Irrespective of whether they are making sales on their own behalf or on behalf of the dealers, distributors, consignors, supervisors, principals or employers, they must be regarded as vendors and the dealers, distributors, consignors, supervisors, principals or employers must be regarded as vendors for the purposes of sections 144.600 to 144.745.

A person shall not be considered a vendor for the purposes of sections 144.600 to 144.745 if all of the following apply:

- (a) The person's total gross receipts did not exceed five hundred thousand dollars in this state, or twelve and one-half million dollars in the entire United States, in the immediately preceding calendar year;
- (b) The person maintains no place of business in this state; and
- (c) The person has no selling agents in this state.]

[144.1000. Sections 144.1000 to 144.1015 shall be known as and referred to as the "Simplified Sales and Use Tax Administration Act".]

[144.1003. As used in sections 144.1000 to 144.1015, the following terms shall mean:

- (1) "Agreement", the streamlined sales and use tax agreement;
- (2) "Certified automated system", software certified jointly by the states that are signatories to the agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state and maintain a record of the transaction;
- (3) "Certified service provider", an agent certified jointly by the states that are signatories to the agreement to perform all of the seller's sales tax functions;
- (4) "Person", an individual, trust, estate, fiduciary, partnership, limited liability company, limited liability partnership, corporation or any other legal entity;
- (5) "Sales tax", any sales tax levied pursuant to this chapter, section 32.085, or any other sales tax authorized by statute and levied by this state or its political subdivisions;
- (6) "Seller", any person making sales, leases or rentals of personal property or services;
- (7) "State", any state of the United States and the District of Columbia;
- (8) "Use tax", the use tax levied pursuant to this chapter.]

[144.1006. For the purposes of reviewing and, if necessary, amending the agreement embodying the simplification recommendations contained in section 144.1015, the state may enter into multistate discussions. For purposes of such discussions, the state shall be represented by seven delegates, one of whom shall be appointed by the governor, two members appointed by the speaker of the house of representatives, one member appointed by the minority leader of the house of representatives, two members appointed by the president pro tempore of the senate and one member appointed by the minority leader of the senate. The delegates need not be members of the general assembly and at least one of the delegates appointed by the speaker of the house of representatives and one member appointed by the president pro tempore of the senate shall be from the private sector and represent the interests of Missouri businesses. The delegates shall recommend to the committees responsible for reviewing tax issues in the senate and the house of representatives each year any amendment of state statutes required to be substantially in compliance with the agreement. Such delegates shall make a written report by the fifteenth day of January each year regarding the status of the multistate discussions and upon final adoption of the terms of the sales and use tax agreement by the multistate body.]

[144.1009. No provision of the agreement authorized by sections 144.1000 to 144.1015 in whole or in part invalidates or amends any provision of the law of this state. Implementation of any condition of this agreement in this state, whether adopted before, at, or after membership of this state in the agreement, must be by action of the general assembly. Such report shall be delivered to the governor, the secretary of state, the president pro tempore of the senate and the speaker of the house of representatives and shall simultaneously be made publicly available by the secretary of state to any person requesting a copy.]

[144.1012. Unless five of the seven delegates agree, the delegates shall not enter into or vote for any streamlined sales and use tax agreement that:

- (1) Requires adoption of a definition of any term that would cause any item or transaction that is now excluded or exempted from sales or use tax to become subject to sales or use tax;
- (2) Requires the state of Missouri to fully exempt or fully apply sales taxes to the sale of food or any other item;

(3) Restricts the ability of local governments under statutes in effect on August 28, 2002, to enact one or more local taxes on one or more items without application of the tax to all sales within the taxing jurisdiction, however, restriction of any such taxes allowed by statutes effective after August 28, 2002, may be supported;

(4) Provides for adoption of any uniform rate structure that would result in a tax increase for any Missouri taxpayer;

(5) Affects the sourcing of sales tax transactions; or

(6) Prohibits limitations or thresholds on the application of sales and use tax rates or prohibits any current sales or use tax exemption in the state of Missouri, including exemptions that are based on the value of the transaction or item.]

[144.1015. In addition to the requirements of section 144.1012, the delegates should consider the following features when deciding whether or not to enter into any streamlined sales and use tax agreement:

(1) The agreement should address the limitation of the number of state rates over time;

(2) The agreement should establish uniform standards for administration of exempt sales and the form used for filing sales and use tax returns and remittances;

(3) The agreement should require the state to provide a central, electronic registration system that allows a seller to register to collect and remit sales and use taxes for all signatory states;

(4) The agreement should provide that registration with the central registration system and the collection of sales and use taxes in the signatory states will not be used as a factor in determining whether the seller has nexus with a state for any tax;

(5) The agreement should provide for reduction of the burdens of complying with local sales and use taxes through the following so long as they do not conflict with the provisions of section 144.1012:

(a) Restricting variances between the state and local tax bases;

(b) Requiring states to administer any sales and use taxes levied by local jurisdictions within the state so that sellers collecting and remitting these taxes will not have to register or file returns with, remit funds to, or be subject to independent audits from local taxing jurisdictions;

(c) Restricting the frequency of changes in the local sales and use tax rates and setting effective dates for the application of local jurisdictional boundary changes to local sales and use taxes; and

(d) Providing notice of changes in local sales and use tax rates and of changes in the boundaries of local taxing jurisdictions;

(6) The agreement should outline any monetary allowances that are to be provided by the states to sellers or certified service providers. The agreement must allow for a joint public and private sector study of the compliance cost on sellers and certified service providers to collect sales and use taxes for state and local governments under various levels of complexity to be completed by July 1, 2003;

(7) The agreement should require each state to certify compliance with the terms of the agreement prior to joining and to maintain compliance, under the laws of the member state, with all provisions of the agreement while a member, only if the agreement and any amendment thereto complies with the provisions of section 144.1012;

(8) The agreement should require each state to adopt a uniform policy for certified service providers that protects the privacy of consumers and maintains the confidentiality of tax information; and

(9) The agreement should provide for the appointment of an advisory council of private sector representatives and an advisory council of nonmember state representatives to consult with in the administration of the agreement.]

Section B. The provisions of the streamlined sales and use tax agreement act shall become effective January 1, 2015."; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Funderburk offered **House Amendment No. 1 to House Amendment No. 1.**

House Amendment No. 1
to
House Amendment No. 1

AMEND House Amendment No. 1 to House Bill No. 578, Page 1, Line 15, by inserting after the words, "sellers." the following:

"3. In the first year after any federal legislation requiring vendors to collect sales and use tax uniformly on sales in all states has been adopted and in which the amount of state sales and use tax revenue collected under such federal legislation exceeds the amount of such revenues collected in the immediately preceding year by at least two hundred million dollars, the rate of the tax imposed on the Missouri taxable income of residents under chapter 143 shall be decreased under section 143.011.

4. The director of the department of revenue shall notify the revisor of statutes when such federal legislation is adopted and becomes effective in all states."; and

Further amend said amendment, section, Pages 1-2, by renumbering the remaining subsections in section 32.070; and

Further amend said amendment, Page 120, Line 23, by inserting after all of said line the following:

'Further amend said bill, Page 1, Section A, Line 3, by inserting after all of said section the following:

"143.011. 1. For all tax years beginning before any federal legislation requiring vendors to collect sales and use tax uniformly on sales in all states has been adopted and in which the amount of state sales and use tax revenue collected under such federal legislation exceeds the amount of such revenues collected in the immediately preceding year by at least two hundred million dollars, [A] a tax is hereby imposed for every taxable year on the Missouri taxable income of every resident. The tax shall be determined by applying the tax table or the rate provided in section 143.021, which is based upon the following rates:

If the Missouri taxable income is:

Not over \$1,000.00	The tax is:
taxable income Over \$1,000 but not over \$2,000	1 1/2% of the Missouri
over \$1,000 Over \$2,000 but not over \$3,000	\$15 plus 2% of excess
over \$2,000 Over \$3,000 but not over \$4,000	\$35 plus 2 1/2% of excess
over \$3,000 Over \$4,000 but not over \$5,000	\$60 plus 3% of excess
over \$4,000 Over \$5,000 but not over \$6,000	\$90 plus 3 1/2% of excess
over \$5,000 Over \$6,000 but not over \$7,000	\$125 plus 4% of excess
over \$6,000 Over \$7,000 but not over \$8,000	\$165 plus 4 1/2% of excess
over \$7,000 Over \$8,000 but not over \$9,000	\$210 plus 5% of excess
over \$8,000 Over \$9,000	\$260 plus 5 1/2% of excess
	\$315 plus 6% of excess over \$9,000

2. For all tax year beginning January 1, in the first year after any federal legislation requiring vendors to collect sales and use tax uniformly on sales in all states has been adopted and in which the amount of state sales and use tax revenue collected under such federal legislation exceeds the amount of such revenues collected in the immediately preceding year by at least two hundred million dollars, a tax is hereby imposed for every taxable year on the Missouri taxable income of every resident. The tax shall be determined by applying the tax table or the rate provided in section 143.021, which is based upon the following rates:

If the Missouri taxable income is:	The tax is:
Not over \$3,000	0% of the Missouri taxable income
Over \$3,000 but not over \$4,000	1% of excess over \$3,000
Over \$4,000 but not over \$5,000	\$10 plus 3 1/2% of excess over \$4,000
Over \$5,000 but not over \$6,000	\$45 plus 4% of excess over \$5,000
Over \$6,000 but not over \$7,000	\$85 plus 4 1/2% of excess over \$6,000
Over \$7,000 but not over \$8,000	\$130 plus 5% of excess over \$7,000
Over \$8,000 but not over \$9,000	\$180 plus 5 1/2% of excess over \$8,000
Over \$9,000	\$235 plus 6% of excess over \$9,000"; and'; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Funderburk, **House Amendment No. 1 to House Amendment No. 1** was adopted.

Representative Funderburk offered **House Amendment No. 2 to House Amendment No. 1.**

House Amendment No. 2
to
House Amendment No. 1

AMEND House Amendment No. 1 to House Bill No. 578, Page 155, Line 9, by inserting after the word, "disabilities" the words, "**, all sales of kidney dialysis equipment and enteral feeding systems**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Funderburk, **House Amendment No. 2 to House Amendment No. 1** was adopted.

On motion of Representative Kelly (45), **House Amendment No. 1, as amended**, was adopted.

Representative Riddle offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Bill No. 578, Page 6, Section 144.030, Line 63, by inserting after the word, "state" the words, "**, including any titled manufacturing or mining equipment,**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Riddle, **House Amendment No. 2** was adopted.

HB 578, as amended, was laid over.

HCS HB 315, relating to prescription eye drop refills, was taken up by Representative Rowland.

On motion of Representative Rowland, **HCS HB 315** was adopted.

On motion of Representative Rowland, **HCS HB 315** was ordered perfected and printed.

HCS HB 169, relating to prosecuting and circuit attorneys, was taken up by Representative Diehl.

Representative Lair offered **House Amendment No. 1.**

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 169, Page 1, In the Title, Lines 3 and 4, by deleting all of said lines and inserting in lieu thereof the words, "relating to court cost funds."; and

Further amend said bill, Page 3, Section 488.026, Line 12, by inserting after all of said line the following:

"488.5320. 1. Sheriffs, county marshals or other officers shall be allowed a charge for their services rendered in criminal cases and in all proceedings for contempt or attachment, as required by law, the sum of seventy-five dollars for each felony case or contempt or attachment proceeding, ten dollars for each misdemeanor case, and six dollars for each infraction, [excluding] **including** cases disposed of by a traffic violations bureau established pursuant to law or supreme court rule. Such charges shall be charged and collected in the manner provided by sections 488.010 to 488.020 and shall be payable to the county treasury; **except that, those charges from cases disposed of by a traffic violations bureau shall be distributed as follows: one-half of the charges collected shall be forwarded and deposited to the credit of the MODEX fund established in subsection 5 of this section for the operational cost of the Missouri data exchange (MODEX) system, and one-half of the charges collected shall be deposited to the credit of the inmate security fund, established in section 488.5026, of the county or municipal political subdivision from which the citation originated. If the county or municipal political subdivision has not established an inmate security fund, all of the funds shall be deposited in the MODEX fund.**

2. The sheriff receiving any charge pursuant to subsection 1 of this section shall reimburse the sheriff of any other county or the city of St. Louis the sum of three dollars for each pleading, writ, summons, order of court or other document served in connection with the case or proceeding by the sheriff of the other county or city, and return made thereof, to the maximum amount of the total charge received pursuant to subsection 1 of this section.

3. The charges provided in subsection 1 of this section shall be taxed as other costs in criminal proceedings immediately upon a plea of guilty or a finding of guilt of any defendant in any criminal procedure. The clerk shall tax all the costs in the case against such defendant, which shall be collected and disbursed as provided by sections 488.010 to 488.020; provided, that no such charge shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court; provided further, that all costs, incident to the issuing and serving of writs of scire facias and of writs of fieri facias, and of attachments for witnesses of defendant, shall in no case be paid by the state, but such costs incurred under writs of fieri facias and scire facias shall be paid by the defendant and such defendant's sureties, and costs for attachments for witnesses shall be paid by such witnesses.

4. Mileage shall be reimbursed to sheriffs, county marshals and guards for all services rendered pursuant to this section at the rate prescribed by the Internal Revenue Service for allowable expenses for motor vehicle use expressed as an amount per mile.

5. (1) There is hereby created in the state treasury the "MODEX Fund", which shall consist of money collected under subsection 1 of this section. The fund shall be administered by the Peace Officers Standards and Training Commission established in section 590.120. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely for the operational support and expansion of the MODEX system.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Lair, **House Amendment No. 1** was adopted.

On motion of Representative Diehl, **HCS HB 169, as amended**, was adopted.

On motion of Representative Diehl, **HCS HB 169, as amended**, was ordered perfected and printed.

COMMITTEE REPORTS

Committee on Elementary and Secondary Education, Chairman Cookson reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 631**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute No. 2**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on International Trade, Chairman McCaherty reporting:

Mr. Speaker: Your Committee on International Trade, to which was referred **HB 275**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Local Government, Chairman Gatschenberger reporting:

Mr. Speaker: Your Committee on Local Government, to which was referred **HB 74**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Tourism and Natural Resources, Chairman Phillips reporting:

Mr. Speaker: Your Committee on Tourism and Natural Resources, to which was referred **HB 604**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Transportation, Chairman Schatz reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 415**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

INTRODUCTION OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were read the first time and copies ordered printed:

HJR 37, introduced by Representative Cookson, relating to property exempt from taxation.

HJR 38, introduced by Representative Korman, relating to transportation funding.

HJR 39, introduced by Representative Gatschenberger, relating to the city and county of St. Louis.

HJR 40, introduced by Representative Gatschenberger, relating to the city and county of St. Louis.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 977, introduced by Representative Mitten, relating to the MO HealthNet program.

HB 978, introduced by Representative Kelly (45), relating to the tobacco master settlement agreement.

HB 979, introduced by Representatives Hough, LaFaver, Scharnhorst and Hinson, relating to motor vehicle, trailer, and boat dealers.

HB 980, introduced by Representative Fraker, relating to notice of neighborhood improvement districts.

HB 981, introduced by Representative Franklin, relating to the use of fireworks.

HB 982, introduced by Representative Curtis, relating to the designation of youth mentoring day.

HB 983, introduced by Representative McNeil, relating to health insurance premium rate reviews.

HB 984, introduced by Representative McNeil, relating to the homeowners' solar rights act.

HB 985, introduced by Representative Barnes, relating to the ticket to work health assurance program.

HB 986, introduced by Representative Barnes, relating to the MO HealthNet transformation task force.

HB 987, introduced by Representative Barnes, relating to income eligibility for MO HealthNet benefits.

HB 988, introduced by Representative Barnes, relating to medical assistance benefits for foster children.

HB 989, introduced by Representative Torpey, relating to property assessments.

HB 990, introduced by Representative Torpey, relating to alcohol-related traffic offenses.

HB 991, introduced by Representative Schatz, relating to the meth lab elimination act.

HB 992, introduced by Representative Schatz, relating to controlled substances.

HB 993, introduced by Representatives Hurst, Cross and Wood, relating to the garnishment of wages.

HB 994, introduced by Representative Butler, relating to notary public fees.

HB 995, introduced by Representative Frederick, relating to the federal health care reform law.

HB 996, introduced by Representative Cross, relating to license plates and windshield placards for permanently disabled persons.

HB 997, introduced by Representative Colona, relating to courthouse security.

HB 998, introduced by Representatives Frame, Burns, Conway (10), Schupp and Mayfield, relating to the manufacturing incubators act.

HB 999, introduced by Representatives Frame, Burns and Mayfield, relating to property taxation.

HB 1000, introduced by Representatives Frame, English, Swearingen, Roorda and McKenna, relating to a sales tax holiday.

HB 1001, introduced by Representatives Frame, Burns and Conway (10), relating to eminent domain.

HB 1002, introduced by Representatives Frame, Burns, Colona, English, Englund, Swearingen, Kratky, McDonald, Webber, Webb, Butler, Hummel and Schupp, relating to proof of motor vehicle financial responsibility.

HB 1003, introduced by Representatives Frame, Colona, Englund, Webb, Schupp, Montecillo, Roorda, Butler, McKenna and Hummel, relating to the crime of drug-induced murder.

HB 1004, introduced by Representatives Frame, Burns, Colona, English, Englund, McDonald, Swearingen, Kratky, Webber, Webb and Hummel, relating to the sale of cellular phones by secondhand dealers.

HB 1005, introduced by Representative Curtman, relating to the prohibition of establishing roadside checkpoint patterns based on vehicle types.

HB 1006, introduced by Representatives Jones (50) and Muntzel, relating to electric cooperatives.

HB 1007, introduced by Representatives Hurst and Wood, relating to weight limitations for vehicles hauling livestock and agricultural products.

HB 1008, introduced by Representatives Smith (85), Pace, Nichols, Colona, Englund, Gardner, Butler, Mitten, Dunn, LaFaver, Mims, Otto, Montecillo, Norr and English, relating to instruction in human sexuality and sexually transmitted diseases.

HB 1009, introduced by Representative Schupp, relating to qualified voters of community improvement districts.

HB 1010, introduced by Representatives Morgan, Anders, McNeil, Dunn, Montecillo, Pace, Pierson, Butler, Newman, Gannon and Rowland, relating to professional development for teachers.

HB 1011, introduced by Representative Scharnhorst, relating to school physical fitness challenges.

HB 1012, introduced by Representatives Ellington, Gardner and Pace, relating to the MO HealthNet program.

HB 1013, introduced by Representative Korman, relating to taxes imposed on fuel.

HB 1014, introduced by Representative Korman, relating to license plate and driver's license fees.

HB 1015, introduced by Representatives Cookson and Mims, relating to favoritism in higher education.

HB 1016, introduced by Representatives Cookson and Mims, relating to the school calendar.

HB 1017, introduced by Representatives Love, Miller, Rehder, Franklin, Bernskoetter and Pike, relating to the designation of a highway.

HB 1018, introduced by Representatives Curtman and Koenig, relating to vehicle safety inspections.

HB 1019, introduced by Representatives McCann Beatty, Rizzo, Dunn, Mims, Morgan and Ellinger, relating to public mass transportation sales taxes.

HB 1020, introduced by Representative McCann Beatty, relating to employer's request for account information from a social networking website.

HB 1021, introduced by Representatives Conway (104), Funderburk, Gatschenberger, Hubbard, Bahr, Spencer, Hicks, Sommer and Parkinson, relating to the use of tobacco in a private business.

HB 1022, introduced by Representative Jones (50), relating to liability for prohibiting concealed firearms on business premises.

HB 1023, introduced by Representative Jones (50), relating to possession of child pornography.

HB 1024, introduced by Representative Korman, relating to the Missouri Workforce Investment Board.

HB 1025, introduced by Representative Korman, relating to pole attachments.

HB 1026, introduced by Representative Jones (50), relating to the disposition of seized property.

HB 1027, introduced by Representative Roorda, relating to investigation of third-party involvement in certain juvenile offenses.

HB 1028, introduced by Representatives Webber and Wright, relating to property valuations for wind energy devices.

HB 1029, introduced by Representative Burlison, relating to division of interstate income for corporate income taxation.

HB 1030, introduced by Representatives Burlison, Frederick, Fraker, Neely and Lichtenegger, relating to the Compassionate Care Act.

HB 1031, introduced by Representatives Parkinson, Jones (110), Diehl, Conway (104), Smith (120), Burlison, Bahr, Brattin, Koenig, Sommer, Curtman, Leara, Funderburk, Cornejo, Hicks, Scharnhorst, McCaherty, Gatschenberger and White, relating to corporate income tax.

HB 1032, introduced by Representative Jones (50), relating to state employees.

HB 1033, introduced by Representatives Shull, Walker, Lair, Engler, Phillips, Neth and Remole, relating to tax credits for guaranty fees.

HB 1034, introduced by Representative Jones (50), relating to definitions for insurance.

HB 1035, introduced by Representatives Kelley (127), Conway (10), Hurst, Anderson, Montecillo, Kirkton, Funderburk, Houghton, Frederick, Higdon, Marshall, Bahr, Entlicher, Johnson, Muntzel, Hicks, Remole, Koenig, Kelly (45), Englund, McCaherty, Diehl, Cierpiot, Hummel and Rizzo, relating to amended property tax rate filings with the office of the state auditor.

HB 1036, introduced by Representative Schatz, relating to pure premium rates.

HB 1037, introduced by Representative Englund, relating to security deposits.

HB 1038, introduced by Representatives Burlison and Funderburk, relating to the energy compact.

HB 1039, introduced by Representatives Franklin, Guernsey, Wood, Lynch, Morris, Neely, Davis, Hicks, Flanigan, Miller, Muntzel, Remole, Haefner, Entlicher, McGaugh, Conway (104), Lichtenegger, Dohrman, Pike, Walker, Lair, Phillips and Shull, relating to the Show-Me transformation act.

HB 1040, introduced by Representative Cookson, relating to school age children of welfare recipients.

HB 1041, introduced by Representatives Swan, Hicks, Funderburk, Lichtenegger, Lant, Walker and Richardson, relating to prevailing wages.

HB 1042, introduced by Representative Koenig, relating to the determination of what are business activities within this state.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 66**, entitled:

An act to repeal sections 21.800, 21.830, 21.910, 301.129, 620.602, and 630.461, RSMo, relating to the repeal of certain committees.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 188**, entitled:

An act to repeal section 632.498, RSMo, and to enact in lieu thereof one new section relating to petitions for conditional release of sexually violent predators.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 235**, entitled:

An act to repeal sections 408.590, 408.592, and 408.600, RSMo, and to enact in lieu thereof two new sections relating to residential real estate loan reporting.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SBs 289 & 314**, entitled:

An act to repeal section 324.024, RSMo, and to enact in lieu thereof one new section relating to professional applications containing Social Security numbers.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 306**, entitled:

An act to repeal section 338.150, RSMo, and to enact in lieu thereof one new section relating to pharmaceutical testing by the board of pharmacy.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 330**, entitled:

An act to repeal section 334.104, RSMo, and to enact in lieu thereof one new section relating to collaborative practice arrangements between a physician and an advanced practice registered nurse.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 350**, entitled:

An act to repeal sections 135.010, 135.025, and 135.030, RSMo, and to enact in lieu thereof three new sections relating to funds for vulnerable persons.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 376**, entitled:

An act to repeal section 206.110, RSMo, and to enact in lieu thereof one new section relating to the powers of hospital districts.

In which the concurrence of the House is respectfully requested.

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Wednesday, April 3, 2013.

COMMITTEE HEARINGS

AGRI-BUSINESS

Wednesday, April 3, 2013, 8:00 AM House Hearing Room 4.

Public hearing will be held: HB 880, HB 881

Executive session may be held on any matter referred to the committee.

AGRI-BUSINESS

Thursday, April 4, 2013, Upon Morning Adjournment House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

AGRICULTURE POLICY

Wednesday, April 3, 2013, 12:00 PM House Hearing Room 3.

Public hearing will be held: SB 16, HB 841, HB 927

Executive session may be held on any matter referred to the committee.

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Thursday, April 4, 2013, 8:00 AM House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

Review of Fiscal Year 12 single year audit findings pertaining to the Department of Social Services.

Public comments are welcome.

AMENDED

APPROPRIATIONS - INFRASTRUCTURE AND JOB CREATION

Thursday, April 4, 2013, 8:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Work session on resolution in conjunction with HJR 14

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, April 3, 2013, 2:00 PM House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

Working meeting - agenda to be announced

CANCELLED

BUDGET

Wednesday, April 3, 2013, 8:30 AM House Hearing Room 3.

Executive session will be held: HJR 14

Executive session may be held on any matter referred to the committee.

CHILDREN, FAMILIES, AND PERSONS WITH DISABILITIES

Wednesday, April 3, 2013, 12:00 PM or Upon Adjournment House Hearing Room 7.

Public hearing will be held: SCS SB 33, SCS SB 47, SB 77, HB 797, HB 842, HB 707, HB 717, HB 718, HB 721

Executive session may be held on any matter referred to the committee.

CRIME PREVENTION AND PUBLIC SAFETY

Wednesday, April 3, 2013, Upon Afternoon Recess or Adjournment (whichever is earlier) House Hearing Room 6.

Public hearing will be held: HB 36, HB 38, HB 296, SB 216

Executive session may be held on any matter referred to the committee.

Executive session will follow.

CORRECTED

DOWNSIZING STATE GOVERNMENT

Thursday, April 4, 2013, 8:00 AM House Hearing Room 4.

Public hearing will be held: HB 887, HB 765, HB 817, SB 18, SB 137

Executive session may be held on any matter referred to the committee.

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, April 3, 2013, 8:00 AM House Hearing Room 6.

Public hearing will be held: HB 396, HB 675, HB 626

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Wednesday, April 3, 2013, Upon Morning Recess South Gallery.

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Thursday, April 4, 2013, 8:30 AM South Gallery.

Executive session may be held on any matter referred to the committee.

GOVERNMENT OVERSIGHT AND ACCOUNTABILITY

Wednesday, April 3, 2013, 4:00 PM House Hearing Room 1.

Public hearing will be held: HB 781

Executive session will be held: HB 700

Executive session may be held on any matter referred to the committee.

AMENDED

HEALTH CARE POLICY

Wednesday, April 3, 2013, Upon Morning Recess House Hearing Room 6.

Public hearing will be held: HB 99, HB 185, HCR 15, HB 262

Executive session may be held on any matter referred to the committee.

HEALTH INSURANCE

Wednesday, April 3, 2013, 12:00 PM House Hearing Room 5.

Public hearing will be held: HB 308, HB 598

Executive session may be held on any matter referred to the committee.

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Tuesday, April 9, 2013, 8:30 AM House Hearing Room 7.

Quarterly business meeting

Some portions of the meeting may be closed pursuant to Section 610.021

JUDICIARY

Wednesday, April 3, 2013, 12:00 PM or Upon Morning Adjournment (whichever is earlier) House Hearing Room 1.

Public hearing will be held: HB 281, HB 831

Executive session will be held: HB 210, HB 371

Executive session may be held on any matter referred to the committee.

LOCAL GOVERNMENT

Thursday, April 4, 2013, 8:00 AM House Hearing Room 5.

Public hearing will be held: SB 138, SB 58, HB 909, HB 846

Executive session may be held on any matter referred to the committee.

RETIREMENT

Thursday, April 4, 2013, 9:00 AM House Hearing Room 1.

Public hearing will be held: SCS SB 86, HB 737, HB 782, HB 861

Executive session may be held on any matter referred to the committee.

AMENDED

SPECIAL STANDING COMMITTEE ON CORRECTIONS

Wednesday, April 3, 2013, 8:00 AM House Hearing Room 1.

Public hearing will be held: HB 241, HB 742, HB 814, HB 830

Executive session may be held on any matter referred to the committee.

CORRECTED

SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN HEALTH CARE

Thursday, April 4, 2013, 9:00 AM North Gallery.

Executive session will be held: HB 593, HB 695

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON URBAN ISSUES

Monday, April 8, 2013, 5:00 PM or Upon Afternoon Adjournment if after 5:00 PM House Hearing Room 5.

Public hearing will be held: HB 236, HB 441, HB 726

Executive session may be held on any matter referred to the committee.

TOURISM AND NATURAL RESOURCES

Thursday, April 4, 2013, 8:00 AM House Hearing Room 7.

Public hearing will be held: HB 328, HB 467

Executive session may be held on any matter referred to the committee.

UTILITIES

Wednesday, April 3, 2013, 8:00 AM House Hearing Room 7.

Public hearing will be held: SCS SB 191, SB 237

Executive session may be held on any matter referred to the committee.

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Wednesday, April 3, 2013, 8:00 AM House Hearing Room 5.

Public hearing will be held: SS SCS SB 29, SS SB 34

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

FORTY-FIFTH DAY, WEDNESDAY, APRIL 3, 2013

HOUSE JOINT RESOLUTIONS FOR SECOND READING

HJR 37 through HJR 40

HOUSE BILLS FOR SECOND READING

HB 977 through HB 1042

HOUSE BILLS FOR PERFECTION

- 1 HB 227 - Zerr
- 2 HB 423 - Zerr
- 3 HB 578, as amended - Funderburk
- 4 HB 316 - Phillips
- 5 HCS HB 30 - Scharnhorst
- 6 HCS HB 46 - Guernsey
- 7 HB 47 - Cross

- 8 HCS HB 134 - Allen
- 9 HCS HB 137 - Hinson
- 10 HCS HB 168 - Davis
- 11 HB 217 - Cox
- 12 HCS HB 221 - Leara
- 13 HB 253 - Berry
- 14 HB 400 - Riddle
- 15 HB 443 - Hubbard
- 16 HCS HB 343 - Guernsey
- 17 HCS HBs 446 & 211 - Cox
- 18 HCS HB 470 - Barnes

HOUSE BILLS FOR THIRD READING

- 1 HB 201 - Torpey
- 2 HCS HBs 521 & 579, (Fiscal Review 3/27/13) - Koenig
- 3 HB 152 - Solon
- 4 HCS HB 169 - Diehl

HOUSE BILLS FOR THIRD READING - CONSENT

HB 581 - Roorda

SENATE BILLS FOR SECOND READING

- 1 SB 66
- 2 SB 188
- 3 SB 235
- 4 SCS SBs 289 & 314
- 5 SB 306
- 6 SB 330
- 7 SB 350
- 8 SCS SB 376

SENATE BILLS FOR THIRD READING

HCS SCS SB 182, E.C. - Hough

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

FORTY-FIFTH DAY, WEDNESDAY, APRIL 3, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Pastor Paul Meinsen.

O LORD our God, there is much to know, much to learn and there is much to pray for each one of us from the Proverbs of Your servant, King Solomon.

I pray, O Father, that each one will be humble in heart for “It is not good to eat much honey, nor is it glory to search out one’s own glory” (*Proverbs 25:27*).

I pray that each will surround himself or herself with good counselors as “He who walks with wise men will be wise, but the companion of fools will suffer harm” (*Proverbs 13:20*) and “If a ruler listens to falsehood, all his officials will become wicked” (*Proverbs 29:12*).

Lord, may each guard his or her words. May truth be spoken for “Excellent speech is not fitting for a fool, much less are lying lips to a prince” (*Proverbs 17:7*). And may each of us speak with much gentleness, “A gentle answer turns away wrath, but a harsh word stirs up anger. The tongue of the wise makes knowledge acceptable, but the mouth of fools spouts folly” (*Proverbs 15:1-2*).

May we all seek wisdom for You have commanded to “Acquire wisdom! Acquire understanding! Do not forsake her, and she will guard you; love her and she will watch over you” (*Proverbs 4:5a-6*).

I pray that we will all pursue righteousness for “Righteousness exalts a nation...” (*Proverbs 14:34a*) and “It is an abomination for kings to commit wicked acts for a throne is established on righteousness” (*Proverbs 16:12*).

May we fear You and You alone; for “The fear of the LORD is the beginning of knowledge; Fools despise wisdom and instruction” (*Proverbs 1:7*).

Draw each one unto Yourself.

We call upon You in this prayer. Please answer and be glorified. For You are good and Your love endures forever.

To the honor of Your name, O Lord, I pray in Your Son’s name. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: John Kempker, Tucker Bernskoetter, Olivia Montgomery, Ethan Montgomery, Jared Boyer, John Mayorga, Gabe Osborn, Connor McClintock, Hunter McClintock, Logan McClintock, Nate Leesmann, Nick Leesmann, Eurelia Leesmann, Austin Bear, Cameron Wiss and Keegan Wiss.

The Journal of the forty-fourth day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1158 through House Resolution No. 1208

SECOND READING OF HOUSE JOINT RESOLUTIONS

HJR 37 through **HJR 40** were read the second time.

SECOND READING OF HOUSE BILLS

HB 977 through **HB 1042** were read the second time.

SECOND READING OF SENATE BILLS

SB 66, SB 188, SB 235, SCS SBs 289 & 314, SB 306, SB 330, SB 350 and **SCS SB 376** were read the second time.

THIRD READING OF SENATE BILL

HCS SCS SB 182, relating to local sales tax on motor vehicles, was taken up by Representative Hough.

Representative Haahr offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 182, Page 1, Line 4 of the Title, by striking the word "local"; and

Further amend said bill, Page 6, Section 144.020, Line 4, by deleting the words "**paragraph (9) hereof**" and inserting in lieu thereof the following:

"subdivision (9) of this subsection"; and

Further amend said bill and section, Page 7, Line 10, by deleting the words "**subsection (1) of section 144.020**" and inserting in lieu thereof the following:

"this subsection"; and

Further amend said bill, Page 10, Section 144.450, Line 6, by deleting the number "144.440" and inserting in lieu thereof the following:

"[144.440] 144.020"; and

Further amend said bill, Page 12, Section 144.610, Line 12, by inserting immediately after "**subsection 1**" the following:

"of this section"; and

Further amend said bill, Page 13, Section 1, Line 2, by deleting the words "**and 144.757**" and inserting in lieu thereof the following:

", **144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615**"; and

Further amend said section and page, Line 4, by deleting the words "**and 144.757**" and inserting in lieu thereof the following:

", **144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Haahr, **House Amendment No. 1** was adopted.

On motion of Representative Hough, **HCS SCS SB 182, as amended**, was adopted.

On motion of Representative Hough, **HCS SCS SB 182, as amended**, was read the third time and passed by the following vote:

AYES: 123

Allen	Austin	Bahr	Barnes	Bernskoetter
Berry	Black	Brattin	Brown	Burns
Butler	Carpenter	Cierpiot	Colona	Conway 10
Cookson	Cornejo	Cox	Crawford	Cross
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	English	Englund	Entlicher	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Haahr	Haefner	Hansen	Harris	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Jones 50	Justus
Keeney	Kelley 127	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	McCaherty	McCann Beatty
McDonald	McGaugh	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Montecillo	Morris	Muntzel	Neely	Neth
Nichols	Norr	Pace	Pfautsch	Phillips
Pierson	Pike	Redmon	Rehder	Reiboldt
Rhoads	Richardson	Riddle	Rizzo	Roorda
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieffer	Shull	Shumake	Smith 85	Solon
Sommer	Spencer	Swan	Swearingen	Thomson
Torpey	Walker	Webb	Webber	White
Wood	Zerr	Mr Speaker		

NOES: 032

Anders	Anderson	Burlison	Conway 104	Curtis
Curtman	Dunn	Ellinger	Ellington	Fitzpatrick
Frame	Gardner	Guernsey	Hicks	Johnson
Kelly 45	Kirkton	Koenig	Marshall	May

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Mayfield	Morgan	Newman	Parkinson	Pogue
Remole	Ross	Schieber	Schupp	Walton Gray
Wieland	Wilson			

PRESENT: 000

ABSENT WITH LEAVE: 006

Hampton	McKenna	Otto	Smith 120	Stream
Wright				

VACANCIES: 002

Speaker Jones declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 114

Allen	Austin	Barnes	Bernskoetter	Black
Brown	Burns	Butler	Cierpiot	Colona
Conway 10	Cookson	Cornejo	Cox	Crawford
Cross	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	English	Englund	Entlicher
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haefner	Hansen	Harris
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Jones 50
Justus	Keeney	Kelley 127	Kolkmeyer	Korman
Kratky	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	McCaherty	McCann Beatty
McDonald	McGaugh	McManus	Meredith	Messenger
Miller	Mitten	Molendorp	Montecillo	Morris
Muntzel	Neely	Nichols	Norr	Pace
Pfautsch	Pierson	Pike	Redmon	Rehder
Reiboldt	Rhoads	Richardson	Riddle	Rizzo
Roorda	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieffer	Shull	Shumake	Solon
Sommer	Spencer	Swan	Swearingen	Thomson
Torpey	Walker	Webb	Webber	White
Wood	Wright	Zerr	Mr Speaker	

NOES: 039

Anders	Anderson	Bahr	Berry	Brattin
Burlison	Carpenter	Conway 104	Curtis	Curtman
Dunn	Ellinger	Ellington	Fitzpatrick	Frame
Gardner	Haahr	Hicks	Johnson	Kelly 45
Kirkton	Koenig	LaFaver	Marshall	May
Mayfield	McNeil	Mims	Morgan	Newman
Parkinson	Pogue	Remole	Ross	Schieber
Schupp	Walton Gray	Wieland	Wilson	

PRESENT: 000

ABSENT WITH LEAVE: 008

Hampton	McKenna	Neth	Otto	Phillips
Smith 85	Smith 120	Stream		

VACANCIES: 002

THIRD READING OF HOUSE BILL

HB 152, relating to school officers, was taken up by Representative Solon.

Representative Keeney assumed the Chair.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 103

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hansen	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeier	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Morris	Muntzel
Neely	Neth	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 046

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hubbard	Hummel	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Pace	Rizzo	Roorda	Runions	Schieffer
Schupp	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 012

Hampton	Hicks	Hodges	Kelly 45	McKenna
Otto	Parkinson	Pierson	Rowden	Smith 85
Smith 120	Stream			

VACANCIES: 002

On motion of Representative Solon, **HB 152** was read the third time and passed by the following vote:

AYES: 129

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Elmer	Engler
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hansen	Harris
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hubbard	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Korman	Kratky	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Mayfield	McCaherty	McCann Beatty	McGaugh	McManus
McNeil	Meredith	Messenger	Miller	Molendorp
Montecillo	Morris	Muntzel	Neth	Nichols
Norr	Pace	Parkinson	Pfautsch	Phillips
Pike	Pogue	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Ross
Rowland	Scharnhorst	Schatz	Schieber	Schieffer
Shull	Shumake	Solon	Sommer	Spencer
Swan	Swearingen	Thomson	Torpey	Walker
Webb	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 020

Burns	Curtis	Dunn	Ellinger	Ellington
English	Gardner	Hummel	LaFaver	Marshall
May	McDonald	Mims	Mitten	Morgan
Newman	Roorda	Runions	Schupp	Walton Gray

PRESENT: 000

ABSENT WITH LEAVE: 012

Hampton	Hodges	Kolkmeier	McKenna	Neely
Otto	Pierson	Redmon	Rowden	Smith 85
Smith 120	Stream			

VACANCIES: 002

Representative Keeney declared the bill passed.

PERFECTION OF HOUSE BILL

HCS HB 30, relating to physical therapy services, was taken up by Representative Scharnhorst.

HCS HB 30 was laid over.

On motion of Representative Diehl, the House recessed until 2:30 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Jones.

PERFECTION OF HOUSE BILLS

HB 316, relating to the Division of Tourism Revenue Fund, was taken up by Representative Phillips.

On motion of Representative Phillips, **HB 316** was ordered perfected and printed.

HCS HB 168, relating to higher education residency status, was taken up by Representative Davis.

Representative Webber offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 168, Page 2, Section 173.1150, Line 29, by inserting after of said section and line the following:

"Section 1. 1. This section shall be known as "Clark's Law."

2. No public institution of higher education shall require a member of the national guard to take any test or assessment within twenty-four hours of such member returning from active duty or national guard training."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Webber, **House Amendment No. 1** was adopted.

On motion of Representative Davis, **HCS HB 168, as amended**, was adopted.

On motion of Representative Davis, **HCS HB 168, as amended**, was ordered perfected and printed.

HCS HB 46, relating to the Preserving Freedom from Unwarranted Surveillance Act, was taken up by Representative Guernsey.

Representative McGaugh offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 46, Page 2, Section 305.637, Line 5, by inserting after the word "**surveillance**" the words "**or observation under the doctrine of open fields**"; and

Further amend said bill and page, Section 305.641, Line 7, by inserting after all of said section and line the following:

"Section B. Because of the need to protect Missourians from invasions of privacy in the state, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect July 1, 2013, or upon its passage and approval, whichever later occurs."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative McGaugh, **House Amendment No. 1** was adopted.

Representative Pike offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 46, Page 1, Line 2 in the Title, by deleting the word "unmanned"; and

Further amend said bill and page, Section 305.635, Line 12, by inserting after the number "**(3)**" the following:

"**"Manned Aircraft", an aircraft that is operated by a human on board the aircraft. (4)**"; and

Further amend said bill and page, Section 305.637, Line 1, by deleting the words "**drone or other**" and inserting in lieu thereof the words "**manned aircraft, drone, or**"; and

Further amend said bill, Page 2, Section 305.637, Line 4, by deleting the words "**drone or other**" and inserting in lieu thereof the words "**manned aircraft, drone, or**"; and

Further amend said bill and page, Section 305.639, Line 1, by deleting the words "**drone or other**" and inserting in lieu thereof the words "**manned aircraft, drone, or**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Curtman offered **House Amendment No. 1 to House Amendment No. 2**.

House Amendment No. 1
to
House Amendment No. 2

AMEND House Amendment No. 2 to House Committee Substitute for House Bill No. 46, Page 1, Line 16, by inserting after all of said line the following:

‘Further amend said bill, Page 2, Section 305.637, Line 7, by inserting after all of said line, the following:

"3. No person, group of persons, entity, or organization, including, but not limited to, journalists, reporters, or news organizations, shall use a drone or other unmanned aircraft to conduct surveillance of any individual or property owned by an individual or business without the consent of that individual or property owner."; and’; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Dugger assumed the Chair.

On motion of Representative Curtman, **House Amendment No. 1 to House Amendment No. 2** was adopted.

On motion of Representative Pike, **House Amendment No. 2, as amended**, was adopted by the following vote:

AYES: 091

Allen	Anderson	Bahr	Berry	Brattin
Brown	Burlison	Cierpiot	Conway 104	Cookson
Cornejo	Crawford	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hansen
Hicks	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Leara	Lichtenegger	Love	Lynch	McGaugh
Messenger	Morris	Muntzel	Neely	Neth
Parkinson	Pfausch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieffer	Shull	Shumake
Solon	Spencer	Stream	Swan	Thomson
Walker	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 059

Anders	Austin	Bernskoetter	Black	Burns
Butler	Carpenter	Colona	Conway 10	Cox
Cross	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Higdon	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	Lauer	Marshall
May	Mayfield	McCaherty	McDonald	McManus

McNeil	Meredith	Miller	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Pace
Pierson	Rizzo	Roorda	Runions	Schieber
Schupp	Smith 85	Swearingen	Torpey	Walton Gray
Webb	Webber	White	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 011

Barnes	Engler	Hampton	Jones 50	McCann Beatty
McKenna	Mims	Molendorp	Otto	Smith 120
Sommer				

VACANCIES: 002

Representative Parkinson offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 46, Page 1, Section 305.635, Line 12, by inserting immediately after the number "(3)" the following:

"“Model aircraft”, an unmanned aircraft that is:

- (a) Capable of sustained flight in the atmosphere;**
 - (b) Flown within visual line of sight of the person remotely operating the aircraft; and**
 - (c) Flown for hobby or recreational purposes.**
- (4)"; and**

Further amend said bill, Page 2, Section 305.639, Line 1, by inserting the number "1." immediately following the number "**305.639.**"; and

Further amend said bill, page and section, Line 9, by inserting after all of said line the following:

"2. This act does not prohibit the use of a model aircraft."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Parkinson, **House Amendment No. 3** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton

Hurst	Johnson	Justus	Keeney	Kelley 127
Koenig	Kolkmeier	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Solon	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 011

Barnes	Conway 104	Hampton	Jones 50	McKenna
Molendorp	Otto	Shumake	Smith 120	Sommer
Mr Speaker				

VACANCIES: 002

On motion of Representative Guernsey, **HCS HB 46, as amended**, was adopted.

On motion of Representative Guernsey, **HCS HB 46, as amended**, was ordered perfected and printed.

HCS HBs 446 & 211, relating to real estate loans, was taken up by Representative Cox.

On motion of Representative Cox, **HCS HBs 446 & 211** was adopted.

On motion of Representative Cox, **HCS HBs 446 & 211** was ordered perfected and printed.

HCS HB 134, relating to bullying in schools, was taken up by Representative Allen.

Representative McNeil offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 134, Page 1, Section 160.775, Lines 14 and 15, by deleting all of said lines and inserting in lieu thereof the following:

"need a safe learning environment. Policies shall treat **all** students equally [and shall not contain specific lists of protected classes of students who are to receive special treatment]. **Bullying that is reasonably perceived as being motivated by actual or perceived race, color, religion, ancestry, national origin, gender, sexual orientation and gender identity, intellectual ability, physical appearance, or a mental, physical or sensory disability or disorder, or on the basis of association with others identified by these categories is prohibited.** Policies may"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Marshall offered **House Substitute Amendment No. 1 for House Amendment No. 1.**

*House Substitute Amendment No. 1
for
House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 134, Page 1, Section 160.775, Lines 14 and 15, by deleting all of said lines and inserting in lieu thereof the following:

"need a safe learning environment. Policies shall treat **all** students equally [and shall not contain specific lists of protected classes of students who are to receive special treatment]. Policies may"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Hummel raised a point of order that the distribution of **House Substitute Amendment No. 1 for House Amendment No. 1** was not timely.

Representative Dugger requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 098

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Justus	Keeney
Kelley 127	Koenig	Kolkmeier	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch

Marshall	McCaherty	McGaugh	Messenger	Miller
Molendorp	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Ross	Rowden	Rowland	Schatz
Schieber	Shull	Shumake	Solon	Spencer
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood		

NOES: 047

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
English	Englund	Gardner	Harris	Hodges
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Pace	Pierson	Rizzo	Roorda	Runions
Schieffer	Schupp	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 016

Barnes	Ellington	Frame	Hampton	Jones 50
Korman	McKenna	Otto	Riddle	Scharnhorst
Smith 85	Smith 120	Sommer	Stream	Zerr
Mr Speaker				

VACANCIES: 002

On motion of Representative Marshall, House Substitute Amendment No. 1 for House Amendment No. 1 was adopted by the following vote:

AYES: 147

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McManus	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo

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Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Pace	Parkinson
Pfautsch	Phillips	Pierson	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Solon
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webb	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 005

Carpenter	Ellington	Gardner	Lair	McNeil
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PRESENT: 000

ABSENT WITH LEAVE: 009

Frame	Hampton	Jones 50	McKenna	Otto
Scharnhorst	Smith 85	Smith 120	Sommer	

VACANCIES: 002

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 101

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Justus
Keeney	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Molendorp	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Schieber	Shull	Shumake	Solon	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 048

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McDonald	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Pace	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 012

Hampton	Jones 50	Kelley 127	McCann Beatty	McKenna
Otto	Redmon	Scharnhorst	Schatz	Smith 85
Smith 120	Sommer			

VACANCIES: 002

On motion of Representative Allen, **HCS HB 134, as amended**, was adopted.

On motion of Representative Allen, **HCS HB 134, as amended**, was ordered perfected and printed.

THIRD READING OF HOUSE BILL - CONSENT

HB 581, relating to memorial highways, was taken up by Representative Roorda.

On motion of Representative Roorda, **HB 581** was read the third time and passed by the following vote:

AYES: 149

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hummel	Hurst
Johnson	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	May
Mayfield	McCahty	McDonald	McGaugh	McManus

McNeil	Meredith	Messenger	Miller	Mims
Mitten	Molendorp	Montecillo	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Pace	Pfautsch	Phillips	Pierson
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Solon	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 000

PRESENT: 001

Ellington

ABSENT WITH LEAVE: 011

Hampton	Hubbard	Jones 50	McCann Beatty	McKenna
Otto	Parkinson	Scharnhorst	Smith 85	Smith 120
Sommer				

VACANCIES: 002

Representative Dugger declared the bill passed.

THIRD READING OF HOUSE BILL

HCS HB 169, relating to prosecuting and circuit attorneys, was taken up by Representative Diehl.

On motion of Representative Diehl, **HCS HB 169** was read the third time and passed by the following vote:

AYES: 151

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gardner	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant

Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Montecillo	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Pace
Parkinson	Pfautsch	Phillips	Pierson	Pike
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Solon
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webb	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Hampton	Jones 50	McKenna	Otto	Pogue
Scharnhorst	Smith 85	Smith 120	Sommer	Webber

VACANCIES: 002

Representative Dugger declared the bill passed.

REFERRAL OF HOUSE BILLS - APPROPRIATIONS

The following House Appropriations Bills were referred to the Committee indicated:

HB 17 - Budget
HB 18 - Budget
HB 19 - Budget

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HCS HB 168 - Fiscal Review
HB 316 - Fiscal Review
HB 891 - Agriculture Policy
HB 1035 - Ways and Means

REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The following Senate Concurrent Resolutions were referred to the Committee indicated:

SCR 2 - General Laws
SCS SCR 5 - Health Care Policy

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

SB 12 - Judiciary
SB 35 - General Laws
SCS SB 36 - Judiciary
SB 59 - Health Insurance
SB 60 - Insurance Policy
SB 66 - Downsizing State Government
SCS SB 69 - Judiciary
SB 72 - Tourism and Natural Resources
SB 73 - Judiciary
SS SCS SB 116 - Elections
SCS SB 147 - Health Insurance
SCS SB 178 - Health Care Policy
SCS SB 186 - Veterans
SB 188 - Special Standing Committee on Corrections
SB 193 - Elementary and Secondary Education
SB 208 - Children, Families, and Persons with Disabilities
SB 211 - Elementary and Secondary Education
SB 222 - Judiciary
SCS SB 224 - Crime Prevention and Public Safety
SB 230 - Health Care Policy
SB 235 - Financial Institutions
SB 236 - Crime Prevention and Public Safety
SCS SB 240 - Utilities
SS SCS SB 241 - Utilities
SCS SB 248 - Economic Development
SB 306 - Professional Registration and Licensing
SCS SB 324 - Insurance Policy
SB 329 - Agriculture Policy
SB 350 - Budget
SCS SB 376 - Health Care Policy

COMMITTEE REPORTS

Committee on Budget, Vice-Chairman Flanigan reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HJR 14**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Downsizing State Government, Chairman Curtman reporting:

Mr. Speaker: Your Committee on Downsizing State Government, to which was referred **HB 616**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Economic Development, Chairman Zerr reporting:

Mr. Speaker: Your Committee on Economic Development, to which was referred **HB 698**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Elementary and Secondary Education, Chairman Cookson reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 808**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Utilities, Chairman Funderburk reporting:

Mr. Speaker: Your Committee on Utilities, to which was referred **SCS SB 191**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Utilities, to which was referred **SB 237**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Veterans, Chairman Davis reporting:

Mr. Speaker: Your Committee on Veterans, to which was referred **SCS SB 106**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Veterans, to which was referred **SCS SB 117**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Riddle reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 234**, begs leave to report it has examined the same and recommends that it **Do Pass**.

MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SCS SB 182, as amended**, and has taken up and passed **HCS SCS SB 182, as amended**.

Emergency clause adopted.

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Thursday, April 4, 2013.

COMMITTEE HEARINGS

ADMINISTRATION AND ACCOUNTS

Thursday, April 4, 2013, Upon Morning Adjournment House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

Will be voting on remaining Issue Development Standing Committees

AGRI-BUSINESS

Thursday, April 4, 2013, Upon Morning Adjournment House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Thursday, April 04, 2013, 8:00 AM House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

Review of Fiscal Year 12 single year audit findings pertaining to the Department of Social Services.

Public comments are welcome.

AMENDED

APPROPRIATIONS - INFRASTRUCTURE AND JOB CREATION

Thursday, April 4, 2013, 8:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Work session on resolution in conjunction with HJR 14.

DOWNSIZING STATE GOVERNMENT

Thursday, April 4, 2013, 8:00 AM House Hearing Room 4.

Public hearing will be held: HB 887, HB 765, HB 817, SB 18, SB 137

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Thursday, April 4, 2013, 8:30 AM South Gallery.

Executive session may be held on any matter referred to the committee.

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Tuesday, April 9, 2013, 8:30 AM House Hearing Room 7.

Quarterly business meeting

Some portions of the meeting may be closed pursuant to Section 610.021.

LOCAL GOVERNMENT

Thursday, April 4, 2013, 8:00 AM House Hearing Room 5.

Public hearing will be held: SB 138, SB 58, HB 909, HB 846

Executive session may be held on any matter referred to the committee.

RETIREMENT

Thursday, April 4, 2013, 9:00 AM House Hearing Room 1.

Public hearing will be held: SCS SB 86, HB 737, HB 782, HB 861

Executive session may be held on any matter referred to the committee.

AMENDED

RULES

Thursday, April 4, 2013, Upon Morning Adjournment South Gallery.

Executive session will be held: HCS HB 161, HCS HB 175, HB 326, HCS HB 398, HCS HBs 404 & 614, HCS HBs 455 & 297, HCS HB 458, HCS HB 462, HCS HB 589, HCS HB 621, HB 756, HCS HB 787, HCS HB 850, HCS HJR 14, HCS HB 601, HCS HB 698, HCS HB 813

Executive session may be held on any matter referred to the committee.

AMENDED

SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN HEALTH CARE

Thursday, April 4, 2013, 9:00 AM North Gallery.

Executive session will be held: HB 593, HB 695

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON URBAN ISSUES

Monday, April 8, 2013, 5:00 PM or Upon Afternoon Adjournment if after 5:00 PM House Hearing Room 5.

Public hearing will be held: HB 236, HB 441, HB 726

Executive session may be held on any matter referred to the committee.

TOURISM AND NATURAL RESOURCES

Thursday, April 4, 2013, 8:00 AM House Hearing Room 7.

Public hearing will be held: HB 328, HB 467

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

FORTY-SIXTH DAY, THURSDAY, APRIL 4, 2013

HOUSE BILLS FOR PERFECTION

- 1 HB 227 - Zerr
- 2 HB 423 - Zerr
- 3 HB 578, as amended - Funderburk
- 4 HCS HB 30 - Scharnhorst
- 5 HB 47 - Cross
- 6 HCS HB 137 - Hinson
- 7 HB 217 - Cox
- 8 HCS HB 221 - Leara
- 9 HB 253 - Berry
- 10 HB 400 - Riddle
- 11 HB 443 - Hubbard
- 12 HCS HB 343 - Guernsey
- 13 HCS HB 470 - Barnes
- 14 HCS HB 215 - Cox
- 15 HB 42 - Rowland
- 16 HB 103 - Kelley (127)
- 17 HCS#2 HB 178 - Koenig
- 18 HCS HB 197 - Lauer
- 19 HB 322 - Gosen
- 20 HCS HB 468 - Higdon
- 21 HCS HB 505 - Haefner
- 22 HCS HB 701 - Molendorp
- 23 HCS HB 335 - Hinson
- 24 HCS HB 114 - McCaherty
- 25 HCS HB 194 - Diehl
- 26 HB 218 - Cox
- 27 HB 255 - Torpey
- 28 HCS HB 345 - Cierpiot
- 29 HCS HBs 373 & 435 - Elmer
- 30 HCS HBs 374 & 434 - Elmer
- 31 HCS HB 389 - Engler
- 32 HB 526 - Franklin
- 33 HB 533 - Riddle
- 34 HCS HB 722 - Leara
- 35 HB 148 - Davis

HOUSE BILLS FOR THIRD READING

- 1 HB 201 - Torpey
- 2 HCS HBs 521 & 579, (Fiscal Review 3/27/13) - Koenig
- 3 HCS HB 315 - Rowland
- 4 HB 316, (Fiscal Review 4/3/13) - Phillips
- 5 HCS HB 168, (Fiscal Review 4/3/13) - Davis
- 6 HCS HB 46, E.C. - Guernsey
- 7 HCS HBs 446 & 211 - Cox
- 8 HCS HB 134 - Allen

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 11 - Walton Gray
- 2 HCR 28 - Lynch
- 3 HCR 25 - Allen

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

FORTY-SIXTH DAY, THURSDAY, APRIL 4, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

Do not be overcome by evil, but overcome evil with good. (Romans 12:21)

Our God, open to us the gates of the morning and reveal to us the glory of a new day as we pause a minute at the altar of prayer. We are facing full days and living through interesting times. For this we need courage and strength and an inner stability of spirit. Grant unto us now the grace of a quiet mind, a steady faith, and a strong will, which will make us more than a match for the mood of this moving moment.

Help us to stand up for the rights of all, for obedience to the laws of our state, and for the principles of good government—believing that Your spirit will guide us, Your power will strengthen us, and Your presence will bless us as we do what we firmly believe to be right. We pray also that the people of Missouri may seek to do what is right and good for all and that we may learn to live together in peace.

And the House says, “Amen!”

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Megan Saleny, Breycin Dysart, Dillon Cardwell and Jacob Haley.

The Journal of the forty-fifth day was approved as corrected.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1209 through House Resolution No. 1328

COMMITTEE REPORTS

Committee on Fiscal Review, Vice-Chairman Haefner reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 168**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 316**, begs leave to report it has examined the same and recommends that it **Do Pass**.

SIGNING OF SENATE BILL

All other business of the House was suspended while **HCS SCS SB 182** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

THIRD READING OF HOUSE BILLS

HB 316, relating to the Division of Tourism Revenue Fund, was taken up by Representative Phillips.

On motion of Representative Phillips, **HB 316** was read the third time and passed by the following vote:

AYES: 149

Allen	Anders	Anderson	Austin	Barnes
Bernskoetter	Berry	Black	Brattin	Burlison
Burns	Butler	Cierpiot	Colona	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtis	Davis	Dohrman	Dugger
Dunn	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gardner	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McManus	McNeil	Meredith	Messenger
Miller	Mitten	Montecillo	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Pace	Parkinson	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 85
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 004

Bahr	Curtman	Koenig	Marshall
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PRESENT: 000

ABSENT WITH LEAVE: 008

Brown	Carpenter	Diehl	Hampton	McKenna
Mims	Molendorp	Smith 120		

VACANCIES: 002

Speaker Jones declared the bill passed.

HCS HB 168, relating to higher education residency status, was taken up by Representative Davis.

On motion of Representative Davis, **HCS HB 168** was read the third time and passed by the following vote:

AYES: 152

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Burlison	Burns	Butler	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Dohrman	Dugger	Dunn	Ellinger	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Gannon	Gardner
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeier	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Montecillo	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Parkinson	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 85	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	Walton Gray	Webb	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Brown	Carpenter	Diehl	Funderburk	Hampton
McKenna	Molendorp	Smith 120	Swearingen	

VACANCIES: 002

Speaker Jones declared the bill passed.

HCS HBs 446 & 211, relating to real estate loans, was taken up by Representative Cox.

Representative Parkinson assumed the Chair.

On motion of Representative Cox, **HCS HBs 446 & 211** was read the third time and passed by the following vote:

AYES: 130

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Burlison	Carpenter	Cierpiot	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Dohrman	Dugger	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Koenig	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	Mayfield	McCaherty	McCann Beatty	McGaugh
Messenger	Miller	Mims	Morgan	Morris
Muntzel	Neely	Neth	Nichols	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 024

Burns	Butler	Colona	Curtis	Dunn
Ellinger	Ellington	Gardner	Kirkton	May
McDonald	McNeil	Meredith	Mitten	Montecillo
Newman	Norr	Otto	Pace	Pierson
Schupp	Smith 85	Walton Gray	Webb	

PRESENT: 000

ABSENT WITH LEAVE: 007

Brown	Diehl	Hampton	McKenna	McManus
Molendorp	Smith 120			

VACANCIES: 002

Representative Parkinson declared the bill passed.

HCS HB 315, relating to prescription eye drop refills, was taken up by Representative Rowland.

On motion of Representative Rowland, **HCS HB 315** was read the third time and passed by the following vote:

AYES: 149

Allen	Anders	Anderson	Austin	Barnes
Bernskoetter	Berry	Black	Brattin	Burns
Butler	Carpenter	Cierpiot	Colona	Conway 104
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtis	Curtman	Davis	Dohrman
Dugger	Dunn	Ellinger	Ellington	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Gannon	Gardner	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Kolkmeier
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Montecillo	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Parkinson
Pfautsch	Phillips	Pierson	Pike	Pogue
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 85
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 004

Bahr	Burlison	Koenig	Marshall
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PRESENT: 000

ABSENT WITH LEAVE: 008

Brown	Diehl	Funderburk	Hampton	McKenna
Molendorp	Redmon	Smith 120		

VACANCIES: 002

Representative Parkinson declared the bill passed.

HCS HB 46, relating to the Preserving Freedom from Unwarranted Surveillance Act, was taken up by Representative Guernsey.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 096

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Fowler	Fraker	Franklin	Gannon	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	McCaherty	McGaugh	Messenger
Miller	Morris	Muntzel	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	Marshall	May
Mayfield	McCann Beatty	McDonald	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 013

Brown	Diehl	Flanigan	Frederick	Funderburk
Grisamore	Hampton	McKenna	Molendorp	Neely
Redmon	Smith 120	Stream		

VACANCIES: 002

On motion of Representative Guernsey, **HCS HB 46** was read the third time and passed by the following vote:

AYES: 087

Allen	Anderson	Bahr	Barnes	Bernskoetter
Berry	Brattin	Burlison	Cierpiot	Conway 104
Cookson	Cornejo	Crawford	Curtman	Davis
Dohrman	Dugger	Ellington	Elmer	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fraker	Franklin
Frederick	Funderburk	Gatschenberger	Gosen	Guernsey
Haefner	Hansen	Hicks	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Leara	Lichtenegger	Love
Lynch	McGaugh	Messenger	Morris	Muntzel
Neth	Parkinson	Pfautsch	Pike	Pogue
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowland	Scharnhorst	Schatz
Schieffer	Shull	Shumake	Smith 85	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 066

Anders	Austin	Black	Burns	Butler
Carpenter	Colona	Conway 10	Cox	Cross
Curtis	Dunn	Ellinger	Engler	English
Englund	Fowler	Frame	Gannon	Gardner
Haahr	Harris	Higdon	Hodges	Hubbard
Hummel	Justus	Kelly 45	Kirkton	Kratky
LaFaver	Lauer	Marshall	May	Mayfield
McCaherty	McCann Beatty	McDonald	McManus	McNeil
Meredith	Miller	Mims	Mitten	Montecillo
Morgan	Neely	Newman	Nichols	Norr
Otto	Pace	Phillips	Pierson	Rizzo
Roorda	Rowden	Runions	Schieber	Schupp
Swearingen	Walton Gray	Webb	Webber	White
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 008

Brown	Diehl	Grisamore	Hampton	McKenna
Molendorp	Redmon	Smith 120		

VACANCIES: 002

Representative Parkinson declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 000

NOES: 147

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Crawford	Cross	Curtis	Curtman	Davis
Dohrman	Dugger	Dunn	Ellinger	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gardner
Gatschenberger	Gosen	Guernsey	Haahr	Haefner
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Montecillo
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Parkinson	Pfautsch	Phillips	Pierson	Pike
Pogue	Rehder	Reiboldt	Remole	Rhoads
Richardson	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 85	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Walker	Walton Gray	Webb	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

PRESENT: 001

Cox

ABSENT WITH LEAVE: 013

Brown	Diehl	Flanigan	Grisamore	Hampton
Jones 50	McKenna	Molendorp	Redmon	Riddle
Scharnhorst	Smith 120	Torpey		

VACANCIES: 002

REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

The following House Concurrent Resolutions were referred to the Committee indicated:

- HCR 8** - General Laws
- HCR 32** - Utilities
- HCR 33** - General Laws
- HCR 34** - Emerging Issues in Agriculture
- HCR 35** - Rules

REFERRAL OF HOUSE JOINT RESOLUTION

The following House Joint Resolution was referred to the Committee indicated:

- HJR 35** - General Laws

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

- HB 140** - Local Government
- HB 461** - Crime Prevention and Public Safety
- HB 606** - Judiciary
- HB 612** - Local Government
- HB 613** - Health Care Policy
- HB 693** - Transportation
- HB 750** - Health Insurance
- HB 762** - Professional Registration and Licensing
- HB 764** - Local Government
- HB 811** - Small Business
- HB 821** - Elementary and Secondary Education
- HB 834** - Children, Families, and Persons with Disabilities
- HB 835** - Tourism and Natural Resources
- HB 844** - Utilities
- HB 856** - Health Care Policy
- HB 863** - Downsizing State Government
- HB 872** - General Laws
- HB 897** - Retirement
- HB 911** - Children, Families, and Persons with Disabilities
- HB 912** - General Laws
- HB 913** - Children, Families, and Persons with Disabilities
- HB 915** - General Laws
- HB 917** - Ways and Means
- HB 921** - Economic Development
- HB 923** - General Laws
- HB 925** - Special Standing Committee on Emerging Issues in Health Care
- HB 926** - Special Standing Committee on Emerging Issues in Health Care

HB 928 - Elementary and Secondary Education
HB 929 - Health Care Policy
HB 930 - Budget
HB 931 - General Laws
HB 932 - Local Government
HB 936 - Special Standing Committee on Emerging Issues in Health Care
HB 942 - Elementary and Secondary Education
HB 944 - Tourism and Natural Resources
HB 962 - Emerging Issues in Agriculture
HB 963 - Agri-Business
HB 964 - Agriculture Policy
HB 968 - Children, Families, and Persons with Disabilities
HB 975 - General Laws
HB 985 - Government Oversight and Accountability
HB 986 - Government Oversight and Accountability
HB 987 - Government Oversight and Accountability
HB 988 - Government Oversight and Accountability
HB 991 - Crime Prevention and Public Safety
HB 992 - Crime Prevention and Public Safety
HB 1017 - Transportation

RE-REFERRAL OF SENATE BILL

The following Senate Bill was re-referred to the Committee indicated:

SB 59 - Insurance Policy

COMMITTEE REPORTS

Committee on Agri-Business, Chairman Guernsey reporting:

Mr. Speaker: Your Committee on Agri-Business, to which was referred **HB 881**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Agriculture Policy, Chairman Reiboldt reporting:

Mr. Speaker: Your Committee on Agriculture Policy, to which was referred **SB 16**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Downsizing State Government, Chairman Curtman reporting:

Mr. Speaker: Your Committee on Downsizing State Government, to which was referred **HB 859**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on General Laws, Chairman Jones (50) reporting:

Mr. Speaker: Your Committee on General Laws, to which was referred **HJR 26**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on General Laws, to which was referred **HB 543**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on General Laws, to which was referred **HB 795**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Government Oversight and Accountability, Chairman Barnes reporting:

Mr. Speaker: Your Committee on Government Oversight and Accountability, to which was referred **HB 700**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Health Care Policy, Chairman Frederick reporting:

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **HCR 15**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **HB 185**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Special Standing Committee on Emerging Issues in Health Care, Chairman Richardson reporting:

Mr. Speaker: Your Special Standing Committee on Emerging Issues in Health Care, to which was referred **HB 593** and **HB 695**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Special Standing Committee on Urban Issues, Chairman Hubbard reporting:

Mr. Speaker: Your Special Standing Committee on Urban Issues, to which was referred **HB 285**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Veterans, Chairman Davis reporting:

Mr. Speaker: Your Committee on Veterans, to which was referred **HB 309** and **HB 73**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Riddle reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HJR 14**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 161**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 175**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 326**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 398**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HBs 404 & 614**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HBs 455 & 297**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 458**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 621**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS#2 HB 631**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 698**, begs leave to report it has examined the same and recommends that it **Be Returned to the Committee of Origin as HB 698**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 756**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 787**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 813**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 850**, begs leave to report it has examined the same and recommends that it **Do Pass**.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SJR 14**, entitled:

Joint resolution submitting to the qualified voters of Missouri, an amendment repealing section 23 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the right of Missouri citizens to keep and bear arms.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 2**, entitled:

An act to repeal sections 116.030, 116.040, 116.080, 116.090, 116.190, 116.332, and 116.334, RSMo, and to enact in lieu thereof nine new sections relating to initiative and referendum petitions, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 83**, entitled:

An act to repeal sections 52.250, 67.457, 67.463, 67.469, 67.1521, 139.160, 139.170, 140.050, 140.150, 140.160, 140.230, 140.290, 140.405, 140.460, 140.470, 140.665, and 140.730, RSMo, and to enact in lieu thereof eighteen new sections relating to procedures for collecting local government funds.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 126**, entitled:

An act to amend chapter 338, RSMo, by adding thereto one new section relating to pharmacy inventories.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 142**, entitled:

An act to repeal section 351.210, RSMo, and to enact in lieu thereof one new section relating to the distribution of paid-in surplus.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 229**, entitled:

An act to repeal section 630.170, RSMo, and to enact in lieu thereof one new section relating to the mental health employment disqualification registry.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 242**, entitled:

An act to repeal section 171.181, RSMo, and to enact in lieu thereof one new section relating to the sale or provision of certain commodities to seven director school districts, with existing penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 254**, entitled:

An act to repeal section 408.140, RSMo, and to enact in lieu thereof one new section relating to loan fees.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 258**, entitled:

An act to repeal sections 162.459, 162.471, and 162.492, RSMo, and to enact in lieu thereof three new sections relating to the board of directors of the Kansas City school district.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 261**, entitled:

An act to repeal section 138.431, RSMo, and to enact in lieu thereof one new section relating to the assignment of hearing officers by the state tax commission.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 265**, entitled:

An act to amend chapter 1, RSMo, by adding thereto one new section relating to prohibition on certain policies that infringe on private property rights.

In which the concurrence of the House is respectfully requested.

COMMUNICATION

April 4, 2013

The Honorable Timothy W. Jones, Speaker
Missouri House of Representatives
201 West Capitol Avenue, Room 308
Jefferson City, Missouri 65101

Dear Mr. Speaker:

Pursuant to Rule 25(1)(e), your Committee on Administration and Accounts approved the following Issue Development Standing Committees on April 4, 2013:

- 1) Freshman Bipartisan Issue Development Standing Committee
- 2) Issue Development Standing Committee on Missouri Health Care
- 3) Issue Development Standing Committee on Cowboy Caucus on Agricultural Issues
- 4) Issue Development Standing Committee on Disadvantaged Communities

Please publish this letter in the Journal of the House, along with the attached roster of appointed members.

Sincerely,

/s/ Dwight Scharnhorst
Administration and Accounts, Chair
District 98

COMMITTEE APPOINTMENTS

FRESHMAN BIPARTISAN ISSUE DEVELOPMENT STANDING COMMITTEE

Courtney Curtis, Chair
Ron Hicks, Vice-Chair
Bill Otto
Susan Meredith
Kimberly Gardner
Michael Butler
Gina Mitten
Bob Burns
Vicki Englund
Jeff Roorda
T.J. McKenna
Joe Don McGaugh
Caleb Rowden
John Wright
Dave Muntzel
Dean Dohrman
Glen Kolkmeier
David Wood
Keith English
Tim Remole
Ken Wilson
Jon Carpenter
John Mayfield
Bonnaye Mims

Joe Runions
Kathy Swan
Holly Rehder
Shawn Rhoads
Scott Fitzpatrick
Rocky Miller
Lynn Morris

ISSUE DEVELOPMENT STANDING COMMITTEE ON MISSOURI HEALTH CARE

Sue Allen, Chair
Diane Franklin, Vice-Chair
Donna Lichtenegger
Kathie Conway
Keith Frederick
David Wood
Jim Neely
Lynn Morris
Sue Entlicher
Marsha Haefner
Nick Marshall

ISSUE DEVELOPMENT STANDING COMMITTEE ON COWBOY CAUCUS ON AGRICULTURAL ISSUES

Doug Funderburk, Chair
Galen Higdon, Vice-Chair
Tim Jones
Chrissy Sommer
Wanda Brown
Linda Black
Sheila Solon
Kurt Bahr
Bill Lant
Warren Love
Eric Burlison
Ron Hicks
Jeanie Riddle
Tony Dugger
Casey Guernsey
Sonya Anderson
Mike Kelley
Robert Ross
Tom Hurst
Chuck Gatschenberger
T.J. Berry
Mike Cierpiot
Denny Hoskins
Rocky Miller
Bryan Spencer
Ed Schieffer
Pat Conway
David Wood
Joe Don McGaugh
Jim Neely

ISSUE DEVELOPMENT STANDING COMMITTEE ON DISADVANTAGED COMMUNITIES

Brandon Ellington, Chair
Clem Smith, Vice-Chair
Michael Butler
Courtney Curtis
Randy Dunn
Kimberly Gardner
Karla May
Bonnaye Mims
Sharon Pace
Rochelle Walton Gray

ADJOURNMENT

On motion of Representative Cierpiot, the House adjourned until 4:00 p.m., Monday, April 8, 2013.

CORRECTION TO THE HOUSE JOURNAL

AFFIDAVIT

I, State Representative Jeff Pogue, District 143, hereby state and affirm that my vote to third read and pass House Committee Substitute for House Bill 169 as recorded on Page 950 of the Journal of the House for the forty-fifth day, Wednesday, April 3, 2013, was incorrectly recorded as Absent With Leave. Pursuant to House Rule 89, I ask that the Journal be corrected to show that I was in the chamber at the time the vote was taken, I did in fact vote, my vote was incorrectly recorded, and should have been recorded as Nay.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 4th day of April, 2013.

/s/ Jeff Pogue
State Representative

State of Missouri)
) ss.
Signed in County of Cole)
Notary Commissioned in County of Miller)

Subscribed and sworn to before me this 4th day of April in the year 2013.

/s/ Megan Limbach
Notary Public

COMMITTEE HEARINGS

AGRI-BUSINESS

Tuesday, April 9, 2013, 8:00 AM House Hearing Room 4.

Public hearing will be held: HB 819, HB 963, SCS SB 9, SB 51

Executive session may be held on any matter referred to the committee.

AGRICULTURE POLICY

Tuesday, April 9, 2013, 12:00 PM House Hearing Room 6.

Public hearing will be held: SB 329, HB 927, HB 891

Executive session may be held on any matter referred to the committee.

BUDGET

Tuesday, April 9, 2013, Upon Morning Recess House Hearing Room 3.

Public hearing will be held: HB 17, HB 18, HB 19, SB 350

Executive session will be held: SB 350

Executive session may be held on any matter referred to the committee.

CHILDREN, FAMILIES, AND PERSONS WITH DISABILITIES

Tuesday, April 9, 2013, 12:00 PM or Upon Adjournment House Hearing Room 1.

Public hearing will be held: SB 208

Executive session may be held on any matter referred to the committee.

CRIME PREVENTION AND PUBLIC SAFETY

Tuesday, April 9, 2013, 8:00 AM House Hearing Room 3.

Public hearing will be held: HB 992, HB 461, SCS SB 224, SB 236

Executive session will be held: HB 776, HB 653

Executive session may be held on any matter referred to the committee.

ELECTIONS

Tuesday, April 9, 2013, 8:15 AM House Hearing Room 5.

Public hearing will be held: HJR 32, SB 90, SS SCS SB 116

Executive session may be held on any matter referred to the committee.

GOVERNMENT OVERSIGHT AND ACCOUNTABILITY

Monday, April 8, 2013, 12:00 PM House Hearing Room 7.

Public hearing will be held: HB 804, HB 809, HB 620, HB 803, HB 985, HB 986, HB 987, HB 988

Executive session will be held: HB 781

Executive session may be held on any matter referred to the committee.

HEALTH CARE POLICY

Wednesday, April 10, 2013, Upon Morning Recess House Hearing Room 6.

Public hearing will be held: SB 197, SCS SCR 5, SB 230, SCS SB 88

Executive session may be held on any matter referred to the committee.

HEALTH INSURANCE

Tuesday, April 9, 2013, 12:00 PM House Hearing Room 5.

Public hearing will be held: SCS SB 147, HB 750

Executive session may be held on any matter referred to the committee.

HIGHER EDUCATION

Tuesday, April 9, 2013, 8:00 AM House Hearing Room 6.

Public hearing will be held: SCS SB 17, HB 829, HB 879

Executive session will be held: HB 745, HB 746

Executive session may be held on any matter referred to the committee.

INSURANCE POLICY

Tuesday, April 9, 2013, Upon Afternoon Adjournment House Hearing Room 5.

Public hearing will be held: SCS SB 324, SB 59, SB 60, HB 735, HB 338

Executive session will be held: HB 481, HB 610, HB 52, HB 654

Executive session may be held on any matter referred to the committee.

If we break for dinner during session the hearing will be held and dinner provided to the committee members.

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Tuesday, April 9, 2013, 8:30 AM House Hearing Room 7.

Quarterly business meeting

Some portions of the meeting may be closed pursuant to Section 610.021

ORAL HEALTH ISSUE DEVELOPMENT COMMITTEE

Monday, April 8, 2013, 5:30 PM or Upon Adjournment House Hearing Room 4.

Information regarding MO HealthNet dental services; Department of Health and Senior Services regional dental services; and MO Mission of Mercy-free dental services for the underserved and uninsured

RETIREMENT

Thursday, April 11, 2013, 9:00 AM House Hearing Room 1.

Public hearing will be held: HB 897

Executive session will be held: HB 861, HB 737

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON URBAN ISSUES

Monday, April 8, 2013, 5:00 PM or Upon Afternoon Adjournment if after 5:00 PM House Hearing Room 5.

Public hearing will be held: HB 236, HB 441, HB 726

Executive session may be held on any matter referred to the committee.

TRANSPORTATION

Tuesday, April 9, 2013, 12:00 PM House Hearing Room 7.

Public hearing will be held: HB 869, HB 888, HB 1017, HB 885, HB 725, HB 693

Executive session may be held on any matter referred to the committee.

VETERANS

Tuesday, April 9, 2013, 9:00 AM House Hearing Room 1.

Public hearing will be held: SCS SB 186

Executive session will be held: SCS SB 186

Executive session may be held on any matter referred to the committee.

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Wednesday, April 10, 2013, 8:00 AM House Hearing Room 5.

Public hearing will be held: SS SB 28, HB 430

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

FORTY-SEVENTH DAY, MONDAY, APRIL 8, 2013

HOUSE BILLS FOR PERFECTION

- 1 HB 227 - Zerr
- 2 HB 423 - Zerr
- 3 HB 578, as amended - Funderburk
- 4 HCS HB 30 - Scharnhorst
- 5 HB 47 - Cross
- 6 HCS HB 137 - Hinson
- 7 HB 217 - Cox
- 8 HCS HB 221 - Leara
- 9 HB 253 - Berry
- 10 HB 400 - Riddle
- 11 HB 443 - Hubbard
- 12 HCS HB 343 - Guernsey
- 13 HCS HB 470 - Barnes
- 14 HCS HB 215 - Cox
- 15 HB 42 - Rowland
- 16 HB 103 - Kelley (127)
- 17 HCS#2 HB 178 - Koenig
- 18 HCS HB 197 - Lauer
- 19 HB 322 - Gosen
- 20 HCS HB 468 - Higdon
- 21 HCS HB 505 - Haefner
- 22 HCS HB 701 - Molendorp
- 23 HCS HB 335 - Hinson
- 24 HCS HB 114 - McCaherty
- 25 HCS HB 194 - Diehl
- 26 HB 218 - Cox
- 27 HB 255 - Torpey
- 28 HCS HB 345 - Cierpiot
- 29 HCS HBs 373 & 435 - Elmer
- 30 HCS HBs 374 & 434 - Elmer

31 HCS HB 389 - Engler
32 HB 526 - Franklin
33 HB 533 - Riddle
34 HCS HB 722 - Leara
35 HB 148 - Davis
36 HB 510 - Torpey
37 HCS HB 28 - Lichtenegger
38 HCS HB 257 - Frederick
39 HCS HB 418 - Neth
40 HCS HB 850 - McCaherty
41 HCS HB 813 - Torpey
42 HCS HB 787 - Richardson
43 HB 756 - Hubbard
44 HCS HB 621 - McCaherty
45 HCS HB 458 - Scharnhorst
46 HCS HBs 455 & 297 - Koenig
47 HCS HBs 404 & 614 - Conway (104)
48 HB 326 - Fitzwater
49 HCS#2 HB 631 - Elmer

HOUSE BILLS FOR THIRD READING

1 HB 201 - Torpey
2 HCS HBs 521 & 579, (Fiscal Review 3/27/13) - Koenig
3 HCS HB 134 - Allen

SENATE JOINT RESOLUTIONS FOR SECOND READING

SCS SJR 14

SENATE BILLS FOR SECOND READING

1 SCS SB 2
2 SS SCS SB 83
3 SCS SB 126
4 SB 142
5 SCS SB 229
6 SB 242
7 SCS SB 254
8 SCS SB 258
9 SB 261
10 SB 265

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 11 - Walton Gray
- 2 HCR 28 - Lynch
- 3 HCR 25 - Allen
- 4 HCR 10 - Walton Gray

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

FORTY-SEVENTH DAY, MONDAY, APRIL 8, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Representative Doug Funderburk.

Father, we come before You to claim Your promise in *2 Chronicles 7:14*:

If My people, who are called by My name shall humble themselves, pray, and seek My face and turn from their wicked ways, then will I hear from heaven, forgive their sin, and heal their land.

Father of Abraham, Isaac and Jacob, we are Your people, called by Your name. Thank You for hearing our prayers and moving by Your Spirit in our land.

There are disasters and violence occurring throughout this nation. Men's hearts are failing them because of fear.

Father, we humble ourselves before You. Search us, O God, and know our hearts; try us, and know our thoughts. See if there is any wicked way in us, and lead us in the way everlasting.

Touch our lips with coals from Your altar that we may pray prayers that avail much for all men and women everywhere.

Lord, we desire that You release rivers of living water for the healing of our land.

In the name of Jesus, Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Molly French.

The Journal of the forty-sixth day was approved as corrected by the following vote:

AYES: 143

Allen	Anders	Anderson	Austin	Bahr
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gardner

Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeier
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Montecillo	Morgan	Morris	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Parkinson	Pfautsch	Phillips	Pierson	Pike
Pogue	Redmon	Reiboldt	Rhoads	Richardson
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schieber	Schieffer	Schupp
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Walker	Walton Gray
Webb	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 001

Ellington

PRESENT: 000

ABSENT WITH LEAVE: 017

Barnes	Colona	Curtman	Hoskins	Hough
Keeney	Molendorp	Muntzel	Rehder	Remole
Riddle	Schatz	Smith 85	Smith 120	Swearingen
Torpey	Webber			

VACANCIES: 002

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1329 through House Resolution No. 1352

SECOND READING OF SENATE JOINT RESOLUTION

SCS SJR 14 was read the second time.

SECOND READING OF SENATE BILLS

SCS SB 2, SS SCS SB 83, SCS SB 126, SB 142, SCS SB 229, SB 242, SCS SB 254, SCS SB 258, SB 261 and SB 265 were read the second time.

PERFECTION OF HOUSE BILLS

HB 443, relating to visitation rights of children with incarcerated parents, was taken up by Representative Hubbard.

On motion of Representative Hubbard, **HB 443** was ordered perfected and printed.

HB 42, relating to private property rights, was taken up by Representative Rowland.

On motion of Representative Rowland, **HB 42** was ordered perfected and printed by the following vote:

AYES: 110

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Cierpiot	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	English	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Hinson	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	Mayfield	McCaherty	McGaugh
Messenger	Miller	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Roorda	Ross
Rowden	Rowland	Scharnhorst	Schieber	Schieffer
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 040

Anders	Burns	Butler	Carpenter	Curtis
Dunn	Ellington	Englund	Gardner	Hodges
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Pierson	Rizzo	Runions
Schupp	Smith 85	Walton Gray	Webb	Wright

PRESENT: 000

ABSENT WITH LEAVE: 011

Colona	Ellinger	Higdon	Hoskins	Keeney
Molendorp	Schatz	Smith 120	Swearingen	Torpey
Webber				

VACANCIES: 002

HOUSE CONCURRENT RESOLUTIONS

HCR 28, relating to Fort Leonard Wood, was taken up by Representative Lynch.

On motion of Representative Lynch, **HCR 28** was adopted by the following vote:

AYES: 148

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Hodges	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Justus	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	May	Mayfield	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Montecillo	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Parkinson	Pfautsch	Phillips	Pierson
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schieber	Schieffer	Schupp	Shull
Shumake	Smith 85	Solon	Sommer	Spencer
Stream	Swan	Thomson	Walker	Walton Gray
Webb	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 013

Colona	Higdon	Hinson	Hoskins	Jones 50
Keeney	McCaherty	Molendorp	Schatz	Smith 120
Swearingen	Torpey	Webber		

VACANCIES: 002

HCR 25, relating to the establishment of the Joint Interim Committee on St. Louis Metropolitan Statistical Area Governance and Taxation, was taken up by Representative Allen.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 101

Allen	Anderson	Bahr	Barnes	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 048

Anders	Black	Burns	Butler	Carpenter
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Walton Gray	Webb	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 012

Austin	Colona	Grisamore	Hoskins	Keeney
Kelly 45	Molendorp	Schatz	Smith 120	Swearingen
Torpey	Webber			

VACANCIES: 002

On motion of Representative Allen, **HCR 25** was adopted.

HCR 10, relating to the designation of “Donate Life Month,” was taken up by Representative Walton Gray.

On motion of Representative Walton Gray, **HCR 10** was adopted.

REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

HB 443 - Fiscal Review

COMMITTEE REPORTS

Committee on Crime Prevention and Public Safety, Chairman Hinson reporting:

Mr. Speaker: Your Committee on Crime Prevention and Public Safety, to which was referred **SB 216**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Professional Registration and Licensing, Chairman Burlison reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 314**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Retirement, Chairman Leara reporting:

Mr. Speaker: Your Committee on Retirement, to which was referred **SCS SB 86**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Riddle reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 589**, begs leave to report it has examined the same and recommends that it **Do Pass**.

The following member's presence was noted: Schatz.

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Tuesday, April 9, 2013.

CORRECTION TO THE HOUSE JOURNAL

Correct House Journal, Forty-sixth Day, Thursday, April 4, 2013, Page 965, Line 23, by inserting before the words “Small Business”, the words “Special Standing Committee on”.

COMMITTEE HEARINGS

AGRI-BUSINESS

Tuesday, April 9, 2013, 8:00 AM House Hearing Room 4.

Public hearing will be held: HB 819, HB 963, SCS SB 9, SB 51

Executive session may be held on any matter referred to the committee.

AGRICULTURE POLICY

Tuesday, April 9, 2013, 12:00 PM House Hearing Room 6.

Public hearing will be held: SB 329, HB 927, HB 891

Executive session may be held on any matter referred to the committee.

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Thursday, April 11, 2013, 8:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Discussion of potential DD staff reorganization within Department of Mental Health.

Public testimony welcome regarding Fiscal Year 2012 single state audit results.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, April 16, 2013, 2:00 PM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

We will look at last audit with the Department of Corrections 2009, focusing on Canteen Program.

BUDGET

Tuesday, April 9, 2013, Upon Morning Recess House Hearing Room 3.

Public hearing will be held: HB 17, HB 18, HB 19, SB 350

Executive session will be held: SB 350

Executive session may be held on any matter referred to the committee.

CHILDREN, FAMILIES, AND PERSONS WITH DISABILITIES

Tuesday, April 9, 2013, 12:00 PM or Upon Adjournment House Hearing Room 1.

Public hearing will be held: SB 208, HB 834, HB 911, HB 913, HB 968

Executive session may be held on any matter referred to the committee.

AMENDED

CRIME PREVENTION AND PUBLIC SAFETY

Tuesday, April 9, 2013, 8:00 AM House Hearing Room 3.

Public hearing will be held: HB 992, HB 461, SCS SB 224, SB 236

Executive session will be held: HB 776, HB 653

Executive session may be held on any matter referred to the committee.

ECONOMIC DEVELOPMENT

Tuesday, April 9, 2013, 5:00 PM House Hearing Room 3.

Public hearing will be held: HB 914

Executive session will be held: HCS HB 698, HB 484

Executive session may be held on any matter referred to the committee.

ELECTIONS

Tuesday, April 9, 2013, 8:15 AM House Hearing Room 5.

Public hearing will be held: HJR 32, SB 90, SS SCS SB 116

Executive session may be held on any matter referred to the committee.

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, April 10, 2013, 8:00 AM House Hearing Room 6.

Public hearing will be held: SS SCS SB 125, HB 596, HB 821, HB 603

Executive session may be held on any matter referred to the committee.

8:00 - 8:15 AM presentation

EMERGING ISSUES IN AGRICULTURE

Wednesday, April 10, 2013, 9:00 AM House Hearing Room 1.

Public hearing will be held: HB 962, HCR 34

Executive session may be held on any matter referred to the committee.

CORRECTED

FINANCIAL INSTITUTIONS

Wednesday, April 10, 2013, 12:00 PM House Hearing Room 4.

Public hearing will be held: SB 235

Executive session will be held: SB 235

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Wednesday, April 10, 2013, 8:30 AM South Gallery.

Executive session may be held on any matter referred to the committee.

GENERAL LAWS

Tuesday, April 9, 2013, 12:10 PM House Hearing Room 4.

Public hearing will be held: SB 102, SS SCS SB 114, SS SCS SB 121, SCS SB 157, HB 931, HB 411

Executive session will be held: HB 436

Executive session may be held on any matter referred to the committee.

CORRECTED

HEALTH CARE POLICY

Wednesday, April 10, 2013, Upon Morning Recess House Hearing Room 6.

Public hearing will be held: SB 197, SCS SCR 5, SB 230, SCS SB 88

Executive session may be held on any matter referred to the committee.

HEALTH INSURANCE

Tuesday, April 9, 2013, 12:00 PM House Hearing Room 5.

Public hearing will be held: SCS SB 147, HB 750

Executive session may be held on any matter referred to the committee.

HIGHER EDUCATION

Tuesday, April 9, 2013, 8:00 AM House Hearing Room 6.

Public hearing will be held: SCS SB 17, HB 829, HB 879

Executive session will be held: HB 745, HB 746

Executive session may be held on any matter referred to the committee.

INSURANCE POLICY

Tuesday, April 9, 2013, Upon Afternoon Adjournment House Hearing Room 5.

Public hearing will be held: SCS SB 324, SB 59, SB 60, HB 735, HB 338

Executive session will be held: HB 481, HB 610, HB 52, HB 654

Executive session may be held on any matter referred to the committee.

If we break for dinner during session the hearing will be held and dinner provided to the committee members.

ISSUE DEVELOPMENT STANDING COMMITTEE ON MISSOURI HEALTH CARE

Tuesday, April 9, 2013, 4:00 PM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

Organizational hearing

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Tuesday, April 9, 2013, 8:30 AM House Hearing Room 7.

Quarterly business meeting

Some portions of the meeting may be closed pursuant to Section 610.021

JUDICIARY

Wednesday, April 10, 2013, 12:00 PM or Upon Morning Recess (whichever is earlier) House Hearing Room 1.

Public hearing will be held: SB 41, SB 222, HB 121, HB 552, HB 757, HB 862

Executive session will be held: HB 447, HB 480, HB 541, HB 831

Executive session may be held on any matter referred to the committee.

LOCAL GOVERNMENT

Thursday, April 11, 2013, 8:00 AM House Hearing Room 5.

Public hearing will be held: HB 140, HB 764, HB 932

Executive session may be held on any matter referred to the committee.

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, April 10, 2013, 12:00 PM House Hearing Room 5.

Public hearing will be held: HB 504, HB 854, SB 80, SB 234, SB 306

Executive session may be held on any matter referred to the committee.

RETIREMENT

Thursday, April 11, 2013, 9:00 AM House Hearing Room 1.

Executive session will be held: HB 861, HB 737

Executive session may be held on any matter referred to the committee.

AMENDED

RULES

Tuesday, April 9, 2013, Upon Evening Adjournment

516 S Country Club Drive, Jefferson City, MO 65109

RULES

Tuesday, April 9, 2013, 11:45 AM House Hearing Room 2.

Public hearing will be held: HCR 35

Executive session will be held: HCR 35

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON CORRECTIONS

Wednesday, April 10, 2013, 8:00 AM House Hearing Room 3.

Public hearing will be held: SB 188

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON SMALL BUSINESS

Wednesday, April 10, 2013, 12:00 PM or Upon Morning Adjournment House Hearing Room 7.

Public hearing will be held: HB 811

Executive session will be held: HB 642, HB 393

Executive session may be held on any matter referred to the committee.

TRANSPORTATION

Tuesday, April 9, 2013, 12:00 PM House Hearing Room 7.

Public hearing will be held: HB 869, HB 888, HB 1017, HB 885, HB 725, HB 693

Executive session may be held on any matter referred to the committee.

UTILITIES

Wednesday, April 10, 2013, 8:00 AM House Hearing Room 7.

Public hearing will be held: SS SCS SB 241, HB 437, SCS SB 240

Executive session may be held on any matter referred to the committee.

SB 240 is added to the hearing

AMENDED

VETERANS

Tuesday, April 9, 2013, 9:00 AM House Hearing Room 1.

Public hearing will be held: SCS SB 186

Executive session will be held: SCS SB 186

Executive session may be held on any matter referred to the committee.

WAYS AND MEANS

Tuesday, April 9, 2013, 5:00 PM House Hearing Room 1.

Public hearing will be held: HB 784, HB 824, HB 917, HB 410, HB 1035

Executive session will be held: HB 607, SS#2 SCS SBs 26, 11 & 31

Executive session may be held on any matter referred to the committee.

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Wednesday, April 10, 2013, 8:00 AM House Hearing Room 5.

Public hearing will be held: SS SB 28, HB 430

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

FORTY-EIGHTH DAY, TUESDAY, APRIL 9, 2013

HOUSE BILLS FOR PERFECTION

- 1 HB 227 - Zerr
- 2 HB 423 - Zerr
- 3 HB 578, as amended - Funderburk
- 4 HCS HB 30 - Scharnhorst
- 5 HB 47 - Cross
- 6 HCS HB 137 - Hinson
- 7 HB 217 - Cox
- 8 HCS HB 221 - Leara
- 9 HB 253 - Berry
- 10 HB 400 - Riddle
- 11 HCS HB 343 - Guernsey
- 12 HCS HB 470 - Barnes
- 13 HCS HB 215 - Cox
- 14 HB 103 - Kelley (127)
- 15 HCS#2 HB 178 - Koenig
- 16 HCS HB 197 - Lauer
- 17 HB 322 - Gosen
- 18 HCS HB 468 - Higdon
- 19 HCS HB 505 - Haefner
- 20 HCS HB 701 - Molendorp
- 21 HCS HB 335 - Hinson
- 22 HCS HB 114 - McCaherty
- 23 HCS HB 194 - Diehl
- 24 HB 218 - Cox

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- 25 HB 255 - Torpey
- 26 HCS HB 345 - Cierpiot
- 27 HCS HBs 373 & 435 - Elmer
- 28 HCS HBs 374 & 434 - Elmer
- 29 HCS HB 389 - Engler
- 30 HB 526 - Franklin
- 31 HB 533 - Riddle
- 32 HCS HB 722 - Leara
- 33 HB 148 - Davis
- 34 HB 510 - Torpey
- 35 HCS HB 28 - Lichtenegger
- 36 HCS HB 257 - Frederick
- 37 HCS HB 418 - Neth
- 38 HCS HB 850 - McCaherty
- 39 HCS HB 813 - Torpey
- 40 HCS HB 787 - Richardson
- 41 HB 756 - Hubbard
- 42 HCS HB 621 - McCaherty
- 43 HCS HB 458 - Scharnhorst
- 44 HCS HBs 455 & 297 - Koenig
- 45 HCS HBs 404 & 614 - Conway (104)
- 46 HB 326 - Fitzwater
- 47 HCS#2 HB 631 - Elmer
- 48 HB 242 - Ellington
- 49 HB 274 - Brattin
- 50 HCS HB 290 - Lichtenegger
- 51 HCS HB 351 - Frederick
- 52 HB 503 - McCaherty
- 53 HB 733 - Berry
- 54 HCS HB 589 - Hinson

HOUSE BILLS FOR THIRD READING

- 1 HB 201 - Torpey
- 2 HCS HBs 521 & 579, (Fiscal Review 3/27/13) - Koenig
- 3 HCS HB 134 - Allen

HOUSE CONCURRENT RESOLUTIONS

HCR 11 - Walton Gray

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

FORTY-EIGHTH DAY, TUESDAY, APRIL 9, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

He looked for a city which hath foundations, whose builder and maker is God. (Hebrews 11:10)

Almighty God, may the spirit of wisdom and compassion move our hearts and our hands as we wait upon You at the altar of prayer. Day after day we pray, night after night we lift our hearts to You, knowing that often our words are without wings and that at times we say what we do not mean. Yet in the midst of the pressure of persistent problems, may we feel the touch of Your healing hand, receive the guidance of Your wise providence and become one with You in the adventure of making Missouri a better place in which to live.

Purge our minds of all prejudice, cleanse our hearts of all cynicism, remove far from us all ill will, and make us builders of the bridges of understanding and good will, which span the differences between people and unite them in the shining endeavor to create a state in which righteousness reigns, peace prevails, and the welfare of all is the desire of every heart.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

Representative Entlicher introduced the Boys Quartet from the Agape Boarding School, who performed "God Bless America".

The Journal of the forty-seventh day was approved as printed.

HOUSE RESOLUTIONS

Representative Barnes offered House Resolution No. 1426.

Representative Bernskoetter offered House Resolution No. 1427.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1353 through House Resolution No. 1425

House Resolution No. 1428

PERFECTION OF HOUSE BILLS

HCS HB 30, relating to physical therapy services, was taken up by Representative Scharnhorst.

Representative Hoskins assumed the Chair.

On motion of Representative Scharnhorst, **HCS HB 30** was adopted.

On motion of Representative Scharnhorst, **HCS HB 30** was ordered perfected and printed.

HB 47, relating to the use of tanning devices, was taken up by Representative Cross.

Representative Frederick offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 47, Page 2, Section 577.665, Line 23, by deleting the words "**one hundred**" and inserting in lieu thereof the word "**fifty**"; and

Further amend said bill, page and section, Line 24, by deleting the words "**one thousand**" and insert in lieu thereof the words "**five hundred**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Frederick, **House Amendment No. 1** was adopted.

Representative Davis offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Bill No. 47, Page 1, Section 577.665, Lines 13 to 21, by deleting all of said lines and inserting in lieu thereof the following:

"3. The department of health and senior services shall require the use of the following standard form to be used by all tanning facilities operated in this state:

DL# _____ STATE _____
TANNING CONSULTANT _____
LOCATION _____

☐ New ☐ Renewal ☐ Replacement ☐ Transfer
CUSTOMER # _____
LOCATION: _____
EMPLOYEE/DATE: _____
Consent & Waiver Form

Please Print:

Name: _____ Home Phone: _____
Address: _____ Birthdate: __/__/__ DL#: _____
City: _____ State: _____ Zip: _____ E-mail Address: _____

Fill out this questionnaire to accurately determine your skin type. Circle the correct response and add up the points on the right.

	(0)	(1)	(2)	(3)	(4) Points
1. What is the color of your eyes?	Lt. blue, gray, or green	Blue, gray, or green	Blue	Dark brown	Brownish black =
2. What is the color of your hair?	Sandy red	Blond	Dark blond	Dark brown	Black =
3. What is the color of your untanned skin?	Reddish	Very Pale	Pale with beige tint	Light brown	Dark brown =
4. Are there freckles on your untanned skin?	Many	Several	Few	Incidental	None =
5. What happens when you stay in the sun too long?	Painful redness: peeling/blistering	Burns regularly with peeling	Burns sometimes with peeling	Burns rarely	Never burns =
6. To what degree do you turn brown?	Hardly or not at all brown	Tans a little	Tans reasonably	Tans very easily	Quickly turns brown =
7. Do you turn brown soon after tanning?	Never	Seldom	Sometimes	Often	Always =
8. How does your face react with the sun?	Very Sensitive	Sensitive	Normal	Very resistant	Never a problem =
9. When tanning, do you try to tan your whole body?	Never	Hardly ever	Sometimes	Often	Always =
10. When did you last tan (even under a sunlamp)?	More than 3 months ago	2-3 months ago	1-2 months ago	Less than a month ago	Less than 16 days ago =

Total Score	Skin Type	Skin Sensitivity	YOUR TOTAL =
0-7	I	Always burns, never tans	
8-16	II	Always burns, sometimes tans	
17-25	III	Sometimes burns, always tans	
>25	IV	Never burns, tans readily	

Please be advised that:

- (1) If under the age of 17, (Tanning Salon Name) requires that your parent or legal guardian read and sign a consent form before you can tan.
- (2) Failure to use eye protection may result in permanent damage to the eyes.
- (3) Overexposure to ultraviolet light causes burns.
- (4) Repeated exposure may result in premature aging of the skin and/or skin cancer.
- (5) Abnormal skin sensitivity or burning may be caused by a reaction of UV light to certain foods, cosmetics, or medications including: (a) tranquilizers; (b) diuretics; (c) antibiotics; (d) high blood pressure medicines; (e) birth control pills. *Any person taking a prescription or over-the-counter drug should consult a physician before using a tanning device.
- (6) Pregnant women should consult a physician before using a tanning device.
- (7) (Tanning Salon Name) and their employees shall not be held liable for the loss or theft of any personal property.

I agree to use protective eyewear in accordance with FDA regulations. YES, I _____ have read and understand the warning.

Customer Signature: X _____ Date: _____ / _____ / _____

FOR PARENT OR LEGAL GUARDIAN APPROVAL:

As a parent or legal guardian of a minor, I have read and understand the warning given by the facility. I consent to the minor's use of a tanning device, and agree that the minor will use the protective eyewear.

Parent Signature: X _____ Date: _____ / _____ / _____

Please remember that proper eyewear is required for all tanning."; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Crawford assumed the Chair.

Representative Davis moved that **House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 023

Bernskoetter	Berry	Brattin	Brown	Cierpiot
Cox	Cross	Davis	Franklin	Gannon
Grisamore	Hicks	Hoskins	Lauer	Lynch
Marshall	McCaherty	Pfautsch	Pike	Rowland
Schieber	Solon	Wilson		

NOES: 135

Allen	Anders	Anderson	Austin	Bahr
Barnes	Black	Burlison	Burns	Butler
Carpenter	Colona	Conway 10	Conway 104	Cookson
Cornejo	Crawford	Curtis	Curtman	Diehl
Dohrman	Dugger	Dunn	Ellinger	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Frederick	Funderburk	Gardner	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Higdon	Hinson	Hodges
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeyer	Korman	Kratky
LaFayer	Lair	Lant	Leara	Lichtenegger
Love	May	Mayfield	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Montecillo
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Parkinson	Phillips	Pierson	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Runions	Scharnhorst	Schatz	Schieffer	Schupp
Shull	Shumake	Smith 85	Smith 120	Sommer
Spencer	Stream	Swan	Swearingen	Thomson

Torpey	Walker	Walton Gray	Webb	White
Wieland	Wood	Wright	Zerr	Mr Speaker

PRESENT: 000

ABSENT WITH LEAVE: 003

Jones 50	Molendorp	Webber
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VACANCIES: 002

HB 47, as amended, was laid over.

On motion of Representative Diehl, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Representative Scharnhorst.

PERFECTION OF HOUSE BILLS

HB 47, as amended, relating to the use of tanning devices, was again taken up by Representative Cross.

Speaker Jones resumed the Chair.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 103

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Molendorp	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schieber	Shull	Shumake	Smith 120

Solon	Sommer	Spencer	Stream	Swan
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 007

Curtman	Fitzwater	Guernsey	Hodges	Reiboldt
Schatz	Thomson			

VACANCIES: 002

On motion of Representative Cross, **HB 47, as amended**, was ordered perfected and printed.

HCS HB 137, relating to implementation of federal programs, was taken up by Representative Hinson.

On motion of Representative Hinson, **HCS HB 137** was adopted.

On motion of Representative Hinson, **HCS HB 137** was ordered perfected and printed.

HB 217, relating to accountability of public funds, was taken up by Representative Cox.

Representative Parkinson offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 217, Page 2, Section 33.300, Line 5, by inserting after all of said section and line the following:

"34.378. 1. The state shall not enter into a contingency fee contract with a private attorney unless the attorney general makes a written determination prior to entering into such a contract that contingency fee representation is both cost effective and in the public interest. Any written determination shall include specific findings for each of the following factors:

- (1) Whether there exists sufficient and appropriate legal and financial resources within the attorney general's office to handle the matter;
- (2) The time and labor required; the novelty, complexity, and difficulty of the questions involved; and the skill requisite to perform the attorney services properly;
- (3) The geographic area where the attorney services are to be provided; and

(4) The amount of experience desired for the particular kind of attorney services to be provided and the nature of the private attorney's experience with similar issues or cases.

2. If the attorney general makes the determination described in subsection 1 of this section, the attorney general shall request written proposals from private attorneys to represent the state, unless the attorney general determines that requesting proposals is not feasible under the circumstances and sets forth the basis for this determination in writing. If a request for proposals is issued, the attorney general shall choose the lowest and best bid or request the office of administration establish an independent panel to evaluate the proposals and choose the lowest and best bid.

3. The state shall not enter into a contingency fee contract that provides for the private attorney to receive an aggregate contingency fee in excess of:

- (1) Twenty-five percent of any recovery up to ten million dollars; plus**
- (2) Twenty percent of any portion of such recovery between ten million one dollars and fifteen million dollars; plus**
- (3) Fifteen percent of any portion of such recovery between fifteen million one dollars and twenty million dollars; plus**
- (4) Ten percent of any portion of such recovery between twenty million one dollars and twenty-five million dollars; plus**
- (5) Five percent of any portion of such recovery in excess of twenty-five million dollars.**

4. The state shall not enter into a contract for contingency fee attorney services unless the following requirements are met throughout the contract period and any extensions to the contract:

- (1) The government attorneys shall retain complete control over the course and conduct of the case;
- (2) A government attorney with supervisory authority shall oversee the litigation;
- (3) The government attorneys shall retain veto power over any decisions made by outside counsel;
- (4) A government attorney with supervisory authority for the case shall attend all settlement conferences; and
- (5) Decisions regarding settlement of the case shall be reserved exclusively to the discretion of the attorney general.

[4.] **5.** The attorney general shall develop a standard addendum to every contract for contingent fee attorney services that shall be used in all cases, describing in detail what is expected of both the contracted private attorney and the state, including, without limitation, the requirements listed in subsection 3 of this section.

[5.] **6.** Copies of any executed contingency fee contract and the attorney general's written determination to enter into a contingency fee contract with the private attorney shall be posted on the attorney general's website for public inspection within five business days after the date the contract is executed and shall remain posted on the website for the duration of the contingency fee contract, including any extensions or amendments to the contract. Any payment of contingency fees shall be posted on the attorney general's website within fifteen days after the payment of such contingency fees to the private attorney and shall remain posted on the website for at least three hundred sixty-five days.

[6.] **7.** Any private attorney under contract to provide services to the state on a contingency fee basis shall, from the inception of the contract until at least four years after the contract expires or is terminated, maintain detailed current records, including documentation of all expenses, disbursements, charges, credits, underlying receipts and invoices, and other financial transactions that concern the provision of such attorney services. The private attorney shall maintain detailed contemporaneous time records for the attorneys and paralegal working on the matter in increments of no greater than one-tenth of an hour and shall promptly provide these records to the attorney general, upon request. Any request under chapter 610 for inspection and copying of such records shall be served upon and responded to by the attorney general's office.

[7.] **8.** By February first of each year, the attorney general shall submit a report to the president pro tem of the senate and the speaker of the house of representatives describing the use of contingency fee contracts with private attorneys in the preceding calendar year. At a minimum, the report shall:

- (1) Identify all new contingency fee contracts entered into during the year and all previously executed contingency fee contracts that remain current during any part of the year, and for each contract describe:
 - (a) The name of the private attorney with whom the department has contracted, including the name of the attorney's law firm;
 - (b) The nature and status of the legal matter;
 - (c) The name of the parties to the legal matter;
 - (d) The amount of any recovery; and
 - (e) The amount of any contingency fee paid;
- (2) Include copies of any written determinations made under subsections 1 and 2 of this section."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Parkinson, **House Amendment No. 1** was adopted.

On motion of Representative Cox, **HB 217, as amended**, was ordered perfected and printed.

HCS HB 470, relating to virtual schools, was taken up by Representative Barnes.

Representative Barnes offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 470, Page 2, Section 162.1250, Line 51, by deleting the word "**three**" and inserting in lieu thereof "**two and five hundredths**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Roorda offered **House Substitute Amendment No. 1 for House Amendment No. 1**.

*House Substitute Amendment No. 1
for
House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 470, Page 2, Section 162.1250, Line 51, by deleting the word "**three**" and and inserting in lieu thereof the words "**one and seventy-five hundredths**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Roorda, **House Substitute Amendment No. 1 for House Amendment No. 1** was adopted.

Representative Keeney assumed the Chair.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Allen	Anderson	Austin	Bahr	Barnes
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Molendorp	Morris	Muntzel	Neely

Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Smith 120	Solon	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Mr Speaker	

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 007

Bernskoetter	Franklin	Hodges	Korman	May
Sommer	Zerr			

VACANCIES: 002

On motion of Representative Barnes, **HCS HB 470, as amended**, was adopted.

On motion of Representative Barnes, **HCS HB 470, as amended**, was ordered perfected and printed.

HCS HB 215, relating to indigent defendants and restitution, was taken up by Representative Cox.

Representative Austin offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 215, Page 1, Section A, Line 4, by inserting after all of said section and line the following:

"56.807. 1. Beginning August 28, 1989, and continuing monthly thereafter until August 27, 2003, the funds for prosecuting attorneys and circuit attorneys provided for in subsection 2 of this section shall be paid from county or city funds.

2. Beginning August 28, 1989, and continuing monthly thereafter until August 27, 2003, each county treasurer shall pay to the system the following amounts to be drawn from the general revenues of the county:

(1) For counties of the third and fourth classification except as provided in subdivision (3) of this subsection, three hundred seventy-five dollars;

(2) For counties of the second classification, five hundred forty-one dollars and sixty-seven cents;

(3) For counties of the first classification, counties which pursuant to section 56.363 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, or whose county commission has elected a full-time retirement benefit pursuant to subsection 3 of section 56.363, and the city of St. Louis, one thousand two hundred ninety-one dollars and sixty-seven cents.

3. Beginning August 28, 1989, and continuing until August 27, 2003, the county treasurer shall at least monthly transmit the sums specified in subsection 2 of this section to the Missouri office of prosecution services for deposit to the credit of the "Missouri Prosecuting Attorneys and Circuit Attorneys' Retirement System Fund", which is hereby created. All moneys held by the state treasurer on behalf of the system shall be paid to the system within ninety days after August 28, 1993. Moneys in the Missouri prosecuting attorneys and circuit attorneys' retirement system fund shall be used only for the purposes provided in sections 56.800 to 56.840 and for no other purpose.

4. Beginning August 28, 2003, the funds for prosecuting attorneys and circuit attorneys provided for in this section shall be paid from county or city funds and the surcharge established in this section and collected as provided by this section and sections 488.010 to 488.020.

5. (1) Beginning August 28, 2003, each county treasurer shall pay to the system the following amounts to be drawn from the general revenues of the county:

[(1)] (a) For counties of the third and fourth classification except as provided in [subdivision (3)] **paragraph (c)** of this [subsection] **subdivision**, one hundred eighty-seven dollars;

[(2)] (b) For counties of the second classification, two hundred seventy-one dollars;

[(3)] (c) For counties of the first classification, counties which pursuant to section 56.363 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, or whose county commission has elected a full-time retirement benefit pursuant to subsection 3 of section 56.363, and the city of St. Louis, six hundred forty-six dollars.

(2) **Beginning August 28, 2013, the county contribution set forth in paragraphs (a) to (c) of subdivision (1) of this subsection shall be adjusted in accordance with the following schedule based upon the prosecuting attorneys and circuit attorneys' retirement system's annual actuarial valuation report. If the system's funding ratio is:**

(a) **One hundred twenty percent or more, no monthly sum shall be transmitted;**

(b) **More than one hundred ten percent but less than one hundred twenty percent, the monthly sum transmitted shall be reduced fifty percent;**

(c) **At least ninety percent and up to and including one hundred ten percent, the monthly sum transmitted shall remain the same;**

(d) **At least eighty percent and less than ninety percent, the monthly sum transmitted shall be increased fifty percent; and**

(e) **Less than eighty percent, the monthly sum transmitted shall be increased one hundred percent.**

6. Beginning August 28, 2003, the county treasurer shall at least monthly transmit the sums specified in subsection 5 of this section to the Missouri office of prosecution services for deposit to the credit of the Missouri prosecuting attorneys and circuit attorneys' retirement system fund. Moneys in the Missouri prosecuting attorneys and circuit attorneys' retirement system fund shall be used only for the purposes provided in sections 56.800 to 56.840, and for no other purpose.

7. Beginning August 28, 2003, the following surcharge for prosecuting attorneys and circuit attorneys shall be collected and paid as follows:

(1) There shall be assessed and collected a surcharge of four dollars in all criminal cases filed in the courts of this state including violation of any county ordinance [or] , any violation of criminal or traffic laws of this state, including infractions, **and against any person who pled guilty and paid a fine through a fine collection center**, but no such surcharge shall be assessed when the costs are waived or are to be paid by the state, county, or municipality or when a criminal proceeding or the defendant has been dismissed by the court [or against any person who has pled guilty and paid their fine pursuant to subsection 4 of section 476.385]. For purposes of this section, the term "county ordinance" shall include any ordinance of the city of St. Louis;

(2) The clerk responsible for collecting court costs in criminal cases shall collect and disburse such amounts as provided by sections 488.010 to 488.026. Such funds shall be payable to the prosecuting attorneys and circuit attorneys' retirement fund. Moneys credited to the prosecuting attorneys and circuit attorneys' retirement fund shall be used only for the purposes provided for in sections 56.800 to 56.840 and for no other purpose.

8. The board may accept gifts, donations, grants and bequests from private or public sources to the Missouri prosecuting attorneys and circuit attorneys' retirement system fund.

9. No state moneys shall be used to fund section 56.700 and sections 56.800 to 56.840 unless provided for by law.

488.026. As provided by section 56.807, there shall be assessed and collected a surcharge of four dollars in all criminal cases filed in the courts of this state, including violations of any county ordinance [or] , any violation of criminal or traffic laws of this state, including infractions, **or against any person who pled guilty and paid a fine through a fine collection center**, but no such surcharge shall be assessed when the costs are waived or are to be paid by the state, county, or municipality or when a criminal proceeding or the defendant has been dismissed by the court [or against any person who has pled guilty and paid their fine pursuant to subsection 4 of section 476.385]. For purposes of this section, the term "county ordinance" shall include any ordinance of the city of St. Louis. The clerk responsible for collecting court costs in criminal cases shall collect and disburse such amounts as provided by sections 488.010 to 488.020. Such funds shall be payable to the prosecuting attorneys and circuit attorneys' retirement fund."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Roorda raised a point of order that **House Amendment No. 1** goes beyond the scope of the bill.

Representative Keeney requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

On motion of Representative Austin, **House Amendment No. 1** was adopted.

Representative Cox offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 215, Page 2, Section 488.2250, Lines 37-38, by deleting all of said lines; and

Further amend said bill, Page 10, Section 600.052, Line 9, by deleting the word "**assistance**", and inserting in lieu thereof the word "**assurance**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Cox, **House Amendment No. 2** was adopted.

Representative Cox offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 215, Page 12, Section 600.090, Line 70, by inserting after all of said section and line the following:

"Section 1. The Department of Revenue shall not release the home address or any other information contained in the department's motor vehicle or driver registration records regarding any former judge, commissioner, or immediate family members of such person. The department shall permit the issuance of special license plates and driver's licenses to any former judge, or commissioner."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Roorda raised a point of order that **House Amendment No. 3** goes beyond the scope of the bill.

Representative Keeney requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

On motion of Representative Cox, **House Amendment No. 3** was adopted.

Representative Cox offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 215, Page 1, Section A, Line 4, by inserting after all of said line the following:

"43.518. 1. There is hereby established within the department of public safety a "Criminal Records and Justice Information Advisory Committee" whose purpose is to:

(1) Recommend general policies with respect to the philosophy, concept and operational principles of the Missouri criminal history record information system established by sections 43.500 to 43.530, in regard to the collection, processing, storage, dissemination and use of criminal history record information maintained by the central repository;

(2) Assess the current state of electronic justice information sharing; and

(3) Recommend policies and strategies, including standards and technology, for promoting electronic justice information sharing, and coordinating among the necessary agencies and institutions; and

(4) Provide guidance regarding the use of any state or federal funds appropriated for promoting electronic justice information sharing.

2. The committee shall be composed of the following officials or their designees: the director of the department of public safety; the director of the department of corrections and human resources; the attorney general; the director of the Missouri office of prosecution services; the president of the Missouri prosecutors association; the president of the Missouri court clerks association; the chief clerk of the Missouri state supreme court; the director of the state courts administrator; the chairman of the state judicial record committee; the chairman of the **joint legislative committee on court automation** [circuit court budget committee]; the presidents of the Missouri peace officers association; the Missouri sheriffs association; the Missouri police chiefs association or their successor agency; the superintendent of the Missouri highway patrol; the chiefs of police of agencies in jurisdictions with over two hundred thousand population; except that, in any county of the first class having a charter form of government, the chief executive of the county may designate another person in place of the police chief of any countywide police force, to serve on the committee; and, at the discretion of the director of public safety, as many as three other representatives of other criminal justice records systems or law enforcement agencies may be appointed by the director of public safety. The director of the department of public safety will serve as the permanent chairman of this committee.

3. The committee shall meet as determined by the director but not less than semiannually to perform its duties. A majority of the appointed members of the committee shall constitute a quorum.

4. No member of the committee shall receive any state compensation for the performance of duties associated with membership on this committee.

5. Official minutes of all committee meetings will be prepared by the director, promptly distributed to all committee members, and filed by the director for a period of at least five years."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Cox, **House Amendment No. 4** was adopted.

Representative Marshall offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Committee Substitute for House Bill No. 215, Page 3, Section 559.100, Line 19, by inserting after the phrase, "**under this section.**", the following:

"The circuit court en banc shall approve the use of any contractor or entity selected by the prosecuting attorney for the collection of restitution and costs."; and

Further amend said bill, Page 8, Section 600.042, Line 45, by inserting after the phrase "**D felonies, all**" the word "**nonsexual**"; and

Further amend said bill, Page 9, Section 600.042, Line 68, by deleting the word, "**felony**" and inserting in lieu thereof the word, "**any**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Marshall, **House Amendment No. 5** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 097

Allen	Anderson	Austin	Bahr	Barnes
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Franklin	Frederick	Gannon	Gatschenberger
Gosen	Grisamore	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Morris
Muntzel	Neely	Neth	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Ross	Rowden
Rowland	Schatz	Schieber	Shull	Shumake
Smith 120	Solon	Spencer	Stream	Swan
Thomson	Torpey	White	Wieland	Wilson
Wood	Mr Speaker			

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols

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Norr	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 014

Bernskoetter	Elmer	Engler	Fraker	Funderburk
Guernsey	Hodges	May	Parkinson	Riddle
Scharnhorst	Sommer	Walker	Zerr	

VACANCIES: 002

On motion of Representative Cox, **HCS HB 215, as amended**, was adopted.

On motion of Representative Cox, **HCS HB 215, as amended**, was ordered perfected and printed.

HB 103, relating to use of vehicles in municipalities, was taken up by Representative Kelley (127).

On motion of Representative Kelley (127), **HB 103** was ordered perfected and printed.

HCS HB 114, relating to educational credits for veterans, was taken up by Representative McCaherty.

On motion of Representative McCaherty, **HCS HB 114** was adopted.

On motion of Representative McCaherty, **HCS HB 114** was ordered perfected and printed.

HCS HB 505, relating to child abuse and neglect, was taken up by Representative Haefner.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 099

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Gannon	Gatschenberger	Gosen	Grisamore
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller

Molendorp	Morris	Muntzel	Neely	Neth
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Schatz
Schieber	Shull	Shumake	Smith 120	Solon
Spencer	Stream	Swan	Thomson	Torpey
White	Wieland	Wilson	Wood	

NOES: 048

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Pace	Pierson	Rizzo	Roorda	Runions
Schieffer	Schupp	Smith 85	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 014

Brown	Curtis	Funderburk	Guernsey	Hodges
Hoskins	May	Otto	Parkinson	Scharnhorst
Sommer	Walker	Zerr	Mr Speaker	

VACANCIES: 002

On motion of Representative Haefner, **HCS HB 505** was adopted.

On motion of Representative Haefner, **HCS HB 505** was ordered perfected and printed.

HB 218, relating to controlled substances, was taken up by Representative Cox.

On motion of Representative Cox, **HB 218** was ordered perfected and printed.

HB 533, relating to firearms of state employees, was taken up by Representative Riddle.

Representative Hinson offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 533, Page 1, Section A, Line 2, by inserting after all of said section and line, the following:

"571.018. 1. Any person who has been found guilty or pleaded guilty or nolo contendere to a prior felony offense and who commits a subsequent felony offense, regardless of whether use of a firearm is an element of the subsequent felony offense, and during the commission of such felony offense the person possesses, displays, brandishes, threatens to use, attempts to use, or discharges any firearm is guilty of the offense of unlawful possession or use of a firearm during the commission of a felony. Such offense shall be in addition to and not in lieu of any underlying felony offense or any other offense for which such person may be charged and found guilty of or plead guilty or nolo contendere to.

2. Any person who violates the provisions of this section shall be subject to the following terms of imprisonment:

- (1) For possession of a firearm during the commission of a felony, a term of imprisonment of ten years;
- (2) For displaying, brandishing, threatening to use, or attempting to use a firearm during the commission of a felony, a term of imprisonment of twenty years; and
- (3) For discharging a firearm during the commission of a felony, a term of imprisonment of life.

The terms of imprisonment in this subsection shall be imposed consecutively to any other terms of imprisonment imposed for any other felony offense.

3. For purposes of this section, the following terms shall mean:

- (1) "Firearm", any weapon that is designed or adapted to expel a projectile by the action of an explosion;
- (2) "Possession", with respect to a firearm, carrying it on the person. Possession may also be established by demonstrating that the person had a firearm within immediate physical reach with ready access and the intent to use the firearm during the commission of a felony.

4. This section shall not apply to law enforcement officers or United States military personnel who are performing their lawful duties or who are traveling to or from their places of employment or assignment to perform their lawful duties."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hinson, **House Amendment No. 1** was adopted.

Representative Kratky offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Bill No. 533, Page 1, Section 571.030, Line 14, by inserting after the word "self-defense;" the word "or"; and

Further amend said bill, Page 2, Section 571.030, Line 28, by inserting after the word "board" the following:

"; or

(11) Possesses a firearm while also knowingly in possession of controlled substances that are sufficient for a felony violation under section 195.202"; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Kratky, **House Amendment No. 2** was adopted.

On motion of Representative Riddle, **HB 533, as amended**, was ordered perfected and printed.

HCS HB 850, relating to the Bring Jobs Home Act, was taken up by Representative McCaherty.

Representative McCaherty offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 850, Section 620.2425, Page 1, Line 14, by inserting after "amount" the following:

"or expenses deducted in determining federal taxable income"; and

Further amend said section, Page 2, Line 42, by inserting after "**year**" the following:

"shall be taken against the taxes imposed under chapter 143, except for sections 143.191 to 143.625, and"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative McCaherty, **House Amendment No. 1** was adopted.

On motion of Representative McCaherty, **HCS HB 850, as amended**, was adopted.

On motion of Representative McCaherty, **HCS HB 850, as amended**, was ordered perfected and printed.

HCS HB 813, relating to early stage development corporations, was taken up by Representative Torpey.

On motion of Representative Torpey, **HCS HB 813** was adopted.

On motion of Representative Torpey, **HCS HB 813** was ordered perfected and printed.

HB 148, relating to child custody for military personnel, was taken up by Representative Davis.

Representative Davis offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 148, Page 1, Section 452.413, Line 15, by deleting the words "**the legal**" and inserting in lieu thereof the word "**a**"; and

Further amend said bill, Page 1, Section 452.413, Line 16, by deleting the word "**, and**" and inserting in lieu thereof the phrase "**or a guardian of a child less than eighteen years of age**"; and

Further amend said bill, Page 2, Section 452.413, Line 19, by deleting the word "**military**"; and

Further amend said bill, Page 2, Section 452.413, Line 41, by deleting the words "**domestic violence court order**" and inserting in lieu thereof the phrase "**order of protection under chapter 455**"; and

Further amend said bill, Page 2, Section 452.413, Line 45, by deleting the word "**upon**" and inserting in lieu thereof the word "**with**"; and

Further amend said bill, Page 3, Section 452.413, Lines 77 to 79, by deleting all of said lines and inserting in lieu thereof the following:

"domestic violence as defined under section 455.010 against another family or household member, or delegated to a family member with an individual in the family member's household who has a history of perpetrating domestic violence against another family or household member."; and

Further amend said bill, Page 4, Section 452.413, Line 89, by deleting the word "**shall**"; and

Further amend said bill, Page 4, Section 452.413, Lines 94 and 95, by deleting all of said lines and inserting in lieu thereof the following:

"(3) Receive timely information regarding the deploying parent's leave schedule."; and

Further amend said bill, Page 4, Section 452.413, Line 98, by deleting the word "**temporary**"; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Davis, **House Amendment No. 1** was adopted.

On motion of Representative Davis, **HB 148, as amended**, was ordered perfected and printed.

HCS HB 257, relating to tuberculosis testing, was taken up by Representative Frederick.

On motion of Representative Frederick, **HCS HB 257** was adopted.

On motion of Representative Frederick, **HCS HB 257** was ordered perfected and printed.

HB 326, relating to sexual misconduct, was taken up by Representative Fitzwater.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 096

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Higdon
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lauer
Leara	Lichtenegger	Love	Lynch	McCaherty
McGaugh	Messenger	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Schieber	Shull	Shumake	Smith 120
Solon	Spencer	Stream	Swan	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr				

NOES: 049

Anders	Black	Burns	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Frame	Gardner	Harris	Hummel
Kelly 45	Kirkton	Kratky	LaFaver	Marshall
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 016

Brown	Butler	Curtman	Englund	Gannon
Hicks	Hodges	Hubbard	Lant	Miller
Molendorp	Scharnhorst	Schatz	Sommer	Thomson
Mr Speaker				

VACANCIES: 002

On motion of Representative Fitzwater, **HB 326** was ordered perfected and printed.

HCS HB 722, relating to the St. Louis Police Retirement System, was taken up by Representative Leara.

On motion of Representative Leara, **HCS HB 722** was adopted.

On motion of Representative Leara, **HCS HB 722** was ordered perfected and printed.

HCS HB 418, relating to Kansas City police retirement systems, was taken up by Representative Neth.

On motion of Representative Neth, **HCS HB 418** was adopted.

On motion of Representative Neth, **HCS HB 418** was ordered perfected and printed.

HCS HB 345, relating to the Uniform Wireless Communications Infrastructure Deployment Act, was taken up by Representative Cierpiot.

HCS HB 345 was laid over.

THIRD READING OF HOUSE BILL

HCS HB 134, relating to bullying in schools, was taken up by Representative Allen.

On motion of Representative Allen, **HCS HB 134** was read the third time and passed by the following vote:

AYES: 141

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Burns
Butler	Carpenter	Cierpiot	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtis	Curtman	Davis	Diehl	Dohrman
Dugger	Dunn	Ellinger	Ellington	Engler
English	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Guernsey	Haefner	Hampton	Hansen
Harris	Higdon	Hinson	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lauer	Lichtenegger	Love
Lynch	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Mims	Mitten	Montecillo
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Pfautsch	Phillips	Pierson	Pike	Redmon
Rehder	Reiboldt	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 85	Smith 120	Solon
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webb	Webber
White	Wieland	Wood	Wright	Zerr
Mr Speaker				

NOES: 010

Brattin	Burlison	Colona	Elmer	Haahr
Marshall	Parkinson	Pogue	Remole	Wilson

PRESENT: 000

ABSENT WITH LEAVE: 010

Brown	Englund	Hicks	Hodges	Lant
Leara	Miller	Molendorp	Scharnhorst	Sommer

VACANCIES: 002

Representative Keeney declared the bill passed.

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HCS HB 30 - Fiscal Review

HCS HB 114 - Fiscal Review

HB 218 - Fiscal Review

HB 1033 - Special Standing Committee on Small Business

HB 1041 - Workforce Development and Workplace Safety

COMMITTEE REPORTS

Committee on Agriculture Policy, Chairman Reiboldt reporting:

Mr. Speaker: Your Committee on Agriculture Policy, to which was referred **HB 83**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Agriculture Policy, to which was referred **SB 329**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Crime Prevention and Public Safety, Chairman Hinson reporting:

Mr. Speaker: Your Committee on Crime Prevention and Public Safety, to which was referred **HB 653**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on General Laws, Chairman Jones (50) reporting:

Mr. Speaker: Your Committee on General Laws, to which was referred **HB 372**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on General Laws, to which was referred **HB 436**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Government Oversight and Accountability, Chairman Barnes reporting:

Mr. Speaker: Your Committee on Government Oversight and Accountability, to which was referred **HB 781**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Government Oversight and Accountability, to which was referred **HB 986**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Higher Education, Chairman Thomson reporting:

Mr. Speaker: Your Committee on Higher Education, to which was referred **HB 745**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Judiciary, Chairman Cox reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 371**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Riddle reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCR 35**, begs leave to report it has examined the same and recommends that it **Do Pass**.

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Wednesday, April 10, 2013.

COMMITTEE HEARINGS

AGRICULTURE POLICY

Thursday, April 11, 2013, 8:00 AM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Thursday, April 11, 2013, 8:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Discussion of potential DD staff reorganization within Department of Mental Health.

Public testimony welcome regarding FY 2012 single state audit results.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, April 16, 2013, 2:00 PM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

We will look at last audit with Department of Corrections 2009, focusing on Canteen Program.

DOWNSIZING STATE GOVERNMENT

Thursday, April 11, 2013, 8:00 AM House Hearing Room 4.

Public hearing will be held: HB 765, HB 863, SB 66

Executive session may be held on any matter referred to the committee.

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, April 10, 2013, 8:00 AM House Hearing Room 6.

Public hearing will be held: SS SCS SB 125, HB 596, HB 821, HB 603

Executive session may be held on any matter referred to the committee.

8:00 - 8:15 AM presentation

EMERGING ISSUES IN AGRICULTURE

Wednesday, April 10, 2013, 9:00 AM House Hearing Room 1.

Public hearing will be held: HB 962, HCR 34

Executive session may be held on any matter referred to the committee.

AMENDED HB 962 is scheduled for public hearing, however it will not be heard Wednesday, April 10, 2013, at 9:00 AM.

CORRECTED

FINANCIAL INSTITUTIONS

Wednesday, April 10, 2013, 12:00 PM House Hearing Room 4.

Public hearing will be held: SB 235

Executive session will be held: SB 235

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Wednesday, April 10, 2013, 8:30 AM South Gallery.

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Thursday, April 11, 2013, 8:00 AM South Gallery.

Executive session may be held on any matter referred to the committee.

CORRECTED

GENERAL LAWS

Wednesday, April 10, 2013, Noon or Upon Morning Adjournment House Hearing Room 3.

Public hearing will be held: HB 465, HJR 35, HB 640, HB 350

Executive session will be held: HJR 15

Executive session may be held on any matter referred to the committee.

HEALTH CARE POLICY

Wednesday, April 10, 2013, Upon Morning Recess House Hearing Room 6.

Public hearing will be held: SB 197, SCS SCR 5, SB 230, SCS SB 88, SCS SB 376

Executive session may be held on any matter referred to the committee.

Added SB 376

AMENDED

JUDICIARY

Wednesday, April 10, 2013, 12:00 PM or Upon Morning Recess (whichever is earlier) House Hearing Room 1.

Public hearing will be held: SB 41, SB 222, HB 121, HB 552, HB 757, HB 862

Executive session will be held: HB 447, HB 480, HB 541, HB 831

Executive session may be held on any matter referred to the committee.

LEADERSHIP FOR MISSOURI ISSUE DEVELOPMENT

Thursday, April 11, 2013, 8:30 AM Room 308 (Office of Speaker Timothy W. Jones).

Executive session may be held on any matter referred to the committee.

LOCAL GOVERNMENT

Thursday, April 11, 2013, 8:00 AM House Hearing Room 5.

Public hearing will be held: HB 140, HB 764, HB 932

Executive session may be held on any matter referred to the committee.

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, April 10, 2013, 12:00 PM House Hearing Room 5.

Public hearing will be held: HB 504, HB 854, SB 80, SB 234, SB 306

Executive session may be held on any matter referred to the committee.

RETIREMENT

Thursday, April 11, 2013, 8:15 AM House Hearing Room 1.

Executive session will be held: HB 861, HB 737

Executive session may be held on any matter referred to the committee.

Note time change

AMENDED

RULES

Wednesday, April 10, 2013, Upon Afternoon Adjournment South Gallery.

Executive session will be held: HCR 21, HCS HJR 26, HCS HB 76, HCS HB 78, HCS HBs 309 & 73, HCS HB 344, HCS HB 348, HCS HB 372, HCS HB 387, HCS HB 415, HCS HB 436, HCS HBs 593 & 695, HB 635, HCS HB 653, HB 771, HB 808, HCS HB 859, SB 16, SCS SB 191, SB 237, SB 329

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON CORRECTIONS

Wednesday, April 10, 2013, 8:00 AM House Hearing Room 3.

Public hearing will be held: SB 188

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON SMALL BUSINESS

Wednesday, April 10, 2013, 12:00 PM or Upon Morning Adjournment House Hearing Room 7.

Public hearing will be held: HB 811

Executive session will be held: HB 642, HB 393

Executive session may be held on any matter referred to the committee.

UTILITIES

Wednesday, April 10, 2013, 8:00 AM House Hearing Room 7.

Public hearing will be held: SS SCS SB 241, HB 437, SCS SB 240

Executive session may be held on any matter referred to the committee.

SB 240 is added to the hearing

AMENDED

VETERANS

Thursday, April 11, 2013, 9:30 AM North Gallery.

Executive session will be held: SCS SB 186

Executive session may be held on any matter referred to the committee.

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Wednesday, April 10, 2013, 8:00 AM House Hearing Room 5.

Public hearing will be held: SS SB 28, HB 430

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

FORTY-NINTH DAY, WEDNESDAY, APRIL 10, 2013

HOUSE BILLS FOR PERFECTION

- 1 HB 227 - Zerr
- 2 HB 423 - Zerr
- 3 HB 578, as amended - Funderburk
- 4 HCS HB 221 - Leara
- 5 HB 253 - Berry
- 6 HB 400 - Riddle
- 7 HCS HB 343 - Guernsey
- 8 HCS#2 HB 178 - Koenig
- 9 HCS HB 197 - Lauer
- 10 HB 322 - Gosen
- 11 HCS HB 468 - Higdon
- 12 HCS HB 701 - Molendorp
- 13 HCS HB 335 - Hinson
- 14 HCS HB 194 - Diehl
- 15 HB 255 - Torpey
- 16 HCS HB 345 - Cierpiot
- 17 HCS HBs 373 & 435 - Elmer
- 18 HCS HBs 374 & 434 - Elmer
- 19 HCS HB 389 - Engler
- 20 HB 526 - Franklin
- 21 HB 510 - Torpey
- 22 HCS HB 28 - Lichtenegger
- 23 HCS HB 787 - Richardson
- 24 HB 756 - Hubbard

- 25 HCS HB 621 - McCaherty
- 26 HCS HB 458 - Scharnhorst
- 27 HCS HBs 455 & 297 - English
- 28 HCS HBs 404 & 614 - Conway (104)
- 29 HCS#2 HB 631 - Elmer
- 30 HB 242 - Ellington
- 31 HB 274 - Brattin
- 32 HCS HB 290 - Lichtenegger
- 33 HCS HB 351 - Frederick
- 34 HB 503 - McCaherty
- 35 HB 733 - Berry
- 36 HCS HB 589 - Hinson

HOUSE BILLS FOR THIRD READING

- 1 HB 201 - Torpey
- 2 HCS HBs 521 & 579, (Fiscal Review 3/27/13) - Koenig
- 3 HB 443, (Fiscal Review 4/8/13) - Hubbard
- 4 HB 42 - Rowland

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 11 - Walton Gray
- 2 HCR 35 - Jones (110)

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

FORTY-NINTH DAY, WEDNESDAY, APRIL 10, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

Trust ye in the Lord forever; for in the Lord God is everlasting strength. (Isaiah 26:4)

O Lord everlasting, we humbly beseech You that we may always prove ourselves a people mindful of Your favor and glad to do Your will. Bless our state, our people and our leaders, that under the guidance of Your wise and good spirit we may not grow weary in working nor wavering in worship.

Save us from violence and confusion, from pride and prejudice, and from every evil way. Fashion us into one people, united in purpose and spirit, faithful to You and fruitful in all good works as we seek the welfare of all. Endow with wisdom and charity these representatives of Missouri that there may be justice at home and peace in our state. In the time of prosperity fill our hearts with gratitude and in the day of trouble let not our trust in them fail.

And the House says "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Haquan Perkins, Stacy Spencer and Breanna Davison.

The Journal of the forty-eighth day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1429 through House Resolution No. 1451

COMMITTEE REPORTS

Committee on Fiscal Review, Chairman Flanigan reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 30**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 114**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 218**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 443**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Representative Keeney assumed the Chair.

PERFECTION OF HOUSE BILLS

HCS HB 468, relating to public safety, was taken up by Representative Higdon.

Representative Fitzwater offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 468, Page 13, Section 544.157, Line 42, by inserting immediately after said line the following:

- "566.093. 1. A person commits the crime of sexual misconduct in the second degree if such person:
- (1) Exposes his or her genitals under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm;
 - (2) Has sexual contact in the presence of a third person or persons under circumstances in which he or she knows that such conduct is likely to cause affront or alarm; or
 - (3) Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person.
2. Sexual misconduct in the second degree is a class B misdemeanor unless the actor has previously been convicted of an offense under this chapter, in which case it is a class A misdemeanor.
- 3. If such crime is committed by a person while incarcerated within a facility in the department of corrections system, it is a class D felony and shall impose a fine of at least one hundred dollars.";** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Fitzwater, **House Amendment No. 1** was adopted.

Representative Jones (50) offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 468, Page 16, Section 575.133, Line 7, by inserting after all of said line the following:

- "610.021. Except to the extent disclosure is otherwise required by law, a public governmental body is authorized to close meetings, records and votes, to the extent they relate to the following:
- (1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public government body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of section 610.011, however, the amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed; provided, however,

in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record;

(2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate;

(3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy-two hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two-hour period before such decision is made available to the public.

As used in this subdivision, the term "personal information" means information relating to the performance or merit of individual employees;

(4) The state militia or National Guard or any part thereof;

(5) Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment;

(6) Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores; however, personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years;

(7) Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again;

(8) Welfare cases of identifiable individuals;

(9) Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups;

(10) Software codes for electronic data processing and documentation thereof;

(11) Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid;

(12) Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected;

(13) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such, and the names of private sources donating or contributing money to the salary of a chancellor or president at all public colleges and universities in the state of Missouri and the amount of money contributed by the source;

(14) Records which are protected from disclosure by law;

(15) Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest;

(16) Records relating to municipal hotlines established for the reporting of abuse and wrongdoing;

(17) Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this chapter;

(18) Operational guidelines [and], policies **and specific response plans** developed, adopted, or maintained by any public agency responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. [Nothing in this exception shall be deemed to close information regarding expenditures, purchases, or contracts made by an agency in implementing these guidelines or policies. When seeking to close information pursuant to this exception, the agency shall affirmatively state in writing that disclosure would impair its ability to protect the safety or health of persons, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records. This exception shall sunset on December 31, 2012] **Financial records related to the procurement of or expenditures relating to operational guidelines, policies or plans purchased with public funds shall be open. When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public**

governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;

(19) Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and information that is voluntarily submitted by a nonpublic entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety:

(a) Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open;

(b) When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;

(c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the receiving agency within ninety days of submission to determine if retention of the document is necessary in furtherance of a state security interest. If retention is not necessary, the documents shall be returned to the nonpublic governmental body or destroyed;

[(d) This exception shall sunset on December 31, 2012;]

(20) The portion of a record that identifies security systems or access codes or authorization codes for security systems of real property;

(21) Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on behalf of, a public governmental body for such computer, computer system, computer network, or telecommunications network shall be open;

[(21)] **(22)** Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body; and

[(22)] **(23)** Records submitted by an individual, corporation, or other business entity to a public institution of higher education in connection with a proposal to license intellectual property or perform sponsored research and which contains sales projections or other business plan information the disclosure of which may endanger the competitiveness of a business."; and

Further amend said bill, Page 23, Section 650.350, Line 54, by inserting after all of said line the following:

"Section B. Because immediate action is necessary to protect sensitive public records relating to public agency plans to prevent and respond to possible terrorist incidents and to protect security system plans for certain critical public and private buildings and facilities, the repeal and reenactment of section 610.021 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 610.021 of this act shall be in full force and effect upon its passage and approval."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Jones (50), **House Amendment No. 2** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 101

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Morris	Muntzel	Neely	Neth
Parkinson	Pfausch	Phillips	Pike	Pogue
Rehder	Reiboldt	Remole	Rhoads	Richardson
Ross	Rowden	Rowland	Schatz	Schieber
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr				

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 008

Grisamore	Guernsey	Leara	Molendorp	Redmon
Riddle	Scharnhorst	Mr Speaker		

VACANCIES: 002

On motion of Representative Higdon, **HCS HB 468, as amended**, was adopted.

On motion of Representative Higdon, **HCS HB 468, as amended**, was ordered perfected and printed.

HCS HBs 374 & 434, relating to the transfer of judicial positions, was taken up by Representative Elmer.

On motion of Representative Elmer, **HCS HBs 374 & 434** was adopted.

On motion of Representative Elmer, **HCS HBs 374 & 434** was ordered perfected and printed.

HCS HBs 373 & 435, relating to judicial circuits, was taken up by Representative Elmer.

On motion of Representative Elmer, **HCS HBs 373 & 435** was adopted.

On motion of Representative Elmer, **HCS HBs 373 & 435** was ordered perfected and printed.

HB 322, relating to motor vehicle insurance policies, was taken up by Representative Gosen.

Representative Engler offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 322, Page 2, Section 303.024, Line 34, by inserting after the word "duties." the following:

"The evidence of financial responsibility may be provided using a mobile electronic device."; and

Further amend said bill, Page 2, Section 303.024, Line 42, by inserting after the word "**card**." the following:

"Whenever a person presents a mobile electronic device as proof of financial responsibility to any peace officer, commercial vehicle enforcement officer, or commercial vehicle inspector under this section, such person shall assume all liability for any damage to the mobile electronic device except for damage willfully or maliciously caused by a law enforcement officer or a department of revenue employee or agent."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Engler, **House Amendment No. 1** was adopted.

Representative Gosen offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Bill No. 322, Page 3, Section 303.029, Lines 1 to 22, by removing all of said section and lines from the bill and inserting in lieu thereof the following:

"379.013. 1. Insurance policy forms and endorsements for classes of insurance described in subdivisions 1, 2, 3, and 5 of subsection 1 of section 379.010 issued or renewed in this state, or covering risks in this state, which do not contain personally identifiable information, may be made available electronically on the insurer's website in lieu of mailing or delivering a copy of policy forms and endorsements to an insured.

2. If the insurer elects to make such insurance policy forms and endorsements available electronically on the insurer's website in lieu of mailing or delivering a paper copy to the insured, it shall comply with all the following conditions with respect to such policy forms and endorsements:

(1) The policy forms and endorsements issued or sold in this state shall be easily and publicly accessible on the insurer's website and remain that way for as long as the policy form or endorsement is in force or actively sold in this state;

(2) The insurer shall retain and store the policy forms and endorsements after they are withdrawn from use or replaced with other policy forms and endorsements for a period of five years and make them available to insureds and former insureds upon request and at no cost;

(3) The policy forms and endorsements shall be available on the insurer's website in an electronic format that enables the insured to print and save the policy forms and endorsements using programs or applications that are widely available on the internet and free to use;

(4) At policy issuance and renewal, the insurer shall provide clear and conspicuous notice to the insured, in the manner it customarily communicates with an insured, that it does not intend to mail or deliver a paper copy of the policy forms or endorsements. The notice shall provide instructions on how the insured may access the policy forms and endorsements on the insurer's website. The insurer shall also notify the insured of the right to obtain a paper copy of the policy forms and endorsements at no cost and provide either a toll-free telephone number or the telephone number of the insured's producer by which the insured can make this request;

(5) At policy renewal, the insurer shall provide clear and conspicuous notice to the insured, in the manner it customarily communicates with an insured, of any changes which have been made to the policy forms or endorsements since the prior coverage period. Such notice shall be made in accordance with the requirements of subdivision (4) of this subsection; and

(6) On each declarations page, or similar coverage summary document, issued to an insured, the insurer shall clearly identify the exact policy forms and endorsements purchased by the insured, so that the insured may easily access those forms on the insurer's website.

3. The director may promulgate any rules necessary to implement and effectuate the provisions of this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated under the provisions of section 536.024."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Gosen, **House Amendment No. 2** was adopted.

On motion of Representative Gosen, **HB 322, as amended**, was ordered perfected and printed.

HCS HB 345, relating to the Uniform Wireless Communications Infrastructure Deployment Act, was taken up by Representative Cierpiot.

Representative Cierpiot offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 345, Page 1, Section A, Line 3, by inserting after all of said line the following:

"67.1830. As used in sections 67.1830 to 67.1846, the following terms shall mean:

(1) "Abandoned equipment or facilities", any equipment materials, apparatuses, devices or facilities that are:

(a) Declared abandoned by the owner of such equipment or facilities;

(b) No longer in active use, physically disconnected from a portion of the operating facility or any other facility that is in use or in service, and no longer capable of being used for the same or similar purpose for which the equipment, apparatuses or facilities were installed; or

(c) No longer in active use and the owner of such equipment or facilities fails to respond within thirty days to a written notice sent by a political subdivision;

(2) "Degradation", the actual or deemed reduction in the useful life of the public right-of-way resulting from the cutting, excavation or restoration of the public right-of-way;

(3) "Emergency", includes but is not limited to the following:

(a) An unexpected or unplanned outage, cut, rupture, leak or any other failure of a public utility facility that prevents or significantly jeopardizes the ability of a public utility to provide service to customers;

(b) An unexpected or unplanned outage, cut, rupture, leak or any other failure of a public utility facility that results or could result in danger to the public or a material delay or hindrance to the provision of service to the public if the outage, cut, rupture, leak or any other such failure of public utility facilities is not immediately repaired, controlled, stabilized or rectified; or

(c) Any occurrence involving a public utility facility that a reasonable person could conclude under the circumstances that immediate and undelayed action by the public utility is necessary and warranted;

(4) "Excavation", any act by which earth, asphalt, concrete, sand, gravel, rock or any other material in or on the ground is cut into, dug, uncovered, removed, or otherwise displaced, by means of any tools, equipment or explosives, except that the following shall not be deemed excavation:

(a) Any de minimis displacement or movement of ground caused by pedestrian or vehicular traffic;

(b) The replacement of utility poles and related equipment at the existing general location that does not involve either a street or sidewalk cut; or

(c) Any other activity which does not disturb or displace surface conditions of the earth, asphalt, concrete, sand, gravel, rock or any other material in or on the ground;

(5) "Management costs" or "rights-of-way management costs", the actual costs a political subdivision reasonably incurs in managing its public rights-of-way, including such costs, if incurred, as those associated with the following:

(a) Issuing, processing and verifying right-of-way permit applications;

(b) Inspecting job sites and restoration projects;

(c) Protecting or moving public utility right-of-way user construction equipment after reasonable notification to the public utility right-of-way user during public right-of-way work;

(d) Determining the adequacy of public right-of-way restoration;

(e) Restoring work inadequately performed after providing notice and the opportunity to correct the work; and

(f) Revoking right-of-way permits.

Right-of-way management costs shall be the same for all entities doing similar work. Management costs or rights-of-way management costs shall not include payment by a public utility right-of-way user for the use or rent of the public right-of-way, degradation of the public right-of-way or any costs as outlined in paragraphs (a) to (h) of this subdivision which are incurred by the political subdivision as a result of use by users other than public utilities, the **attorneys' fees** and cost of litigation relating to the interpretation of this section or section 67.1832, or litigation, interpretation or development of any ordinance enacted pursuant to this section or section 67.1832, **or attorneys' fees and costs in connection with issuing, processing, or verifying right-of-way permit or other applications or agreements**, or the political subdivision's fees and costs related to appeals taken pursuant to section 67.1838. In granting or renewing a franchise for a cable television system, a political subdivision may impose a franchise fee and other terms and conditions permitted by federal law;

(6) "Managing the public right-of-way", the actions a political subdivision takes, through reasonable exercise of its police powers, to impose rights, duties and obligations on all users of the right-of-way, including the political subdivision, in a reasonable, competitively neutral and nondiscriminatory and uniform manner, reflecting the distinct engineering, construction, operation, maintenance and public work and safety requirements applicable to the various users of the public right-of-way, provided that such rights, duties and obligations shall not conflict with any federal law or regulation. In managing the public right-of-way, a political subdivision may:

(a) Require construction performance bonds or insurance coverage or demonstration of self-insurance at the option of the political subdivision or if the public utility right-of-way user has twenty-five million dollars in net assets and does not have a history of permitting noncompliance within the political subdivision as defined by the political subdivision, then the public utility right-of-way user shall not be required to provide such bonds or insurance;

(b) Establish coordination and timing requirements that do not impose a barrier to entry;

(c) Require public utility right-of-way users to submit, for right-of-way projects commenced after August 28, 2001, requiring excavation within the public right-of-way, whether initiated by a political subdivision or any public utility right-of-way user, project data in the form maintained by the user and in a reasonable time after receipt of the request based on the amount of data requested;

(d) Establish right-of-way permitting requirements for street excavation;

(e) Establish removal requirements for abandoned equipment or facilities, if the existence of such facilities prevents or significantly impairs right-of-way use, repair, excavation or construction;

- (f) Establish permitting requirements for towers and other structures or equipment for wireless communications facilities in the public right-of-way, notwithstanding the provisions of section 67.1832;
- (g) Establish standards for street restoration in order to lessen the impact of degradation to the public right-of-way; and
- (h) Impose permit conditions to protect public safety;
- (7) "Political subdivision", a city, town, village, county of the first classification or county of the second classification;
- (8) "Public right-of-way", the area on, below or above a public roadway, highway, street or alleyway in which the political subdivision has an ownership interest, but not including:
 - (a) The airwaves above a public right-of-way with regard to cellular or other nonwire telecommunications or broadcast service;
 - (b) Easements obtained by utilities or private easements in platted subdivisions or tracts;
 - (c) Railroad rights-of-way and ground utilized or acquired for railroad facilities; or
 - (d) [Poles,] Pipes, cables, conduits, wires, optical cables, or other means of transmission, collection or exchange of communications, information, substances, data, or electronic or electrical current or impulses utilized by a municipally owned or operated utility pursuant to chapter 91 or pursuant to a charter form of government;
- (9) "Public utility", every cable television service provider, every pipeline corporation, gas corporation, electrical corporation, rural electric cooperative, telecommunications company, water corporation, heating or refrigerating corporation or sewer corporation under the jurisdiction of the public service commission; every municipally owned or operated utility pursuant to chapter 91 or pursuant to a charter form of government or cooperatively owned or operated utility pursuant to chapter 394; every street light maintenance district; every privately owned utility; and every other entity, regardless of its form of organization or governance, whether for profit or not, which in providing a public utility type of service for members of the general public, utilizes pipes, cables, conduits, wires, optical cables, or other means of transmission, collection or exchange of communications, information, substances, data, or electronic or electrical current or impulses, in the collection, exchange or dissemination of its product or services through the public rights-of-way;
- (10) "Public utility right-of-way user", a public utility owning or controlling a facility in the public right-of-way; and
- (11) "Right-of-way permit", a permit issued by a political subdivision authorizing the performance of excavation work in a public right-of-way.

67.1836. 1. A political subdivision may deny an application for a right-of-way permit if:

- (1) The public utility right-of-way user fails to provide all the necessary information requested by the political subdivision for managing the public right-of-way;
- (2) The public utility right-of-way user has failed to return the public right-of-way to its previous condition under a previous permit;
- (3) The political subdivision has provided the public utility right-of-way user with a reasonable, competitively neutral, and nondiscriminatory justification for requiring an alternative method for performing the work identified in the permit application or a reasonable alternative route that will result in neither additional installation expense up to ten percent to the public utility right-of-way user nor a declination of service quality;
- (4) The political subdivision determines that the denial is necessary to protect the public health and safety, provided that the authority of the political subdivision does not extend to those items under the jurisdiction of the public service commission, such denial shall not interfere with a public utility's right of eminent domain of private property, and such denials shall only be imposed on a competitively neutral and nondiscriminatory basis; or
- (5) The area is environmentally sensitive as defined by state statute or federal law or is a historic district as defined by local ordinance.

2. A political subdivision may, after reasonable notice and an opportunity to cure, revoke a right-of-way permit granted to a public utility right-of-way user, with or without fee refund, and/or impose a penalty as established by the political subdivision until the breach is cured, but only in the event of a substantial breach of the terms and material conditions of the permit. A substantial breach by a permittee includes but is not limited to:

- (1) A material violation of a provision of the right-of-way permit;
- (2) An evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the political subdivision or its citizens;
- (3) A material misrepresentation of fact in the right-of-way permit application;
- (4) A failure to complete work by the date specified in the right-of-way permit, unless a permit extension is obtained or unless the failure to complete the work is due to reasons beyond the permittee's control; and

(5) A failure to correct, within the time specified by the political subdivision, work that does not conform to applicable national safety codes, industry construction standards, or local safety codes that are no more stringent than national safety codes, upon inspection and notification by the political subdivision of the faulty condition.

3. Any political subdivision that requires public utility right-of-way users to obtain a right-of-way permit, except in an emergency, prior to performing excavation work within a public right-of-way shall promptly, but not longer than thirty-one days, process all completed permit applications. **If a political subdivision fails to act on an application for a right-of-way permit within thirty-one days, the application shall be deemed approved.** In order to avoid excessive processing and accounting costs to either the political subdivision or the public utility right-of-way user, the political subdivision may establish procedures for bulk processing of permits and periodic payment of permit fees.

67.1838. [1.] A public utility right-of-way user that has been denied a right-of-way permit, has had its right-of-way permit revoked, believes that the fees imposed on the public right-of-way user by the political subdivision do not conform to the requirements of section 67.1840, **believes the political subdivision has violated any provision of sections 67.1830 to 67.1848**, or asserts any other issues related to the use of the public right-of-way, [shall have, upon written request, such denials, revocations, fee impositions, or other disputes reviewed by the governing body of the political subdivision or an entity assigned by the governing body for this purpose. The governing body of the political subdivision or its delegated entity shall specify, in its permit processing schedules, the maximum number of days by which the review request shall be filed in order to be reviewed by the governing body of the political subdivision or its delegated entity. A decision affirming the denial, revocation, fee imposition or dispute resolution shall be in writing and supported by written findings establishing the reasonableness of the decision.

2. Upon affirmation by the governing body of the denial, revocation, fee imposition or dispute resolution, the public utility right-of-way user may, in addition to all other remedies and if both parties agree, have the right to have the matter resolved by mediation or binding arbitration. Binding arbitration shall be before an arbitrator agreed to by both the political subdivision and the public utility right-of-way user. The costs and fees of a single arbitrator shall be borne equally by the political subdivision and the public utility right-of-way user.

3. If the parties cannot agree on an arbitrator, the matter shall be resolved by a three-person arbitration panel consisting of one arbitrator selected by the political subdivision, one arbitrator selected by the public utility right-of-way user, and one person selected by the other two arbitrators. In the event that a three-person arbitrator panel is necessary, each party shall bear the expense of its own arbitrator and shall jointly and equally bear with the other party the expense of the third arbitrator and of the arbitration.

4. Each party to the arbitration shall pay its own costs, disbursements and attorney fees] **may bring an action for review in any court of competent jurisdiction. The court shall rule on any such petition for review within forty-five days of service. The petition for review shall be deemed granted if the court fails to rule within the forty-five-day time period.**

67.1842. 1. In managing the public right-of-way and in imposing fees pursuant to sections 67.1830 to 67.1846, no political subdivision shall:

(1) Unlawfully discriminate among public utility right-of-way users;
 (2) Grant a preference to any public utility right-of-way user;
 (3) Create or erect any unreasonable requirement for entry to the public right-of-way by public utility right-of-way users;

(4) Require a telecommunications company to obtain a franchise or require a public utility right-of-way user to pay for the use of the public right-of-way, except as provided in sections 67.1830 to 67.1846; [or]

(5) Enter into a contract or any other agreement for providing for an exclusive use, occupancy or access to any public right-of-way; **or**

(6) Require any public utility that has legally been granted access to the political subdivision's right-of-way prior to August 28, 2001, to enter into an agreement or obtain a permit for general access to or the right to remain in the right-of-way of the political subdivision.

2. A public utility right-of-way user shall not be required to apply for or obtain right-of-way permits for projects commenced prior to August 28, 2001, requiring excavation within the public right-of-way, for which the user has obtained the required consent of the political subdivision, or that are otherwise lawfully occupying or performing work within the public right-of-way. The public utility right-of-way user may be required to obtain right-of-way permits prior to any excavation work performed within the public right-of-way after August 28, 2001.

3. A political subdivision shall not collect a fee imposed pursuant to section 67.1840 through the provision of in-kind services by a public utility right-of-way user, nor require the provision of in-kind services as a condition of consent to use the political subdivision's public right-of-way; however, nothing in this subsection shall preclude requiring

services of a cable television operator, open video system provider or other video programming provider as permitted by federal law."; and

Further amend said bill, Page 2, Section 67.5092, Line 17, by inserting after the word "**law**" the words "**and acting in its capacity**"; and

Further amend said bill, Page 2, Section 67.5092, Line 18, by deleting the words "**wireless facilities and wireless support structures**" and inserting in lieu thereof the words "**zoning or building permit review of an application**"; and

Further amend said bill, Page 2, Section 67.5092, Line 42, by inserting after the word "**codes**," the words "**National Electric Safety Codes, and recognized industry standards for structural safety, capacity, reliability, and engineering**"; and

Further amend said bill, Page 3, Section 67.5092, Line 65, by inserting after the word "**county**," the words "**municipality acting in its capacity as a utility, municipal utility board**"; and

Further amend said bill, Page 3, Section 67.5092, Line 66, by inserting after the word "**electric**," the words "**natural gas, water, waste water**"; and

Further amend said bill, Page 3, Section 67.5092, Line 67, by inserting after the word "**telecommunications**" the words "**or internet protocol-related**"; and

Further amend said bill, Page 3, Section 67.5092, Lines 74 to 80, by deleting all of said lines and inserting in lieu thereof the following:

"(17) "Wireless facility", the set of equipment and network components, exclusive of the underlying wireless support structure, including, but not limited to, antennas, accessory equipment, transmitters, receivers, power supplies, cabling and associated equipment necessary to provide wireless communications services;

(18) "Wireless support structure", a structure, such as a monopole, tower, or building capable of supporting wireless facilities. This definition does not include utility poles."; and

Further amend said bill, Page 4, Section 67.5094, Line 17, by deleting "**FCC's**" and inserting in lieu thereof "**Federal Communication Commission's**"; and

Further amend said bill, Page 5, Section 67.5094, Line 56, by deleting the word "**unreasonable**"; and

Further amend said bill, Page 5, Section 67.5094, Line 59, by inserting after the word "**facilities**" the words "**if such regulations or obligations are unreasonable**"; and

Further amend said bill, Page 6, Section 67.5096, Line 3, by deleting the words "**this act**" and inserting in lieu thereof "**sections 67.5090 to 67.5104**"; and

Further amend said bill, Page 6, Section 67.5096, Line 4, by deleting the word "**hereof**"; and

Further amend said bill, Page 6, Section 67.5096, Line 7, by deleting the words "**this act**" and inserting in lieu thereof "**sections 67.5090 to 67.5104**"; and

Further amend said bill, Page 6, Section 67.5096, Line 9, by deleting all of said line and inserting in lieu thereof the following:

"appropriate authority. Each application shall include a copy of a lease, letter of authorization or other agreement from the property owner evidencing applicant's right to pursue the application; and"; and

Further amend said bill, Page 6, Section 67.5096, Lines 13 and 14, by deleting all of said lines and inserting in lieu thereof the following:

"including but not limited to documents and electronic data, shall be subject to chapter 610."; and

Further amend said bill, Page 6, Section 67.5096, Line 15, by deleting the words **"one hundred fifty"** and inserting in lieu thereof the word **"ninety"**; and

Further amend said bill, Page 6, Section 67.5096, Line 25, by deleting the words **"one hundred fifty"** and inserting in lieu thereof the word **"ninety"**; and

Further amend said bill, Page 6, Section 67.5096, Line 27, by deleting the words **"one hundred fifty"** and inserting in lieu thereof the word **"ninety"**; and

Further amend said bill, Page 6, Section 67.5096, Line 32, by deleting the words **"one hundred fifty"** and inserting in lieu thereof the word **"ninety"**; and

Further amend said bill, Page 7, Section 67.5098, Lines 3 and 4, by deleting all of said lines and inserting in lieu thereof the following:

"substantial modifications of wireless support structures, subject to the provisions of sections 67.5090 to 67.5104, including without limitation section 67.5094, and subject to federal law."; and

Further amend said bill, Page 7, Section 67.5098, Line 9, by deleting all of said line and inserting in lieu thereof the following:

"appropriate authority. Each application shall include a copy of a lease, letter of authorization or other agreement from the property owner evidencing applicant's right to pursue the application; and"; and

Further amend said bill, Page 7, Section 67.5098, Lines 13 and 14, by deleting all of said lines and inserting in lieu thereof the following:

"including but not limited to documents and electronic data, shall be subject to chapter 610."; and

Further amend said bill, Page 8, Section 67.5100, Line 1, by deleting the words **"this act,"** and inserting in lieu thereof **"sections 67.5090 to 67.5104, including section 67.5094,"**; and

Further amend said bill, Page 8, Section 67.5100, Line 3, by inserting after the word **"requirements,"** the words **"National Electric Safety Codes, and recognized industry standards for structural safety, capacity, reliability, and engineering,"**; and

Further amend said bill, Page 8, Section 67.5100, Line 7, by inserting after the word **"application"** the words **"or application for replacement of wireless facilities"**; and

Further amend said bill, Page 8, Section 67.5100, Line 10, by deleting the words **"this act"** and inserting in lieu thereof **"sections 67.5090 to 67.5104"**; and

Further amend said bill, Page 8, Section 67.5100, Line 13, by inserting after the word **"complete."** the following:

"Each collocation application or application to replace wireless facilities shall include a copy of a lease, letter of authorization or other agreement from the property owner evidencing applicant's right to pursue the application."; and

Further amend said bill, Page 8, Section 67.5100, Line 22, by deleting the word **"facilities"** and inserting in lieu thereof the word **"facilities"**; and

Further amend said bill, Page 8, Section 67.5100, Line 27, by deleting all of said line and inserting in lieu thereof the following:

"4. Except as provided in section 67.5104, the provisions of sections 67.5090 to 67.5104 shall not:"; and

Further amend said bill, Page 8, Section 67.5100, Line 28, by deleting "(a)" and inserting in lieu thereof "(1)"; and

Further amend said bill, Page 8, Section 67.5100, Line 30, by deleting all of said line and inserting in lieu thereof the following:

"wireless facility on new, existing, or replacement poles owned or operated by a utility;"; and

Further amend said bill, Page 8, Section 67.5100, Line 31, by deleting all of said line and inserting in lieu thereof the following:

"(2) Expand the power of an authority to regulate any utility; or

(3) Restrict any utility's rights or authority, or negate any utility's agreement, regarding requested access to, or the rates and terms applicable to placement of any wireless facility on new, existing, or replacement poles, structures, or existing structures owned or operated by a utility."; and

Further amend said bill, Page 9, Section 67.5102, Line 5, by deleting all of said line and inserting in lieu thereof the following:

"wireless support structures, or collocations if such moratorium exceeds six months in length and if the legislative act establishing it fails to state reasonable grounds and good cause for such moratorium. No such moratorium shall affect an already pending application;"; and

Further amend said bill, Page 9, Section 67.5102, Line 14, by inserting after the word "appraisers" the words **"licensed under chapter 339"**; and

Further amend said bill, Page 9, Section 67.5102, Line 22, by deleting the words **"one hundred fifty"** and inserting in lieu thereof the word **"ninety"**; and

Further amend said bill, Page 9, Section 67.5102, Line 31, by deleting "." and inserting in lieu thereof ";" and

Further amend said bill, Page 9, Section 67.5102, Line 35, by inserting after all of said line the following:

"67.5103. Notwithstanding any provision of sections 67.5090 to 67.5102, nothing herein shall provide any applicant the power of eminent domain or the right to compel any private or public property owner, or the department of conservation or department of natural resources to:

(1) Lease or sell property for the construction of a new wireless support structure; or

(2) Locate or cause the collocation of a wireless facility on any existing structure or wireless support structure."; and

Further amend said bill, Page 9, Section 67.5104, Lines 1 to 3, by deleting all of said lines and inserting in lieu thereof the following:

"67.5104. Any pole attachment rates, terms, and conditions, including those related to the granting or denial of access, demanded by a municipal utility pole owner or controlling authority of a municipality shall be nondiscriminatory, just and reasonable and shall not be subject to any required franchise authority or government entity permitting. An annual pole attachment rental rate shall be calculated on a per pole basis and shall be considered just and reasonable"; and

Further amend said bill, Page 10, Section 67.5104, Line 6, by deleting the word **"any"** and inserting in lieu thereof the word **"an"**; and

Further amend said bill, Page 10, Section 67.5104, Line 7, by deleting all of said line and inserting in lieu thereof the following:

"provider, or by a telecommunications, wireless communications or other communications-related service provider or municipal utility pole owner, to a pole. A service provider may seek review of any rate, term, or"; and

Further amend said bill, Page 10, Section 67.5104, Line 8, by deleting the word **"district"** and inserting in lieu thereof the word **"circuit"**; and

Further amend said bill, Page 10, Section 67.5104, Line 8, by inserting after the word **"court"** the following:

"if that entity believes the rates, terms, and conditions are not fair, just, and reasonable"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Kelly (45) offered **House Amendment No. 1 to House Amendment No. 1.**

House Amendment No. 1
to
House Amendment No. 1

AMEND House Amendment No. 1 to House Committee Substitute for House Bill No. 345, Page 6, Line 38, by inserting after all of said line the following:

‘Further amend said bill, Page 3, Line 50, by inserting after the word: **"which"** on said line the following: **", as applied to the structure as it was originally constructed"; and’; and**

Further amend said amendment, Page 9, Lines 39 and 40, by deleting all of said lines and inserting in lieu thereof the following:

‘Further amend said bill, Page 9, Section 67.5102, Line 31, by deleting **."** and inserting in lieu thereof the phrase: **"unless the applicant agrees to accept a lease or contract of less than fifteen years in duration"; and’; and**

Further amend said amendment, Page 10, Section 67.5103, Line 7, by inserting after the word: **"collocation"** on said line the following:

"or expansion"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Kelly (45), **House Amendment No. 1 to House Amendment No. 1** was adopted.

On motion of Representative Cierpiot, **House Amendment No. 1, as amended**, was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 102

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McGaugh	Messenger	Miller
Molendorp	Morris	Muntzel	Neely	Neth
Parkinson	Pfausch	Phillips	Pike	Pogue
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Schieber
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 048

Anders	Black	Burns	Butler	Carpenter
Colona	Dunn	Ellinger	Ellington	English
Englund	Frame	Gardner	Harris	Hodges
Hummel	Kelly 45	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Pierson	Rizzo	Roorda
Runions	Schupp	Smith 85	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 011

Conway 10	Curtis	Davis	Fitzwater	Hubbard
Jones 50	McCaherty	Redmon	Scharnhorst	Schatz
Schieffer				

VACANCIES: 002

On motion of Representative Cierpiot, **HCS HB 345, as amended**, was adopted.

On motion of Representative Cierpiot, **HCS HB 345, as amended**, was ordered perfected and printed.

On motion of Representative Diehl, the House recessed until 2:30 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Jones.

PERFECTION OF HOUSE BILL

HCS#2 HB 178, relating to local ballot proposals, was taken up by Representative Koenig.

Representative Gatschenberger offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute No. 2 for House Bill No. 178, Page 1, Section 67.005, Line 18, by inserting after said line the following:

“67.312. 1. Notwithstanding any law to the contrary, in any county with a charter form of government and with more than three hundred thousand but with fewer than four hundred fifty thousand inhabitants, if any water supply district contracts with a for profit management company focusing on contract management and operations, the water supply district shall not charge or collect from its customers any increase in rates, charges, or fees, including but not limited to water rates, testing fees, inspection fees, administrative fees, service charges, minimum bill charges, flat rate charges, customer charges, billing charges, attendance fees, primacy fees, and user fees without a majority vote of the qualified voters of the water supply district voting thereon on any public election day in August or November. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the question shall not be resubmitted under this section sooner than twelve months from the date of the last submission opposed by voters. Any actual charges or fees by a state or local governmental entity not associated in any way with the water supply district may be passed on to their customers without a vote.

2. In any county with a charter form of government and with more than three hundred thousand but with fewer than four hundred fifty thousand inhabitants, if any water supply district does not actually process or treat sewage or wastewater but pays another governmental entity for providing such service, the water supply district shall not charge and collect from its customers a premium, fee, tax, assessment, or other charge however denominated more than the rate it actually pays to such other entity without a majority vote of the qualified voters of the water supply district voting thereon on any public election day in August or November. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the question shall not be resubmitted under this section sooner than twelve months from the date of the last submission opposed by voters.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Gatschenberger, **House Amendment No. 1** was adopted.

Representative Muntzel offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute No. 2 for House Bill No. 178, Page 1, Section 67.005, Line 18, by inserting after said line the following:

"115.131. 1. Notwithstanding the provisions of section 115.515 or any other provision to the contrary, in the event there is a tie vote between two candidates in a primary election for a county office, each candidate who failed to win the election as a result of the tie shall be permitted to place his or her name on the ballot at the general election. However, his or her name shall appear on the ballot with no political party designation.

2. If any candidate eligible to place his or her name on the ballot at the general election under subsection 1 of this section declines to do so, the remaining candidate shall be declared to have won the primary election and may appear on the general election ballot as the candidate for the political party in which the primary was held.

3. No votes for a write-in candidate shall be allowed at a general election held in accordance with subsection 1 of this section unless only one candidate's name is on the ballot, in which case that candidate is to be designated as a candidate for the political party in which he or she ran in the primary and write-in candidate votes shall be allowed.

4. The provisions of this section shall apply only in the case of an uncontested general election in which the candidates who tie during a political party primary are the only candidates eligible to run for the county office because that all other political party or independent candidates have not met the requisite filing requirements to run for such office.

5. If a general election is contested as a result of this section, any tie vote in a political party primary shall be resolved under section 115.515 prior to the general election."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Crawford assumed the Chair.

On motion of Representative Muntzel, **House Amendment No. 2** was adopted.

Representative Gosen offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute No. 2 for House Bill No. 178, Page 1, Section 67.005, Lines 2 to 4, by deleting all of said lines and inserting in lieu thereof the following:

"August 28, 2013, in the event that any proposal by any political subdivision to enact any tax for any purpose in the political subdivision is submitted to and"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Gosen, **House Amendment No. 3** was adopted by the following vote:

AYES: 082

Anderson	Bahr	Berry	Black	Brattin
Burlison	Burns	Cierpiot	Conway 104	Cornejo
Crawford	Cross	Davis	Diehl	Dugger
Elmer	Engler	English	Entlicher	Fitzpatrick
Fitzwater	Fowler	Fraker	Franklin	Gannon
Gosen	Guernsey	Haefner	Hansen	Hough
Hurst	Keeney	Kirkton	Koenig	Kolkmeyer
Kratky	Lair	Lant	Lichtenegger	Love
Lynch	Marshall	McGaugh	McNeil	Meredith
Messenger	Miller	Mitten	Muntzel	Neely
Neth	Nichols	Otto	Pace	Parkinson
Pfautsch	Phillips	Pike	Pogue	Reiboldt
Remole	Ross	Rowden	Rowland	Schieber
Schieffer	Shull	Shumake	Smith 85	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Walker	Walton Gray	White	Wieland	Wilson
Wood	Zerr			

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NOES: 066

Anders	Austin	Barnes	Bernskoetter	Brown
Butler	Carpenter	Colona	Conway 10	Cookson
Cox	Curtis	Curtman	Dohrman	Dunn
Ellinger	Ellington	Englund	Frame	Frederick
Funderburk	Gardner	Gatschenberger	Haahr	Hampton
Harris	Hinson	Hoskins	Houghton	Hummel
Johnson	Jones 50	Justus	Kelley 127	Kelly 45
LaFaver	Lauer	May	Mayfield	McCaherty
McCann Beatty	McDonald	McKenna	McManus	Mims
Molendorp	Montecillo	Morgan	Newman	Norr
Pierson	Rehder	Rhoads	Richardson	Riddle
Rizzo	Runions	Schatz	Schupp	Smith 120
Thomson	Torpey	Webb	Webber	Wright
Mr Speaker				

PRESENT: 000

ABSENT WITH LEAVE: 013

Allen	Flanigan	Grisamore	Hicks	Higdon
Hodges	Hubbard	Korman	Leara	Morris
Redmon	Roorda	Scharnhorst		

VACANCIES: 002

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Anderson	Austin	Bahr	Barnes	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeier	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Schatz	Schieber	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 007

Allen	Flanigan	Hodges	Hubbard	Molendorp
Redmon	Scharnhorst			

VACANCIES: 002

Representative Koenig moved that **HCS#2 HB 178, as amended**, be adopted.

Which motion was defeated by the following vote:

AYES: 076

Anderson	Austin	Bahr	Barnes	Berry
Brattin	Brown	Burlison	Cierpiot	Conway 104
Cornejo	Crawford	Cross	Davis	Diehl
Elmer	Engler	Fitzpatrick	Fitzwater	Fowler
Fraker	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Hansen	Hicks
Higdon	Hurst	Jones 50	Keeney	Koenig
Kolkmeyer	Korman	Lair	Lant	Leara
Lichtenegger	Love	Lynch	Marshall	McCahterty
McGaugh	Messenger	Morris	Muntzel	Neely
Neth	Parkinson	Pfausch	Pike	Pogue
Rehder	Reiboldt	Remole	Rhoads	Richardson
Ross	Rowden	Rowland	Schieber	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Walker	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 077

Anders	Bernskoetter	Black	Burns	Butler
Carpenter	Colona	Conway 10	Cookson	Cox
Curtis	Curtman	Dohrman	Dugger	Dunn
Ellinger	Ellington	English	Englund	Entlicher
Frame	Franklin	Frederick	Gardner	Haefner
Hampton	Harris	Hinson	Hoskins	Hough
Houghton	Hummel	Johnson	Justus	Kelley 127
Kelly 45	Kirkton	Kratky	LaFaver	Lauer
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Miller	Mims

Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Phillips	Pierson
Riddle	Rizzo	Roorda	Runions	Schatz
Schieffer	Schupp	Shull	Smith 85	Swearingen
Thomson	Torpey	Walton Gray	Webb	Webber
White	Wright			

PRESENT: 001

Shumake

ABSENT WITH LEAVE: 007

Allen	Flanigan	Hodges	Hubbard	Molendorp
Redmon	Scharnhorst			

VACANCIES: 002

Speaker Jones resumed the Chair.

HB 178 was laid over.

THIRD READING OF HOUSE BILL

HB 42, relating to private property rights, was taken up by Representative Rowland.

On motion of Representative Rowland, **HB 42** was read the third time and passed by the following vote:

AYES: 113

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Cierpiot	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	English	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
Mayfield	McCaherty	McGaugh	Messenger	Miller
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Roorda
Ross	Rowden	Rowland	Schatz	Schieber
Schieffer	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 042

Anders	Burns	Butler	Carpenter	Colona
Curtis	Dunn	Ellinger	Ellington	Englund
Gardner	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Pierson	Rizzo	Runions
Schupp	Smith 85	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 006

Hodges	Hubbard	Molendorp	Morris	Redmon
Scharnhorst				

VACANCIES: 002

Speaker Jones declared the bill passed.

PERFECTION OF HOUSE BILLS

HB 178, relating to local ballot proposals, was again taken up by Representative Koenig.

Representative Kelley (127), having voted on the prevailing side, moved that the vote by which the adoption of **HCS#2 HB 178, as amended**, was defeated, be reconsidered.

Which motion was adopted by the following vote:

AYES: 106

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeier	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Scholand	Schatz	Schieber	Shull
Shumake	Smith 120	Solon	Sommer	Spencer

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Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 005

Hodges	Hubbard	Molendorp	Redmon	Scharnhorst
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VACANCIES: 002

On motion of Representative Koenig, **HCS#2 HB 178, as amended**, was adopted by the following vote:

AYES: 078

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Crawford
Davis	Diehl	Dugger	Elmer	Engler
Fitzwater	Fowler	Fraker	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Hampton	Hansen	Hicks	Higdon
Hurst	Jones 50	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Leara
Lichtenegger	Lynch	Marshall	McCaherty	McGaugh
Messenger	Muntzel	Neely	Neth	Parkinson
Pfautsch	Pike	Rehder	Reiboldt	Remole
Rhoads	Richardson	Ross	Rowden	Rowland
Schieber	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Walker	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 067

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Cox	Curtis	Curtman
Dohrman	Dunn	Ellinger	Ellington	English
Englund	Entlicher	Frame	Franklin	Gardner
Harris	Hinson	Hoskins	Hough	Houghton
Hummel	Johnson	Justus	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith

Miller	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Phillips
Pierson	Riddle	Rizzo	Roorda	Runions
Schatz	Schieffer	Schupp	Smith 85	Swearingen
Thomson	Torpey	Walton Gray	Webb	Webber
White	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 016

Cross	Fitzpatrick	Flanigan	Haefner	Hodges
Hubbard	Lauer	Love	Molendorp	Morris
Pace	Pogue	Redmon	Scharnhorst	Shull
Shumake				

VACANCIES: 002

On motion of Representative Koenig, **HCS#2 HB 178, as amended**, was ordered perfected and printed by the following vote:

AYES: 086

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Crawford	Cross
Davis	Diehl	Dugger	Elmer	Engler
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Hampton	Hansen
Hicks	Higdon	Hurst	Jones 50	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Pike	Pogue	Rehder	Reiboldt
Remole	Rhoads	Richardson	Ross	Rowden
Rowland	Schieber	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Walker	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 066

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Cox	Curtis	Curtman
Dohrman	Dunn	Ellinger	Ellington	English
Englund	Entlicher	Frame	Franklin	Gardner
Harris	Hinson	Hoskins	Hough	Houghton
Hummel	Johnson	Justus	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Miller
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Phillips
Pierson	Riddle	Rizzo	Runions	Schatz

Schieffer
Torpey
Wright

Schupp
Walton Gray

Smith 85
Webb

Swearingen
Webber

Thomson
White

PRESENT: 000

ABSENT WITH LEAVE: 009

Barnes
Molendorp

Haefner
Redmon

Hodges
Roorda

Hubbard
Scharnhorst

Meredith

VACANCIES: 002

HCS HB 197, relating to taxes and revenue bonds, was taken up by Representative Lauer.

Representative Lauer offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 197, Pages 16 and 17, Section 67.2073, Lines 41 through 57, by deleting all of said lines and inserting in lieu thereof the following:

"(2) No real property shall be taken using eminent domain by any municipal or county government for any economic development project, as defined in section 523.271, funded by Star Bonds if such property is acquired in order to be transferred to any private entity prior to the expiration of the Star Bond project."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Lauer, **House Amendment No. 1** was adopted.

On motion of Representative Lauer, **HCS HB 197, as amended**, was adopted.

On motion of Representative Lauer, **HCS HB 197, as amended**, was ordered perfected and printed.

HCS HB 28, relating to disaster ordinances, was taken up by Representative Lichtenegger.

Representative Lichtenegger offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 28, Section 44.080, Page 2, Lines 19-26, by deleting all of said lines and inserting in lieu thereof the following:

"(3) Adopt orders or resolutions with penalties as these specifically relate to the actual or impending occurrence of a natural disaster of major proportions within the county when the safety and welfare of the inhabitants of such county are jeopardized. Such orders or resolutions may include the issuance of burn ban orders carrying penalties as specified in subsection 2 of section 44.130 if there is a Keetch-Byram Drought Index of 625 or more. The violations of such order or resolution shall be an infraction, except that state agencies responsible for fire management or suppression activities and persons conducting agricultural burning using best management practices shall not be subject to the provisions of this subsection. The ability of an individual, organization, or corporation to sell fireworks shall not be affected by the issuance of a burn ban order."; and

Further amend said bill, Section 49.266, Page 2, Lines 5-13, by deleting all of said lines and inserting in lieu thereof the following:

"2. The county commission in all counties may, by order, promulgate reasonable regulations concerning its emergency management functions and operations and conditions controls, as they specifically relate to the actual occurrence of a natural disaster within the county when the health, safety or welfare of the inhabitants of such county are threatened by actual or impending circumstances. The regulations may include the issuance of burn ban orders carrying penalties as specified in subsection 2 of section 44.130 and monetary fines as established by the county commission , if there is a Keetch-Byram Drought Index of 625 or more, except that state agencies responsible for fire management or suppression activities and persons conducting agricultural burning using best management practices shall not be subject to the provisions of this subsection. The ability of an individual, organization, or corporation to sell fireworks shall not be affected by the issuance of a burn ban order."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Lichtenegger, **House Amendment No. 1** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 106

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Schatz	Schieber	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols

Norr	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 005

Hodges	Hubbard	Kelley 127	Redmon	Scharnhorst
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VACANCIES: 002

On motion of Representative Lichtenegger, **HCS HB 28, as amended**, was adopted.

On motion of Representative Lichtenegger, **HCS HB 28, as amended**, was ordered perfected and printed.

HCS HB 787, relating to the Department of Revenue, was taken up by Representative Richardson.

Representative Richardson offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 787, Page 3, Section 302.065, Line 10, by deleting the number "**2013**" and inserting in lieu thereof the number "**2012**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Richardson, **House Amendment No. 1** was adopted.

Representative Ross offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 787, Page 3, Section 302.065, Line 19, by inserting after all of said section and line the following:

"571.500. No state agency or department, or contractor or agent working for the state, shall construct, enable by providing or sharing records to, maintain, participate in, or develop, or cooperate or enable the federal government in developing, a database or record of the number or type of firearms, ammunition, or firearms accessories that an individual possesses.

Section B. Because immediate action is necessary to protect the general public, the repeal and reenactment of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section A of this act shall be in full force and effect upon its passage and approval."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Roorda raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 102

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Muntzel	Neely
Neth	Parkinson	Pfausch	Phillips	Pike
Pogue	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 010

Fitzwater	Hodges	Hubbard	Justus	Mims
Morris	Redmon	Rowland	Scharnhorst	Smith 120

VACANCIES: 002

On motion of Representative Ross, **House Amendment No. 2** was adopted by the following vote:

AYES: 123

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Cierpiot	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	Mayfield	McCaherty	McGaugh
McKenna	Messenger	Miller	Molendorp	Morris
Muntzel	Neely	Neth	Nichols	Otto
Parkinson	Pfausch	Phillips	Pike	Pogue
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Roorda	Ross	Rowden	Rowland
Runions	Schatz	Schieber	Schieffer	Shull
Shumake	Smith 85	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 031

Butler	Carpenter	Colona	Conway 10	Curtis
Dunn	Ellinger	Ellington	Gardner	Hummel
Kelly 45	Kirkton	May	McCann Beatty	McDonald
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Norr	Pace
Pierson	Rizzo	Schupp	Swearingen	Walton Gray
Webb				

PRESENT: 000

ABSENT WITH LEAVE: 007

Grisamore	Hodges	Hubbard	Kratky	Redmon
Scharnhorst	Smith 120			

VACANCIES: 002

Representative McGaugh offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 787, Page 3, Section 302.065, Line 19, by inserting after all of said line the following:

"6. Any person harmed or damaged by any violation of section 302.065 may bring a civil action for damages, including non-economic and punitive damages, as well as injunctive relief, in the circuit court where that person resided at the time of the violation or in the circuit court or the circuit court of Cole County to recover such damages from the department of revenue and any persons participating in such violation. Sovereign immunity shall not be available as a defense for the department of revenue in such an action. In the event the plaintiff prevails on any count of his or her claim, the plaintiff shall be entitled to recover reasonable attorney fees from the defendants."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative McGaugh, **House Amendment No. 3** was adopted.

Representative Richardson offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 787, Page 2, Section 302.065, Line 2, by inserting immediately after the word "**contrary**", the following:

"and except for the minimum copies of source documents required by federal law for the issuance or renewal of commercial driver's licenses and commercial driver learner's permits"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Richardson, **House Amendment No. 4** was adopted.

Representative English offered **House Amendment No. 5.**

House Amendment No. 5

AMEND House Committee Substitute for House Bill No. 787, Page 2, Section 136.055, Line 51, by inserting immediately after said line the following:

"32.090. 1. The department of revenue shall keep a record of each application or other document filed with it and each certificate or other official document issued by it.

2. Except as otherwise provided by law, all records of the department of revenue are public records and shall be made available to the public according to procedures established by the department.

3. Personal information obtained by the department shall not be disclosed to any person requesting such personal information except as provided in section 32.091.

4. The director of the department of revenue may require applications received by the department under chapters 301, 306 and 700, RSMo, to include the applicant's unique identification number, which shall be treated as personal, non-public information. For the purposes of this subsection, "identification number" means the applicant's driver's license number, non-driver's license number, or social security number."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pogue	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 048

Anders	Black	Burns	Butler	Carpenter
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hummel	Kelly 45	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Pierson	Rizzo	Runions
Schieffer	Schupp	Smith 85	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 009

Colona	Fitzwater	Hodges	Hubbard	Pike
Redmon	Roorda	Scharnhorst	Smith 120	

VACANCIES: 002

On motion of Representative English, **House Amendment No. 5** was adopted.

Representative Keeney resumed the Chair.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 105

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Morris
Muntzel	Neely	Neth	Parkinson	Pfausch
Phillips	Pike	Pogue	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Schatz	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hummel	Kelly 45	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 007

Curtis	Funderburk	Hodges	Hubbard	Redmon
Scharnhorst	Smith 120			

VACANCIES: 002

On motion of Representative Richardson, **HCS HB 787, as amended**, was adopted.

On motion of Representative Richardson, **HCS HB 787, as amended**, was ordered perfected and printed by the following vote:

AYES: 141

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Carpenter	Cierpiot	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Dunn	Ellinger	Ellington	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	May
Mayfield	McCaherty	McCann Beatty	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Molendorp	Montecillo	Morris	Muntzel	Neely
Neth	Nichols	Norr	Otto	Pace
Parkinson	Pfausch	Phillips	Pierson	Pike
Pogue	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 014

Burns	Butler	Colona	Curtis	Gardner
Hummel	McDonald	Mims	Mitten	Morgan
Newman	Smith 85	Walton Gray	Webb	

PRESENT: 000

ABSENT WITH LEAVE: 006

Funderburk	Hodges	Hubbard	Redmon	Scharnhorst
Smith 120				

VACANCIES: 002

HCS HB 389, relating to a qualified tax credit for research expenses, was taken up by Representative Engler.

Representative Torpey offered **House Amendment No. 1.**

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 389, Page 1, Section 620.1039, Lines 7-11, by deleting all of said lines and inserting in lieu thereof the following:

"limited to those incurred in the:

- (1) Research and development of agricultural biotechnology;**
- (2) Research and development of plant genomics products;**
- (3) Research and development of diagnostic and therapeutic medical devices;**
- (4) Research and development of prescription pharmaceuticals consumed by humans or animals, that does not include human reproductive cloning;**
- (5) Research, development, or manufacture of power system technology for aerospace, space, defense, or implantable or wearable medical devices.";** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HCS HB 389, with House Amendment No. 1, pending, was laid over.

HB 526, relating to the establishment of a rural regional development grants program, was taken up by Representative Franklin.

Representative Franklin offered **House Amendment No. 1.**

House Amendment No. 1

AMEND House Bill No. 526, Page 2, Section 620.750, Line 31, by inserting after all of said line the following:

"6. The regional small business and technology development center will serve as the facilitator of the rural regional development group for purposes of this grant program. The facilitator's role will be to convene the group, provide support for the development of an action plan for the implementation of the grant in the region, and handle reporting responsibilities on the pre-determined metrics that demonstrate the results from the economic development activities in the region."; and

Further amend said bill, page and section, Line 43, by inserting after all of said line the following:

"8. Uses for the grants may include, but are not limited to, the following activities:

- (1) Workforce development activities, such as evaluation and education;**
- (2) Entrepreneurship training for pre-venture and existing businesses;**
- (3) Development of regional marketing techniques and activities;**
- (4) International trade training for new-to-export businesses in the region;**
- (5) In-depth market research and financial analysis for businesses in the region;**
- (6) Demographic and market opportunity research to assist regional planning commissions in developing their comprehensive economic development strategy.**

9. The facilitator shall annually report to the governor; the director of the department of economic development; the senate committee on commerce, consumer protection and the environment and the house committee on economic development and any successor committees thereto, the allocation of the grants and the purposes for which the funding was used."; and

Further amend said bill and section, by renumbering the subsections accordingly; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 099

Allen	Anderson	Austin	Bahr	Barnes
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Lichtenegger	Love	Lynch
McCaherty	McGaugh	Messenger	Miller	Morris
Muntzel	Neely	Neth	Pfausch	Phillips
Pike	Pogue	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 013

Bernskoetter	Fraker	Hansen	Hodges	Hubbard
Leara	Marshall	Molendorp	Parkinson	Redmon
Roorda	Scharnhorst	Smith 120		

VACANCIES: 002

On motion of Representative Franklin, **House Amendment No. 1** was adopted.

On motion of Representative Franklin, **HB 526, as amended**, was ordered perfected and printed.

HB 253, relating to the establishment of the "Broad-Based Tax Relief Act of 2013," was taken up by Representative Berry.

Representative Kelley (127) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 253, Page 6, Section 143.071, Line 85, by inserting after said line the following:

"143.221. 1. Every employer required to deduct and withhold tax under sections 143.011 to 143.996 shall, for each calendar quarter, on or before the last day of the month following the close of such calendar quarter, file a withholding return as prescribed by the director of revenue and pay over to the director of revenue or to a depository designated by the director of revenue the taxes so required to be deducted and withheld.

2. Where the aggregate amount required to be deducted and withheld by any employer exceeds fifty dollars for at least two of the preceding twelve months, the director, by regulation, may require a monthly return. The due dates of the monthly return and the monthly payment or deposit for the first two months of each quarter shall be by the fifteenth day of the succeeding month. The due dates of the monthly return and the monthly payment or deposit for the last month of each quarter shall be by the last day of the succeeding month. The director may increase the amount required for making a monthly employer withholding payment and return to more than fifty dollars or decrease such required amount, however, the decreased amount shall not be less than fifty dollars.

3. Where the aggregate amount required to be deducted and withheld by any employer is less than [twenty] **one hundred** dollars in each of the four preceding quarters, **and to the extent the employer does not meet the requirements in subsection 1 or 2 of this section for filing a withholding return on a quarterly or monthly basis**, the employer shall file a withholding return for a calendar year. The director, by regulation, may also allow other employers to file annual returns. The return shall be filed and the taxes if any paid on or before January thirty-first of the succeeding year. The director may increase the amount required for making an annual employer withholding payment and return to more than [twenty] **one hundred** dollars or decrease such required amount, however, the decreased amount shall not be less than [twenty] **one hundred** dollars.

4. If the director of revenue finds that the collection of taxes required to be deducted and withheld by an employer may be jeopardized by delay, he may require the employer to pay over the tax or make a return at any time. A lien outstanding with regard to any tax administered by the director shall be a sufficient basis for this action."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Kelley (127), **House Amendment No. 1** was adopted.

Representative Burlison offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Bill No. 253, Page 6, Section 143.071, Line 85, by inserting after all of said section and line the following:

"144.020. 1. A tax is hereby levied and imposed upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. The rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, including but not limited to motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard motors, a tax equivalent to four percent of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to four percent of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, except as otherwise provided in section 144.025;

(2) A tax equivalent to four percent of the amount paid for admission and seating accommodations[, or fees paid to, or] in any place of amusement, entertainment or recreation, games and athletic events;

(3) A tax equivalent to four percent of the basic rate paid or charged on all sales of electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(4) A tax equivalent to four percent on the basic rate paid or charged on all sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; except that, the payment made by telecommunications subscribers or others, pursuant to section 144.060, and any amounts paid for access to the internet or interactive computer services shall not be considered as amounts paid for telecommunications services;

(5) A tax equivalent to four percent of the basic rate paid or charged for all sales of services for transmission of messages of telegraph companies;

(6) A tax equivalent to four percent on the amount of sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are regularly served to the public;

(7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(8) A tax equivalent to four percent of the amount paid or charged for rental or lease of tangible personal property, provided that if the lessor or renter of any tangible personal property had previously purchased the property under the conditions of "sale at retail" or leased or rented the property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or subrental receipts from that property. The purchase, rental or lease of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax paid as provided in this section and section 144.070. In no event shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof.

2. All tickets sold which are sold under the provisions of sections 144.010 to 144.525 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words "This ticket is subject to a sales tax." "; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Burlison, **House Amendment No. 2** was adopted.

Representative Riddle offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Bill No. 253, Page 1, Line 3 of the Title, by deleting the words "business income" and inserting in lieu thereof the word "businesses"; and

Further amend said bill, Page 6, Section 143.013, Line 85, by inserting after said line the following:

"144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.824; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Motor vehicles registered in excess of fifty-four thousand pounds, and the trailers pulled by such motor vehicles, that are actually used in the normal course of business to haul property on the public highways of the state, and that are capable of hauling loads commensurate with the motor vehicle's registered weight; and the materials, replacement parts, and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of such vehicles. For purposes of this subdivision "motor vehicle" and "public highway" shall have the meaning as ascribed in section 390.020;

(5) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant" means a facility that has as its primary purpose the recovery of materials into a useable product or a different form which is used in producing a new product and shall include a facility or equipment which are used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms motor vehicle and highway shall have the same meaning pursuant to section 301.010. Material recovery is not the reuse of materials within a manufacturing process or the use of a product previously recovered. The material recovery processing plant shall qualify under the provisions of this section regardless of ownership of the material being recovered;

(6) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state, **including any titled manufacturing or mining equipment**, if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

(7) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(8) Animals or poultry used for breeding or feeding purposes, or captive wildlife;

(9) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public;

(10) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(11) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(12) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, in the transportation of persons or property;

(13) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (5) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200. There shall be a rebuttable presumption that the raw materials used in the primary manufacture of automobiles contain at least twenty-five percent recovered materials. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(14) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(16) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(17) Tangible personal property purchased by a rural water district;

(18) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation;

(19) All sales of insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales or rental of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and ambulatory aids, all sales or rental of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales or rental of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities, and drugs required by the Food and Drug Administration to meet the over-the-counter drug product labeling requirements in 21 CFR 201.66, or its successor, as prescribed by a health care practitioner licensed to prescribe;

(20) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(21) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (20) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(22) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530;

(23) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used

in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as defined in section 142.028, natural gas, propane, and electricity used by an eligible new generation cooperative or an eligible new generation processing entity as defined in section 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and trailers, and any freight charges on any exempt item. As used in this subdivision, the term "feed additives" means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term "farm machinery and equipment" means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon and any accessories for and upgrades to such farm machinery and equipment, rotary mowers used exclusively for agricultural purposes, and supplies and lubricants used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and one-half of each purchaser's purchase of diesel fuel therefor which is:

- (a) Used exclusively for agricultural purposes;
 - (b) Used on land owned or leased for the purpose of producing farm products; and
 - (c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;
- (24) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use:

(a) "Domestic use" means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(25) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(26) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local sales taxes on such excise taxes;

(27) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers

bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(28) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(29) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(30) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(31) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

(32) Electrical energy or gas, whether natural, artificial or propane, water, or other utilities which are ultimately consumed in connection with the manufacturing of cellular glass products or in any material recovery processing plant as defined in subdivision (5) of this subsection;

(33) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

(34) Tangible personal property and utilities purchased for use or consumption directly or exclusively in the research and development of agricultural/biotechnology and plant genomics products and prescription pharmaceuticals consumed by humans or animals;

(35) All sales of grain bins for storage of grain for resale;

(36) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, and licensed pursuant to sections 273.325 to 273.357;

(37) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

(38) All sales or other transfers of tangible personal property to a lessor who leases the property under a lease of one year or longer executed or in effect at the time of the sale or other transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100;

(39) Sales of tickets to any collegiate athletic championship event that is held in a facility owned or operated by a governmental authority or commission, a quasi-governmental agency, a state university or college or by the state or any political subdivision thereof, including a municipality, and that is played on a neutral site and may reasonably be played at a site located outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that is not located on the campus of a conference member institution participating in the event;

(40) All purchases by a sports complex authority created under section 64.920, and all sales of utilities by such authority at the authority's cost that are consumed in connection with the operation of a sports complex leased to a professional sports team;

(41) Beginning January 1, 2009, but not after January 1, 2015, materials, replacement parts, and equipment purchased for use directly upon, and for the modification, replacement, repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

(42) Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or similar places of business for use in the normal course of business and money received by a shooting range or similar places of business from

patrons and held by a shooting range or similar place of business for redistribution to patrons at the conclusion of a shooting event."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Riddle, **House Amendment No. 3** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeier	Korman	Lair
Lant	Lauer	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr

NOES: 047

Anders	Black	Burns	Butler	Carpenter
Conway 10	Curtis	Dunn	Ellington	English
Englund	Gardner	Harris	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 014

Colona	Ellinger	Flanigan	Frame	Gatschenberger
Hansen	Hodges	Hubbard	Leara	Molendorp
Redmon	Scharnhorst	Smith 120	Mr Speaker	

VACANCIES: 002

On motion of Representative Berry, **HB 253, as amended**, was ordered perfected and printed.

On motion of Representative Diehl, the House recessed until 8:00 p.m.

EVENING SESSION

The hour of recess having expired, the House was called to order by Representative Keeney.

PERFECTION OF HOUSE BILLS

HCS HBs 404 & 614, relating to workers' compensation, was taken up by Representative Conway (104).

Representative Rizzo suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 057

Allen	Anderson	Black	Brattin	Burlison
Colona	Conway 104	Cookson	Cox	Crawford
Davis	Diehl	Dohrman	Englund	Fitzpatrick
Fitzwater	Fraker	Frame	Franklin	Gatschenberger
Grisamore	Guernsey	Haefner	Hampton	Harris
Hoskins	Hurst	Keeney	Koenig	Kolkmeier
Korman	Kratky	Lair	Lant	Leara
Love	McCaherty	Miller	Montecillo	Morgan
Muntzel	Neth	Pfautsch	Phillips	Pike
Rehder	Reiboldt	Rizzo	Rowden	Scharnhorst
Schatz	Schieber	Shull	Shumake	Stream
Thomson	Torpey			

NOES: 000

PRESENT: 046

Anders	Austin	Bahr	Barnes	Berry
Butler	Carpenter	Conway 10	Cross	Elmer
English	Frederick	Gardner	Haahr	Hinson
Houghton	Hummel	Johnson	Jones 50	Justus
Kelly 45	Kirkton	LaFaver	Lauer	May
Mayfield	McCann Beatty	McGaugh	Neely	Nichols
Norr	Pace	Pierson	Rhoads	Rowland
Schieffer	Schupp	Solon	Sommer	Spencer
Swearingen	Webb	Webber	White	Wieland
Wood				

ABSENT WITH LEAVE: 058

Bernskoetter	Brown	Burns	Cierpiot	Cornejo
Curtis	Curtman	Dugger	Dunn	Ellinger
Ellington	Engler	Entlicher	Flanigan	Fowler
Funderburk	Gannon	Gosen	Hansen	Hicks

Higdon	Hodges	Hough	Hubbard	Kelley 127
Lichtenegger	Lynch	Marshall	McDonald	McKenna
McManus	McNeil	Meredith	Messenger	Mims
Mitten	Molendorp	Morris	Newman	Otto
Parkinson	Pogue	Redmon	Remole	Richardson
Riddle	Roorda	Ross	Runions	Smith 85
Smith 120	Swan	Walker	Walton Gray	Wilson
Wright	Zerr	Mr Speaker		

VACANCIES: 002

Representative Hinson offered **House Amendment No. 1.**

House Amendment No. 1

AMEND House Committee Substitute for House Bill Nos. 404 & 614, Page 2, Section 287.067, Line 46, by inserting after all of said section and line, the following:

- "287.243. 1. This section shall be known and may be cited as the "Line of Duty Compensation Act".
2. As used in this section, unless otherwise provided, the following words shall mean:
- (1) "Air ambulance pilot", a person certified as an air ambulance pilot in accordance with sections 190.001 to 190.245 and corresponding regulations applicable to air ambulances adopted by the department of health and senior services, division of regulation and licensure, 19 CSR 30-40.005, et seq.;
- (2) "Air ambulance registered professional nurse", a person licensed as a registered professional nurse in accordance with sections 335.011 to 335.096 and corresponding regulations adopted by the state board of nursing, 20 CSR 2200-4, et seq., who provides registered professional nursing services as a flight nurse in conjunction with an air ambulance program that is certified in accordance with sections 190.001 to 190.245 and the corresponding regulations applicable to such programs;
- (3) "Emergency medical technician", a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to 190.245 and by rules adopted by the department of health and senior services under sections 190.001 to 190.245;
- (4) "Firefighter", any person, including a volunteer firefighter, employed by the state or a local governmental entity as an employer defined under subsection 1 of section 287.030, or otherwise serving as a member or officer of a fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims;
- (5) "Killed in the line of duty", when [a person defined in this section] **any law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, paramedic, or firefighter** loses [one's] **his or her** life as a result of an injury received in the active performance of [his or her duties within the ordinary scope of] **duties in** his or her respective profession [while the individual is on duty and but for the individual's performance, death would have not occurred], **if the death occurs as a natural and probable consequence of the injury or disease caused by the accident or violence of another within three hundred weeks from the date the injury was received and if that injury arose from violence of another or accidental cause subject to the provisions of this subdivision.** The term excludes death resulting from the willful misconduct or intoxication of the law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, **paramedic**, or firefighter. The division of workers' compensation shall have the burden of proving such willful misconduct or intoxication. **For law enforcement officers, emergency medical technicians, air ambulance pilots, air ambulance registered professional nurses, paramedics, and firefighters, the term shall include the death caused as a result of a willful act of violence committed by a person other than the officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, paramedic, or firefighter, and a relationship exists between the commission of such act and the individual's performance of his or her duties as a law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, paramedic, or firefighter, regardless of whether the injury is received while the individual is on duty; or the injury is received by a law enforcement officer while he or she is attempting to prevent the commission of a criminal act of another person or attempting to apprehend an individual suspected of committing a crime, regardless of whether the injury is received while the individual is on duty as a law enforcement officer; or the injury is received by the individual while traveling to or from his or her employment or during any meal break, or other break, which takes place during the period in which the law enforcement officer, air ambulance**

pilot, air ambulance registered professional nurse, emergency medical technician, paramedic, or firefighter, is on duty;

(6) "Law enforcement officer", any person employed by the state or a local governmental entity as a police officer, peace officer certified under chapter 590, or serving as an auxiliary police officer or in some like position involving the enforcement of the law and protection of the public interest at the risk of that person's life;

(7) "Local governmental entity", includes counties, municipalities, townships, board or other political subdivision, cities under special charter, or under the commission form of government, fire protection districts, ambulance districts, and municipal corporations;

(8) "State", the state of Missouri and its departments, divisions, boards, bureaus, commissions, authorities, and colleges and universities;

(9) "Volunteer firefighter", a person having principal employment other than as a firefighter, but who is carried on the rolls of a regularly constituted fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims, the members of which are under the jurisdiction of the corporate authorities of a city, village, incorporated town, or fire protection district. Volunteer firefighter shall not mean an individual who volunteers assistance without being regularly enrolled as a firefighter.

3. (1) A claim for compensation under this section shall be filed by the estate of the deceased with the division of workers' compensation not later than one year from the date of death of a law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter. If a claim is made within one year of the date of death of a law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter killed in the line of duty, compensation shall be paid, if the division finds that the claimant is entitled to compensation under this section.

(2) The amount of compensation paid to the claimant shall be twenty-five thousand dollars, subject to appropriation, for death occurring on or after June 19, 2009.

4. Notwithstanding subsection 3 of this section, no compensation is payable under this section unless a claim is filed within the time specified under this section setting forth:

(1) The name, address, and title or designation of the position in which the law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter was serving at the time of his or her death;

(2) The name and address of the claimant;

(3) A full, factual account of the circumstances resulting in or the course of events causing the death at issue; and

(4) Such other information that is reasonably required by the division.

When a claim is filed, the division of workers' compensation shall make an investigation for substantiation of matters set forth in the application.

5. The compensation provided for under this section is in addition to, and not exclusive of, any pension rights, death benefits, or other compensation the claimant may otherwise be entitled to by law.

6. Neither employers nor workers' compensation insurers shall have subrogation rights against any compensation awarded for claims under this section. Such compensation shall not be assignable, shall be exempt from attachment, garnishment, and execution, and shall not be subject to setoff or counterclaim, or be in any way liable for any debt, except that the division or commission may allow as lien on the compensation, reasonable attorney's fees for services in connection with the proceedings for compensation if the services are found to be necessary. Such fees are subject to regulation as set forth in section 287.260.

7. Any person seeking compensation under this section who is aggrieved by the decision of the division of workers' compensation regarding his or her compensation claim, may make application for a hearing as provided in section 287.450. The procedures applicable to the processing of such hearings and determinations shall be those established by this chapter. Decisions of the administrative law judge under this section shall be binding, subject to review by either party under the provisions of section 287.480.

8. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after June 19, 2009, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

9. The provisions of this section, unless specified, shall not be subject to other provisions of this chapter.

10. There is hereby created in the state treasury the "Line of Duty Compensation Fund", which shall consist of moneys appropriated to the fund and any voluntary contributions, gifts, or bequests to the fund. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for paying claims under this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

11. The division shall promulgate rules to administer this section, including but not limited to the appointment of claims to multiple claimants, record retention, and procedures for information requests. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after June 19, 2009, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hinson, **House Amendment No. 1** was adopted.

On motion of Representative Conway (104), **HCS HBs 404 & 614, as amended**, was adopted.

On motion of Representative Conway (104), **HCS HBs 404 & 614, as amended**, was ordered perfected and printed.

HCS HB 343, relating to public assistance benefits, was taken up by Representative Guernsey.

Representative Fitzpatrick offered **House Amendment No. 1**.

Representative Hummel raised a point of order that **House Amendment No. 1** was not timely distributed.

Representative Keeney requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

Representative Wilson offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 343, Page 6, Section 208.022, Line 7, by inserting after all of said section and line the following:

"208.027. 1. The department of social services shall develop a program to screen each applicant or recipient who is otherwise eligible for temporary assistance for needy families benefits under this chapter, and then test, using a urine dipstick five panel test, each one who the department has reasonable cause to believe, based on the screening, engages in illegal use of controlled substances. Any applicant or recipient who is found to have tested positive for the use of a controlled substance, which was not prescribed for such applicant or recipient by a licensed health care provider, or who refuses to submit to a test, shall, after an administrative hearing conducted by the department under the provisions of chapter 536, be declared ineligible for temporary assistance for needy families benefits for a period of three years from

the date of the administrative hearing decision unless such applicant or recipient, after having been referred by the department, enters and successfully completes a substance abuse treatment program and does not test positive for illegal use of a controlled substance in the six-month period beginning on the date of entry into such rehabilitation or treatment program. The applicant or recipient shall continue to receive benefits while participating in the treatment program. The department may test the applicant or recipient for illegal drug use at random or set intervals, at the department's discretion, after such period. If the applicant or recipient tests positive for the use of illegal drugs a second time, then such applicant or recipient shall be declared ineligible for temporary assistance for needy families benefits for a period of three years from the date of the administrative hearing decision. The department shall refer an applicant or recipient who tested positive for the use of a controlled substance under this section to an appropriate substance abuse treatment program approved by the division of alcohol and drug abuse within the department of mental health.

2. Case workers of applicants or recipients shall be required to report or cause a report to be made to the children's division in accordance with the provisions of sections 210.109 to 210.183 for suspected child abuse as a result of drug abuse in instances where the case worker has knowledge that:

- (1) An applicant or recipient has tested positive for the illegal use of a controlled substance; or
- (2) An applicant or recipient has refused to be tested for the illegal use of a controlled substance.

3. Other members of a household which includes a person who has been declared ineligible for temporary assistance for needy families assistance shall, if otherwise eligible, continue to receive temporary assistance for needy families benefits as protective or vendor payments to a third-party payee for the benefit of the members of the household.

4. The department of social services shall promulgate rules to develop the screening and testing provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.

5. Notwithstanding the department's screening program developed pursuant to subsection 1, case workers shall be given the ultimate discretion to determine whether there is reasonable cause to believe an applicant or recipient engages in the illegal use of controlled substances. The department is prohibited from promulgating any rule or policy that would prohibit a case worker of applicants or recipients from requiring a test for any applicant or recipient the case worker has reasonable cause to believe engages in the illegal use of controlled substances.

6. Any department employee who prohibits the drug testing of an applicant or recipient when the case worker has reasonable cause to believe the applicant or recipient engages in the illegal use of controlled substances shall be subject to immediate termination of employment."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 099

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Entlicher	Fitzpatrick
Fitzwater	Fowler	Fraker	Franklin	Frederick
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller
Morris	Muntzel	Neely	Neth	Parkinson

Pfautsch	Phillips	Pike	Pogue	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 012

Engler	Flanigan	Funderburk	Hansen	Hodges
Hubbard	Molendorp	Redmon	Scharnhorst	Smith 120
Zerr	Mr Speaker			

VACANCIES: 002

On motion of Representative Wilson, **House Amendment No. 2** was adopted.

Representative Fitzpatrick offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 343, Page 6, Section 208.022, Line 7, by inserting after all of said section and line the following:

"208.042. 1. In households containing recipients of [aid to families with dependent children] **temporary assistance for needy families** benefits, each [appropriate child, relative or other eligible individual] **recipient** sixteen years of age or over, **with the exception of recipients under the age of nineteen who are enrolled full-time in high school**, shall [be referred by the division of family services to the United States Secretary of Labor or his representative for participation in employment, training, work incentive or special work projects when established and operated by the secretary,] **participate in work activities in accordance with federal regulations** to afford such individuals opportunities to work in the regular economy and to attain independence through gainful employment.

2. The [division of family services] **department of social services**, pursuant to applicable federal law and regulations, shall determine the standards and procedures for the referral of individuals for [employment, training, work incentive and special work projects,] **work activities**, which shall not be refused by such individuals without good cause; but no recipient [or other eligible individual in the household] shall be required to participate in such work [programs] **activities** if the person is

- (1) Ill, incapacitated, or of advanced age;
- (2) So remote from the location of any work [or training project or program] **activity** that he cannot effectively participate;
- (3) A child attending school full time;

(4) A person whose presence in the household on a substantially continuous basis is required because of illness or incapacity of another member of the household.

3. [The division of family services shall pay to the United States Secretary of Labor or his representative up to twenty percent of the total cost, in cash or in kind, of the work incentive programs operated for the benefit of the eligible persons referred by the division of family services; and the division of family services shall pay an amount to the secretary for eligible persons referred to and participating in special work projects not to exceed the maximum monthly payments authorized under sections 208.041 and 208.150 for recipients of public assistance benefits. An allowance in addition to the maximum fixed by section 208.150 may also be made by the division of family services for the reasonable expenses of any needy child or needy eligible relative which are attributable to his participating in a work training or work incentive program.

4.] If [an eligible child or relative] **a recipient** refuses without good cause to participate in any work [training or work incentive program to which he has been referred, payment to or on behalf of the child or relative] **activity, his or her benefits** may be continued for not more than sixty days thereafter, but in such cases payments shall be made pursuant to subsection 2 of section 208.180. If a [relative] **recipient** has refused to so participate, payments on behalf of the eligible children cared for by the [relative] **recipient** shall be made pursuant to subsection 2 of section 208.180.

[5.] **4.** The [division of family services] **department of social services** is authorized to expend funds to provide child day care services, when appropriate, for the care of children required by the absence of adult persons from the household due to [referral and participation in employment, training, work incentive programs or special work projects] **work activities.**

5. The provisions of this section shall be subject to compliance by the department with all applicable federal laws and rules regarding temporary assistance for needy families."; and

Further amend said bill, Section 208.048, Page 6, Line 10, by inserting after all of said section and line the following:

"208.152. 1. MO HealthNet payments shall be made on behalf of those eligible needy persons as defined in section 208.151 who are unable to provide for it in whole or in part, with any payments to be made on the basis of the reasonable cost of the care or reasonable charge for the services as defined and determined by the MO HealthNet division, unless otherwise hereinafter provided, for the following:

(1) Inpatient hospital services, except to persons in an institution for mental diseases who are under the age of sixty-five years and over the age of twenty-one years; provided that the MO HealthNet division shall provide through rule and regulation an exception process for coverage of inpatient costs in those cases requiring treatment beyond the seventy-fifth percentile professional activities study (PAS) or the MO HealthNet children's diagnosis length-of-stay schedule; and provided further that the MO HealthNet division shall take into account through its payment system for hospital services the situation of hospitals which serve a disproportionate number of low-income patients;

(2) All outpatient hospital services, payments therefor to be in amounts which represent no more than eighty percent of the lesser of reasonable costs or customary charges for such services, determined in accordance with the principles set forth in Title XVIII A and B, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. 301, et seq.), but the MO HealthNet division may evaluate outpatient hospital services rendered under this section and deny payment for services which are determined by the MO HealthNet division not to be medically necessary, in accordance with federal law and regulations;

(3) Laboratory and X-ray services;

(4) Nursing home services for participants, except to persons with more than five hundred thousand dollars equity in their home or except for persons in an institution for mental diseases who are under the age of sixty-five years, when residing in a hospital licensed by the department of health and senior services or a nursing home licensed by the department of health and senior services or appropriate licensing authority of other states or government-owned and -operated institutions which are determined to conform to standards equivalent to licensing requirements in Title XIX of the federal Social Security Act (42 U.S.C. 301, et seq.), as amended, for nursing facilities. The MO HealthNet division may recognize through its payment methodology for nursing facilities those nursing facilities which serve a high volume of MO HealthNet patients. The MO HealthNet division when determining the amount of the benefit payments to be made on behalf of persons under the age of twenty-one in a nursing facility may consider nursing facilities furnishing care to persons under the age of twenty-one as a classification separate from other nursing facilities;

(5) Nursing home costs for participants receiving benefit payments under subdivision (4) of this subsection for those days, which shall not exceed twelve per any period of six consecutive months, during which the participant is on a temporary leave of absence from the hospital or nursing home, provided that no such participant shall be allowed a temporary leave of absence unless it is specifically provided for in his plan of care. As used in this subdivision, the

term "temporary leave of absence" shall include all periods of time during which a participant is away from the hospital or nursing home overnight because he is visiting a friend or relative;

(6) Physicians' services, whether furnished in the office, home, hospital, nursing home, or elsewhere;

(7) Drugs and medicines when prescribed by a licensed physician, dentist, or podiatrist; except that no payment for drugs and medicines prescribed on and after January 1, 2006, by a licensed physician, dentist, or podiatrist may be made on behalf of any person who qualifies for prescription drug coverage under the provisions of P.L. 108-173;

(8) Emergency ambulance services and, effective January 1, 1990, medically necessary transportation to scheduled, physician-prescribed nonelective treatments;

(9) Early and periodic screening and diagnosis of individuals who are under the age of twenty-one to ascertain their physical or mental defects, and health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby. Such services shall be provided in accordance with the provisions of Section 6403 of P.L. 101-239 and federal regulations promulgated thereunder;

(10) Home health care services;

(11) Family planning as defined by federal rules and regulations; provided, however, that such family planning services shall not include abortions unless such abortions are certified in writing by a physician to the MO HealthNet agency that, in his professional judgment, the life of the mother would be endangered if the fetus were carried to term;

(12) Inpatient psychiatric hospital services for individuals under age twenty-one as defined in Title XIX of the federal Social Security Act (42 U.S.C. 1396d, et seq.);

(13) Outpatient surgical procedures, including presurgical diagnostic services performed in ambulatory surgical facilities which are licensed by the department of health and senior services of the state of Missouri; except, that such outpatient surgical services shall not include persons who are eligible for coverage under Part B of Title XVIII, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended, if exclusion of such persons is permitted under Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended;

(14) Personal care services which are medically oriented tasks having to do with a person's physical requirements, as opposed to housekeeping requirements, which enable a person to be treated by his physician on an outpatient rather than on an inpatient or residential basis in a hospital, intermediate care facility, or skilled nursing facility. Personal care services shall be rendered by an individual not a member of the participant's family who is qualified to provide such services where the services are prescribed by a physician in accordance with a plan of treatment and are supervised by a licensed nurse. Persons eligible to receive personal care services shall be those persons who would otherwise require placement in a hospital, intermediate care facility, or skilled nursing facility. Benefits payable for personal care services shall not exceed for any one participant one hundred percent of the average statewide charge for care and treatment in an intermediate care facility for a comparable period of time. Such services, when delivered in a residential care facility or assisted living facility licensed under chapter 198 shall be authorized on a tier level based on the services the resident requires and the frequency of the services. A resident of such facility who qualifies for assistance under section 208.030 shall, at a minimum, if prescribed by a physician, qualify for the tier level with the fewest services. The rate paid to providers for each tier of service shall be set subject to appropriations. Subject to appropriations, each resident of such facility who qualifies for assistance under section 208.030 and meets the level of care required in this section shall, at a minimum, if prescribed by a physician, be authorized up to one hour of personal care services per day. Authorized units of personal care services shall not be reduced or tier level lowered unless an order approving such reduction or lowering is obtained from the resident's personal physician. Such authorized units of personal care services or tier level shall be transferred with such resident if her or she transfers to another such facility. Such provision shall terminate upon receipt of relevant waivers from the federal Department of Health and Human Services. If the Centers for Medicare and Medicaid Services determines that such provision does not comply with the state plan, this provision shall be null and void. The MO HealthNet division shall notify the revisor of statutes as to whether the relevant waivers are approved or a determination of noncompliance is made;

(15) Mental health services. The state plan for providing medical assistance under Title XIX of the Social Security Act, 42 U.S.C. 301, as amended, shall include the following mental health services when such services are provided by community mental health facilities operated by the department of mental health or designated by the department of mental health as a community mental health facility or as an alcohol and drug abuse facility or as a child-serving agency within the comprehensive children's mental health service system established in section 630.097. The department of mental health shall establish by administrative rule the definition and criteria for designation as a community mental health facility and for designation as an alcohol and drug abuse facility. Such mental health services shall include:

(a) Outpatient mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with

a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management;

(b) Clinic mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management;

(c) Rehabilitative mental health and alcohol and drug abuse services including home and community-based preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health or alcohol and drug abuse professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management. As used in this section, mental health professional and alcohol and drug abuse professional shall be defined by the department of mental health pursuant to duly promulgated rules. With respect to services established by this subdivision, the department of social services, MO HealthNet division, shall enter into an agreement with the department of mental health. Matching funds for outpatient mental health services, clinic mental health services, and rehabilitation services for mental health and alcohol and drug abuse shall be certified by the department of mental health to the MO HealthNet division. The agreement shall establish a mechanism for the joint implementation of the provisions of this subdivision. In addition, the agreement shall establish a mechanism by which rates for services may be jointly developed;

(16) Such additional services as defined by the MO HealthNet division to be furnished under waivers of federal statutory requirements as provided for and authorized by the federal Social Security Act (42 U.S.C. 301, et seq.) subject to appropriation by the general assembly;

(17) Beginning July 1, 1990, the services of a certified pediatric or family nursing practitioner with a collaborative practice agreement to the extent that such services are provided in accordance with chapters 334 and 335, and regulations promulgated thereunder;

(18) Nursing home costs for participants receiving benefit payments under subdivision (4) of this subsection to reserve a bed for the participant in the nursing home during the time that the participant is absent due to admission to a hospital for services which cannot be performed on an outpatient basis, subject to the provisions of this subdivision:

(a) The provisions of this subdivision shall apply only if:

a. The occupancy rate of the nursing home is at or above ninety-seven percent of MO HealthNet certified licensed beds, according to the most recent quarterly census provided to the department of health and senior services which was taken prior to when the participant is admitted to the hospital; and

b. The patient is admitted to a hospital for a medical condition with an anticipated stay of three days or less;

(b) The payment to be made under this subdivision shall be provided for a maximum of three days per hospital stay;

(c) For each day that nursing home costs are paid on behalf of a participant under this subdivision during any period of six consecutive months such participant shall, during the same period of six consecutive months, be ineligible for payment of nursing home costs of two otherwise available temporary leave of absence days provided under subdivision (5) of this subsection; and

(d) The provisions of this subdivision shall not apply unless the nursing home receives notice from the participant or the participant's responsible party that the participant intends to return to the nursing home following the hospital stay. If the nursing home receives such notification and all other provisions of this subsection have been satisfied, the nursing home shall provide notice to the participant or the participant's responsible party prior to release of the reserved bed;

(19) Prescribed medically necessary durable medical equipment. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(20) Hospice care. As used in this subdivision, the term "hospice care" means a coordinated program of active professional medical attention within a home, outpatient and inpatient care which treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social, and economic stresses which are experienced during the final stages of illness, and during dying and bereavement and meets the Medicare requirements for participation as a hospice as are provided in 42 CFR Part 418. The rate of reimbursement paid by the MO HealthNet division to the hospice provider for room and board furnished by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement which would have been paid for facility services in that nursing home facility for that patient, in accordance with subsection (c) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

(21) Prescribed medically necessary dental services. Such services shall be subject to appropriations. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(22) Prescribed medically necessary optometric services. Such services shall be subject to appropriations. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(23) Blood clotting products-related services. For persons diagnosed with a bleeding disorder, as defined in section 338.400, reliant on blood clotting products, as defined in section 338.400, such services include:

(a) Home delivery of blood clotting products and ancillary infusion equipment and supplies, including the emergency deliveries of the product when medically necessary;

(b) Medically necessary ancillary infusion equipment and supplies required to administer the blood clotting products; and

(c) Assessments conducted in the participant's home by a pharmacist, nurse, or local home health care agency trained in bleeding disorders when deemed necessary by the participant's treating physician;

(24) The MO HealthNet division shall, by January 1, 2008, and annually thereafter, report the status of MO HealthNet provider reimbursement rates as compared to one hundred percent of the Medicare reimbursement rates and compared to the average dental reimbursement rates paid by third-party payors licensed by the state. The MO HealthNet division shall, by July 1, 2008, provide to the general assembly a four-year plan to achieve parity with Medicare reimbursement rates and for third-party payor average dental reimbursement rates. Such plan shall be subject to appropriation and the division shall include in its annual budget request to the governor the necessary funding needed to complete the four-year plan developed under this subdivision.

2. Additional benefit payments for medical assistance shall be made on behalf of those eligible needy children, pregnant women and blind persons with any payments to be made on the basis of the reasonable cost of the care or reasonable charge for the services as defined and determined by the division of medical services, unless otherwise hereinafter provided, for the following:

(1) Dental services;

(2) Services of podiatrists as defined in section 330.010;

(3) Optometric services as defined in section 336.010;

(4) Orthopedic devices or other prosthetics, including eye glasses, dentures, hearing aids, and wheelchairs;

(5) Hospice care. As used in this subsection, the term "hospice care" means a coordinated program of active professional medical attention within a home, outpatient and inpatient care which treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social, and economic stresses which are experienced during the final stages of illness, and during dying and bereavement and meets the Medicare requirements for participation as a hospice as are provided in 42 CFR Part 418. The rate of reimbursement paid by the MO HealthNet division to the hospice provider for room and board furnished by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement which would have been paid for facility services in that nursing home facility for that patient, in accordance with subsection (c) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

(6) Comprehensive day rehabilitation services beginning early posttrauma as part of a coordinated system of care for individuals with disabling impairments. Rehabilitation services must be based on an individualized, goal-oriented, comprehensive and coordinated treatment plan developed, implemented, and monitored through an interdisciplinary assessment designed to restore an individual to optimal level of physical, cognitive, and behavioral function. The MO HealthNet division shall establish by administrative rule the definition and criteria for designation of a comprehensive day rehabilitation service facility, benefit limitations and payment mechanism. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this subdivision shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

3. The MO HealthNet division may require any participant receiving MO HealthNet benefits to pay part of the charge or cost until July 1, 2008, and an additional payment after July 1, 2008, as defined by rule duly promulgated by the MO HealthNet division, for all covered services except for those services covered under subdivisions (14) and (15) of subsection 1 of this section and sections 208.631 to 208.657 to the extent and in the manner authorized by Title XIX of the federal Social Security Act (42 U.S.C. 1396, et seq.) and regulations thereunder. When substitution of a generic

drug is permitted by the prescriber according to section 338.056, and a generic drug is substituted for a name-brand drug, the MO HealthNet division may not lower or delete the requirement to make a co-payment pursuant to regulations of Title XIX of the federal Social Security Act. A provider of goods or services described under this section must collect from all participants the additional payment that may be required by the MO HealthNet division under authority granted herein, if the division exercises that authority, to remain eligible as a provider. Any payments made by participants under this section shall be in addition to and not in lieu of payments made by the state for goods or services described herein except the participant portion of the pharmacy professional dispensing fee shall be in addition to and not in lieu of payments to pharmacists. A provider may collect the co-payment at the time a service is provided or at a later date. A provider shall not refuse to provide a service if a participant is unable to pay a required payment. If it is the routine business practice of a provider to terminate future services to an individual with an unclaimed debt, the provider may include uncollected co-payments under this practice. Providers who elect not to undertake the provision of services based on a history of bad debt shall give participants advance notice and a reasonable opportunity for payment. A provider, representative, employee, independent contractor, or agent of a pharmaceutical manufacturer shall not make co-payment for a participant. This subsection shall not apply to other qualified children, pregnant women, or blind persons. If the Centers for Medicare and Medicaid Services does not approve the Missouri MO HealthNet state plan amendment submitted by the department of social services that would allow a provider to deny future services to an individual with uncollected co-payments, the denial of services shall not be allowed. The department of social services shall inform providers regarding the acceptability of denying services as the result of unpaid co-payments.

4. The MO HealthNet division shall have the right to collect medication samples from participants in order to maintain program integrity.

5. Reimbursement for obstetrical and pediatric services under subdivision (6) of subsection 1 of this section shall be timely and sufficient to enlist enough health care providers so that care and services are available under the state plan for MO HealthNet benefits at least to the extent that such care and services are available to the general population in the geographic area, as required under subparagraph (a)(30)(A) of 42 U.S.C. 1396a and federal regulations promulgated thereunder.

6. Beginning July 1, 1990, reimbursement for services rendered in federally funded health centers shall be in accordance with the provisions of subsection 6402(c) and Section 6404 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989) and federal regulations promulgated thereunder.

7. Beginning July 1, 1990, the department of social services shall provide notification and referral of children below age five, and pregnant, breast-feeding, or postpartum women who are determined to be eligible for MO HealthNet benefits under section 208.151 to the special supplemental food programs for women, infants and children administered by the department of health and senior services. Such notification and referral shall conform to the requirements of Section 6406 of P.L. 101-239 and regulations promulgated thereunder.

8. Providers of long-term care services shall be reimbursed for their costs in accordance with the provisions of Section 1902 (a)(13)(A) of the Social Security Act, 42 U.S.C. 1396a, as amended, and regulations promulgated thereunder.

9. Reimbursement rates to long-term care providers with respect to a total change in ownership, at arm's length, for any facility previously licensed and certified for participation in the MO HealthNet program shall not increase payments in excess of the increase that would result from the application of Section 1902 (a)(13)(C) of the Social Security Act, 42 U.S.C. 1396a (a)(13)(C).

10. The MO HealthNet division, may enroll qualified residential care facilities and assisted living facilities, as defined in chapter 198, as MO HealthNet personal care providers.

11. Any income earned by individuals eligible for certified extended employment at a sheltered workshop under chapter 178 shall not be considered as income for purposes of determining eligibility under this section.

12. The MO HealthNet division shall screen all recipients of MO HealthNet benefits to determine if such recipients are eligible to participate in the health insurance premium payment (HIPP) program. All eligible recipients shall participate in the HIPP program if it is determined to be cost effective for the division."; and

Further amend said bill, Page 8, Section 1, Lines 1-11, by deleting all of said lines and inserting in lieu thereof the following:

"Section 1. Notwithstanding any provision of law to the contrary, the department shall establish and implement a welfare-to-work program that requires all recipients of temporary assistance for needy families benefits to make at least twenty job contacts per week. The department shall allow recipients to work as unpaid interns for a governmental entity and shall only require those working as interns to make at least ten job contacts per week. After the first month of making job contacts, any recipient of temporary assistance for needy families

benefits that has not obtained employment that provides on average twenty hours per week of employment shall be required to work as an unpaid intern for a governmental entity and shall only be required to make at least ten job contacts per week. Any county, city or other political subdivision shall be allowed to submit to the department available intern positions in which temporary assistance recipients may be placed. The provisions of this section shall not apply to any recipient under the age of nineteen who is enrolled in high school full-time. The director of the department of social services shall apply for all waivers of requirements under federal law necessary to implement the provisions of this section with full federal participation. The provisions of this section shall be implemented, subject to appropriation, as waivers necessary to ensure continued federal participation are received."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Allen offered **House Amendment No. 1 to House Amendment No. 3.**

House Amendment No. 1 to House Amendment No. 3 was withdrawn.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 103

Allen	Anderson	Austin	Barnes	Bernskoetter
Berry	Brattin	Brown	Burlison	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Fowler	Fraker	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeier	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Molendorp	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hummel	Kelly 45	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr

Otto	Pace	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 009

Bahr	Cierpiot	Conway 10	Flanigan	Hodges
Hubbard	Redmon	Smith 120	Stream	

VACANCIES: 002

On motion of Representative Fitzpatrick, **House Amendment No. 3** was adopted.

Representative Hinson offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 343, Page 6, Section 208.022, Line 7, by inserting after said line the following:

"208.031. 1. Electronic benefit transfer transactions made by each applicant or recipient who is otherwise eligible for temporary assistance for needy families benefits under this chapter and who is found to have made a cash withdrawal at any casino, gambling casino, or gaming establishment shall, after an administrative hearing conducted by the department under the provisions of chapter 536, be declared ineligible for temporary assistance for needy families benefits for a period of three years from the date of the administrative hearing decision. For purposes of this section, "casino, gambling casino, or gaming establishment" does not include a grocery store which sells groceries including staple foods and which also offers, or is located within the same building or complex as, casino, gambling, or gaming activities.

2. Other members of a household which includes a person who has been declared ineligible for temporary assistance for needy families assistance shall, if otherwise eligible, continue to receive temporary assistance for needy families benefits as protective or vendor payments to a third-party payee for the benefit of the members of the household.

3. Any person who, in good faith, reports a suspected violation of this section by a temporary assistance for needy families (TANF) recipient shall not be held civilly or criminally liable for reporting such suspected violation.

4. The department of social services shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

208.032. 1. In accordance with the Social Security Act, 42 U.S.C. Section 608(a)(12), the department of social services shall implement and maintain policies and practices which prevent a temporary assistance for needy families electronic benefit transfer transaction in:

- (1) Any liquor store;**
- (2) Any casino, gambling casino, or gambling establishment; or**
- (3) Any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment.**

2. As used in this section, the term:

(1) "Casino, gambling casino, or gaming establishment" shall not include a grocery store which sells groceries including staple foods and which also offers, or is located within the same building or complex as, casino, gambling, or gaming activities;

(2) "Electronic benefit transfer transaction" means the use of a credit or debit card service, automated teller machine, point-of-sale terminal, or access to an online system for the withdrawal of funds or the processing of a payment for merchandise or a service;

(3) "Liquor store" means any retail establishment which sells exclusively or primarily intoxicating liquor. Liquor store does not include a grocery store which sells both intoxicating liquor and groceries including staple foods within the meaning of Section 3(r) of the Food and Nutrition Act of 2008, 7 U.S.C. Section 2012(r).

3. In accordance with 42 U.S.C. Section 602(a)(1)(A), the department of social services shall:

(1) Implement policies and procedures as necessary to prevent access to assistance provided under Missouri's temporary assistance for needy families (TANF) program through any electronic fund transaction in an automated teller machine or point-of-sale device located in a place described in subsections 1 and 2 of this section, including a plan to ensure that recipients of the assistance have adequate access to their cash assistance; and

(2) Ensure that recipients of assistance provided under Missouri's TANF program have access to using or withdrawing assistance with minimal fees or charges, including an opportunity to access assistance with no fee or charges, and are provided information on applicable fees and charges that apply to electronic fund transactions involving the assistance, and that such information is made publicly available.

4. On or before December 31, 2014, the department shall submit a report to the governor and the general assembly detailing the policies and practices implemented in accordance with the requirements of this section and the requirements of 42 U.S.C. Section 608(a)(12). In addition, the department shall report Missouri's implementation of the policies and practices to the Secretary of Health and Human Services as required under 42 U.S.C. Section 609(a)(16) within two years of the enactment of such federal law."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Hough offered **House Amendment No. 1 to House Amendment No. 4.**

*House Amendment No. 1
to
House Amendment No. 4*

AMEND House Amendment No. 4 to House Committee Substitute for House Bill No. 343, Page 2, Line 25, by deleting all of said line and inserting in lieu thereof, the following:

"enactment of such federal law.

5. Nothing in this section shall require any casino, gambling casino, or gaming establishment to enforce or monitor any provision of this section."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hough, **House Amendment No. 1 to House Amendment No. 4** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 101

Anderson	Austin	Bahr	Barnes	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Fowler	Fraker	Franklin	Frederick

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Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Zerr
Mr Speaker				

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hummel	Kelly 45	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 011

Allen	Colona	Flanigan	Funderburk	Higdon
Hodges	Hubbard	Leara	Redmon	Smith 120
Wood				

VACANCIES: 002

On motion of Representative Hinson, **House Amendment No. 4, as amended**, was adopted.

Representative Solon offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Committee Substitute for House Bill No. 343, Page 8, Section 2, Lines 1-9, by deleting all of said lines and inserting in lieu thereof the following:

"Section 2. All recipients of temporary assistance for needy families, food stamps, child care assistance, supplemental nutrition assistance, or any other similar governmental assistance program who are eighteen years of age or older shall be required to possess a high school diploma or graduate equivalency degree. Any applicant for temporary assistance for needy families, food stamps, child care assistance, supplemental nutrition assistance, or any other similar governmental assistance program who, at the time of their application for assistance, does not possess a high school diploma or graduate equivalency degree as required by these provisions shall have two years from the date of the application for assistance to obtain a high school diploma. If all other eligibility requirements are satisfied, the applicant shall receive assistance during such two-year period. The director of the

department of social services shall apply for all waivers of requirements under federal law necessary to implement the provisions of this section with full federal participation. The provisions of this section shall be implemented, subject to appropriation, as waivers necessary to ensure continued federal participation are received."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Solon, **House Amendment No. 5** was adopted.

Representative Barnes offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Committee Substitute for House Bill No. 343, Page 6, Section 208.048, Line 8, by inserting immediately after the word "**school**" the following:

", whether public, private, or home school,"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Allen	Anderson	Austin	Barnes	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Fowler	Fraker	Franklin	Frederick
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Zerr	Mr Speaker

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hummel	Kelly 45	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr

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Otto	Pace	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 012

Bahr	Colona	Flanigan	Funderburk	Higdon
Hinson	Hodges	Hubbard	Redmon	Scharnhorst
Smith 120	Wood			

VACANCIES: 002

On motion of Representative Barnes, **House Amendment No. 6** was adopted.

On motion of Representative Guernsey, **HCS HB 343, as amended**, was adopted.

On motion of Representative Guernsey, **HCS HB 343, as amended**, was ordered perfected and printed by the following vote:

AYES: 106

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Brattin	Brown
Burlison	Cierpiot	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Elmer	Engler
Entlicher	Fitzpatrick	Fitzwater	Fowler	Fraker
Franklin	Frederick	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Morris
Muntzel	Neely	Neth	Parkinson	Pfausch
Phillips	Pike	Pogue	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Roorda
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Schieffer	Shull	Shumake	Solon
Sommer	Spencer	Stream	Thomson	Torpey
Walker	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 047

Black	Burns	Butler	Carpenter	Conway 10
Curtis	Dunn	Ellinger	Ellington	English
Englund	Frame	Gardner	Harris	Hummel
Kelly 45	Kirkton	Kratky	LaFaver	May
Mayfield	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto

Pace	Pierson	Rizzo	Runions	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Webber
White	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 008

Colona	Flanigan	Funderburk	Hodges	Hubbard
Redmon	Smith 120	Swan		

VACANCIES: 002

Speaker Jones resumed the Chair.

HCS HB 621, relating to tax credits for port facilities, was taken up by Representative McCaherty.

Representative McKenna offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 621, Section 135.1662, Page 2, Line 42, by deleting "**\$3.2**" and inserting in lieu thereof "**\$3.5**"; and

Further amend said section, Page 3, Lines 64, 67, and 68, by deleting "**\$3.2**" and inserting in lieu thereof "**\$3.5**"; and

Further amend said bill, Section 135.1664, Page 4, Line 18, by deleting "**\$1.5**" and inserting in lieu thereof "**\$2**"; and

Further amend said bill, Section 135.1666, Page 7, Lines 83 and 85, by deleting "**\$250,000**" and inserting in lieu thereof "**\$500,000**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative McKenna, **House Amendment No. 1** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 099

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Entlicher	Fitzpatrick
Fitzwater	Fowler	Fraker	Franklin	Frederick
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127

Koenig	Kolkmeier	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
McCaherty	McGaugh	Messenger	Miller	Molendorp
Morris	Muntzel	Neely	Pfautsch	Phillips
Pike	Pogue	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Mr Speaker	

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 013

Engler	Flanigan	Funderburk	Hinson	Hodges
Hubbard	Marshall	Neth	Parkinson	Redmon
Smith 85	Smith 120	Zerr		

VACANCIES: 002

On motion of Representative McCaherty, **HCS HB 621, as amended**, was adopted.

On motion of Representative McCaherty, **HCS HB 621, as amended**, was ordered perfected and printed.

HCS#2 HB 631, relating to the employment and evaluation of teachers, was taken up by Representative Elmer.

Representative Elmer offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute No. 2 for House Bill No. 631, Page 16, Section 168.128, Lines 24 and 25, by deleting the following:

"and shall use the evaluation system as the basis for personnel decisions about teachers and administrators,"; and

Further amend said bill and section, Page 18, Lines 76 to 82, by deleting all of said lines and inserting in lieu thereof the following:

"(6) For purposes of retention, promotion, dismissals and other staffing decisions based on performance, including but not limited to incompetency, inefficiency or insubordination, willful and persistent violation of board policy, such staffing decisions shall consider evaluation results, should they exist, as a significant factor. However, nothing in this section shall preclude the district from terminating a probationary teacher where such teacher's evaluation was completed prior to the teacher having at least six months of teaching experience in the district. Each teacher and administrator contract and collective bargaining agreement entered into, including option years exercised, after the effective date of this section shall authorize use of evaluation to inform decisions described in this subsection. The form and content of the evaluation under section 168.128 shall not be the subject of collective bargaining agreements. Unless otherwise prohibited by law, any contrary provisions of collective bargaining agreements, regulations, or policies shall be void."; and

Further amend said bill, section, Page 19, Line 121, by inserting after all of said line the following:

"10. Nothing in this section shall preclude the district from terminating a probationary teacher where such teacher's evaluation was completed prior to the teacher having at least six months of teaching experience in the district."; and

Further amend said bill, Section 168.221, Page 22, Line 120, by inserting after all of said line the following:

"11. Nothing in this section shall preclude the district from terminating a probationary teacher where such teacher's evaluation was completed prior to the teacher having at least six months of teaching experience in the district."; and

Further amend said bill, Pages 22 and 23, by removing Section 160.045, Lines 1 to 19, from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Roorda offered **House Substitute Amendment No. 1 for House Amendment No. 1.**

*House Substitute Amendment No. 1
for
House Amendment No. 1*

AMEND House Committee Substitute No. 2 for House Bill No. 631, Page 18, Section 168.128, Lines 78 to 82, by deleting all of said lines and inserting in lieu thereof the following:

"teachers and administrators."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 103

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher

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Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Reiboldt	Remole
Rhoads	Richardson	Ross	Rowden	Rowland
Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
English	Englund	Frame	Gardner	Harris
Hummel	Kelly 45	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 009

Ellington	Franklin	Hodges	Hubbard	Redmon
Rehder	Riddle	Scharnhorst	Smith 120	

VACANCIES: 002

Representative Roorda moved that **House Substitute Amendment No. 1 for House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 048

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hummel	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr

Otto	Pace	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Webber		

NOES: 102

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Koenig
Kolkmeier	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Rehder	Reiboldt
Remole	Rhoads	Richardson	Ross	Rowden
Rowland	Schieber	Shull	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Wright	Mr Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 011

Gatschenberger	Hodges	Hubbard	Korman	Redmon
Riddle	Scharnhorst	Schatz	Shumake	Smith 120
Zerr				

VACANCIES: 002

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 102

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeier	Lair	Lant	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh

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Messenger	Miller	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Rehder	Reiboldt	Remole	Rhoads
Richardson	Ross	Rowden	Rowland	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 009

Hodges	Hubbard	Korman	Lauer	Molendorp
Redmon	Riddle	Scharnhorst	Smith 120	

VACANCIES: 002

On motion of Representative Elmer, **House Amendment No. 1** was adopted by the following vote:

AYES: 083

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Burlison	Cierpiot
Colona	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Davis	Diehl	Elmer
Engler	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Hough	Houghton	Hurst
Jones 50	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lant	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	Messenger	Miller
Molendorp	Morris	Muntzel	Neth	Parkinson
Pfautsch	Rehder	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Shull	Shumake
Sommer	Spencer	Stream	Swan	Torpey
Walker	Webb	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 066

Anders	Black	Brown	Burns	Butler
Carpenter	Conway 10	Curtis	Dohrman	Dugger
Dunn	Ellinger	English	Englund	Entlicher
Fitzpatrick	Frame	Gardner	Harris	Higdon
Hoskins	Hummel	Johnson	Justus	Kelly 45
Kirkton	Kratky	LaFaver	Lair	May
Mayfield	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Neely	Newman	Nichols
Norr	Otto	Pace	Phillips	Pierson
Pike	Pogue	Reiboldt	Rizzo	Roorda
Rowland	Runions	Schatz	Schieber	Schupp
Smith 85	Solon	Swearingen	Thomson	Walton Gray
Webber				

PRESENT: 000

ABSENT WITH LEAVE: 012

Curtman	Ellington	Frederick	Hinson	Hodges
Hubbard	Lauer	Redmon	Scharnhorst	Schieffer
Smith 120	Wright			

VACANCIES: 002

Representative Torpey offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute No. 2 for House Bill No. 631, Page 17, Section 168.128, Line 66, by inserting after the word "**growth**", the following:

"; however, student growth on assessments for administrators, except superintendents, shall count for at least thirty-three percent of the evaluation, using value-added measures"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 106

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig

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Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	McCaherty
McGaugh	Messenger	Miller	Molendorp	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Harris
Hummel	Kelly 45	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 006

Gardner	Hodges	Hubbard	Marshall	Redmon
Smith 120				

VACANCIES: 002

On motion of Representative Torpey, **House Amendment No. 2** was adopted by the following vote:

AYES: 117

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Burlison	Burns	Carpenter	Cierpiot	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtis	Curtman	Diehl	Dunn	Ellinger
Ellington	Elmer	Engler	English	Englund
Fitzpatrick	Fitzwater	Flanigan	Frame	Frederick
Funderburk	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Hoskins	Hough	Houghton	Hummel
Hurst	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lant	Lauer	Leara
Lichtenegger	Love	Marshall	Mayfield	McCaherty
McCann Beatty	McKenna	McManus	McNeil	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Morris	Muntzel	Neely	Neth	Nichols
Parkinson	Pfautsch	Rehder	Reiboldt	Remole

Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Runions	Scharnhorst	Schieber
Schieffer	Schupp	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Torpey	Webber	Wieland	Wilson	Wright
Zerr	Mr Speaker			

NOES: 039

Brown	Butler	Colona	Conway 10	Davis
Dohrman	Dugger	Entlicher	Fowler	Fraker
Franklin	Gannon	Gardner	Higdon	Johnson
Lair	Lynch	May	McDonald	McGaugh
Meredith	Morgan	Newman	Norr	Otto
Pace	Phillips	Pierson	Pike	Pogue
Rowland	Schatz	Smith 85	Thomson	Walker
Walton Gray	Webb	White	Wood	

PRESENT: 000

ABSENT WITH LEAVE: 005

Hinson	Hodges	Hubbard	Redmon	Smith 120
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VACANCIES: 002

Representative Swan offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Committee Substitute No. 2 for House Bill No. 631, Pages 14 and 15, Section 168.114, Lines 1 to 14, by removing said section from the bill; and

Further amend said bill, Page 16, Section 168.128, Line 24, by deleting the word "**based**" and inserting in lieu thereof the following:

"centered"; and

Further amend said bill, page, and section, Line 31, by deleting the number "**5**" and inserting in lieu thereof the following:

"6"; and

Further amend said bill and section, Page 17, Line 38, by inserting immediately after the word "**teach**" the following:

"grades and"; and

Further amend said bill, section, and page, Line 61, by deleting the word "**these**"; and

Further amend said bill and section, Page 22, Line 97, by deleting the word "**evaluation**" and inserting in lieu thereof the following:

"evaluations"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Swan, **House Amendment No. 3** was adopted.

Representative Guernsey offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute No. 2 for House Bill No. 631, Page 13, Section 168.104, Line 16, by inserting immediately after the number "**168.128**" the following:

"or any teacher who has permanent status under existing law on August 27, 2013"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Guernsey, **House Amendment No. 4** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 107

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols

Norr	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 004

Hodges	Hubbard	Redmon	Smith 120
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VACANCIES: 002

On motion of Representative Elmer, **HCS#2 HB 631, as amended**, was adopted.

Representative Elmer moved that **HCS#2 HB 631, as amended**, be ordered perfected and printed.

Which motion was defeated by the following vote:

AYES: 055

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Burlison	Cierpiot	Colona	Conway 104
Cookson	Cornejo	Cox	Crawford	Curtman
Davis	Diehl	Elmer	Flanigan	Funderburk
Gatschenberger	Gosen	Guernsey	Haahr	Haefner
Hicks	Hinson	Hough	Jones 50	Keeney
Koenig	Korman	Lant	Leara	Lichtenegger
Love	Miller	Muntzel	Neth	Parkinson
Rehder	Rhoads	Richardson	Riddle	Ross
Scharnhorst	Shull	Sommer	Spencer	Stream
Swan	Webb	Wieland	Zerr	Mr Speaker

NOES: 102

Anders	Berry	Black	Brattin	Brown
Burns	Butler	Carpenter	Conway 10	Cross
Curtis	Dohrman	Dugger	Dunn	Ellinger
Ellington	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Fowler	Fraker	Frame
Franklin	Frederick	Gannon	Gardner	Grisamore
Hampton	Hansen	Harris	Higdon	Hoskins
Houghton	Hummel	Hurst	Johnson	Justus
Kelley 127	Kelly 45	Kirkton	Kolkmeyer	Kratky
LaFaver	Lair	Lauer	Lynch	Marshall
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Mims	Mitten	Molendorp	Montecillo
Morgan	Morris	Neely	Newman	Nichols
Norr	Otto	Pace	Pfautsch	Phillips
Pierson	Pike	Pogue	Reiboldt	Remole
Rizzo	Roorda	Rowden	Rowland	Runions
Schatz	Schieber	Schieffer	Schupp	Shumake

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Smith 85	Solon	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webber	White	Wilson
Wood	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 004

Hodges	Hubbard	Redmon	Smith 120
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VACANCIES: 002

HCS HB 194, relating to a new home income tax deduction, was taken up by Representative Diehl.

Representative Diehl offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 194, Page 1, Section 143.145, Line 2, by deleting the word "**subtracted**" and inserting in lieu thereof the word "**deducted**"; and

Further amend said section and page, Line 9, by deleting the word "**Purchase**" and inserting in lieu thereof the words "**Contract sales**"; and

Further amend said section, Page 2, Line 34, by deleting the word "**purchase**" and inserting in lieu thereof the words "**contract sales**"; and

Further amend said section and page, Line 37, by deleting all of said line and inserting in lieu thereof the following:

"No taxpayer shall claim a tax deduction for the purchase of more than one qualified principal residence under this section. Such tax deduction shall be limited to a maximum tax benefit of ten thousand dollars."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 097

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Franklin	Frederick	Funderburk
Gannon	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	McCaherty	McGaugh
Messenger	Miller	Molendorp	Morris	Muntzel

Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Schatz	Schieber	Shull	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 015

Cierpiot	Davis	Fraker	Gatschenberger	Gosen
Hodges	Hubbard	Kolkmeyer	Marshall	Redmon
Rehder	Scharnhorst	Shumake	Smith 120	Swearingen

VACANCIES: 002

On motion of Representative Diehl, **House Amendment No. 1** was adopted.

Representative Miller offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 194, Page 2, Section 143.145, Line 53, by inserting after said line the following:

"6. If a Missouri taxpayer self-constructs a qualified principal residence, such taxpayer shall be eligible for a tax deduction allowed by this section by satisfying the department of revenue's proof of documentation requirements to verify the contract sale price of a qualified principle residence."; and

Further amend said bill by renumbering said section accordingly; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Miller, **House Amendment No. 2** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 097

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Guernsey	Haahr
Haefner	Hampton	Hansen	Hicks	Higdon
Hinson	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Muntzel
Neely	Parkinson	Pfautsch	Phillips	Pike
Pogue	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 014

Barnes	Gatschenberger	Gosen	Grisamore	Hodges
Hoskins	Hubbard	Molendorp	Morris	Neth
Redmon	Rehder	Smith 120	Stream	

VACANCIES: 002

On motion of Representative Diehl, **HCS HB 194, as amended**, was adopted.On motion of Representative Diehl, **HCS HB 194, as amended**, was ordered perfected and printed.

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HCS HB 194 - Fiscal Review
HCS HB 215 - Fiscal Review
HB 253 - Fiscal Review
HCS HB 343 - Fiscal Review
HCS HBs 404 & 614 - Fiscal Review
HCS HB 468 - Fiscal Review
HCS HB 470 - Fiscal Review
HB 526 - Fiscal Review
HB 621 - Fiscal Review
HCS HB 787 - Fiscal Review
HCS HB 813 - Fiscal Review
HCS HB 850 - Fiscal Review
HB 871 - Tourism and Natural Resources
HB 886 - Government Oversight and Accountability

REFERRAL OF SENATE JOINT RESOLUTION

The following Senate Joint Resolution was referred to the Committee indicated:

SS#2 SCS SJR 16 - Transportation

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

SCS SB 2 - Elections
SCS SB 83 - General Laws
SB 100 - Judiciary
SCS SB 126 - Health Care Policy
SB 161 - Health Insurance
SB 199 - Retirement
SB 218 - Tourism and Natural Resources
SCS SB 229 - Children, Families, and Persons with Disabilities
SB 242 - Elementary and Secondary Education
SCS SB 254 - Financial Institutions
SCS SB 258 - Elections
SB 261 - Ways and Means
SS SB 262 - Health Insurance
SB 265 - Downsizing State Government
SCS SB 287 - Insurance Policy
SCS SBs 289 & 314 - Downsizing State Government
SCS SB 302 - Health Care Policy

SCS SB 305 - Professional Registration and Licensing

SB 330 - Professional Registration and Licensing

COMMITTEE REPORTS

Committee on Budget, Chairman Stream reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **SB 350**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Economic Development, Chairman Zerr reporting:

Mr. Speaker: Your Committee on Economic Development, to which was referred **HB 484**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Economic Development, to which was referred **HB 698**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute No. 2**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Elementary and Secondary Education, Chairman Cookson reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HJR 22**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 675**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Financial Institutions, Chairman Dugger reporting:

Mr. Speaker: Your Committee on Financial Institutions, to which was referred **SB 235**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Health Care Policy, Chairman Frederick reporting:

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **SCS SB 376**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Insurance Policy, Chairman Gosen reporting:

Mr. Speaker: Your Committee on Insurance Policy, to which was referred **SB 59**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Insurance Policy, to which was referred **SB 60**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Insurance Policy, to which was referred **SCS SB 324**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Professional Registration and Licensing, Chairman Burlison reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **SB 80**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **SB 234**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **SB 306**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Special Standing Committee on Corrections, Chairman Fitzwater reporting:

Mr. Speaker: Your Special Standing Committee on Corrections, to which was referred **HB 830**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Standing Committee on Corrections, to which was referred **SB 188**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Ways and Means, Chairman Koenig reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 421**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 1035**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Workforce Development and Workplace Safety, Chairman Lant reporting:

Mr. Speaker: Your Committee on Workforce Development and Workplace Safety, to which was referred **HB 611**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute - Federal Mandate**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Workforce Development and Workplace Safety, to which was referred **SS SCS SB 29**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Workforce Development and Workplace Safety, to which was referred **SS SB 34**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS HCS HJR 11 & 7**, entitled:

Joint resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, and adopting one new section relating to the right to farm.

With Senate Amendment No. 3.

Senate Amendment No. 3

AMEND Senate Substitute for House Committee Substitute for House Joint Resolution Nos. 11 & 7, Page 1, Section 35, Lines 9-10, by striking all of said line; and

Further amend said bill and section, Page 2, Lines 1-2, by striking all of said lines and inserting in lieu thereof the following:

“this state. Nothing in this section shall be interpreted to”.

In which the concurrence of the House is respectfully requested.

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Thursday, April 11, 2013.

COMMITTEE HEARINGS

AGRICULTURE POLICY

Thursday, April 11, 2013, 8:00 AM House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Thursday, April 11, 2013, 8:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Discussion of potential DD staff reorganization within the Department of Mental Health.

Public testimony welcome regarding Fiscal Year 2012 single state audit results.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, April 16, 2013, 2:00 PM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

We will look at last audit with the Department of Corrections 2009, focusing on Canteen Program.

DOWNSIZING STATE GOVERNMENT

Thursday, April 11, 2013, 8:00 AM House Hearing Room 4.

Public hearing will be held: HB 765, HB 863, SB 66

Executive session may be held on any matter referred to the committee.

EMERGING ISSUES IN AGRICULTURE

Monday, April 15, 2013, Upon Afternoon Adjournment South Gallery.

Executive session will be held: HCR 34

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Thursday, April 11, 2013, 8:00 AM South Gallery.

Executive session may be held on any matter referred to the committee.

CORRECTED

LEADERSHIP FOR MISSOURI ISSUE DEVELOPMENT

Thursday, April 11, 2013, 8:30 AM Room 308 (Office of Speaker Timothy W. Jones).

Executive session may be held on any matter referred to the committee.

LOCAL GOVERNMENT

Thursday, April 11, 2013, 8:00 AM House Hearing Room 5.

Public hearing will be held: HB 140, HB 764, HB 932

Executive session may be held on any matter referred to the committee.

RETIREMENT

Thursday, April 11, 2013, 8:15 AM House Hearing Room 1.

Executive session will be held: HB 861, HB 737

Executive session may be held on any matter referred to the committee.

Note time change

AMENDED

RULES

Thursday, April 11, 2013, Upon Morning Adjournment South Gallery.

Executive session will be held: HCS HB 252, HCS HB 275, HCS HB 285, HB 339, HCS HB 340, HB 747, HCS HB 1035, SB 59, SB 60, SB 80, SB 188, SB 234, SB 235, SB 306, SCS SB 324, SCS SB 376, HCR 21, HCS HJR 26, HCS HB 76, HCS HB 78, HCS HBs 309 & 73, HCS HB 344, HCS HB 348, HCS HB 372, HCS HB 387, HCS HB 415, HCS HB 436, HCS HBs 593 & 695, HB 635, HCS HB 653, HB 771, HB 808, HCS HB 859, SB 16, SCS SB 191, SB 237, SB 329

Executive session may be held on any matter referred to the committee.

AMENDED

VETERANS

Thursday, April 11, 2013, 9:30 AM North Gallery.

Executive session will be held: SCS SB 186

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

FIFTIETH DAY, THURSDAY, APRIL 11, 2013

HOUSE BILLS FOR PERFECTION

- 1 HB 227 - Zerr
- 2 HB 423 - Zerr
- 3 HB 578, as amended - Funderburk
- 4 HCS HB 221 - Leara
- 5 HB 400 - Riddle
- 6 HCS HB 701 - Molendorp
- 7 HCS HB 335 - Hinson
- 8 HB 255 - Torpey
- 9 HCS HB 389, with HA 1, pending - Engler
- 10 HB 510 - Torpey
- 11 HB 756 - Hubbard
- 12 HCS HB 458 - Scharnhorst
- 13 HCS HBs 455 & 297 - English
- 14 HB 242 - Ellington
- 15 HB 274 - Brattin
- 16 HCS HB 290 - Lichtenegger
- 17 HCS HB 351 - Frederick
- 18 HB 503 - McCaherty
- 19 HB 733 - Berry
- 20 HCS HB 589 - Hinson

HOUSE BILLS FOR THIRD READING

- 1 HB 201 - Torpey
- 2 HCS HBs 521 & 579, (Fiscal Review 3/27/13) - Koenig
- 3 HB 443 - Hubbard

- 4 HCS HB 30 - Scharnhorst
- 5 HB 47 - Cross
- 6 HCS HB 137 - Hinson
- 7 HB 217, E.C. - Cox
- 8 HCS HB 470, (Fiscal Review 4/10/13) - Barnes
- 9 HCS HB 215, (Fiscal Review 4/10/13), E.C. - Cox
- 10 HB 103 - Kelley (127)
- 11 HCS HB 114, E.C. - McCaherty
- 12 HCS HB 505, E.C. - Haefner
- 13 HB 218 - Cox
- 14 HB 533 - Riddle
- 15 HCS HB 850, (Fiscal Review 4/10/13) - McCaherty
- 16 HCS HB 813, (Fiscal Review 4/10/13) - Torpey
- 17 HB 148 - Davis
- 18 HCS HB 257 - Frederick
- 19 HB 326 - Fitzwater
- 20 HCS HB 722 - Leara
- 21 HCS HB 418 - Neth
- 22 HCS HB 468, (Fiscal Review 4/10/13), E.C. - Higdon
- 23 HCS HBs 374 & 434 - Elmer
- 24 HCS HBs 373 & 435 - Elmer
- 25 HB 322 - Gosen
- 26 HCS HB 345 - Cierpiot
- 27 HCS#2 HB 178 - Koenig
- 28 HCS HB 197 - Lauer
- 29 HCS HB 28 - Lichtenegger
- 30 HCS HB 787, (Fiscal Review 4/10/13), E.C. - Richardson
- 31 HB 526, (Fiscal Review 4/10/13) - Franklin
- 32 HB 253, (Fiscal Review 4/10/13) - Berry
- 33 HCS HBs 404 & 614, (Fiscal Review 4/10/13) - Conway (104)
- 34 HCS HB 343, (Fiscal Review 4/10/13) - Guernsey
- 35 HCS HB 621, (Fiscal Review 4/10/13) - McCaherty
- 36 HCS HB 194, (Fiscal Review 4/10/13) - Diehl

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 11 - Walton Gray
- 2 HCR 35 - Jones (110)

HOUSE BILLS WITH SENATE AMENDMENTS

SS HCS HJR 11 & 7, as amended - Reiboldt

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

FIFTIETH DAY, THURSDAY, APRIL 11, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

Blessed is the man where strength is in thee. (Psalm 84:5)

Eternal God, grant unto us the spirit of understanding and good will as we face the glory of a new day by waiting upon You in this moment of prayer after a long day yesterday. We would be still in Your presence and receive the strength which sustains us, the wisdom which makes us wise and the peace which holds us steady through troubled times.

Forgive our impatience revealed in discouragements, outbursts of temper and hasty words we so often regret. Forgive our impetuosity made known in worried attitudes, careless conversation and hurried actions for which we are so repeatedly sorry. Strengthen us to do our best in this hour of our state's need - to think constructively, to speak courageously, and to act confidently that here in this place people may see democracy in action and democracy at its very best.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Christian Cecil, Paul Wilson, Alexis Leara, Megan Flynn, Braden Harwell and Ben Kniepkamp.

The Journal of the forty-ninth day was approved as corrected.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1452 through House Resolution No. 1517

COMMITTEE REPORTS

Committee on Fiscal Review, Chairman Flanigan reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 194**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 787**, begs leave to report it has examined the same and recommends that it **Do Pass**.

THIRD READING OF HOUSE BILLS

HCS HB 787, relating to the Department of Revenue, was taken up by Representative Richardson.

Representative Richardson offered **House Perfecting Amendment No. 1**.

House Perfecting Amendment No. 1

AMEND House Committee Substitute for House Bill No. 787, Page 3, Section 302.065, Line 3, by deleting the word "**learner's**" and inserting in lieu thereof the following:

"instruction"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Richardson, **House Perfecting Amendment No. 1** was adopted.

Representative Diehl assumed the Chair.

Representative Ross assumed the Chair.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Gannon	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hough	Houghton
Hurst	Johnson	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 048

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 013

Funderburk	Grisamore	Hodges	Hoskins	Hubbard
Jones 50	Love	McNeil	Molendorp	Redmon
Smith 120	Webb	White		

VACANCIES: 002

On motion of Representative Richardson, **HCS HB 787, as amended**, was read the third time and passed by the following vote:

AYES: 139

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Ellinger	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	Meredith	Messenger
Miller	Mims	Montecillo	Morris	Neely
Neth	Nichols	Norr	Otto	Parkinson
Pfausch	Phillips	Pike	Pogue	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

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NOES: 013

Colona	Curtis	Dunn	Gardner	Hummel
Mitten	Morgan	Newman	Pace	Pierson
Smith 85	Swearingen	Walton Gray		

PRESENT: 000

ABSENT WITH LEAVE: 009

Hodges	Hubbard	Jones 50	McNeil	Molendorp
Muntzel	Redmon	Smith 120	Webb	

VACANCIES: 002

Representative Ross declared the bill passed.

Representative Leara assumed the Chair.

The emergency clause was adopted by the following vote:

AYES: 135

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Ellinger	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeier	Korman	Kratky	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	May	Mayfield	McCaherty
McCann Beatty	McGaugh	McKenna	McManus	Meredith
Messenger	Miller	Mims	Montecillo	Morris
Muntzel	Neely	Neth	Norr	Otto
Parkinson	Pfautsch	Phillips	Pike	Pogue
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 017

Colona	Curtis	Dunn	Ellington	Gardner
Hummel	LaFaver	McDonald	Mitten	Morgan
Newman	Nichols	Pace	Pierson	Smith 85
Swearingen	Walton Gray			

PRESENT: 000

ABSENT WITH LEAVE: 009

Conway 10	Hodges	Hubbard	Jones 50	McNeil
Molendorp	Redmon	Smith 120	Webb	

VACANCIES: 002

HCS HB 28, relating to disaster ordinances, was taken up by Representative Lichtenegger.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 103

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wilson
Wood	Zerr	Mr Speaker		

NOES: 049

Anders	Berry	Black	Burns	Butler
Carpenter	Colona	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr

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Otto	Pace	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webber	Wieland	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 009

Conway 10	Hodges	Hubbard	Kolkmeier	McNeil
Molendorp	Redmon	Smith 120	Webb	

VACANCIES: 002

On motion of Representative Lichtenegger, **HCS HB 28** was read the third time and passed by the following vote:

AYES: 136

Allen	Anders	Anderson	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtis	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gardner	Gatschenberger
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hough	Houghton	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kirkton
Koenig	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Lynch	Marshall
May	Mayfield	McCann Beatty	McDonald	McGaugh
McKenna	Meredith	Messenger	Miller	Mims
Mitten	Montecillo	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Parkinson	Pfautsch	Phillips
Pierson	Pike	Pogue	Rehder	Reiboldt
Remole	Rhoads	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Solon	Sommer	Stream	Swan	Thomson
Torpey	Walker	Walton Gray	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 002

Frame	Smith 85
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PRESENT: 000

ABSENT WITH LEAVE: 023

Austin	Colona	Conway 10	Ellington	Gosen
Hodges	Hoskins	Hubbard	Kelly 45	Kolkmeier
Korman	Love	McCaherty	McManus	McNeil
Molendorp	Redmon	Richardson	Scharnhorst	Smith 120
Spencer	Swearingen	Webb		

VACANCIES: 002

Representative Leara declared the bill passed.

HCS HB 345, relating to the Uniform Wireless Communications Infrastructure Deployment Act, was taken up by Representative Cierpiot.

On motion of Representative Cierpiot, **HCS HB 345** was read the third time and passed by the following vote:

AYES: 129

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hoskins	Houghton	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Koenig	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Love	Lynch	Marshall
May	Mayfield	McCaherty	McCann Beatty	McDonald
McKenna	McManus	Meredith	Messenger	Miller
Mims	Mitten	Montecillo	Morgan	Morris
Muntzel	Neth	Nichols	Norr	Parkinson
Pfautsch	Phillips	Pierson	Pike	Pogue
Rehder	Reiboldt	Remole	Rhoads	Rizzo
Roorda	Ross	Rowland	Runions	Schatz
Schieffer	Shull	Shumake	Solon	Sommer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webber	White	Wieland
Wood	Wright	Zerr	Mr Speaker	

NOES: 015

Curtis	Ellinger	Ellington	Gardner	Kirkton
Kolkmeier	Korman	McGaugh	Neely	Newman
Otto	Riddle	Schieber	Schupp	Spencer

PRESENT: 000

ABSENT WITH LEAVE: 017

Colona	Conway 10	Hodges	Hough	Hubbard
Lichtenegger	McNeil	Molendorp	Pace	Redmon
Richardson	Rowden	Scharnhorst	Smith 85	Smith 120
Webb	Wilson			

VACANCIES: 002

Representative Leara declared the bill passed.

Representative Miller assumed the Chair.

HB 533, relating to firearms, was taken up by Representative Riddle.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 101

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Fitzpatrick
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Morris	Muntzel	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wood	Zerr
Mr Speaker				

NOES: 047

Anders	Black	Burns	Butler	Carpenter
Colona	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hummel	Kelly 45	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto

Pace	Pierson	Rizzo	Roorda	Runions
Schieffer	Schupp	Smith 85	Swearingen	Walton Gray
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 013

Conway 10	Entlicher	Fitzwater	Hodges	Hubbard
McNeil	Molendorp	Neely	Redmon	Rowden
Smith 120	Webb	Wilson		

VACANCIES: 002

On motion of Representative Riddle, **HB 533** was read the third time and passed by the following vote:

AYES: 126

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Carpenter	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Funderburk	Gannon
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Kratky
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	Mayfield	McCaherty
McGaugh	McKenna	McManus	Messenger	Miller
Montecillo	Morris	Muntzel	Neely	Neth
Nichols	Norr	Otto	Parkinson	Pfautsch
Phillips	Pike	Pogue	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Roorda
Ross	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 025

Butler	Colona	Curtis	Dunn	Ellinger
Ellington	Gardner	Hummel	Kelly 45	Kirkton
LaFaver	May	McCann Beatty	McDonald	Meredith
Mims	Mitten	Morgan	Newman	Pace
Pierson	Rizzo	Schupp	Smith 85	Walton Gray

PRESENT: 000

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ABSENT WITH LEAVE: 010

Conway 10	Frederick	Hodges	Hubbard	McNeil
Molendorp	Redmon	Rowden	Smith 120	Webb

VACANCIES: 002

Representative Miller declared the bill passed.

HCS HB 30, relating to physical therapy services, was taken up by Representative Scharnhorst.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 105

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Mr Speaker

NOES: 046

Anders	Black	Burns	Butler	Carpenter
Colona	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hummel	Kelly 45	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Swearingen	Walton Gray	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 010

Conway 10	Hodges	Hubbard	McNeil	Molendorp
Pierson	Redmon	Smith 120	Webb	Zerr

VACANCIES: 002

On motion of Representative Scharnhorst, **HCS HB 30** was read the third time and passed by the following vote:

AYES: 127

Allen	Anders	Austin	Barnes	Berry
Black	Brown	Burns	Cierpiot	Colona
Conway 104	Cookson	Cornejo	Crawford	Cross
Davis	Diehl	Dugger	Dunn	Ellinger
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Kolkmeier
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	Meredith	Messenger
Miller	Mims	Mitten	Montecillo	Morgan
Morris	Muntzel	Neth	Newman	Nichols
Norr	Otto	Pfausch	Phillips	Pike
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieffer	Schupp
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Webber	Wieland	Wilson	Wood
Wright	Mr Speaker			

NOES: 024

Anderson	Bahr	Bernskoetter	Brattin	Burlison
Butler	Carpenter	Cox	Curtis	Curtman
Dohrman	Gardner	Haahr	Koenig	Marshall
Neely	Pace	Parkinson	Pogue	Rehder
Schieber	Smith 85	Walton Gray	White	

PRESENT: 000

ABSENT WITH LEAVE: 010

Conway 10	Hodges	Hubbard	McNeil	Molendorp
Pierson	Redmon	Smith 120	Webb	Zerr

VACANCIES: 002

Representative Miller declared the bill passed.

HB 47, relating to use of tanning devices, was taken up by Representative Cross.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 101

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeier	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Molendorp	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pogue
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Zerr
Mr Speaker				

NOES: 041

Anders	Black	Burns	Butler	Carpenter
Colona	Curtis	Dunn	Ellinger	Ellington
Englund	Frame	Gardner	Harris	Hummel
Kelly 45	Kirkton	Kratky	LaFaver	May
Mayfield	McCann Beatty	McKenna	Meredith	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Rizzo	Roorda	Runions
Schieffer	Schupp	Smith 85	Swearingen	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 019

Cierpiot	Conway 10	English	Funderburk	Hodges
Houghton	Hubbard	McDonald	McManus	McNeil
Mims	Pierson	Pike	Redmon	Smith 120
Stream	Walton Gray	Webb	Wood	

VACANCIES: 002

On motion of Representative Cross, **HB 47** was read the third time and passed by the following vote:

AYES: 105

Allen	Anders	Austin	Bahr	Barnes
Black	Brown	Burns	Butler	Carpenter
Colona	Cookson	Cross	Curtis	Diehl
Dunn	Ellinger	Ellington	Elmer	Engler
Englund	Fitzwater	Flanigan	Fowler	Fraker
Frame	Frederick	Funderburk	Gannon	Gardner
Gatschenberger	Gosen	Grisamore	Hampton	Harris
Hinson	Hough	Houghton	Hummel	Hurst
Jones 50	Justus	Kelley 127	Kelly 45	Kirkton
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Love	Lynch	May
Mayfield	McCaherty	McCann Beatty	McDonald	McKenna
McManus	Meredith	Messenger	Miller	Mims
Mitten	Montecillo	Morgan	Morris	Neely
Newman	Nichols	Norr	Otto	Pace
Pfausch	Phillips	Pike	Reiboldt	Richardson
Riddle	Rizzo	Roorda	Rowland	Runions
Scharnhorst	Schatz	Schieffer	Schupp	Shull
Shumake	Smith 85	Spencer	Stream	Swan
Swearingen	Torpey	Walton Gray	Webber	White
Wieland	Wood	Wright	Zerr	Mr Speaker

NOES: 047

Anderson	Bernskoetter	Berry	Brattin	Burlison
Cierpiot	Conway 104	Cornejo	Cox	Crawford
Curtman	Davis	Dohrman	Dugger	Entlicher
Fitzpatrick	Franklin	Guernsey	Haahr	Haefner
Hansen	Hicks	Higdon	Hoskins	Johnson
Keeney	Koenig	Kolkmeyer	Lichtenegger	Marshall
McGaugh	Molendorp	Muntzel	Neth	Parkinson
Pogue	Rehder	Remole	Rhoads	Ross
Rowden	Schieber	Solon	Sommer	Thomson
Walker	Wilson			

PRESENT: 000

ABSENT WITH LEAVE: 009

Conway 10	English	Hodges	Hubbard	McNeil
Pierson	Redmon	Smith 120	Webb	

VACANCIES: 002

Representative Miller declared the bill passed.

Representative Rhoads assumed the Chair.

HCS HB 137, relating to the implementation of federal programs, was taken up by Representative Hinson.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 103

Anderson	Austin	Bahr	Barnes	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeier	Korman	Lair
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller
Molendorp	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 044

Anders	Black	Burns	Butler	Carpenter
Colona	Curtis	Dunn	Ellinger	Ellington
Englund	Frame	Gardner	Harris	Hummel
Kelly 45	Kirkton	Kratky	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 014

Allen	Conway 10	English	Flanigan	Hicks
Hodges	Hubbard	LaFaver	Lant	McNeil
Pierson	Redmon	Smith 120	Webb	

VACANCIES: 002

On motion of Representative Hinson, **HCS HB 137** was read the third time and passed by the following vote:

AYES: 127

Anderson	Austin	Bahr	Barnes	Bernskoetter
Berry	Black	Brattin	Brown	Burlison
Burns	Carpenter	Cierpiot	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Ellinger
Elmer	Engler	Englund	Entlicher	Fitzpatrick
Fitzwater	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	Mayfield	McCaherty	McCann Beatty
McGaugh	McKenna	McManus	Messenger	Miller
Mims	Molendorp	Morris	Muntzel	Neely
Neth	Norr	Otto	Parkinson	Pfautsch
Phillips	Pike	Pogue	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Webber	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 022

Anders	Butler	Colona	Curtis	Dunn
Ellington	Gardner	Hummel	Kirkton	May
McDonald	Meredith	Mitten	Montecillo	Morgan
Newman	Nichols	Pace	Schupp	Smith 85
Walton Gray	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 012

Allen	Conway 10	English	Flanigan	Hodges
Hubbard	Lant	McNeil	Pierson	Redmon
Smith 120	Webb			

VACANCIES: 002

Representative Rhoads declared the bill passed.

HB 217, relating to accountability of public funds, was taken up by Representative Cox.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 098

Anderson	Austin	Bahr	Barnes	Bernskoetter
Brattin	Brown	Burlison	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Engler
Entlicher	Fitzpatrick	Fitzwater	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	Messenger	Miller	Molendorp	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 043

Anders	Black	Burns	Butler	Carpenter
Colona	Dunn	Ellinger	Ellington	Englund
Frame	Gardner	Harris	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	Meredith
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 020

Allen	Berry	Cierpiot	Conway 10	Curtis
Elmer	English	Flanigan	Hodges	Hubbard
McGaugh	McNeil	Mims	Pierson	Redmon
Rowland	Scharnhorst	Smith 120	Stream	Webb

VACANCIES: 002

On motion of Representative Cox, **HB 217** was read the third time and passed by the following vote:

AYES: 123

Anderson	Austin	Bahr	Barnes	Bernskoetter
Black	Brattin	Burlison	Burns	Butler
Carpenter	Cierpiot	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Diehl
Dohrman	Dugger	Dunn	Elmer	Engler
Englund	Entlicher	Fitzpatrick	Fitzwater	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kirkton	Koenig	Kolkmeier
Korman	Kratky	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
Mayfield	McCaherty	McCann Beatty	McGaugh	McKenna
McManus	Messenger	Miller	Mims	Molendorp
Morris	Muntzel	Neely	Neth	Nichols
Otto	Parkinson	Pfausch	Phillips	Pike
Pogue	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 022

Anders	Colona	Curtis	Ellinger	Ellington
Gardner	Haahr	LaFaver	May	McDonald
Meredith	Mitten	Montecillo	Morgan	Newman
Norr	Pace	Schupp	Smith 85	Walton Gray
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 016

Allen	Berry	Brown	Conway 10	Davis
English	Flanigan	Hodges	Hubbard	Kelly 45
McNeil	Pierson	Redmon	Smith 120	Webb
White				

VACANCIES: 002

Representative Rhoads declared the bill passed.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 101

Anderson	Austin	Bahr	Barnes	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Entlicher	Fitzpatrick	Fitzwater
Fowler	Fraker	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Lair	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 045

Anders	Black	Burns	Butler	Carpenter
Colona	Curtis	Dunn	Ellinger	Ellington
Englund	Frame	Gardner	Harris	Hummel
Kelly 45	Kirkton	Kratky	LaFaver	May
Mayfield	McCann Beatty	McDonald	McKenna	McManus
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Walton Gray	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 015

Allen	Conway 10	Engler	English	Flanigan
Hodges	Hoskins	Hubbard	Korman	Lant
McNeil	Pierson	Redmon	Smith 120	Webb

VACANCIES: 002

The emergency clause was defeated by the following vote:

AYES: 101

Anderson	Austin	Bahr	Barnes	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Engler	Entlicher	Fitzpatrick	Fowler
Fraker	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Grisamore	Guernsey	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lauer	Leara
Lichtenegger	Love	Lynch	McCaherty	McGaugh
Messenger	Miller	Molendorp	Morris	Muntzel
Neely	Neth	Parkinson	Pfausch	Phillips
Pike	Pogue	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Schieffer
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 043

Anders	Black	Burns	Butler	Carpenter
Colona	Curtis	Dunn	Ellinger	Ellington
Englund	Frame	Gardner	Haahr	Harris
Hummel	Kirkton	Kratky	LaFaver	Marshall
May	McDonald	McKenna	McManus	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Rizzo
Roorda	Runions	Schupp	Smith 85	Swearingen
Walton Gray	Webber	Wright		

PRESENT: 001

Mayfield

ABSENT WITH LEAVE: 016

Allen	Conway 10	Elmer	English	Fitzwater
Flanigan	Hodges	Hubbard	Kelly 45	Lant
McCann Beatty	McNeil	Pierson	Redmon	Smith 120
Webb				

VACANCIES: 002

Representative Swan assumed the Chair.

HOUSE CONCURRENT RESOLUTION

HCR 35, relating to religious freedom restoration, was taken up by Representative Jones (110).

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Anderson	Austin	Bahr	Barnes	Berry
Brattin	Brown	Burlison	Cierpiot	Conway 104
Cookson	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Engler
Entlicher	Fitzpatrick	Fitzwater	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 041

Anders	Black	Burns	Butler	Carpenter
Colona	Curtis	Dunn	Ellington	Englund
Frame	Gardner	Harris	Hummel	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	Meredith	Mims	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Swearingen	Walton Gray	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 020

Allen	Bernskoetter	Conway 10	Cornejo	Ellinger
Elmer	English	Flanigan	Hodges	Hough
Hubbard	Kelly 45	McManus	McNeil	Mitten
Pierson	Redmon	Smith 120	Stream	Webb

VACANCIES: 002

On motion of Representative Jones (110), **HCR 35** was adopted by the following vote:

AYES: 111

Anderson	Austin	Bahr	Barnes	Bernskoetter
Berry	Black	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	Mayfield	McCahty	McGaugh	McKenna
Messenger	Miller	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Roorda	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Schieffer
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 038

Anders	Burns	Butler	Carpenter	Colona
Curtis	Dunn	Ellinger	Ellington	Englund
Gardner	Hummel	Kirkton	Kratky	LaFaver
May	McCann Beatty	McDonald	McManus	Meredith
Mims	Mitten	Molendorp	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Rizzo	Runions	Schupp	Smith 85	Swearingen
Walton Gray	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 012

Allen	Conway 10	English	Flanigan	Hodges
Hubbard	Kelly 45	McNeil	Pierson	Redmon
Smith 120	Webb			

VACANCIES: 002

COMMITTEE REPORTS

Committee on Agriculture Policy, Chairman Reiboldt reporting:

Mr. Speaker: Your Committee on Agriculture Policy, to which was referred **HB 927**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on General Laws, Chairman Jones (50) reporting:

Mr. Speaker: Your Committee on General Laws, to which was referred **HB 427**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on General Laws, to which was referred **HB 555**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on General Laws, to which was referred **HB 641**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on General Laws, to which was referred **SCS SB 157** and **SB 102**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Health Care Policy, Chairman Frederick reporting:

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **HCR 17**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **HJR 19**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **SCS SCR 5**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **SCS SB 88**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **SB 197**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **SB 230**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Judiciary, Chairman Cox reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 447**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 541**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Local Government, Chairman Gatschenberger reporting:

Mr. Speaker: Your Committee on Local Government, to which was referred **SB 58**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Local Government, to which was referred **SB 138**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Retirement, Chairman Leara reporting:

Mr. Speaker: Your Committee on Retirement, to which was referred **HB 861**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Veterans, Chairman Davis reporting:

Mr. Speaker: Your Committee on Veterans, to which was referred **SCS SB 186**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Riddle reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCR 21**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HJR 26**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 76**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 78**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 252**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 275**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 285**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HBs 309 & 73**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 339**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 340**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 344**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 348**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 372**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 387**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 415**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 436**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HBs 593 & 695**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 601**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 635**, begs leave to report it has examined the same and recommends that it **Do Pass - Federal Mandate**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS#2 HB 698**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 747**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 771**, begs leave to report it has examined the same and recommends that it **Do Pass - Federal Mandate**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 808**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 859**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 881**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1035**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 16**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 59**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 60**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 80**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 188**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 191**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 234**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 235**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 237**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 306**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 324**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 329**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 376**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 87**, entitled:

An act to repeal sections 191.918 and 494.430, RSMo, and to enact in lieu thereof two new sections relating to breast-feeding.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 99**, entitled:

An act to repeal sections 473.730, 473.733, and 473.737, RSMo, and to enact in lieu thereof three new sections relating to public administrators.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 257**, entitled:

An act to repeal sections 68.205, 68.210, 68.215, 68.225, 68.230, 68.235, 68.240, 68.245, 68.250, and 68.259, RSMo, and to enact in lieu thereof ten new sections relating to port improvement districts.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 267**, entitled:

An act to amend chapter 506, RSMo, by adding thereto one new section relating to the laws of other countries.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 275**, entitled:

An act to repeal section 393.1075, RSMo, and to enact in lieu thereof one new section relating to utility regulation, with existing penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 342**, entitled:

An act to repeal section 348.521, RSMo, and to enact in lieu thereof one new section relating to agricultural loans.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 357**, entitled:

An act to repeal section 429.010, RSMo, and to enact in lieu thereof one new section relating to statutory liens against real estate.

In which the concurrence of the House is respectfully requested.

MESSAGE FROM THE GOVERNOR

EXECUTIVE OFFICE

April 11, 2013

TO THE CHIEF CLERK OF THE
HOUSE OF REPRESENTATIVES
97th GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI:

Herewith I return to you **Senate Committee Substitute for House Committee Substitute for House Bill No. 14** entitled:

"AN ACT"

To appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2013.

On April 11, 2013, I approved said **Senate Committee Substitute for House Committee Substitute for House Bill No. 14**.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

The following member's presence was noted: McNeil.

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 4:00 p.m., Monday, April 15, 2013.

CORRECTION TO THE HOUSE JOURNAL

AFFIDAVIT

I, State Representative Sue Meredith, District 71, hereby state and affirm that my vote on the motion to order perfected and printed House Committee Substitute No. 2 for House Bill No. 178, as amended, as recorded on page 1040 of the Journal of the House for the forty-ninth day, Wednesday, April 10, 2013 was incorrectly recorded as "Absent With Leave." Pursuant to House Rule 89, I ask that the Journal be corrected to show that I was in the chamber at the time the vote was taken, I did in fact vote, my vote was incorrectly recorded, and should have been recorded as "No."

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 11th day of April 2013.

/s/ Susan Meredith
State Representative

State of Missouri)
) ss.
Signed in County of Cole)
Notary Commissioned in County of Miller)

Subscribed and sworn to before me this 11th day of April in the year 2013.

/s/ Leticia J. Long
Notary Public

COMMITTEE HEARINGS

AGRI-BUSINESS

Tuesday, April 16, 2013, 8:00 AM House Hearing Room 4.

Public hearing will be held: HB 819

Executive session may be held on any matter referred to the committee.

AGRICULTURE POLICY

Tuesday, April 16, 2013, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 964

Executive session may be held on any matter referred to the committee.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, April 16, 2013, 2:00 PM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

We will look at last audit with Department of Corrections 2009, focusing on Canteen Program.

CHILDREN, FAMILIES, AND PERSONS WITH DISABILITIES

Tuesday, April 16, 2013, 12:00 PM or Upon Adjournment House Hearing Room 1.

Public hearing will be held: SCS SB 229

Executive session may be held on any matter referred to the committee.

CRIME PREVENTION AND PUBLIC SAFETY

Tuesday, April 16, 2013, 8:00 AM House Hearing Room 3.

Public hearing will be held: HB 991

Executive session may be held on any matter referred to the committee.

ELECTIONS

Tuesday, April 16, 2013, 8:15 AM House Hearing Room 5.

Public hearing will be held: SCS SB 258

Executive session will be held: SCS SB 258, SB 90, SS SCS SB 116

Executive session may be held on any matter referred to the committee.

EMERGING ISSUES IN AGRICULTURE

Monday, April 15, 2013, Upon Afternoon Adjournment South Gallery.

Executive session will be held: HCR 34

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Monday, April 15, 2013, 1:00 PM House Hearing Room 3.

Executive session will be held: HCS HB 850, HCS HB 813, HCS HB 470, HCS HB 215, HCS HBs 404 & 614, HCS HB 621, HB 526, HCS HB 468, HB 253, HCS HB 343

Executive session may be held on any matter referred to the committee.

GOVERNMENT OVERSIGHT AND ACCOUNTABILITY

Monday, April 15, 2013, 12:00 PM House Hearing Room 7.

Public hearing will be held: HB 886, HB 803, HB 840

Executive session may be held on any matter referred to the committee.

HEALTH CARE POLICY

Wednesday, April 17, 2013, Noon or Upon Afternoon Recess House Hearing Room 6.

Public hearing will be held: HB 608, SCS SB 126, SCS SB 178, SCS SB 302

Executive session may be held on any matter referred to the committee.

HEALTH INSURANCE

Tuesday, April 16, 2013, 12:00 PM House Hearing Room 5.

Public hearing will be held: SB 161, SS SB 262

Executive session may be held on any matter referred to the committee.

HIGHER EDUCATION

Tuesday, April 16, 2013, 9:00 AM House Hearing Room 6.

Executive session will be held: SCS SB 17

Executive session may be held on any matter referred to the committee.

INSURANCE POLICY

Monday, April 15, 2013, Upon Afternoon Adjournment House Hearing Room 1.

Public hearing will be held: SCS SB 287, HB 751

Executive session will be held: SCS SB 287

Executive session may be held on any matter referred to the committee.

Seeking consent on SB 287

AMENDED

ISSUE DEVELOPMENT STANDING COMMITTEE ON MISSOURI HEALTH CARE

Monday, April 15, 2013, 1:00 PM House Hearing Room 5.

Jim McMillan, retired Chief Financial Officer from Capital Region will provide testimony.

MISSOURI SPORTSMAN ISSUE DEVELOPMENT

Monday, April 15, 2013, 6:00 PM 1729 E Elm Street, Jefferson City, MO.

RULES

Monday, April 15, 2013, Upon Afternoon Adjournment North Gallery.

Executive session may be held on any matter referred to the committee.

CORRECTED

SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN HEALTH CARE

Wednesday, April 17, 2013, 8:00 AM House Hearing Room 1.

Public hearing will be held: HB 925, HB 926, HB 936

Executive session may be held on any matter referred to the committee.

TRANSPORTATION

Tuesday, April 16, 2013, 12:00 PM House Hearing Room 7.

Public hearing will be held: HB 885, SS#2 SCS SJR 16

Executive session will be held: SS#2 SCS SJR 16, HB 62, SB 43, SB 148, HB 693

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

FIFTY-FIRST DAY, MONDAY, APRIL 15, 2013

HOUSE JOINT RESOLUTIONS FOR PERFECTION

HCS HJR 26 - Richardson

HOUSE BILLS FOR PERFECTION

- 1 HB 227 - Zerr
- 2 HB 423 - Zerr
- 3 HB 578, as amended - Funderburk
- 4 HCS HB 221 - Leara
- 5 HB 400 - Riddle
- 6 HCS HB 701 - Molendorp
- 7 HCS HB 335 - Hinson
- 8 HB 255 - Torpey
- 9 HCS HB 389, with HA 1, pending - Engler
- 10 HB 510 - Torpey
- 11 HB 756 - Hubbard
- 12 HCS HB 458 - Scharnhorst
- 13 HCS HBs 455 & 297 - English
- 14 HB 242 - Ellington
- 15 HB 274 - Brattin
- 16 HCS HB 290 - Lichtenegger
- 17 HCS HB 351 - Frederick
- 18 HB 503 - McCaherty
- 19 HB 733 - Berry
- 20 HCS HB 589 - Hinson
- 21 HB 448 - Webb
- 22 HB 162 - Sommer
- 23 HCS HB 170 - Guernsey
- 24 HCS HB 175 - Crawford
- 25 HCS HB 161 - Gatschenberger
- 26 HCS HB 252 - Lauer
- 27 HCS HB 285 - Pace
- 28 HB 339 - Wieland
- 29 HCS HB 340 - Johnson
- 30 HB 747 - Scharnhorst
- 31 HCS HB 1035 - Kelley (127)
- 32 HCS HB 348 - Neth
- 33 HCS HB 372 - Cox
- 34 HCS HB 436 - Funderburk
- 35 HCS HBs 593 & 695 - Solon
- 36 HB 808 - Funderburk
- 37 HCS HB 859 - Brattin

HOUSE BILLS FOR THIRD READING

- 1 HB 201 - Torpey
- 2 HCS HBs 521 & 579, (Fiscal Review 3/27/13) - Koenig
- 3 HB 443 - Hubbard
- 4 HCS HB 470, (Fiscal Review 4/10/13) - Barnes
- 5 HCS HB 215, (Fiscal Review 4/10/13), E.C. - Cox
- 6 HB 103 - Kelley (127)
- 7 HCS HB 114, E.C. - McCaherty
- 8 HCS HB 505, E.C. - Haefner
- 9 HB 218 - Cox
- 10 HCS HB 850, (Fiscal Review 4/10/13) - McCaherty
- 11 HCS HB 813, (Fiscal Review 4/10/13) - Torpey
- 12 HB 148 - Davis
- 13 HCS HB 257 - Frederick
- 14 HB 326 - Fitzwater
- 15 HCS HB 722 - Leara
- 16 HCS HB 418 - Neth
- 17 HCS HB 468, (Fiscal Review 4/10/13), E.C. - Higdon
- 18 HCS HBs 374 & 434 - Elmer
- 19 HCS HBs 373 & 435 - Elmer
- 20 HB 322 - Gosen
- 21 HCS#2 HB 178 - Koenig
- 22 HCS HB 197 - Lauer
- 23 HB 526, (Fiscal Review 4/10/13) - Franklin
- 24 HB 253, (Fiscal Review 4/10/13) - Berry
- 25 HCS HBs 404 & 614, (Fiscal Review 4/10/13) - Conway (104)
- 26 HCS HB 343, (Fiscal Review 4/10/13) - Guernsey
- 27 HCS HB 621, (Fiscal Review 4/10/13) - McCaherty
- 28 HCS HB 194 - Diehl

SENATE BILLS FOR SECOND READING

- 1 SCS SB 87
- 2 SB 99
- 3 SB 257
- 4 SS SB 267
- 5 SB 275
- 6 SB 342
- 7 SS SB 357

HOUSE CONCURRENT RESOLUTIONS

HCR 11 - Walton Gray

SENATE BILLS FOR THIRD READING - CONSENT

(4/15/2013)

- 1 SB 59 - Gosen
- 2 SB 60 - Gosen
- 3 SB 80 - Engler
- 4 HCS SB 188 - Engler
- 5 SB 234 - Burlison
- 6 SB 235 - Dugger
- 7 SB 306 - Elmer
- 8 SCS SB 324 - Hansen
- 9 SCS SB 376 - Frederick
- 10 SB 16 - Dugger
- 11 SCS SB 191 - McCaherty
- 12 SB 237 - Miller
- 13 SB 329 - Love

HOUSE BILLS WITH SENATE AMENDMENTS

SS HCS HJR 11 & 7, as amended - Reiboldt

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

FIFTY-FIRST DAY, MONDAY, APRIL 15, 2013

The House met pursuant to adjournment.

Representative Leara in the Chair.

Prayer by Representative Caleb Rowden.

Dear Father, we thank You for the wonderful opportunity You have given us to serve the people of Missouri. It is an honor we do not and will not take for granted. We thank You for the reality of grace that assures us that even in our weakness, You are strong. In our darkness, You are light. And in our chaos, You are peace.

As we begin another day in this great chamber, may we be reminded that our decisions aren't simply about politics, but people. Give us wisdom that surpasses partisan thought, and give us discernment to recognize every consequence, both good and bad, for the decisions we make.

May we see the world the way You see the world...with eyes of compassion. May our hearts be softened to the realities of those who are struggling in our state, and may we all recognize that caring for the least and lowly is more than just something we can do through legislation, but something we can live out every day of our lives, as You have commanded us to do.

May You be glorified in the words that are heard throughout this building today. We thank You for giving us life, and offering us love. May we do the same today.

We pray this in the name of Your son Jesus - Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the fiftieth day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1518 through House Resolution No. 1709

SECOND READING OF SENATE BILLS

SCS SB 87, SB 99, SB 257, SS SB 267, SB 275, SB 342 and SS SB 357 were read the second time.

COMMITTEE REPORTS

Committee on Fiscal Review, Chairman Flanigan reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 215**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 343**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HBs 404 & 614**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 470**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 526**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 621**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 850**, begs leave to report it has examined the same and recommends that it **Do Pass**.

THIRD READING OF HOUSE BILLS

HCS HB 215, relating to judicial procedures, was taken up by Representative Cox.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 098

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller
Morris	Muntzel	Neely	Neth	Parkinson

Pfautsch	Phillips	Pike	Pogue	Rehder
Reiboldt	Rhoads	Richardson	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood		

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Fitzpatrick	Frame
Harris	Hodges	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 014

Gardner	Grisamore	Hubbard	Keeney	Lauer
McManus	Molendorp	Redmon	Remole	Riddle
Smith 85	Smith 120	Zerr	Mr Speaker	

VACANCIES: 002

On motion of Representative Cox, **HCS HB 215** was read the third time and passed by the following vote:

AYES: 086

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Brown	Burlison	Cierpiot	Conway 104
Cookson	Cox	Crawford	Cross	Davis
Diehl	Dohrman	Dugger	Elmer	Engler
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Guernsey	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hurst	Johnson	Justus
Kelley 127	Koenig	Kolkmeyer	Kratky	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	McCaherty	Messenger	Miller	Morris
Muntzel	Neely	Parkinson	Pfautsch	Phillips
Pike	Redmon	Rehder	Reiboldt	Riddle
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Solon	Sommer	Stream	Thomson
Walker	Wieland	Wilson	Wood	Zerr
Mr Speaker				

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NOES: 067

Anders	Barnes	Black	Brattin	Burns
Butler	Carpenter	Colona	Cornejo	Curtis
Curtman	Dunn	Ellinger	Ellington	English
Englund	Entlicher	Frame	Gardner	Haahr
Harris	Hummel	Jones 50	Kelly 45	Kirkton
Korman	LaFaver	Marshall	May	Mayfield
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Neth	Newman	Nichols	Norr
Otto	Pace	Pierson	Pogue	Rhoads
Richardson	Rizzo	Roorda	Ross	Rowden
Runions	Schieffer	Schupp	Spencer	Swan
Swearingen	Torpey	Walton Gray	Webb	Webber
White	Wright			

PRESENT: 001

Conway 10

ABSENT WITH LEAVE: 007

Grisamore	Hubbard	Keeney	Molendorp	Remole
Smith 85	Smith 120			

VACANCIES: 002

Representative Leara declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 101

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Brown	Burlison	Cierpiot	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Guernsey
Haefner	Hampton	Hansen	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Kelley 127	Kelly 45
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
McCaherty	McGaugh	Messenger	Miller	Morris
Muntzel	Neely	Neth	Norr	Parkinson
Pfautsch	Phillips	Pike	Redmon	Rehder
Reiboldt	Rhoads	Richardson	Riddle	Ross
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	Webber
White	Wieland	Wilson	Wood	Wright
Mr Speaker				

NOES: 050

Anders	Berry	Black	Brattin	Burns
Butler	Carpenter	Colona	Curtis	Dunn
Ellinger	Ellington	English	Englund	Frame
Gardner	Haahr	Harris	Hodges	Hummel
Kirkton	Kratky	LaFaver	Marshall	May
Mayfield	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Otto	Pace
Pierson	Pogue	Rizzo	Roorda	Rowden
Runions	Schupp	Swearingen	Walton Gray	Webb

PRESENT: 001

Schieffer

ABSENT WITH LEAVE: 009

Elmer	Grisamore	Hubbard	Keeney	Molendorp
Remole	Smith 85	Smith 120	Zerr	

VACANCIES: 002

HB 103, relating to the use of vehicles in municipalities, was taken up by Representative Kelley (127).

On motion of Representative Kelley (127), **HB 103** was read the third time and passed by the following vote:

AYES: 134

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hummel	Hurst
Johnson	Jones 50	Justus	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	Meredith	Messenger	Miller	Mims
Montecillo	Morgan	Morris	Muntzel	Neth
Pace	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber

Schieffer	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Webber	White	Wieland
Wilson	Wood	Wright	Mr Speaker	

NOES: 016

Colona	Curtis	Frame	Gardner	May
McNeil	Mitten	Neely	Newman	Nichols
Norr	Otto	Pierson	Schupp	Walton Gray
Webb				

PRESENT: 000

ABSENT WITH LEAVE: 011

Ellinger	Flanigan	Grisamore	Hubbard	Keeney
Molendorp	Parkinson	Remole	Smith 85	Smith 120
Zerr				

VACANCIES: 002

Representative Leara declared the bill passed.

HCS HB 114, relating to educational credits for veterans, was taken up by Representative McCaherty.

On motion of Representative McCaherty, **HCS HB 114** was read the third time and passed by the following vote:

AYES: 152

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hummel	Hurst
Johnson	Jones 50	Justus	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Montecillo	Morgan
Morris	Muntzel	Neely	Newman	Nichols
Norr	Otto	Pace	Parkinson	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon

Rehder	Reiboldt	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webb	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Cross	Grisamore	Hubbard	Keeney	Molendorp
Neth	Remole	Smith 85	Smith 120	

VACANCIES: 002

Representative Leara declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 147

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Houghton	Hummel	Hurst	Johnson	Jones 50
Justus	Kelley 127	Kelly 45	Koenig	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Montecillo	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Parkinson
Pfautsch	Phillips	Pierson	Pike	Pogue
Redmon	Rehder	Reiboldt	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Swearingen

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Thomson	Torpey	Walker	Walton Gray	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 005

Butler	Gardner	Kirkton	Marshall	Webb
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PRESENT: 000

ABSENT WITH LEAVE: 009

Grisamore	Hough	Hubbard	Keeney	Kolkmeier
Molendorp	Remole	Smith 85	Smith 120	

VACANCIES: 002

HCS HB 621, relating to tax credits for port facilities, was taken up by Representative McCaherty.

On motion of Representative McCaherty, **HCS HB 621** was read the third time and passed by the following vote:

AYES: 117

Allen	Anders	Austin	Barnes	Bernskoetter
Berry	Black	Brown	Burns	Butler
Carpenter	Cierpiot	Colona	Conway 10	Cookson
Cornejo	Crawford	Cross	Curtis	Davis
Diehl	Dohrman	Dunn	Ellinger	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzwater	Flanigan	Fraker	Frame	Frederick
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Haefner	Hampton	Hansen	Harris	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hummel	Johnson	Jones 50	Justus	Kelley 127
Kelly 45	Kolkmeier	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
Meredith	Messenger	Mims	Montecillo	Morgan
Morris	Neely	Neth	Nichols	Norr
Otto	Pace	Pfautsch	Phillips	Pierson
Pike	Redmon	Reiboldt	Richardson	Riddle
Rizzo	Roorda	Rowden	Rowland	Runions
Scharnhorst	Schieffer	Schupp	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swearingen
Torpey	Walker	Walton Gray	Webb	Wieland
Zerr	Mr Speaker			

NOES: 036

Anderson	Bahr	Brattin	Burlison	Conway 104
Cox	Curtman	Dugger	Fitzpatrick	Fowler
Franklin	Guernsey	Haahr	Hicks	Hurst

Kirkton	Koenig	Marshall	McNeil	Miller
Mitten	Muntzel	Newman	Parkinson	Pogue
Rehder	Rhoads	Ross	Schieber	Swan
Thomson	Webber	White	Wilson	Wood
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 008

Grisamore	Hubbard	Keeney	Molendorp	Remole
Schatz	Smith 85	Smith 120		

VACANCIES: 002

Representative Leara declared the bill passed.

HCS HB 505, relating to child abuse and neglect, was taken up by Representative Haefner.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 102

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Justus
Kelley 127	Koenig	Kolkmeier	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith

Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 009

Grisamore	Hubbard	Jones 50	Keeney	Molendorp
Remole	Schatz	Smith 85	Smith 120	

VACANCIES: 002

On motion of Representative Haefner, **HCS HB 505** was read the third time and passed by the following vote:

AYES: 150

Anders	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hummel	Hurst
Johnson	Jones 50	Justus	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Miller
Mims	Montecillo	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Parkinson	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Solon	Sommer	Spencer
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webb	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Allen	Grisamore	Hubbard	Keeney	Messenger
Mitten	Molendorp	Remole	Smith 85	Smith 120
Stream				

VACANCIES: 002

Representative Leara declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 150

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hummel	Hurst	Johnson
Jones 50	Justus	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Montecillo	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Pace	Parkinson	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 004

Colona	Gardner	Walton Gray	Webb
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PRESENT: 000

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ABSENT WITH LEAVE: 007

Grisamore	Hubbard	Keeney	Molendorp	Remole
Smith 85	Smith 120			

VACANCIES: 002

HB 148, relating to child custody for military personnel, was taken up by Representative Davis.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 101

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Gannon	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Kelley 127	Koenig	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
McCaherty	McGaugh	Messenger	Miller	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	Marshall	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Rizzo
Roorda	Runions	Schieffer	Schupp	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 011

Curtis	Funderburk	Grisamore	Hubbard	Keeney
Kolkmeyer	Molendorp	Pierson	Redmon	Smith 85
Smith 120				

VACANCIES: 002

On motion of Representative Davis, **HB 148** was read the third time and passed by the following vote:

AYES: 150

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brown
Burlison	Burns	Carpenter	Cierpiot	Colona
Conway 10	Conway 104	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Dunn	Ellinger	Ellington	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Gannon	Gardner	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hummel
Hurst	Johnson	Jones 50	Justus	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Montecillo
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Parkinson	Pfautsch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webb	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Brattin	Butler	Cookson	Curtis	Funderburk
Grisamore	Hubbard	Keeney	Molendorp	Smith 85
Smith 120				

VACANCIES: 002

Representative Leara declared the bill passed.

HCS HB 257, relating to tuberculosis testing, was taken up by Representative Frederick.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 099

Allen	Anderson	Austin	Barnes	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Gannon	Gatschenberger	Gosen	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Kelley 127	Koenig	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	McCaherty	McGaugh	Messenger
Miller	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 047

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	Marshall	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Roorda	Schieffer	Schupp	Swearingen	Walton Gray
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 015

Bahr	Curtis	Davis	Funderburk	Grisamore
Guernsey	Hubbard	Keeney	Kolkmeyer	Mims
Molendorp	Runions	Smith 85	Smith 120	Webb

VACANCIES: 002

On motion of Representative Frederick, **HCS HB 257** was read the third time and passed by the following vote:

AYES: 149

Allen	Anders	Anderson	Austin	Bernskoetter
Berry	Black	Brattin	Brown	Burns
Butler	Carpenter	Cierpiot	Colona	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtis	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Gannon	Gardner
Gatschenberger	Gosen	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hummel	Hurst	Johnson	Jones 50	Justus
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeier
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Montecillo
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Parkinson	Pfautsch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Solon	Sommer	Spencer	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 002

Burlison Marshall

PRESENT: 000

ABSENT WITH LEAVE: 010

Bahr	Barnes	Funderburk	Grisamore	Hubbard
Keeney	Molendorp	Smith 85	Smith 120	Stream

VACANCIES: 002

Representative Leara declared the bill passed.

HB 326, relating to sexual misconduct, was taken up by Representative Fitzwater.

On motion of Representative Fitzwater, **HB 326** was read the third time and passed by the following vote:

AYES: 134

Allen	Anderson	Austin	Bernskoetter	Berry
Black	Brattin	Brown	Burlison	Burns
Butler	Carpenter	Cierpiot	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Elmer	Engler	English	Englund
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Gannon	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hummel
Hurst	Johnson	Jones 50	Justus	Kelley 127
Kirkton	Koenig	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lauer	Leara	Lichtenegger
Love	Lynch	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Montecillo	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Parkinson	Pfausch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieffer
Schupp	Shull	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 012

Colona	Curtis	Ellington	Gardner	Kelly 45
Marshall	May	Pace	Pierson	Schieber
Walton Gray	Webb			

PRESENT: 000

ABSENT WITH LEAVE: 015

Anders	Bahr	Barnes	Ellinger	Entlicher
Funderburk	Grisamore	Hubbard	Keeney	Lant
Molendorp	Richardson	Shumake	Smith 85	Smith 120

VACANCIES: 002

Representative Leara declared the bill passed.

HCS HB 418, relating to Kansas City police retirement systems, was taken up by Representative Neth.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 096

Allen	Anderson	Austin	Barnes	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Gannon	Gatschenberger	Gosen	Guernsey	Haahr
Haefner	Hampton	Hansen	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lauer	Leara
Lichtenegger	Love	Lynch	McCaherty	McGaugh
Messenger	Miller	Morris	Muntzel	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Zerr
Mr Speaker				

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hummel	Kelly 45	Kirkton	Kratky
Marshall	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 016

Bahr	Ellinger	Entlicher	Funderburk	Grisamore
Hubbard	Keeney	LaFaver	Lant	Molendorp
Neely	Richardson	Schatz	Smith 85	Smith 120
Wood				

VACANCIES: 002

On motion of Representative Neth, **HCS HB 418** was read the third time and passed by the following vote:

AYES: 145

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Davis
Diehl	Dohrman	Dugger	Dunn	Ellington
Elmer	Engler	English	Englund	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Gannon	Gardner	Gatschenberger
Gosen	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hummel	Hurst
Johnson	Jones 50	Justus	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lauer	Leara	Lichtenegger
Love	Lynch	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Montecillo	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Parkinson	Pfausch	Phillips
Pierson	Pike	Redmon	Rehder	Reiboldt
Remole	Rhoads	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webb	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 002

Marshall Pogue

PRESENT: 000

ABSENT WITH LEAVE: 014

Brattin	Curtman	Ellinger	Entlicher	Funderburk
Grisamore	Guernsey	Hubbard	Keeney	Lant
Molendorp	Richardson	Smith 85	Smith 120	

VACANCIES: 002

Representative Leara declared the bill passed.

HCS HB 850, relating to the “Bring Jobs Home Act,” was taken up by Representative McCaherty.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 095

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Fitzpatrick
Fitzwater	Fowler	Fraker	Franklin	Frederick
Gannon	Gatschenberger	Gosen	Guernsey	Haahr
Haefner	Hampton	Hansen	Hicks	Higdon
Hinson	Hough	Houghton	Johnson	Jones 50
Justus	Kelley 127	Koenig	Kolkmeier	Korman
Lair	Lauer	Leara	Lichtenegger	Love
Lynch	McCaherty	McGaugh	Messenger	Miller
Morris	Muntzel	Neely	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hummel	Hurst	Kelly 45
Kirkton	Kratky	LaFaver	Marshall	May
Mayfield	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Pierson	Rizzo	Roorda	Runions
Schieffer	Schupp	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 014

Entlicher	Flanigan	Funderburk	Grisamore	Hoskins
Hubbard	Keeney	Lant	Molendorp	Neth
Richardson	Schatz	Smith 85	Smith 120	

VACANCIES: 002

On motion of Representative McCaherty, **HCS HB 850** was read the third time and passed by the following vote:

AYES: 130

Allen	Anders	Anderson	Austin	Barnes
Bernskoetter	Berry	Black	Brown	Burlison
Burns	Butler	Carpenter	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Elmer	Engler	English	Englund	Fitzpatrick
Fitzwater	Fraker	Frame	Franklin	Frederick
Gannon	Gatschenberger	Gosen	Guernsey	Haefner
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hummel
Johnson	Jones 50	Justus	Kelley 127	Kelly 45
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Montecillo	Morgan	Morris	Muntzel
Neely	Neth	Nichols	Norr	Otto
Pace	Pfautsch	Phillips	Pierson	Pike
Redmon	Reiboldt	Remole	Rhoads	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schieffer	Schupp	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swearingen	Thomson	Torpey	Walker	Walton Gray
White	Wieland	Wood	Zerr	Mr Speaker

NOES: 015

Bahr	Brattin	Fowler	Gardner	Hampton
Hurst	Kirkton	Newman	Pogue	Rehder
Schieber	Webb	Webber	Wilson	Wright

PRESENT: 000

ABSENT WITH LEAVE: 016

Ellington	Entlicher	Flanigan	Funderburk	Grisamore
Haahr	Hubbard	Keeney	Lant	Molendorp
Parkinson	Richardson	Schatz	Smith 85	Smith 120
Swan				

VACANCIES: 002

Representative Leara declared the bill passed.

HCS HBs 374 & 434, relating to the transfer of judicial positions, was taken up by Representative Elmer.

On motion of Representative Elmer, **HCS HBs 374 & 434** was read the third time and passed by the following vote:

AYES: 109

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Ellinger	Elmer	Engler
Englund	Fitzpatrick	Fitzwater	Flanigan	Fraker
Franklin	Frederick	Gannon	Gatschenberger	Gosen
Haahr	Haefner	Hampton	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Kelley 127
Kelly 45	Koenig	Kolkmeier	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McManus	Messenger
Miller	Morris	Muntzel	Neely	Neth
Norr	Otto	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Schupp	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 042

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellington
English	Fowler	Frame	Gardner	Guernsey
Harris	Hummel	Kirkton	Kratky	May
Mayfield	McCann Beatty	McDonald	McGaugh	McKenna
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Pace	Pierson
Rizzo	Roorda	Runions	Schieffer	Swearingen
Walton Gray	Webb			

PRESENT: 001

LaFaver

ABSENT WITH LEAVE: 009

Entlicher	Funderburk	Grisamore	Hansen	Hubbard
Keeney	Molendorp	Smith 85	Smith 120	

VACANCIES: 002

Representative Leara declared the bill passed.

HCS HBs 373 & 435, relating to judicial circuits, was taken up by Representative Elmer.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 102

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frederick	Gannon	Gatschenberger	Gosen	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Rizzo
Roorda	Runions	Schieffer	Schupp	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 010

Franklin	Funderburk	Grisamore	Hubbard	Keeney
Molendorp	Pierson	Ross	Smith 85	Smith 120

VACANCIES: 002

On motion of Representative Elmer, **HCS HBs 373 & 435** was read the third time and passed by the following vote:

AYES: 095

Allen	Austin	Bahr	Barnes	Bernskoetter
Brown	Burlison	Carpenter	Cierpiot	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Davis	Diehl	Dohrman	Dugger	Ellinger
Elmer	Engler	Entlicher	Fitzwater	Flanigan
Fraker	Franklin	Frederick	Gannon	Gatschenberger
Gosen	Haahr	Haefner	Hampton	Hicks
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Kelley 127	Kelly 45
Koenig	Kolkmeyer	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
Mayfield	McManus	Messenger	Miller	Morris
Muntzel	Neth	Norr	Pfausch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schupp	Shull	Shumake	Solon	Sommer
Spencer	Swan	Torpey	Walker	Webber
White	Wieland	Wright	Zerr	Mr Speaker

NOES: 055

Anders	Anderson	Black	Brattin	Burns
Butler	Colona	Conway 10	Curtis	Curtman
Dunn	Ellington	English	Englund	Fitzpatrick
Fowler	Frame	Gardner	Guernsey	Hansen
Harris	Higdon	Hodges	Hummel	Kirkton
Korman	Kratky	LaFaver	May	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Neely	Newman	Nichols	Otto	Pace
Roorda	Runions	Schieber	Schieffer	Swearingen
Thomson	Walton Gray	Webb	Wilson	Wood

PRESENT: 000

ABSENT WITH LEAVE: 011

Berry	Funderburk	Grisamore	Hubbard	Keeney
Molendorp	Parkinson	Pierson	Smith 85	Smith 120
Stream				

VACANCIES: 002

Representative Leara declared the bill passed.

HB 322, relating to motor vehicle insurance policies, was taken up by Representative Gosen.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 098

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Franklin	Frederick
Gannon	Gatschenberger	Gosen	Guernsey	Haahr
Haefner	Hampton	Hansen	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	McCaherty
McGaugh	Messenger	Miller	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr		

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	Marshall	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 012

Curtman	Fraker	Funderburk	Grisamore	Hubbard
Keeney	Molendorp	Schatz	Smith 85	Smith 120
Stream	Mr Speaker			

VACANCIES: 002

On motion of Representative Gosen, **HB 322** was read the third time and passed by the following vote:

AYES: 152

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Gannon	Gardner	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hummel	Hurst
Johnson	Jones 50	Justus	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Montecillo	Morgan
Morris	Muntzel	Neth	Newman	Nichols
Norr	Otto	Pace	Parkinson	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Solon
Sommer	Spencer	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webb	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Funderburk	Grisamore	Hubbard	Keeney	Molendorp
Neely	Smith 85	Smith 120	Stream	

VACANCIES: 002

Representative Leara declared the bill passed.

Speaker Jones assumed the Chair.

HCS HB 722, relating to the St. Louis Police Retirement System, was taken up by Representative Leara.

On motion of Representative Leara, **HCS HB 722** was read the third time and passed by the following vote:

AYES: 149

Allen	Anders	Anderson	Austin	Bahr
Barnes	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Gannon
Gardner	Gatschenberger	Gosen	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hummel	Hurst	Johnson	Jones 50
Justus	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Montecillo	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Parkinson	Pfautsch	Phillips	Pierson
Pike	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Solon	Sommer	Spencer	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 002

Marshall	Pogue
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PRESENT: 000

ABSENT WITH LEAVE: 010

Bernskoetter	Cross	Funderburk	Grisamore	Hubbard
Keeney	Molendorp	Smith 85	Smith 120	Stream

VACANCIES: 002

Speaker Jones declared the bill passed.

HB 218, relating to controlled substances, was taken up by Representative Cox.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 103

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Gannon	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Morris	Muntzel	Neely	Neth
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 048

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Swearingen
Walton Gray	Webb	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 010

Curtis	Funderburk	Grisamore	Hubbard	Keeney
Molendorp	Parkinson	Smith 85	Smith 120	Webber

VACANCIES: 002

On motion of Representative Cox, **HB 218** was read the third time and passed by the following vote:

AYES: 103

Allen	Austin	Barnes	Bernskoetter	Black
Brown	Carpenter	Cierpiot	Colona	Conway 10
Conway 104	Cookson	Cox	Crawford	Diehl
Dohrman	Ellinger	Elmer	Engler	Englund
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Gannon	Gatschenberger	Gosen	Guernsey
Haefner	Hampton	Hansen	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hummel	Hurst	Johnson	Jones 50	Justus
Kelley 127	Kelly 45	Kirkton	Kolkmeyer	Korman
Kratky	Lair	Lant	Lauer	Lichtenegger
Love	Lynch	May	Mayfield	McGaugh
McManus	McNeil	Meredith	Messenger	Miller
Mitten	Montecillo	Morgan	Morris	Muntzel
Neely	Neth	Norr	Otto	Pfausch
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Rowland	Scharnhorst	Schatz	Shumake	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	Webber	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 047

Anders	Anderson	Bahr	Berry	Brattin
Burlison	Burns	Butler	Cornejo	Curtman
Davis	Dugger	Dunn	Ellington	English
Fitzpatrick	Frame	Gardner	Haahr	Harris
Koenig	LaFaver	Leara	Marshall	McCaherty
McCann Beatty	McDonald	McKenna	Mims	Newman
Nichols	Pace	Phillips	Pierson	Roorda
Ross	Rowden	Runions	Schieber	Schieffer
Schupp	Shull	Solon	Swearingen	Walton Gray
Webb	White			

PRESENT: 000

ABSENT WITH LEAVE: 011

Cross	Curtis	Entlicher	Funderburk	Grisamore
Hubbard	Keeney	Molendorp	Parkinson	Smith 85
Smith 120				

VACANCIES: 002

Speaker Jones declared the bill passed.

COMMITTEE REPORTS

Committee on Judiciary, Chairman Cox reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 210**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Tourism and Natural Resources, Chairman Phillips reporting:

Mr. Speaker: Your Committee on Tourism and Natural Resources, to which was referred **HCR 29**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Tourism and Natural Resources, to which was referred **HCR 30**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Riddle reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HCR 17**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HJR 19**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 421**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 541**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 543**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 611**, begs leave to report it has examined the same and recommends that it **Do Pass - Federal Mandate**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 653**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 986**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 89**, begs leave to report it has examined the same and recommends that it **Do Pass**.

COMMITTEE CHANGES

April 12, 2013

The Honorable Timothy Jones, Speaker
Missouri House of Representatives
201 W. Capitol Ave., RM 308
Jefferson City, MO 65101

Dear Mr. Speaker:

I would like to notify you of the following changes to the current Issue Development Standing Committees:

- The Missouri Health Care Issue Development Committee: Diane Franklin appointed Chairman; Sue Allen appointed Vice-Chairman.
- Randy Dunn removed from the Issue Development Standing Committee on Missouri Ports
- Randy Dunn removed from the Issue Development Standing Committee on Disadvantaged Communities
- John Wright removed from the Freshman Bipartisan Issue Development Standing Committee
- John Mayfield removed from the Freshman Bipartisan Issue Development Standing Committee
- John Mayfield removed from the Issue Development Standing Committee on Missouri Ports
- John Mayfield removed from the Missouri Sportsman Issue Development Committee
- Gina Mitten removed from the Freshman Bipartisan Issue Development Standing Committee
- Joe Runions removed from the Issue Development Standing Committee on Missouri Ports
- Courtney Curtis removed from the Issue Development Standing Committee on Disadvantaged Communities

Sincerely,

/s/ Rep. Dwight Scharnhorst
Administration and Accounts, Chair
District 98

COMMUNICATION

April 15, 2013

D. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
201 West Capitol Avenue
Jefferson City, MO 65101

Re: Possible Personal Interest in Legislation

Dear Mr. Crumbliss:

Pursuant to Section 105.461, RSMo, I am hereby filing a written report of a possible personal interest in legislation on which the House of Representatives may vote during the legislative session. My husband has a business relationship with Miller/Coors and Diageo.

In compliance with Section 105.461, RSMo, please publish this letter in the Journal of the House.

Thank you for your assistance in this matter.

Sincerely,

/s/ Jill Schupp
State Representative
District 88

The following members' presence was noted: Grisamore and Molendorp.

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Tuesday, April 16, 2013.

COMMITTEE HEARINGS

AGRI-BUSINESS

Tuesday, April 16, 2013, 8:00 AM House Hearing Room 4.

Public hearing will be held: HB 819

Executive session may be held on any matter referred to the committee.

AGRICULTURE POLICY

Tuesday, April 16, 2013, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 964

Executive session may be held on any matter referred to the committee.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, April 16, 2013, 2:00 PM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

We will look at last audit with Department of Corrections 2009, focusing on Canteen Program.

CANCELLED

CHILDREN, FAMILIES, AND PERSONS WITH DISABILITIES

Tuesday, April 16, 2013, 12:00 PM or Upon Adjournment House Hearing Room 1.

Public hearing will be held: SCS SB 229

Executive session may be held on any matter referred to the committee.

CRIME PREVENTION AND PUBLIC SAFETY

Tuesday, April 16, 2013, 8:00 AM House Hearing Room 3.

Public hearing will be held: HB 991

Executive session may be held on any matter referred to the committee.

ELECTIONS

Tuesday, April 16, 2013, 8:15 AM House Hearing Room 5.

Public hearing will be held: SCS SB 258

Executive session will be held: SCS SB 258, SB 90, SS SCS SB 116

Executive session may be held on any matter referred to the committee.

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, April 17, 2013, 8:00 AM House Hearing Room 6.

Public hearing will be held: SB 193, SCS SB 7, HB 738, HB 282, HB 603

Executive session may be held on any matter referred to the committee.

HB 603 was distributed for last week's committee.

FINANCIAL INSTITUTIONS

Wednesday, April 17, 2013, 12:15 PM House Hearing Room 4.

Public hearing will be held: SCS SB 254

Executive session may be held on any matter referred to the committee.

GENERAL LAWS

Tuesday, April 16, 2013, 12:00 PM House Hearing Room 3.

Public hearing will be held: HCR 8, HB 783, HB 975, HB 915

Executive session may be held on any matter referred to the committee.

HEALTH CARE POLICY

Wednesday, April 17, 2013, Noon or Upon Afternoon Recess House Hearing Room 6.

Public hearing will be held: HB 608, SCS SB 126, SCS SB 178, SCS SB 302

Executive session may be held on any matter referred to the committee.

HEALTH INSURANCE

Tuesday, April 16, 2013, 12:00 PM House Hearing Room 5.

Public hearing will be held: SB 161, SS SB 262

Executive session may be held on any matter referred to the committee.

HIGHER EDUCATION

Tuesday, April 16, 2013, 9:00 AM House Hearing Room 6.

Executive session will be held: SCS SB 17

Executive session may be held on any matter referred to the committee.

INSURANCE POLICY

Wednesday, April 17, 2013, Upon Afternoon Adjournment South Gallery

Executive session will be held: SCS SB 287

ISSUE DEVELOPMENT STANDING COMMITTEE ON DISADVANTAGED COMMUNITIES

Tuesday, April 16, 2013, 5:00 PM or Upon Adjournment House Hearing Room 3.

JUDICIARY

Wednesday, April 17, 2013, 12:00 PM or Upon Morning Recess (whichever is earlier) House Hearing Room 1.

Public hearing will be held: SB 110, SB 73, SCS SB 69, SCS SB 45, SCS SB 36, HB 121, SB 12

Executive session will be held: HB 757, SB 41, SB 222

Executive session may be held on any matter referred to the committee.

AMENDED

JUDICIARY

Thursday, April 18, 2013, 8:30 AM - 10:00 AM House Hearing Room 6.

Public hearing will be held: HB 849, HB 623, HB 606, HB 539, HB 220, SB 100

Executive session will be held: HB 552

Executive session may be held on any matter referred to the committee.

LOCAL GOVERNMENT

Tuesday, April 16, 2013, 6:00 PM 216 Madison Street, Jefferson City.

Executive session may be held on any matter referred to the committee.

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, April 17, 2013, Upon Morning Recess House Hearing Room 5.

Public hearing will be held: SB 330

Executive session will be held: HB 685, SB 330

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN HEALTH CARE

Wednesday, April 17, 2013, 8:00 AM House Hearing Room 1.

Public hearing will be held: HB 925, HB 926, HB 936

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON SMALL BUSINESS

Wednesday, April 17, 2013, 12:00 PM or Upon Morning Recess House Hearing Room 7.

Executive session will be held: HB 811, HB 393

Executive session may be held on any matter referred to the committee.

Removed HB 1033 and added location.

AMENDED

TRANSPORTATION

Tuesday, April 16, 2013, 12:00 PM House Hearing Room 7.

Public hearing will be held: HB 885, SS#2 SCS SJR 16

Executive session will be held: SS#2 SCS SJR 16, HB 62, SB 43, SB 148, HB 693

Executive session may be held on any matter referred to the committee.

UTILITIES

Wednesday, April 17, 2013, 8:00 AM House Hearing Room 7.

Public hearing will be held: HCR 32, HB 501, HB 502

Executive session may be held on any matter referred to the committee.

WAYS AND MEANS

Tuesday, April 16, 2013, 5:00 PM House Hearing Room 1.

Public hearing will be held: SB 261, HB 917, HB 736

Executive session will be held: SS#2 SCS SBs 26, 11 & 31

Executive session may be held on any matter referred to the committee.

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Wednesday, April 17, 2013, 8:00 AM House Hearing Room 5.

Public hearing will be held: HB 1041

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

FIFTY-SECOND DAY, TUESDAY, APRIL 16, 2013

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HCS HJR 26 - Richardson
- 2 HCS HJR 14 - Jones (110)

HOUSE BILLS FOR PERFECTION

- 1 HB 227 - Zerr
- 2 HB 423 - Zerr
- 3 HB 578, as amended - Funderburk
- 4 HCS HB 221 - Leara
- 5 HB 400 - Riddle
- 6 HCS HB 701 - Molendorp
- 7 HCS HB 335 - Hinson
- 8 HB 255 - Torpey
- 9 HCS HB 389, with HA 1, pending - Engler
- 10 HB 510 - Torpey
- 11 HB 756 - Hubbard
- 12 HCS HB 458 - Scharnhorst
- 13 HCS HBs 455 & 297 - English
- 14 HB 242 - Ellington
- 15 HB 274 - Brattin
- 16 HCS HB 290 - Lichtenegger
- 17 HCS HB 351 - Frederick
- 18 HB 503 - McCaherty
- 19 HB 733 - Berry
- 20 HCS HB 589 - Hinson
- 21 HB 448 - Webb
- 22 HB 162 - Sommer
- 23 HCS HB 170 - Guernsey
- 24 HCS HB 175 - Crawford

- 25 HCS HB 161 - Gatschenberger
- 26 HCS HB 252 - Lauer
- 27 HCS HB 285 - Pace
- 28 HB 339 - Wieland
- 29 HCS HB 340 - Johnson
- 30 HB 747 - Scharnhorst
- 31 HCS HB 1035 - Kelley (127)
- 32 HCS HB 348 - Neth
- 33 HCS HB 372 - Cox
- 34 HCS HB 436 - Funderburk
- 35 HCS HBs 593 & 695 - Solon
- 36 HB 808 - Funderburk
- 37 HCS HB 859 - Brattin
- 38 HCS#2 HB 698 - Zerr
- 39 HCS HB 881 - Guernsey

HOUSE BILLS FOR THIRD READING

- 1 HB 201 - Torpey
- 2 HCS HBs 521 & 579, (Fiscal Review 3/27/13) - Koenig
- 3 HB 443 - Hubbard
- 4 HCS HB 470 - Barnes
- 5 HCS HB 813, (Fiscal Review 4/10/13) - Torpey
- 6 HCS HB 468, (Fiscal Review 4/10/13), E.C. - Higdon
- 7 HCS#2 HB 178 - Koenig
- 8 HCS HB 197 - Lauer
- 9 HB 526 - Franklin
- 10 HB 253, (Fiscal Review 4/10/13) - Berry
- 11 HCS HBs 404 & 614 - Conway (104)
- 12 HCS HB 343 - Guernsey
- 13 HCS HB 194 - Diehl

HOUSE CONCURRENT RESOLUTIONS

HCR 11 - Walton Gray

SENATE BILLS FOR THIRD READING - CONSENT

(4/15/2013)

- 1 SB 59 - Gosen
- 2 SB 60 - Gosen
- 3 SB 80 - Engler
- 4 HCS SB 188 - Engler
- 5 SB 234 - Burlison
- 6 SB 235 - Dugger

- 7 SB 306 - Elmer
- 8 SCS SB 324 - Hansen
- 9 SCS SB 376 - Frederick
- 10 SB 16 - Dugger
- 11 SCS SB 191 - McCaherty
- 12 SB 237 - Miller
- 13 SB 329 - Love

HOUSE BILLS WITH SENATE AMENDMENTS

SS HCS HJR 11 & 7, as amended - Reiboldt

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

FIFTY-SECOND DAY, TUESDAY, APRIL 16, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

The Lord is nigh unto all them that call upon Him, to all that call upon Him in truth. (Psalm 145:18)

Our God, we bow before You in the quiet peace of this moment. Our hearts are filled with gratitude for all the privileges and opportunities which are ours, as members of this body. Knowing that we can show our thankfulness through lives of usefulness to You, we pray that You will give us courage in the face of temptation, confidence when confronted by difficulties and calmness amid danger with our prayers for the victims of the Boston Marathon bombing. As You have made this world for our use, grant that the trials of life may not, through our grumbling ingratitude, be turned into occasions of unhappiness and misery, but that we may accept with cheerfulness whatever You send our way.

Make us true and just in all our dealings and straightforward in all our conversations. Give us, we pray to You, such quiet strength as will enable us to prevail without loud speaking, and such gentleness of spirit as will enable us to use our strength with due regard for the rights of others. Reveal to us the path we should take, tune our ears to hear Your call, keep us ever in Your way, and be with us as we go.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Gabrielle Brinkley, Semiah Cole, Wisdom Channel, Denaijah Curry, Symyia Dunlap, Riquel Foster, Aja Hasam, Asia Hudson, Fairah Jeffries, Marquia Long, Rashyra McGill, Zayla Montgomery, Mikayla Patterson, Kyra Perry, Ahimina Poe, Samone Sloan, Alexis Ward, Kierra Welch, Grace Kertz, Thomas Vitt, Rory Meister and Alex Huggins.

The Journal of the fifty-first day was approved as corrected.

Representative Keeney assumed the Chair.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1710 through House Resolution No. 1849

THIRD READING OF HOUSE BILLS

HCS HB 197, relating to taxes and revenue bonds, was taken up by Representative Lauer.

On motion of Representative Lauer, **HCS HB 197** was read the third time and passed by the following vote:

AYES: 128

Allen	Anders	Anderson	Austin	Barnes
Bernskoetter	Berry	Black	Burns	Butler
Carpenter	Cierpiot	Colona	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtis	Curtman	Davis	Diehl	Dohrman
Dugger	Dunn	Ellinger	Ellington	Elmer
Engler	English	Englund	Entlicher	Fitzwater
Flanigan	Fowler	Frame	Franklin	Frederick
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hummel	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McNeil
Meredith	Messenger	Miller	Mims	Montecillo
Morgan	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Pfautsch
Phillips	Pierson	Redmon	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Schatz	Schieffer
Schupp	Shull	Shumake	Solon	Sommer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	Webber	Wieland
Wood	Wright	Zerr		

NOES: 015

Bahr	Brattin	Burlison	Fitzpatrick	Guernsey
Haahr	Hurst	Johnson	Koenig	Parkinson
Rehder	Schieber	Spencer	White	Wilson

PRESENT: 000

ABSENT WITH LEAVE: 018

Brown	Fraker	Grisamore	Hodges	Hubbard
Marshall	May	McManus	Mitten	Molendorp
Morris	Pike	Pogue	Reiboldt	Scharnhorst
Smith 85	Smith 120	Mr Speaker		

VACANCIES: 002

Representative Keeney declared the bill passed.

HB 526, relating to the establishment of a rural development grants program, was taken up by Representative Franklin.

On motion of Representative Franklin, **HB 526** was read the third time and passed by the following vote:

AYES: 131

Allen	Anders	Anderson	Austin	Barnes
Bernskoetter	Berry	Black	Brown	Burns
Butler	Carpenter	Cierpiot	Colona	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Curtis	Davis	Diehl	Dohrman	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Guernsey
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Lichtenegger	Love	Lynch	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
Meredith	Messenger	Miller	Mims	Molendorp
Montecillo	Morris	Muntzel	Neely	Neth
Nichols	Norr	Otto	Pace	Pfautsch
Phillips	Pierson	Pike	Redmon	Rehder
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieffer	Schupp	Shull
Shumake	Solon	Sommer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	Wieland	Wood	Zerr
Mr Speaker				

NOES: 022

Bahr	Brattin	Burlison	Cross	Curtman
Dugger	Fitzpatrick	Haahr	Kirkton	Koenig
Leara	McNeil	Mitten	Morgan	Newman
Parkinson	Pogue	Schieber	Spencer	White
Wilson	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 008

Grisamore	Hodges	Hubbard	Marshall	May
Reiboldt	Smith 85	Smith 120		

VACANCIES: 002

Representative Keeney declared the bill passed.

HCS HBs 404 & 614, relating to workers' compensation, was taken up by Representative Conway (104).

On motion of Representative Conway (104), **HCS HBs 404 & 614** was read the third time and passed by the following vote:

AYES: 154

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Parkinson	Pfausch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Frame	Grisamore	Hodges	Hubbard	Reiboldt
Smith 85	Smith 120			

VACANCIES: 002

Representative Keeney declared the bill passed.

HCS HB 343, relating to public assistance benefits, was taken up by Representative Guernsey.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 108

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 048

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hummel	Kelly 45	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 005

Curtis	Hodges	Hubbard	Smith 85	Smith 120
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VACANCIES: 002

On motion of Representative Guernsey, **HCS HB 343** was read the third time and passed by the following vote:

AYES: 112

Anders	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Cierpiot	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Elmer	Engler
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
McKenna	Messenger	Miller	Molendorp	Morris
Muntzel	Neth	Parkinson	Pfausch	Phillips
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Roorda	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Schieffer	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 042

Burns	Butler	Carpenter	Colona	Conway 10
Curtis	Dunn	Ellinger	Ellington	English
Englund	Gardner	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Runions	Schupp	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 007

Allen	Hodges	Hubbard	Neely	Pike
Smith 85	Smith 120			

VACANCIES: 002

Representative Keeney declared the bill passed.

HCS HB 194, relating to a new home income tax deduction, was taken up by Representative Diehl.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 106

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	McCaherty	McGaugh
Messenger	Miller	Molendorp	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	Marshall	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 005

Fitzwater	Hodges	Hubbard	Smith 85	Smith 120
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VACANCIES: 002

On motion of Representative Diehl, **HCS HB 194** was read the third time and passed by the following vote:

AYES: 150

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Messenger	Miller	Mims
Molendorp	Montecillo	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Parkinson	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webb	Webber
White	Wieland	Wood	Zerr	Mr Speaker

NOES: 007

Carpenter	Ellington	Gardner	Kirkton	Meredith
Mitten	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 004

Hubbard	Smith 85	Smith 120	Wilson
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VACANCIES: 002

Representative Keeney declared the bill passed.

PERFECTION OF HOUSE BILLS

HCS HB 389, with House Amendment No. 1, pending, relating to a qualified tax credit for research expenses, was taken up by Representative Engler.

Speaker Jones resumed the Chair.

House Amendment No. 1 was withdrawn.

On motion of Representative Engler, **HCS HB 389** was adopted.

On motion of Representative Engler, **HCS HB 389** was ordered perfected and printed.

HCS HBs 455 & 297, relating to food stamp eligibility, was taken up by Representative English.

Representative Hinson offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill Nos. 455 & 297, Page 1, Section A, Line 2, by inserting after all of said section and line, the following:

"208.031. 1. Electronic benefit transfer transactions made by each applicant or recipient who is otherwise eligible for temporary assistance for needy families benefits under this chapter and who is found to have made a cash withdrawal at any casino, gambling casino, or gaming establishment shall, after an administrative hearing conducted by the department under the provisions of chapter 536, be declared ineligible for temporary assistance for needy families benefits for a period of three years from the date of the administrative hearing decision. For purposes of this section, "casino, gambling casino, or gaming establishment" does not include a grocery store which sells groceries including staple foods and which also offers, or is located within the same building or complex as, casino, gambling, or gaming activities.

2. Other members of a household which includes a person who has been declared ineligible for temporary assistance for needy families assistance shall, if otherwise eligible, continue to receive temporary assistance for needy families benefits as protective or vendor payments to a third-party payee for the benefit of the members of the household.

3. Any person who, in good faith, reports a suspected violation of this section by a temporary assistance for needy families (TANF) recipient shall not be held civilly or criminally liable for reporting such suspected violation.

4. The department of social services shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

208.032. 1. In accordance with the Social Security Act, 42 U.S.C. Section 608(a)(12), the department of social services shall implement and maintain policies and practices which prevent a temporary assistance for needy families electronic benefit transfer transaction in:

- (1) Any liquor store;
- (2) Any casino, gambling casino, or gambling establishment; or
- (3) Any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment.

2. As used in this section, the term:

(1) "Casino, gambling casino, or gaming establishment" shall not include a grocery store which sells groceries including staple foods and which also offers, or is located within the same building or complex as, casino, gambling, or gaming activities;

(2) "Electronic benefit transfer transaction" means the use of a credit or debit card service, automated teller machine, point-of-sale terminal, or access to an online system for the withdrawal of funds or the processing of a payment for merchandise or a service;

(3) "Liquor store" means any retail establishment which sells exclusively or primarily intoxicating liquor. Liquor store does not include a grocery store which sells both intoxicating liquor and groceries including staple foods within the meaning of Section 3(r) of the Food and Nutrition Act of 2008, 7 U.S.C. Section 2012(r).

3. In accordance with 42 U.S.C. Section 602(a)(1)(A), the department of social services shall:

(1) Implement policies and procedures as necessary to prevent access to assistance provided under Missouri's temporary assistance for needy families (TANF) program through any electronic fund transaction in an automated teller machine or point-of-sale device located in a place described in subsections 1 and 2 of this section, including a plan to ensure that recipients of the assistance have adequate access to their cash assistance; and

(2) Ensure that recipients of assistance provided under Missouri's TANF program have access to using or withdrawing assistance with minimal fees or charges, including an opportunity to access assistance with no fee or charges, and are provided information on applicable fees and charges that apply to electronic fund transactions involving the assistance, and that such information is made publicly available.

4. On or before December 31, 2014, the department shall submit a report to the governor and the general assembly detailing the policies and practices implemented in accordance with the requirements of this section and the requirements of 42 U.S.C. Section 608(a)(12). In addition, the department shall report Missouri's implementation of the policies and practices to the Secretary of Health and Human Services as required under 42 U.S.C. Section 609(a)(16) within two years of the enactment of such federal law."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Hough offered **House Amendment No. 1 to House Amendment No. 1.**

House Amendment No. 1
to
House Amendment No. 1

AMEND House Amendment No. 1 to House Committee Substitute for House Bill Nos. 455 & 297, Page 2, Line 31, by deleting all of said line and inserting in lieu thereof, the following:

"enactment of such federal law.

5. Nothing in this section shall require any casino, gambling casino, or gaming establishment to enforce or monitor any provision of this section."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hough, **House Amendment No. 1 to House Amendment No. 1** was adopted.

On motion of Representative Hinson, **House Amendment No. 1, as amended**, was adopted.

Representative Colona offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for House Bill Nos. 455 & 297, Page 2, Section 208.182, Line 35, by inserting after all of said section and line, the following:

"208.247. 1. Pursuant to the option granted the state by 21 U.S.C. Section 862a(d), an individual who has pled guilty to or is found guilty under federal or state law of a felony involving possession or use of a controlled substance shall be exempt from the prohibition contained in 21 U.S.C. Section 862a(a) against eligibility for food stamp program benefits for such convictions, if such person, as determined by the department to meet at least one of the following conditions:

(1) Is currently successfully participating in a substance abuse treatment program approved by the division of alcohol and drug abuse within the department of mental health;

(2) Is currently accepted for treatment in and participating in a substance abuse treatment program approved by the division of alcohol and drug abuse, but is subject to a waiting list to receive available treatment, and the individual remains enrolled in the treatment program and enters the treatment program at the first available opportunity;

(3) Has satisfactorily completed a substance abuse treatment program approved by the division of alcohol and drug abuse; or

(4) Is successfully complying with, or has already complied with, all obligations imposed by the court, the division of alcohol and drug abuse, and the division of probation and parole.

2. Eligibility based upon the factors in subsection 1 of this section shall be based upon documentary or other evidence satisfactory to the department of social services, and the applicant shall meet all other factors for program eligibility.

3. The department of social services, in consultation with the division of alcohol and drug abuse, shall promulgate rules to carry out the provisions of this section, including specifying criteria for determining active participation in and completion of a substance abuse treatment program."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Colona moved that **House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 057

Anders	Barnes	Berry	Burns	Butler
Carpenter	Colona	Conway 10	Curtis	Dunn
Ellinger	Ellington	English	Englund	Frame
Frederick	Gardner	Harris	Higdon	Hodges
Hummel	Hurst	Kelley 127	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Pierson
Rizzo	Runions	Schieffer	Schupp	Shumake
Swearingen	Walton Gray	Webb	Webber	White
Wieland	Wright			

NOES: 092

Anderson	Austin	Bahr	Bernskoetter	Black
Brattin	Burlison	Cierpiot	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	Entlicher	Fitzwater	Flanigan	Fowler
Fraker	Franklin	Funderburk	Gannon	Gatschenberger

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Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Hinson	Hough
Houghton	Johnson	Jones 50	Justus	Keeney
Koenig	Kolkmeier	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McGaugh	Messenger	Miller	Molendorp
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Remole	Rhoads	Richardson	Riddle
Roorda	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Solon	Sommer
Spencer	Stream	Swan	Thomson	Walker
Wilson	Mr Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 012

Allen	Brown	Fitzpatrick	Hoskins	Hubbard
McCaherty	Reiboldt	Smith 85	Smith 120	Torpey
Wood	Zerr			

VACANCIES: 002

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 099

Anderson	Austin	Bahr	Bernskoetter	Berry
Brattin	Brown	Burlison	Cierpiot	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Diehl	Dohrman	Dugger	Elmer
Engler	Entlicher	Fitzpatrick	Fitzwater	Fowler
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 047

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hummel	Kelly 45	Kirkton	Kratky	LaFaver

May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 015

Allen	Barnes	Curtis	Davis	Flanigan
Fraker	Franklin	Hodges	Hubbard	Molendorp
Reiboldt	Smith 85	Smith 120	Stream	Swearingen

VACANCIES: 002

On motion of Representative English, **HCS HBs 455 & 297, as amended**, was adopted.

On motion of Representative English, **HCS HBs 455 & 297, as amended**, was ordered perfected and printed by the following vote:

AYES: 120

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Cierpiot	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Kratky
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	Mayfield	McCaherty
McGaugh	Messenger	Miller	Morris	Muntzel
Neely	Neth	Norr	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Schieffer	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 033

Burns	Butler	Carpenter	Colona	Dunn
Ellinger	Gardner	Hummel	Kelly 45	Kirkton
LaFaver	May	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten

Montecillo	Morgan	Newman	Nichols	Otto
Pace	Pierson	Rizzo	Runions	Schupp
Swearingen	Walton Gray	Webb		

PRESENT: 000

ABSENT WITH LEAVE: 008

Curtis	Ellington	Funderburk	Hubbard	Molendorp
Roorda	Smith 85	Smith 120		

VACANCIES: 002

HB 274, relating to newborn screenings, was taken up by Representative Brattin.

Representative Brattin offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 274, Page 1, Section 191.334, Lines 1 to 14, by deleting all of said section and lines and inserting in lieu thereof the following:

"191.334. 1. This section shall be known and may be cited as "Chloe's Law".

2. Effective January 1, 2014, every newborn infant born in this state shall be screened for critical congenital heart disease in accordance with the provisions of this section.

3. Every newborn delivered on or after January 1, 2014, in an ambulatory surgical center, birthing center, or hospital shall be screened for critical congenital heart disease with pulse oximetry or other manner as directed by the department of health and senior services in accordance with the American Academy of Pediatrics and American Heart Association guidelines prior to discharge of the newborn from the facility. Such facilities shall report the screening results on all newborns to the parents or guardian of the newborn and the department of health and senior services in a manner prescribed by the department for surveillance purposes. Such facilities shall develop and implement plans to ensure that newborns with positive screens receive appropriate confirmatory procedures and referral for treatment as indicated.

4. If a newborn is delivered in a place other than the facilities listed in subsection 3 of this section, the physician or person who professionally undertakes the pediatric care of the newborn shall ensure that critical congenital heart disease newborn screening is performed. Such physicians and persons shall report the screening results on all newborns to the parents or guardian of the newborn, and the department of health and senior services in a manner prescribed by the department for surveillance purposes.

5. The provisions of this section shall not apply if the parents of the newborn object to such testing on the grounds that such tests conflict with their religious tenets and practices. The parent of any newborn who refuses to have the critical congenital heart disease screening test administered after notice of the requirement for such test shall have such refusal documented in writing. Such physicians, persons, or administrators shall obtain the written refusal and make such refusal part of the medical record of the newborn, and shall report such refusal to the department of health and senior services in a manner prescribed by the department.

6. Prior to administering the screening, the physician or person who professionally undertakes the pediatric care of the newborn, and administrators of ambulatory surgical centers, birthing centers, or hospitals may provide to the parents or guardians of newborns a written packet of educational information developed and supplied by the department of health and senior services describing the screening, how it is conducted, available options for confirmatory procedures and treatment, the nature of the critical congenital heart disease, and the possible consequences of treatment and non treatment for critical congenital heart disease.

7. The department of health and senior services shall provide consultation and administrative technical support to facilities and persons implementing the requirements of this section including, but not limited to, assistance in:

(1) Developing and implementing critical congenital heart disease newborn screening protocols based on the American Academy of Pediatrics and American Heart Association guidelines;

(2) Developing and training for facilities and persons on implementation of protocols;

(3) Developing and distributing educational materials for families; and

(4) Implementing reporting requirements.

8. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HB 274, with House Amendment No. 1, pending, was laid over.

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HCS HB 389 - Fiscal Review

HB 1021 - Local Government

REFERRAL OF SENATE JOINT RESOLUTION

The following Senate Joint Resolution was referred to the Committee indicated:

SCS SJR 14 - General Laws

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

SCS SB 87 - Children, Families, and Persons with Disabilities

SB 99 - Elections

SB 257 - International Trade

SS SB 267 - Downsizing State Government

SB 275 - Utilities

SB 294 - Utilities

SB 342 - Agri-Business

SS SB 357 - General Laws

COMMITTEE REPORTS

Committee on Crime Prevention and Public Safety, Chairman Hinson reporting:

Mr. Speaker: Your Committee on Crime Prevention and Public Safety, to which was referred **SCS SB 224**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Crime Prevention and Public Safety, to which was referred **SB 236**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Higher Education, Chairman Thomson reporting:

Mr. Speaker: Your Committee on Higher Education, to which was referred **SCS SB 17**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Local Government, Chairman Gatschenberger reporting:

Mr. Speaker: Your Committee on Local Government, to which was referred **HB 75**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Transportation, Chairman Schatz reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **SS#2 SCS SJR 16**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Workforce Development and Workplace Safety, Chairman Lant reporting:

Mr. Speaker: Your Committee on Workforce Development and Workplace Safety, to which was referred **HB 77**, **HB 91** and **HB 95**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Wednesday, April 17, 2013.

CORRECTIONS TO THE HOUSE JOURNAL

AFFIDAVITS

I, State Representative Steve Cookson, District 53, hereby state and affirm that my vote on the motion by which House Bill 148 was ordered third read and passed as recorded on Page 1141 of the Journal of the House for the Fifty-first Day, Monday, April 15, 2013 was incorrectly recorded as "Absent with Leave." Pursuant to House Rule 89, I ask that the Journal be corrected to show that I was in the chamber at the time the vote was taken, I did in fact vote, my vote was incorrectly recorded, and should have been recorded as "Aye."

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 15th day of April 2013.

/s/ Steve Cookson
State Representative

State of Missouri)
) ss.
Signed in County of Cole)
Notary Commissioned in County of Miller)

Subscribed and sworn to before me this 15th day of April in the year 2013.

/s/ Leticia Long
Notary Public

I, State Representative Gina Mitten, District 83, hereby state and affirm that my vote on the motion by which House Committee Substitute for House Bill 505 was ordered third read and passed as recorded on Page 1138 of the Journal of the House for the Fifty-first Day, Monday, April 15, 2013 was incorrectly recorded as "Absent with Leave." Pursuant to House Rule 89, I ask that the Journal be corrected to show that I was in the chamber at the time the vote was taken, I did in fact vote, my vote was incorrectly recorded, and should have been recorded as "Aye."

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 15th day of April 2013.

/s/ Gina Mitten
State Representative

State of Missouri)
) ss.
Signed in County of Cole)
Notary Commissioned in County of Miller)

Subscribed and sworn to before me this 15th day of April in the year 2013.

/s/ Leticia Long
Notary Public

COMMITTEE HEARINGS

DOWNSIZING STATE GOVERNMENT

Thursday, April 18, 2013, 8:00 AM House Hearing Room 4.

Public hearing will be held: SB 265, SS SB 267, SCS SBs 289 & 314

Executive session may be held on any matter referred to the committee.

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, April 17, 2013, 8:00 AM House Hearing Room 6.

Public hearing will be held: SB 193, SCS SB 7, HB 738, HB 282, HB 603

Executive session may be held on any matter referred to the committee.

HB 603 was distributed for last week's committee.

FINANCIAL INSTITUTIONS

Wednesday, April 17, 2013, 12:15 PM House Hearing Room 4.

Public hearing will be held: SCS SB 254

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Thursday, April 18, 2013, 8:30 AM House Hearing Room 3.

Executive session will be held: HB 253, HCS HB 468, HCS HB 813, HCS HB 389

Executive session may be held on any matter referred to the committee.

AMENDED

GENERAL LAWS

Thursday, April 18, 2013, 8:00 AM House Hearing Room 1.

Public hearing will be held: SB 24, SB 23, HB 92, HB 276, HB 732

Executive session will be held: HJR 15, HB 350, HB 931, HJR 35

Executive session may be held on any matter referred to the committee.

HEALTH CARE POLICY

Wednesday, April 17, 2013, Noon or Upon Afternoon Recess House Hearing Room 6.

Public hearing will be held: HB 608, SCS SB 126, SCS SB 178, SCS SB 302

Executive session may be held on any matter referred to the committee.

INSURANCE POLICY

Wednesday, April 17, 2013, Upon Afternoon Adjournment South Gallery.

Executive session will be held: SCS SB 287

Executive session may be held on any matter referred to the committee.

CANCELLED

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, May 2, 2013, 8:00 AM House Hearing Room 1.

Second quarter meeting

JUDICIARY

Wednesday, April 17, 2013, 12:00 PM or Upon Morning Recess (whichever is earlier) House Hearing Room 1.

Public hearing will be held: SB 110, SB 73, SCS SB 69, SCS SB 45, SCS SB 36, HB 121, SB 12

Executive session will be held: HB 757, SB 41, SB 222

Executive session may be held on any matter referred to the committee.

AMENDED

JUDICIARY

Thursday, April 18, 2013, 8:30 AM - 10:00 AM House Hearing Room 6.

Public hearing will be held: HB 849, HB 623, HB 606, HB 539, HB 220, SB 100

Executive session will be held: HB 552

Executive session may be held on any matter referred to the committee.

JUDICIARY

Monday, April 22, 2013, 6:00 PM 1426 Southridge Drive, Jefferson City.

LEADERSHIP FOR MISSOURI ISSUE DEVELOPMENT COMMITTEE

Thursday, April 18, 2013, 9:00 AM Room 308.

Executive session may be held on any matter referred to the committee.

Committee will discuss developments related to retention of source documents and privacy of citizens.

LOCAL GOVERNMENT

Thursday, April 18, 2013, 8:30 AM House Hearing Room 5.

Public hearing will be held: HB 1021

Executive session may be held on any matter referred to the committee.

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, April 17, 2013, Upon Morning Recess House Hearing Room 5.

Public hearing will be held: SB 330

Executive session will be held: HB 685, SB 330

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN HEALTH CARE

Wednesday, April 17, 2013, 8:00 AM House Hearing Room 1.

Public hearing will be held: HB 925, HB 926, HB 936

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON SMALL BUSINESS

Wednesday, April 17, 2013, 12:00 PM or Upon Morning Recess House Hearing Room 7.

Executive session will be held: HB 811, HB 393

Executive session may be held on any matter referred to the committee.

Removed HB 1033 and added location

AMENDED

TOURISM AND NATURAL RESOURCES

Thursday, April 18, 2013, 8:00 AM House Hearing Room 7.

Public hearing will be held: SB 72, SB 218, HB 944, HB 835

Executive session may be held on any matter referred to the committee.

UTILITIES

Wednesday, April 17, 2013, 8:00 AM House Hearing Room 7.

Public hearing will be held: HCR 32, HB 501, HB 502

Executive session may be held on any matter referred to the committee.

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Wednesday, April 17, 2013, 8:00 AM House Hearing Room 5.

Public hearing will be held: HB 1041

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

FIFTY-THIRD DAY, WEDNESDAY, APRIL 17, 2013

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HCS HJR 26 - Richardson
- 2 HCS HJR 14 - Jones (110)
- 3 HJR 19 - Bahr

HOUSE BILLS FOR PERFECTION

- 1 HB 227 - Zerr
- 2 HB 423 - Zerr
- 3 HB 578, as amended - Funderburk
- 4 HCS HB 221 - Leara
- 5 HB 400 - Riddle
- 6 HCS HB 701 - Molendorp
- 7 HCS HB 335 - Hinson
- 8 HB 255 - Torpey
- 9 HB 510 - Torpey
- 10 HB 756 - Hubbard
- 11 HCS HB 458 - Scharnhorst
- 12 HB 242 - Ellington
- 13 HB 274, HA 1, pending - Brattin
- 14 HCS HB 290 - Lichtenegger
- 15 HCS HB 351 - Frederick
- 16 HB 503 - McCaherty
- 17 HB 733 - Berry
- 18 HCS HB 589 - Hinson
- 19 HB 448 - Webb
- 20 HB 162 - Sommer

- 21 HCS HB 170 - Guernsey
- 22 HCS HB 175 - Crawford
- 23 HCS HB 161 - Gatschenberger
- 24 HCS HB 252 - Lauer
- 25 HCS HB 285 - Pace
- 26 HB 339 - Wieland
- 27 HCS HB 340 - Johnson
- 28 HB 747 - Scharnhorst
- 29 HCS HB 1035 - Kelley (127)
- 30 HCS HB 348 - Neth
- 31 HCS HB 372 - Cox
- 32 HCS HB 436 - Funderburk
- 33 HCS HBs 593 & 695 - Solon
- 34 HB 808 - Funderburk
- 35 HCS HB 859 - Brattin
- 36 HCS#2 HB 698 - Zerr
- 37 HCS HB 881 - Guernsey
- 38 HCS HB 275 - Brattin
- 39 HCS HB 76 - Rowland
- 40 HCS HB 78 - Johnson
- 41 HCS HB 344 - Molendorp
- 42 HCS HB 387 - Frederick
- 43 HCS HB 415 - Phillips
- 44 HCS HB 601 - Richardson
- 45 HCS HB 653 - Lauer
- 46 HB 421 - Curtman
- 47 HCS HB 541 - Hicks
- 48 HCS HB 543 - Hoskins

HOUSE BILLS FOR PERFECTION - FEDERAL MANDATE

- 1 HB 635 - Fitzwater
- 2 HCS HB 771 - Schatz
- 3 HCS HB 611 - Lant

HOUSE BILLS FOR THIRD READING

- 1 HB 201 - Torpey
- 2 HCS HBs 521 & 579, (Fiscal Review 3/27/13) - Koenig
- 3 HB 443 - Hubbard
- 4 HCS HB 470 - Barnes
- 5 HCS HB 813, (Fiscal Review 4/10/13) - Torpey
- 6 HCS HB 468, (Fiscal Review 4/10/13), E.C. - Higdon
- 7 HCS#2 HB 178 - Koenig
- 8 HB 253, (Fiscal Review 4/10/13) - Berry

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 11 - Walton Gray
- 2 HCR 21 - Black
- 3 HCS HCR 17 - Frederick

SENATE BILLS FOR THIRD READING - CONSENT

(4/15/2013)

- 1 SB 59 - Gosen
- 2 SB 60 - Gosen
- 3 SB 80 - Engler
- 4 HCS SB 188 - Engler
- 5 SB 234 - Burlison
- 6 SB 235 - Dugger
- 7 SB 306 - Elmer
- 8 SCS SB 324 - Hansen
- 9 SCS SB 376 - Frederick
- 10 SB 16 - Dugger
- 11 SCS SB 191 - McCaherty
- 12 SB 237 - Miller
- 13 SB 329 - Love

HOUSE BILLS WITH SENATE AMENDMENTS

SS HCS HJR 11 & 7 , as amended - Reiboldt

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

FIFTY-THIRD DAY, WEDNESDAY, APRIL 17, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

*The Lord shall preserve thy going out and thy coming in from this time forth and even forevermore.
(Psalm 121:8)*

Eternal God, at the beginning of another day, we pause a moment in Your presence seeking guidance at Your hand, strength for the day and wisdom for the decisions we have to make.

May Your blessings rest upon these Representatives of our citizens - especially our newest member, who will be sworn in today - and may Your spirit move in their hearts as they seek to promote justice in Missouri, good will between our people and cooperation among our leaders. As a result of their endeavors may obedience to law, the rights of the individual and loyalty to our country be firmly established among us. God bless America, God bless Missouri; keep us true to You and free now and forever.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Andrew Hildebrand, Mikayla Hildebrand and Cameron Newsome.

The Journal of the fifty-second day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1850 through House Resolution No. 1902

COMMUNICATIONS FROM THE SECRETARY OF STATE

TO THE CHIEF CLERK OF THE MISSOURI HOUSE
Mr. Adam Crumbliss
Jefferson City, MO

Sir:

I, Jason Kander, Secretary of State of the State of Missouri, hereby certify that at the Special Election held in the 157th Legislative District in the State of Missouri, on the 2nd day of April, 2013, as provided by law, the following

named person was elected to the office of State Representative, 157th Legislative District as shown by the election results certified to this office by the election authority of the 157th Legislative District.

Name	Office
Mike Moon 6935 Lawrence 1222 Ash Grove, MO 65604	State Representative 157 th Legislative District

IN WITNESS WHEREOF, I have hereunto
set my hand and affixed the seal of my
office this 17th day of April, 2013

/s/ Jason Kander
Secretary of State

TO THE CHIEF CLERK OF THE MISSOURI HOUSE
Mr. Adam Crumbliss
Jefferson City, MO

Sir:

I, Jason Kander, Secretary of State of the State of Missouri, hereby certify that at the Special Election held in the 76th Legislative District in the State of Missouri, on the 2nd day of April, 2013, as provided by law, the following named person was elected to the office of State Representative, 76th Legislative District as shown by the election results certified to this office by the election authority of the 76th Legislative District.

Name	Office
Joshua Peters 3009 Abner Pl St. Louis, MO 63120	State Representative 76 th Legislative District

IN WITNESS WHEREOF, I have hereunto
set my hand and affixed the seal of my
office this 17th day of April, 2013

/s/ Jason Kander
Secretary of State

OATH OF OFFICE

Representative-elect Joshua Peters advanced to the bar and subscribed to the oath of office, which was administered by the Honorable Timothy Jones, Speaker of the Missouri House of Representatives.

SPECIAL RECOGNITION

Ellie Holtman, 2013 Miss Missouri USA, was introduced by Representative Korman and presented a resolution.

PERFECTION OF HOUSE BILLS

HCS HB 175, relating to property taxes and assessments, was taken up by Representative Crawford.

Representative Gatschenberger offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 175, Page 16, Section 140.730, Line 28, by inserting after all of said section and line the following:

"247.225. Notwithstanding any provision of law to the contrary, a water supply district under this chapter in a county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants shall be under the auspices of the public service commission for rates, charges, or other fees."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Gatschenberger, **House Amendment No. 1** was adopted.

Representative Hoskins assumed the Chair.

On motion of Representative Crawford, **HCS HB 175, as amended**, was adopted.

On motion of Representative Crawford, **HCS HB 175, as amended**, was ordered perfected and printed.

HCS HB 290, relating to adoption investigations, was taken up by Representative Lichtenegger.

Representative White offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 290, Page 2, Section 453.070, Line 50, by inserting immediately after said line the following:

"453.080. 1. The court shall conduct a hearing to determine whether the adoption shall be finalized. During such hearing, the court shall ascertain whether:

(1) The person sought to be adopted, if a child, has been in the lawful and actual custody of the petitioner for a period of at least six months prior to entry of the adoption decree; except that the six-month period may be waived if the person sought to be adopted is a child who is under the prior and continuing jurisdiction of a court pursuant to chapter 211 and the person desiring to adopt the child is the child's current foster parent. "Lawful and actual custody" shall include a transfer of custody pursuant to the laws of this state, another state, a territory of the United States, or another country;

(2) The court has received and reviewed:

(a) A postplacement assessment on the monthly contacts with the adoptive family pursuant to section 453.077, except for good cause shown in the case of a child adopted from a foreign country;

(b) **An investigation report under section 453.070, if any;**

(c) **An investigation and social study under section 211.455, if any;**

(3) The court has received and reviewed an updated financial affidavit;

(4) The court has received the recommendations of the guardian ad litem and has received and reviewed the recommendations of the person placing the child, the person making the assessment and the person making the postplacement assessment;

(5) There is compliance with the uniform child custody jurisdiction act, sections 452.440 to 452.550;

(6) There is compliance with the Indian Child Welfare Act, if applicable;

(7) There is compliance with the Interstate Compact on the Placement of Children pursuant to section 210.620; and

(8) It is fit and proper that such adoption should be made.

2. If a petition for adoption has been filed pursuant to section 453.010 and a transfer of custody has occurred pursuant to section 453.110, the court may authorize the filing for finalization in another state if the adoptive parents are domiciled in that state.

3. If the court determines the adoption should be finalized, a decree shall be issued setting forth the facts and ordering that from the date of the decree the adoptee shall be for all legal intents and purposes the child of the petitioner or petitioners. The court may decree that the name of the person sought to be adopted be changed, according to the prayer of the petition.

4. Before the completion of an adoption, the exchange of information among the parties shall be at the discretion of the parties. Upon completion of an adoption, further contact among the parties shall be at the discretion of the adoptive parents. The court shall not have jurisdiction to deny continuing contact between the adopted person and the birth parent, or an adoptive parent and a birth parent. Additionally, the court shall not have jurisdiction to deny an exchange of identifying information between an adoptive parent and a birth parent.

5. By January 1, 2014, the Missouri supreme court shall develop a standardized form to be used in all adoption cases which includes a checklist to verify all of the documents and procedures required under this section have been submitted, followed, and reviewed by the judge prior to entering a final order. Such form shall include, but not be limited to, attachment of any written reports or assessments required under this section and the signature of the judge attesting to the submission and review of such form and attachments prior to entering a final order. Such form and attachments shall be included as part of the adoption record."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative White, **House Amendment No. 1** was adopted.

Representative Ellington offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 290, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"453.030. 1. In all cases the approval of the court of the adoption shall be required and such approval shall be given or withheld as the welfare of the person sought to be adopted may, in the opinion of the court, demand.

2. The written consent of the person to be adopted shall be required in all cases where the person sought to be adopted is fourteen years of age or older, except where the court finds that such child has not sufficient mental capacity to give the same. In a case involving a child under fourteen years of age, the guardian ad litem shall ascertain the child's wishes and feelings about his or her adoption by conducting an interview or interviews with the child, if appropriate based on the child's age and maturity level, which shall be considered by the court as a factor in determining if the adoption is in the child's best interests.

3. With the exceptions specifically enumerated in section 453.040, when the person sought to be adopted is under the age of eighteen years, the written consent of the following persons shall be required and filed in and made a part of the files and record of the proceeding:

(1) The mother of the child; and

(2) Only the man who:

(a) Is presumed to be the father pursuant to the subdivision (1), (2), or (3) of subsection 1 of section 210.822; or

(b) Has filed an action to establish his paternity in a court of competent jurisdiction no later than [fifteen] **sixty** days after the birth of the child and has served a copy of the petition on the mother in accordance with section 506.100; or

(c) Filed with the putative father registry pursuant to section 192.016 a notice of intent to claim paternity or an acknowledgment of paternity either prior to or within [fifteen] **sixty** days after the child's birth, and has filed an action to establish his paternity in a court of competent jurisdiction no later than [fifteen] **sixty** days after the birth of the child; or

(3) The child's current adoptive parents or other legally recognized mother and father. Upon request by the petitioner and within one business day of such request, the clerk of the local court shall verify whether such written consents have been filed with the court.

4. The written consent required in subdivisions (2) and (3) of subsection 3 of this section may be executed before or after the commencement of the adoption proceedings, and shall be acknowledged before a notary public. In lieu of such acknowledgment, the signature of the person giving such written consent shall be witnessed by the signatures of at least two adult persons whose signatures and addresses shall be plainly written thereon. The two adult witnesses shall not be the prospective adoptive parents or any attorney representing a party to the adoption proceeding. The notary public or witnesses shall verify the identity of the party signing the consent.

5. The written consent required in subdivision (1) of subsection 3 of this section by the birth parent shall not be executed anytime before the child is forty-eight hours old. Such written consent shall be executed in front of a judge or a notary public. In lieu of such acknowledgment, the signature of the person giving such written consent shall be witnessed by the signatures of at least two adult persons who are present at the execution whose signatures and addresses shall be plainly written thereon and who determine and certify that the consent is knowingly and freely given. The two adult witnesses shall not be the prospective adoptive parents or any attorney representing a party to the adoption proceeding. The notary public or witnesses shall verify the identity of the party signing the consent.

6. The written consents shall be reviewed and, if found to be in compliance with this section, approved by the court within three business days of such consents being presented to the court. Upon review, in lieu of approving the consent within three business days, the court may set a date for a prompt evidentiary hearing upon notice to the parties. Failure to review and approve the written consent within three business days shall not void the consent, but a party may seek a writ of mandamus from the appropriate court, unless an evidentiary hearing has been set by the court pursuant to this subsection.

7. The written consent required in subsection 3 of this section may be withdrawn anytime until it has been reviewed and accepted by a judge.

8. A consent form shall be developed through rules and regulations promulgated by the department of social services. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. If a written consent is obtained after August 28, 1997, but prior to the development of a consent form by the department and the written consent complies with the provisions of subsection 9 of this section, such written consent shall be deemed valid.

9. However, the consent form must specify that:

(1) The birth parent understands the importance of identifying all possible fathers of the child and may provide the names of all such persons; and

(2) The birth parent understands that if he denies paternity, but consents to the adoption, he waives any future interest in the child.

10. The written consent to adoption required by subsection 3 and executed through procedures set forth in subsection 5 of this section shall be valid and effective even though the parent consenting was under eighteen years of age, if such parent was represented by a guardian ad litem, at the time of the execution thereof.

11. Where the person sought to be adopted is eighteen years of age or older, his written consent alone to his adoption shall be sufficient.

12. A birth parent, including a birth parent less than eighteen years of age, shall have the right to legal representation and payment of any reasonable legal fees incurred throughout the adoption process. In addition, the court may appoint an attorney to represent a birth parent if:

(1) A birth parent requests representation;

(2) The court finds that hiring an attorney to represent such birth parent would cause a financial hardship for the birth parent; and

(3) The birth parent is not already represented by counsel.

13. Except in cases where the court determines that the adoptive parents are unable to pay reasonable attorney fees and appoints pro bono counsel for the birth parents, the court shall order the costs of the attorney fees incurred pursuant to subsection 12 of this section to be paid by the prospective adoptive parents or the child-placing agency."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Ellington moved that **House Amendment No. 2** be adopted.

Which motion was defeated.

On motion of Representative Lichtenegger, **HCS HB 290, as amended**, was adopted.

On motion of Representative Lichtenegger, **HCS HB 290, as amended**, was ordered perfected and printed.

HB 756, relating to a prisoner re-entry program, was taken up by Representative Hubbard.

On motion of Representative Hubbard, **HB 756** was ordered perfected and printed.

HB 510, relating to limited liability companies, was taken up by Representative Torpey.

Representative Torpey offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 510, Page 7, Section 347.186, Line 154, by inserting after all of said line the following:

"7. Nothing in sections 347.039, 347.153, or 347.186 shall be construed to alter existing Missouri statute or common law providing any cause of action for fraudulent conveyance, including but not limited to Chapter 428, or any relief available under existing law that permits a challenge to limited liability."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Torpey, **House Amendment No. 1** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 105

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross

Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr

NOES: 053

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Roorda	Runions
Schieffer	Schupp	Smith 85	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 004

Elmer	Rehder	Smith 120	Mr Speaker
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VACANCIES: 001

On motion of Representative Torpey, **HB 510, as amended**, was ordered perfected and printed.

Representative Diehl assumed the Chair.

HB 503, relating to the Paperless Documents and Forms Act, was taken up by Representative McCaherty.

Representative McCaherty offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 503, Page 2, Section 32.400, Line 25, by inserting after all of said section the following:

"34.040. 1. All purchases in excess of three thousand dollars shall be based on competitive bids, except as otherwise provided in this chapter.

2. On any purchase where the estimated expenditure shall be twenty-five thousand dollars or over, except as provided in subsection 5 of this section, the commissioner of administration shall:

(1) Advertise for bids in at least two daily newspapers of general circulation in such places as are most likely to reach prospective bidders and may advertise in at least two weekly minority newspapers and may provide such information through an electronic medium available to the general public at least five days before bids for such purchases are to be opened. Other methods of advertisement, which may include minority business purchase councils, however, may be adopted by the commissioner of administration when such other methods are deemed more advantageous for the supplies to be purchased;

(2) Post a notice of the proposed purchase in his or her office; and

(3) Solicit bids by mail or other reasonable method generally available to the public from prospective suppliers.

All bids for such supplies shall be mailed or delivered to the office of the commissioner of administration so as to reach such office before the time set for opening bids.

3. The contract shall be let to the lowest and best bidder. The commissioner of administration shall have the right to reject any or all bids and advertise for new bids, or purchase the required supplies on the open market if they can be so purchased at a better price. When bids received pursuant to this section are unreasonable or unacceptable as to terms and conditions, noncompetitive, or the low bid exceeds available funds and it is determined in writing by the commissioner of administration that time or other circumstances will not permit the delay required to resolicit competitive bids, a contract may be negotiated pursuant to this section, provided that each responsible bidder who submitted such bid under the original solicitation is notified of the determination and is given a reasonable opportunity to modify their bid and submit a best and final bid to the state. In cases where the bids received are noncompetitive or the low bid exceeds available funds, the negotiated price shall be lower than the lowest rejected bid of any responsible bidder under the original solicitation.

4. **The director of the department of revenue shall follow bidding procedures pursuant to this section and may promulgate rules necessary to establish such procedures. No points shall be awarded on a request for proposal for a contract license office to a bidder for a return-to-the-state provision offer.**

5. All bids shall be based on standard specifications wherever such specifications have been approved by the commissioner of administration. The commissioner of administration shall make rules governing the delivery, inspection, storage and distribution of all supplies so purchased and governing the manner in which all claims for supplies delivered shall be submitted, examined, approved and paid. The commissioner shall determine the amount of bond or deposit and the character thereof which shall accompany bids or contracts.

[5] 6. The department of natural resources may, without the approval of the commissioner of administration required pursuant to this section, enter into contracts of up to five hundred thousand dollars to abate illegal waste tire sites pursuant to section 260.276 when the director of the department determines that urgent action is needed to protect public health, safety, natural resources or the environment. The department shall follow bidding procedures pursuant to this section and may promulgate rules necessary to establish such procedures. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

[6] 7. The commissioner of administration and other agencies to which the state purchasing law applies shall not contract for goods or services with a vendor if the vendor or an affiliate of the vendor makes sales at retail of tangible personal property or for the purpose of storage, use, or consumption in this state but fails to collect and properly pay the tax as provided in chapter 144. For the purposes of this section, "affiliate of the vendor" shall mean any person or entity that is controlled by or is under common control with the vendor, whether through stock ownership or otherwise."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative McCaherty, **House Amendment No. 1** was adopted.

Representative Hoskins offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Bill No. 503, Page 2, Section 32.029, Line 17, by inserting after all of said section and line the following:

"32.390. 1. All state agencies and departments authorized to issue a tax credit permitted under title X, RSMo, shall compile and deliver to the department of revenue an annual report detailing all credits issued, outstanding, or redeemed in the preceding fiscal year ending June thirtieth, by no later than September thirtieth of each year.

2. The director of the department of revenue shall aggregate the submitted reports and deliver to the speaker of the house and the president pro tem of the senate a comprehensive list of all tax credits issued, outstanding, or redeemed in the state for the preceding fiscal year by no later than December thirty-first of each year and post the list on the department's web page."; and

Further amend said bill, Page 2, Section 32.400, Line 25, by inserting after all of said section and line the following:

"620.035. For all fiscal years beginning on or after July 1, 2014, the department of economic development shall prepare a report for delivery to the speaker of the house of representatives, the president pro tem of the senate, the chairman of the house budget committee, and the chairman of the senate appropriations committee containing the names of all taxpayers receiving a tax credit administered through the department of economic development, including the Missouri housing development corporation, in that year, their address, the type of business if applicable to the credit, the amount of credit received per type of credit, and the senate district in which they are located. The report shall be delivered on or before December thirty-first each year and posted on the department's web page."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hoskins, **House Amendment No. 2** was adopted.

Representative Kelly (45) offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Bill No. 503, Page 1, Lines 2-3 in the Title, by deleting the words "paperless communications" and inserting in lieu thereof the words "department of revenue records"; and

Further amend said bill and page, Section 32.029, Line 15, by inserting after all of said section and line the following:

"32.403. 1. Notwithstanding the provisions of chapter 610 or any other provision of law, the department of revenue shall not sell or otherwise disclose any information consisting of a person's name, address, date of birth, sex, height, weight, eye color, driver license number, driving history showing speeding tickets or other violations, Social Security number, photograph, telephone number, electronic mail address, or medical or disability information including restrictions.

2. Information restricted under subsection 1 of this section may be disclosed if allowed under 18 U.S.C. Sections 2721 to 2725 as amended, however, such information shall not be disclosed to a business entity except for the purpose of verifying information voluntarily provided to the business.

3. Any person may bring a claim against the department of revenue in a court of proper jurisdiction alleging a violation of this section and asking for civil damages in an amount not to exceed ten thousand dollars, attorney fees and costs, and such injunctive relief as a court deems proper. A violation shall consist of the unauthorized release of information with regard to a particular person, without regard to the type or quantity of information released.

4. If the department of revenue chooses to release information in accordance with subsection 2 of this section, the department shall charge only such actual fees as necessary to process the request for information, but in no case shall the fees charged exceed the amount that is charged for a substantially similar information request under chapter 610."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Wieland raised a point of order that **House Amendment No. 3** goes beyond the scope of the bill.

Representative Diehl requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

Representative Barnes offered **House Amendment No. 1 to House Amendment No. 3**.

House Amendment No. 1
to
House Amendment No. 3

AMEND House Amendment No. 3 to House Bill No. 503, Page 1, Line 23, by inserting after the number "**610.**" the following:

"5. Notwithstanding any other state law to the contrary, the department of revenue shall not disclose to the federal government any information pertaining to an individual's driver's license information, driving record, or concealed carry endorsement."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HB 503, as amended, with House Amendment No. 1 to House Amendment No. 3 and House Amendment No. 3, pending, was laid over.

On motion of Representative Cierpiot, the House recessed until 2:30 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Representative Barnes.

PERFECTION OF HOUSE BILLS

HB 400, relating to abortion-inducing drugs, was taken up by Representative Riddle.

Representative Kirkton offered **House Amendment No. 1.**

House Amendment No. 1

AMEND House Bill No. 400, Page 1, Section 188.021, Line 2, by inserting immediately before the word "drug" the following "**initial**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 099

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Franklin	Frederick
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch

Marshall	McCaherty	McGaugh	Messenger	Miller
Molendorp	Morris	Muntzel	Neely	Neth
Pfautsch	Phillips	Pike	Pogue	Redmon
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Mr Speaker	

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 012

Brattin	Fraker	Funderburk	Hodges	Kelley 127
Mitten	Parkinson	Rehder	Scharnhorst	Schatz
Smith 120	Zerr			

VACANCIES: 001

Representative Kirkton moved that **House Amendment No. 1** be adopted.

Which motion was defeated.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 102

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Entlicher	Fitzpatrick
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller

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Molendorp	Morris	Muntzel	Neely	Neth
Parkinson	Pfausch	Phillips	Pike	Pogue
Redmon	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Mr Speaker			

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 009

Colona	Engler	Fitzwater	Hoskins	Hough
Rehder	Schieffer	Smith 120	Zerr	

VACANCIES: 001

On motion of Representative Riddle, **HB 400** was ordered perfected and printed by the following vote:

AYES: 119

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Cierpiot	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	English	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Kratky	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	Mayfield	McCaherty	McGaugh	McKenna
McManus	Messenger	Miller	Molendorp	Morris
Muntzel	Neely	Neth	Parkinson	Pfausch
Phillips	Pike	Pogue	Redmon	Reiboldt
Remole	Rhoads	Richardson	Riddle	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst

Schatz	Schieber	Schieffer	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 041

Anders	Burns	Butler	Carpenter	Colona
Curtis	Dunn	Ellinger	Ellington	Englund
Frame	Gardner	Hubbard	Hummel	Kelly 45
Kirkton	LaFaver	May	McCann Beatty	McDonald
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 002

Rehder Smith 120

VACANCIES: 001

HCS HB 351, relating to hospital licensure and inspection, was taken up by Representative Frederick.

Representative Frederick offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 351, Page 2, Section 197.080, Line 28, by deleting the words, "**when possible**,"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Frederick, **House Amendment No. 1** was adopted.

Representative Hoskins resumed the Chair.

On motion of Representative Frederick, **HCS HB 351, as amended**, was adopted.

On motion of Representative Frederick, **HCS HB 351, as amended**, was ordered perfected and printed.

HB 274, with House Amendment No. 1, pending, relating to newborn screenings, was taken up by Representative Brattin.

Representative Frederick offered **House Amendment No. 1 to House Amendment No. 1**.

House Amendment No. 1
to
House Amendment No. 1

AMEND House Amendment No. 1 to House Bill No. 274, Page 1, Section 191.334, Lines 1 to 14, by deleting all of said section and lines and inserting in lieu thereof the following:

"191.334. 1. This section shall be known and may be cited as "Chloe's Law".

2. Effective January 1, 2014, every newborn infant born in this state shall be screened for critical congenital heart disease in accordance with the provisions of this section.

3. Every newborn delivered on or after January 1, 2014, in an ambulatory surgical center, birthing center, or hospital shall be screened for critical congenital heart disease with pulse oximetry or other manner as directed by the department of health and senior services in accordance with the American Academy of Pediatrics and American Heart Association guidelines prior to discharge of the newborn from the facility. Such facilities shall report the screening results on all newborns to the parents or guardians of the newborn and the department of health and senior services in a manner prescribed by the department for surveillance purposes. Such facilities shall develop and implement plans to ensure that newborns with positive screens receive appropriate confirmatory procedures and referral for treatment as indicated.

4. If a newborn is delivered in a place other than the facilities listed in subsection 3 of this section, the physician or person who professionally undertakes the postpartum care of the newborn shall ensure that critical congenital heart disease newborn screening is performed. Such physicians and persons shall report the screening results on all newborns to the parents or guardians of the newborn and the department of health and senior services in a manner prescribed by the department for surveillance purposes.

5. The provisions of this section shall not apply if a parent or guardian of the newborn objects to such screening on the grounds that it conflicts with their religious tenets and practices. The parent or guardian of any newborn who refuses to have the critical congenital heart disease screening administered after notice of the requirement for such screening shall have such refusal documented in writing. Such physicians, persons, or administrators shall obtain the written refusal and make such refusal part of the medical record of the newborn, and shall report such refusal to the department of health and senior services in a manner prescribed by the department for the purposes of determining the number of newborns whose parent or guardian refused the screening.

6. Prior to administering the screening, the physician or person who professionally undertakes the postpartum care of the newborn, and administrators of ambulatory surgical centers, birthing centers, or hospitals may provide to the parents or guardians of newborns a written packet of educational information developed and supplied by the department of health and senior services describing the screening, how it is conducted, available options for confirmatory procedures and treatment, the nature of the critical congenital heart disease, and the possible consequences of treatment and nontreatment for critical congenital heart disease.

7. The department of health and senior services shall provide consultation and administrative technical support to facilities and persons implementing the requirements of this section including, but not limited to, assistance in:

(1) Developing and implementing critical congenital heart disease newborn screening protocols based on the American Academy of Pediatrics and American Heart Association guidelines;

(2) Developing and training facilities and persons on implementation of protocols;

(3) Developing and distributing educational materials for families; and

(4) Implementing reporting requirements.

8. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Frederick, **House Amendment No. 1 to House Amendment No. 1** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Lair	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Morris	Muntzel
Neely	Neth	Pfausch	Phillips	Pike
Pogue	Redmon	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 053

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Roorda	Runions
Schieffer	Schupp	Smith 85	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 005

Justus	Lant	Parkinson	Rehder	Smith 120
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VACANCIES: 001

House Amendment No. 1, as amended, was withdrawn.

Representative Wright offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Bill No. 274, Page 1, Section A, Line 2, by inserting after all of said line the following:

"167.638. 1. The department of health and senior services shall develop an informational brochure relating to meningococcal disease that states that an immunization against meningococcal disease is available. The department shall make the brochure available on its website and shall notify every public institution of higher education in this state of the availability of the brochure. Each public institution of higher education shall provide a copy of the brochure to all students and if the student is under eighteen years of age, to the student's parent or guardian. Such information in the brochure shall include:

- (1) The risk factors for and symptoms of meningococcal disease, how it may be diagnosed, and its possible consequences if untreated;**
- (2) How meningococcal disease is transmitted;**
- (3) The latest scientific information on meningococcal disease immunization and its effectiveness; and**
- (4) A statement that any questions or concerns regarding immunization against meningococcal disease may be answered by contacting the individuals's health care provider.";** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Wright, **House Amendment No. 2** was adopted.

On motion of Representative Brattin, **HB 274, as amended**, was ordered perfected and printed.

HB 733, relating to the Port Improvement District Act, was taken up by Representative Berry.

On motion of Representative Berry, **HB 733** was ordered perfected and printed.

HCS HB 335, relating to public safety, was taken up by Representative Hinson.

Representative Hinson offered **House Amendment No. 1.**

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 335, Page 4, Section 190.098, Lines 3-4, by deleting the phrase **"and have two years of full-time service as a paramedic or its part-time equivalent"** from said lines; and

Further amend said bill, page, and section, Line 5, by inserting after the word **"complete"** on said line, the phrase **"or have successfully completed"**; and

Further amend said bill, page, and section, Line 10, by deleting the word **"may"** on said line and inserting in lieu thereof the word **"shall"**; and

Further amend said bill, page, and section, Line 12, by deleting the word **"primary"** on said line; and

Further amend said bill, page, and section, Lines 14-16, by deleting all of said lines and inserting in lieu thereof, the following:

"3. Any ambulance service shall enter into a written contract to provide community paramedic services in another ambulance service area, as that term is defined in section 190.100. The contract that is agreed upon

may be for an indefinite period of time, as long as it includes at least a sixty-day cancellation notice by either ambulance service."; and

Further amend said bill, page, and section, Line 20, by deleting the word "**licensed**" on said line and inserting in lieu thereof the word "**certified**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hinson, **House Amendment No. 1** was adopted.

Representative Swearingen offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 335, Pages 1 through 4, Section 94.902, Lines 1 through 100, by removing all of said section from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Swearingen, **House Amendment No. 2** was adopted.

Representative Pace offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 335, Page 23, Section 321.210, Line 9, by inserting after all of said section and line the following:

"565.087. 1. A person commits the crime of assault of an employee of a mass transit system while in the scope of his or her duties in the first degree if such person attempts to kill or knowingly causes or attempts to cause serious physical injury to an employee of a mass transit system while in the scope of his or her duties.

2. As used in this section, "mass transit system", includes employees of public bus and light rail companies.

3. Assault of an employee of a mass transit system in the first degree is a class B felony.

565.088. 1. A person commits the crime of assault of an employee of a mass transit system while in the scope of his or her duties in the second degree if such person:

(1) Knowingly causes or attempts to cause physical injury to an employee of a mass transit system while in the scope of his or her duties by means of a deadly weapon or dangerous instrument;

(2) Knowingly causes or attempts to cause physical injury to an employee of a mass transit system while in the scope of his or her duties by means other than a deadly weapon or dangerous instrument;

(3) Recklessly causes serious physical injury to an employee of a mass transit system while in the scope of his or her duties;

(4) While in an intoxicated condition or under the influence of controlled substances or drugs, operates a motor vehicle in this state and when so operating, acts with criminal negligence to cause physical injury to an employee of a mass transit system while in the scope of his or her duties;

(5) Acts with criminal negligence to cause physical injury to an employee of a mass transit system while in the scope of his or her duties by means of a deadly weapon or dangerous instrument;

(6) Purposely or recklessly places an employee of a mass transit system while in the scope of his or her duties in apprehension of immediate serious physical injury; or

(7) Acts with criminal negligence to create a substantial risk of death or serious physical injury to an employee of a mass transit system while in the scope of his or her duties.

2. As used in this section, "mass transit system", includes employees of public bus and light rail companies.

3. Assault of an employee of a mass transit system while in the scope of his or her duties in the second degree is a class C felony unless committed under subdivision (2), (5), (6), or (7) of subsection 1 of this section in which case it is a class D felony.

565.089. 1. A person commits the crime of assault of an employee of a mass transit system while in the scope of his or her duties in the third degree if:

(1) Such person recklessly causes physical injury to an employee of a mass transit system while in the scope of his or her duties;

(2) Such person purposely places an employee of a mass transit system while in the scope of his or her duties in apprehension of immediate physical injury;

(3) Such person knowingly causes or attempts to cause physical contact with an employee of a mass transit system while in the scope of his or her duties without the consent of the employee of the mass transit system.

2. As used in this section, "mass transit system", includes employees of public bus and light rail companies.

3. Assault of an employee of a mass transit system while in the scope of his or her duties in the third degree is a class B misdemeanor."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Pace, **House Amendment No. 3** was adopted.

Representative Franklin offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 335, Page 21, Section 287.243, Line 128, by inserting after said line the following:

"320.151. 1. It is unlawful to attempt to sell or to sell at retail any fireworks to children under the age of fourteen years except when such child is in the presence of a parent or guardian.

2. It is unlawful for any person under the age of sixteen to sell fireworks or work in a facility where fireworks are stored, sold, or offered for sale unless supervised by an adult.

3. It is unlawful to explode or ignite consumer fireworks within six hundred feet of any church, hospital, mental health facility, school, or within one hundred feet of any location where fireworks are stored, sold, or offered for sale. **Any person who obtains approval from the church board of trustees of any affected church, in writing, to explode or ignite consumer fireworks within six hundred feet of the church at least twenty-four hours in advance of the time of the explosion or ignition shall not be in violation of this subsection so long as the person is not exploding or igniting those fireworks within six hundred feet of any other church, hospital, mental health facility or school or within one hundred feet of any location where fireworks are stored, sold, or offered for sale.**

4. No person shall ignite or discharge any permissible articles of consumer fireworks within or throw the same from a motorized vehicle including watercraft or any other means of transportation, except where display permit has been issued for a floating vessel or floating platform, nor shall any person place or throw any ignited article of fireworks into or at a motorized vehicle including watercraft or any other means of transportation, or at or near any person or group of people.

5. No person shall ignite or discharge consumer fireworks within three hundred feet of any permanent storage of ignitable liquid, gases, gasoline pump, gasoline filling station, or any nonpermanent structure where fireworks are stored, sold or offered for sale.

6. No items of explosive or pyrotechnic composition other than fireworks as defined by subdivisions (3), (5), and (17) of section 320.106 shall be displayed, sold, or offered for sale within the applicable permit location as identified on such permit granted by the state fire marshal.

7. Proximate fireworks shall not be allowed to be stored with consumer fireworks.

8. All storage and transportation of fireworks shall be in accordance with all federal and state rules and regulations.

9. Nothing in sections 320.106 to 320.161 shall be construed to prevent permittees from demonstrating or testing fireworks. Any such demonstration or test shall require the notification and approval of the local fire service or the state fire marshal.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Franklin, **House Amendment No. 4** was adopted.

Representative Riddle offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Committee Substitute for House Bill No. 335, Page 23, Section 321.210, Line 9, by inserting after all of said section and line, the following:

“Section 1. The Missouri state training center for the D.A.R.E. program shall develop the curriculum and certification requirements for school resource officers. At a minimum, school resource officers must complete forty hours of basic school resource officer training to include legal operations within an educational environment, intruder training and planning, juvenile law, and any other relevant topics relating to the job and functions of a school resource officer.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Riddle, **House Amendment No. 5** was adopted.

Representative Riddle offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Committee Substitute for House Bill No. 335, Page 1, Section A, Line 5, by inserting after all of said section and line, the following:

"77.046. **1.** Upon the adoption of a city administrator form of government, the governing body of the city may provide that all other officers and employees of the city, except elected officers, shall be appointed and discharged by the city administrator, but the governing body may make reasonable rules and regulations governing the same.

2. Nothing in this section shall be construed to authorize the city to remove or discharge any chief, as that term is defined in section 106.273.

78.340. **1.** Before entering upon the duties of their office each of said commissioners shall take and subscribe an oath, which shall be filed and kept in the office of the city clerk, to support the Constitution of the state of Missouri and to obey the laws and aim to secure and maintain an honest and efficient force free from partisan distinction or control, and to perform the duties of his office to the best of his ability.

2. Nothing in this section shall be construed to authorize the commissioners to remove or discharge any chief, as that term is defined in section 106.273.

79.240. **1.** The mayor may, with the consent of a majority of all the members elected to the board of aldermen, remove from office, for cause shown, any elective officer of the city, such officer being first given opportunity, together with his witnesses, to be heard before the board of aldermen sitting as a board of impeachment. Any elective officer, including the mayor, may in like manner, for cause shown, be removed from office by a two-thirds vote of all members elected to the board of aldermen, independently of the mayor's approval or recommendation. The mayor may, with the consent of a majority of all the members elected to the board of aldermen, remove from office any appointive officer of the city at will, and any such appointive officer may be so removed by a two-thirds vote of all the members elected to the board of aldermen, independently of the mayor's approval or recommendation. The board of aldermen may pass ordinances regulating the manner of impeachments and removals.

2. Nothing in this section shall be construed to authorize the mayor, with the consent of the majority of all the members elected to the board of aldermen, or the board of aldermen by a two-thirds vote of all its members, to remove or discharge any chief, as that term is defined in section 106.273.

80.420. 1. The policemen of the town, in the discharge of their duties, shall be subject to the orders of the marshal only as chief of police; but any marshal, assistant marshal or policeman may be instantly removed from his office by the board of trustees at a regular or called meeting, for any wanton neglect of duty.

2. Nothing in this section shall be construed to authorize the board of trustees to remove or discharge any chief, as that term is defined in section 106.273.

84.120. 1. No person shall be appointed or employed as policeman, turnkey, or officer of police who shall have been convicted of, or against whom any indictment may be pending, for any offense, the punishment of which may be confinement in the penitentiary; nor shall any person be so appointed who is not of good character, or who is not a citizen of the United States, or who is not able to read and write the English language, or who does not possess ordinary physical strength and courage. The patrolmen and turnkeys hereafter appointed shall serve while they shall faithfully perform their duties and possess mental and physical ability and be subject to removal only for cause after a hearing by the boards, who are hereby invested with the jurisdiction in the premises.

2. The board shall have the sole discretion whether to delegate portions of its jurisdiction to hearing officers. The board shall retain final and ultimate authority over such matters and over the person to whom the delegation may be made. In any hearing before the board under this section, the member involved may make application to the board to waive a hearing before the board and request that a hearing be held before a hearing officer.

3. Nothing in this section or chapter shall be construed to prohibit the board of police commissioners from delegating any task related to disciplinary matters, disciplinary hearings, or any other hearing or proceeding which could otherwise be heard by the board or concerning any determination related to whether an officer is able to perform the necessary functions of the position. Tasks related to the preceding matter may be delegated by the board to a hearing officer under the provisions of subsection 4 of this section.

4. (1) The hearing officer to whom a delegation has been made by the board may, at the sole discretion of the board, perform certain functions, including but not limited to the following:

- (a) Presiding over a disciplinary matter from its inception through to the final hearing;
- (b) Preparing a report to the board of police commissioners; and
- (c) Making recommendations to the board of police commissioners as to the allegations and the appropriateness of the recommended discipline.

(2) The board shall promulgate rules, which may be changed from time to time as determined by the board, and shall make such rules known to the hearing officer or others.

(3) The board shall at all times retain the authority to render the final decision after a review of the relevant documents, evidence, transcripts, videotaped testimony, or report prepared by the hearing officer.

5. Hearing officers shall be selected in the following manner:

(1) The board shall establish a panel of not less than five persons, all who are to be licensed attorneys in good standing with the Missouri Bar. The composition of the panel may change from time to time at the board's discretion;

(2) From the panel, the relevant member or officer and a police department representative shall alternatively and independently strike names from the list with the last remaining name being the designated hearing officer. The board shall establish a process to be utilized for each hearing which will determine which party makes the first strike and the process may change from time to time;

(3) After the hearing officer is chosen and presides over a matter, such hearing officer shall become ineligible until all hearing officers listed have been utilized, at which time the list shall renew, subject to officers' availability.

6. Nothing in this section shall be construed to authorize the board of police commissioners to remove or discharge any chief, as that term is defined in section 106.273.

84.430. 1. The board shall hear all complaints or charges filed against any member of the police department. All complaints or charges filed by persons other than the commissioners or police officers shall be verified by the oath of the person filing such complaints or charges. The board may at any time order the discharge of a specified number of police officers for the reason that in the opinion of the board, the police force is larger than the interests of the public demand or that there is insufficient money to pay the expenses of maintaining the police force as then organized; and in such cases it shall not be necessary to file any complaint or charges or to permit a hearing by the board of the policemen or police officers to be removed; but policemen and police officers so dismissed shall be placed at the top of the suitable eligible lists, and when vacancies so created shall be filled the policemen or police officers thus removed

shall, if they so desire, be reappointed to fill such vacancies in the order in which such policemen or police officers were removed.

2. Any member of the board shall have power to summon and compel the attendance of witnesses before the board and the production of books and papers before them whenever it may be necessary for the more effective discharge of the board's duties and responsibilities. Any member of the board or the secretary of the board shall have the power to administer oaths or affirmations to any person appearing or called before said board.

3. Nothing in this section shall be construed to authorize the board to remove or discharge any chief, as that term is defined in section 106.273.

84.830. 1. No person shall solicit orally, or by letter or otherwise, or shall be in any manner concerned in soliciting, any assessment, contribution, or payment for any political purpose whatsoever from any officer or employee in the service of the police department for such cities or from members of the said police board. No officer, agent, or employee of the police department of such cities shall permit any such solicitation in any building or room occupied for the discharge of the official duties of the said department. No officer or employee in the service of said police department shall directly or indirectly give, pay, lend, or contribute any part of his salary or compensation or any money or other valuable thing to any person on account of, or to be applied to, the promotion of any political party, political club, or any political purpose whatever.

2. No officer or employee of said department shall promote, remove, or reduce any other official or employee, or promise or threaten to do so, for withholding or refusing to make any contribution for any political party or purpose or club, or for refusal to render any political service, and shall not directly or indirectly attempt to coerce, command, or advise any other officer or employee to make any such contribution or render any such service. No officer or employee in the service of said department or member of the police board shall use his official authority or influence for the purpose of interfering with any election or any nomination for office, or affecting the result thereof. No officer or employee of such department shall be a member or official of any committee of any political party, or be a ward committeeman or committeewoman, nor shall any such officer or employee solicit any person to vote for or against any candidate for public office, or "poll precincts" or be connected with other political work of similar character on behalf of any political organization, party, or candidate. All such persons shall, however, retain the right to vote as they may choose and to express their opinions on all political subjects and candidates.

3. No person or officer or employee of said department shall affix any sign, bumper sticker or other device to any property or vehicle under the control of said department which either supports or opposes any ballot measure or political candidate.

4. No question in any examination shall relate to political or religious opinions or affiliations, and no appointment, transfer, layoff, promotion, reduction, suspension, or removal shall be affected by such opinions or affiliations.

5. No person shall make false statement, certification, mark, rating, or report with regard to any tests, certificate, or appointment made under any provision of sections 84.350 to 84.860 or in any manner commit or attempt to commit any fraud preventing the impartial execution of this section or any provision thereof.

6. No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment, proposed appointment, promotion to, or any advancement in, a position in the service of the police departments of such cities.

7. No person shall defeat, deceive, or obstruct any person in his right to examination, eligibility, certification, appointment or promotion under sections 84.350 to 84.860, or furnish to any person any such secret information for the purpose of affecting the right or prospects of any person with respect to employment in the police departments of such cities.

8. Any officer or any employee of the police department of such cities who shall be found by the board to have violated any of the provisions of this section shall be discharged forthwith from said service. It shall be the duty of the chief of police to prefer charges against any such offending person at once. Any member of the board or of the common council of such cities may bring suit to restrain payment of compensation to any such offending officer or employee and, as an additional remedy, any such member of the board or of the common council of such cities may also apply to the circuit court for a writ of mandamus to compel the dismissal of such offending officer or employee. Officers or employees discharged by such mandamus shall have no right of review before the police board. Any person dismissed or convicted under this section shall, for a period of five years, be ineligible for appointment to any position in the service of the police department of such cities or the municipal government of such cities. Any persons who shall willfully or through culpable negligence violate any of the provisions of this section may, upon conviction thereof, be punished by a fine of not less than fifty dollars and not exceeding five hundred dollars, or by imprisonment for a time not exceeding six months, or by both such fine and imprisonment.

9. Nothing in this section shall be construed to authorize the board to remove or discharge any chief, as that term is defined in section 106.273.

85.551. 1. In cities of the third class which shall not have adopted the merit system police department provided for in sections 85.541 to 85.571, the marshal shall be the chief of police, and there also may be one assistant marshal, who shall serve for a term of one year and who shall be deputy chief of police; such number of regular policemen as may be deemed necessary by the council for the good government of the city, who shall serve for terms of one year; and such number of special policemen as may be prescribed by ordinance, to serve for such time as may be prescribed by ordinance.

2. The manner of appointing the assistant marshal and all policemen of the city shall be prescribed by ordinance. The council shall also, by ordinance, provide for the removal of any marshal, assistant marshal or policeman guilty of misbehavior in office.

3. Nothing in this section shall be construed to authorize the council to remove or discharge any chief, as that term is defined in section 106.273."; and

Further amend said bill, Page 4, Section 94.902, Line 100, by inserting after all of said section and line, the following:

"106.010. 1. The governor shall have power and he is hereby authorized to remove from office, without assigning any other reason therefor, any appointive state official required by law to be appointed by the governor, whenever in his opinion such removal is necessary for the betterment of the public service, but the governor may, at his discretion, in any order of removal which he may make under authority of this section, assign additional and more specific reasons for such removal.

2. Nothing in this section shall be construed to authorize the governor to remove or discharge any chief, as that term is defined in section 106.273.

106.270. 1. If any official against whom a proceeding has been filed, as provided for in sections 106.220 to 106.290, shall be found guilty of failing personally to devote his time to the performance of the duties of such office, or of any willful, corrupt or fraudulent violation or neglect of official duty, or of knowingly or willfully failing or refusing to do or perform any official act or duty which by law it is made his duty to do or perform with respect to the execution or enforcement of the criminal laws of the state, the court shall render judgment removing him from such office, and he shall not be elected or appointed to fill the vacancy thereby created, but the same shall be filled as provided by law for filling vacancies in other cases. All actions and proceedings under sections 106.220 to 106.290 shall be in the nature of civil actions, and tried as such.

2. Nothing in this section shall be construed to authorize the removal or discharge of any chief, as that term is defined in section 106.273.

106.273. 1. For the purposes of this section, the following terms shall mean:

- (1) "Chief", any non-elected chief law enforcement officer of any political subdivision;
- (2) "Just cause", exists when a chief:
 - (a) Is unable to perform his or her duties with reasonable competence or reasonably safety as a result of a mental condition, including alcohol or substance abuse;
 - (b) Has committed any act, while engaged in the performance of his or her duties, that constitutes a reckless disregard for the safety of the public or another law enforcement officer;
 - (c) Has caused a material fact to be misrepresented for any improper or unlawful purpose;
 - (d) Acts in a manner for the sole purpose of furthering his or her self-interest, or in a manner inconsistent with the interests of the public of the chief's governing body;
 - (e) Has been found to have violated any law, statute, or ordinance which constitutes a felony; or
 - (f) Has been deemed insubordinate or found to be in violation of a written established policy, unless such claimed insubordination or violation of a written established policy was a violation of any federal or state law or local ordinance.

2. A chief shall be subject to removal from office or employment by the appointing authority or the governing body of the political subdivision employing the chief if:

- (1) The governing body of the political subdivision employing the chief issues a written notice to the chief whose removal is being sought no fewer than ten business days prior to the meeting at which his or her removal will be considered;

(2) The chief has been given written notice as to the governing body's intent to remove him or her. Such notice shall include:

- (a) Charges specifying just cause for which removal is sought;**
- (b) A statement of facts that are alleged to constitute just cause for the chief's removal; and**
- (c) The date, time, and location of the meeting at which the chief's removal will be considered.**

(3) The chief is given an opportunity to be heard before the board, together with any witnesses, evidence and counsel of his or her choosing; and

(4) The board, by two-thirds majority vote, finds just cause for removing the chief.

3. Upon the satisfaction of the removal procedure under subsection 2 of this section, the chief shall be immediately removed from his or her office, shall be relieved of all duties and responsibilities of said office, and shall be entitled to no further compensation or benefits not already earned, accrued, or agreed upon.

4. Any chief removed pursuant to subsection 3 of this section shall be issued a written notice of the grounds of his or her removal within fourteen calendar days of the removal."; and

Further amend said bill, Page 23, Section 321.210, Line 9, by inserting after all of said section and line, the following:

"590.080. 1. The director shall have cause to discipline any peace officer licensee who:

(1) Is unable to perform the functions of a peace officer with reasonable competency or reasonable safety as a result of a mental condition, including alcohol or substance abuse;

(2) Has committed any criminal offense, whether or not a criminal charge has been filed;

(3) Has committed any act while on active duty or under color of law that involves moral turpitude or a reckless disregard for the safety of the public or any person;

(4) Has caused a material fact to be misrepresented for the purpose of obtaining or retaining a peace officer commission or any license issued pursuant to this chapter;

(5) Has violated a condition of any order of probation lawfully issued by the director; or

(6) Has violated a provision of this chapter or a rule promulgated pursuant to this chapter.

2. When the director has knowledge of cause to discipline a peace officer license pursuant to this section, the director may cause a complaint to be filed with the administrative hearing commission, which shall conduct a hearing to determine whether the director has cause for discipline, and which shall issue findings of fact and conclusions of law on the matter. The administrative hearing commission shall not consider the relative severity of the cause for discipline or any rehabilitation of the licensee or otherwise impinge upon the discretion of the director to determine appropriate discipline when cause exists pursuant to this section.

3. Upon a finding by the administrative hearing commission that cause to discipline exists, the director shall, within thirty days, hold a hearing to determine the form of discipline to be imposed and thereafter shall probate, suspend, or permanently revoke the license at issue. If the licensee fails to appear at the director's hearing, this shall constitute a waiver of the right to such hearing.

4. Notice of any hearing pursuant to this chapter or section may be made by certified mail to the licensee's address of record pursuant to subdivision (2) of subsection 3 of section 590.130. Proof of refusal of the licensee to accept delivery or the inability of postal authorities to deliver such certified mail shall be evidence that required notice has been given. Notice may be given by publication.

5. Nothing contained in this section shall prevent a licensee from informally disposing of a cause for discipline with the consent of the director by voluntarily surrendering a license or by voluntarily submitting to discipline.

6. The provisions of chapter 621 and any amendments thereto, except those provisions or amendments that are in conflict with this chapter, shall apply to and govern the proceedings of the administrative hearing commission and pursuant to this section the rights and duties of the parties involved.

7. Nothing in this section shall be construed to authorize the director to remove or discharge any chief, as that term is defined in section 106.273.

[84.490. 1. The chief of police shall serve during the pleasure of the board. In case the board determines to remove or demote the chief of police, he shall be notified in writing. Within ten days after receipt of such notice, the chief may, in writing, file with the secretary of the board of police commissioners, demand and he shall receive a written statement of the reasons for such removal or demotion, and a hearing thereon at a public meeting of the board within ten days after the chief files such notice. The chief may be suspended from office pending such hearing. The action of the board

in suspending, removing or demoting the chief of police shall be final and not subject to review by any court.

2. The board may, in case of and during the absence or disability of the chief, designate a qualified police officer who shall serve as acting chief and perform the duties of the office. No man shall serve as acting chief who has not the qualifications required for the position of chief.]; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Riddle, **House Amendment No. 6** was adopted.

Representative Jones (50) offered **House Amendment No. 7**.

House Amendment No. 7

AMEND House Committee Substitute for House Bill No. 335, Page 23, Section 321.210, Line 9, by inserting after all of said section and line, the following:

"610.021. Except to the extent disclosure is otherwise required by law, a public governmental body is authorized to close meetings, records and votes, to the extent they relate to the following:

(1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public government body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of section 610.011, however, the amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed; provided, however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record;

(2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate;

(3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy-two hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two-hour period before such decision is made available to the public.

As used in this subdivision, the term "personal information" means information relating to the performance or merit of individual employees;

(4) The state militia or national guard or any part thereof;

(5) Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment;

(6) Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores; however, personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years;

(7) Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again;

(8) Welfare cases of identifiable individuals;

(9) Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups;

- (10) Software codes for electronic data processing and documentation thereof;
- (11) Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid;
- (12) Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected;
- (13) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such, and the names of private sources donating or contributing money to the salary of a chancellor or president at all public colleges and universities in the state of Missouri and the amount of money contributed by the source;
- (14) Records which are protected from disclosure by law;
- (15) Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest;
- (16) Records relating to municipal hotlines established for the reporting of abuse and wrongdoing;
- (17) Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this chapter;
- (18) Operational guidelines, [and] policies **and specific response plans** developed, adopted, or maintained by any public agency responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. **Financial records related to the procurement of or expenditures relating to operational guidelines, policies or plans purchased with public funds shall be open. When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records** [Nothing in this exception shall be deemed to close information regarding expenditures, purchases, or contracts made by an agency in implementing these guidelines or policies. When seeking to close information pursuant to this exception, the agency shall affirmatively state in writing that disclosure would impair its ability to protect the safety or health of persons, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records. This exception shall sunset on December 31, 2012];
- (19) Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and information that is voluntarily submitted by a nonpublic entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety:
 - (a) Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open;
 - (b) When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;
 - (c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the receiving agency within ninety days of submission to determine if retention of the document is necessary in furtherance of a state security interest. If retention is not necessary, the documents shall be returned to the nonpublic governmental body or destroyed;
 - (d) Nothing in this exception shall be deemed to include video from cameras outside the governor's office in the capitol building;**
- [(d) This exception shall sunset on December 31, 2012;]
- (20) The portion of a record that identifies security systems or access codes or authorization codes for security systems of real property;**
- [(20)] **(21)** Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on

behalf of, a public governmental body for such computer, computer system, computer network, or telecommunications network shall be open;

[(21)] (22) Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body; and

[(22)] (23) Records submitted by an individual, corporation, or other business entity to a public institution of higher education in connection with a proposal to license intellectual property or perform sponsored research and which contains sales projections or other business plan information the disclosure of which may endanger the competitiveness of a business."; and

Further amend said bill, Page 25, Section 192.808, Line 10, by inserting after all of said section and line, the following:

"Section B. Because immediate action is necessary to protect sensitive public records relating to public agency plans to prevent and respond to possible terrorist incidents and to protect security system plans for certain critical public and private buildings and facilities, the repeal and reenactment of section 610.021 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 610.021 of section A of this act shall be in full force and effect upon its passage and approval."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Jones (50), **House Amendment No. 7** was adopted.

Representative Leara offered **House Amendment No. 8**.

House Amendment No. 8

AMEND House Committee Substitute for House Bill No. 335, Page 22, Section 321.015, Lines 1-29, by deleting all of said section and lines from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Leara, **House Amendment No. 8** was adopted.

Representative Gatschenberger offered **House Amendment No. 9**.

House Amendment No. 9

AMEND House Committee Substitute for House Bill No. 335, Page 4, Section 94.902, Line 100, by inserting after all of said line the following:

"143.789. The director of the department of revenue shall have the authority to impose an offset against a refund owed to any taxpayer for the following items and in the following order of priority:

- (1) Delinquent taxes owed by the taxpayer to the state of Missouri;**
- (2) Delinquent taxes owed by the taxpayer to the United States;**
- (3) Debts owed by such taxpayer to any state agency or support obligation owed by such taxpayer which is enforced by the family support division on behalf of a person who is receiving support enforcement services under section 454.425;**
- (4) Collection assistance fees authorized under section 143.790;**
- (5) Eligible claims under section 143.790; and**

(6) Debts owed by the taxpayer to any other state that has established a reciprocal offset agreement with the department of revenue, as provided under subsection 5 of section 143.784.

143.790. 1. [Any hospital or health care provider who has provided health care services to an individual who was not covered by a health insurance policy or was not eligible to receive benefits under the state's medical assistance program of needy persons, Title XIX, P.L. 89-97, 1965 amendments to the federal Social Security Act, 42 U.S.C. Section 301, et seq., under chapter 208, RSMo, and the health insurance for uninsured children under sections 208.631 to 208.657, RSMo, at the time such health care services were administered, and such person has failed to pay for such services for a period greater than ninety days, may submit a claim to the director of the department of health and senior services for the unpaid health care services. The director of the department of health and senior services shall review such claim. If the claim appears meritorious on its face, the claim for the unpaid medical services shall constitute a debt of the department of health and senior services for purposes of sections 143.782 to 143.788, and the director may certify the debt to the department of revenue in order to set off the debtor's income tax refund. Once the debt has been certified, the director of the department of health and senior services shall submit the debt to the department of revenue under the setoff procedure established under section 143.783.

2. At the time of certification, the director of the department of health and senior services shall supply any information necessary to identify each debtor whose refund is sought to be set off pursuant to section 143.784 and certify the amount of the debt or debts owed by each such debtor.

3. If a debtor identified by the director of the department of health and senior services is determined by the department of revenue to be entitled to a refund, the department of revenue shall notify the department of health and senior services that a refund has been set off on behalf of the department of health and senior services for purposes of this section and shall certify the amount of such setoff, which shall not exceed the amount of the claimed debt certified. When the refund owed exceeds the claimed debt, the department shall send the excess amount to the debtor within a reasonable time after such excess is determined.

4. The department of revenue shall notify the debtor by certified mail the taxpayer whose refund is sought to be set off that such setoff will be made. The notice shall contain the provisions contained in subsection 3 of section 143.794, including the opportunity for a hearing to contest the setoff provided therein, and shall otherwise substantially comply with the provisions of subsection 3 of section 143.784.

5. Once a debt has been set off and finally determined under the applicable provisions of sections 143.782 to 143.788, and the department of health and senior services has received the funds transferred from the department of revenue, the department of health and senior services shall settle with each hospital or health care provider for the amounts that the department of revenue set off for such party. At the time of each settlement, each hospital or health care provider shall be charged for administration expenses which shall not exceed twenty percent of the collected amount.

6. Lottery prize payouts made under section 313.321, RSMo, shall also be subject to the setoff procedures established in this section and any rules and regulations promulgated thereto.

7. The director of the department of revenue shall have priority to offset any delinquent tax owed to the state of Missouri. Any remaining refund shall be offset to pay a state agency debt or to meet a child support obligation that is enforced by the division of family services on behalf of a person who is receiving support enforcement services under section 454.425, RSMo.

8.] **As used in this section, the following terms shall mean:**

(1) "Appeals committee", a committee consisting of at least three people appointed by a provider to hear patient appeals of review officer rulings:

- (a) That the provider has a valid claim;**
- (b) Regarding the amount of the claim;**
- (c) That a claim qualifies as an eligible claim under this section;**

(2) "Collection assistance fee", a fee in the amount of fourteen dollars payable to the general fund of this state for each debt setoff being processed, and an additional seventeen dollars payable to the claim clearinghouse for each debt being processed by the claim clearinghouse shall be recovered from each eligible claim to recover the costs incurred in collecting debts under this section;

(3) "Court", the supreme court, court of appeals, or any circuit court of the state, or any of their judicially or legislatively created subdivisions;

(4) "Department", the department of revenue;

(5) "Claim", a claim by a provider to receive payment of fifty dollars or more for health care services provided by such provider to a patient that has not been paid in whole or in part by the patient or third-party payer for more than one hundred sixty days after the date the provider has exhausted all available means of

collecting the payment from the patient or the third-party payer, provided that in order to exhaust its available means of collecting the payment, the provider will not be required to file a legal claim against the patient or third-party payer in state or federal court;

(6) "Claim clearinghouse", the entity selected by the providers to receive and submit eligible claims on behalf of a provider in accordance with this section;

(7) "Financial hardship policy", a policy maintained by a provider to establish the circumstances in which a patient will be relieved of the obligation to pay a claim as a result of his or her financial condition. The terms of the provider's financial hardship policy shall be consistent with applicable Medicare guidelines regarding financial hardship. Each provider utilizing the claim clearinghouse to collect a claim shall maintain and utilize a financial hardship policy;

(8) "Health care services", any services that a provider renders to a patient in the course of such provider's furnishing of ambulance services to the patient. Health care services shall include, but not be limited to, treatment of patients and transporting of patients incidental or pursuant to the delivery of ambulance services by a provider or in furtherance of the purposes for which such provider is organized and licensed. With respect to ground ambulance services provided by a provider that is not owned and operated by a city, county, municipality, political subdivision, governmental entity, or an entity that is exempt from federal and state income taxation, health care services shall include only those ground ambulance services provided by the provider that qualify, and emergency services as defined in section 190.100 that are provided under the terms of an agreement between the provider and a city, county, municipality, political subdivision, or a governmental entity under section 190.105;

(9) "Patient", an individual who has received health care services from a provider and who was not, at the time such health care services were provided:

(a) Eligible to receive benefits under the state's medical assistance program for needy persons under chapter 208 and the health insurance for uninsured children under sections 208.631 to 208.657; and

(b) Eligible for relief from the claim pursuant to the provider's financial hardship policy;

(10) "Provider", any provider of ambulance services licensed by the Missouri department of health and senior services in accordance with chapter 190, to include, but not be limited to, any provider of air ambulance services licensed under section 190.108 and any provider of ground ambulance services licensed under section 190.109;

(11) "Refund", a patient's Missouri income tax refund that the department determines to be due under the provisions of this chapter;

(12) "Review officer", a person designated by a provider to review claims, at the request of a patient, to determine whether such provider has a valid claim, the amount of such claim, and whether such claim qualifies as an eligible claim under this section.

2. Prior to submission of a claim to the claim clearinghouse, a provider shall send written notice to a patient that such provider intends to submit a claim to the claim clearinghouse for collection by setoff under this section. The notice shall:

(1) Provide the basis for the claim;

(2) State that the provider intends to request that the department apply the patient's refund against the claim;

(3) State that a collection assistance fee will be added to the claim if it is submitted for setoff;

(4) Inform the patient of the right to contest the validity or amount of such claim by filing a request for a review with the provider; and

(5) State the time limit and procedure for requesting such review, and that failure to request a review within thirty days following receipt of the notice required under this section shall result in submission of the claim to the claim clearinghouse for setoff of the debt by the department.

3. Upon receipt of the notice required under subsection 2 of this section, any patient seeking review of a claim shall file a written request with the provider for review within thirty days of receipt of such notice. A request for a review shall be deemed filed when properly addressed and delivered to the United States Postal Service for mailing with postage prepaid. A review officer shall be appointed by the provider to review such claim. In reviewing a claim, any issue that has previously been litigated in a court proceeding shall not be considered by the review officer. If the patient seeks a review of the claim and the review officer finds either that the claim is invalid or the claim does not qualify as an eligible claim under this section, the review officer's determination shall be final and binding on the provider and such provider shall have no right to appeal such determination. If all or part of the claim is found by the review officer to be valid and eligible for setoff under this section, the review officer shall notify the provider and the patient of such fact. Such notice shall:

(1) Inform the patient that he or she has the right to appeal the review officer's determination by filing an appeal with the appeals committee;

(2) State the time limit and procedure for requesting such an appeal; and

(3) State that failure to request the appeal within thirty days following receipt of the notice required under this subsection shall result in submission of the claim to the claim clearinghouse for setoff of the debt by the department.

4. Upon receipt of the notice required under subsection 3 of this section, any patient seeking an appeal of a determination of a review officer under this section shall file a written request with the appeals committee for such appeal within thirty days following receipt of such notice. An appeal shall be deemed filed when properly addressed and delivered to the United States Postal Service for mailing, with postage prepaid. An appeal of a review officer's determination shall be heard by an appeals committee. In an appeal under this section, any issue that has been previously litigated in a court proceeding shall not be considered. A decision made after an appeal under this section shall determine whether a claim is owed to the provider, the amount of the claim, and whether the claim is an eligible claim under this section.

5. If the appeals committee finds a claim to be invalid or otherwise ineligible under this section, the decision of the appeals committee shall be final and binding on the provider and may not be appealed by the provider. If all or part of the claim is found by the appeals committee to be valid and eligible for setoff under this section, the appeals committee shall notify the provider and the patient of such fact. Such notice shall:

(1) Inform the patient that he or she has the right to challenge the appeals committee determination by notifying the provider that he or she disagrees with the determination and advising the provider as to the basis of such disagreement;

(2) State that the patient must notify the provider of the challenge within ninety days of the patient's receipt of the notice from the appeals committee;

(3) Advise the patient that if he or she challenges the appeals committee's determination under this subsection, the provider will not be permitted to setoff the provider's claim against the patient's refund under this section, unless and until the provider files suit against the patient in court seeking a determination that the provider's claim is valid regarding the amount of the claim and that the claim is eligible for setoff under this section, and the court determines that the provider's claim is valid, the amount of the provider's claim, and that provider's claim is eligible for setoff under this section; and

(4) Advise the patient that if the patient does not challenge the appeals committee's determination under this subsection, the provider will submit the claim to the claim clearinghouse for setoff by the department under this subsection.

6. If the provider prevails in the lawsuit filed under subsection 5 of this section, the provider may submit the claim to the claim clearinghouse for setoff by the department under this section. If the patient prevails in the lawsuit filed by the provider under subsection 5 of this section, the provider shall be:

(1) Forever barred from submitting the claim to the claim clearinghouse for setoff by the department under this section;

(2) Forever barred from taking any other steps to collect the amount of the claim from the patient; and

(3) Obligated to reimburse the patient for court costs and attorney's fees associated with the lawsuit filed under subsection 5 of this section.

7. Any provider may submit a claim to the claim clearinghouse for review. In connection with its submission of a claim to the claim clearinghouse, the provider, whenever possible, shall provide the claim clearinghouse with the patient's full name, Social Security number, address, and any other identifying information that the department advises the claim clearinghouse is necessary for the department to setoff the claim under this section. The provider shall also provide the claim clearinghouse with information demonstrating the provider's compliance with the requirements of this section with respect to the claim.

8. If the claim clearinghouse receives sufficient evidence that a provider has fully complied with the requirements of this section and finds the claim valid, the claim shall be deemed eligible for setoff by the department under this section and shall be forwarded to the department. In connection with its submission of the claim to the department, the claim clearinghouse, whenever possible, shall provide the department with the patient's full name, Social Security number, address, and any other identifying information that the department advises the claim clearinghouse is necessary for the department to setoff the claim under this section.

9. If the claim clearinghouse determines that the provider has failed to comply with any applicable requirements in this section or that the claim is not valid, the claim clearinghouse shall return the claim to the provider.

10. If the department determines that a patient identified by a provider in an eligible claim filed with the department is entitled to a refund, the department shall notify the claim clearinghouse that a refund is available for setoff and the amount of such refund, and whether the refund results from a joint or combined return. Notwithstanding any provision of section 32.057 and any other confidentiality statute of this state to the contrary, the department may provide the claim clearinghouse with all information necessary to accomplish and carry out the provisions of this section and section 143.789, but shall not provide the claim clearinghouse with any information whose disclosure is prohibited by Section 6103(d) of the Internal Revenue Code of 1986, as amended. The information obtained by the claim clearinghouse from the department in accordance with this section and section 143.789 shall retain its confidentiality and shall only be used by the claim clearinghouse for the purpose described in this section and section 143.789.

11. (1) At that time, the department shall also notify the patient by regular mail that setoff against the patient's tax refund has been authorized under this section. The notice shall include the following information:

- (a) The amount of the eligible claim and the name of the provider seeking setoff;
- (b) That a setoff to the patient's refund against the eligible claim has been performed; and
- (c) Any amount of the refund remaining after the offset of the eligible claim.

(2) In the case of a joint or combined return, the notice shall also state the name of the nonobligated taxpayer named in the return, if any, against whom no claim is asserted, the fact that no claim is asserted against such taxpayer, and the fact that such taxpayer is entitled to receive a refund if it is due the taxpayer regardless of the claim asserted against the taxpayer's spouse. In order to obtain the refund due the taxpayer, the taxpayer shall apply in writing for an apportionment of the refund with the department within thirty days of the date of receipt of the notice unless, in anticipation of the setoff of the taxpayer's spouse's refund, such nonobligated taxpayer provided the department with a request for apportionment of the anticipated refund that was filed at the same time the original tax return was filed, in which case the department shall determine the apportionment of the refund and forward the determination of apportionment and the nonobligated taxpayer's portion of the refund to the nonobligated taxpayer within fifteen working days of the transfer of the obligated taxpayer's portion of the refund to the claim clearinghouse. Unless a request for apportionment of the anticipated refund was provided to the department as provided in this section, within ninety days after the filing of such taxpayer's application for apportionment of the refund with the department, a determination of apportionment shall be mailed to the nonobligated taxpayer by the department. The apportionment of the refund shall be final upon the expiration of thirty days from the date on which the determination of apportionment is mailed to the nonobligated taxpayer unless, within such thirty-day period, the nonobligated taxpayer applies in writing for a hearing with the department.

12. The department shall then pay to the claim clearinghouse the amount that the department has setoff for such provider, which shall include the collection assistance allocable to the claim clearinghouse. In the event the department is unable to setoff the entire eligible claim and collection assistance fee under this section, the setoff of the collection assistance fee shall have priority over the setoff of the eligible claim. If, after the department has paid to the claim clearinghouse the amount that the department has setoff for the provider, and the provider is found not to have complied with any applicable requirement of this section, the provider shall send to the patient the entire amount of the claim offset by the department for the provider plus an amount equal to the collection assistance fee.

13. In addition to refunds, lottery prize payouts made under section 313.321 shall be subject to the setoff procedures established in this section.

14. The director of the department of revenue and the director of the department of health and senior services shall promulgate rules and regulations necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Schupp raised a point of order that **House Amendment No. 9** goes beyond the scope of the bill.

Representative Hoskins requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not timely.

Representative Engler offered **House Amendment No. 1 to House Amendment No. 9**.

*House Amendment No. 1
to
House Amendment No. 9*

AMEND House Amendment No. 9 to House Committee Substitute for House Bill No. 335, Page 3, Line 22, by inserting after all of said line the following:

"2. Any licensed ambulance service using the debt setoff procedure provided for by this section shall, prior to preparation of any bill, comply with all billing procedures and coding systems mandated by the Centers for Medicare and Medicaid Services, and in the collection of the bill shall not engage in abusive collection practice in violation of the Fair Debt Collection Practices Act, 15 U.S.C. 1692, et seq., the Fair Debt Reporting Act, 15 U.S.C. 1681, et seq., the Fair and Accurate Transactions Act, 15 U.S.C. 1681c, or the Credit Billing Error Act, 15 U.S.C. 1666b."; and

Further amend said amendment by renumbering the remaining subsections accordingly; and

Further amend said amendment, Page 4, Line 44, by deleting "**review**" and inserting in lieu thereof the following:

"review, provided that the claim accrued within one year prior to the effective date of this section"; and

Further amend said amendment, Page 5, Line 12, by inserting the following at the end of said line:

"If the provider claims a debt was legitimate and that claim is in error, and the debt was submitted to the debt setoff clearinghouse, and the alleged debtor proves the debt was not legitimate because the debt had been paid, or the service was not rendered, the entity claiming the debt setoff would be required to pay to the alleged debtor:

(1) Twice the amount submitted to the debt setoff clearinghouse, if the alleged debtor has paid the bill in full and documentation to support the payment;

(2) The amount submitted to the debt setoff clearinghouse if the original charge was for a service not rendered."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Engler, **House Amendment No. 1 to House Amendment No. 9** was adopted.

Representative Gatschenberger moved that **House Amendment No. 9, as amended**, be adopted.

Which motion was defeated by the following vote:

AYES: 033

Brown	Conway 10	Cross	Diehl	Engler
Fitzwater	Fraker	Gannon	Gatschenberger	Grisamore
Hicks	Hummel	Kelly 45	Korman	LaFaver
Lauer	McManus	Messenger	Miller	Neely
Otto	Pfautsch	Reiboldt	Rhoads	Richardson
Rizzo	Rowland	Schieffer	Schupp	Shull
Spencer	Wilson	Wood		

NOES: 114

Allen	Anders	Anderson	Austin	Bahr
Berry	Black	Brattin	Burlison	Burns
Butler	Carpenter	Cierpiot	Colona	Conway 104
Cookson	Cornejo	Cox	Crawford	Curtis
Curtman	Davis	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	English	Englund
Entlicher	Fitzpatrick	Fowler	Frame	Franklin
Frederick	Funderburk	Gardner	Gosen	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hodges	Hoskins	Hough	Houghton	Hubbard
Hurst	Johnson	Jones 50	Keeney	Kelley 127
Kirkton	Koenig	Kolkmeyer	Kratky	Lair
Leara	Lichtenegger	Love	Lynch	Marshall
May	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McNeil	Meredith	Mims	Mitten
Molendorp	Montecillo	Morgan	Morris	Muntzel
Neth	Newman	Nichols	Norr	Pace
Peters	Phillips	Pierson	Pike	Pogue
Redmon	Remole	Ross	Rowden	Runions
Scharnhorst	Schatz	Schieber	Smith 85	Solon
Sommer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webb	Webber
White	Wright	Zerr	Mr Speaker	

PRESENT: 005

Higdon	Hinson	Mayfield	Roorda	Wieland
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ABSENT WITH LEAVE: 010

Barnes	Bernskoetter	Flanigan	Justus	Lant
Parkinson	Rehder	Riddle	Shumake	Smith 120

VACANCIES: 001

Representative Neth offered **House Amendment No. 10.**

House Amendment No. 10

AMEND House Committee Substitute for House Bill No. 335, Page 1, Section A, Line 5, by inserting after all of said section and line, the following:

"94.841. 1. The governing body of any special charter city with more than twenty-nine thousand but fewer than thirty-two thousand inhabitants may impose, by order or ordinance, a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels, and bed and breakfast inns situated in the city or a portion thereof. The tax shall be not more than six percent per occupied room per night, and shall be imposed solely for the purpose of promoting tourism, cultural activities, business, and economic development, and for constructing related infrastructure and improvements. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. (1) No such order or ordinance shall become effective unless the governing body of the city submits to the voters of the city at a state general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section. The ballot language shall be in substantially the following form:

"Shall the City of (insert city name) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels, and bed and breakfast inns in the city at a rate not to exceed six percent per occupied room per night for the sole purpose of promoting tourism, cultural activities, business, and economic development, and for constructing related infrastructure and improvements?"

(2) If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters of the city and such question is approved by a majority of the qualified voters voting on the question.

3. The governing body of any city that has adopted the tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. If a majority of the votes cast on the proposal are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters of the city, and the repeal is approved by a majority of the qualified voters voting on the question.

4. Whenever the governing body of any city that has adopted the tax authorized in this section receives a petition, signed by a number of registered voters of the city equal to at least ten percent of the number of registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters of the city and the repeal is approved by a majority of the qualified voters voting on the question.

5. As used in this section, "transient guests" means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 097

Allen	Anderson	Austin	Bahr	Barnes
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Fowler	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lauer
Leara	Lichtenegger	Love	Lynch	McCaherty
McGaugh	Miller	Molendorp	Morris	Muntzel
Neely	Neth	Pfautsch	Phillips	Pike
Pogue	Redmon	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schieber	Shull	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 054

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	Marshall	May
Mayfield	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 011

Bernskoetter	Flanigan	Fraker	Justus	Lant
Messenger	Parkinson	Rehrer	Schatz	Shumake
Smith 120				

VACANCIES: 001

Speaker Jones resumed the Chair.

On motion of Representative Neth, **House Amendment No. 10** was adopted.

Representative Rowland offered **House Amendment No. 11**.

House Amendment No. 11

AMEND House Committee Substitute for House Bill No. 335, Page 23, Section 321.210, Line 9, by inserting after all of said line the following:

"595.020. 1. Except as hereinafter provided, the following persons shall be eligible for compensation pursuant to sections 595.010 to 595.075:

- (1) A victim of a crime;
- (2) In the case of a sexual assault victim:
 - (a) A relative of the victim requiring counseling in order to better assist the victim in his recovery; [and]
 - (3) In the case of the death of the victim as a direct result of the crime:
 - (a) A dependent of the victim;
 - (b) Any member of the family who legally assumes the obligation, or who pays the medical or burial expenses incurred as a direct result thereof; and
 - (c) A survivor of the victim requiring counseling as a direct result of the death of the victim; **and**
 - (4) **The owner of property damaged by the arresting law enforcement agency during service of process, unless the damaged property is owned by the offender or an accomplice of an offender.**

2. An offender or an accomplice of an offender shall in no case be eligible to receive compensation with respect to a crime committed by the offender. No victim or dependent shall be denied compensation solely because he is a relative of the offender or was living with the offender as a family or household member at the time of the injury or death. However, the department may award compensation to a victim or dependent who is a relative, family or household member of the offender only if the department can reasonably determine the offender will receive no substantial economic benefit or unjust enrichment from the compensation.

3. No compensation of any kind may be made to a victim or intervenor injured while confined in any federal, state, county, or municipal jail, prison or other correctional facility, including house arrest or electronic monitoring.

4. No compensation of any kind may be made to a victim who has been finally adjudicated and found guilty, in a criminal prosecution under the laws of this state, of two felonies within the past ten years, of which one or both involves illegal drugs or violence. The department may waive this restriction if it determines that the interest of justice would be served otherwise.

5. In the case of a claimant who is not otherwise ineligible pursuant to subsection 4 of this section, who is incarcerated as a result of a conviction of a crime not related to the incident upon which the claim is based at the time of application, or at any time following the filing of the application:

- (1) The department shall suspend all proceedings and payments until such time as the claimant is released from incarceration;
- (2) The department shall notify the applicant at the time the proceedings are suspended of the right to reactivate the claim within six months of release from incarceration. The notice shall be deemed sufficient if mailed to the applicant at the applicant's last known address;
- (3) The claimant shall file an application to request that the case be reactivated not later than six months after the date the claimant is released from incarceration. Failure to file such request within the six-month period shall serve as a bar to any recovery.

6. Victims of crime who are not residents of the state of Missouri may be compensated only when federal funds are available for that purpose. Compensation for nonresident victims shall terminate when federal funds for that purpose are no longer available.

7. A Missouri resident who suffers personal physical injury or, in the case of death, a dependent of the victim or any member of the family who legally assumes the obligation, or who pays the medical or burial expenses incurred as a direct result thereof, in another state, possession or territory of the United States may make application for compensation in Missouri if:

- (1) The victim of the crime would be compensated if the crime had occurred in the state of Missouri;
- (2) The place that the crime occurred is a state, possession or territory of the United States, or location outside of the United States that is covered and defined in 18 U.S.C. Section 2331, that does not have a crime victims' compensation program for which the victim is eligible and which provides at least the same compensation that the victim would have received if he had been injured in Missouri.

595.030. 1. No compensation shall be paid unless the claimant has incurred an out-of-pocket loss of at least fifty dollars or has lost two continuous weeks of earnings or support from gainful employment. "Out-of-pocket loss" shall mean unreimbursed or unreimbursable expenses or indebtedness reasonably incurred:

(1) For medical care or other services, including psychiatric, psychological or counseling expenses, necessary as a result of the crime upon which the claim is based, except that the amount paid for psychiatric, psychological or counseling expenses per eligible claim shall not exceed two thousand five hundred dollars; [or]

(2) As a result of personal property being seized in an investigation by law enforcement. Compensation paid for an out-of-pocket loss under this subdivision shall be in an amount equal to the loss sustained, but shall not exceed two hundred fifty dollars; or

(3) As a result of damages incurred during service of process. Compensation paid for an out-of-pocket loss under this subdivision shall be in an amount equal to half of the reasonable reimbursement costs of the property.

2. No compensation shall be paid unless the department of public safety finds that a crime was committed, that such crime directly resulted in personal physical injury to, or the death of, the victim, and that police records show that such crime was promptly reported to the proper authorities. In no case may compensation be paid if the police records show that such report was made more than forty-eight hours after the occurrence of such crime, unless the department of public safety finds that the report to the police was delayed for good cause. If the victim is under eighteen years of age such report may be made by the victim's parent, guardian or custodian; by a physician, a nurse, or hospital emergency room personnel; by the division of family services personnel; or by any other member of the victim's family. In the case of a sexual offense, filing a report of the offense to the proper authorities may include, but not be limited to, the filing of the report of the forensic examination by the appropriate medical provider, as defined in section 595.220, with the prosecuting attorney of the county in which the alleged incident occurred.

3. No compensation shall be paid for medical care if the service provider is not a medical provider as that term is defined in section 595.027, and the individual providing the medical care is not licensed by the state of Missouri or the state in which the medical care is provided.

4. No compensation shall be paid for psychiatric treatment or other counseling services, including psychotherapy, unless the service provider is a:

(1) Physician licensed pursuant to chapter 334 or licensed to practice medicine in the state in which the service is provided;

(2) Psychologist licensed pursuant to chapter 337 or licensed to practice psychology in the state in which the service is provided;

(3) Clinical social worker licensed pursuant to chapter 337; or

(4) Professional counselor licensed pursuant to chapter 337.

5. Any compensation paid pursuant to sections 595.010 to 595.075 for death or personal injury shall be in an amount not exceeding out-of-pocket loss, together with loss of earnings or support from gainful employment, not to exceed two hundred dollars per week, resulting from such injury or death. In the event of death of the victim, an award may be made for reasonable and necessary expenses actually incurred for preparation and burial not to exceed five thousand dollars.

6. Any compensation for loss of earnings or support from gainful employment shall be in an amount equal to the actual loss sustained not to exceed two hundred dollars per week; provided, however, that no award pursuant to sections 595.010 to 595.075 shall exceed twenty-five thousand dollars. If two or more persons are entitled to compensation as a result of the death of a person which is the direct result of a crime or in the case of a sexual assault, the compensation shall be apportioned by the department of public safety among the claimants in proportion to their loss.

7. The method and timing of the payment of any compensation pursuant to sections 595.010 to 595.075 shall be determined by the department."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Rowland, **House Amendment No. 11** was adopted.

Representative Brattin offered **House Amendment No. 12**.

House Amendment No. 12

AMEND House Committee Substitute for House Bill No. 335, Page 23, Section 321.210, Line 9, by inserting after all of said section and line, the following:

"Section 1. No law enforcement agency or organization representing law enforcement officers who are either members or nonmembers of a law enforcement agency shall require the payment of any dues or fees as a condition of employment or continued employment."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Roorda raised points of order that **House Amendment No. 12** is drafted as a substitute amendment and goes beyond the scope of the bill.

The Chair ruled the points of order not well taken.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 096

Allen	Anderson	Austin	Bahr	Bernskoetter
Brattin	Brown	Burlison	Cierpiot	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Elmer	Engler
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Hicks	Hinson
Hough	Houghton	Hurst	Johnson	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Morris	Neely	Neth
Pfausch	Phillips	Pike	Pogue	Redmon
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters

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Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 015

Barnes	Berry	Conway 104	Dugger	Higdon
Hodges	Hoskins	Jones 50	Molendorp	Muntzel
Parkinson	Rehder	Shumake	Smith 120	Swearingen

VACANCIES: 001

On motion of Representative Brattin, **House Amendment No. 12** was adopted by the following vote:

AYES: 088

Allen	Anderson	Austin	Bahr	Bernskoetter
Brattin	Brown	Burlison	Cierpiot	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Franklin	Frederick	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Hoskins	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McGaugh	Messenger	Miller	Morris	Muntzel
Neely	Parkinson	Pfausch	Phillips	Pike
Pogue	Redmon	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Spencer
Stream	Swan	Thomson	Walker	White
Wilson	Wood	Mr Speaker		

NOES: 064

Anders	Barnes	Black	Burns	Butler
Carpenter	Colona	Conway 10	Curtis	Dunn
Ellinger	Ellington	Engler	English	Englund
Frame	Funderburk	Gannon	Gardner	Harris
Hinson	Hough	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCaherty
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Neth	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Solon
Sommer	Swearingen	Torpey	Walton Gray	Webb
Webber	Wieland	Wright	Zerr	

PRESENT: 000

ABSENT WITH LEAVE: 010

Berry	Gatschenberger	Higdon	Hodges	Hubbard
Korman	Molendorp	Rehder	Shumake	Smith 120

VACANCIES: 001

Representative Brown offered **House Amendment No. 13.**

House Amendment No. 13

AMEND House Committee Substitute for House Bill No. 335, Page 12, Section 190.165, Line 102, by inserting after all of said section and line the following:

"191.238. 1. No health care professional or health care facility licensed under chapter 197 shall intentionally enter any disclosed information concerning firearm ownership into a patient's medical record if the professional knows that such information is not directly related to the patient's immediate medical care or safety.

2. For purposes of this section, a "health care professional" shall mean a physician or other health care practitioner licensed, accredited, or certified by the state of Missouri to perform specified health services for the diagnosis, treatment, cure, or relief of a health condition, injury, or disease.

3. Any violation of this section shall constitute grounds for disciplinary action under sections 334.100 to 334.103, section 197.070, section 197.220 or any other applicable provisions of law concerning the licensing, accreditation, or certification of other health care professionals by the state of Missouri."; and

Further amend said bill, Page 23, Section 321.210, Line 9, by inserting after all of said section and line the following:

"571.068. 1. No employee of a school district, or private or charter school shall ask a student under the age of eighteen whether such student's parent or guardian, or anyone residing with the student, owns a firearm.

2. A violation of this section is punishable as an infraction."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Ross offered **House Amendment No. 1 to House Amendment No. 13.**

House Amendment No. 1

to

House Amendment No. 13

AMEND House Amendment No. 13 to House Committee Substitute for House Bill No. 335, Page 1, Line 23, by inserting after all of said line the following:

Further amend House Committee Substitute for House Bill No. 335, Page 23, Section 321.210, Line 9, by inserting after all of said section and line the following:

"Section 1. An owner or operator of a business shall not restrict any person from lawfully possessing a firearm in a motor vehicle in possession of such person except a motor vehicle that is owned or leased by the owner or operator of such business."; and'; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Neth assumed the Chair.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 099

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeier	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller
Molendorp	Morris	Muntzel	Neely	Neth
Parkinson	Pfausch	Phillips	Pike	Pogue
Redmon	Reiboldt	Remole	Rhoads	Richardson
Rowden	Rowland	Schatz	Schieber	Shull
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hubbard	Hummel	Kelly 45	Kirkton
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 012

Cross	Curtman	Franklin	Hodges	Kratky
Love	Rehder	Riddle	Ross	Scharnhorst
Shumake	Smith 120			

VACANCIES: 001

On motion of Representative Ross, **House Amendment No. 1 to House Amendment No. 13** was adopted by the following vote:

AYES: 125

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hubbard	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Lynch	Marshall
Mayfield	McCaherty	McGaugh	McKenna	Messenger
Miller	Molendorp	Morris	Muntzel	Neely
Neth	Nichols	Norr	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Reiboldt
Remole	Rhoads	Richardson	Riddle	Roorda
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Schieffer	Shull	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 031

Anders	Colona	Curtis	Dunn	Ellinger
Ellington	Gardner	Hummel	Kirkton	LaFaver
May	McCann Beatty	McDonald	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Otto	Pace	Peters	Pierson
Rizzo	Runions	Schupp	Smith 85	Walton Gray
Webb				

PRESENT: 000

ABSENT WITH LEAVE: 006

Hodges	Kratky	Love	Rehder	Shumake
Smith 120				

VACANCIES: 001

Representative Guernsey offered **House Amendment No. 2 to House Amendment No. 13.**

House Amendment No. 2
to
House Amendment No. 13

AMEND House Amendment No. 13 to House Committee Substitute for House Bill No. 335, Page 1, Line 22, by inserting after all of said line, the following:

‘Further amend said bill, page, and section, Line 9, by inserting after all of said section and line, the following:

"610.205. 1. After an investigation is inactive, as defined in section 610.100, crime scene or death scene photographs and video recordings, including photographs and video recordings created or produced by a state or local agency or by a perpetrator or suspect at a crime scene, which depict or describe a deceased person in a state of dismemberment, decapitation, or similar mutilation including, without limitation, where the deceased person's genitalia are exposed, shall be considered open records for inspection, but closed records for purposes of copying under the provisions of this chapter. Unless dissemination is prohibited by 18 U.S.C. Section 2252, this section shall not prohibit disclosure of such material to:

(1) State and local law enforcement agencies, prosecuting attorneys, juvenile officers, courts and court personnel, coroners, the state technical assistance team, child fatality review panels, the department of social services, or other state or local officials who need access to the photograph and video recordings in order to perform their duties; and

(2) The deceased's next of kin or to an individual who has secured a written release from the next of kin. It shall be the responsibility of the next of kin to show proof of the familial relationship. For purposes of such access, the deceased's next of kin shall:

(a) Be the spouse of the deceased if living;

(b) Be an adult child of the deceased if there is no living spouse of the deceased; or

(c) Be a parent of the deceased if there is no living spouse or adult child; and

(d) Not have pleaded guilty to or been found guilty of a crime that resulted in the deceased's death.

2. Subject to the provisions of subsection 3 of this section, in the case of closed criminal investigations a circuit court judge may order the disclosure of such photographs or video recordings, not otherwise prohibited by 18 U.S.C. Section 2252, upon findings in writing that disclosure is in the public interest and outweighs any privacy interest that may be asserted by the deceased person's next of kin. In making such determination, the court shall consider whether such disclosure is necessary for public evaluation of governmental performance, the seriousness of the intrusion into the family's right to privacy, and whether such disclosure is the least intrusive means available considering the availability of similar information in other public records. In any such action, the court shall review the photographs or video recordings in question in camera with the custodian of the crime scene materials present and may condition any disclosure on such condition as the court may deem necessary to accommodate the interests of the parties.

3. Prior to releasing any crime scene material described in subsection 1 of this section, the custodian of such material shall give the deceased person's next of kin at least two weeks' notice. No court shall order a disclosure under subsection 2 of this section which would disregard or shorten the duration of such notice requirement. No court order or notification to the next of kin shall be required for the release or disclosure of information to state and local law enforcement agencies, prosecuting attorneys, juvenile officers, courts and court personnel, coroners, the state technical assistance team, child fatality review panels, the department of social services, or other state or local officials who need access to the photograph and video recordings in order to perform their duties.

4. The provisions of this section shall apply to all undisclosed material which is in the custody of a state or local agency on the effective date of this section and to any such material which comes into the custody of a state or local agency after such date.

5. The provisions of this section shall not apply to disclosure of crime scene material to counsel representing a defendant. Unless otherwise prohibited by 18 U.S.C. Section 2252, counsel may disclose such materials to his or her client and any expert or investigator assisting counsel but shall not otherwise disseminate such materials, except to the extent they may be necessary exhibits in court proceedings. A request under this subsection shall clearly state that such request is being made for the purpose of preparing to file and litigate proceedings enumerated in this subsection."; and'; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Guernsey, **House Amendment No. 2 to House Amendment No. 13** was adopted.

On motion of Representative Brown, **House Amendment No. 13, as amended**, was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Lynch	McCaherty	McGaugh	Messenger
Miller	Morris	Muntzel	Neely	Neth
Parkinson	Pfausch	Phillips	Pike	Pogue
Redmon	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rowden	Rowland	Schatz	Schieber
Shull	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hubbard	Hummel	Kelly 45	Kirkton
LaFaver	Marshall	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 010

Flanigan	Hodges	Kratky	Love	Molendorp
Rehder	Ross	Scharnhorst	Shumake	Smith 120

VACANCIES: 001

On motion of Representative Hinson, **HCS HB 335, as amended**, was adopted.

On motion of Representative Hinson, **HCS HB 335, as amended**, was ordered perfected and printed.

HCS HB 589, relating to sexual offender registration, was taken up by Representative Hinson.

Representative Hinson offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 589, Page 3, Section 43.650, Line 53, by deleting the word "**subsection**" on said line and inserting in lieu thereof the word "**subdivision**"; and

Further amend said bill, Page 5, Section 589.400, Line 91, by deleting the phrase "**subsection 6**" on said line and inserting in lieu thereof the phrase "**subsection 4**"; and

Further amend said bill, Page 21, Section 589.418, Line 9, by inserting a comma, ",", immediately after the number "**589.446**" on said line; and

Further amend said bill, Page 24, Section 589.442, Line 2, by deleting the word "**departments**" on said line and inserting in lieu thereof the phrase "**department to**"; and

Further amend said bill, page, and section, Line 28, by inserting a comma, ",", immediately after the word "**requested**" on said line; and

Further amend said bill, Page 31, Section 589.448, Line 93, by deleting the phrase "**I or II**" on said line and inserting in lieu thereof the phrase "**II or I**"; and

Further amend said bill, Page 37, Section 589.456, Line 79, by deleting the phrase "**589.430 to 589.456**" and inserting in lieu thereof the phrase "**589.416, 589.418, 589.440, 589.446, and 589.448**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hinson, **House Amendment No. 1** was adopted.

Representative Hinson offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 589, Page 18, Section 589.416, Line 23, by deleting all of said line and inserting in lieu thereof the following:

"receipt requested, to the department of mental health at the address designated by the"; and

Further amend said bill, Page 19, Section 589.416, Line 52, by deleting all of said line and inserting in lieu thereof the following:

"department of mental health and completed within the six months immediately preceding the"; and

Further amend said bill, Page 22, Section 589.440, Line 21, by deleting all of said line and inserting in lieu thereof the following:

"mental health. In addition the unclassified offender shall mail a file stamped copy of the"; and

Further amend said bill, Page 22, Section 589.440, Line 23, by deleting all of said line and inserting in lieu thereof the following:

"receipt requested, to the department of mental health at the address designated by the"; and

Further amend said bill, Page 22, Section 589.440, Lines 33 and 34, by deleting all of said lines and inserting in lieu thereof the following:

"department of mental health. In addition the Offender Pending Classification shall, within ten business days of the date of filing the petition, deliver to the department of mental health,"; and

Further amend said bill, Page 22, Section 589.440, Line 39, by deleting all of said line and inserting in lieu thereof the following:

"approved by the department of mental health with the court within the six-month time limit"; and

Further amend said bill, Page 22, Section 589.440, Lines 41 and 42, by deleting all of said lines and inserting in lieu thereof the following:

"assessment report to the department of mental health within the ten-day time limit, the department of mental health shall automatically classify the offender as a Tier III offender"; and

Further amend said bill, Page 22, Section 589.440, Line 44, by deleting all of said line and inserting in lieu thereof the following:

"Offender Classification Form to the offender at the"; and

Further amend said bill, Page 23, Section 589.440, Line 57, by deleting all of said line and inserting in lieu thereof the following:

"registry and on the public website and mail a Tier III Offender's Packet to the offender at the address listed on the sex offender registry."; and

Further amend said bill, Page 23, Section 589.440, Line 72, by deleting all of said line and inserting in lieu thereof the following:

"health provider approved by the department of mental health. In addition the offender shall,"; and

Further amend said bill, Page 23, Section 589.440, Line 75, by deleting all of said line and inserting in lieu thereof the following:

"of mental health by sending them registered mail, return receipt requested, to the department"; and

Further amend said bill, Page 23, Section 589.440, Line 83, by deleting all of said line and inserting in lieu thereof the following:

"department of mental health within the ten-day time limit, the court shall dismiss the petition"; and

Further amend said bill, Page 24, Section 589.442, Lines 1 and 2, by deleting all of said lines and inserting in lieu thereof the following:

"589.442. 1. The Missouri state highway patrol shall, prior to January 1, 2014, develop an Unclassified Offender Packet for the patrols use in notifying all offenders"; and

Further amend said bill, Page 24, Section 589.442, Line 8, by deleting all of said line and inserting in lieu thereof the following:

"Missouri state highway patrol but at a minimum shall include the following:"; and

Further amend said bill, Page 24, Section 589.442, Line 22, by deleting all of said line and inserting in lieu thereof the following:

"provider who has been approved by the department of mental health to provide sex offender"; and

Further amend said bill, Page 24, Section 589.442, Line 28, by deleting all of said line and inserting in lieu thereof the following:

"receipt requested to the department of mental health within ten days of filing the petition, to"; and

Further amend said bill, Page 25, Section 589.442, Line 37, by deleting all of said line and inserting in lieu thereof the following:

"3. The Missouri state highway patrol shall, prior to January 15, 2014, notify the"; and

Further amend said bill, Page 25, Section 589.444, Line 9, by deleting all of said line and inserting in lieu thereof the following:

"the department of mental health, and shall enter the offender's designation on their local sex"; and

Further amend said bill, Page 25, Section 589.446, Line 9, by deleting all of said line and inserting in lieu thereof the following:

"department of mental health automatically classifying the petitioner as a Tier III offender"; and

Further amend said bill, Page 29, Section 589.448, Line 10, by deleting all of said line and inserting in lieu thereof the following:

"return receipt requested, to the department of mental health at the address designated by the"; and

Further amend said bill, Page 32, Section 589.450, Lines 1 and 2, by deleting all of said lines and inserting in lieu thereof the following:

"589.450. 1. The Missouri state highway patrol shall, prior to January 1, 2014, develop a Sex Offender Classification Form to be used by the patrol, the department of mental health, and the courts to classify"; and

Further amend said bill, Page 32, Section 589.450, Lines 4 to 6, by deleting all of said lines and inserting in lieu thereof the following:

"an offender as an Offender Pending Classification. The Missouri state highway patrol shall, prior to January 1, 2014, provide the Sex Offender Classification Forms to the department of mental health, all registering law enforcement officials, and all circuit courts in this state."; and

Further amend said bill, Page 32, Section 589.450, Line 8, by deleting all of said line and inserting in lieu thereof the following:

"patrol but at a minimum shall include the following:"; and

Further amend said bill, Page 33, Section 589.450, Line 15, by deleting all of said line and inserting in lieu thereof the following:

"(4) A place for the department of mental health, the patrol, registering law enforcement official, or court to sign"; and

Further amend said bill, Page 33, Section 589.452, Lines 1 and 2, by deleting all of said lines and inserting in lieu thereof the following:

"589.452. 1. The Missouri state highway patrol shall, prior to January 1, 2014, develop a Tier III Offender's Packet to be used by the department of mental health when it automatically classifies"; and

Further amend said bill, Page 33, Section 589.452, Line 5, by deleting all of said line and inserting in lieu thereof the following:

"patrol but at a minimum shall include the following:"; and

Further amend said bill, Page 33, Section 589.452, Line 7, by deleting all of said line and inserting in lieu thereof the following:

"You have been automatically classified by The Department of Mental Health as a"; and

Further amend said bill, Page 33, Section 589.452, Line 17, by deleting all of said line and inserting in lieu thereof the following:

"provider who has been approved by the department of mental health to provide sex offender"; and

Further amend said bill, Page 33, Section 589.452, Line 23, by deleting all of said line and inserting in lieu thereof the following:

"mental health, within ten days of filing the petition, to the address designated by the"; and

Further amend said bill, Page 34, Section 589.454, Line 1, by deleting all of said line and inserting in lieu thereof the following:

"589.454. 1. The Missouri state highway patrol shall, prior to January 1, 2014, develop"; and

Further amend said bill, Page 34, Section 589.454, Line 3, by deleting all of said line and inserting in lieu thereof the following:

"officials. The patrol shall, prior to January 1, 2014, provide the Offender Pending"; and

Further amend said bill, Page 34, Section 589.454, Line 6, by deleting all of said line and inserting in lieu thereof the following:

"by the Missouri state highway patrol but at a minimum shall include the following:"; and

Further amend said bill, Page 34, Section 589.454, Line 16, by deleting all of said line and inserting in lieu thereof the following:

"department of mental health as a Tier III offender."; and

Further amend said bill, Page 34, Section 589.454, Line 24, by deleting all of said line and inserting in lieu thereof the following:

"provider who has been approved by the department of mental health to provide sex offender"; and

Further amend said bill, Page 34, Section 589.454, Line 30, by deleting all of said line and inserting in lieu thereof the following:

"mental health, within ten days of filing the petition, to the address designated by the"; and

Further amend said bill, Page 34, Section 589.454, Line 34, by deleting all of said line and inserting in lieu thereof the following:

"within the six-month time limit or if you fail to send to the department of mental health a file"; and

Further amend said bill, Page 35, Section 589.454, Line 36, by deleting all of said line and inserting in lieu thereof the following:

"department of mental health will automatically classify you as a Tier III offender and any"; and

Further amend said bill, Page 35, Section 589.456, Line 1, by deleting all of said line and inserting in lieu thereof the following:

"589.456. 1. The department of mental health shall, prior to January 1, 2014,"; and

Further amend said bill, Page 35, Section 589.456, Line 9, by deleting all of said line and inserting in lieu thereof the following:

"2. The department of mental health shall, prior to January 1, 2014, develop an"; and

Further amend said bill, Page 35, Section 589.456, Line 21, by deleting all of said line and inserting in lieu thereof the following:

"the list. The department of mental health shall review the sexual offender mental health providers list on"; and

Further amend said bill, Page 35, Section 589.456, Line 23, by deleting all of said line and inserting in lieu thereof the following:

"3. The department of mental health shall, prior to January 1, 2014, determine the"; and

Further amend said bill, Page 36, Section 589.456, Line 36, by deleting all of said line and inserting in lieu thereof the following:

"4. The department of mental health shall, prior to January 1, 2014, evaluate existing"; and

Further amend said bill, Page 36, Section 589.456, Line 61, by deleting all of said line and inserting in lieu thereof the following:

"7. The department of mental health shall, prior to January 1, 2014, determine the"; and

Further amend said bill, Page 37, Section 589.456, Line 76, by deleting all of said line and inserting in lieu thereof the following:

"8. The department of mental health shall, prior to January 1, 2014, publish on its"; and

Further amend said bill, Page 37, Section 589.456, Line 80, by deleting all of said line and inserting in lieu thereof the following:

"9. The department of mental health shall, prior to January 1, 2014, develop and"; and

Further amend said bill, Page 37, Section 589.456, Line 86, by deleting all of said line and inserting in lieu thereof the following:

"10. Beginning January 1, 2014, the department of mental health shall accept and file"; and

Further amend said bill, Page 37, Section 589.456, Line 91, by deleting all of said line and inserting in lieu thereof the following:

"11. Beginning January 1, 2014, the department of mental health shall review, on an"; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Hinson, **House Amendment No. 2** was adopted.

Representative Barnes offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 589, Page 3, Section 43.650, Line 55, by inserting after all of said section and line the following:

"160.261. 1. The local board of education of each school district shall clearly establish a written policy of discipline, including the district's determination on the use of corporal punishment and the procedures in which punishment will be applied. A written copy of the district's discipline policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning of each school year and also made available in the office of the superintendent of such district, during normal business hours, for public inspection. All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties, including but not limited to approved methods of dealing with acts of school violence, disciplining students with disabilities and instruction in the necessity and requirements for confidentiality.

2. The policy shall require school administrators to report acts of school violence to all teachers at the attendance center and, in addition, to other school district employees with a need to know. For the purposes of this chapter or chapter 167, "need to know" is defined as school personnel who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties. As used in this section, the phrase "act of school violence" or "violent behavior" means the exertion of physical force by a student with the intent to do serious physical injury as defined in subdivision (6) of section 565.002 to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. The policy shall at a minimum require school administrators to report, as soon as reasonably practical, to the appropriate law enforcement agency any of the following crimes, or any act which if committed by an adult would be one of the following crimes:

- (1) First degree murder under section 565.020;
- (2) Second degree murder under section 565.021;
- (3) Kidnapping under section 565.110;
- (4) First degree assault under section 565.050;
- (5) [Forcible] Rape **in the first degree** under section 566.030;

- (6) [Forcible] Sodomy **in the first degree** under section 566.060;
- (7) Burglary in the first degree under section 569.160;
- (8) Burglary in the second degree under section 569.170;
- (9) Robbery in the first degree under section 569.020;
- (10) Distribution of drugs under section 195.211;
- (11) Distribution of drugs to a minor under section 195.212;
- (12) Arson in the first degree under section 569.040;
- (13) Voluntary manslaughter under section 565.023;
- (14) Involuntary manslaughter under section 565.024;
- (15) Second degree assault under section 565.060;
- (16) [Sexual assault] **Rape in the second degree** under section [566.040] **566.031**;
- (17) Felonious restraint under section 565.120;
- (18) Property damage in the first degree under section 569.100;
- (19) The possession of a weapon under chapter 571;
- (20) Child molestation in the first degree pursuant to section 566.067;
- (21) [Deviate sexual assault] **Sodomy in the second degree** pursuant to section [566.070] **566.061**;
- (22) Sexual misconduct involving a child pursuant to section 566.083;
- (23) Sexual abuse **in the first degree** pursuant to section 566.100;
- (24) Harassment under section 565.090; or
- (25) Stalking under section 565.225; committed on school property, including but not limited to actions on any

school bus in service on behalf of the district or while involved in school activities. The policy shall require that any portion of a student's individualized education program that is related to demonstrated or potentially violent behavior shall be provided to any teacher and other school district employees who are directly responsible for the student's education or who otherwise interact with the student on an educational basis while acting within the scope of their assigned duties. The policy shall also contain the consequences of failure to obey standards of conduct set by the local board of education, and the importance of the standards to the maintenance of an atmosphere where orderly learning is possible and encouraged.

3. The policy shall provide that any student who is on suspension for any of the offenses listed in subsection 2 of this section or any act of violence or drug-related activity defined by school district policy as a serious violation of school discipline pursuant to subsection 9 of this section shall have as a condition of his or her suspension the requirement that such student is not allowed, while on such suspension, to be within one thousand feet of any school property in the school district where such student attended school or any activity of that district, regardless of whether or not the activity takes place on district property unless:

- (1) Such student is under the direct supervision of the student's parent, legal guardian, or custodian and the superintendent or the superintendent's designee has authorized the student to be on school property;
- (2) Such student is under the direct supervision of another adult designated by the student's parent, legal guardian, or custodian, in advance, in writing, to the principal of the school which suspended the student and the superintendent or the superintendent's designee has authorized the student to be on school property;
- (3) Such student is enrolled in and attending an alternative school that is located within one thousand feet of a public school in the school district where such student attended school; or
- (4) Such student resides within one thousand feet of any public school in the school district where such student attended school in which case such student may be on the property of his or her residence without direct adult supervision.

4. Any student who violates the condition of suspension required pursuant to subsection 3 of this section may be subject to expulsion or further suspension pursuant to the provisions of sections 167.161, 167.164, and 167.171. In making this determination consideration shall be given to whether the student poses a threat to the safety of any child or school employee and whether such student's unsupervised presence within one thousand feet of the school is disruptive to the educational process or undermines the effectiveness of the school's disciplinary policy. Removal of any pupil who is a student with a disability is subject to state and federal procedural rights. This section shall not limit a school district's ability to:

- (1) Prohibit all students who are suspended from being on school property or attending an activity while on suspension;
- (2) Discipline students for off-campus conduct that negatively affects the educational environment to the extent allowed by law.

5. The policy shall provide for a suspension for a period of not less than one year, or expulsion, for a student who is determined to have brought a weapon to school, including but not limited to the school playground or the school

parking lot, brought a weapon on a school bus or brought a weapon to a school activity whether on or off of the school property in violation of district policy, except that:

(1) The superintendent or, in a school district with no high school, the principal of the school which such child attends may modify such suspension on a case-by-case basis; and

(2) This section shall not prevent the school district from providing educational services in an alternative setting to a student suspended under the provisions of this section.

6. For the purpose of this section, the term "weapon" shall mean a firearm as defined under 18 U.S.C. 921 and the following items, as defined in section 571.010: a blackjack, a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except that this section shall not be construed to prohibit a school board from adopting a policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for educational purposes so long as the firearm is unloaded. The local board of education shall define weapon in the discipline policy. Such definition shall include the weapons defined in this subsection but may also include other weapons.

7. All school district personnel responsible for the care and supervision of students are authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any property of the school, on any school bus going to or returning from school, during school-sponsored activities, or during intermission or recess periods.

8. Teachers and other authorized district personnel in public schools responsible for the care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by the school district, shall not be civilly liable when acting in conformity with the established policies developed by each board, including but not limited to policies of student discipline or when reporting to his or her supervisor or other person as mandated by state law acts of school violence or threatened acts of school violence, within the course and scope of the duties of the teacher, authorized district personnel or volunteer, when such individual is acting in conformity with the established policies developed by the board. Nothing in this section shall be construed to create a new cause of action against such school district, or to relieve the school district from liability for the negligent acts of such persons.

9. Each school board shall define in its discipline policy acts of violence and any other acts that constitute a serious violation of that policy. "Acts of violence" as defined by school boards shall include but not be limited to exertion of physical force by a student with the intent to do serious bodily harm to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. School districts shall for each student enrolled in the school district compile and maintain records of any serious violation of the district's discipline policy. Such records shall be made available to teachers and other school district employees with a need to know while acting within the scope of their assigned duties, and shall be provided as required in section 167.020 to any school district in which the student subsequently attempts to enroll.

10. Spanking, when administered by certificated personnel and in the presence of a witness who is an employee of the school district, or the use of reasonable force to protect persons or property, when administered by personnel of a school district in a reasonable manner in accordance with the local board of education's written policy of discipline, is not abuse within the meaning of chapter 210. The provisions of sections 210.110 to 210.165 notwithstanding, the children's division shall not have jurisdiction over or investigate any report of alleged child abuse arising out of or related to the use of reasonable force to protect persons or property when administered by personnel of a school district or any spanking administered in a reasonable manner by any certificated school personnel in the presence of a witness who is an employee of the school district pursuant to a written policy of discipline established by the board of education of the school district, as long as no allegation of sexual misconduct arises from the spanking or use of force.

11. If a student reports alleged sexual misconduct on the part of a teacher or other school employee to a person employed in a school facility who is required to report such misconduct to the children's division under section 210.115, such person and the superintendent of the school district shall forward the allegation to the children's division within twenty-four hours of receiving the information. Reports made to the children's division under this subsection shall be investigated by the division in accordance with the provisions of sections 210.145 to 210.153 and shall not be investigated by the school district under subsections 12 to 20 of this section for purposes of determining whether the allegations should or should not be substantiated. The district may investigate the allegations for the purpose of making any decision regarding the employment of the accused employee.

12. Upon receipt of any reports of child abuse by the children's division other than reports provided under subsection 11 of this section, pursuant to sections 210.110 to 210.165 which allegedly involve personnel of a school district, the children's division shall notify the superintendent of schools of the district or, if the person named in the alleged incident is the superintendent of schools, the president of the school board of the school district where the alleged incident occurred.

13. If, after an initial investigation, the superintendent of schools or the president of the school board finds that the report involves an alleged incident of child abuse other than the administration of a spanking by certificated school

personnel or the use of reasonable force to protect persons or property when administered by school personnel pursuant to a written policy of discipline or that the report was made for the sole purpose of harassing a public school employee, the superintendent of schools or the president of the school board shall immediately refer the matter back to the children's division and take no further action. In all matters referred back to the children's division, the division shall treat the report in the same manner as other reports of alleged child abuse received by the division.

14. If the report pertains to an alleged incident which arose out of or is related to a spanking administered by certificated personnel or the use of reasonable force to protect persons or property when administered by personnel of a school district pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, a notification of the reported child abuse shall be sent by the superintendent of schools or the president of the school board to the law enforcement in the county in which the alleged incident occurred.

15. The report shall be jointly investigated by the law enforcement officer and the superintendent of schools or, if the subject of the report is the superintendent of schools, by a law enforcement officer and the president of the school board or such president's designee.

16. The investigation shall begin no later than forty-eight hours after notification from the children's division is received, and shall consist of, but need not be limited to, interviewing and recording statements of the child and the child's parents or guardian within two working days after the start of the investigation, of the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident.

17. The law enforcement officer and the investigating school district personnel shall issue separate reports of their findings and recommendations after the conclusion of the investigation to the school board of the school district within seven days after receiving notice from the children's division.

18. The reports shall contain a statement of conclusion as to whether the report of alleged child abuse is substantiated or is unsubstantiated.

19. The school board shall consider the separate reports referred to in subsection 17 of this section and shall issue its findings and conclusions and the action to be taken, if any, within seven days after receiving the last of the two reports. The findings and conclusions shall be made in substantially the following form:

(1) The report of the alleged child abuse is unsubstantiated. The law enforcement officer and the investigating school board personnel agree that there was not a preponderance of evidence to substantiate that abuse occurred;

(2) The report of the alleged child abuse is substantiated. The law enforcement officer and the investigating school district personnel agree that the preponderance of evidence is sufficient to support a finding that the alleged incident of child abuse did occur;

(3) The issue involved in the alleged incident of child abuse is unresolved. The law enforcement officer and the investigating school personnel are unable to agree on their findings and conclusions on the alleged incident.

20. The findings and conclusions of the school board under subsection 19 of this section shall be sent to the children's division. If the findings and conclusions of the school board are that the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the case closed, and no record shall be entered in the children's division central registry. If the findings and conclusions of the school board are that the report of the alleged child abuse is substantiated, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school district and shall include the information in the division's central registry. If the findings and conclusions of the school board are that the issue involved in the alleged incident of child abuse is unresolved, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school board, however, the incident and the names of the parties allegedly involved shall not be entered into the central registry of the children's division unless and until the alleged child abuse is substantiated by a court of competent jurisdiction.

21. Any superintendent of schools, president of a school board or such person's designee or law enforcement officer who knowingly falsifies any report of any matter pursuant to this section or who knowingly withholds any information relative to any investigation or report pursuant to this section is guilty of a class A misdemeanor.

22. In order to ensure the safety of all students, should a student be expelled for bringing a weapon to school, violent behavior, or for an act of school violence, that student shall not, for the purposes of the accreditation process of the Missouri school improvement plan, be considered a dropout or be included in the calculation of that district's educational persistence ratio."; and

"167.115. 1. Notwithstanding any provision of chapter 211 or chapter 610 to the contrary, the juvenile officer, sheriff, chief of police or other appropriate law enforcement authority shall, as soon as reasonably practical, notify the superintendent, or the superintendent's designee, of the school district in which the pupil is enrolled when a petition is filed pursuant to subsection 1 of section 211.031 alleging that the pupil has committed one of the following acts:

(1) First degree murder under section 565.020;

- (2) Second degree murder under section 565.021;
- (3) Kidnapping under section 565.110;
- (4) First degree assault under section 565.050;
- (5) [Forcible] **Rape in the first degree** under section 566.030;
- (6) [Forcible] **Sodomy in the first degree** under section 566.060;
- (7) Burglary in the first degree under section 569.160;
- (8) Robbery in the first degree under section 569.020;
- (9) Distribution of drugs under section 195.211;
- (10) Distribution of drugs to a minor under section 195.212;
- (11) Arson in the first degree under section 569.040;
- (12) Voluntary manslaughter under section 565.023;
- (13) Involuntary manslaughter under section 565.024;
- (14) Second degree assault under section 565.060;
- (15) [Sexual assault] **Rape in the second degree** under section [566.040] **566.031**;
- (16) Felonious restraint under section 565.120;
- (17) Property damage in the first degree under section 569.100;
- (18) The possession of a weapon under chapter 571;
- (19) Child molestation in the first degree pursuant to section 566.067;
- (20) [Deviate sexual assault] **Sodomy in the second degree** pursuant to section [566.070] **566.061**;
- (21) Sexual misconduct involving a child pursuant to section 566.083; or
- (22) Sexual abuse **in the first degree** pursuant to section 566.100.

2. The notification shall be made orally or in writing, in a timely manner, no later than five days following the filing of the petition. If the report is made orally, written notice shall follow in a timely manner. The notification shall include a complete description of the conduct the pupil is alleged to have committed and the dates the conduct occurred but shall not include the name of any victim. Upon the disposition of any such case, the juvenile office or prosecuting attorney or their designee shall send a second notification to the superintendent providing the disposition of the case, including a brief summary of the relevant finding of facts, no later than five days following the disposition of the case.

3. The superintendent or the designee of the superintendent shall report such information to teachers and other school district employees with a need to know while acting within the scope of their assigned duties. Any information received by school district officials pursuant to this section shall be received in confidence and used for the limited purpose of assuring that good order and discipline is maintained in the school. This information shall not be used as the sole basis for not providing educational services to a public school pupil.

4. The superintendent shall notify the appropriate division of the juvenile or family court upon any pupil's suspension for more than ten days or expulsion of any pupil that the school district is aware is under the jurisdiction of the court.

5. The superintendent or the superintendent's designee may be called to serve in a consultant capacity at any dispositional proceedings pursuant to section 211.031 which may involve reference to a pupil's academic treatment plan.

6. Upon the transfer of any pupil described in this section to any other school district in this state, the superintendent or the superintendent's designee shall forward the written notification given to the superintendent pursuant to subsection 2 of this section to the superintendent of the new school district in which the pupil has enrolled. Such written notification shall be required again in the event of any subsequent transfer by the pupil.

7. As used in this section, the terms "school" and "school district" shall include any charter, private or parochial school or school district, and the term "superintendent" shall include the principal or equivalent chief school officer in the cases of charter, private or parochial schools.

8. The superintendent or the designee of the superintendent or other school employee who, in good faith, reports information in accordance with the terms of this section and section 160.261 shall not be civilly liable for providing such information."; and

"167.171. 1. The school board in any district, by general rule and for the causes provided in section 167.161, may authorize the summary suspension of pupils by principals of schools for a period not to exceed ten school days and by the superintendent of schools for a period not to exceed one hundred and eighty school days. In case of a suspension by the superintendent for more than ten school days, the pupil, the pupil's parents or others having such pupil's custodial care may appeal the decision of the superintendent to the board or to a committee of board members appointed by the president of the board which shall have full authority to act in lieu of the board. Any suspension by a principal shall be immediately reported to the superintendent who may revoke the suspension at any time. In event of an appeal to the board, the superintendent shall promptly transmit to it a full report in writing of the facts relating to the suspension, the

action taken by the superintendent and the reasons therefor and the board, upon request, shall grant a hearing to the appealing party to be conducted as provided in section 167.161.

2. No pupil shall be suspended unless:

- (1) The pupil shall be given oral or written notice of the charges against such pupil;
- (2) If the pupil denies the charges, such pupil shall be given an oral or written explanation of the facts which form the basis of the proposed suspension;
- (3) The pupil shall be given an opportunity to present such pupil's version of the incident; and
- (4) In the event of a suspension for more than ten school days, where the pupil gives notice that such pupil wishes to appeal the suspension to the board, the suspension shall be stayed until the board renders its decision, unless in the judgment of the superintendent of schools, or of the district superintendent, the pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, in which case the pupil may be immediately removed from school, and the notice and hearing shall follow as soon as practicable.

3. No school board shall readmit or enroll a pupil properly suspended for more than ten consecutive school days for an act of school violence as defined in subsection 2 of section 160.261 regardless of whether or not such act was committed at a public school or at a private school in this state, provided that such act shall have resulted in the suspension or expulsion of such pupil in the case of a private school, or otherwise permit such pupil to attend school without first holding a conference to review the conduct that resulted in the expulsion or suspension and any remedial actions needed to prevent any future occurrences of such or related conduct. The conference shall include the appropriate school officials including any teacher employed in that school or district directly involved with the conduct that resulted in the suspension or expulsion, the pupil, the parent or guardian of the pupil or any agency having legal jurisdiction, care, custody or control of the pupil. The school board shall notify in writing the parents or guardians and all other parties of the time, place, and agenda of any such conference. Failure of any party to attend this conference shall not preclude holding the conference. Notwithstanding any provision of this subsection to the contrary, no pupil shall be readmitted or enrolled to a regular program of instruction if:

- (1) Such pupil has been convicted of; or
- (2) An indictment or information has been filed alleging that the pupil has committed one of the acts enumerated in subdivision (4) of this subsection to which there has been no final judgment; or
- (3) A petition has been filed pursuant to section 211.091 alleging that the pupil has committed one of the acts enumerated in subdivision (4) of this subsection to which there has been no final judgment; or
- (4) The pupil has been adjudicated to have committed an act which if committed by an adult would be one of the following:

- (a) First degree murder under section 565.020;
- (b) Second degree murder under section 565.021;
- (c) First degree assault under section 565.050;
- (d) [Forcible] Rape **in the first degree** under section 566.030;
- (e) [Forcible] Sodomy **in the first degree** under section 566.060;
- (f) Statutory rape under section 566.032;
- (g) Statutory sodomy under section 566.062;
- (h) Robbery in the first degree under section 569.020;
- (i) Distribution of drugs to a minor under section 195.212;
- (j) Arson in the first degree under section 569.040;
- (k) Kidnapping, when classified as a class A felony under section 565.110. Nothing in this subsection shall prohibit the readmittance or enrollment of any pupil if a petition has been dismissed, or when a pupil has been acquitted or adjudicated not to have committed any of the above acts. This subsection shall not apply to a student with a disability, as identified under state eligibility criteria, who is convicted or adjudicated guilty as a result of an action related to the student's disability. Nothing in this subsection shall be construed to prohibit a school district which provides an alternative education program from enrolling a pupil in an alternative education program if the district determines such enrollment is appropriate.

4. If a pupil is attempting to enroll in a school district during a suspension or expulsion from another in-state or out-of-state school district including a private, charter or parochial school or school district, a conference with the superintendent or the superintendent's designee may be held at the request of the parent, court-appointed legal guardian, someone acting as a parent as defined by rule in the case of a special education student, or the pupil to consider if the conduct of the pupil would have resulted in a suspension or expulsion in the district in which the pupil is enrolling. Upon a determination by the superintendent or the superintendent's designee that such conduct would have resulted in a suspension or expulsion in the district in which the pupil is enrolling or attempting to enroll, the school district may make such suspension or expulsion from another school or district effective in the district in which the pupil is enrolling or

attempting to enroll. Upon a determination by the superintendent or the superintendent's designee that such conduct would not have resulted in a suspension or expulsion in the district in which the student is enrolling or attempting to enroll, the school district shall not make such suspension or expulsion effective in its district in which the student is enrolling or attempting to enroll."; and

"168.071. 1. The state board of education may refuse to issue or renew a certificate, or may, upon hearing, discipline the holder of a certificate of license to teach for the following causes:

(1) A certificate holder or applicant for a certificate has pleaded to or been found guilty of a felony or crime involving moral turpitude under the laws of this state, any other state, of the United States, or any other country, whether or not sentence is imposed;

(2) The certification was obtained through use of fraud, deception, misrepresentation or bribery;

(3) There is evidence of incompetence, immorality, or neglect of duty by the certificate holder;

(4) A certificate holder has been subject to disciplinary action relating to certification issued by another state, territory, federal agency, or country upon grounds for which discipline is authorized in this section; or

(5) If charges are filed by the local board of education, based upon the annulling of a written contract with the local board of education, for reasons other than election to the general assembly, without the consent of the majority of the members of the board that is a party to the contract.

2. A public school district may file charges seeking the discipline of a holder of a certificate of license to teach based upon any cause or combination of causes outlined in subsection 1 of this section, including annulment of a written contract. Charges shall be in writing, specify the basis for the charges, and be signed by the chief administrative officer of the district, or by the president of the board of education as authorized by a majority of the board of education. The board of education may also petition the office of the attorney general to file charges on behalf of the school district for any cause other than annulment of contract, with acceptance of the petition at the discretion of the attorney general.

3. The department of elementary and secondary education may file charges seeking the discipline of a holder of a certificate of license to teach based upon any cause or combination of causes outlined in subsection 1 of this section, other than annulment of contract. Charges shall be in writing, specify the basis for the charges, and be signed by legal counsel representing the department of elementary and secondary education.

4. If the underlying conduct or actions which are the basis for charges filed pursuant to this section are also the subject of a pending criminal charge against the person holding such certificate, the certificate holder may request, in writing, a delayed hearing on advice of counsel under the fifth amendment of the Constitution of the United States. Based upon such a request, no hearing shall be held until after a trial has been completed on this criminal charge.

5. The certificate holder shall be given not less than thirty days' notice of any hearing held pursuant to this section.

6. Other provisions of this section notwithstanding, the certificate of license to teach shall be revoked or, in the case of an applicant, a certificate shall not be issued, if the certificate holder or applicant has pleaded guilty to or been found guilty of any of the following offenses established pursuant to Missouri law or offenses of a similar nature established under the laws of any other state or of the United States, or any other country, whether or not the sentence is imposed:

(1) Any dangerous felony as defined in section 556.061, or murder in the first degree under section 565.020;

(2) Any of the following sexual offenses: rape **in the first degree** under section 566.030; statutory rape in the first degree under section 566.032; statutory rape in the second degree under section 566.034; [sexual assault] **rape in the second degree** under section [566.040] **566.031**; [forcible] sodomy **in the first degree** under section 566.060; statutory sodomy in the first degree under section 566.062; statutory sodomy in the second degree under section 566.064; child molestation in the first degree under section 566.067; child molestation in the second degree under section 566.068; [deviate sexual assault] **sodomy in the second degree** under section [566.070] **566.061**; sexual misconduct involving a child under section 566.083; sexual contact with a student while on public school property under section 566.086; [sexual misconduct in the first degree under section 566.090;] sexual misconduct in the [second] **first degree** under section 566.093; sexual misconduct in the [third] **second degree** under section 566.095; sexual abuse **in the first degree** under section 566.100; **sexual abuse in the second degree under section 566.101**; enticement of a child under section 566.151; or attempting to entice a child;

(3) Any of the following offenses against the family and related offenses: incest under section 568.020; abandonment of child in the first degree under section 568.030; abandonment of child in the second degree under section 568.032; endangering the welfare of a child in the first degree under section 568.045; abuse of a child under section 568.060; child used in a sexual performance under section 568.080; promoting sexual performance by a child under section 568.090; or trafficking in children under section 568.175; and

(4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree under section 573.020; promoting obscenity in the second degree when the penalty is enhanced to a class D felony under section 573.030; promoting child pornography in the first degree under section 573.025; promoting child pornography in the second degree under section 573.035; possession of child pornography under section 573.037; furnishing pornographic materials to minors under section 573.040; or coercing acceptance of obscene material under section 573.065.

7. When a certificate holder pleads guilty or is found guilty of any offense that would authorize the state board of education to seek discipline against that holder's certificate of license to teach, the local board of education or the department of elementary and secondary education shall immediately provide written notice to the state board of education and the attorney general regarding the plea of guilty or finding of guilty.

8. The certificate holder whose certificate was revoked pursuant to subsection 6 of this section may appeal such revocation to the state board of education. Notice of this appeal must be received by the commissioner of education within ninety days of notice of revocation pursuant to this subsection. Failure of the certificate holder to notify the commissioner of the intent to appeal waives all rights to appeal the revocation. Upon notice of the certificate holder's intent to appeal, an appeal hearing shall be held by a hearing officer designated by the commissioner of education, with the final decision made by the state board of education, based upon the record of that hearing. The certificate holder shall be given not less than thirty days' notice of the hearing, and an opportunity to be heard by the hearing officer, together with witnesses.

9. In the case of any certificate holder who has surrendered or failed to renew his or her certificate of license to teach, the state board of education may refuse to issue or renew, or may suspend or revoke, such certificate for any of the reasons contained in this section.

10. In those cases where the charges filed pursuant to this section are based upon an allegation of misconduct involving a minor child, the hearing officer may accept into the record the sworn testimony of the minor child relating to the misconduct received in any court or administrative hearing.

11. Hearings, appeals or other matters involving certificate holders, licensees or applicants pursuant to this section may be informally resolved by consent agreement or agreed settlement or voluntary surrender of the certificate of license pursuant to the rules promulgated by the state board of education.

12. The final decision of the state board of education is subject to judicial review pursuant to sections 536.100 to 536.140.

13. A certificate of license to teach to an individual who has been convicted of a felony or crime involving moral turpitude, whether or not sentence is imposed, shall be issued only upon motion of the state board of education adopted by a unanimous affirmative vote of those members present and voting."; and

"188.023. Any licensed health care professional who delivers a baby or performs an abortion, who has prima facie evidence that a patient has been the victim of statutory rape in the first degree or statutory rape in the second degree, or if the patient is under the age of eighteen, that he or she has been a victim of sexual abuse, including [forcible rape, sexual assault] **rape in the first or second degree**, or incest, shall be required to report such offenses in the same manner as provided for by section 210.115."; and

"211.071. 1. If a petition alleges that a child between the ages of twelve and seventeen has committed an offense which would be considered a felony if committed by an adult, the court may, upon its own motion or upon motion by the juvenile officer, the child or the child's custodian, order a hearing and may, in its discretion, dismiss the petition and such child may be transferred to the court of general jurisdiction and prosecuted under the general law; except that if a petition alleges that any child has committed an offense which would be considered first degree murder under section 565.020, second degree murder under section 565.021, first degree assault under section 565.050, [forcible] **rape in the first degree** under section 566.030, [forcible] **sodomy in the first degree** under section 566.060, first degree robbery under section 569.020, or distribution of drugs under section 195.211, or has committed two or more prior unrelated offenses which would be felonies if committed by an adult, the court shall order a hearing, and may in its discretion, dismiss the petition and transfer the child to a court of general jurisdiction for prosecution under the general law.

2. Upon apprehension and arrest, jurisdiction over the criminal offense allegedly committed by any person between seventeen and twenty-one years of age over whom the juvenile court has retained continuing jurisdiction shall automatically terminate and that offense shall be dealt with in the court of general jurisdiction as provided in section 211.041.

3. Knowing and willful age misrepresentation by a juvenile subject shall not affect any action or proceeding which occurs based upon the misrepresentation. Any evidence obtained during the period of time in which a child

misrepresents his or her age may be used against the child and will be subject only to rules of evidence applicable in adult proceedings.

4. Written notification of a transfer hearing shall be given to the juvenile and his or her custodian in the same manner as provided in sections 211.101 and 211.111. Notice of the hearing may be waived by the custodian. Notice shall contain a statement that the purpose of the hearing is to determine whether the child is a proper subject to be dealt with under the provisions of this chapter, and that if the court finds that the child is not a proper subject to be dealt with under the provisions of this chapter, the petition will be dismissed to allow for prosecution of the child under the general law.

5. The juvenile officer may consult with the office of prosecuting attorney concerning any offense for which the child could be certified as an adult under this section. The prosecuting or circuit attorney shall have access to police reports, reports of the juvenile or deputy juvenile officer, statements of witnesses and all other records or reports relating to the offense alleged to have been committed by the child. The prosecuting or circuit attorney shall have access to the disposition records of the child when the child has been adjudicated pursuant to subdivision (3) of subsection 1 of section 211.031. The prosecuting attorney shall not divulge any information regarding the child and the offense until the juvenile court at a judicial hearing has determined that the child is not a proper subject to be dealt with under the provisions of this chapter.

6. A written report shall be prepared in accordance with this chapter developing fully all available information relevant to the criteria which shall be considered by the court in determining whether the child is a proper subject to be dealt with under the provisions of this chapter and whether there are reasonable prospects of rehabilitation within the juvenile justice system. These criteria shall include but not be limited to:

- (1) The seriousness of the offense alleged and whether the protection of the community requires transfer to the court of general jurisdiction;
- (2) Whether the offense alleged involved viciousness, force and violence;
- (3) Whether the offense alleged was against persons or property with greater weight being given to the offense against persons, especially if personal injury resulted;
- (4) Whether the offense alleged is a part of a repetitive pattern of offenses which indicates that the child may be beyond rehabilitation under the juvenile code;
- (5) The record and history of the child, including experience with the juvenile justice system, other courts, supervision, commitments to juvenile institutions and other placements;
- (6) The sophistication and maturity of the child as determined by consideration of his home and environmental situation, emotional condition and pattern of living;
- (7) The age of the child;
- (8) The program and facilities available to the juvenile court in considering disposition;
- (9) Whether or not the child can benefit from the treatment or rehabilitative programs available to the juvenile court; and
- (10) Racial disparity in certification.

7. If the court dismisses the petition to permit the child to be prosecuted under the general law, the court shall enter a dismissal order containing:

- (1) Findings showing that the court had jurisdiction of the cause and of the parties;
- (2) Findings showing that the child was represented by counsel;
- (3) Findings showing that the hearing was held in the presence of the child and his counsel; and
- (4) Findings showing the reasons underlying the court's decision to transfer jurisdiction.

8. A copy of the petition and order of the dismissal shall be sent to the prosecuting attorney.

9. When a petition has been dismissed thereby permitting a child to be prosecuted under the general law, the jurisdiction of the juvenile court over that child is forever terminated, except as provided in subsection 10 of this section, for an act that would be a violation of a state law or municipal ordinance.

10. If a petition has been dismissed thereby permitting a child to be prosecuted under the general law and the child is found not guilty by a court of general jurisdiction, the juvenile court shall have jurisdiction over any later offense committed by that child which would be considered a misdemeanor or felony if committed by an adult, subject to the certification provisions of this section.

11. If the court does not dismiss the petition to permit the child to be prosecuted under the general law, it shall set a date for the hearing upon the petition as provided in section 211.171."; and

"211.447. 1. Any information that could justify the filing of a petition to terminate parental rights may be referred to the juvenile officer by any person. The juvenile officer shall make a preliminary inquiry and if it does not appear to the juvenile officer that a petition should be filed, such officer shall so notify the informant in writing within

thirty days of the referral. Such notification shall include the reasons that the petition will not be filed. Thereupon, the informant may bring the matter directly to the attention of the judge of the juvenile court by presenting the information in writing, and if it appears to the judge that the information could justify the filing of a petition, the judge may order the juvenile officer to take further action, including making a further preliminary inquiry or filing a petition.

2. Except as provided for in subsection 4 of this section, a petition to terminate the parental rights of the child's parent or parents shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, when:

(1) Information available to the juvenile officer or the division establishes that the child has been in foster care for at least fifteen of the most recent twenty-two months; or

(2) A court of competent jurisdiction has determined the child to be an abandoned infant. For purposes of this subdivision, an "infant" means any child one year of age or under at the time of filing of the petition. The court may find that an infant has been abandoned if:

(a) The parent has left the child under circumstances that the identity of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child; or

(b) The parent has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so; or

(3) A court of competent jurisdiction has determined that the parent has:

(a) Committed murder of another child of the parent; or

(b) Committed voluntary manslaughter of another child of the parent; or

(c) Aided or abetted, attempted, conspired or solicited to commit such a murder or voluntary manslaughter;

or

(d) Committed a felony assault that resulted in serious bodily injury to the child or to another child of the parent.

3. A termination of parental rights petition shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, within sixty days of the judicial determinations required in subsection 2 of this section, except as provided in subsection 4 of this section. Failure to comply with this requirement shall not deprive the court of jurisdiction to adjudicate a petition for termination of parental rights which is filed outside of sixty days.

4. If grounds exist for termination of parental rights pursuant to subsection 2 of this section, the juvenile officer or the division may, but is not required to, file a petition to terminate the parental rights of the child's parent or parents if:

(1) The child is being cared for by a relative; or

(2) There exists a compelling reason for determining that filing such a petition would not be in the best interest of the child, as documented in the permanency plan which shall be made available for court review; or

(3) The family of the child has not been provided such services as provided for in section 211.183.

5. The juvenile officer or the division may file a petition to terminate the parental rights of the child's parent when it appears that one or more of the following grounds for termination exist:

(1) The child has been abandoned. For purposes of this subdivision a "child" means any child over one year of age at the time of filing of the petition. The court shall find that the child has been abandoned if, for a period of six months or longer:

(a) The parent has left the child under such circumstances that the identity of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child; or

(b) The parent has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so;

(2) The child has been abused or neglected. In determining whether to terminate parental rights pursuant to this subdivision, the court shall consider and make findings on the following conditions or acts of the parent:

(a) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(b) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control of the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control;

(c) A severe act or recurrent acts of physical, emotional or sexual abuse toward the child or any child in the family by the parent, including an act of incest, or by another under circumstances that indicate that the parent knew or should have known that such acts were being committed toward the child or any child in the family; or

(d) Repeated or continuous failure by the parent, although physically or financially able, to provide the child with adequate food, clothing, shelter, or education as defined by law, or other care and control necessary for the child's physical, mental, or emotional health and development. Nothing in this subdivision shall be construed to permit discrimination on the basis of disability or disease;

(3) The child has been under the jurisdiction of the juvenile court for a period of one year, and the court finds that the conditions which led to the assumption of jurisdiction still persist, or conditions of a potentially harmful nature continue to exist, that there is little likelihood that those conditions will be remedied at an early date so that the child can be returned to the parent in the near future, or the continuation of the parent-child relationship greatly diminishes the child's prospects for early integration into a stable and permanent home. In determining whether to terminate parental rights under this subdivision, the court shall consider and make findings on the following:

(a) The terms of a social service plan entered into by the parent and the division and the extent to which the parties have made progress in complying with those terms;

(b) The success or failure of the efforts of the juvenile officer, the division or other agency to aid the parent on a continuing basis in adjusting his circumstances or conduct to provide a proper home for the child;

(c) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(d) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control over the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control; or

(4) The parent has been found guilty or pled guilty to a felony violation of chapter 566 when the child or any child in the family was a victim, or a violation of section 568.020 when the child or any child in the family was a victim. As used in this subdivision, a "child" means any person who was under eighteen years of age at the time of the crime and who resided with such parent or was related within the third degree of consanguinity or affinity to such parent; or

(5) The child was conceived and born as a result of an act of [forcible] **rape in the first degree**. When the biological father has pled guilty to, or is convicted of, the [forcible] **rape in the first degree** of the birth mother, such a plea or conviction shall be conclusive evidence supporting the termination of the biological father's parental rights; or

(6) The parent is unfit to be a party to the parent and child relationship because of a consistent pattern of committing a specific abuse, including but not limited to abuses as defined in section 455.010, child abuse or drug abuse before the child or of specific conditions directly relating to the parent and child relationship either of which are determined by the court to be of a duration or nature that renders the parent unable, for the reasonably foreseeable future, to care appropriately for the ongoing physical, mental or emotional needs of the child. It is presumed that a parent is unfit to be a party to the parent-child relationship upon a showing that within a three-year period immediately prior to the termination adjudication, the parent's parental rights to one or more other children were involuntarily terminated pursuant to subsection 2 or 4 of this section or subdivisions (1), (2), (3) or (4) of subsection 5 of this section or similar laws of other states.

6. The juvenile court may terminate the rights of a parent to a child upon a petition filed by the juvenile officer or the division, or in adoption cases, by a prospective parent, if the court finds that the termination is in the best interest of the child and when it appears by clear, cogent and convincing evidence that grounds exist for termination pursuant to subsection 2, 4 or 5 of this section.

7. When considering whether to terminate the parent-child relationship pursuant to subsection 2 or 4 of this section or subdivision (1), (2), (3) or (4) of subsection 5 of this section, the court shall evaluate and make findings on the following factors, when appropriate and applicable to the case:

(1) The emotional ties to the birth parent;

(2) The extent to which the parent has maintained regular visitation or other contact with the child;

(3) The extent of payment by the parent for the cost of care and maintenance of the child when financially able to do so including the time that the child is in the custody of the division or other child-placing agency;

(4) Whether additional services would be likely to bring about lasting parental adjustment enabling a return of the child to the parent within an ascertainable period of time;

(5) The parent's disinterest in or lack of commitment to the child;

(6) The conviction of the parent of a felony offense that the court finds is of such a nature that the child will be deprived of a stable home for a period of years; provided, however, that incarceration in and of itself shall not be grounds for termination of parental rights;

(7) Deliberate acts of the parent or acts of another of which the parent knew or should have known that subjects the child to a substantial risk of physical or mental harm.

8. The court may attach little or no weight to infrequent visitations, communications, or contributions. It is irrelevant in a termination proceeding that the maintenance of the parent-child relationship may serve as an inducement for the parent's rehabilitation.

9. In actions for adoption pursuant to chapter 453, the court may hear and determine the issues raised in a petition for adoption containing a prayer for termination of parental rights filed with the same effect as a petition permitted pursuant to subsection 2, 4, or 5 of this section.

10. The disability or disease of a parent shall not constitute a basis for a determination that a child is a child in need of care, for the removal of custody of a child from the parent, or for the termination of parental rights without a specific showing that there is a causal relation between the disability or disease and harm to the child."; and

"217.010. As used in this chapter and chapter 558, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Administrative segregation unit", a cell for the segregation of offenders from the general population of a facility for relatively extensive periods of time;

(2) "Board", the board of probation and parole;

(3) "Chief administrative officer", the institutional head of any correctional facility or his designee;

(4) "Correctional center", any premises or institution where incarceration, evaluation, care, treatment, or rehabilitation is provided to persons who are under the department's authority;

(5) "Department", the department of corrections of the state of Missouri;

(6) "Director", the director of the department of corrections or his designee;

(7) "Disciplinary segregation", a cell for the segregation of offenders from the general population of a correctional center because the offender has been found to have committed a violation of a division or facility rule and other available means are inadequate to regulate the offender's behavior;

(8) "Division", a statutorily created agency within the department or an agency created by the departmental organizational plan;

(9) "Division director", the director of a division of the department or his designee;

(10) "Local volunteer community board", a board of qualified local community volunteers selected by the court for the purpose of working in partnership with the court and the department of corrections in a reparative probation program;

(11) "Nonviolent offender", any offender who is convicted of a crime other than murder in the first or second degree, involuntary manslaughter, kidnapping, [forcible] rape **in the first degree**, [forcible] sodomy **in the first degree**, robbery in the first degree or assault in the first degree;

(12) "Offender", a person under supervision or an inmate in the custody of the department;

(13) "Probation", a procedure under which a defendant found guilty of a crime upon verdict or plea is released by the court without imprisonment, subject to conditions imposed by the court and subject to the supervision of the board;

(14) "Volunteer", any person who, of his own free will, performs any assigned duties for the department or its divisions with no monetary or material compensation."; and

"339.100. 1. The commission may, upon its own motion, and shall upon receipt of a written complaint filed by any person, investigate any real estate-related activity of a licensee licensed under sections 339.010 to 339.180 and sections 339.710 to 339.860 or an individual or entity acting as or representing themselves as a real estate licensee. In conducting such investigation, if the questioned activity or written complaint involves an affiliated licensee, the commission may forward a copy of the information received to the affiliated licensee's designated broker. The commission shall have the power to hold an investigatory hearing to determine whether there is a probability of a violation of sections 339.010 to 339.180 and sections 339.710 to 339.860. The commission shall have the power to issue a subpoena to compel the production of records and papers bearing on the complaint. The commission shall have the power to issue a subpoena and to compel any person in this state to come before the commission to offer testimony or any material specified in the subpoena. Subpoenas and subpoenas duces tecum issued pursuant to this section shall be served in the same manner as subpoenas in a criminal case. The fees and mileage of witnesses shall be the same as that allowed in the circuit court in civil cases.

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by the provisions of chapter 621 against any person or entity licensed under this chapter or any licensee who has failed to renew or has surrendered his or her individual or entity license for any one or any combination of the following acts:

(1) Failure to maintain and deposit in a special account, separate and apart from his or her personal or other business accounts, all moneys belonging to others entrusted to him or her while acting as a real estate broker or as the

temporary custodian of the funds of others, until the transaction involved is consummated or terminated, unless all parties having an interest in the funds have agreed otherwise in writing;

(2) Making substantial misrepresentations or false promises or suppression, concealment or omission of material facts in the conduct of his or her business or pursuing a flagrant and continued course of misrepresentation through agents, salespersons, advertising or otherwise in any transaction;

(3) Failing within a reasonable time to account for or to remit any moneys, valuable documents or other property, coming into his or her possession, which belongs to others;

(4) Representing to any lender, guaranteeing agency, or any other interested party, either verbally or through the preparation of false documents, an amount in excess of the true and actual sale price of the real estate or terms differing from those actually agreed upon;

(5) Failure to timely deliver a duplicate original of any and all instruments to any party or parties executing the same where the instruments have been prepared by the licensee or under his or her supervision or are within his or her control, including, but not limited to, the instruments relating to the employment of the licensee or to any matter pertaining to the consummation of a lease, listing agreement or the purchase, sale, exchange or lease of property, or any type of real estate transaction in which he or she may participate as a licensee;

(6) Acting for more than one party in a transaction without the knowledge of all parties for whom he or she acts, or accepting a commission or valuable consideration for services from more than one party in a real estate transaction without the knowledge of all parties to the transaction;

(7) Paying a commission or valuable consideration to any person for acts or services performed in violation of sections 339.010 to 339.180 and sections 339.710 to 339.860;

(8) Guaranteeing or having authorized or permitted any licensee to guarantee future profits which may result from the resale of real property;

(9) Having been finally adjudicated and been found guilty of the violation of any state or federal statute which governs the sale or rental of real property or the conduct of the real estate business as defined in subsection 1 of section 339.010;

(10) Obtaining a certificate or registration of authority, permit or license for himself or herself or anyone else by false or fraudulent representation, fraud or deceit;

(11) Representing a real estate broker other than the broker with whom associated without the express written consent of the broker with whom associated;

(12) Accepting a commission or valuable consideration for the performance of any of the acts referred to in section 339.010 from any person except the broker with whom associated at the time the commission or valuable consideration was earned;

(13) Using prizes, money, gifts or other valuable consideration as inducement to secure customers or clients to purchase, lease, sell or list property when the awarding of such prizes, money, gifts or other valuable consideration is conditioned upon the purchase, lease, sale or listing; or soliciting, selling or offering for sale real property by offering free lots, or conducting lotteries or contests, or offering prizes for the purpose of influencing a purchaser or prospective purchaser of real property;

(14) Placing a sign on or advertising any property offering it for sale or rent without the written consent of the owner or his or her duly authorized agent;

(15) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of sections 339.010 to 339.180 and sections 339.710 to 339.860, or of any lawful rule adopted pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860;

(16) Committing any act which would otherwise be grounds for the commission to refuse to issue a license under section 339.040;

(17) Failure to timely inform seller of all written offers unless otherwise instructed in writing by the seller;

(18) Been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of this state or any other state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(19) Any other conduct which constitutes untrustworthy, improper or fraudulent business dealings, demonstrates bad faith or incompetence, misconduct, or gross negligence;

(20) Disciplinary action against the holder of a license or other right to practice any profession regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 granted by another state, territory, federal agency, or country upon grounds for which revocation, suspension, or probation is authorized in this state;

(21) Been found by a court of competent jurisdiction of having used any controlled substance, as defined in chapter 195, to the extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by sections 339.010 to 339.180 and sections 339.710 to 339.860;

(22) Been finally adjudged insane or incompetent by a court of competent jurisdiction;

(23) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 who is not registered and currently eligible to practice under sections 339.010 to 339.180 and sections 339.710 to 339.860;

(24) Use of any advertisement or solicitation which is knowingly false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(25) Making any material misstatement, misrepresentation, or omission with regard to any application for licensure or license renewal. As used in this section, "material" means important information about which the commission should be informed and which may influence a licensing decision;

(26) Engaging in, committing, or assisting any person in engaging in or committing mortgage fraud, as defined in section 443.930.

3. After the filing of such complaint, the proceedings will be conducted in accordance with the provisions of law relating to the administrative hearing commission. A finding of the administrative hearing commissioner that the licensee has performed or attempted to perform one or more of the foregoing acts shall be grounds for the suspension or revocation of his license by the commission, or the placing of the licensee on probation on such terms and conditions as the real estate commission shall deem appropriate, or the imposition of a civil penalty by the commission not to exceed two thousand five hundred dollars for each offense. Each day of a continued violation shall constitute a separate offense.

4. The commission may prepare a digest of the decisions of the administrative hearing commission which concern complaints against licensed brokers or salespersons and cause such digests to be mailed to all licensees periodically. Such digests may also contain reports as to new or changed rules adopted by the commission and other information of significance to licensees.

5. Notwithstanding other provisions of this section, a broker or salesperson's license shall be revoked, or in the case of an applicant, shall not be issued, if the licensee or applicant has pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any of the following offenses or offenses of a similar nature established under the laws of this, any other state, the United States, or any other country, notwithstanding whether sentence is imposed:

(1) Any dangerous felony as defined under section 556.061 or murder in the first degree;

(2) Any of the following sexual offenses: rape **in the first degree**, statutory rape in the first degree, statutory rape in the second degree, [sexual assault, forcible] **rape in the second degree**, sodomy **in the first degree**, statutory sodomy in the first degree, statutory sodomy in the second degree, child molestation in the first degree, child molestation in the second degree, [deviate sexual assault] **sodomy in the second degree**, sexual misconduct involving a child, [sexual misconduct in the first degree,] sexual abuse **in the first or second degree**, enticement of a child, or attempting to entice a child;

(3) Any of the following offenses against the family and related offenses: incest, abandonment of a child in the first degree, abandonment of a child in the second degree, endangering the welfare of a child in the first degree, abuse of a child, using a child in a sexual performance, promoting sexual performance by a child, or trafficking in children;

(4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree, promoting obscenity in the second degree when the penalty is enhanced to a class D felony, promoting child pornography in the first degree, promoting child pornography in the second degree, possession of child pornography in the first degree, possession of child pornography in the second degree, furnishing child pornography to a minor, furnishing pornographic materials to minors, or coercing acceptance of obscene material; and

(5) Mortgage fraud as defined in section 570.310.

6. A person whose license was revoked under subsection 5 of this section may appeal such revocation to the administrative hearing commission. Notice of such appeal must be received by the administrative hearing commission within ninety days of mailing, by certified mail, the notice of revocation. Failure of a person whose license was revoked to notify the administrative hearing commission of his or her intent to appeal waives all rights to appeal the revocation. Upon notice of such person's intent to appeal, a hearing shall be held before the administrative hearing commission."; and

"375.1312. 1. As used in this section, the following terms mean:

(1) "Domestic violence"[], the occurrence of stalking or one or more of the following acts between family or household members:

(a) Attempting to cause or intentionally or knowingly causing bodily injury or physical harm;

(b) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person under circumstances that place the person in reasonable fear of bodily injury or physical harm; or

(c) Knowingly committing forcible rape, sexual assault or forcible sodomy, as defined in chapter 566;

(2) "Family or household member", spouses, former spouses, adults related by blood or marriage, adults who are presently residing together or have resided together in the past and adults who have a child in common regardless of whether they have been married or have resided together at any time] **and "family" or "household member", as such terms are defined in section 455.010;**

[(3)] (2) "Innocent coinsured", an insured who did not cooperate in or contribute to the creation of a property loss and the loss arose out of a pattern of domestic violence;

[(4)] (3) "Sole", a single act or a pattern of domestic violence which may include multiple acts[;

(5) "Stalking", when an adult purposely and repeatedly harasses or follows with the intent of harassing another adult. As used in this subdivision, "harasses" means to engage in a course of conduct directed at a specific adult that serves no legitimate purpose, that would cause a reasonable adult to suffer substantial emotional distress. As used in this subdivision, "course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct"].

2. No insurer shall do any of the following on the sole basis of the status of an insured or prospective insured as a victim of domestic violence:

(1) Deny, cancel or refuse to issue or renew an insurance policy;

(2) Require a greater premium, deductible or any other payment;

(3) Exclude or limit coverage for losses or deny a claim;

(4) Designate domestic violence as a preexisting condition for which coverage will be denied or reduced;

(5) Terminate group coverage solely because of claims relating to the fact that any individual in the group is or has been a victim of domestic violence; or

(6) Fix any lower rate or discriminate in the fees or commissions of an agent for writing or renewing a policy insuring an individual solely because an individual is or has been a victim of domestic violence.

3. The fact that an insured or prospective insured has been a victim of domestic violence shall not be considered a permitted underwriting or rating criterion.

4. Nothing in this section shall prohibit an insurer from taking an action described in subsection 2 of this section if the action is otherwise permissible by law and is taken in the same manner and to the same extent with respect to all insureds and prospective insureds without regard to whether the insured or prospective insured is a victim of domestic violence.

5. If an innocent coinsured files a police report and completes a sworn affidavit for the insurer that indicates both the cause of the loss and a pledge to cooperate in any criminal prosecution of the person committing the act causing the loss, then no insurer shall deny payment to an innocent coinsured on a property loss claim due to any policy provision that excludes coverage for intentional acts. Payment to the innocent coinsured may be limited to such innocent coinsured's ownership interest in the property as reduced by any payment to a mortgagor or other secured interest; however, insurers shall not be required to make any subsequent payment to any other insured for the part of any loss for which the innocent coinsured has received payment. An insurer making payment to an insured shall have all rights of subrogation to recover against the perpetrator of the loss.

6. A violation of this section shall be subject to the provisions of sections 375.930 to 375.948, relating to unfair trade practices."; and

"455.010. As used in this chapter, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Abuse" includes but is not limited to the occurrence of any of the following acts, attempts or threats against a person who may be protected pursuant to this chapter, except abuse shall not include abuse inflicted on a child by accidental means by an adult household member or discipline of a child, including spanking, in a reasonable manner:

(a) "Assault", purposely or knowingly placing or attempting to place another in fear of physical harm;

(b) "Battery", purposely or knowingly causing physical harm to another with or without a deadly weapon;

(c) "Coercion", compelling another by force or threat of force to engage in conduct from which the latter has a right to abstain or to abstain from conduct in which the person has a right to engage;

(d) "Harassment", engaging in a purposeful or knowing course of conduct involving more than one incident that alarms or causes distress to an adult or child and serves no legitimate purpose. The course of conduct must be such as would cause a reasonable adult or child to suffer substantial emotional distress and must actually cause substantial emotional distress to the petitioner or child. Such conduct might include, but is not limited to:

- a. Following another about in a public place or places;
- b. Peering in the window or lingering outside the residence of another; but does not include constitutionally protected activity;
- (e) "Sexual assault", causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, or duress;
- (f) "Unlawful imprisonment", holding, confining, detaining or abducting another person against that person's will;
- (2) "Adult", any person seventeen years of age or older or otherwise emancipated;
- (3) "Child", any person under seventeen years of age unless otherwise emancipated;
- (4) "Court", the circuit or associate circuit judge or a family court commissioner;
- (5) "Domestic violence", abuse or stalking **committed by a family or household member**, as [both] **such** terms are defined in this section;
- (6) "Ex parte order of protection", an order of protection issued by the court before the respondent has received notice of the petition or an opportunity to be heard on it;
- (7) "Family" or "household member", spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether they have been married or have resided together at any time;
- (8) "Full order of protection", an order of protection issued after a hearing on the record where the respondent has received notice of the proceedings and has had an opportunity to be heard;
- (9) "Order of protection", either an ex parte order of protection or a full order of protection;
- (10) "Pending", exists or for which a hearing date has been set;
- (11) "Petitioner", a family or household member who has been a victim of domestic violence, or any person who has been the victim of stalking, or a person filing on behalf of a child pursuant to section 455.503 who has filed a verified petition pursuant to the provisions of section 455.020 or section 455.505;
- (12) "Respondent", the family or household member alleged to have committed an act of domestic violence, or person alleged to have committed an act of stalking, against whom a verified petition has been filed or a person served on behalf of a child pursuant to section 455.503;
- (13) "Stalking" is when any person purposely and repeatedly engages in an unwanted course of conduct that causes alarm to another person when it is reasonable in that person's situation to have been alarmed by the conduct. As used in this subdivision:
 - (a) "Alarm" means to cause fear of danger of physical harm;
 - (b) "Course of conduct" means a pattern of conduct composed of repeated acts over a period of time, however short, that serves no legitimate purpose. Such conduct may include, but is not limited to, following the other person or unwanted communication or unwanted contact; and
 - (c) "Repeated" means two or more incidents evidencing a continuity of purpose.

455.015. The petition shall be filed in the county where the petitioner resides, where the alleged incident of [abuse] **domestic violence** occurred, or where the respondent may be served.

455.020. 1. Any [adult] **person** who has been subject to domestic violence by a present or former family or household member, or who has been the victim of stalking, may seek relief under sections 455.010 to 455.085 by filing a verified petition alleging such domestic violence or stalking by the respondent.

2. [An adult's] **A person's** right to relief under sections 455.010 to 455.085 shall not be affected by [his] **the person** leaving the residence or household to avoid domestic violence.

3. Any protection order issued pursuant to sections 455.010 to 455.085 shall be effective throughout the state in all cities and counties."; and

"455.030. 1. When the court is unavailable after business hours or on holidays or weekends, a verified petition for protection from [abuse] **domestic violence** or a motion for hearing on violation of any order of protection under sections 455.010 to 455.085 may be filed before any available court in the city or county having jurisdiction to hear the petition pursuant to the guidelines developed pursuant to subsection 4 of this section. An ex parte order may be granted pursuant to section 455.035.

2. All papers in connection with the filing of a petition or the granting of an ex parte order of protection or a motion for a hearing on a violation of an order of protection under this section shall be certified by such court or the clerk within the next regular business day to the circuit court having jurisdiction to hear the petition.

3. A petitioner seeking a protection order shall not be required to reveal any current address or place of residence except to the court in camera for the purpose of determining jurisdiction and venue. The petitioner may be required to provide a mailing address unless the petitioner alleges that he or she would be endangered by such disclosure, or that other family or household members would be endangered by such disclosure. Effective January 1, 2004, a petitioner shall not be required to provide his or her Social Security number on any petition or document filed in connection with a protection order; except that, the court may require that a petitioner's Social Security number be retained on a confidential case sheet or other confidential record maintained in conjunction with the administration of the case.

4. The supreme court shall develop guidelines which ensure that a verified petition may be filed on holidays, evenings and weekends.

455.032. In addition to any other jurisdictional grounds provided by law, a court shall have jurisdiction to enter an order of protection restraining or enjoining the respondent from [abusing, threatening to abuse] **committing or threatening to commit domestic violence, stalking**, molesting or disturbing the peace of petitioner, pursuant to sections 455.010 to 455.085, if the petitioner is present, whether permanently or on a temporary basis within the state of Missouri and if the respondent's actions constituting [abuse] **domestic violence** have occurred, have been attempted or have been or are threatened within the state of Missouri. For purposes of this section, if the petitioner has been the subject of [abuse] **domestic violence** within or outside of the state of Missouri, such evidence shall be admissible to demonstrate the need for protection in Missouri.

455.035. 1. Upon the filing of a verified petition pursuant to sections 455.010 to 455.085 and for good cause shown in the petition, the court may immediately issue an ex parte order of protection. An immediate and present danger of [abuse] **domestic violence** to the petitioner **or the child on whose behalf the petition is filed** shall constitute good cause for purposes of this section. An ex parte order of protection entered by the court shall take effect when entered and shall remain in effect until there is valid service of process and a hearing is held on the motion. **The court shall deny the ex parte order and dismiss the petition if the petitioner is not authorized to seek relief pursuant to section 455.020.**

2. Failure to serve an ex parte order of protection on the respondent shall not affect the validity or enforceability of such order. If the respondent is less than seventeen years of age, unless otherwise emancipated, service of process shall be made upon a **custodial** parent or guardian of the respondent, or upon a guardian ad litem appointed by the court, **requiring that the person appear and bring the respondent before the court at the time and place stated.**

3. If an ex parte order is entered and [the allegations in the petition would give rise to jurisdiction under section 211.031 because] the respondent is less than seventeen years of age, the court shall transfer the case to juvenile court for a hearing on a full order of protection. The court shall appoint a guardian ad litem for any such respondent not represented by a parent or guardian."; and

"455.040. 1. Not later than fifteen days after the filing of a petition [pursuant to sections 455.010 to 455.085] **that meets the requirements of section 455.020**, a hearing shall be held unless the court deems, for good cause shown, that a continuance should be granted. At the hearing, if the petitioner has proved the allegation of [abuse] **domestic violence** or stalking by a preponderance of the evidence, the court shall issue a full order of protection for a period of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year. Upon motion by the petitioner, and after a hearing by the court, the full order of protection may be renewed for a period of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year from the expiration date of the originally issued full order of protection. The court may, upon finding that it is in the best interest of the parties, include a provision that any full order of protection for one year shall automatically renew unless the respondent requests a hearing by thirty days prior to the expiration of the order. If for good cause a hearing cannot be held on the motion to renew or the objection to an automatic renewal of the full order of protection prior to the expiration date of the originally issued full order of protection, an ex parte order of protection may be issued until a hearing is held on the motion. When an automatic renewal is not authorized, upon motion by the petitioner, and after a hearing by the court, the second full order of protection may be renewed for an additional period of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year. For purposes of this subsection, a finding by the court of a subsequent act of [abuse] **domestic violence or stalking** is not required for a renewal order of protection.

2. The court shall cause a copy of the petition and notice of the date set for the hearing on such petition and any ex parte order of protection to be served upon the respondent as provided by law or by any sheriff or police officer

at least three days prior to such hearing. [Such notice shall be served at the earliest time, and service of such notice shall take priority over service in other actions, except those of a similar emergency nature.] The court shall cause a copy of any full order of protection to be served upon or mailed by certified mail to the respondent at the respondent's last known address. **Notice of an ex parte or full order of protection shall be served at the earliest time, and service of such notice shall take priority over service in other actions, except those of a similar emergency nature.** Failure to serve or mail a copy of the full order of protection to the respondent shall not affect the validity or enforceability of a full order of protection.

3. A copy of any order of protection granted pursuant to sections 455.010 to 455.085 shall be issued to the petitioner and to the local law enforcement agency in the jurisdiction where the petitioner resides. The clerk shall also issue a copy of any order of protection to the local law enforcement agency responsible for maintaining the Missouri uniform law enforcement system or any other comparable law enforcement system the same day the order is granted. The law enforcement agency responsible for maintaining MULES shall, for purposes of verification, within twenty-four hours from the time the order is granted, enter information contained in the order including but not limited to any orders regarding child custody or visitation and all specifics as to times and dates of custody or visitation that are provided in the order. A notice of expiration or of termination of any order of protection or any change in child custody or visitation within that order shall be issued to the local law enforcement agency and to the law enforcement agency responsible for maintaining MULES or any other comparable law enforcement system. The law enforcement agency responsible for maintaining the applicable law enforcement system shall enter such information in the system within twenty-four hours of receipt of information evidencing such expiration or termination. The information contained in an order of protection may be entered in the Missouri uniform law enforcement system or comparable law enforcement system using a direct automated data transfer from the court automated system to the law enforcement system.

4. The court shall cause a copy of any objection filed by the respondent and notice of the date set for the hearing on such objection to an automatic renewal of a full order of protection for a period of one year to be personally served upon the petitioner by personal process server as provided by law or by a sheriff or police officer at least three days prior to such hearing. Such service of process shall be served at the earliest time and shall take priority over service in other actions except those of a similar emergency nature.

455.045. Any ex parte order of protection granted pursuant to sections 455.010 to 455.085 shall be to protect the petitioner from [abuse] **domestic violence** or stalking and may include:

(1) Restraining the respondent from [abusing, threatening to abuse] **committing or threatening to commit domestic violence**, molesting, stalking or disturbing the peace of the petitioner;

(2) Restraining the respondent from entering the premises of the dwelling unit of petitioner when the dwelling unit is:

(a) Jointly owned, leased or rented or jointly occupied by both parties; or

(b) Owned, leased, rented or occupied by petitioner individually; or

(c) Jointly owned, leased or rented by petitioner and a person other than respondent; provided, however, no spouse shall be denied relief pursuant to this section by reason of the absence of a property interest in the dwelling unit; or

(d) Jointly occupied by the petitioner and a person other than the respondent; provided that the respondent has no property interest in the dwelling unit;

(3) Restraining the respondent from communicating with the petitioner in any manner or through any medium;

(4) A temporary order of custody of minor children where appropriate.

455.050. 1. Any full or ex parte order of protection granted pursuant to sections 455.010 to 455.085 shall be to protect the petitioner from domestic violence and may include such terms as the court reasonably deems necessary to ensure the petitioner's safety, including but not limited to:

(1) Temporarily enjoining the respondent from [abusing, threatening to abuse] **committing or threatening to commit domestic violence**, molesting, stalking or disturbing the peace of the petitioner;

(2) Temporarily enjoining the respondent from entering the premises of the dwelling unit of the petitioner when the dwelling unit is:

(a) Jointly owned, leased or rented or jointly occupied by both parties; or

(b) Owned, leased, rented or occupied by petitioner individually; or

(c) Jointly owned, leased, rented or occupied by petitioner and a person other than respondent; provided, however, no spouse shall be denied relief pursuant to this section by reason of the absence of a property interest in the dwelling unit; or

(d) Jointly occupied by the petitioner and a person other than respondent; provided that the respondent has no property interest in the dwelling unit; or

(3) Temporarily enjoining the respondent from communicating with the petitioner in any manner or through any medium.

2. Mutual orders of protection are prohibited unless both parties have properly filed written petitions and proper service has been made in accordance with sections 455.010 to 455.085.

3. When the court has, after a hearing for any full order of protection, issued an order of protection, it may, in addition:

(1) Award custody of any minor child born to or adopted by the parties when the court has jurisdiction over such child and no prior order regarding custody is pending or has been made, and the best interests of the child require such order be issued;

(2) Establish a visitation schedule that is in the best interests of the child;

(3) Award child support in accordance with supreme court rule 88.01 and chapter 452;

(4) Award maintenance to petitioner when petitioner and respondent are lawfully married in accordance with chapter 452;

(5) Order respondent to make or to continue to make rent or mortgage payments on a residence occupied by the petitioner if the respondent is found to have a duty to support the petitioner or other dependent household members;

(6) Order the respondent to pay the petitioner's rent at a residence other than the one previously shared by the parties if the respondent is found to have a duty to support the petitioner and the petitioner requests alternative housing;

(7) Order that the petitioner be given temporary possession of specified personal property, such as automobiles, checkbooks, keys, and other personal effects;

(8) Prohibit the respondent from transferring, encumbering, or otherwise disposing of specified property mutually owned or leased by the parties;

(9) Order the respondent to participate in a court-approved counseling program designed to help batterers stop violent behavior or to participate in a substance abuse treatment program;

(10) Order the respondent to pay a reasonable fee for housing and other services that have been provided or that are being provided to the petitioner by a shelter for victims of domestic violence;

(11) Order the respondent to pay court costs;

(12) Order the respondent to pay the cost of medical treatment and services that have been provided or that are being provided to the petitioner as a result of injuries sustained to the petitioner by an act of domestic violence committed by the respondent.

4. A verified petition seeking orders for maintenance, support, custody, visitation, payment of rent, payment of monetary compensation, possession of personal property, prohibiting the transfer, encumbrance, or disposal of property, or payment for services of a shelter for victims of domestic violence, shall contain allegations relating to those orders and shall pray for the orders desired.

5. In making an award of custody, the court shall consider all relevant factors including the presumption that the best interests of the child will be served by placing the child in the custody and care of the nonabusive parent, unless there is evidence that both parents have engaged in abusive behavior, in which case the court shall not consider this presumption but may appoint a guardian ad litem or a court-appointed special advocate to represent the children in accordance with chapter 452 and shall consider all other factors in accordance with chapter 452.

6. The court shall grant to the noncustodial parent rights to visitation with any minor child born to or adopted by the parties, unless the court finds, after hearing, that visitation would endanger the child's physical health, impair the child's emotional development or would otherwise conflict with the best interests of the child, or that no visitation can be arranged which would sufficiently protect the custodial parent from further [abuse] **domestic violence**. The court may appoint a guardian ad litem or court-appointed special advocate to represent the minor child in accordance with chapter 452 whenever the custodial parent alleges that visitation with the noncustodial parent will damage the minor child.

7. The court shall make an order requiring the noncustodial party to pay an amount reasonable and necessary for the support of any child to whom the party owes a duty of support when no prior order of support is outstanding and after all relevant factors have been considered, in accordance with Missouri supreme court rule 88.01 and chapter 452.

8. The court may grant a maintenance order to a party for a period of time, not to exceed one hundred eighty days. Any maintenance ordered by the court shall be in accordance with chapter 452."; and

"455.060. 1. After notice and hearing, the court may modify an order of protection at any time, upon subsequent motion filed by the guardian ad litem, the court-appointed special advocate or by either party together with

an affidavit showing a change in circumstances sufficient to warrant the modification. All full orders of protection shall be final orders and appealable and shall be for a fixed period of time as provided in section 455.040.

2. Any order for child support, custody, temporary custody, visitation or maintenance entered under sections 455.010 to 455.085 shall terminate prior to the time fixed in the order upon the issuance of a subsequent order pursuant to chapter 452 or any other Missouri statute.

3. No order entered pursuant to sections 455.010 to 455.085 shall be res judicata to any subsequent proceeding, including, but not limited to, any action brought under chapter 452[, RSMo 1978, as amended].

4. All provisions of an order of protection shall terminate upon entry of a decree of dissolution of marriage or legal separation except as to those provisions which require the respondent to participate in a court-approved counseling program or enjoin the respondent from [abusing, molesting, stalking or disturbing the peace of] **committing an act of domestic violence against** the petitioner and which enjoin the respondent from entering the premises of the dwelling unit of the petitioner as described in the order of protection when the petitioner continues to reside in that dwelling unit unless the respondent is awarded possession of the dwelling unit pursuant to a decree of dissolution of marriage or legal separation.

5. Any order of protection or order for child support, custody, temporary custody, visitation or maintenance entered under sections 455.010 to 455.085 shall terminate upon the order of the court granting a motion to terminate the order of protection by the petitioner. [The court shall set the motion to dismiss for hearing and both parties shall have an opportunity to be heard.] Prior to terminating any order of protection, the court may [examine the circumstances of the motion to dismiss and may] inquire of the petitioner or others **in camera** in order to [assist the court in determining if] **determine whether the** dismissal is voluntary.

6. The order of protection may not change the custody of children when an action for dissolution of marriage has been filed or the custody has previously been awarded by a court of competent jurisdiction."; and

"455.080. 1. Law enforcement agencies may establish procedures to ensure that dispatchers and officers at the scene of an alleged incident of [abuse] **domestic violence or stalking** or violation of an order of protection can be informed of any recorded prior incident of [abuse] **domestic violence or stalking** involving the abused party and can verify the effective dates and terms of any recorded order of protection.

2. The law enforcement agency shall apply the same standard for response to an alleged incident of [abuse] **domestic violence or stalking** or a violation of any order of protection as applied to any like offense involving strangers, except as otherwise provided by law. Law enforcement agencies shall not assign lower priority to calls involving alleged incidents of [abuse] **domestic violence or stalking** or violation of protection orders than is assigned in responding to offenses involving strangers. Existence of any of the following factors shall be interpreted as indicating a need for immediate response:

- (1) The caller indicates that violence is imminent or in progress; or
- (2) A protection order is in effect; or
- (3) The caller indicates that incidents of domestic violence have occurred previously between the parties.

3. Law enforcement agencies may establish domestic crisis teams or, if the agency has fewer than five officers whose responsibility it is to respond to calls of this nature, individual officers trained in methods of dealing with [family and household quarrels] **domestic violence**. Such teams or individuals may be supplemented by social workers, ministers or other persons trained in counseling or crisis intervention. When an alleged incident of [family or household abuse] **domestic violence** is reported, the agency may dispatch a crisis team or specially trained officer, if available, to the scene of the incident.

4. The officer at the scene of an alleged incident of [abuse] **domestic violence or stalking** shall inform the abused party of available judicial remedies for relief from [adult abuse] **domestic violence** and of available shelters for victims of domestic violence.

5. Law enforcement officials at the scene shall provide or arrange transportation for the abused party to a medical facility for treatment of injuries or to a place of shelter or safety."; and

"455.085. 1. When a law enforcement officer has probable cause to believe a party has committed a violation of law amounting to [abuse or assault] **domestic violence**, as defined in section 455.010, against a family or household member, the officer may arrest the offending party whether or not the violation occurred in the presence of the arresting officer. When the officer declines to make arrest pursuant to this subsection, the officer shall make a written report of the incident completely describing the offending party, giving the victim's name, time, address, reason why no arrest was made and any other pertinent information. Any law enforcement officer subsequently called to the same address within a twelve-hour period, who shall find probable cause to believe the same offender has again committed a violation as stated in this subsection against the same or any other family or household member, shall arrest the offending party for

this subsequent offense. The primary report of nonarrest in the preceding twelve-hour period may be considered as evidence of the defendant's intent in the violation for which arrest occurred. The refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.

2. When a law enforcement officer has probable cause to believe that a party, against whom a protective order has been entered and who has notice of such order entered, has committed an act of abuse in violation of such order, the officer shall arrest the offending party-respondent whether or not the violation occurred in the presence of the arresting officer. Refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.

3. When an officer makes an arrest [he], **the officer** is not required to arrest two parties involved in an assault when both parties claim to have been assaulted. The arresting officer shall attempt to identify and shall arrest the party [he] **the officer** believes is the primary physical aggressor. The term "primary physical aggressor" is defined as the most significant, rather than the first, aggressor. The law enforcement officer shall consider any or all of the following in determining the primary physical aggressor:

- (1) The intent of the law to protect victims [of domestic violence] from continuing [abuse] **domestic violence**;
- (2) The comparative extent of injuries inflicted or serious threats creating fear of physical injury;
- (3) The history of domestic violence between the persons involved.

No law enforcement officer investigating an incident of [family] **domestic violence** shall threaten the arrest of all parties for the purpose of discouraging requests or law enforcement intervention by any party. Where complaints are received from two or more opposing parties, the officer shall evaluate each complaint separately to determine whether [he] **the officer** should seek a warrant for an arrest.

4. In an arrest in which a law enforcement officer acted in good faith reliance on this section, the arresting and assisting law enforcement officers and their employing entities and superiors shall be immune from liability in any civil action alleging false arrest, false imprisonment or malicious prosecution.

5. When a person against whom an order of protection has been entered fails to surrender custody of minor children to the person to whom custody was awarded in an order of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor children over to the care and custody of the party to whom such care and custody was awarded.

6. The same procedures, including those designed to protect constitutional rights, shall be applied to the respondent as those applied to any individual detained in police custody.

7. A violation of the terms and conditions, with regard to [abuse] **domestic violence**, stalking, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of an ex parte order of protection of which the respondent has notice, shall be a class A misdemeanor unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior pleas of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict.

8. A violation of the terms and conditions, with regard to [abuse] **domestic violence**, stalking, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of a full order of protection shall be a class A misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior plea of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of the sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict. For the purposes of this subsection, in addition to the notice provided by actual service of the order, a party is deemed to have notice of an order of protection if the law enforcement officer responding to a call of a reported incident of [abuse] **domestic violence, stalking**, or violation of an order of protection presented a copy of the order of protection to the respondent.

9. Good faith attempts to effect a reconciliation of a marriage shall not be deemed tampering with a witness or victim tampering under section 575.270.

10. Nothing in this section shall be interpreted as creating a private cause of action for damages to enforce the provisions set forth herein."; and

"455.503. 1. A petition for an order of protection for a child shall be filed in the county where the child resides, where the alleged incident of [abuse] **domestic violence or stalking** occurred, or where the respondent may be served.

2. Such petition may be filed by any of the following:

- (1) A parent or guardian of the victim;
- (2) A guardian ad litem or court-appointed special advocate appointed for the victim; or
- (3) The juvenile officer."; and

"455.505. 1. An order of protection for a child who has been subject to domestic violence by a present or former [adult] household member or person stalking the child may be sought under sections 455.500 to 455.538 by the filing of a verified petition alleging such domestic violence **or stalking** by the respondent.

2. A child's right to relief under sections 455.500 to 455.538 shall not be affected by [his] **the child's** leaving the residence or household to avoid domestic violence.

3. Any protection order issued pursuant to sections 455.500 to 455.538 shall be effective throughout the state in all cities and counties."; and

"455.513. 1. Upon the filing of a verified petition under sections 455.500 to 455.538, for good cause shown in the petition, and upon finding that no prior order regarding custody is pending or has been made or that the respondent is less than seventeen years of age, the court may immediately issue an ex parte order of protection. An immediate and present danger of [abuse] **domestic violence or stalking** to a child shall constitute good cause for purposes of this section. An ex parte order of protection entered by the court shall be in effect until the time of the hearing. **The court shall deny the ex parte order and dismiss the petition if the petitioner is not authorized to seek relief pursuant to section 455.505.**

2. Upon the entry of the ex parte order of protection, the court shall enter its order appointing a guardian ad litem or court-appointed special advocate to represent the child victim.

3. If the allegations in the petition would give rise to jurisdiction under section 211.031, the court may direct the children's division to conduct an investigation and to provide appropriate services. The division shall submit a written investigative report to the court and to the juvenile officer within thirty days of being ordered to do so. The report shall be made available to the parties and the guardian ad litem or court-appointed special advocate.

4. If [an ex parte order is entered and] the allegations in the petition would give rise to jurisdiction under section 211.031 because the respondent is less than seventeen years of age, the court **may issue an ex parte order and** shall transfer the case to juvenile court for a hearing on a full order of protection. Service of process shall be made pursuant to section 455.035."; and

"455.520. 1. Any ex parte order of protection granted under sections 455.500 to 455.538 shall be to protect the victim from domestic violence **or stalking** and may include such terms as the court reasonably deems necessary to ensure the [petitioner's] **victim's** safety, including but not limited to:

(1) Restraining the respondent from [abusing, threatening to abuse] **committing or threatening to commit domestic violence, stalking**, molesting, or disturbing the peace of the victim;

(2) Restraining the respondent from entering the family home of the victim except as specifically authorized by the court;

(3) Restraining the respondent from communicating with the victim in any manner or through any medium, except as specifically authorized by the court;

(4) A temporary order of custody of minor children.

2. No ex parte order of protection excluding the respondent from the family home shall be issued unless the court finds that:

(1) The order is in the best interests of the child or children remaining in the home;

(2) The verified allegations of domestic violence present a substantial risk to the child or children unless the respondent is excluded; and

(3) A remaining adult family or household member is able to care adequately for the child or children in the absence of the excluded party.

455.523. 1. Any full order of protection granted under sections 455.500 to 455.538 shall be to protect the victim from domestic violence and **stalking** may include such terms as the court reasonably deems necessary to ensure the petitioner's safety, including but not limited to:

- (1) Temporarily enjoining the respondent from [abusing] **committing domestic violence**, threatening to [abuse] **commit domestic violence, stalking**, molesting, or disturbing the peace of the victim;
- (2) Temporarily enjoining the respondent from entering the family home of the victim, except as specifically authorized by the court;
- (3) Temporarily enjoining the respondent from communicating with the victim in any manner or through any medium, except as specifically authorized by the court.

2. When the court has, after hearing for any full order of protection, issued an order of protection, it may, in addition:

- (1) Award custody of any minor child born to or adopted by the parties when the court has jurisdiction over such child and no prior order regarding custody is pending or has been made, and the best interests of the child require such order be issued;
- (2) Award visitation;
- (3) Award child support in accordance with supreme court rule 88.01 and chapter 452;
- (4) Award maintenance to petitioner when petitioner and respondent are lawfully married in accordance with chapter 452;
- (5) Order respondent to make or to continue to make rent or mortgage payments on a residence occupied by the victim if the respondent is found to have a duty to support the victim or other dependent household members;
- (6) Order the respondent to participate in a court-approved counseling program designed to help [child abusers] stop violent behavior or to treat substance abuse;
- (7) Order the respondent to pay, to the extent that he or she is able, the costs of his or her treatment, together with the treatment costs incurred by the victim;
- (8) Order the respondent to pay a reasonable fee for housing and other services that have been provided or that are being provided to the victim by a shelter for victims of domestic violence."; and

"455.538. 1. When a law enforcement officer has probable cause to believe that a party, against whom a protective order for a child has been entered, has committed an act [of abuse] in violation of that order, [he] **the officer** shall have the authority to arrest the respondent whether or not the violation occurred in the presence of the arresting officer.

2. When a person, against whom an order of protection for a child has been entered, fails to surrender custody of minor children to the person to whom custody was awarded in an order of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor children over to the care and custody of the party to whom such care and custody was awarded.

3. The same procedures, including those designed to protect constitutional rights, shall be applied to the respondent as those applied to any individual detained in police custody.

4. (1) Violation of the terms and conditions of an ex parte or full order of protection with regard to [abuse] **domestic violence, stalking**, child custody, communication initiated by the respondent, or entrance upon the premises of the victim's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of which the respondent has notice, shall be a class A misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence of a prior plea of guilty or finding of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of a prior plea of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict.

(2) For purposes of this subsection, in addition to the notice provided by actual service of the order, a party is deemed to have notice of an order of protection for a child if the law enforcement officer responding to a call of a reported incident of [abuse] **domestic violence or stalking** or violation of an order of protection for a child presents a copy of the order of protection to the respondent.

5. The fact that an act by a respondent is a violation of a valid order of protection for a child shall not preclude prosecution of the respondent for other crimes arising out of the incident in which the protection order is alleged to have been violated."; and

"527.290. 1. Public notice of such a change of name shall be given at least three times in a newspaper published in the county where such person is residing, within twenty days after the order of court is made, and if no newspaper is published in [his] **the person's** or any adjacent county, then such notice shall be given in a newspaper published in the City of St. Louis, or at the seat of government.

2. Public notice of such name change through publication as required in subsection 1 of this section shall not be required, **and any system operated by the judiciary that is designed to provide public case information electronically shall not post the name change**, if the petitioner is:

- (1) The victim of a crime, the underlying factual basis of which is found by the court on the record to include an act of domestic violence, as defined in section 455.010;
- (2) The victim of child abuse, as defined in section 210.110; or
- (3) The victim of [abuse] **domestic violence** by a family or household member, as defined in section 455.010."; and

"556.036. 1. A prosecution for murder, [forcible] rape **in the first degree**, attempted [forcible] rape **in the first degree**, [forcible] sodomy **in the first degree**, attempted [forcible] sodomy **in the first degree**, or any class A felony may be commenced at any time.

2. Except as otherwise provided in this section, prosecutions for other offenses must be commenced within the following periods of limitation:

- (1) For any felony, three years, except as provided in subdivision (4) of this subsection;
- (2) For any misdemeanor, one year;
- (3) For any infraction, six months;
- (4) For any violation of section 569.040, when classified as a class B felony, or any violation of section 569.050 or 569.055, five years.

3. If the period prescribed in subsection 2 of this section has expired, a prosecution may nevertheless be commenced for:

(1) Any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself or herself not a party to the offense, but in no case shall this provision extend the period of limitation by more than three years. As used in this subdivision, the term "person who has a legal duty to represent an aggrieved party" shall mean the attorney general or the prosecuting or circuit attorney having jurisdiction pursuant to section 407.553, for purposes of offenses committed pursuant to sections 407.511 to 407.556; and

(2) Any offense based upon misconduct in office by a public officer or employee at any time when the defendant is in public office or employment or within two years thereafter, but in no case shall this provision extend the period of limitation by more than three years; and

(3) Any offense based upon an intentional and willful fraudulent claim of child support arrearage to a public servant in the performance of his or her duties within one year after discovery of the offense, but in no case shall this provision extend the period of limitation by more than three years.

4. An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed.

5. A prosecution is commenced for a misdemeanor or infraction when the information is filed and for a felony when the complaint or indictment is filed.

6. The period of limitation does not run:

(1) During any time when the accused is absent from the state, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years; or

(2) During any time when the accused is concealing himself from justice either within or without this state; or

(3) During any time when a prosecution against the accused for the offense is pending in this state; or

(4) During any time when the accused is found to lack mental fitness to proceed pursuant to section 552.020.

556.037. Notwithstanding the provisions of section 556.036, prosecutions for unlawful sexual offenses involving a person eighteen years of age or under must be commenced within thirty years after the victim reaches the age of eighteen unless the prosecutions are for [forcible] rape **in the first degree**, attempted [forcible] rape **in the first degree**, [forcible] sodomy **in the first degree**, kidnapping, or attempted [forcible] sodomy **in the first degree** in which case such prosecutions may be commenced at any time."; and

- (1) "Affirmative defense" has the meaning specified in section 556.056;
- (2) "Burden of injecting the issue" has the meaning specified in section 556.051;
- (3) "Commercial film and photographic print processor", any person who develops exposed photographic film into negatives, slides or prints, or who makes prints from negatives or slides, for compensation. The term commercial film and photographic print processor shall include all employees of such persons but shall not include a person who develops film or makes prints for a public agency;
- (4) "Confinement":
 - (a) A person is in confinement when such person is held in a place of confinement pursuant to arrest or order of a court, and remains in confinement until:
 - a. A court orders the person's release; or
 - b. The person is released on bail, bond, or recognizance, personal or otherwise; or
 - c. A public servant having the legal power and duty to confine the person authorizes his release without guard and without condition that he return to confinement;
 - (b) A person is not in confinement if:
 - a. The person is on probation or parole, temporary or otherwise; or
 - b. The person is under sentence to serve a term of confinement which is not continuous, or is serving a sentence under a work-release program, and in either such case is not being held in a place of confinement or is not being held under guard by a person having the legal power and duty to transport the person to or from a place of confinement;
- (5) "Consent": consent or lack of consent may be expressed or implied. Assent does not constitute consent if:
 - (a) It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or
 - (b) It is given by a person who by reason of youth, mental disease or defect, [or] intoxication, **a drug-induced state, or any other reason** is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or
 - (c) It is induced by force, duress or deception;
- (6) "Criminal negligence" has the meaning specified in section 562.016;
- (7) "Custody", a person is in custody when the person has been arrested but has not been delivered to a place of confinement;
- (8) "Dangerous felony" means the felonies of arson in the first degree, assault in the first degree, attempted [forcible] rape **in the first degree** if physical injury results, attempted [forcible] sodomy **in the first degree** if physical injury results, [forcible] rape **in the first degree**, [forcible] sodomy **in the first degree**, kidnapping, murder in the second degree, assault of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, statutory rape in the first degree [when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense], statutory sodomy in the first degree [when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense], and, abuse of a child [pursuant to subdivision (2) of subsection 3 of] **if the child dies as a result of injuries sustained from conduct chargeable under** section 568.060, child kidnapping, and parental kidnapping committed by detaining or concealing the whereabouts of the child for not less than one hundred twenty days under section 565.153;
- (9) "Dangerous instrument" means any instrument, article or substance, which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury;
- (10) "Deadly weapon" means any firearm, loaded or unloaded, or any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged, or a switchblade knife, dagger, billy, blackjack or metal knuckles;
- (11) "Felony" has the meaning specified in section 556.016;
- (12) "Forcible compulsion" means either:
 - (a) Physical force that overcomes reasonable resistance; or
 - (b) A threat, express or implied, that places a person in reasonable fear of death, serious physical injury or kidnapping of such person or another person;
- (13) "Incapacitated" means that physical or mental condition, temporary or permanent, in which a person is unconscious, unable to appraise the nature of such person's conduct, or unable to communicate unwillingness to an act[. A person is not incapacitated with respect to an act committed upon such person if he or she became unconscious, unable to appraise the nature of such person's conduct or unable to communicate unwillingness to an act, after consenting to the act];
- (14) "Infraction" has the meaning specified in section 556.021;
- (15) "Inhabitable structure" has the meaning specified in section 569.010;
- (16) "Knowingly" has the meaning specified in section 562.016;

(17) "Law enforcement officer" means any public servant having both the power and duty to make arrests for violations of the laws of this state, and federal law enforcement officers authorized to carry firearms and to make arrests for violations of the laws of the United States;

(18) "Misdemeanor" has the meaning specified in section 556.016;

(19) "Offense" means any felony, misdemeanor or infraction;

(20) "Physical injury" means physical pain, illness, or any impairment of physical condition;

(21) "Place of confinement" means any building or facility and the grounds thereof wherein a court is legally authorized to order that a person charged with or convicted of a crime be held;

(22) "Possess" or "possessed" means having actual or constructive possession of an object with knowledge of its presence. A person has actual possession if such person has the object on his or her person or within easy reach and convenient control. A person has constructive possession if such person has the power and the intention at a given time to exercise dominion or control over the object either directly or through another person or persons. Possession may also be sole or joint. If one person alone has possession of an object, possession is sole. If two or more persons share possession of an object, possession is joint;

(23) "Public servant" means any person employed in any way by a government of this state who is compensated by the government by reason of such person's employment, any person appointed to a position with any government of this state, or any person elected to a position with any government of this state. It includes, but is not limited to, legislators, jurors, members of the judiciary and law enforcement officers. It does not include witnesses;

(24) "Purposely" has the meaning specified in section 562.016;

(25) "Recklessly" has the meaning specified in section 562.016;

(26) "Ritual" or "ceremony" means an act or series of acts performed by two or more persons as part of an established or prescribed pattern of activity;

(27) "Serious emotional injury", an injury that creates a substantial risk of temporary or permanent medical or psychological damage, manifested by impairment of a behavioral, cognitive or physical condition. Serious emotional injury shall be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty;

(28) "Serious physical injury" means physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body;

(29) "Sexual conduct" means acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification;

(30) "Sexual contact" means any touching of the genitals or anus of any person, or the breast of any female person, or any such touching through the clothing, for the purpose of arousing or gratifying sexual desire of any person;

(31) "Sexual performance", any performance, or part thereof, which includes sexual conduct by a child who is less than seventeen years of age;

(32) "Voluntary act" has the meaning specified in section 562.011."; and

"558.018. 1. The court shall sentence a person [who has pleaded guilty to or] **to an extended term of imprisonment if it finds the defendant is a persistent sexual offender and** has been found guilty of [the felony of forcible rape, statutory rape in the first degree, forcible sodomy, statutory sodomy in the first degree or an attempt to commit any of the crimes designated in this subsection to an extended term of imprisonment if it finds the defendant is a persistent sexual offender] **attempting to commit or committing the following offenses:**

(1) **Statutory rape in the first degree or statutory sodomy in the first degree;**

(2) **Rape in the first degree or sodomy in the first degree attempted or committed on or after August 28, 2013;**

(3) **Forcible rape committed or attempted any time during the period of August 13, 1980 to August 27, 2013;**

(4) **Forcible sodomy committed or attempted any time during the period of January 1, 1995 to August 27, 2013;**

(5) **Rape committed or attempted before August 13, 1980;**

(6) **Sodomy committed or attempted before January 1, 1995.**

2. A "persistent sexual offender" is one who has previously [pleaded guilty to or has been found guilty of the felony of forcible rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the first degree or an attempt to commit any of the crimes designated in this subsection] **been found guilty of attempting to commit or committing any of the offenses listed in subsection 1 of this section.**

3. The term of imprisonment for one found to be a persistent sexual offender shall be imprisonment for life without eligibility for probation or parole. Subsection 4 of section 558.019 shall not apply to any person imprisoned under this subsection, and "imprisonment for life" shall mean imprisonment for the duration of the person's natural life.

4. The court shall sentence a person [who has pleaded guilty to or has] **to an extended term of imprisonment as provided for in this section if it finds the defendant is a predatory sexual offender and has** been found guilty of [the felony of forcible rape, statutory rape in the first degree, forcible sodomy, statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes or] **committing or attempting to commit any of the offenses listed in subsection 1 of this section or committing** child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony to an extended term of imprisonment as provided for in this section if it finds the defendant is a predatory sexual offender.

5. For purposes of this section, a "predatory sexual offender" is a person who:

(1) Has previously [pleaded guilty to or has] been found guilty of [the felony of forcible rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes or] **committing or attempting to commit any of the offenses listed in subsection 1 of this section, or committing** child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony; or

(2) Has previously committed an act which would constitute an offense listed in subsection 4 of this section, whether or not the act resulted in a conviction; or

(3) Has committed an act or acts against more than one victim which would constitute an offense or offenses listed in subsection 4 of this section, whether or not the defendant was charged with an additional offense or offenses as a result of such act or acts.

6. A person found to be a predatory sexual offender shall be imprisoned for life with eligibility for parole, however subsection 4 of section 558.019 shall not apply to persons found to be predatory sexual offenders for the purposes of determining the minimum prison term or the length of sentence as defined or used in such subsection. Notwithstanding any other provision of law, in no event shall a person found to be a predatory sexual offender receive a final discharge from parole.

7. Notwithstanding any other provision of law, the court shall set the minimum time required to be served before a predatory sexual offender is eligible for parole, conditional release or other early release by the department of corrections. The minimum time to be served by a person found to be a predatory sexual offender who:

(1) Has previously [pleaded guilty to or has] been found guilty of [the felony of forcible rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes and pleads guilty to or is found guilty of the felony of forcible rape, statutory rape in the first degree, forcible sodomy, statutory sodomy in the first degree or an attempt to commit any of the preceding crimes] **committing or attempting to commit any of the offenses listed in subsection 1 of this section and is found guilty of committing or attempting to commit any of the offenses listed in subsection 1 of this section** shall be any number of years but not less than thirty years;

(2) Has previously pleaded guilty to or has been found guilty of child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony and [pleads guilty to or] is found guilty of attempting to commit or committing [forcible rape, statutory rape in the first degree, forcible sodomy or statutory sodomy in the first degree] **any of the offenses listed in subsection 1 of this section** shall be any number of years but not less than fifteen years;

(3) Has previously [pleaded guilty to or has] been found guilty of [the felony of forcible rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes and pleads guilty to or is found guilty of] **committing or attempting to commit any of the offenses listed in subsection 1 of this section, or committing** child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony shall be any number of years but not less than fifteen years;

(4) Has previously pleaded guilty to or has been found guilty of child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony, and pleads guilty to or is found guilty of child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony shall be any number of years but not less than fifteen years;

(5) Is found to be a predatory sexual offender pursuant to subdivision (2) or (3) of subsection 5 of this section shall be any number of years within the range to which the person could have been sentenced pursuant to the applicable law if the person was not found to be a predatory sexual offender.

8. Notwithstanding any provision of law to the contrary, the department of corrections, or any division thereof, may not furlough an individual found to be and sentenced as a persistent sexual offender or a predatory sexual offender."; and

"558.026. 1. Multiple sentences of imprisonment shall run concurrently unless the court specifies that they shall run consecutively; except [that,] in the case of multiple sentences of imprisonment imposed for [the felony of rape, forcible rape, sodomy, forcible sodomy or] **any offense committed during or at the same time as, or multiple offenses of, the following felonies:**

- (1) **Rape in the first degree;**
- (2) **Statutory rape in the first degree;**
- (3) **Sodomy in the first degree;**
- (4) **Statutory sodomy in the first degree; or**

(5) An attempt to commit any of the [aforesaid and for other offenses committed during or at the same time as that rape, forcible rape, sodomy, forcible sodomy or an attempt to commit any of the aforesaid, the sentences of imprisonment imposed for the other offenses may run concurrently, but] **felonies listed in this subsection. In such case,** the sentence of imprisonment imposed for [the felony of rape, forcible rape, sodomy, forcible sodomy] **any offense of rape in the first degree, statutory rape in the first degree, sodomy in the first degree, statutory sodomy in the first degree,** or an attempt to commit any of the aforesaid shall run consecutively to the other sentences. **The sentences imposed for any other offense may run concurrently.**

2. If a person who is on probation, parole or conditional release is sentenced to a term of imprisonment for an offense committed after the granting of probation or parole or after the start of his conditional release term, the court shall direct the manner in which the sentence or sentences imposed by the court shall run with respect to any resulting probation, parole or conditional release revocation term or terms. If the subsequent sentence to imprisonment is in another jurisdiction, the court shall specify how any resulting probation, parole or conditional release revocation term or terms shall run with respect to the foreign sentence of imprisonment.

3. A court may cause any sentence it imposes to run concurrently with a sentence an individual is serving or is to serve in another state or in a federal correctional center. If the Missouri sentence is served in another state or in a federal correctional center, subsection 4 of section 558.011 and section 217.690 shall apply as if the individual were serving his sentence within the department of corrections of the state of Missouri, except that a personal hearing before the board of probation and parole shall not be required for parole consideration."; and

"559.115. 1. Neither probation nor parole shall be granted by the circuit court between the time the transcript on appeal from the offender's conviction has been filed in appellate court and the disposition of the appeal by such court.

2. Unless otherwise prohibited by subsection 5 of this section, a circuit court only upon its own motion and not that of the state or the offender shall have the power to grant probation to an offender anytime up to one hundred twenty days after such offender has been delivered to the department of corrections but not thereafter. The court may request information and a recommendation from the department concerning the offender and such offender's behavior during the period of incarceration. Except as provided in this section, the court may place the offender on probation in a program created pursuant to section 217.777, or may place the offender on probation with any other conditions authorized by law.

3. The court may recommend placement of an offender in a department of corrections one hundred twenty-day program under this section or order such placement under subsection 4 of section 559.036. Upon the recommendation or order of the court, the department of corrections shall assess each offender to determine the appropriate program in which to place the offender, including shock incarceration or institutional treatment. When the court recommends and receives placement of an offender in a department of corrections one hundred twenty-day program, the offender shall be released on probation if the department of corrections determines that the offender has successfully completed the program except as follows. Upon successful completion of a treatment program, the board of probation and parole shall advise the sentencing court of an offender's probationary release date thirty days prior to release. The court shall release the offender unless such release constitutes an abuse of discretion. If the court determined that there is an abuse of discretion, the court may order the execution of the offender's sentence only after conducting a hearing on the matter within ninety to one hundred twenty days of the offender's sentence. If the court does not respond when an offender successfully completes the program, the offender shall be released on probation. Upon successful completion of a shock incarceration program, the board of probation and parole shall advise the sentencing court of an offender's probationary release date thirty days prior to release. The court shall follow the recommendation of the department unless the court determines that probation is not appropriate. If the court determines that probation is not appropriate, the court may order the execution of the offender's sentence only after conducting a hearing on the matter within ninety to one hundred

twenty days of the offender's sentence. If the department determines that an offender is not successful in a program, then after one hundred days of incarceration the circuit court shall receive from the department of corrections a report on the offender's participation in the program and department recommendations for terms and conditions of an offender's probation. The court shall then release the offender on probation or order the offender to remain in the department to serve the sentence imposed.

4. If the department of corrections one hundred twenty-day program is full, the court may place the offender in a private program approved by the department of corrections or the court, the expenses of such program to be paid by the offender, or in an available program offered by another organization. If the offender is convicted of a class C or class D nonviolent felony, the court may order probation while awaiting appointment to treatment.

5. Except when the offender has been found to be a predatory sexual offender pursuant to section 558.018, the court shall request that the offender be placed in the sexual offender assessment unit of the department of corrections if the defendant has pleaded guilty to or has been found guilty of sexual abuse when classified as a class B felony.

6. Unless the offender is being granted probation pursuant to successful completion of a one hundred twenty-day program the circuit court shall notify the state in writing when the court intends to grant probation to the offender pursuant to the provisions of this section. The state may, in writing, request a hearing within ten days of receipt of the court's notification that the court intends to grant probation. Upon the state's request for a hearing, the court shall grant a hearing as soon as reasonably possible. If the state does not respond to the court's notice in writing within ten days, the court may proceed upon its own motion to grant probation.

7. An offender's first incarceration for one hundred twenty days for participation in a department of corrections program prior to release on probation shall not be considered a previous prison commitment for the purpose of determining a minimum prison term under the provisions of section 558.019.

8. Notwithstanding any other provision of law, probation may not be granted pursuant to this section to offenders who have been convicted of murder in the second degree pursuant to section 565.021; [forcible] rape **in the first degree** pursuant to section 566.030; [forcible] sodomy **in the first degree** pursuant to section 566.060; statutory rape in the first degree pursuant to section 566.032; statutory sodomy in the first degree pursuant to section 566.062; child molestation in the first degree pursuant to section 566.067 when classified as a class A felony; abuse of a child pursuant to section 568.060 when classified as a class A felony; an offender who has been found to be a predatory sexual offender pursuant to section 558.018; or any offense in which there exists a statutory prohibition against either probation or parole.

559.117. 1. The director of the department of corrections is authorized to establish, as a three-year pilot program, a mental health assessment process.

2. Only upon a motion filed by the prosecutor in a criminal case, the judge who is hearing the criminal case in a participating county may request that an offender be placed in the department of corrections for one hundred twenty days for a mental health assessment and for treatment if it appears that the offender has a mental disorder or mental illness such that the offender may qualify for probation including community psychiatric rehabilitation (CPR) programs and such probation is appropriate and not inconsistent with public safety. Before the judge rules upon the motion, the victim shall be given notice of such motion and the opportunity to be heard. Upon recommendation of the court, the department shall determine the offender's eligibility for the mental health assessment process.

3. Following this assessment and treatment period, an assessment report shall be sent to the sentencing court and the sentencing court may, if appropriate, release the offender on probation. The offender shall be supervised on probation by a state probation and parole officer, who shall work cooperatively with the department of mental health to enroll eligible offenders in community psychiatric rehabilitation (CPR) programs.

4. Notwithstanding any other provision of law, probation shall not be granted under this section to offenders who:

- (1) Have been found guilty of, or plead guilty to, murder in the second degree under section 565.021;
- (2) Have been found guilty of, or plead guilty to, [forcible] rape **in the first degree** under section 566.030;
- (3) Have been found guilty of, or plead guilty to, statutory rape in the first degree under section 566.032;
- (4) Have been found guilty of, or plead guilty to, [forcible] sodomy **in the first degree** under section 566.060;
- (5) Have been found guilty of, or plead guilty to, statutory sodomy in the first degree under section 566.062;
- (6) Have been found guilty of, or plead guilty to, child molestation in the first degree under section 566.067 when classified as a class A felony;
- (7) Have been found to be a predatory sexual offender under section 558.018; or
- (8) Have been found guilty of, or plead guilty to, any offense for which there exists a statutory prohibition against either probation or parole.

5. At the end of the three-year pilot, the director of the department of corrections and the director of the department of mental health shall jointly submit recommendations to the governor and to the general assembly by December 31, 2015, on whether to expand the process statewide."; and

"566.020. 1. [Whenever in this chapter the criminality of conduct depends upon a victim's being incapacitated, no crime is committed if the actor reasonably believed that the victim was not incapacitated and reasonably believed that the victim consented to the act. The defendant shall have the burden of injecting the issue of belief as to capacity and consent.

2.] Whenever in this chapter the criminality of conduct depends upon a child being thirteen years of age or younger, it is no defense that the defendant believed the child to be older.

[3.] 2. Whenever in this chapter the criminality of conduct depends upon a child being under seventeen years of age, it is an affirmative defense that the defendant reasonably believed that the child was seventeen years of age or older.

[4.] 3. Consent is not an affirmative defense to any offense under chapter 566 if the alleged victim is less than twelve years of age."; and

"566.030. 1. A person commits the [crime] **offense** of [forcible] **rape in the first degree** if [such person] **he or she** has sexual intercourse with another person **who is incapacitated, incapable of consent, or lacks the capacity to consent, or** by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.

2. [Forcible] **The offense of rape in the first degree** or an attempt to commit [forcible] **rape in the first degree** is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless:

(1) In the course thereof the actor inflicts serious physical injury or displays a deadly weapon or dangerous instrument in a threatening manner or subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person **or the victim is a child and the actor has pled guilty to or has been convicted of the crime of incest against the victim under section 568.020**, in which case the authorized term of imprisonment is life imprisonment or a term of years not less than fifteen years;

(2) The victim is a child less than twelve years of age, in which case the required term of imprisonment is life imprisonment without eligibility for probation or parole until the [defendant] **offender** has served not less than thirty years of such sentence or unless the [defendant] **offender** has reached the age of seventy-five years and has served at least fifteen years of such sentence, unless such [forcible] **rape in the first degree** is described under subdivision (3) of this subsection; or

(3) The victim is a child less than twelve years of age and such [forcible] **rape in the first degree or attempt to commit rape in the first degree** was outrageously or wantonly vile, horrible or inhumane, in that it involved torture or depravity of mind, in which case the required term of imprisonment is life imprisonment without eligibility for probation, parole or conditional release.

3. Subsection 4 of section 558.019 shall not apply to the sentence of a person who has [pleaded guilty to or has] been found guilty of [forcible] **rape in the first degree or attempt to commit rape in the first degree** when the victim is [under the age of] **less than twelve years of age**, and "life imprisonment" shall mean imprisonment for the duration of a person's natural life for the purposes of this section.

4. No person found guilty of [or pleading guilty to forcible] **rape in the first degree** or an attempt to commit [forcible] **rape in the first degree** shall be granted a suspended imposition of sentence or suspended execution of sentence.

[566.040.] **566.031.** 1. A person commits the [crime] **offense** of [sexual assault] **rape in the second degree** if he **or she** has sexual intercourse with another person knowing that he **or she** does so without that person's consent.

2. [Sexual assault] **The offense of rape in the second degree** is a class C felony.

566.032. 1. A person commits the crime of statutory rape in the first degree if he has sexual intercourse with another person who is less than fourteen years old.

2. Statutory rape in the first degree or an attempt to commit statutory rape in the first degree is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless in the course thereof the actor inflicts serious physical injury on any person, displays a deadly weapon or dangerous instrument in a threatening manner, subjects the victim to sexual intercourse or deviate sexual intercourse with more than one

person, **the actor has pled guilty to or has been convicted of the crime of incest against the victim under section 568.020**, or the victim is less than twelve years of age in which case the authorized term of imprisonment is life imprisonment or a term of years not less than ten years.

566.034. 1. A person commits the crime of statutory rape in the second degree if being twenty-one years of age or older, he has sexual intercourse with another person who is less than seventeen years of age.

2. Statutory rape in the second degree is a class C felony **unless the actor has pled guilty to or has been convicted of the crime of incest against the victim under section 568.020, in which case the crime is a class B felony.**"; and

"566.060. 1. A person commits the [crime] **offense of [forcible] sodomy in the first degree** if [such person] **he or she** has deviate sexual intercourse with another person **who is incapacitated, incapable of consent, or lacks the capacity to consent, or** by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.

2. [Forcible] **The offense of sodomy in the first degree** or an attempt to commit [forcible] sodomy **in the first degree** is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless:

(1) In the course thereof the actor inflicts serious physical injury or displays a deadly weapon or dangerous instrument in a threatening manner or subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person **or the victim is a child and the actor has pled guilty to or has been convicted of the crime of incest against the victim under section 568.020**, in which case the authorized term of imprisonment is life imprisonment or a term of years not less than ten years; or

(2) The victim is a child less than twelve years [of age] **old**, in which case the required term of imprisonment is life imprisonment without eligibility for probation or parole until the [defendant] **offender** has served not less than thirty years of such sentence or unless the [defendant] **offender** has reached the age of seventy-five years and has served at least fifteen years of such sentence, unless such [forcible] sodomy **in the first degree** is described under subdivision (3) of this subsection; or

(3) The victim is a child less than twelve years of age and such [forcible] sodomy **in the first degree or attempt to commit sodomy in the first degree** was outrageously or wantonly vile, horrible or inhumane, in that it involved torture or depravity of mind, in which case the required term of imprisonment is life imprisonment without eligibility for probation, parole or conditional release.

3. Subsection 4 of section 558.019 shall not apply to the sentence of a person who has [pleaded guilty to or has] been found guilty of [forcible] sodomy **in the first degree or an attempt to commit sodomy in the first degree** when the victim is [under the age of] **less than twelve years of age**, and "life imprisonment" shall mean imprisonment for the duration of a person's natural life for the purposes of this section.

4. No person found guilty of [or pleading guilty to forcible] sodomy **in the first degree** or an attempt to commit [forcible] sodomy **in the first degree** shall be granted a suspended imposition of sentence or suspended execution of sentence.

[566.070.] **566.061.** 1. A person commits the [crime of deviate sexual assault] **offense of sodomy in the second degree** if he **or she** has deviate sexual intercourse with another person knowing that he **or she** does so without that person's consent.

2. [Deviate sexual assault] **The offense of sodomy in the second degree** is a class C felony.

566.062. 1. A person commits the crime of statutory sodomy in the first degree if he has deviate sexual intercourse with another person who is less than fourteen years old.

2. Statutory sodomy in the first degree or an attempt to commit statutory sodomy in the first degree is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless in the course thereof the actor inflicts serious physical injury on any person, displays a deadly weapon or dangerous instrument in a threatening manner, subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person, **the actor has pled guilty to or has been convicted of the crime of incest against the victim under section 568.020**, or the victim is less than twelve years of age, in which case the authorized term of imprisonment is life imprisonment or a term of years not less than ten years.

566.064. 1. A person commits the crime of statutory sodomy in the second degree if being twenty-one years of age or older, he has deviate sexual intercourse with another person who is less than seventeen years of age.

2. Statutory sodomy in the second degree is a class C felony **unless the actor has pled guilty to or has been convicted of the crime of incest against the victim under section 568.020, in which case the crime is a class B felony.**

566.067. 1. A person commits the crime of child molestation in the first degree if he or she subjects another person who is less than fourteen years of age to sexual contact.

2. Child molestation in the first degree is a class B felony unless:

(1) The actor has previously been convicted of an offense under this chapter or in the course thereof the actor inflicts serious physical injury, displays a deadly weapon or deadly instrument in a threatening manner, or the offense is committed as part of a ritual or ceremony, in which case the crime is a class A felony; [or]

(2) The victim is a child less than twelve years of age and:

(a) The actor has previously been convicted of an offense under this chapter; or

(b) In the course thereof the actor inflicts serious physical injury, displays a deadly weapon or deadly instrument in a threatening manner, or if the offense is committed as part of a ritual or ceremony, in which case, the crime is a class A felony and such person shall serve his or her term of imprisonment without eligibility for probation or parole[.] ; or

(3) The actor has pled guilty to or has been convicted of the crime of incest against the victim under section 568.020, in which case the crime is a class A felony.

566.068. 1. A person commits the crime of child molestation in the second degree if he or she subjects another person who is less than seventeen years of age to sexual contact.

2. Child molestation in the second degree is a class A misdemeanor unless the actor has previously been convicted of an offense under this chapter or in the course thereof the actor inflicts serious physical injury on any person, displays a deadly weapon or dangerous instrument in a threatening manner, **the actor has pled guilty to or has been convicted of the crime of incest against the victim under section 568.020**, or the offense is committed as part of a ritual or ceremony, in which case the crime is a class D felony."; and

"566.083. 1. A person commits the crime of sexual misconduct involving a child if such person:

(1) Knowingly exposes his or her genitals to a child less than fifteen years of age under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm to the child;

(2) Knowingly exposes his or her genitals to a child less than fifteen years of age for the purpose of arousing or gratifying the sexual desire of any person, including the child;

(3) Knowingly coerces or induces a child less than fifteen years of age to expose the child's genitals for the purpose of arousing or gratifying the sexual desire of any person, including the child; or

(4) Knowingly coerces or induces a child who is known by such person to be less than fifteen years of age to expose the breasts of a female child through the internet or other electronic means for the purpose of arousing or gratifying the sexual desire of any person, including the child.

2. The provisions of this section shall apply regardless of whether the person violates this section in person or via the internet or other electronic means.

3. It is not an affirmative defense to prosecution for a violation of this section that the other person was a peace officer masquerading as a minor.

4. Sexual misconduct involving a child or attempted sexual misconduct involving a child is a class D felony unless the actor has previously pleaded guilty to or been found guilty of an offense pursuant to this chapter, **the actor has pled guilty to or has been convicted of the crime of incest against the victim under section 568.020**, or the actor has previously pleaded guilty to or has been convicted of an offense against the laws of another state or jurisdiction which would constitute an offense under this chapter, in which case it is a class C felony."; and

"566.093. 1. A person commits the [crime] **offense** of sexual misconduct in the [second] **first** degree if such person:

(1) Exposes his or her genitals under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm;

(2) Has sexual contact in the presence of a third person or persons under circumstances in which he or she knows that such conduct is likely to cause affront or alarm; or

(3) Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person.

2. **The offense of sexual misconduct in the [second] first degree** is a class B misdemeanor unless the [actor] **person** has previously been [convicted] **found guilty** of an offense under this chapter, in which case it is a class A misdemeanor.

566.095. 1. A person commits the [crime] **offense** of sexual misconduct in the [third] **second degree** if he **or she** solicits or requests another person to engage in sexual conduct under circumstances in which he **or she** knows that [his requests] **such request** or solicitation is likely to cause affront or alarm.

2. **The offense of sexual misconduct in the [third] second degree** is a class C misdemeanor.

566.100. 1. A person commits the [crime] **offense** of sexual abuse **in the first degree** if he **or she** subjects another person to sexual contact **when that person is incapacitated, incapable of consent, or lacks the capacity to consent, or** by the use of forcible compulsion.

2. **The offense of sexual abuse in the first degree** is a class C felony unless in the course thereof the actor inflicts serious physical injury or displays a deadly weapon or dangerous instrument in a threatening manner or subjects the victim to sexual contact with more than one person or the victim is less than fourteen years of age, in which case [the crime] **it** is a class B felony.

[566.090.] **566.101.** 1. A person commits the [crime] **offense** of sexual [misconduct] **abuse** in the [first] **second degree** if [such person] **he or she** purposely subjects another person to sexual contact without that person's consent.

2. **The offense of sexual [misconduct] abuse** in the [first] **second degree** is a class A misdemeanor, unless the actor has previously been convicted of an offense under this chapter or unless in the course thereof the actor displays a deadly weapon in a threatening manner or the offense is committed as a part of a ritual or ceremony, in which case it is a class D felony."; and

"566.212. 1. A person commits the crime of sexual trafficking of a child if the individual knowingly:

(1) Recruits, entices, harbors, transports, provides, or obtains by any means, including but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm, a person under the age of eighteen to participate in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010, or benefits, financially or by receiving anything of value, from participation in such activities; or

(2) Causes a person under the age of eighteen to engage in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010.

2. It shall not be a defense that the defendant believed that the person was eighteen years of age or older.

3. Sexual trafficking of a child is a felony punishable by imprisonment for a term of years not less than ten years or life and a fine not to exceed two hundred fifty thousand dollars if the child is under the age of eighteen. If a violation of this section was effected by force, abduction, or coercion, **or the actor has pled guilty to or has been convicted of the crime of incest against the victim under section 568.020**, the crime of sexual trafficking of a child shall be a felony for which the authorized term of imprisonment is life imprisonment without eligibility for probation or parole until the defendant has served not less than twenty-five years of such sentence."; and

"566.224. No prosecuting or circuit attorney, peace officer, governmental official, or employee of a law enforcement agency shall request or require a victim of [sexual assault] **rape in the second degree** under section [566.040 or forcible] **566.031 or rape in the first degree** under section 566.030 to submit to any polygraph test or psychological stress evaluator exam as a condition for proceeding with a criminal investigation of such crime.

566.226. 1. After August 28, 2007, any information contained in any court record, whether written or published on the internet, that could be used to identify or locate any victim of [sexual assault,] domestic assault, stalking, or [forcible] **rape in the first or second degree** shall be closed and redacted from such record prior to disclosure to the public. Identifying information shall include the name, home or temporary address, telephone number, Social Security number or physical characteristics.

2. If the court determines that a person or entity who is requesting identifying information of a victim has a legitimate interest in obtaining such information, the court may allow access to the information, but only if the court determines that disclosure to the person or entity would not compromise the welfare or safety of such victim.

3. Notwithstanding the provisions of subsection 1 of this section, the judge presiding over a [sexual assault,] domestic assault, stalking, or [forcible] **rape in the first or second degree** case shall have the discretion to publicly

disclose identifying information regarding the defendant which could be used to identify or locate the victim of the crime. The victim may provide a statement to the court regarding whether he or she desires such information to remain closed. When making the decision to disclose such information, the judge shall consider the welfare and safety of the victim and any statement to the court received from the victim regarding the disclosure."; and

"568.060. 1. As used in this section, the following terms shall mean:

(1) "Abuse", the infliction of physical, sexual, or mental injury against a child by any person eighteen years of age or older. For purposes of this section, abuse shall not include injury inflicted on a child by accidental means by a person with care, custody, or control of the child, or discipline of a child by a person with care, custody, or control of the child, including spanking, in a reasonable manner;

(2) "Abusive head trauma", a serious physical injury to the head or brain caused by any means, including but not limited to shaking, jerking, pushing, pulling, slamming, hitting, or kicking;

(3) "Mental injury", an injury to the intellectual or psychological capacity or the emotional condition of a child as evidenced by an observable and substantial impairment of the ability of the child to function within his or her normal range of performance or behavior;

(4) "Neglect", the failure to provide, by those responsible for the care, custody, and control of a child under the age of eighteen years, the care reasonable and necessary to maintain the physical and mental health of the child, when such failure presents a substantial probability that death or physical injury or sexual injury would result;

(5) "Physical injury", physical pain, illness, or any impairment of physical condition, including but not limited to bruising, lacerations, hematomas, welts, or permanent or temporary disfigurement and impairment of any bodily function or organ;

(6) "Serious emotional injury", an injury that creates a substantial risk of temporary or permanent medical or psychological damage, manifested by impairment of a behavioral, cognitive, or physical condition. Serious emotional injury shall be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty;

(7) "Serious physical injury", a physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body.

2. A person commits the offense of abuse or neglect of a child if such person knowingly causes a child who is less than eighteen years of age:

(1) To suffer physical or mental injury as a result of abuse or neglect; or

(2) To be placed in a situation in which the child may suffer physical or mental injury as the result of abuse or neglect.

3. A person commits the offense of abuse or neglect of a child if such person recklessly causes a child who is less than eighteen years of age to suffer from abusive head trauma.

4. A person does not commit the offense of abuse or neglect of a child by virtue of the sole fact that the person delivers or allows the delivery of child to a provider of emergency services.

5. The offense of abuse or neglect of a child is:

(1) A class C felony, without eligibility for probation or parole until the defendant has served no less than one year of such sentence, unless the person has previously been found guilty of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct or the injury inflicted on the child is a serious emotional injury or a serious physical injury, in which case abuse or neglect of a child is a class B felony, without eligibility for probation or parole until the defendant has served not less than five years of such sentence; **or**

(2) **A class A felony if the child dies as a result of injuries sustained from conduct chargeable under the provisions of this section.**

6. Notwithstanding subsection 5 of this section to the contrary, the offense of abuse or neglect of a child is a class A felony, without eligibility for probation or parole until the defendant has served not less than fifteen years of such sentence, if:

(1) The injury is a serious emotional injury or a serious physical injury;

(2) The child is less than fourteen years of age; and

(3) The injury is the result of sexual abuse as defined under section 566.100 or sexual exploitation of a minor as defined under section 573.023.

7. The circuit or prosecuting attorney may refer a person who is suspected of abuse or neglect of a child to an appropriate public or private agency for treatment or counseling so long as the agency has consented to taking such referrals. Nothing in this subsection shall limit the discretion of the circuit or prosecuting attorney to prosecute a person who has been referred for treatment or counseling pursuant to this subsection.

8. Nothing in this section shall be construed to alter the requirement that every element of any crime referred to herein must be proven beyond a reasonable doubt.

9. Discipline, including spanking administered in a reasonable manner, shall not be construed to be abuse under this section."; and

"589.015. As used in sections 589.010 to 589.040:

(1) The term "center" shall mean the state center for the prevention and control of sexual assault established pursuant to section 589.030;

(2) The term "sexual assault" shall include:

(a) The acts of rape **in the first or second degree**, [forcible rape,] statutory rape in the first degree, statutory rape in the second degree, [sexual assault,] sodomy **in the first or second degree**, [forcible sodomy,] statutory sodomy in the first degree, statutory sodomy in the second degree, child molestation in the first degree, child molestation in the second degree, [deviate sexual assault,] sexual misconduct and sexual abuse, or attempts to commit any of the aforesaid, as these acts are defined in chapter 566;

(b) The act of incest, as this act is defined in section 568.020;

(c) The act of abuse of a child, as defined in subdivision (1) of subsection 1 of section 568.060, which involves sexual contact, and as defined in subdivision (2) of subsection 1 of section 568.060;

(d) The act of use of a child in a sexual performance as defined in section 568.080; and

(e) The act of enticement of a child, as defined in section 566.151, or any attempt to commit such act."; and

Further amend said bill, Page 38, Section 589.456, Line 101, by inserting after all of said section and line the following:

"590.700. 1. As used in this section, the following terms shall mean:

(1) "Custodial interrogation", the questioning of a person under arrest, who is no longer at the scene of the crime, by a member of a law enforcement agency along with the answers and other statements of the person questioned. "Custodial interrogation" shall not include:

(a) A situation in which a person voluntarily agrees to meet with a member of a law enforcement agency;

(b) A detention by a law enforcement agency that has not risen to the level of an arrest;

(c) Questioning that is routinely asked during the processing of the arrest of the suspect;

(d) Questioning pursuant to an alcohol influence report;

(e) Questioning during the transportation of a suspect;

(2) "Recorded" and "recording", any form of audiotape, videotape, motion picture, or digital recording.

2. All custodial interrogations of persons suspected of committing or attempting to commit murder in the first degree, murder in the second degree, assault in the first degree, assault of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, arson in the first degree, [forcible] rape **in the first degree**, [forcible] sodomy **in the first degree**, kidnapping, statutory rape in the first degree, statutory sodomy in the first degree, child abuse, or child kidnapping shall be recorded when feasible.

3. Law enforcement agencies may record an interrogation in any circumstance with or without the knowledge or consent of a suspect, but they shall not be required to record an interrogation under subsection 2 of this section:

(1) If the suspect requests that the interrogation not be recorded;

(2) If the interrogation occurs outside the state of Missouri;

(3) If exigent public safety circumstances prevent recording;

(4) To the extent the suspect makes spontaneous statements;

(5) If the recording equipment fails; or

(6) If recording equipment is not available at the location where the interrogation takes place.

4. Each law enforcement agency shall adopt a written policy to record custodial interrogations of persons suspected of committing or attempting to commit the felony crimes described in subsection 2 of this section.

5. If a law enforcement agency fails to comply with the provisions of this section, the governor may withhold any state funds appropriated to the noncompliant law enforcement agency if the governor finds that the agency did not act in good faith in attempting to comply with the provisions of this section.

6. Nothing in this section shall be construed as a ground to exclude evidence, and a violation of this section shall not have impact other than that provided for in subsection 5 of this section. Compliance or noncompliance with this section shall not be admitted as evidence, argued, referenced, considered or questioned during a criminal trial.

7. Nothing contained in this section shall be construed to authorize, create, or imply a private cause of action."; and

"632.480. As used in sections 632.480 to 632.513, the following terms mean:

- (1) "Agency with jurisdiction", the department of corrections or the department of mental health;
- (2) "Mental abnormality", a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to commit sexually violent offenses in a degree constituting such person a menace to the health and safety of others;
- (3) "Predatory", acts directed towards individuals, including family members, for the primary purpose of victimization;
- (4) "Sexually violent offense", the felonies of **rape in the first degree**, forcible rape, rape, statutory rape in the first degree, **sodomy in the first degree**, forcible sodomy, sodomy, statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes, or child molestation in the first or second degree, sexual abuse **in the first degree**, sexual assault, deviate sexual assault, **rape in the second degree**, **sodomy in the second degree**, or the act of abuse of a child as defined in subdivision (1) of subsection 1 of section 568.060 which involves sexual contact, and as defined in subdivision (2) of subsection 1 of section 568.060;
- (5) "Sexually violent predator", any person who suffers from a mental abnormality which makes the person more likely than not to engage in predatory acts of sexual violence if not confined in a secure facility and who:
 - (a) Has pled guilty or been found guilty, or been found not guilty by reason of mental disease or defect pursuant to section 552.030 of a sexually violent offense; or
 - (b) Has been committed as a criminal sexual psychopath pursuant to section 632.475 and statutes in effect before August 13, 1980."; and

Further amend said bill, Page 38, Section B, Line 4, by inserting after all of said section and line the following:

"Section B. Because immediate action is necessary to protect children the repeal and reenactment of sections 556.061 and 568.060 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 556.061 and 568.060 of section A of this act shall be in full force and effect upon its passage and approval."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Colona raised a point of order that **House Amendment No. 3** is not germane to the bill.

Representative Neth requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 102

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeier	Korman

Lair	Lant	Lauer	Leara	Lichtenegger
Lynch	McCaherty	McGaugh	Messenger	Miller
Molendorp	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Reiboldt	Remole	Rhoads	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 008

Fitzwater	Guernsey	Hodges	Love	Marshall
Rehder	Richardson	Smith 120		

VACANCIES: 001

On motion of Representative Barnes, **House Amendment No. 3** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 099

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Burlison	Cierpiot
Conway 104	Cookson	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Lichtenegger	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch

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Phillips	Pike	Pogue	Redmon	Reiboldt
Remole	Rhoads	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 012

Brown	Cornejo	Guernsey	Hodges	Hoskins
Leara	Love	Mitten	Rehder	Richardson
Shumake	Smith 120			

VACANCIES: 001

On motion of Representative Hinson, **HCS HB 589, as amended**, was adopted.

On motion of Representative Hinson, **HCS HB 589, as amended**, was ordered perfected and printed.

HCS HB 252, relating to adoptions, was taken up by Representative Lauer.

Representative Cox offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 252, Page 8, Section 453.510, Lines 54-57, by deleting all of said lines; and

Further renumber said section accordingly; and

Further amend said bill, Page 9, Section 453.515, Lines 39-41, by deleting all of said lines; and

Further renumber said section accordingly; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Molendorp	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Reiboldt	Remole	Rhoads
Riddle	Ross	Rowland	Scharnhorst	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 011

Guernsey	Haahr	Hodges	Miller	Mitten
Rehder	Richardson	Rowden	Schatz	Smith 120
Mr Speaker				

VACANCIES: 001

On motion of Representative Cox, **House Amendment No. 1** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 098

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haefner	Hampton	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Molendorp	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Reiboldt	Remole	Rhoads	Riddle	Ross
Rowland	Scharnhorst	Schatz	Schieber	Shumake
Solon	Sommer	Spencer	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hummel	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 015

Conway 104	Haahr	Hansen	Hodges	Hubbard
Kelly 45	Miller	Mitten	Redmon	Rehder
Richardson	Rowden	Shull	Smith 120	Stream

VACANCIES: 001

On motion of Representative Lauer, **HCS HB 252, as amended**, was adopted.

On motion of Representative Lauer, **HCS HB 252, as amended**, was ordered perfected and printed.

HB 339, relating to uninsured motorist cause of action, was taken up by Representative Wieland.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 098

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haefner	Hampton
Hansen	Hicks	Higdon	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	McCaherty	McGaugh	Messenger
Molendorp	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Reiboldt	Remole	Rhoads	Riddle	Ross
Rowland	Scharnhorst	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wood	Zerr	Mr Speaker		

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	Marshall	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 012

Haahr	Hinson	Hodges	Miller	Mitten
Redmon	Rehder	Richardson	Rowden	Schatz
Smith 120	Wilson			

VACANCIES: 001

On motion of Representative Wieland, **HB 339** was ordered perfected and printed by the following vote:

AYES: 101

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	McCaherty	McGaugh	Messenger
Miller	Morris	Muntzel	Neely	Parkinson
Pfausch	Phillips	Pike	Pogue	Redmon
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 057

Anders	Barnes	Black	Burns	Butler
Carpenter	Colona	Conway 10	Curtis	Dunn
Ellinger	Ellington	English	Englund	Frame
Gardner	Haahr	Harris	Hubbard	Hummel
Kelly 45	Kirkton	Kratky	LaFaver	Marshall
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Neth	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Torpey	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 004

Hodges	Molendorp	Rehder	Smith 120
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VACANCIES: 001

HCS HB 340, relating to daylight saving time, was taken up by Representative Johnson.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 101

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hansen	Hicks	Higdon	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Morris	Muntzel	Neth	Parkinson
Pfausch	Phillips	Pike	Pogue	Redmon
Reiboldt	Remole	Rhoads	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Walton Gray	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 011

Curtis	Hampton	Hinson	Hodges	Miller
Molendorp	Neely	Rehder	Richardson	Smith 120
Webb				

VACANCIES: 001

On motion of Representative Johnson, **HCS HB 340** was adopted by the following vote:

AYES: 093

Allen	Anders	Anderson	Austin	Berry
Black	Brattin	Burlison	Burns	Carpenter
Cierpiot	Conway 10	Cookson	Cox	Crawford
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Higdon	Hough	Houghton	Hubbard	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Lynch	Mayfield
McCaherty	McGaugh	Messenger	Miller	Morris
Muntzel	Neely	Nichols	Otto	Pfausch
Pike	Redmon	Reiboldt	Remole	Richardson
Roorda	Ross	Rowland	Scharnhorst	Schatz
Shumake	Solon	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 061

Bahr	Barnes	Bernskoetter	Butler	Colona
Conway 104	Cornejo	Cross	Curtis	Dunn
Ellinger	Ellington	English	Englund	Fitzpatrick
Frederick	Gardner	Hicks	Hoskins	Hummel
Kelly 45	Kirkton	Kratky	LaFaver	Love
Marshall	May	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Neth	Newman	Norr
Pace	Parkinson	Peters	Phillips	Pierson
Pogue	Rhoads	Rizzo	Rowden	Runions
Schieber	Schieffer	Schupp	Shull	Smith 85
Sommer	Spencer	Swearingen	Walton Gray	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 008

Brown	Hinson	Hodges	Molendorp	Rehder
Riddle	Smith 120	Webb		

VACANCIES: 001

On motion of Representative Johnson, **HCS HB 340** was ordered perfected and printed.

HB 747, relating to gaming establishment transactions, was taken up by Representative Scharnhorst.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haefner	Hampton	Hansen	Hicks
Higdon	Hoskins	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeier	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Reiboldt
Remole	Rhoads	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 011

Brown	Colona	Flanigan	Haahr	Hinson
Hodges	Hough	Molendorp	Rehder	Richardson
Smith 120				

VACANCIES: 001

On motion of Representative Scharnhorst, **HB 747** was ordered perfected and printed.

HCS HB 1035, relating to amended property tax rate filings, was taken up by Representative Kelley (127).

Representative Dohrman offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1035, Page 10, Section 137.073, Line 317, by inserting after all of said section the following:

"137.720. 1. A percentage of all ad valorem property tax collections allocable to each taxing authority within the county and the county shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required pursuant to section 137.750. The percentage shall be one-half of one percent for all counties of the first and second classification and cities not within a county and one percent for counties of the third and fourth classification.

2. Prior to July 1, 2009, for counties of the first classification, counties with a charter form of government, and any city not within a county, an additional one-eighth of one percent of all ad valorem property tax collections shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required pursuant to section 137.750, and for counties of the second, third, and fourth classification, an additional one-quarter of one percent of all ad valorem property tax collections shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required pursuant to section 137.750, provided that such additional amounts shall not exceed one hundred thousand dollars in any year for any county of the first classification and any county with a charter form of government and fifty thousand dollars in any year for any county of the second, third, or fourth classification.

3. Effective July 1, 2009, for counties of the first classification, counties with a charter form of government, and any city not within a county, an additional one-eighth of one percent of all ad valorem property tax collections shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required pursuant to section 137.750, and for counties of the second, third, and fourth classification, an additional one-half of one percent of all ad valorem property tax collections shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required pursuant to section 137.750, provided that such additional amounts shall not exceed one hundred twenty-five thousand dollars in any year for any county of the first classification and any county with a charter form of government and seventy-five thousand dollars in any year for any county of the second, third, or fourth classification.

4. The county shall bill any taxing authority collecting its own taxes. The county may also provide additional moneys for the fund. To be eligible for state cost-share funds provided pursuant to section 137.750, every county shall provide from the county general revenue fund an amount equal to an average of the three most recent years of the amount provided from general revenue to the assessment fund; provided, however, that capital expenditures and equipment expenses identified in a memorandum of understanding signed by the county's governing body and the county assessor prior to transfer of county general revenue funds to the assessment fund shall be deducted from a year's contribution before computing the three-year average, except that a lesser amount shall be acceptable if unanimously agreed upon by the county assessor, the county governing body, and the state tax commission. The county shall deposit the county general revenue funds in the assessment fund as agreed to in its original or amended maintenance plan, state reimbursement funds shall be withheld until the amount due is properly deposited in such fund.

5. For all years beginning on or after January 1, 2010, any property tax collections deposited into the county assessment funds provided for in subsection 2 of this section shall be disallowed in any year in which the state tax commission notifies the county that state assessment reimbursement funds have been withheld from the county for three consecutive quarters due to noncompliance by the assessor or county commission with the county's assessment maintenance plan.

[6. The provisions of subsections 2, 3, and 5 of this section shall expire on December 31, 2015.]; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Dohrman, **House Amendment No. 1** was adopted.

On motion of Representative Kelley (127), **HCS HB 1035, as amended**, was adopted.

On motion of Representative Kelley (127), **HCS HB 1035, as amended**, was ordered perfected and printed.

HCS HB 170, relating to firearms, was taken up by Representative Guernsey.

Representative Elmer assumed the Chair.

Representative Wilson offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 170, Page 2, Section 571.048, Line 25, by inserting after all of said line the following:

"571.063. 1. As used in this section the following terms shall mean:

- (1) "Ammunition", any cartridge, shell, or projectile designed for use in a firearm;
- (2) "Licensed dealer", a person who is licensed under 18 U.S.C. Section 923 to engage in the business of dealing in firearms;
- (3) "Materially false information", any information that portrays an illegal transaction as legal or a legal transaction as illegal;
- (4) "Private seller", a person who sells or offers for sale any firearm, as defined in section 571.010, or ammunition;
- (5) **"Private transaction" a transaction to sell or transfer ownership of a firearm or ammunition between a person and his or her relative or friend.**

2. A person commits the crime of fraudulent purchase of a firearm if such person:

- (1) Knowingly solicits, persuades, encourages or entices a licensed dealer or private seller of firearms or ammunition to transfer a firearm or ammunition under circumstances which the person knows would violate the laws of this state or the United States; or
- (2) Provides to a licensed dealer or private seller of firearms or ammunition what the person knows to be materially false information with intent to deceive the dealer or seller about the legality of a transfer of a firearm or ammunition; or
- (3) Willfully procures another to violate the provisions of subdivision (1) or (2) of this subsection.

3. **Any person, who is not a licensed dealer, engaged in a private transaction shall be exempt from the national instant criminal background check system requirements of federal law.**

4. Fraudulent purchase of a firearm is a class D felony.

[4.] 5. This section shall not apply to criminal investigations conducted by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives, authorized agents of such investigations, or to a peace officer, as defined in section 542.261, acting at the explicit direction of the United States Bureau of Alcohol, Tobacco, Firearms and Explosives."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 101

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller
Morris	Muntzel	Neely	Neth	Parkinson
Pfausch	Phillips	Pike	Pogue	Redmon
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 011

Brown	Colona	Gosen	Grisamore	Hough
Hubbard	Molendorp	Rehder	Roorda	Smith 120
Torpey				

VACANCIES: 001

On motion of Representative Wilson, **House Amendment No. 1** was adopted by the following vote:

AYES: 121

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Cierpiot	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	English	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	May
Mayfield	McCaherty	McGaugh	McKenna	Messenger
Miller	Morris	Muntzel	Neely	Neth
Nichols	Parkinson	Peters	Pfautsch	Phillips
Pike	Pogue	Redmon	Reiboldt	Remole
Rhoads	Richardson	Riddle	Roorda	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Schieffer	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 037

Butler	Carpenter	Colona	Curtis	Dunn
Ellinger	Ellington	Englund	Gardner	Hummel
Kelly 45	Kirkton	Kratky	LaFaver	McCann Beatty
McDonald	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Norr
Otto	Pace	Pierson	Rizzo	Runions
Schupp	Smith 85	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 004

Molendorp	Rehder	Smith 120	Torpey
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VACANCIES: 001

Representative Gatschenberger offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 170, Page 1, Section A, Line 2, by inserting after all of said line the following:

"571.030. 1. A person commits the crime of unlawful use of weapons if he or she knowingly:

(1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or

(2) Sets a spring gun; or

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, or any building or structure used for the assembling of people; or

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

(5) Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense;

(6) Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building; or

(7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or

(8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof; or

(9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or

(10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.

2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the persons described in this subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section shall not apply to or affect any of the following persons, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties, except as otherwise provided in this subsection:

(1) All state, county and municipal peace officers who have completed the training required by the police officer standards and training commission pursuant to sections 590.030 to 590.050 and who possess the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection 11 of this section, and who carry the identification defined in subsection 12 of this section, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(3) Members of the Armed Forces or National Guard while performing their official duty;

(4) Those persons vested by article V, section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;

(5) Any person whose bona fide duty is to execute process, civil or criminal;

(6) Any federal probation officer or federal flight deck officer as defined under the federal flight deck officer program, 49 U.S.C. Section 44921 regardless of whether such officers are on duty, or within the law enforcement agency's jurisdiction;

(7) Any state probation or parole officer, including supervisors and members of the board of probation and parole;

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the board of police commissioners under section 84.340;

(9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

(10) Any prosecuting attorney or assistant prosecuting attorney or any circuit attorney or assistant circuit attorney who has completed the firearms safety training course required under subsection 2 of section 571.111; and

(11) Any member of a fire department or fire protection district who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement under section 571.111 when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.

3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply to any person [twenty-one] **nineteen** years of age or older or eighteen years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.

4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any person who has a valid concealed carry endorsement issued pursuant to sections 571.101 to 571.121 or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.

5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

6. Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

7. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

8. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony;

(2) For any violation by a prior offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years;

(3) For any violation by a persistent offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release;

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

9. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons.

10. Notwithstanding any other provision of law, no person who pleads guilty to or is found guilty of a felony violation of subsection 1 of this section shall receive a suspended imposition of sentence if such person has previously received a suspended imposition of sentence for any other firearms- or weapons-related felony offense.

11. As used in this section "qualified retired peace officer" means an individual who:

(1) Retired in good standing from service with a public agency as a peace officer, other than for reasons of mental instability;

(2) Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

(3) Before such retirement, was regularly employed as a peace officer for an aggregate of fifteen years or more, or retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

(4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such a plan is available;

(5) During the most recent twelve-month period, has met, at the expense of the individual, the standards for training and qualification for active peace officers to carry firearms;

(6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(7) Is not prohibited by federal law from receiving a firearm.

12. The identification required by subdivision (1) of subsection 2 of this section is:

(1) A photographic identification issued by the agency from which the individual retired from service as a peace officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm; or

(2) A photographic identification issued by the agency from which the individual retired from service as a peace officer; and

(3) A certification issued by the state in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the state to meet the standards established by the state for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm."; and

Further amend said bill, Page 3, Section 571.048, Line 25, by inserting after all of said line the following:

"571.101. 1. All applicants for concealed carry endorsements issued pursuant to subsection 7 of this section must satisfy the requirements of sections 571.101 to 571.121. If the said applicant can show qualification as provided by sections 571.101 to 571.121, the county or city sheriff shall issue a certificate of qualification for a concealed carry endorsement. Upon receipt of such certificate, the certificate holder shall apply for a driver's license or nondriver's license with the director of revenue in order to obtain a concealed carry endorsement. Any person who has been issued a concealed carry endorsement on a driver's license or nondriver's license and such endorsement or license has not been suspended, revoked, cancelled, or denied may carry concealed firearms on or about his or her person or within a vehicle. A concealed carry endorsement shall be valid for a period of three years from the date of issuance or renewal. The concealed carry endorsement is valid throughout this state.

2. A certificate of qualification for a concealed carry endorsement issued pursuant to subsection 7 of this section shall be issued by the sheriff or his or her designee of the county or city in which the applicant resides, if the applicant:

(1) Is at least [twenty-one] **nineteen** years of age, is a citizen of the United States and either:

(a) Has assumed residency in this state; or

(b) Is a member of the Armed Forces stationed in Missouri, or the spouse of such member of the military;

(2) Is at least [twenty-one] **nineteen** years of age, or is at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces, and is a citizen of the United States and either:

(a) Has assumed residency in this state;

(b) Is a member of the Armed Forces stationed in Missouri; or

(c) The spouse of such member of the military stationed in Missouri and [twenty-one] **nineteen** years of age;

(3) Has not pled guilty to or entered a plea of nolo contendere or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

(4) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a certificate of qualification for a concealed carry endorsement or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a certificate of qualification for a concealed carry endorsement;

(5) Is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States other

than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

- (6) Has not been discharged under dishonorable conditions from the United States Armed Forces;
- (7) Has not engaged in a pattern of behavior, documented in public records, that causes the sheriff to have a reasonable belief that the applicant presents a danger to himself or others;
- (8) Is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state following a hearing at which the defendant was represented by counsel or a representative;
- (9) Submits a completed application for a certificate of qualification as described in subsection 3 of this section;
- (10) Submits an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsections 1 and 2 of section 571.111;
- (11) Is not the respondent of a valid full order of protection which is still in effect.

3. The application for a certificate of qualification for a concealed carry endorsement issued by the sheriff of the county of the applicant's residence shall contain only the following information:

- (1) The applicant's name, address, telephone number, gender, and date and place of birth;
- (2) An affirmation that the applicant has assumed residency in Missouri or is a member of the Armed Forces stationed in Missouri or the spouse of such a member of the Armed Forces and is a citizen of the United States;
- (3) An affirmation that the applicant is at least [twenty-one] **nineteen** years of age or is eighteen years of age or older and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces;
- (4) An affirmation that the applicant has not pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;
- (5) An affirmation that the applicant has not been convicted of, pled guilty to, or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a certificate of qualification to obtain a concealed carry endorsement or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a certificate of qualification to obtain a concealed carry endorsement;
- (6) An affirmation that the applicant is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;
- (7) An affirmation that the applicant has not been discharged under dishonorable conditions from the United States Armed Forces;
- (8) An affirmation that the applicant is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply;
- (9) An affirmation that the applicant has received firearms safety training that meets the standards of applicant firearms safety training defined in subsection 1 or 2 of section 571.111;
- (10) An affirmation that the applicant, to the applicant's best knowledge and belief, is not the respondent of a valid full order of protection which is still in effect; and
- (11) A conspicuous warning that false statements made by the applicant will result in prosecution for perjury pursuant to the laws of the state of Missouri.

4. An application for a certificate of qualification for a concealed carry endorsement shall be made to the sheriff of the county or any city not within a county in which the applicant resides. An application shall be filed in writing, signed under oath and under the penalties of perjury, and shall state whether the applicant complies with each of the requirements specified in subsection 2 of this section. In addition to the completed application, the applicant for a certificate of qualification for a concealed carry endorsement must also submit the following:

- (1) A photocopy of a firearms safety training certificate of completion or other evidence of completion of a firearms safety training course that meets the standards established in subsection 1 or 2 of section 571.111; and
- (2) A nonrefundable certificate of qualification fee as provided by subsection 10 or 11 of this section.

5. Before an application for a certificate of qualification for a concealed carry endorsement is approved, the sheriff shall make only such inquiries as he or she deems necessary into the accuracy of the statements made in the application. The sheriff may require that the applicant display a Missouri driver's license or nondriver's license or military identification and orders showing the person being stationed in Missouri. In order to determine the applicant's suitability for a certificate of qualification for a concealed carry endorsement, the applicant shall be fingerprinted. The sheriff shall request a criminal background check through the appropriate law enforcement agency within three working days after submission of the properly completed application for a certificate of qualification for a concealed carry endorsement. If no disqualifying record is identified by the fingerprint check at the state level, the fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal history record check. Upon receipt of the completed background check, the sheriff shall issue a certificate of qualification for a concealed carry endorsement within three working days. The sheriff shall issue the certificate within forty-five calendar days if the criminal background check has not been received, provided that the sheriff shall revoke any such certificate and endorsement within twenty-four hours of receipt of any background check that results in a disqualifying record, and shall notify the department of revenue.

6. The sheriff may refuse to approve an application for a certificate of qualification for a concealed carry endorsement if he or she determines that any of the requirements specified in subsection 2 of this section have not been met, or if he or she has a substantial and demonstrable reason to believe that the applicant has rendered a false statement regarding any of the provisions of sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff is required to deny the application, and notify the applicant in writing, stating the grounds for denial and informing the applicant of the right to submit, within thirty days, any additional documentation relating to the grounds of the denial. Upon receiving any additional documentation, the sheriff shall reconsider his or her decision and inform the applicant within thirty days of the result of the reconsideration. The applicant shall further be informed in writing of the right to appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114. After two additional reviews and denials by the sheriff, the person submitting the application shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114.

7. If the application is approved, the sheriff shall issue a certificate of qualification for a concealed carry endorsement to the applicant within a period not to exceed three working days after his or her approval of the application. The applicant shall sign the certificate of qualification in the presence of the sheriff or his or her designee and shall within seven days of receipt of the certificate of qualification take the certificate of qualification to the department of revenue. Upon verification of the certificate of qualification and completion of a driver's license or nondriver's license application pursuant to chapter 302, the director of revenue shall issue a new driver's license or nondriver's license with an endorsement which identifies that the applicant has received a certificate of qualification to carry concealed weapons issued pursuant to sections 571.101 to 571.121 if the applicant is otherwise qualified to receive such driver's license or nondriver's license. Notwithstanding any other provision of chapter 302, a nondriver's license with a concealed carry endorsement shall expire three years from the date the certificate of qualification was issued pursuant to this section. The requirements for the director of revenue to issue a concealed carry endorsement pursuant to this subsection shall not be effective until July 1, 2004, and the certificate of qualification issued by a county sheriff pursuant to subsection 1 of this section shall allow the person issued such certificate to carry a concealed weapon pursuant to the requirements of subsection 1 of section 571.107 in lieu of the concealed carry endorsement issued by the director of revenue from October 11, 2003, until the concealed carry endorsement is issued by the director of revenue on or after July 1, 2004, unless such certificate of qualification has been suspended or revoked for cause.

8. The sheriff shall keep a record of all applications for a certificate of qualification for a concealed carry endorsement and his or her action thereon. The sheriff shall report the issuance of a certificate of qualification to the Missouri uniform law enforcement system. All information on any such certificate that is protected information on any driver's or nondriver's license shall have the same personal protection for purposes of sections 571.101 to 571.121. An applicant's status as a holder of a certificate of qualification or a concealed carry endorsement shall not be public information and shall be considered personal protected information. Any person who violates the provisions of this subsection by disclosing protected information shall be guilty of a class A misdemeanor.

9. Information regarding any holder of a certificate of qualification or a concealed carry endorsement is a closed record.

10. For processing an application for a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed one hundred dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

11. For processing a renewal for a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed fifty dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

12. For the purposes of sections 571.101 to 571.121, the term "sheriff" shall include the sheriff of any county or city not within a county or his or her designee and in counties of the first classification the sheriff may designate the chief of police of any city, town, or municipality within such county.

571.117. 1. Any person who has knowledge that another person, who was issued a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, never was or no longer is eligible for such endorsement under the criteria established in sections 571.101 to 571.121 may file a petition with the clerk of the small claims court to revoke that person's certificate of qualification for a concealed carry endorsement and such person's concealed carry endorsement. The petition shall be in a form substantially similar to the petition for revocation of concealed carry endorsement provided in this section. Appeal forms shall be provided by the clerk of the small claims court free of charge to any person:

SMALL CLAIMS COURT

In the Circuit Court of, Missouri

....., PLAINTIFF

)

)

vs.) Case Number

)

....., DEFENDANT,

Carry Endorsement Holder

....., DEFENDANT,

Sheriff of Issuance

PETITION FOR REVOCATION
OF CERTIFICATE OF QUALIFICATION
OR CONCEALED CARRY ENDORSEMENT

Plaintiff states to the court that the defendant,, has a certificate of qualification or a concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo, and that the defendant's certificate of qualification or concealed carry endorsement should now be revoked because the defendant either never was or no longer is eligible for such a certificate or endorsement pursuant to the provisions of sections 571.101 to 571.121, RSMo, specifically plaintiff states that defendant,, never was or no longer is eligible for such certificate or endorsement for one or more of the following reasons:

(CHECK BELOW EACH REASON

THAT APPLIES TO THIS DEFENDANT)

- ☐ Defendant is not at least [twenty-one] **nineteen** years of age or at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces.
- ☐ Defendant is not a citizen of the United States.
- ☐ Defendant had not resided in this state prior to issuance of the permit and does not qualify as a military member or spouse of a military member stationed in Missouri.
- ☐ Defendant has pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.
- ☐ Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a certificate of qualification or concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo, or if the applicant has been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a certificate of qualification or a concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo.
- ☐ Defendant is a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.
- ☐ Defendant has been discharged under dishonorable conditions from the United States Armed Forces.

- ☐ Defendant is reasonably believed by the sheriff to be a danger to self or others based on previous, documented pattern.
- ☐ Defendant is adjudged mentally incompetent at the time of application or for five years prior to application, or has been committed to a mental health facility, as defined in section 632.005, RSMo, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, RSMo, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply.
- ☐ Defendant failed to submit a completed application for a certificate of qualification or concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo.
- ☐ Defendant failed to submit to or failed to clear the required background check.
- ☐ Defendant failed to submit an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsection 1 of section 571.111, RSMo.

The plaintiff subject to penalty for perjury states that the information contained in this petition is true and correct to the best of the plaintiff's knowledge, is reasonably based upon the petitioner's personal knowledge and is not primarily intended to harass the defendant/respondent named herein.

....., PLAINTIFF

2. If at the hearing the plaintiff shows that the defendant was not eligible for the certificate of qualification or the concealed carry endorsement issued pursuant to sections 571.101 to 571.121 at the time of issuance or renewal or is no longer eligible for a certificate of qualification or the concealed carry endorsement issued pursuant to the provisions of sections 571.101 to 571.121, the court shall issue an appropriate order to cause the revocation of the certificate of qualification or concealed carry endorsement. Costs shall not be assessed against the sheriff.

3. The finder of fact, in any action brought against an endorsement holder pursuant to subsection 1 of this section, shall make findings of fact and the court shall make conclusions of law addressing the issues at dispute. If it is determined that the plaintiff in such an action acted without justification or with malice or primarily with an intent to harass the endorsement holder or that there was no reasonable basis to bring the action, the court shall order the plaintiff to pay the defendant/respondent all reasonable costs incurred in defending the action including, but not limited to, attorney's fees, deposition costs, and lost wages. Once the court determines that the plaintiff is liable to the defendant/respondent for costs and fees, the extent and type of fees and costs to be awarded should be liberally calculated in defendant/respondent's favor. Notwithstanding any other provision of law, reasonable attorney's fees shall be presumed to be at least one hundred fifty dollars per hour.

4. Any person aggrieved by any final judgment rendered by a small claims court in a petition for revocation of a certificate of qualification or concealed carry endorsement may have a right to trial de novo as provided in sections 512.180 to 512.320.

5. The office of the county sheriff or any employee or agent of the county sheriff shall not be liable for damages in any civil action arising from alleged wrongful or improper granting, renewing, or failure to revoke a certificate of qualification or a concealed carry endorsement issued pursuant to sections 571.101 to 571.121, so long as the sheriff acted in good faith."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Gatschenberger, **House Amendment No. 2** was adopted by the following vote:

AYES: 116

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Cierpiot	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	English	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton

Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	Mayfield	McCaherty	McGaugh	McKenna
Messenger	Miller	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Reiboldt	Remole	Rhoads
Richardson	Riddle	Roorda	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieffer	Shull
Shumake	Solon	Sommer	Spencer	Swan
Thomson	Torpey	Walker	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 040

Anders	Butler	Carpenter	Colona	Conway 10
Curtis	Dunn	Ellinger	Ellington	Englund
Gardner	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	McCann Beatty	McDonald	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Runions
Schupp	Smith 85	Swearingen	Walton Gray	Webb

PRESENT: 000

ABSENT WITH LEAVE: 006

Hubbard	Molendorp	Rehder	Schieber	Smith 120
Stream				

VACANCIES: 001

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 106

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch

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Phillips	Pike	Pogue	Redmon	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 004

Conway 10	Molendorp	Rehder	Smith 120
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VACANCIES: 001

On motion of Representative Guernsey, **HCS HB 170, as amended**, was adopted.

On motion of Representative Guernsey, **HCS HB 170, as amended**, was ordered perfected and printed by the following vote:

AYES: 117

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Cierpiot	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	English	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	Mayfield	McCaherty	McGough
McKenna	Messenger	Miller	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Reiboldt	Remole
Rhoads	Richardson	Riddle	Roorda	Ross

Rowden	Rowland	Scharnhorst	Schatz	Schieber
Schieffer	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 041

Anders	Butler	Carpenter	Colona	Curtis
Dunn	Ellinger	Ellington	Englund	Gardner
Hummel	Kelly 45	Kirkton	Kratky	LaFaver
May	McCann Beatty	McDonald	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Runions	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 004

Conway 10	Molendorp	Rehder	Smith 120
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VACANCIES: 001

HCS HB 436, relating to firearms, was taken up by Representative Funderburk.

Representative Gatschenberger offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 436, Page 4, Section 1.320, Line 93, by inserting after all of said line the following:

- "571.030. 1. A person commits the crime of unlawful use of weapons if he or she knowingly:
- (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or
 - (2) Sets a spring gun; or
 - (3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, or any building or structure used for the assembling of people; or
 - (4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or
 - (5) Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense;
 - (6) Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building; or
 - (7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or
 - (8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof; or
 - (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or

(10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.

2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the persons described in this subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section shall not apply to or affect any of the following persons, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties, except as otherwise provided in this subsection:

(1) All state, county and municipal peace officers who have completed the training required by the police officer standards and training commission pursuant to sections 590.030 to 590.050 and who possess the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection 11 of this section, and who carry the identification defined in subsection 12 of this section, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(3) Members of the Armed Forces or National Guard while performing their official duty;

(4) Those persons vested by article V, section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;

(5) Any person whose bona fide duty is to execute process, civil or criminal;

(6) Any federal probation officer or federal flight deck officer as defined under the federal flight deck officer program, 49 U.S.C. Section 44921 regardless of whether such officers are on duty, or within the law enforcement agency's jurisdiction;

(7) Any state probation or parole officer, including supervisors and members of the board of probation and parole;

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the board of police commissioners under section 84.340;

(9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

(10) Any prosecuting attorney or assistant prosecuting attorney or any circuit attorney or assistant circuit attorney who has completed the firearms safety training course required under subsection 2 of section 571.111; and

(11) Any member of a fire department or fire protection district who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement under section 571.111 when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.

3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply to any person [twenty-one] **nineteen** years of age or older or eighteen years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.

4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any person who has a valid concealed carry endorsement issued pursuant to sections 571.101 to 571.121 or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.

5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

6. Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any

school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

7. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

8. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony;

(2) For any violation by a prior offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years;

(3) For any violation by a persistent offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release;

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

9. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons.

10. Notwithstanding any other provision of law, no person who pleads guilty to or is found guilty of a felony violation of subsection 1 of this section shall receive a suspended imposition of sentence if such person has previously received a suspended imposition of sentence for any other firearms- or weapons-related felony offense.

11. As used in this section "qualified retired peace officer" means an individual who:

(1) Retired in good standing from service with a public agency as a peace officer, other than for reasons of mental instability;

(2) Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

(3) Before such retirement, was regularly employed as a peace officer for an aggregate of fifteen years or more, or retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

(4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such a plan is available;

(5) During the most recent twelve-month period, has met, at the expense of the individual, the standards for training and qualification for active peace officers to carry firearms;

(6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(7) Is not prohibited by federal law from receiving a firearm.

12. The identification required by subdivision (1) of subsection 2 of this section is:

(1) A photographic identification issued by the agency from which the individual retired from service as a peace officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm; or

(2) A photographic identification issued by the agency from which the individual retired from service as a peace officer; and

(3) A certification issued by the state in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the state to meet the standards established by the state for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm.

571.101. 1. All applicants for concealed carry endorsements issued pursuant to subsection 7 of this section must satisfy the requirements of sections 571.101 to 571.121. If the said applicant can show qualification as provided by sections 571.101 to 571.121, the county or city sheriff shall issue a certificate of qualification for a concealed carry endorsement. Upon receipt of such certificate, the certificate holder shall apply for a driver's license or nondriver's license with the director of revenue in order to obtain a concealed carry endorsement. Any person who has been issued a concealed carry endorsement on a driver's license or nondriver's license and such endorsement or license has not been

suspended, revoked, cancelled, or denied may carry concealed firearms on or about his or her person or within a vehicle. A concealed carry endorsement shall be valid for a period of three years from the date of issuance or renewal. The concealed carry endorsement is valid throughout this state.

2. A certificate of qualification for a concealed carry endorsement issued pursuant to subsection 7 of this section shall be issued by the sheriff or his or her designee of the county or city in which the applicant resides, if the applicant:

- (1) Is at least [twenty-one] **nineteen** years of age, is a citizen of the United States and either:
 - (a) Has assumed residency in this state; or
 - (b) Is a member of the Armed Forces stationed in Missouri, or the spouse of such member of the military;
- (2) Is at least [twenty-one] **nineteen** years of age, or is at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces, and is a citizen of the United States and either:
 - (a) Has assumed residency in this state;
 - (b) Is a member of the Armed Forces stationed in Missouri; or
 - (c) The spouse of such member of the military stationed in Missouri and [twenty-one] **nineteen** years of age;
- (3) Has not pled guilty to or entered a plea of nolo contendere or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;
- (4) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a certificate of qualification for a concealed carry endorsement or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a certificate of qualification for a concealed carry endorsement;
- (5) Is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;
- (6) Has not been discharged under dishonorable conditions from the United States Armed Forces;
- (7) Has not engaged in a pattern of behavior, documented in public records, that causes the sheriff to have a reasonable belief that the applicant presents a danger to himself or others;
- (8) Is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state following a hearing at which the defendant was represented by counsel or a representative;
- (9) Submits a completed application for a certificate of qualification as described in subsection 3 of this section;
- (10) Submits an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsections 1 and 2 of section 571.111;
- (11) Is not the respondent of a valid full order of protection which is still in effect.

3. The application for a certificate of qualification for a concealed carry endorsement issued by the sheriff of the county of the applicant's residence shall contain only the following information:

- (1) The applicant's name, address, telephone number, gender, and date and place of birth;
- (2) An affirmation that the applicant has assumed residency in Missouri or is a member of the Armed Forces stationed in Missouri or the spouse of such a member of the Armed Forces and is a citizen of the United States;
- (3) An affirmation that the applicant is at least [twenty-one] **nineteen** years of age or is eighteen years of age or older and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces;
- (4) An affirmation that the applicant has not pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;
- (5) An affirmation that the applicant has not been convicted of, pled guilty to, or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a certificate of qualification to obtain a concealed carry endorsement or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a certificate of qualification to obtain a concealed carry endorsement;

(6) An affirmation that the applicant is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

(7) An affirmation that the applicant has not been discharged under dishonorable conditions from the United States Armed Forces;

(8) An affirmation that the applicant is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply;

(9) An affirmation that the applicant has received firearms safety training that meets the standards of applicant firearms safety training defined in subsection 1 or 2 of section 571.111;

(10) An affirmation that the applicant, to the applicant's best knowledge and belief, is not the respondent of a valid full order of protection which is still in effect; and

(11) A conspicuous warning that false statements made by the applicant will result in prosecution for perjury pursuant to the laws of the state of Missouri.

4. An application for a certificate of qualification for a concealed carry endorsement shall be made to the sheriff of the county or any city not within a county in which the applicant resides. An application shall be filed in writing, signed under oath and under the penalties of perjury, and shall state whether the applicant complies with each of the requirements specified in subsection 2 of this section. In addition to the completed application, the applicant for a certificate of qualification for a concealed carry endorsement must also submit the following:

(1) A photocopy of a firearms safety training certificate of completion or other evidence of completion of a firearms safety training course that meets the standards established in subsection 1 or 2 of section 571.111; and

(2) A nonrefundable certificate of qualification fee as provided by subsection 10 or 11 of this section.

5. Before an application for a certificate of qualification for a concealed carry endorsement is approved, the sheriff shall make only such inquiries as he or she deems necessary into the accuracy of the statements made in the application. The sheriff may require that the applicant display a Missouri driver's license or nondriver's license or military identification and orders showing the person being stationed in Missouri. In order to determine the applicant's suitability for a certificate of qualification for a concealed carry endorsement, the applicant shall be fingerprinted. The sheriff shall request a criminal background check through the appropriate law enforcement agency within three working days after submission of the properly completed application for a certificate of qualification for a concealed carry endorsement. If no disqualifying record is identified by the fingerprint check at the state level, the fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal history record check. Upon receipt of the completed background check, the sheriff shall issue a certificate of qualification for a concealed carry endorsement within three working days. The sheriff shall issue the certificate within forty-five calendar days if the criminal background check has not been received, provided that the sheriff shall revoke any such certificate and endorsement within twenty-four hours of receipt of any background check that results in a disqualifying record, and shall notify the department of revenue.

6. The sheriff may refuse to approve an application for a certificate of qualification for a concealed carry endorsement if he or she determines that any of the requirements specified in subsection 2 of this section have not been met, or if he or she has a substantial and demonstrable reason to believe that the applicant has rendered a false statement regarding any of the provisions of sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff is required to deny the application, and notify the applicant in writing, stating the grounds for denial and informing the applicant of the right to submit, within thirty days, any additional documentation relating to the grounds of the denial. Upon receiving any additional documentation, the sheriff shall reconsider his or her decision and inform the applicant within thirty days of the result of the reconsideration. The applicant shall further be informed in writing of the right to appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114. After two additional reviews and denials by the sheriff, the person submitting the application shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114.

7. If the application is approved, the sheriff shall issue a certificate of qualification for a concealed carry endorsement to the applicant within a period not to exceed three working days after his or her approval of the application. The applicant shall sign the certificate of qualification in the presence of the sheriff or his or her designee and shall within seven days of receipt of the certificate of qualification take the certificate of qualification to the department of revenue. Upon verification of the certificate of qualification and completion of a driver's license or nondriver's license

application pursuant to chapter 302, the director of revenue shall issue a new driver's license or nondriver's license with an endorsement which identifies that the applicant has received a certificate of qualification to carry concealed weapons issued pursuant to sections 571.101 to 571.121 if the applicant is otherwise qualified to receive such driver's license or nondriver's license. Notwithstanding any other provision of chapter 302, a nondriver's license with a concealed carry endorsement shall expire three years from the date the certificate of qualification was issued pursuant to this section. The requirements for the director of revenue to issue a concealed carry endorsement pursuant to this subsection shall not be effective until July 1, 2004, and the certificate of qualification issued by a county sheriff pursuant to subsection 1 of this section shall allow the person issued such certificate to carry a concealed weapon pursuant to the requirements of subsection 1 of section 571.107 in lieu of the concealed carry endorsement issued by the director of revenue from October 11, 2003, until the concealed carry endorsement is issued by the director of revenue on or after July 1, 2004, unless such certificate of qualification has been suspended or revoked for cause.

8. The sheriff shall keep a record of all applications for a certificate of qualification for a concealed carry endorsement and his or her action thereon. The sheriff shall report the issuance of a certificate of qualification to the Missouri uniform law enforcement system. All information on any such certificate that is protected information on any driver's or nondriver's license shall have the same personal protection for purposes of sections 571.101 to 571.121. An applicant's status as a holder of a certificate of qualification or a concealed carry endorsement shall not be public information and shall be considered personal protected information. Any person who violates the provisions of this subsection by disclosing protected information shall be guilty of a class A misdemeanor.

9. Information regarding any holder of a certificate of qualification or a concealed carry endorsement is a closed record.

10. For processing an application for a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed one hundred dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

11. For processing a renewal for a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed fifty dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

12. For the purposes of sections 571.101 to 571.121, the term "sheriff" shall include the sheriff of any county or city not within a county or his or her designee and in counties of the first classification the sheriff may designate the chief of police of any city, town, or municipality within such county.

571.117. 1. Any person who has knowledge that another person, who was issued a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, never was or no longer is eligible for such endorsement under the criteria established in sections 571.101 to 571.121 may file a petition with the clerk of the small claims court to revoke that person's certificate of qualification for a concealed carry endorsement and such person's concealed carry endorsement. The petition shall be in a form substantially similar to the petition for revocation of concealed carry endorsement provided in this section. Appeal forms shall be provided by the clerk of the small claims court free of charge to any person:

SMALL CLAIMS COURT

In the Circuit Court of, Missouri

....., PLAINTIFF

)

)

vs.) Case Number

)

....., DEFENDANT,

Carry Endorsement Holder

....., DEFENDANT,

Sheriff of Issuance

PETITION FOR REVOCATION OF CERTIFICATE OF QUALIFICATION OR CONCEALED CARRY ENDORSEMENT

Plaintiff states to the court that the defendant,, has a certificate of qualification or a concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo, and that the defendant's certificate of qualification or concealed carry endorsement should now be revoked because the defendant either never was or no longer is eligible for such a certificate or endorsement pursuant to the provisions of sections 571.101 to 571.121, RSMo, specifically

plaintiff states that defendant,, never was or no longer is eligible for such certificate or endorsement for one or more of the following reasons:

(CHECK BELOW EACH REASON
THAT APPLIES TO THIS DEFENDANT)

- ☐ Defendant is not at least [twenty-one] **nineteen** years of age or at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces.
- ☐ Defendant is not a citizen of the United States.
- ☐ Defendant had not resided in this state prior to issuance of the permit and does not qualify as a military member or spouse of a military member stationed in Missouri.
- ☐ Defendant has pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.
- ☐ Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a certificate of qualification or concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo, or if the applicant has been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a certificate of qualification or a concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo.
- ☐ Defendant is a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.
- ☐ Defendant has been discharged under dishonorable conditions from the United States Armed Forces.
- ☐ Defendant is reasonably believed by the sheriff to be a danger to self or others based on previous, documented pattern.
- ☐ Defendant is adjudged mentally incompetent at the time of application or for five years prior to application, or has been committed to a mental health facility, as defined in section 632.005, RSMo, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, RSMo, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply.
- ☐ Defendant failed to submit a completed application for a certificate of qualification or concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo.
- ☐ Defendant failed to submit to or failed to clear the required background check.
- ☐ Defendant failed to submit an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsection 1 of section 571.111, RSMo.

The plaintiff subject to penalty for perjury states that the information contained in this petition is true and correct to the best of the plaintiff's knowledge, is reasonably based upon the petitioner's personal knowledge and is not primarily intended to harass the defendant/respondent named herein.

....., PLAINTIFF

2. If at the hearing the plaintiff shows that the defendant was not eligible for the certificate of qualification or the concealed carry endorsement issued pursuant to sections 571.101 to 571.121 at the time of issuance or renewal or is no longer eligible for a certificate of qualification or the concealed carry endorsement issued pursuant to the provisions of sections 571.101 to 571.121, the court shall issue an appropriate order to cause the revocation of the certificate of qualification or concealed carry endorsement. Costs shall not be assessed against the sheriff.

3. The finder of fact, in any action brought against an endorsement holder pursuant to subsection 1 of this section, shall make findings of fact and the court shall make conclusions of law addressing the issues at dispute. If it is determined that the plaintiff in such an action acted without justification or with malice or primarily with an intent to harass the endorsement holder or that there was no reasonable basis to bring the action, the court shall order the plaintiff to pay the defendant/respondent all reasonable costs incurred in defending the action including, but not limited to, attorney's fees, deposition costs, and lost wages. Once the court determines that the plaintiff is liable to the defendant/respondent for costs and fees, the extent and type of fees and costs to be awarded should be liberally calculated

in defendant/respondent's favor. Notwithstanding any other provision of law, reasonable attorney's fees shall be presumed to be at least one hundred fifty dollars per hour.

4. Any person aggrieved by any final judgment rendered by a small claims court in a petition for revocation of a certificate of qualification or concealed carry endorsement may have a right to trial de novo as provided in sections 512.180 to 512.320.

5. The office of the county sheriff or any employee or agent of the county sheriff shall not be liable for damages in any civil action arising from alleged wrongful or improper granting, renewing, or failure to revoke a certificate of qualification or a concealed carry endorsement issued pursuant to sections 571.101 to 571.121, so long as the sheriff acted in good faith."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Gatschenberger, **House Amendment No. 1** was adopted.

Representative Curtman offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 436, Page 4, Section 1.320, Line 93, by inserting after all of said section and line, the following:

"21.750. 1. The general assembly hereby occupies and preempts the entire field of legislation touching in any way firearms, components, ammunition and supplies to the complete exclusion of any order, ordinance or regulation by any political subdivision of this state. Any existing or future orders, ordinances or regulations in this field are hereby and shall be null and void except as provided in subsection 3 of this section.

2. No county, city, town, village, municipality, or other political subdivision of this state shall adopt any order, ordinance or regulation concerning in any way the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permit, registration, taxation other than sales and compensating use taxes or other controls on firearms, components, ammunition, and supplies except as provided in subsection 3 of this section.

3. **(1) Except as provided in subdivision (2) of this subsection**, nothing contained in this section shall prohibit any ordinance of any political subdivision which conforms exactly with any of the provisions of sections 571.010 to 571.070, with appropriate penalty provisions, or which regulates the open carrying of firearms readily capable of lethal use or the discharge of firearms within a jurisdiction, provided such ordinance complies with the provisions of section 252.243.

(2) In any jurisdiction in which open carry of firearms is prohibited by ordinance, open carry of a firearm shall not be prohibited in accordance with the following:

(a) Any person with a valid concealed carry endorsement who is open carrying a firearm shall be required to have a valid concealed carry endorsement from this state or a permit from another state permit which is recognized by this state in his or her possession at all times;

(b) The open carrying of a firearm shall be limited to a firearm sixteen inches or less in overall length;

(c) Any person open carrying a firearm in such jurisdiction shall display his or her concealed carry endorsement upon demand of a law enforcement officer;

(d) In the absence of any reasonable and articulable suspicion of criminal activity, no person carrying a concealed or unconcealed handgun shall be disarmed or physically restrained by a law enforcement officer unless under arrest; and

(e) Any person who violates this subdivision shall be subject to the penalty provided in section 571.121.

4. The lawful design, marketing, manufacture, distribution, or sale of firearms or ammunition to the public is not an abnormally dangerous activity and does not constitute a public or private nuisance.

5. No county, city, town, village or any other political subdivision nor the state shall bring suit or have any right to recover against any firearms or ammunition manufacturer, trade association or dealer for damages, abatement or injunctive relief resulting from or relating to the lawful design, manufacture, marketing, distribution, or sale of firearms or ammunition to the public. This subsection shall apply to any suit pending as of October 12, 2003, as well as any suit which may be brought in the future. Provided, however, that nothing in this section shall restrict the rights of individual citizens to recover for injury or death caused by the negligent or defective design or manufacture of firearms or ammunition.

6. Nothing in this section shall prevent the state, a county, city, town, village or any other political subdivision from bringing an action against a firearms or ammunition manufacturer or dealer for breach of contract or warranty as to firearms or ammunition purchased by the state or such political subdivision."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Curtman, **House Amendment No. 2** was adopted.

Representative Frederick offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 436, Page 4, Section 1.320, Line 93, by inserting after all of said section and line, the following:

"571.011. 1. No person or entity shall publish the name, address, or other identifying information of any individual who owns a firearm or who is an applicant for or holder of any license, certificate, permit, or endorsement which allows such individual to own, acquire, possess, or carry a firearm.

2. For purposes of this section, "publish" means to issue information or material in printed or electronic form for distribution or sale to the public.

3. Any person or entity who violates the provisions of this section by publishing identifying information protected under this section is guilty of a class A misdemeanor.

571.012. 1. No health care professional licensed in this state shall be required by law to:

(1) Inquire as to whether a patient owns a firearm;

(2) Document or maintain in a patient's medical records whether such patient owns a firearm; or

(3) Notify any governmental entity of the identity of a patient based solely on the patient's status as an owner of a firearm.

2. Nothing in this section shall be construed as prohibiting or otherwise restricting a health care professional from inquiring, documenting, or otherwise disclosing a patient's status as an owner of a firearm if such inquiry, documentation, or disclosure is necessitated or medically indicated by the health care professional's scope of practice and such inquiry, documentation, or disclosure does not violate any other state or federal law."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Frederick, **House Amendment No. 3** was adopted.

Representative Brattin offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 436, Page 4, Section 1.320, Line 93, by inserting after all of said section and line, the following:

"160.665. 1. Any school district within the state may designate one or more elementary or secondary school teachers or administrators as a school protection officer. The responsibilities and duties of a school protection officer are voluntary and shall be in addition to the normal responsibilities and duties of the teacher or administrator. Any compensation for additional duties relating to service as a school protection officer shall be funded by the local school district, with no state funds used for such purpose.

2. Any person designated by a school district as a school protection officer shall be authorized to carry concealed firearms in any school in the district and shall be required to keep such firearm on his or her person at all times while on school property. Any school protection officer who violates this subsection shall be removed immediately from the classroom and subject to employment termination proceedings.

3. Any person designated as a school protection officer may detain, on view, any person the officer sees violating or who such officer has reasonable grounds to believe has violated any law of this state, including a misdemeanor or infraction, or any policy of the school.

4. Any person detained by a school protection officer for violation of any state law shall, as soon as practically possible, be turned over to a law enforcement officer. However, in no case shall a person detained under the provisions of this section be detained by a school protection officer for more than four hours.

5. Any person detained by a school protection officer for violation of any school policy shall, as soon as practically possible, be turned over to a school administrator. However, in no case shall a person detained under the provisions of this section be detained by a school protection officer for more than four hours.

6. Any teacher or administrator of an elementary or secondary school who seeks to be designated as a school protection officer shall request such designation, in writing, and submit it to the superintendent of the school district which employs him or her as a teacher or administrator. Along with this request the teacher or administrator shall also submit proof that he or she has a valid concealed carry endorsement and shall submit a certificate of school protection officer training program completion from a training program approved by the director of the department of public safety which demonstrates that such person has successfully completed the training requirements established by the POST commission under chapter 590 for school protection officers.

7. No school district may designate a teacher or administrator as a school protection officer unless such person has a valid concealed carry endorsement and has successfully completed a school protection officer training program which has been approved by the director of the department of public safety.

8. Any school district which designates a teacher or administrator as a school protection officer shall, within thirty days, notify, in writing, the director of the department of public safety of the designation which shall include the following:

- (1) The full name, date of birth, and address of the officer;
- (2) The name of the school district; and
- (3) The date such person was designated as a school protection officer.

Notwithstanding any other law, any identifying information collected under the authority of this subsection shall not be considered public information and shall not be subject to a sunshine request made under chapter 610.

9. A school district may revoke the designation of a person as a school protection officer for any reason and shall immediately notify the designated school protection officer, in writing, of the revocation. The school district shall also within thirty days of the revocation notify the director of the department of public safety, in writing, of the revocation of the designation of such person as a school protection officer.

10. The director of the department of public safety shall maintain a listing of all persons designated by school districts as school protection officers and shall make this list available to all law enforcement agencies.

571.107. 1. A concealed carry endorsement issued pursuant to sections 571.101 to 571.121 or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize the person in whose name the permit or endorsement is issued to carry concealed firearms on or about his or her person or vehicle throughout the state. No driver's license or nondriver's license containing a concealed carry endorsement issued pursuant to sections 571.101 to 571.121 or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize any person to carry concealed firearms into:

(1) Any police, sheriff, or highway patrol office or station without the consent of the chief law enforcement officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(2) Within twenty-five feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(3) The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention, or correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(4) Any courthouse solely occupied by the circuit, appellate or supreme court, or any courtrooms, administrative offices, libraries or other rooms of any such court whether or not such court solely occupies the building in question. This subdivision shall also include, but not be limited to, any juvenile, family, drug, or other court offices, any room or office wherein any of the courts or offices listed in this subdivision are temporarily conducting any business

within the jurisdiction of such courts or offices, and such other locations in such manner as may be specified by supreme court rule pursuant to subdivision (6) of this subsection. Nothing in this subdivision shall preclude those persons listed in subdivision (1) of subsection 2 of section 571.030 while within their jurisdiction and on duty, those persons listed in subdivisions (2), (4), and (10) of subsection 2 of section 571.030, or such other persons who serve in a law enforcement capacity for a court as may be specified by supreme court rule pursuant to subdivision (6) of this subsection from carrying a concealed firearm within any of the areas described in this subdivision. Possession of a firearm in a vehicle on the premises of any of the areas listed in this subdivision shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(5) Any meeting of the governing body of a unit of local government; or any meeting of the general assembly or a committee of the general assembly, except that nothing in this subdivision shall preclude a member of the body holding a valid concealed carry endorsement from carrying a concealed firearm at a meeting of the body which he or she is a member. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision shall preclude a member of the general assembly, a full-time employee of the general assembly employed under section 17, article III, Constitution of Missouri, legislative employees of the general assembly as determined under section 21.155, or statewide elected officials and their employees, holding a valid concealed carry endorsement, from carrying a concealed firearm in the state capitol building or at a meeting whether of the full body of a house of the general assembly or a committee thereof, that is held in the state capitol building;

(6) The general assembly, supreme court, county or municipality may by rule, administrative regulation, or ordinance prohibit or limit the carrying of concealed firearms by endorsement holders in that portion of a building owned, leased or controlled by that unit of government. Any portion of a building in which the carrying of concealed firearms is prohibited or limited shall be clearly identified by signs posted at the entrance to the restricted area. The statute, rule or ordinance shall exempt any building used for public housing by private persons, highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by that unit of government from any restriction on the carrying or possession of a firearm. The statute, rule or ordinance shall not specify any criminal penalty for its violation but may specify that persons violating the statute, rule or ordinance may be denied entrance to the building, ordered to leave the building and if employees of the unit of government, be subjected to disciplinary measures for violation of the provisions of the statute, rule or ordinance. The provisions of this subdivision shall not apply to any other unit of government;

(7) Any establishment licensed to dispense intoxicating liquor for consumption on the premises, which portion is primarily devoted to that purpose, without the consent of the owner or manager. The provisions of this subdivision shall not apply to the licensee of said establishment. The provisions of this subdivision shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty persons and that receives at least fifty-one percent of its gross annual income from the dining facilities by the sale of food. This subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision authorizes any individual who has been issued a concealed carry endorsement to possess any firearm while intoxicated;

(8) Any area of an airport to which access is controlled by the inspection of persons and property. Possession of a firearm in a vehicle on the premises of the airport shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(9) Any place where the carrying of a firearm is prohibited by federal law;

(10) Any higher education institution or elementary or secondary school facility without the consent of the governing body of the higher education institution or a school official or the district school board, **unless the person with the concealed carry endorsement or permit is a teacher or administrator of an elementary or secondary school who has been designated by his or her school district as a school protection officer and is carrying a firearm in a school within that district, in which case no consent is required.** Possession of a firearm in a vehicle on the premises of any higher education institution or elementary or secondary school facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(11) Any portion of a building used as a child care facility without the consent of the manager. Nothing in this subdivision shall prevent the operator of a child care facility in a family home from owning or possessing a firearm or a driver's license or nondriver's license containing a concealed carry endorsement;

(12) Any riverboat gambling operation accessible by the public without the consent of the owner or manager pursuant to rules promulgated by the gaming commission. Possession of a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(13) Any gated area of an amusement park. Possession of a firearm in a vehicle on the premises of the amusement park shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(14) Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(15) Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one or more signs displayed in a conspicuous place of a minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less than one inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity, or person may prohibit persons holding a concealed carry endorsement from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry endorsement from carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a concealed carry endorsement from carrying a concealed firearm in vehicles owned by the employer;

(16) Any sports arena or stadium with a seating capacity of five thousand or more. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(17) Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

2. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17) of subsection 1 of this section by any individual who holds a concealed carry endorsement issued pursuant to sections 571.101 to 571.121 shall not be a criminal act but may subject the person to denial to the premises or removal from the premises. If such person refuses to leave the premises and a peace officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars for the first offense. If a second citation for a similar violation occurs within a six-month period, such person shall be fined an amount not to exceed two hundred dollars and his or her endorsement to carry concealed firearms shall be suspended for a period of one year. If a third citation for a similar violation is issued within one year of the first citation, such person shall be fined an amount not to exceed five hundred dollars and shall have his or her concealed carry endorsement revoked and such person shall not be eligible for a concealed carry endorsement for a period of three years. Upon conviction of charges arising from a citation issued pursuant to this subsection, the court shall notify the sheriff of the county which issued the certificate of qualification for a concealed carry endorsement and the department of revenue. The sheriff shall suspend or revoke the certificate of qualification for a concealed carry endorsement and the department of revenue shall issue a notice of such suspension or revocation of the concealed carry endorsement and take action to remove the concealed carry endorsement from the individual's driving record. The director of revenue shall notify the licensee that he or she must apply for a new license pursuant to chapter 302 which does not contain such endorsement. A concealed carry endorsement suspension pursuant to sections 571.101 to 571.121 shall be reinstated at the time of the renewal of his or her driver's license. The notice issued by the department of revenue shall be mailed to the last known address shown on the individual's driving record. The notice is deemed received three days after mailing.

590.010. As used in this chapter, the following terms mean:

(1) "Commission", when not obviously referring to the POST commission, means a grant of authority to act as a peace officer;

(2) "Director", the director of the Missouri department of public safety or his or her designated agent or representative;

(3) "Peace officer", a law enforcement officer of the state or any political subdivision of the state with the power of arrest for a violation of the criminal code or declared or deemed to be a peace officer by state statute;

(4) "POST commission", the peace officer standards and training commission;

(5) "Reserve peace officer", a peace officer who regularly works less than thirty hours per week;

(6) **"School protection officer", an elementary or secondary school teacher or administrator who has been designated as a school protection officer by a school district.**

590.200. 1. The POST commission shall:

- (1) Establish minimum standards for the training of school protection officers;**
- (2) Set the minimum number of hours of training required for a school protection officer; and**
- (3) Set the curriculum for school protection officer training programs.**

2. At a minimum this training shall include:

- (1) Instruction specific to the prevention of incidents of violence in schools;**
- (2) The handling of emergency or violent crisis situations in school settings;**
- (3) A review of all state criminal laws;**
- (4) Training involving the use of defensive force; and**
- (5) Training involving the use of deadly force.**

590.205. 1. The POST commission shall establish minimum standards for school protection officer training instructors, training centers, and training programs.

2. The director shall develop and maintain a list of approved school protection officer training instructors, training centers, and training programs. The director shall not place any instructor, training center, or training program on its approved list unless such instructor, training center, or training program meets all of the POST commission requirements under this section and section 590.200. The director shall make this approved list available to every school district in the state.

3. Each person seeking entrance into a school protection officer training center or training program shall submit a fingerprint card and authorization for a criminal history background check to include the records of the Federal Bureau of Investigation to the training center or training program where such person is seeking entrance. The training center or training program shall cause a criminal history background check to be made and shall cause the resulting report to be forwarded to the school district where the elementary school teacher or administrator is seeking to be designated as a school protection officer.

4. No person shall be admitted to a school protection officer training center or training program unless such person submits proof to the training center or training program that he or she has a valid concealed carry endorsement.

5. A certificate of school protection officer training program completion may be issued to any applicant by any approved school protection officer training instructor. On the certificate of program completion the approved school protection officer training instructor shall affirm that the individual receiving instruction has taken and passed a school protection officer training program that meets the requirements of this section and section 590.200 and that the individual has a valid concealed carry endorsement. The instructor shall also provide a copy of such certificate to the director of the department of public safety.

590.207. 1. Notwithstanding any other provision of law, any person designated as a school protection officer under the provisions of section 160.665 who fails to properly carry his or her concealed weapon on his or her person at all times while on school property as proscribed under subsection 2 of section 160.655 shall be guilty of a class A misdemeanor and shall be subject to employment termination proceedings within the school district.

2. Any school employee who discloses any information collected under subsection 8 of section 160.655 that contains identifying personal information about any person designated as a school protection officer to anyone other than those authorized to receive the information under subsection 8 of section 160.655 shall be guilty of a class B misdemeanor and shall be subject to employment termination proceedings within the school district."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Hummel raised a point of order that **House Amendment No. 4** goes beyond the scope of the bill.

Representative Elmer requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

Representative Hinson offered **House Amendment No. 1** to **House Amendment No. 4**.

House Amendment No. 1
to
House Amendment No. 4

AMEND House Amendment No. 4 to House Committee Substitute for House Bill No. 436, Page 7, Line 17, by inserting after said line the following:

‘AMEND House Committee Substitute for House Bill No. 859, Page 3, Section 50.535, Line 41, by inserting after all of said section and line, the following:

"571.018. 1. Any person who has been found guilty or pleaded guilty or nolo contendere to a prior felony offense and who commits a subsequent felony offense, regardless of whether use of a firearm is an element of the subsequent felony offense, and during the commission of such felony offense the person possesses, displays, brandishes, threatens to use, attempts to use, or discharges any firearm is guilty of the offense of unlawful possession or use of a firearm during the commission of a felony. Such offense shall be in addition to and not in lieu of any underlying felony offense or any other offense for which such person may be charged and found guilty of or plead guilty or nolo contendere to.

2. Any person who violates the provisions of this section shall be subject to the following terms of imprisonment:

- (1) For possession of a firearm during the commission of a felony, a term of imprisonment of ten years;**
- (2) For displaying, brandishing, threatening to use, or attempting to use a firearm during the commission of a felony, a term of imprisonment of twenty years; and**
- (3) For discharging a firearm during the commission of a felony, a term of imprisonment of life.**

The terms of imprisonment in this subsection shall be imposed consecutively to any other terms of imprisonment imposed for any other felony offense.

3. For purposes of this section, the following terms shall mean:

- (1) "Firearm", any weapon that is designed or adapted to expel a projectile by the action of an explosion;**
- (2) "Possession", with respect to a firearm, carrying it on the person. Possession may also be established by demonstrating that the person had a firearm within immediate physical reach with ready access and the intent to use the firearm during the commission of a felony.**

4. This section shall not apply to law enforcement officers or United States military personnel who are performing their lawful duties or who are traveling to or from their places of employment or assignment to perform their lawful duties."; and'; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hinson, **House Amendment No. 1 to House Amendment No. 4** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 099

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Houghton	Hurst

Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeier	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Reiboldt	Remole	Richardson	Riddle	Ross
Rowden	Rowland	Schatz	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Mr Speaker	

NOES: 047

Anders	Black	Burns	Butler	Carpenter
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Harris	Hodges
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	Mayfield	McCann Beatty	McDonald	McKenna
McNeil	Meredith	Mims	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Runions	Schieffer
Schupp	Smith 85	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 016

Colona	Cornejo	Fitzwater	Gardner	Haahr
Hough	May	McManus	Mitten	Molendorp
Rehder	Rhoads	Roorda	Scharnhorst	Smith 120
Zerr				

VACANCIES: 001

On motion of Representative Brattin, **House Amendment No. 4, as amended**, was adopted by the following vote:

AYES: 120

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Cierpiot	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	English	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Kratky	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
Mayfield	McCaherty	McGaugh	McKenna	Messenger

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Miller	Morris	Muntzel	Neely	Neth
Norr	Otto	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Schatz	Schieber	Schieffer	Shull
Shumake	Solon	Sommer	Spencer	Swan
Swearingen	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 032

Butler	Curtis	Dunn	Ellinger	Ellington
Englund	Hummel	Kelly 45	Kirkton	LaFaver
May	McCann Beatty	McDonald	McManus	McNeil
Meredith	Mims	Montecillo	Morgan	Newman
Nichols	Pace	Peters	Pierson	Rizzo
Runions	Schupp	Smith 85	Walton Gray	Webb
Webber	Wright			

PRESENT: 001

Carpenter

ABSENT WITH LEAVE: 009

Colona	Gardner	Mitten	Molendorp	Rehder
Roorda	Scharnhorst	Smith 120	Stream	

VACANCIES: 001

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 103

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Reiboldt
Remole	Rhoads	Richardson	Ross	Rowden
Rowland	Schatz	Schieber	Shull	Shumake

Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Zerr	Mr Speaker		

NOES: 048

Anders	Black	Burns	Butler	Carpenter
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Runions
Schieffer	Schupp	Smith 85	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 011

Colona	Hubbard	May	Mitten	Molendorp
Rehder	Riddle	Roorda	Scharnhorst	Smith 120
Wood				

VACANCIES: 001

On motion of Representative Funderburk, **HCS HB 436, as amended**, was adopted.

On motion of Representative Funderburk, **HCS HB 436, as amended**, was ordered perfected and printed by the following vote:

AYES: 117

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Cierpiot	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	English	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	Mayfield	McCaherty
McGaugh	McKenna	Messenger	Miller	Morris
Muntzel	Neely	Neth	Norr	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Schieffer	Shull	Shumake	Solon

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Sommer	Spencer	Stream	Swan	Thomson
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 039

Anders	Butler	Carpenter	Curtis	Dunn
Ellinger	Ellington	Englund	Gardner	Hummel
Kelly 45	Kirkton	Kratky	LaFaver	May
McCann Beatty	McDonald	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Otto	Pace	Peters	Pierson
Rizzo	Runions	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 006

Colona	Molendorp	Rehder	Roorda	Smith 120
Torpey				

VACANCIES: 001

HB 808, relating to teaching certificates, was taken up by Representative Funderburk.

Representative Thomson offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 808, Page 1, Line 3 of the Title, by deleting the words "teaching certificates" and inserting in lieu thereof the words "sunset provisions related to education"; and

Further amend said bill, Page 5, Section 168.021, Lines 146 through 148, by deleting all of said lines and inserting in lieu thereof the following:

"[8. The provisions of subdivision (5) of subsection 1 of this section, as well as any other provision of this section relating to the American Board for Certification of Teacher Excellence, shall terminate on August 28, 2014.]

169.070. 1. The retirement allowance of a member whose age at retirement is sixty years or more and whose creditable service is five years or more, or whose sum of age and creditable service equals eighty years or more, or who has attained age fifty-five and whose creditable service is twenty-five years or more or whose creditable service is thirty years or more regardless of age, may be the sum of the following items, not to exceed one hundred percent of the member's final average salary:

(1) Two and five-tenths percent of the member's final average salary for each year of membership service;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service not exceeding thirty years.

In lieu of the retirement allowance otherwise provided in subdivisions (1) and (2) of this subsection, a member may elect to receive a retirement allowance of:

(3) [Between July 1, 1998, and July 1, 2013,] Two and four-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-nine years or more but less than thirty years, and the member has not attained age fifty-five;

(4) [Between July 1, 1998, and July 1, 2013,] Two and thirty-five-hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-eight years or more but less than twenty-nine years, and the member has not attained age fifty-five;

(5) [Between July 1, 1998, and July 1, 2013,] Two and three-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-seven years or more but less than twenty-eight years, and the member has not attained age fifty-five;

(6) [Between July 1, 1998, and July 1, 2013,] Two and twenty-five-hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-six years or more but less than twenty-seven years, and the member has not attained age fifty-five;

(7) [Between July 1, 1998, and July 1, 2013,] Two and two-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-five years or more but less than twenty-six years, and the member has not attained age fifty-five;

(8) [Between July 1, 2001, and July 1, 2013,] Two and fifty-five hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is thirty-one years or more regardless of age.

2. In lieu of the retirement allowance provided in subsection 1 of this section, a member whose age is sixty years or more on September 28, 1975, may elect to have the member's retirement allowance calculated as a sum of the following items:

(1) Sixty cents plus one and five-tenths percent of the member's final average salary for each year of membership service;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service not exceeding thirty years;

(3) Three-fourths of one percent of the sum of subdivisions (1) and (2) of this subsection for each month of attained age in excess of sixty years but not in excess of age sixty-five.

3. (1) In lieu of the retirement allowance provided either in subsection 1 or 2 of this section, collectively called "option 1", a member whose creditable service is twenty-five years or more or who has attained the age of fifty-five with five or more years of creditable service may elect in the member's application for retirement to receive the actuarial equivalent of the member's retirement allowance in reduced monthly payments for life during retirement with the provision that:

Option 2. Upon the member's death the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member as the member shall have nominated in the member's election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the retired member elected option 1; OR

Option 3. Upon the death of the member three-fourths of the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the member elected option 1; OR

Option 4. Upon the death of the member one-half of the reduced retirement allowance shall be continued throughout the life of, and paid to, such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance shall be increased to the amount the retired member would be receiving had the member elected option 1; OR

Option 5. Upon the death of the member prior to the member having received one hundred twenty monthly payments of the member's reduced allowance, the remainder of the one hundred twenty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the one hundred twenty monthly payments, the total of the remainder of such one hundred twenty monthly payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the last person, in that order of precedence, to receive a monthly allowance in a lump sum payment. If the total of the one hundred twenty payments paid to the retired individual and the beneficiary of the retired individual is less than the total of the member's accumulated contributions, the difference shall be paid to the beneficiary in a lump sum; OR

Option 6. Upon the death of the member prior to the member having received sixty monthly payments of the member's reduced allowance, the remainder of the sixty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the sixty monthly payments, the total of the remainder of such sixty monthly payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the last person, in that order of precedence, to receive a monthly

allowance in a lump sum payment. If the total of the sixty payments paid to the retired individual and the beneficiary of the retired individual is less than the total of the member's accumulated contributions, the difference shall be paid to the beneficiary in a lump sum.

(2) The election of an option may be made only in the application for retirement and such application must be filed prior to the date on which the retirement of the member is to be effective. If either the member or the person nominated to receive the survivorship payments dies before the effective date of retirement, the option shall not be effective, provided that:

(a) If the member or a person retired on disability retirement dies after acquiring twenty-five or more years of creditable service or after attaining the age of fifty-five years and acquiring five or more years of creditable service and before retirement, except retirement with disability benefits, and the person named by the member as the member's beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either survivorship benefits under option 2 or a payment of the accumulated contributions of the member. If survivorship benefits under option 2 are elected and the member at the time of death would have been eligible to receive an actuarial equivalent of the member's retirement allowance, the designated beneficiary may further elect to defer the option 2 payments until the date the member would have been eligible to receive the retirement allowance provided in subsection 1 or 2 of this section;

(b) If the member or a person retired on disability retirement dies before attaining age fifty-five but after acquiring five but fewer than twenty-five years of creditable service, and the person named as the member's beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either a payment of the member's accumulated contributions, or survivorship benefits under option 2 to begin on the date the member would first have been eligible to receive an actuarial equivalent of the member's retirement allowance, or to begin on the date the member would first have been eligible to receive the retirement allowance provided in subsection 1 or 2 of this section.

4. If the total of the retirement or disability allowance paid to an individual before the death of the individual is less than the accumulated contributions at the time of retirement, the difference shall be paid to the beneficiary of the individual, or to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the individual in that order of precedence. If an optional benefit as provided in option 2, 3 or 4 in subsection 3 of this section had been elected, and the beneficiary dies after receiving the optional benefit, and if the total retirement allowance paid to the retired individual and the beneficiary of the retired individual is less than the total of the contributions, the difference shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the beneficiary, in that order of precedence, unless the retired individual designates a different recipient with the board at or after retirement.

5. If a member dies and his or her financial institution is unable to accept the final payment or payments due to the member, the final payment or payments shall be paid to the beneficiary of the member or, if there is no beneficiary, to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the member, in that order of precedence, unless otherwise stated. If the beneficiary of a deceased member dies and his or her financial institution is unable to accept the final payment or payments, the final payment or payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the member, in that order of precedence, unless otherwise stated.

6. If a member dies before receiving a retirement allowance, the member's accumulated contributions at the time of the death of the member shall be paid to the beneficiary of the member or, if there is no beneficiary, to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or to the estate of the member, in that order of precedence; except that, no such payment shall be made if the beneficiary elects option 2 in subsection 3 of this section, unless the beneficiary dies before having received benefits pursuant to that subsection equal to the accumulated contributions of the member, in which case the amount of accumulated contributions in excess of the total benefits paid pursuant to that subsection shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the beneficiary, in that order of precedence.

7. If a member ceases to be a public school employee as herein defined and certifies to the board of trustees that such cessation is permanent, or if the membership of the person is otherwise terminated, the member shall be paid the member's accumulated contributions with interest.

8. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, if a member ceases to be a public school employee after acquiring five or more years of membership service in Missouri, the member may at the option of the member leave the member's contributions with the retirement system and claim a retirement allowance any time after reaching the minimum age for voluntary retirement. When the member's claim is presented to the board, the member shall be granted an allowance as provided in sections 169.010 to 169.141 on the basis of the member's age, years

of service, and the provisions of the law in effect at the time the member requests the member's retirement to become effective.

9. The retirement allowance of a member retired because of disability shall be nine-tenths of the allowance to which the member's creditable service would entitle the member if the member's age were sixty, or fifty percent of one-twelfth of the annual salary rate used in determining the member's contributions during the last school year for which the member received a year of creditable service immediately prior to the member's disability, whichever is greater, except that no such allowance shall exceed the retirement allowance to which the member would have been entitled upon retirement at age sixty if the member had continued to teach from the date of disability until age sixty at the same salary rate.

10. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, from October 13, 1961, the contribution rate pursuant to sections 169.010 to 169.141 shall be multiplied by the factor of two-thirds for any member of the system for whom federal Old Age and Survivors Insurance tax is paid from state or local tax funds on account of the member's employment entitling the person to membership in the system. The monetary benefits for a member who elected not to exercise an option to pay into the system a retroactive contribution of four percent on that part of the member's annual salary rate which was in excess of four thousand eight hundred dollars but not in excess of eight thousand four hundred dollars for each year of employment in a position covered by this system between July 1, 1957, and July 1, 1961, as provided in subsection 10 of this section as it appears in RSMo, 1969, shall be the sum of:

(1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for years of membership service;

(2) For years of membership service after July 1, 1946, in which the full contribution rate was paid, full benefits under the formula in effect at the time of the member's retirement;

(3) For years of membership service after July 1, 1957, and prior to July 1, 1961, the benefits provided in this section as it appears in RSMo, 1959; except that if the member has at least thirty years of creditable service at retirement the member shall receive the benefit payable pursuant to that section as though the member's age were sixty-five at retirement;

(4) For years of membership service after July 1, 1961, in which the two-thirds contribution rate was paid, two-thirds of the benefits under the formula in effect at the time of the member's retirement.

11. The monetary benefits for each other member for whom federal Old Age and Survivors Insurance tax is or was paid at any time from state or local funds on account of the member's employment entitling the member to membership in the system shall be the sum of:

(1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for years of membership service;

(2) For years of membership service after July 1, 1946, in which the full contribution rate was paid, full benefits under the formula in effect at the time of the member's retirement;

(3) For years of membership service after July 1, 1957, in which the two-thirds contribution rate was paid, two-thirds of the benefits under the formula in effect at the time of the member's retirement.

12. Any retired member of the system who was retired prior to September 1, 1972, or beneficiary receiving payments under option 1 or option 2 of subsection 3 of this section, as such option existed prior to September 1, 1972, will be eligible to receive an increase in the retirement allowance of the member of two percent for each year, or major fraction of more than one-half of a year, which the retired member has been retired prior to July 1, 1975. This increased amount shall be payable commencing with January, 1976, and shall thereafter be referred to as the member's retirement allowance. The increase provided for in this subsection shall not affect the retired member's eligibility for compensation provided for in section 169.580 or 169.585, nor shall the amount being paid pursuant to these sections be reduced because of any increases provided for in this section.

13. If the board of trustees determines that the cost of living, as measured by generally accepted standards, increases two percent or more in the preceding fiscal year, the board shall increase the retirement allowances which the retired members or beneficiaries are receiving by two percent of the amount being received by the retired member or the beneficiary at the time the annual increase is granted by the board with the provision that the increases provided for in this subsection shall not become effective until the fourth January first following the member's retirement or January 1, 1977, whichever later occurs, or in the case of any member retiring on or after July 1, 2000, the increase provided for in this subsection shall not become effective until the third January first following the member's retirement, or in the case of any member retiring on or after July 1, 2001, the increase provided for in this subsection shall not become effective until the second January first following the member's retirement. Commencing with January 1, 1992, if the board of trustees determines that the cost of living has increased five percent or more in the preceding fiscal year, the board shall increase the retirement allowances by five percent. The total of the increases granted to a retired member or the beneficiary after December 31, 1976, may not exceed eighty percent of the retirement allowance established at retirement

or as previously adjusted by other subsections. If the cost of living increases less than five percent, the board of trustees may determine the percentage of increase to be made in retirement allowances, but at no time can the increase exceed five percent per year. If the cost of living decreases in a fiscal year, there will be no increase in allowances for retired members on the following January first.

14. The board of trustees may reduce the amounts which have been granted as increases to a member pursuant to subsection 13 of this section if the cost of living, as determined by the board and as measured by generally accepted standards, is less than the cost of living was at the time of the first increase granted to the member; except that, the reductions shall not exceed the amount of increases which have been made to the member's allowance after December 31, 1976.

15. Any application for retirement shall include a sworn statement by the member certifying that the spouse of the member at the time the application was completed was aware of the application and the plan of retirement elected in the application.

16. Notwithstanding any other provision of law, any person retired prior to September 28, 1983, who is receiving a reduced retirement allowance under option 1 or option 2 of subsection 3 of this section, as such option existed prior to September 28, 1983, and whose beneficiary nominated to receive continued retirement allowance payments under the elected option dies or has died, shall upon application to the board of trustees have his or her retirement allowance increased to the amount he or she would have been receiving had the option not been elected, actuarially adjusted to recognize any excessive benefits which would have been paid to him or her up to the time of application.

17. Benefits paid pursuant to the provisions of the public school retirement system of Missouri shall not exceed the limitations of Section 415 of Title 26 of the United States Code except as provided pursuant to this subsection. Notwithstanding any other law to the contrary, the board of trustees may establish a benefit plan pursuant to Section 415(m) of Title 26 of the United States Code. Such plan shall be created solely for the purpose described in Section 415(m)(3)(A) of Title 26 of the United States Code. The board of trustees may promulgate regulations necessary to implement the provisions of this subsection and to create and administer such benefit plan.

18. Notwithstanding any other provision of law to the contrary, any person retired before, on, or after May 26, 1994, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties the person shall receive an amount based on the person's years of service so that the total amount received pursuant to sections 169.010 to 169.141 shall be at least the minimum amounts specified in subdivisions (1) to (4) of this subsection. In determining the minimum amount to be received, the amounts in subdivisions (3) and (4) of this subsection shall be adjusted in accordance with the actuarial adjustment, if any, that was applied to the person's retirement allowance. In determining the minimum amount to be received, beginning September 1, 1996, the amounts in subdivisions (1) and (2) of this subsection shall be adjusted in accordance with the actuarial adjustment, if any, that was applied to the person's retirement allowance due to election of an optional form of retirement having a continued monthly payment after the person's death. Notwithstanding any other provision of law to the contrary, no person retired before, on, or after May 26, 1994, and no beneficiary of such a person, shall receive a retirement benefit pursuant to sections 169.010 to 169.141 based on the person's years of service less than the following amounts:

- (1) Thirty or more years of service, one thousand two hundred dollars;
- (2) At least twenty-five years but less than thirty years, one thousand dollars;
- (3) At least twenty years but less than twenty-five years, eight hundred dollars;
- (4) At least fifteen years but less than twenty years, six hundred dollars.

19. Notwithstanding any other provisions of law to the contrary, any person retired prior to May 26, 1994, and any designated beneficiary of such a retired member who was deceased prior to July 1, 1999, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement or aging and upon request shall give written or oral opinions to the board in response to such requests. Beginning September 1, 1996, as compensation for such service, the member shall have added, pursuant to this subsection, to the member's monthly annuity as provided by this section a dollar amount equal to the lesser of sixty dollars or the product of two dollars multiplied by the member's number of years of creditable service. Beginning September 1, 1999, the designated beneficiary of the deceased member shall as compensation for such service have added, pursuant to this subsection, to the monthly annuity as provided by this section a dollar amount equal to the lesser of sixty dollars or the product of two dollars multiplied by the member's number of years of creditable service. The total compensation provided by this section including the compensation provided by this subsection shall be used in calculating any future cost-of-living adjustments provided by subsection 13 of this section.

20. Any member who has retired prior to July 1, 1998, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of

education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties the person shall receive a payment equivalent to eight and seven-tenths percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 13 and 14 of this section for the purposes of the limit on the total amount of increases which may be received.

21. Any member who has retired shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such request. As compensation for such duties, the beneficiary of the retired member, or, if there is no beneficiary, the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the retired member, in that order of precedence, shall receive as a part of compensation for these duties a death benefit of five thousand dollars.

22. Any member who has retired prior to July 1, 1999, and the designated beneficiary of a retired member who was deceased prior to July 1, 1999, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall have added, pursuant to this subsection, to the monthly annuity as provided by this section a dollar amount equal to five dollars times the member's number of years of creditable service.

23. Any member who has retired prior to July 1, 2000, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall receive a payment equivalent to three and five-tenths percent of the previous month's benefit, which shall be added to the member or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 13 and 14 of this section for the purposes of the limit on the total amount of increases which may be received.

24. Any member who has retired prior to July 1, 2001, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall receive a dollar amount equal to three dollars times the member's number of years of creditable service, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 13 and 14 of this section for the purposes of the limit on the total amount of increases which may be received.

169.670. 1. The retirement allowance of a member whose age at retirement is sixty years or more and whose creditable service is five years or more, or whose sum of age and creditable service equals eighty years or more, or whose creditable service is thirty years or more regardless of age, shall be the sum of the following items:

(1) For each year of membership service, one and sixty-one hundredths percent of the member's final average salary;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service;

(3) Eighty-five one-hundredths of one percent of any amount by which the member's average compensation for services rendered prior to July 1, 1973, exceeds the average monthly compensation on which federal Social Security taxes were paid during the period over which such average compensation was computed, for each year of membership service credit for services rendered prior to July 1, 1973, plus six-tenths of the amount payable for a year of membership service for each year of prior service credit;

(4) In lieu of the retirement allowance otherwise provided by subdivisions (1) to (3) of this subsection, [between July 1, 2001, and July 1, 2013,] a member may elect to receive a retirement allowance of:

(a) One and fifty-nine hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-nine years or more but less than thirty years and the member has not attained the age of fifty-five;

(b) One and fifty-seven hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-eight years or more but less than twenty-nine years, and the member has not attained the age of fifty-five;

(c) One and fifty-five hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-seven years or more but less than twenty-eight years and the member has not attained the age of fifty-five;

(d) One and fifty-three hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-six years or more but less than twenty-seven years and the member has not attained the age of fifty-five;

(e) One and fifty-one hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-five years or more but less than twenty-six years and the member has not attained the age of fifty-five; and

(5) In addition to the retirement allowance provided in subdivisions (1) to (3) of this subsection, a member retiring on or after July 1, 2001, whose creditable service is thirty years or more or whose sum of age and creditable service is eighty years or more, shall receive a temporary retirement allowance equivalent to eight-tenths of one percent of the member's final average salary multiplied by the member's years of service until such time as the member reaches the minimum age for Social Security retirement benefits.

2. If the board of trustees determines that the cost of living, as measured by generally accepted standards, increases five percent or more in the preceding fiscal year, the board shall increase the retirement allowances which the retired members or beneficiaries are receiving by five percent of the amount being received by the retired member or the beneficiary at the time the annual increase is granted by the board; provided that, the increase provided in this subsection shall not become effective until the fourth January first following a member's retirement or January 1, 1982, whichever occurs later, and the total of the increases granted to a retired member or the beneficiary after December 31, 1981, may not exceed eighty percent of the retirement allowance established at retirement or as previously adjusted by other provisions of law. If the cost of living increases less than five percent, the board of trustees may determine the percentage of increase to be made in retirement allowances, but at no time can the increase exceed five percent per year. If the cost of living decreases in a fiscal year, there will be no increase in allowances for retired members on the following January first.

3. The board of trustees may reduce the amounts which have been granted as increases to a member pursuant to subsection 2 of this section if the cost of living, as determined by the board and as measured by generally accepted standards, is less than the cost of living was at the time of the first increase granted to the member; provided that, the reductions shall not exceed the amount of increases which have been made to the member's allowance after December 31, 1981.

4. (1) In lieu of the retirement allowance provided in subsection 1 of this section, called option 1, a member whose creditable service is twenty-five years or more or who has attained age fifty-five with five or more years of creditable service may elect, in the application for retirement, to receive the actuarial equivalent of the member's retirement allowance in reduced monthly payments for life during retirement with the provision that:

Option 2. Upon the member's death, the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member as the member shall have nominated in the member's election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the member elected option 1; OR

Option 3. Upon the death of the member three-fourths of the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the member elected option 1; OR

Option 4. Upon the death of the member one-half of the reduced retirement allowance shall be continued throughout the life of, and paid to, such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance shall be increased to the amount the retired member would be receiving had the member elected option 1; OR

Option 5. Upon the death of the member prior to the member having received one hundred twenty monthly payments of the member's reduced allowance, the remainder of the one hundred twenty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the one hundred twenty monthly payments, the reserve for the remainder of such one hundred twenty monthly payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the last person, in that order of precedence, to receive a monthly allowance in a lump sum payment. If the total of the one hundred twenty payments paid to the retired individual and the beneficiary of the retired individual is less than the total of the member's accumulated contributions, the difference shall be paid to the beneficiary in a lump sum; OR

Option 6. Upon the death of the member prior to the member having received sixty monthly payments of the member's reduced allowance, the remainder of the sixty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the sixty monthly payments, the reserve for the remainder of such sixty monthly payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the last person, in that order of precedence, to receive a monthly allowance in a lump sum payment. If the total of the sixty payments paid to the retired individual and the beneficiary of the retired individual is less than the total of the member's accumulated contributions, the difference shall be paid to the beneficiary in a lump sum; OR

Option 7. A plan of variable monthly benefit payments which provides, in conjunction with the member's retirement benefits under the federal Social Security laws, level or near-level retirement benefit payments to the member for life during retirement, and if authorized, to an appropriate beneficiary designated by the member. Such a plan shall be actuarially equivalent to the retirement allowance under option 1 and shall be available for election only if established by the board of trustees under duly adopted rules.

(2) The election of an option may be made only in the application for retirement and such application must be filed prior to the date on which the retirement of the member is to be effective. If either the member or the person nominated dies before the effective date of retirement, the option shall not be effective, provided that:

(a) If the member or a person retired on disability retirement dies after attaining age fifty-five and acquiring five or more years of creditable service or after acquiring twenty-five or more years of creditable service and before retirement, except retirement with disability benefits, and the person named by the member as the member's beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either survivorship payments under option 2 or a payment of the member's accumulated contributions. If survivorship benefits under option 2 are elected and the member at the time of death would have been eligible to receive an actuarial equivalent of the member's retirement allowance, the designated beneficiary may further elect to defer the option 2 payments until the date the member would have been eligible to receive the retirement allowance provided in subsection 1 of this section.

(b) If the member or a person retired on disability retirement dies before attaining age fifty-five but after acquiring five but fewer than twenty-five years of creditable service, and the person named as the beneficiary has an insurable interest in the life of the deceased member or disability retiree, the designated beneficiary may elect to receive either a payment of the person's accumulated contributions or survivorship benefits under option 2 to begin on the date the member would first have been eligible to receive an actuarial equivalent of the person's retirement allowance, or to begin on the date the member would first have been eligible to receive the retirement allowance provided in subsection 1 of this section.

5. If the total of the retirement or disability allowances paid to an individual before the person's death is less than the person's accumulated contributions at the time of the person's retirement, the difference shall be paid to the person's beneficiary or, if there is no beneficiary, to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or person's estate, in that order of precedence; provided, however, that if an optional benefit, as provided in option 2, 3 or 4 in subsection 4 of this section, had been elected and the beneficiary dies after receiving the optional benefit, then, if the total retirement allowances paid to the retired individual and the individual's beneficiary are less than the total of the contributions, the difference shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the beneficiary, in that order of precedence, unless the retired individual designates a different recipient with the board at or after retirement.

6. If a member dies and his or her financial institution is unable to accept the final payment or payments due to the member, the final payment or payments shall be paid to the beneficiary of the member or, if there is no beneficiary, to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the member, in that order of precedence, unless otherwise stated. If the beneficiary of a deceased member dies and his or her financial institution is unable to accept the final payment or payments, the final payment or payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the member, in that order of precedence, unless otherwise stated.

7. If a member dies before receiving a retirement allowance, the member's accumulated contributions at the time of the member's death shall be paid to the member's beneficiary or, if there is no beneficiary, to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or to the member's estate; provided, however, that no such payment shall be made if the beneficiary elects option 2 in subsection 4 of this section, unless the beneficiary dies before having received benefits pursuant to that subsection equal to the accumulated contributions of the member, in which case the amount of accumulated contributions in excess of the total benefits paid pursuant to that

subsection shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the beneficiary, in that order of precedence.

8. If a member ceases to be an employee as defined in section 169.600 and certifies to the board of trustees that such cessation is permanent or if the person's membership is otherwise terminated, the person shall be paid the person's accumulated contributions with interest.

9. Notwithstanding any provisions of sections 169.600 to 169.715 to the contrary, if a member ceases to be an employee as defined in section 169.600 after acquiring five or more years of creditable service, the member may, at the option of the member, leave the member's contributions with the retirement system and claim a retirement allowance any time after the member reaches the minimum age for voluntary retirement. When the member's claim is presented to the board, the member shall be granted an allowance as provided in sections 169.600 to 169.715 on the basis of the member's age and years of service.

10. The retirement allowance of a member retired because of disability shall be nine-tenths of the allowance to which the member's creditable service would entitle the member if the member's age were sixty.

11. Notwithstanding any provisions of sections 169.600 to 169.715 to the contrary, any member who is a member prior to October 13, 1969, may elect to have the member's retirement allowance computed in accordance with sections 169.600 to 169.715 as they existed prior to October 13, 1969.

12. Any application for retirement shall include a sworn statement by the member certifying that the spouse of the member at the time the application was completed was aware of the application and the plan of retirement elected in the application.

13. Notwithstanding any other provision of law, any person retired prior to August 14, 1984, who is receiving a reduced retirement allowance under option 1 or 2 of subsection 4 of this section, as the option existed prior to August 14, 1984, and whose beneficiary nominated to receive continued retirement allowance payments under the elected option dies or has died, shall upon application to the board of trustees have the person's retirement allowance increased to the amount the person would have been receiving had the person not elected the option actuarially adjusted to recognize any excessive benefits which would have been paid to the person up to the time of the application.

14. Benefits paid pursuant to the provisions of the public education employee retirement system of Missouri shall not exceed the limitations of Section 415 of Title 26 of the United States Code, except as provided under this subsection. Notwithstanding any other law, the board of trustees may establish a benefit plan under Section 415(m) of Title 26 of the United States Code. Such plan shall be credited solely for the purpose described in Section 415(m)(3)(A) of Title 26 of the United States Code. The board of trustees may promulgate regulations necessary to implement the provisions of this subsection and to create and administer such benefit plan.

15. Any member who has retired prior to July 1, 1999, and the designated beneficiary of a deceased retired member upon request shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging. As compensation for such duties the person shall receive a payment equivalent to seven and four-tenths percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 2 and 3 of this section for the purposes of the limit on the total amount of increases which may be received.

16. Any member who has retired prior to July 1, 2000, and the designated beneficiary of a deceased retired member upon request shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging. As compensation for such duties the person shall receive a payment equivalent to three and four-tenths percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 2 and 3 of this section for the purposes of the limit on the total amount of increases which may be received.

17. Any member who has retired prior to July 1, 2001, and the designated beneficiary of a deceased retired member upon request shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging. As compensation for such duties the person shall receive a payment equivalent to seven and one-tenth percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 2 and 3 of this section for the purposes of the limit on the total amount of increases which may be received."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Schatz	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Conway 10	Dunn	Ellinger	Ellington	English
Englund	Frame	Gardner	Harris	Hodges
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Runions	Schieffer	Smith 85	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 013

Colona	Cornejo	Curtis	Flanigan	Haahr
Hoskins	Lichtenegger	Molendorp	Rehder	Roorda
Scharnhorst	Schupp	Smith 120		

VACANCIES: 001

On motion of Representative Thomson, **House Amendment No. 1** was adopted.

On motion of Representative Funderburk, **HB 808, as amended**, was ordered perfected and printed.

HCS HBs 593 & 695, relating to cancer medications, was taken up by Representative Solon.

On motion of Representative Solon, **HCS HBs 593 & 695** was adopted.

On motion of Representative Solon, **HCS HBs 593 & 695** was ordered perfected and printed.

HCS#2 HB 698, relating to tax incentives, was taken up by Representative Zerr.

Speaker Jones resumed the Chair.

Representative Zerr offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute No. 2 for House Bill No. 698, Page 1, Section A, Line 8, by inserting after all of said line the following:

“32.115. 1. The department of revenue shall grant a tax credit, to be applied in the following order until used, against:

- (1) The annual tax on gross premium receipts of insurance companies in chapter 148;
- (2) The tax on banks determined pursuant to subdivision (2) of subsection 2 of section 148.030;
- (3) The tax on banks determined in subdivision (1) of subsection 2 of section 148.030;
- (4) The tax on other financial institutions in chapter 148;
- (5) The corporation franchise tax in chapter 147;
- (6) The state income tax in chapter 143; and
- (7) The annual tax on gross receipts of express companies in chapter 153.

2. For proposals approved pursuant to section 32.110:

(1) The amount of the tax credit shall not exceed fifty percent of the total amount contributed during the taxable year by the business firm or, in the case of a financial institution, where applicable, during the relevant income period in programs approved pursuant to section 32.110;

(2) Except as provided in subsection 2 or 5 of this section, a tax credit of up to seventy percent may be allowed for contributions to programs where activities fall within the scope of special program priorities as defined with the approval of the governor in regulations promulgated by the director of the department of economic development;

(3) Except as provided in subsection 2 or 5 of this section, the tax credit allowed for contributions to programs located in any community shall be equal to seventy percent of the total amount contributed where such community is a city, town or village which has fifteen thousand or less inhabitants as of the last decennial census and is located in a county which is either located in:

(a) An area that is not part of a standard metropolitan statistical area;

(b) A standard metropolitan statistical area but such county has only one city, town or village which has more than fifteen thousand inhabitants; or

(c) A standard metropolitan statistical area and a substantial number of persons in such county derive their income from agriculture. Such community may also be in an unincorporated area in such county as provided in subdivision (1), (2) or (3) of this subsection. Except in no case shall the total economic benefit of the combined federal and state tax savings to the taxpayer exceed the amount contributed by the taxpayer during the tax year;

(4) Such tax credit allocation, equal to seventy percent of the total amount contributed, shall not exceed four million dollars in fiscal year 1999 and six million dollars in fiscal year 2000 and any subsequent fiscal year. When the maximum dollar limit on the seventy percent tax credit allocation is committed, the tax credit allocation for such programs shall then be equal to fifty percent credit of the total amount contributed. Regulations establishing special program priorities are to be promulgated during the first month of each fiscal year and at such times during the year as the public interest dictates. Such credit shall not exceed two hundred and fifty thousand dollars annually except as provided in subdivision (5) of this subsection. No tax credit shall be approved for any bank, bank and trust company, insurance company, trust company, national bank, savings association, or building and loan association for activities that are a part of its normal course of business. Any tax credit not used in the period the contribution was made may be

carried over the next five succeeding calendar or fiscal years until the full credit has been claimed. Except as otherwise provided for proposals approved pursuant to section 32.111, 32.112 or 32.117, in no event shall the total amount of all other tax credits allowed pursuant to sections 32.100 to 32.125 exceed thirty-two million dollars in any one fiscal year, of which six million shall be credits allowed pursuant to section 135.460. If six million dollars in credits are not approved, then the remaining credits may be used for programs approved pursuant to sections 32.100 to 32.125;

(5) The credit may exceed two hundred fifty thousand dollars annually and shall not be limited if community services, crime prevention, education, job training, physical revitalization or economic development, as defined by section 32.105, is rendered in an area defined by federal or state law as an impoverished, economically distressed, or blighted area or as a neighborhood experiencing problems endangering its existence as a viable and stable neighborhood, or if the community services, crime prevention, education, job training, physical revitalization or economic development is limited to impoverished persons.

3. For proposals approved pursuant to section 32.111:

(1) The amount of the tax credit shall not exceed fifty-five percent of the total amount invested in affordable housing assistance activities or market rate housing in distressed communities as defined in section 135.530 by a business firm. Whenever such investment is made in the form of an equity investment or a loan, as opposed to a donation alone, tax credits may be claimed only where the loan or equity investment is accompanied by a donation which is eligible for federal income tax charitable deduction, and where the total value of the tax credits herein plus the value of the federal income tax charitable deduction is less than or equal to the value of the donation. Any tax credit not used in the period for which the credit was approved may be carried over the next ten succeeding calendar or fiscal years until the full credit has been allowed. If the affordable housing units or market rate housing units in distressed communities for which a tax is claimed are within a larger structure, parts of which are not the subject of a tax credit claim, then expenditures applicable to the entire structure shall be reduced on a prorated basis in proportion to the ratio of the number of square feet devoted to the affordable housing units or market rate housing units in distressed communities, for purposes of determining the amount of the tax credit. The total amount of tax credit granted for programs approved pursuant to section 32.111 for the fiscal year beginning July 1, 1991, shall not exceed two million dollars, to be increased by no more than two million dollars each succeeding fiscal year, until the total tax credits that may be approved reaches ten million dollars in any fiscal year. **Beginning August 28, 2013, no new tax credits shall be authorized for programs under section 32.111 as provided under section 620.2020. The provisions of this subdivision shall not be construed to limit or impair the ability of any administering agency to issue tax credits authorized prior to August 28, 2013, or the ability of any taxpayer to redeem any such tax credits;**

(2) For any year during the compliance period indicated in the land use restriction agreement, the owner of the affordable housing rental units for which a credit is being claimed shall certify to the commission that all tenants renting claimed units are income eligible for affordable housing units and that the rentals for each claimed unit are in compliance with the provisions of sections 32.100 to 32.125. The commission is authorized, in its discretion, to audit the records and accounts of the owner to verify such certification;

(3) In the case of owner-occupied affordable housing units, the qualifying owner occupant shall, before the end of the first year in which credits are claimed, certify to the commission that the occupant is income eligible during the preceding two years, and at the time of the initial purchase contract, but not thereafter. The qualifying owner occupant shall further certify to the commission, before the end of the first year in which credits are claimed, that during the compliance period indicated in the land use restriction agreement, the cost of the affordable housing unit to the occupant for the claimed unit can reasonably be projected to be in compliance with the provisions of sections 32.100 to 32.125. Any succeeding owner occupant acquiring the affordable housing unit during the compliance period indicated in the land use restriction agreement shall make the same certification;

(4) If at any time during the compliance period the commission determines a project for which a proposal has been approved is not in compliance with the applicable provisions of sections 32.100 to 32.125 or rules promulgated therefor, the commission may within one hundred fifty days of notice to the owner either seek injunctive enforcement action against the owner, or seek legal damages against the owner representing the value of the tax credits, or foreclose on the lien in the land use restriction agreement, selling the project at a public sale, and paying to the owner the proceeds of the sale, less the costs of the sale and less the value of all tax credits allowed herein. The commission shall remit to the director of revenue the portion of the legal damages collected or the sale proceeds representing the value of the tax credits. However, except in the event of intentional fraud by the taxpayer, the proposal's certificate of eligibility for tax credits shall not be revoked.

4. For proposals approved pursuant to section 32.112, the amount of the tax credit shall not exceed fifty-five percent of the total amount contributed to a neighborhood organization by business firms. Any tax credit not used in the period for which the credit was approved may be carried over the next ten succeeding calendar or fiscal years until

the full credit has been allowed. The total amount of tax credit granted for programs approved pursuant to section 32.112 shall not exceed one million dollars for each fiscal year.

5. The total amount of tax credits used for market rate housing in distressed communities pursuant to sections 32.100 to 32.125 shall not exceed thirty percent of the total amount of all tax credits authorized pursuant to sections 32.111 and 32.112.”; and

Further amend said substitute, Page 11, Section 100.850, Lines 21-25, by deleting all of said lines and inserting in lieu thereof the following:

“dollars annually. [Of such amount, nine hundred fifty thousand dollars shall be reserved for an approved project for a world headquarters of a business whose primary function is tax return preparation that is located in any home rule city with more than four hundred thousand inhabitants and located in more than one county, which amount reserved shall end in the year of the final maturity of the certificates issued for such approved project.]”; and

Further amend said substitute, Pages 75-76, Section 620.1039, Lines 7-14, by deleting all of said lines and inserting in lieu thereof the following:

“limited to those incurred in the research and development of agricultural biotechnology, plant genomics products, diagnostic and therapeutic medical devices, or prescription pharmaceuticals consumed by animals or those incurred in the research, development, or manufacture of power system technology for aerospace, space, defense, or implantable or wearable medical devices.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Zerr, **House Amendment No. 1** was adopted.

Representative Messenger offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute No. 2 for House Bill No. 698, Page 17, Section 135.535, Line 23, by inserting after the word "claimed." the following:

"This section and all referenced sections herein are subject to the provisions of section 196.1127."; and

Further amend House Committee Substitute No. 2 for House Bill No. 698, Page 64, Section 348.273, Line 188, by placing opening and closing brackets around the period "." on said line and inserting in lieu thereof the following:

“;
(n) This section and all referenced sections herein are subject to the provisions of section 196.1127.”; and

Further amend House Committee Substitute No. 2 for House Bill No. 698, Page 76, Section 620.1039, Line 14, by placing opening and closing brackets around the period "." on said line and insert in lieu thereof a ";" and inserting after all of such line the following:

"(6) This section and all referenced sections herein are subject to the provisions of section 196.1127."; and

Further amend House Committee Substitute No. 2 for House Bill No. 698, Page 89, Section 620.2005, Line 172, by placing opening and closing brackets around the period "." on said line and insert in lieu thereof a ";" and inserting after all of such line the following:

"(31) This section and all referenced sections herein are subject to the provisions of section 196.1127."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Messenger, **House Amendment No. 2** was adopted.

Representative Zerr offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute No. 2 for House Bill No. 698, Page 3, Line 41, by inserting after the words, "**pharmaceuticals consumed by**" the words, "**humans or**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Zerr, **House Amendment No. 3** was adopted.

Representative Hough offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute No. 2 for House Bill No. 698, Page 10, Section 99.1205, Line 231, by inserting after the number "9." the following:

"Following its initial application for tax credits under this section for eligible costs incurred in 2013 or any following year, and during the period it continues to seek tax credits under this section, an applicant shall submit to the department on a quarterly basis at the end of each calendar quarter a report affirming such applicant's continued qualification as an applicant under this section, describing the applicant's progress toward meeting the deadlines for commencement of work and for project completion established under its redevelopment agreement with the applicable municipal authority, and including copies of any written notices from such municipal authority asserting or threatening a termination of such development agreement due to a breach or default in the performance of such applicant's obligations under such redevelopment agreement."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hough, **House Amendment No. 4** was adopted.

Representative Jones (50) offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Committee Substitute No. 2 for House Bill No. 698, Page 54, Section 253.557, Lines 12-13, by deleting the phrase "**to any other taxpayer including, but not limited to, a not-for-profit entity**"; and

Further amend said bill, page, and section, Lines 15-16, by deleting the phrase "**including, but not limited to, any not-for-profit entity that is a partner, member, or owner**"; and

Further amend said bill, page, and section, Line 16, by deleting the phrase "[the] **such**" on said line and inserting in lieu thereof the word "the"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Jones (50), **House Amendment No. 5** was adopted.

Representative Barnes offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Committee Substitute No. 2 for House Bill No. 698, Page 6, Section 99.1205, Line 85, by deleting all of said line and inserting in lieu thereof the following:

"as of January 1, 2011; or

d. Any area including and within one quarter mile of property formerly utilized by the state of Missouri as a penitentiary located in any home rule city with more than forty-one thousand but fewer than forty-seven thousand inhabitants and partially located in any county of the first classification with more than seventy thousand but fewer than eighty-three thousand inhabitants."; and

Futher amend said bill, Section 208.770, Page 50, Line 28, by inserting after said line the following:

"217.905. 1. The commission shall have the following powers:

(1) To acquire title to the property historically utilized as the Missouri state penitentiary and to acquire by gift or bequest from public or private sources property adjacent thereto and necessary or appropriate to the successful redevelopment of the Missouri state penitentiary property;

(2) To lease or sell real property to developers who will utilize the property consistent with the master plan for the property and to hold proceeds from such transactions outside the state treasury;

(3) To adopt bylaws for the regulation of its affairs and the conduct of its business;

(4) To hire employees necessary to perform the commission's work;

(5) To contract and to be contracted with, including, but without limitation, the authority to enter into contracts with cities, counties and other political subdivisions, agencies of the state of Missouri and public agencies pursuant to sections 70.210 to 70.325 and otherwise, and to enter into contracts with other entities, in connection with the acquisition by gift or bequest and in connection with the planning, construction, financing, leasing, subleasing, operation and maintenance of any real property or facility and for any other lawful purpose, and to sue and to be sued;

(6) To receive for its lawful activities contributions or moneys appropriated or otherwise designated for payment to the authority by municipalities, counties, state or other political subdivisions or public agencies or by the federal government or any agency or officer thereof or from any other sources and to apply for grants and other funding and deposit those funds in the Missouri state penitentiary redevelopment fund;

(7) To disburse funds for its lawful activities and fix salaries and wages of its employees;

(8) To invest any of the commission's funds in such types of investments as shall be determined by a resolution adopted by the commission;

(9) To borrow money for the acquisition, construction, equipping, operation, maintenance, repair, remediation or improvement of any facility or real property to which the commission holds title and for any other proper purpose, and to issue negotiable notes, bonds and other instruments in writing as evidence of sums borrowed;

(10) To perform all other necessary and incidental functions, and to exercise such additional powers as shall be conferred by the general assembly; and

(11) To purchase insurance, including self-insurance, of any property or operations of the commission or its members, directors, officers and employees, against any risk or hazard, and to indemnify its members, agents, independent contractors, directors, officers and employees against any risk or hazard. The commission is specifically authorized to purchase insurance from the Missouri public entity risk management fund and is hereby determined to be a public entity as defined in section 537.700.

2. In no event shall the state be liable for any deficiency or indebtedness incurred by the commission.

3. The Missouri state penitentiary redevelopment commission is a state commission for purposes of section 105.711 and all members of the commission shall be entitled to coverage under the state legal expense fund.

4. The state of Missouri shall sell at least seventy percent of the property utilized as the Missouri state penitentiary by December 31, 2014"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Barnes, **House Amendment No. 6** was adopted.

Representative Guernsey offered **House Amendment No. 7**.

House Amendment No. 7

AMEND House Committee Substitute No. 2 for House Bill No. 698, Page 98, Section 620.2020, Line 185, by inserting after all of said section and line the following:

"Section 1. 1. The department of economic development through Missouri career centers shall partner with Missouri staffing agencies to accomplish their goals.

2. As used in this section, "Missouri staffing agencies" shall mean any person, firm, partnership, or corporation doing business within the state that supplies, on a temporary, temp-to hire or permanent basis, personnel to meet a client's staffing needs."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Guernsey, **House Amendment No. 7** was adopted.

Representative Guernsey offered **House Amendment No. 8.**

House Amendment No. 8

AMEND House Committee Substitute No. 2 for House Bill No. 698, Page 13, Section 135.352, Line 41, by inserting after all of said line the following:

"9. Any entity that receives a tax credit under sections 135.350 through 135.363 shall be deemed to have waived their right to present evidence to the state tax commission in any appeal of their real estate property assessment relating to the ability of property for which the credits were issued to generate income."; and

Further amend House Committee Substitute No. 2 for House Bill No. 698, Page 13, Section 135.352, by renumbering the subsections accordingly; and

Further amend House Committee Substitute No. 2 for House Bill No. 698, Page 59, Section 253.559, Line 177, by inserting after all of said line the following:

"11. Any entity that receives a tax credit under sections 253.545 through 253.559 shall be deemed to have waived their right to present evidence to the state tax commission in any appeal of their real estate property assessment relating to the ability of property for which the credits were issued to generate income."; and

Further amend House Committee Substitute No. 2 for House Bill No. 698, Page 59, Section 253.559, by renumbering the subsections accordingly; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Guernsey, **House Amendment No. 8** was adopted.

Representative Curtman offered **House Amendment No. 9.**

House Amendment No. 9

AMEND House Committee Substitute No. 2 for House Bill No. 698, Page 7, Section 99.1205, Line 144, by deleting all of said line and inserting in lieu thereof the following:

"entitled to receive such tax credits may transfer, sell, or assign the tax credits through December 31, 2013, but beginning January 1, 2014, no tax credit issued under this section shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed. Tax credits"; and

Further amend said bill, Page 11, Section 100.850, Line 16, by inserting immediately after the word "made." the following:

"Beginning January 1, 2014, no tax credit issued under this section shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed."; and

Further amend said bill, Page 11, Section 135.305, Line 9, by inserting after all of said line the following:

"135.309. Through December 31, 2013, the wood energy producer may elect to assign to a third party the approved tax credit. Certification of assignment and other appropriate forms must be filed with the Missouri department of revenue. **Beginning January 1, 2014, no tax credit issued under sections 135.300 to 135.311 shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed.";** and

Further amend said bill, Page 13, Section 135.352, Line 45, by inserting after all of said line the following:

"135.363. 1. Through December 31, 2013, all or any portion of tax credits issued in accordance with the provisions of sections 135.350 to 135.363 may be transferred, sold or assigned to parties who are eligible under the provisions of subsection 1 of section 135.352. **Beginning January 1, 2014, no tax credit issued under sections 135.350 to 135.363 shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed.**

2. Beginning January 1, 1995, for qualified projects which began on or after January 1, 1994, an owner or transferee desiring to make a transfer, sale or assignment as described in subsection 1 of this section shall submit to the director of the department of revenue a statement which describes the amount of credit for which such transfer, sale or assignment of credit is eligible. The owner shall provide to the director of revenue appropriate information so that the low-income housing tax credit can be properly allocated.

3. In the event that recapture of Missouri low-income housing tax credits is required pursuant to subsection 2 of section 135.355, any statement submitted to the director of the department of revenue as provided in this section shall include the proportion of the state credit required to be recaptured, the identity of each transferee subject to recapture and the amount of credit previously transferred to such transferee.

4. The director of the department of revenue may prescribe rules and regulations necessary for the administration of the provisions of this section.";

Further amend said bill, Page 14, Section 135.460, Line 27, by inserting after all of said line the following:

"Beginning January 1, 2014, no tax credit issued under this section shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed."; and

Further amend said bill, Page 16, Section 135.484, Line 11, by inserting immediately after the word "conveyed" the following:

"through December 31, 2013, but beginning January 1, 2014, no tax credit issued under this section shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed"; and

Further amend said bill, Page 18, Section 135.535, Line 65, by inserting immediately after the word "transferee" the following:

"through December 31, 2013, but beginning January 1, 2014, no tax credit issued under this section shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed"; and

Further amend said bill, Page 21, Section 135.679, Lines 78 to 81, by deleting all of said lines and inserting in lieu thereof the following:

"authority, the authority shall issue a tax credit certificate in the appropriate amount. Through December 31, 2013, tax credit certificates issued under this section may be assigned, transferred, sold, or otherwise conveyed, and the new owner of the tax credit certificate shall have the same rights in the tax credit as the original taxpayer, **but beginning January 1, 2014, no tax credit issued under this section shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed.** Whenever a tax credit certificate is assigned, transferred, sold or otherwise"; and

Further amend said bill, Page 27, Section 135.680, Line 206, by inserting immediately after the word "**market**" the following:

", nor shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed"; and

Further amend said bill, Page 31, Section 135.700, Line 11, by inserting at the end of said line the following:

"Beginning January 1, 2014, no tax credit issued under this section shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed."; and

Further amend said bill, Page 33, Section 135.710, Line 58, by inserting immediately after the word "conveyed" the following:

"through December 31, 2013, but beginning January 1, 2014, no tax credit issued under this section shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed"; and

Further amend said bill, Page 36, Section 135.750, Line 67, by inserting immediately after the word "section" the following:

"through December 31, 2013, but beginning January 1, 2014, no tax credit issued under this section shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed"; and

Further amend said bill, Page 39, Section 135.967, Line 92, by deleting the word "Certificates" and inserting in lieu thereof the following:

"Through December 31, 2013, certificates"; and

Further amend said bill, Page 39, Section 135.967, Line 96, by inserting at the end of said line the following:

"Beginning January 1, 2014, no tax credit issued under this section shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed."; and

Further amend said bill, Page 42, Section 135.1570, Line 7, by deleting all of said line and inserting in lieu thereof the following:

"to 135.1575 shall not in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed. Tax credits granted to a"; and

Further amend said bill, Page 49, Section 208.770, Line 15, by inserting at the end of said line the following:

"Beginning January 1, 2014, no tax credit issued under this section shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed."; and

Further amend said bill, Page 54, Section 253.557, Lines 11 to 13, by deleting all of said lines and inserting in lieu thereof the following:

"under sections 253.545 to 253.559 for the same project. Through December 31, 2013, taxpayers eligible for such tax credits may transfer, sell or assign the credits to any other taxpayer including, but not limited to, a not-for-profit entity, but beginning January 1, 2014, no tax credit issued under this section shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed. Credits granted to a partnership, a limited liability company taxed"; and

Further amend said bill, Page 67, Section 348.274, Lines 76 to 84, by deleting all of said lines and inserting in lieu thereof the following:

"No tax credit issued under this section or section 348.273 shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed."; and

Further amend said bill, Page 68, Section 348.274, Line 140, by inserting after all of said line the following:

"348.430. 1. The tax credit created in this section shall be known as the "Agricultural Product Utilization Contributor Tax Credit".

2. As used in this section, the following terms mean:

(1) "Authority", the agriculture and small business development authority as provided in this chapter;

(2) "Contributor", an individual, partnership, corporation, trust, limited liability company, entity or person that contributes cash funds to the authority;

(3) "Development facility", a facility producing either a good derived from an agricultural commodity or using a process to produce a good derived from an agricultural product;

(4) "Eligible new generation cooperative", a nonprofit cooperative association formed pursuant to chapter 274, or incorporated pursuant to chapter 357, for the purpose of operating within this state a development facility or a renewable fuel production facility;

(5) "Eligible new generation processing entity", a partnership, corporation, cooperative, or limited liability company organized or incorporated pursuant to the laws of this state consisting of not less than twelve members, approved by the authority, for the purpose of owning or operating within this state a development facility or a renewable fuel production facility in which producer members:

(a) Hold a majority of the governance or voting rights of the entity and any governing committee;

(b) Control the hiring and firing of management; and

(c) Deliver agricultural commodities or products to the entity for processing, unless processing is required by multiple entities;

(6) "Renewable fuel production facility", a facility producing an energy source which is derived from a renewable, domestically grown, organic compound capable of powering machinery, including an engine or power plant, and any by-product derived from such energy source.

3. For all tax years beginning on or after January 1, 1999, a contributor who contributes funds to the authority may receive a credit against the tax or estimated quarterly tax otherwise due pursuant to chapter 143, other than taxes withheld pursuant to sections 143.191 to 143.265, chapter [148 chapter] 147, **or chapter 148**, in an amount of up to one hundred percent of such contribution. Tax credits claimed in a taxable year may be done so on a quarterly basis and applied to the estimated quarterly tax pursuant to this subsection. If a quarterly tax credit claim or series of claims contributes to causing an overpayment of taxes for a taxable year, such overpayment shall not be refunded but shall be applied to the next taxable year. The awarding of such credit shall be at the approval of the authority, based on the least amount of credits necessary to provide incentive for the contributions. A contributor that receives tax credits for a contribution to the authority shall receive no other consideration or compensation for such contribution, other than a federal tax deduction, if applicable, and goodwill.

4. A contributor shall submit to the authority an application for the tax credit authorized by this section on a form provided by the authority. If the contributor meets all criteria prescribed by this section and the authority, the authority shall issue a tax credit certificate in the appropriate amount. Tax credits issued pursuant to this section may be claimed in the taxable year in which the contributor contributes funds to the authority. For all fiscal years beginning on or after July 1, 2004, tax credits allowed pursuant to this section may be carried back to any of the contributor's three prior tax years and may be carried forward to any of the contributor's five subsequent taxable years. **Through December 31, 2013**, tax credits issued pursuant to this section may be assigned, transferred or sold and the new owner of the tax credit shall have the same rights in the credit as the contributor, **but beginning January 1, 2014, no tax credit issued under this section shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed.** Whenever a certificate of tax credit is assigned, transferred, sold or otherwise conveyed, a notarized endorsement shall be filed with the authority specifying the name and address of the new owner of the tax credit or the value of the credit.

5. The funds derived from contributions in this section shall be used for financial assistance or technical assistance for the purposes provided in section 348.407 to rural agricultural business concepts as approved by the authority. The authority may provide or facilitate loans, equity investments, or guaranteed loans for rural agricultural business concepts, but limited to two million dollars per project or the net state economic impact, whichever is less. Loans, equity investments or guaranteed loans may only be provided to feasible projects, and for an amount that is the

least amount necessary to cause the project to occur, as determined by the authority. The authority may structure the loans, equity investments or guaranteed loans in a way that facilitates the project, but also provides for a compensatory return on investment or loan payment to the authority, based on the risk of the project.

6. In any given year, at least ten percent of the funds granted to rural agricultural business concepts shall be awarded to grant requests of twenty-five thousand dollars or less. No single rural agricultural business concept shall receive more than two hundred thousand dollars in grant awards from the authority. Agricultural businesses owned by minority members or women shall be given consideration in the allocation of funds.

348.432. 1. The tax credit created in this section shall be known as the "New Generation Cooperative Incentive Tax Credit".

2. As used in this section, the following terms mean:

- (1) "Authority", the agriculture and small business development authority as provided in this chapter;
- (2) "Development facility", a facility producing either a good derived from an agricultural commodity or using a process to produce a good derived from an agricultural product;
- (3) "Eligible new generation cooperative", a nonprofit cooperative association formed pursuant to chapter 274 or incorporated pursuant to chapter 357 for the purpose of operating within this state a development facility or a renewable fuel production facility and approved by the authority;
- (4) "Eligible new generation processing entity", a partnership, corporation, cooperative, or limited liability company organized or incorporated pursuant to the laws of this state consisting of not less than twelve members, approved by the authority, for the purpose of owning or operating within this state a development facility or a renewable fuel production facility in which producer members:
 - (a) Hold a majority of the governance or voting rights of the entity and any governing committee;
 - (b) Control the hiring and firing of management; and
 - (c) Deliver agricultural commodities or products to the entity for processing, unless processing is required by multiple entities;
- (5) "Employee-qualified capital project", an eligible new generation cooperative with capital costs greater than fifteen million dollars which will employ at least sixty employees;
- (6) "Large capital project", an eligible new generation cooperative with capital costs greater than one million dollars;
- (7) "Producer member", a person, partnership, corporation, trust or limited liability company whose main purpose is agricultural production that invests cash funds to an eligible new generation cooperative or eligible new generation processing entity;
- (8) "Renewable fuel production facility", a facility producing an energy source which is derived from a renewable, domestically grown, organic compound capable of powering machinery, including an engine or power plant, and any by-product derived from such energy source;
- (9) "Small capital project", an eligible new generation cooperative with capital costs of no more than one million dollars.

3. Beginning tax year 1999, and ending December 31, 2002, any producer member who invests cash funds in an eligible new generation cooperative or eligible new generation processing entity may receive a credit against the tax or estimated quarterly tax otherwise due pursuant to chapter 143, other than taxes withheld pursuant to sections 143.191 to 143.265 or chapter [148, chapter] 147, **or chapter 148**, in an amount equal to the lesser of fifty percent of such producer member's investment or fifteen thousand dollars.

4. For all tax years beginning on or after January 1, 2003, any producer member who invests cash funds in an eligible new generation cooperative or eligible new generation processing entity may receive a credit against the tax or estimated quarterly tax otherwise due pursuant to chapter 143, other than taxes withheld pursuant to sections 143.191 to 143.265, chapter 147 or chapter 148, in an amount equal to the lesser of fifty percent of such producer member's investment or fifteen thousand dollars. Tax credits claimed in a taxable year may be done so on a quarterly basis and applied to the estimated quarterly tax pursuant to subsection 3 of this section. If a quarterly tax credit claim or series of claims contributes to causing an overpayment of taxes for a taxable year, such overpayment shall not be refunded but shall be applied to the next taxable year.

5. A producer member shall submit to the authority an application for the tax credit authorized by this section on a form provided by the authority. If the producer member meets all criteria prescribed by this section and is approved by the authority, the authority shall issue a tax credit certificate in the appropriate amount. Tax credits issued pursuant to this section may be carried back to any of the producer member's three prior taxable years and carried forward to any of the producer member's five subsequent taxable years regardless of the type of tax liability to which such credits are applied as authorized pursuant to subsection 3 of this section. **Through December 31, 2013**, tax credits issued pursuant

to this section may be assigned, transferred, sold or otherwise conveyed and the new owner of the tax credit shall have the same rights in the credit as the producer member, **but beginning January 1, 2014, no tax credit issued under this section shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed.** Whenever a certificate of tax credit is assigned, transferred, sold or otherwise conveyed, a notarized endorsement shall be filed with the authority specifying the name and address of the new owner of the tax credit or the value of the credit.

6. Ten percent of the tax credits authorized pursuant to this section initially shall be offered in any fiscal year to small capital projects. If any portion of the ten percent of tax credits offered to small capital costs projects is unused in any calendar year, then the unused portion of tax credits may be offered to employee-qualified capital projects and large capital projects. If the authority receives more applications for tax credits for small capital projects than tax credits are authorized therefor, then the authority, by rule, shall determine the method of distribution of tax credits authorized for small capital projects.

7. Ninety percent of the tax credits authorized pursuant to this section initially shall be offered in any fiscal year to employee-qualified capital projects and large capital projects. If any portion of the ninety percent of tax credits offered to employee-qualified capital projects and large capital costs projects is unused in any fiscal year, then the unused portion of tax credits may be offered to small capital projects. The maximum tax credit allowed per employee-qualified capital project is three million dollars and the maximum tax credit allowed per large capital project is one million five hundred thousand dollars. If the authority approves the maximum tax credit allowed for any employee-qualified capital project or any large capital project, then the authority, by rule, shall determine the method of distribution of such maximum tax credit. In addition, if the authority receives more tax credit applications for employee-qualified capital projects and large capital projects than the amount of tax credits authorized therefor, then the authority, by rule, shall determine the method of distribution of tax credits authorized for employee-qualified capital projects and large capital projects."; and

Further amend said bill, Page 74, Section 447.708, Line 199, by deleting all of said line and inserting in lieu thereof the following:

"9. **Through December 31, 2013**, the recipient of remediation tax credits, for the purpose of this subsection referred to"; and

Further amend said bill, Page 74, Section 447.708, Line 202, by inserting immediately after the word "assignee." the following:

"Beginning January 1, 2014, no tax credit issued under this section shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed."; and

Further amend said bill, Page 76, Section 620.1039, Line 40, by deleting all of said line and inserting in lieu thereof the following:

"4. **Through December 31, 2013**, certificates of tax credit issued pursuant to this section may be transferred, sold or"; and

Further amend said bill, Page 76, Section 620.1039, Line 42, by inserting immediately after the word "transferred." the following:

"Beginning January 1, 2014, no tax credit issued under this section shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed."; and

Further amend said bill, Page 83, Section 620.1881, Line 224, by deleting all of said line and inserting in lieu thereof the following:

"9. **Through December 31, 2013**, tax credits authorized by this section may be transferred, sold, or assigned by filing"; and

Further amend said bill, Page 84, Section 620.1881, Line 227, by inserting at the end of said line the following:

"Beginning January 1, 2014, no tax credit issued under this section shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed."; and

Further amend said bill, Page 89, Section 620.2005, Line 168, by deleting the words **"sold or"**; and

Further amend said bill, Page 95, Section 620.2020, Lines 93 to 96, by deleting all of said lines and inserting in lieu thereof the following:

"provided under this program shall not in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed. For a qualified company with flow-through tax"; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Curtman moved that **House Amendment No. 9** be adopted.

Which motion was defeated.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 098

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller
Morris	Neely	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 048

Anders	Black	Burns	Butler	Carpenter
Curtis	Dunn	Ellinger	Ellington	English
Englund	Gardner	Harris	Hodges	Hubbard
Hummel	Kelly 45	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr

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Otto	Pace	Peters	Pierson	Rizzo
Runions	Schieffer	Smith 85	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 016

Colona	Conway 10	Cox	Frame	Franklin
Higdon	Korman	Molendorp	Muntzel	Neth
Rehder	Roorda	Scharnhorst	Schupp	Smith 120
Spencer				

VACANCIES: 001

On motion of Representative Zerr, **HCS#2 HB 698, as amended**, was adopted.

On motion of Representative Zerr, **HCS#2 HB 698, as amended**, was ordered perfected and printed by the following vote:

AYES: 120

Allen	Anders	Austin	Barnes	Bernskoetter
Berry	Black	Brown	Burns	Butler
Carpenter	Cierpiot	Conway 10	Cookson	Cornejo
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Grisamore	Guernsey
Haefner	Hansen	Harris	Hicks	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Johnson	Jones 50	Justus	Kelley 127	Kelly 45
Kolkmeyer	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Lynch	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	Messenger	Mims	Morris
Neely	Newman	Nichols	Norr	Otto
Pace	Peters	Pfausch	Phillips	Pierson
Pike	Redmon	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Rowden	Rowland
Runions	Schatz	Schieffer	Shull	Shumake
Smith 85	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webb	Wieland	Zerr	Mr Speaker

NOES: 031

Anderson	Bahr	Brattin	Burlison	Conway 104
Fowler	Haahr	Hampton	Hummel	Hurst
Keeney	Kirkton	Koenig	Korman	Love
Marshall	McNeil	Meredith	Miller	Mitten

Montecillo	Morgan	Parkinson	Pogue	Ross
Schieber	Webber	White	Wilson	Wood
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 011

Colona	Cox	Higdon	Molendorp	Muntzel
Neth	Rehder	Roorda	Scharnhorst	Schupp
Smith 120				

VACANCIES: 001

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 274 - Fiscal Review
HCS HBs 455 & 297 - Fiscal Review
HCS#2 HB 698 - Fiscal Review
HB 756 - Fiscal Review

COMMITTEE REPORTS

Committee on Agri-Business, Chairman Guernsey reporting:

Mr. Speaker: Your Committee on Agri-Business, to which was referred **SCS SB 9**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Agri-Business, to which was referred **SB 51**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Children, Families, and Persons with Disabilities, Chairman Grisamore reporting:

Mr. Speaker: Your Committee on Children, Families, and Persons with Disabilities, to which was referred **HB 717**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Children, Families, and Persons with Disabilities, to which was referred **HB 727**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Children, Families, and Persons with Disabilities, to which was referred **SCS SB 33**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Children, Families, and Persons with Disabilities, to which was referred **SCS SB 47**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Children, Families, and Persons with Disabilities, to which was referred **SB 77**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Children, Families, and Persons with Disabilities, to which was referred **SCS SB 229**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Elections, Chairman Entlicher reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **SB 90**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Elections, to which was referred **SS SCS SB 116**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Elections, to which was referred **SCS SB 258**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Elementary and Secondary Education, Chairman Cookson reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **SS SCS SB 125**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Financial Institutions, Chairman Dugger reporting:

Mr. Speaker: Your Committee on Financial Institutions, to which was referred **SCS SB 254**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Insurance Policy, Chairman Gosen reporting:

Mr. Speaker: Your Committee on Insurance Policy, to which was referred **SCS SB 287**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Professional Registration and Licensing, Chairman Burlison reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 685**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **SB 330**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Transportation, Chairman Schatz reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 62**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Transportation, to which was referred **SB 43**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Transportation, to which was referred **SB 148**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Utilities, Chairman Funderburk reporting:

Mr. Speaker: Your Committee on Utilities, to which was referred **SS SCS SB 241**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Ways and Means, Chairman Koenig reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **SS#2 SCS SBs 26, 11 & 31**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Workforce Development and Workplace Safety, Chairman Lant reporting:

Mr. Speaker: Your Committee on Workforce Development and Workplace Safety, to which was referred **HB 430**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Workforce Development and Workplace Safety, to which was referred **SS SB 28**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCR 5**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCR 19**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 13**.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 57**, entitled:

An act to repeal section 71.285, RSMo, and to enact in lieu thereof one new section relating to the removal of weeds or trash in certain cities.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 67**, entitled:

An act to repeal sections 30.750, 173.003, 173.051, 173.236, 173.239, 173.254, 173.260, 173.262, 173.778, 174.231, 174.700, 174.703, 174.706, 174.770, and 544.157, RSMo, and to enact in lieu thereof seventeen new sections relating to higher education.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 112**, entitled:

An act to repeal section 135.680, RSMo, and to enact in lieu thereof one new section relating to the new markets tax credit, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 118**, entitled:

An act to amend chapter 478, RSMo, by adding thereto one new section relating to veterans treatment courts.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 159**, entitled:

An act to amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage for physical therapy services.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 170**, entitled:

An act to repeal section 610.015, RSMo, and to enact in lieu thereof one new section relating to participation by members of public governmental bodies in roll call votes.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 245**, entitled:

An act to repeal section 514.040, RSMo, and to enact in lieu thereof one new section relating to waiver of court costs and expenses in civil cases.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 251**, entitled:

An act to repeal sections 578.375, 578.377, 578.379, 578.381, 578.383, 573.389, and 573.390, RSMo, and to enact in lieu thereof nine new sections relating to public assistance fraud and abuse, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 252**, entitled:

An act to repeal sections 50.535, 301.3031, 302.181, 302.183, 571.030, 571.037, 571.101, 571.102, 571.104, 571.107, 571.111, 571.114, 571.117, and 571.121, and to enact in lieu thereof sixteen new sections relating to licenses issued by the department of revenue, with an emergency clause for certain sections.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 303**, entitled:

An act to repeal section 338.220, RSMo, and to enact in lieu thereof one new section relating to pharmacy permits.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 304**, entitled:

An act to repeal section 334.715, RSMo, and to enact in lieu thereof one new section relating to the restriction of athletic trainers' licenses.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 327**, entitled:

An act to repeal sections 544.455 and 557.011, RSMo, and to enact in lieu thereof two new sections relating to the cost of electronic monitoring, with existing penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 373**, entitled:

An act to repeal sections 323.100 and 413.225, RSMo, and to enact in lieu thereof two new sections relating to agricultural weights and measures fees.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 381**, entitled:

An act to amend chapter 178, RSMo, by adding thereto one new section relating to the innovation education campus fund.

In which the concurrence of the House is respectfully requested.

The following member's presence was noted: Rehder.

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Thursday, April 18, 2013.

CORRECTION TO THE HOUSE JOURNAL

Correct House Journal, Fifty-first Day, Monday, April 15, 2013, Page 1157, Lines 8-10, by deleting said lines.

COMMITTEE HEARINGS

AGRI-BUSINESS

Thursday, April 18, 2013, Upon Morning Adjournment, House Hearing Room 7.

Public hearing will be held: SB 342

Executive session may be held on any matter referred to the committee.

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Thursday, April 18, 2013, Upon Morning Adjournment, House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

Discussion of DSS revenue maximization and cost avoidance services related contracts and policies.

DOWNSIZING STATE GOVERNMENT

Thursday, April 18, 2013, 8:00 AM, House Hearing Room 4.

Public hearing will be held: SB 265, SS SB 267, SCS SBs 289 & 314

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Thursday, April 18, 2013, 8:30 AM, House Hearing Room 3.

Executive session will be held: HB 253, HCS HB 468, HCS HB 813, HCS HB 389

Executive session may be held on any matter referred to the committee.

AMENDED

GENERAL LAWS

Thursday, April 18, 2013, 8:00 AM, House Hearing Room 1.
Public hearing will be held: SB 24, SB 23, HB 92, HB 276, HB 732
Executive session will be held: HJR 15, HB 350, HB 931, HJR 35
Executive session may be held on any matter referred to the committee.

HEALTH INSURANCE

Thursday, April 18, 2013, Upon Morning Adjournment, House Hearing Room 5.
Executive session will be held: HB 750, SCS SB 147, SB 161, SS SB 262
Executive session may be held on any matter referred to the committee.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, May 2, 2013, 8:00 AM, House Hearing Room 1.
Second quarter meeting

JUDICIARY

Thursday, April 18, 2013, 8:30 AM - 10:00 AM, House Hearing Room 6.
Public hearing will be held: HB 849, HB 623, HB 606, HB 539, HB 220, SB 100
Executive session will be held: HB 552
Executive session may be held on any matter referred to the committee.

JUDICIARY

Monday, April 22, 2013, 6:00 PM, 1426 Southridge Drive, Jefferson City.

LEADERSHIP FOR MISSOURI ISSUE DEVELOPMENT COMMITTEE

Thursday, April 18, 2013, 9:00 AM, Room 308.
Executive session may be held on any matter referred to the committee.
Committee will discuss developments related to retention of source documents and privacy of citizens.

LOCAL GOVERNMENT

Thursday, April 18, 2013, 8:30 AM, House Hearing Room 5.
Public hearing will be held: HB 1021
Executive session may be held on any matter referred to the committee.

RETIREMENT

Thursday, April 25, 2013, 9:00 AM, House Hearing Room 1.
Public hearing will be held: HB 897
Executive session may be held on any matter referred to the committee.

RULES

Thursday, April 18, 2013, 12:45 PM, South Gallery.
Executive session will be held: HB 616, HCS HB 675, SCS SCR 5, SS SCS SB 29, SCS SB 106, HCS SCS SB 117, HCS SCS SB 157 & SB 102, HCS SCS SB 186, SB 197, SB 230, SB 350, HB 185, HCS SS#2 SCS SBs 26, 11 & 31, HCS HB 75, HCS HB 927, HCS SCS SB 224
Executive session may be held on any matter referred to the committee.
AMENDED #4

SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN HEALTH CARE

Thursday, April 18, 2013, Upon Morning Adjournment, House Hearing Room 1.

Executive session will be held: HB 936

Executive session may be held on any matter referred to the committee.

TOURISM AND NATURAL RESOURCES

Thursday, April 18, 2013, 8:00 AM, House Hearing Room 7.

Public hearing will be held: SB 72, SB 218, HB 944, HB 835

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

FIFTY-FOURTH DAY, THURSDAY, APRIL 18, 2013

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HCS HJR 26 - Richardson
- 2 HCS HJR 14 - Jones (110)
- 3 HJR 19 - Bahr

HOUSE BILLS FOR PERFECTION

- 1 HB 227 - Zerr
- 2 HB 423 - Zerr
- 3 HB 578, as amended - Funderburk
- 4 HCS HB 221 - Leara
- 5 HCS HB 701 - Molendorp
- 6 HB 255 - Torpey
- 7 HCS HB 458 - Scharnhorst
- 8 HB 242 - Ellington
- 9 HB 503, as amended, HA 1 HA 3, and HA 3, pending - McCaherty
- 10 HB 448 - Webb
- 11 HB 162 - Sommer
- 12 HCS HB 161 - Gatschenberger
- 13 HCS HB 285 - Pace
- 14 HCS HB 348 - Neth
- 15 HCS HB 372 - Cox
- 16 HCS HB 859 - Brattin
- 17 HCS HB 881 - Guernsey
- 18 HCS HB 275 - Brattin
- 19 HCS HB 76 - Rowland
- 20 HCS HB 78 - Johnson
- 21 HCS HB 344 - Molendorp
- 22 HCS HB 387 - Frederick
- 23 HCS HB 415 - Phillips
- 24 HCS HB 601 - Richardson
- 25 HCS HB 653 - Lauer

- 26 HB 421 - Curtman
- 27 HCS HB 541 - Hicks
- 28 HCS HB 543 - Hoskins

HOUSE BILLS FOR PERFECTION - FEDERAL MANDATE

- 1 HB 635 - Fitzwater
- 2 HCS HB 771 - Schatz
- 3 HCS HB 611 - Lant

HOUSE BILLS FOR THIRD READING

- 1 HB 201 - Torpey
- 2 HCS HBs 521 & 579, (Fiscal Review 3/27/13) - Koenig
- 3 HB 443 - Hubbard
- 4 HCS HB 470 - Barnes
- 5 HCS HB 813, (Fiscal Review 4/10/13) - Torpey
- 6 HCS HB 468, (Fiscal Review 4/10/13), E.C. - Higdon
- 7 HCS#2 HB 178 - Koenig
- 8 HB 253, (Fiscal Review 4/10/13) - Berry
- 9 HCS HB 389, (Fiscal Review 4/16/13) - Engler
- 10 HCS HBs 455 & 297, (Fiscal Review 4/17/13) - English
- 11 HCS HB 175 - Crawford
- 12 HCS HB 290 - Lichtenegger
- 13 HB 756, (Fiscal Review 4/17/13) - Hubbard
- 14 HB 510 - Torpey
- 15 HB 400 - Riddle
- 16 HCS HB 351 - Frederick
- 17 HB 274, (Fiscal Review 4/17/13) - Brattin
- 18 HB 733 - Berry
- 19 HCS HB 252 - Lauer
- 20 HB 339 - Wieland
- 21 HCS HB 340 - Johnson
- 22 HB 747 - Scharnhorst
- 23 HCS HB 1035 - Kelley (127)
- 24 HCS HB 436 - Funderburk
- 25 HCS#2 HB 698, (Fiscal Review 4/17/13) - Zerr

SENATE BILLS FOR SECOND READING

- 1 SB 57
- 2 SB 67
- 3 SB 112
- 4 SCS SB 118
- 5 SS SCS SB 159
- 6 SB 170
- 7 SS SB 245

- 8 SS SB 251
- 9 SS SB 252
- 10 SB 303
- 11 SB 304
- 12 SB 327
- 13 SS SCS SB 373
- 14 SCS SB 381

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 11 - Walton Gray
- 2 HCR 21 - Black
- 3 HCS HCR 17 - Frederick

SENATE BILLS FOR THIRD READING - CONSENT

(4/15/2013)

- 1 SB 59 - Gosen
- 2 SB 60 - Gosen
- 3 SB 80 - Engler
- 4 HCS SB 188 - Engler
- 5 SB 234 - Burlison
- 6 SB 235 - Dugger
- 7 SB 306 - Elmer
- 8 SCS SB 324 - Hansen
- 9 SCS SB 376 - Frederick
- 10 SB 16 - Dugger
- 11 SCS SB 191 - McCaherty
- 12 SB 237 - Miller
- 13 SB 329 - Love

HOUSE BILLS WITH SENATE AMENDMENTS

SS HCS HJR 11 & 7 , as amended - Reiboldt

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

FIFTY-FOURTH DAY, THURSDAY, APRIL 18, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

He that loveth not knoweth not God; for God is love. (1 John 4:8)

God of love and Lord of mercy, lay Your hand upon us and hold us steady amid the troubles of life during this session. The days come and go so fast that we lose our grip on life. We hurry here and there and wonder why we are weary and worn out. In fact, our work controls us - rather than in faith, we control our work.

Halt our haste, heal our ailing spirits, direct us in the doing of our duty, stay with us and we with You until we come to ourselves. Then let us arise with a strength born of Your spirit to face the tasks of this day with courage and to keep our faith even against the foolishness of a world which has lost, at times, its true purpose and real destiny.

Abide with us and encourage us to do Your will that we may be open channels through which Your redeeming love may flow to heal the difference between people and political parties.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Micah Bahr.

The Journal of the fifty-third day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1903 through House Resolution No. 2017

HOUSE REMONSTRANCE

Representative Marshall, et al., offered House Remonstrance No. 1.

SECOND READING OF SENATE BILLS

SB 57, SB 67, SB 112, SCS SB 118, SS SCS SB 159, SB 170, SS SB 245, SS SB 251, SS SB 252, SB 303, SB 304, SB 327, SS SCS SB 373 and SCS SB 381 were read the second time.

COMMITTEE REPORTS

Committee on Fiscal Review, Chairman Flanigan reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 253**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 389**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 468**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 813**, begs leave to report it has examined the same and recommends that it **Do Pass**.

THIRD READING OF HOUSE BILLS

HB 443, relating to visitation rights of children with incarcerated parents, was taken up by Representative Hubbard.

On motion of Representative Hubbard, **HB 443** was read the third time and passed by the following vote:

AYES: 140

Allen	Anders	Anderson	Austin	Bahr
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Frederick	Funderburk	Gannon	Gardner
Gosen	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Keeney	Kelley 127	Kelly 45
Kirkton	Kolkmeier	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	May	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Molendorp	Montecillo	Morgan	Morris	Neely
Newman	Nichols	Norr	Otto	Pace
Parkinson	Peters	Pfautsch	Phillips	Pierson
Redmon	Reiboldt	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schupp	Shull
Shumake	Smith 85	Smith 120	Solon	Sommer

Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	Webber	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 006

Justus	Koenig	Mayfield	Pogue	Spencer
White				

PRESENT: 000

ABSENT WITH LEAVE: 016

Barnes	Carpenter	Curtis	Franklin	Gatschenberger
Grisamore	Guernsey	Hodges	Mitten	Muntzel
Neth	Pike	Rehder	Remole	Schieber
Schieffer				

VACANCIES: 001

Speaker Jones declared the bill passed.

HCS HB 813, relating to early stage development corporations, was taken up by Representative Torpey.

On motion of Representative Torpey, **HCS HB 813** was read the third time and passed by the following vote:

AYES: 128

Allen	Anders	Austin	Bernskoetter	Berry
Black	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Cookson	Cornejo	Crawford
Cross	Davis	Diehl	Dohrman	Dunn
Ellinger	Elmer	Engler	English	Englund
Entlicher	Flanigan	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gardner	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Kelley 127
Kelly 45	Kolkmeier	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Molendorp	Montecillo	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Pace	Peters	Pfautsch
Phillips	Pierson	Redmon	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Rowden	Rowland	Runions	Schatz	Schupp
Shull	Shumake	Smith 85	Solon	Sommer

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Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	Webber	Wieland
Wood	Zerr	Mr Speaker		

NOES: 024

Anderson	Bahr	Barnes	Brattin	Burlison
Conway 104	Cox	Curtman	Dugger	Ellington
Fitzpatrick	Fowler	Keeney	Kirkton	Koenig
Marshall	Parkinson	Pogue	Ross	Schieber
Smith 120	Spencer	White	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 010

Brown	Curtis	Fitzwater	Grisamore	Hodges
Pike	Rehder	Scharnhorst	Schieffer	Wilson

VACANCIES: 001

Speaker Jones declared the bill passed.

HCS HB 468, relating to public safety, was taken up by Representative Higdon.

On motion of Representative Higdon, **HCS HB 468** was read the third time and passed by the following vote:

AYES: 124

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burns	Cierpiot	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Higdon	Hinson
Hoskins	Hough	Houghton	Hubbard	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Koenig	Kolkmeier	Korman	Kratky
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Mayfield	McCaherty	McCann Beatty
McGaugh	McManus	Messenger	Miller	Mims
Molendorp	Morris	Neely	Neth	Nichols
Norr	Pace	Parkinson	Pfautsch	Phillips
Pogue	Redmon	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Ross	Rowden
Rowland	Schatz	Schieber	Schieffer	Shull
Shumake	Smith 120	Solon	Sommer	Spencer

Stream	Swan	Swearingen	Thomson	Torpey
Walker	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 028

Burlison	Butler	Carpenter	Colona	Dunn
Ellinger	Ellington	Gardner	Hummel	Kirkton
LaFaver	Marshall	May	McDonald	McKenna
McNeil	Meredith	Mitten	Montecillo	Morgan
Newman	Otto	Peters	Pierson	Runions
Schupp	Walton Gray	Webb		

PRESENT: 000

ABSENT WITH LEAVE: 010

Curtis	Curtman	Hicks	Hodges	Muntzel
Pike	Rehder	Roorda	Scharnhorst	Smith 85

VACANCIES: 001

Speaker Jones declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 129

Allen	Anders	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burns	Cierpiot	Colona	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	English	Englund	Entlicher
Fitzwater	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Harris
Higdon	Hinson	Hoskins	Hough	Houghton
Hubbard	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Mayfield	McCaherty	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mitten	Molendorp	Morris	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Parkinson	Pfautsch	Phillips	Pogue	Redmon
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Ross	Rowden	Rowland	Runions
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

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NOES: 021

Anderson	Burlison	Butler	Carpenter	Curtis
Dunn	Ellington	Fitzpatrick	Gardner	Gatschenberger
Hummel	Marshall	May	McDonald	Mims
Montecillo	Peters	Pierson	Smith 85	Walton Gray
Webb				

PRESENT: 000

ABSENT WITH LEAVE: 012

Ellinger	Flanigan	Hansen	Hicks	Hodges
McCann Beatty	Morgan	Muntzel	Pike	Rehder
Roorda	Scharnhorst			

VACANCIES: 001

Representative McCaherty assumed the Chair.

HB 253, relating to the establishment of the "Broad-Based Tax Relief Act of 2013," was taken up by Representative Berry.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 103

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeier	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Morris	Muntzel	Neely
Neth	Pfautsch	Phillips	Pogue	Redmon
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 008

Funderburk	Hicks	Hodges	Molendorp	Morgan
Parkinson	Pike	Rehder		

VACANCIES: 001

On motion of Representative Berry, **HB 253** was read the third time and passed by the following vote:

AYES: 106

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Burns	Cierpiot	Conway 10	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Elmer	Engler
English	Entlicher	Fitzpatrick	Fitzwater	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hansen	Higdon	Hinson	Hoskins	Hough
Houghton	Hubbard	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Love	Lynch	Marshall	Mayfield	McCaherty
McGaugh	Messenger	Miller	Morris	Muntzel
Neely	Neth	Pfautsch	Phillips	Pogue
Redmon	Reiboldt	Remole	Rhoads	Richardson
Riddle	Roorda	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Schieffer	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 048

Anders	Black	Butler	Carpenter	Colona
Conway 104	Curtis	Dunn	Ellinger	Ellington
Englund	Fowler	Frame	Gardner	Hampton
Harris	Hummel	Kelly 45	Kirkton	Kratky

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LaFaver	May	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo
Runions	Schupp	Smith 85	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 008

Flanigan	Hicks	Hodges	Lichtenegger	Molendorp
Parkinson	Pike	Rehder		

VACANCIES: 001

Representative McCaherty declared the bill passed.

HCS HB 389, relating to a qualified tax credit for research expenses, was taken up by Representative Engler.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 095

Allen	Anderson	Austin	Barnes	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Fowler	Fraker	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Higdon
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Justus	Keeney	Kelley 127	Koenig
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	McCaherty	McGaugh
Messenger	Miller	Morris	Muntzel	Neely
Neth	Pfautsch	Phillips	Pogue	Redmon
Reiboldt	Remole	Rhoads	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wood	Zerr	Mr Speaker

NOES: 053

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	Marshall	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil

Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Roorda	Runions
Schieffer	Schupp	Smith 85	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 014

Bahr	Cornejo	Flanigan	Hicks	Hodges
Jones 50	Kolkmeier	Molendorp	Parkinson	Pike
Rehder	Richardson	Smith 120	Wilson	

VACANCIES: 001

On motion of Representative Engler, **HCS HB 389** was read the third time and passed by the following vote:

AYES: 118

Allen	Anders	Austin	Barnes	Bernskoetter
Berry	Brown	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Davis
Diehl	Dohrman	Dunn	Ellinger	Elmer
Engler	English	Englund	Entlicher	Fitzwater
Fraker	Frame	Frederick	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Grisamore	Haefner
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hubbard	Johnson	Jones 50
Justus	Kelley 127	Kelly 45	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McManus
McNeil	Meredith	Messenger	Miller	Mitten
Molendorp	Morgan	Morris	Neely	Neth
Newman	Nichols	Otto	Pace	Peters
Pfautsch	Phillips	Pierson	Redmon	Reiboldt
Richardson	Riddle	Rizzo	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schupp	Shull
Shumake	Smith 85	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	Webber	Wieland
Wright	Zerr	Mr Speaker		

NOES: 037

Anderson	Bahr	Black	Brattin	Burlison
Conway 104	Curtman	Dugger	Ellington	Fitzpatrick
Fowler	Franklin	Guernsey	Haahr	Hampton
Harris	Hummel	Hurst	Keeney	Kirkton
Koenig	Marshall	McKenna	Mims	Montecillo
Muntzel	Norr	Pogue	Remole	Rhoads
Roorda	Ross	Schieber	Schieffer	Smith 120
White	Wood			

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PRESENT: 000

ABSENT WITH LEAVE: 007

Flanigan	Hodges	Kolkmeier	Parkinson	Pike
Rehder	Wilson			

VACANCIES: 001

Representative McCaherty declared the bill passed.

HCS HB 175, relating to property taxes and assessments, was taken up by Representative Crawford.

On motion of Representative Crawford, **HCS HB 175** was read the third time and passed by the following vote:

AYES: 144

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burns	Butler	Carpenter	Cierpiot
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Fowler	Fraker	Frame	Franklin
Frederick	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hoskins
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mitten	Molendorp	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Peters	Pfautsch	Phillips
Pogue	Redmon	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Smith 85	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 010

Burlison	Colona	Curtis	Ellington	Gardner
Marshall	Mims	Montecillo	Walton Gray	Webb

PRESENT: 000

ABSENT WITH LEAVE: 008

Flanigan	Funderburk	Hodges	Hough	Parkinson
Pierson	Pike	Rehder		

VACANCIES: 001

Representative McCaherty declared the bill passed.

HCS HB 290, relating to adoption investigations, was taken up by Representative Lichtenegger.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 103

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Haahr	Haefner	Hampton	Hansen
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeier	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Molendorp	Morris	Muntzel	Neely
Neth	Pfautsch	Phillips	Pogue	Redmon
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Eglund	Frame	Gardner
Harris	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Wright

PRESENT: 000

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ABSENT WITH LEAVE: 009

Flanigan	Guernsey	Hicks	Hodges	Parkinson
Pierson	Pike	Rehder	Webber	

VACANCIES: 001

On motion of Representative Lichtenegger, **HCS HB 290** was read the third time and passed by the following vote:

AYES: 143

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Carpenter	Cierpiot
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Peters
Pfautsch	Phillips	Pogue	Redmon	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schieber	Schieffer	Schupp	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Walker
Walton Gray	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 010

Butler	Colona	Cross	Curtis	Ellington
Gardner	Montecillo	Smith 85	Torpey	Webb

PRESENT: 000

ABSENT WITH LEAVE: 009

Curtman	Flanigan	Hodges	Parkinson	Pierson
Pike	Rehder	Schatz	Webber	

VACANCIES: 001

Representative Hummel requested a verification of the roll call on the motion to third read and pass **HCS HB 290**.

Representative McCaherty declared the bill passed.

Speaker Jones resumed the Chair.

HB 510, relating to limited liability companies, was taken up by Representative Torpey.

On motion of Representative Torpey, **HB 510** was read the third time and passed by the following vote:

AYES: 156

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gardner	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeier	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Lynch
Marshall	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Molendorp	Montecillo	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Parkinson	Peters	Pfautsch
Phillips	Pogue	Redmon	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Smith 85	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 001

Webb

PRESENT: 000

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ABSENT WITH LEAVE: 005

Hodges	Love	Pierson	Pike	Rehder
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VACANCIES: 001

Speaker Jones declared the bill passed.

HB 400, relating to the administration of abortion-inducing drugs, was taken up by Representative Riddle.

On motion of Representative Riddle, **HB 400** was read the third time and passed by the following vote:

AYES: 115

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Cierpiot	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	English	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Guernsey
Haahr	Haefner	Hampton	Harris	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeier	Korman	Kratky
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	Mayfield	McCaherty
McGaugh	McKenna	McManus	Messenger	Miller
Molendorp	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pogue	Redmon
Reiboldt	Remole	Rhoads	Richardson	Riddle
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Shumake
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 039

Anders	Burns	Butler	Carpenter	Colona
Curtis	Dunn	Ellinger	Ellington	Englund
Frame	Gardner	Hubbard	Hummel	Kirkton
LaFaver	May	McCann Beatty	McDonald	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Rizzo	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 008

Grisamore	Hansen	Hodges	Kelly 45	Pierson
Pike	Rehder	Shull		

VACANCIES: 001

Speaker Jones declared the bill passed.

HB 733, relating to the Port Improvement District Act, was taken up by Representative Berry.

Representative Bahr assumed the Chair.

On motion of Representative Berry, **HB 733** was read the third time and passed by the following vote:

AYES: 144

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Fowler
Fraker	Frame	Franklin	Frederick	Gannon
Gardner	Gatschenberger	Gosen	Guernsey	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Love	Lynch
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Mims	Mitten	Molendorp	Montecillo
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Parkinson	Peters	Pfautsch	Phillips	Pogue
Redmon	Reiboldt	Remole	Richardson	Rizzo
Roorda	Ross	Rowland	Runions	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 85
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 003

Burlison	Marshall	Webb
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PRESENT: 000

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ABSENT WITH LEAVE: 015

Flanigan	Funderburk	Grisamore	Haahr	Hodges
Lichtenegger	Miller	Pierson	Pike	Rehder
Rhoads	Riddle	Rowden	Scharnhorst	Schatz

VACANCIES: 001

Representative Bahr declared the bill passed.

HCS HB 252, relating to adoptions, was taken up by Representative Lauer.

On motion of Representative Lauer, **HCS HB 252** was read the third time and passed by the following vote:

AYES: 142

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Burlison	Burns	Carpenter	Cierpiot	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtis	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Fowler	Fraker	Frame	Franklin
Frederick	Gannon	Gatschenberger	Gosen	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Montecillo	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Parkinson	Peters	Pfautsch	Phillips
Pogue	Redmon	Reiboldt	Remole	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 007

Butler	Colona	Ellington	Gardner	Marshall
Smith 85	Webb			

PRESENT: 000

ABSENT WITH LEAVE: 013

Brown	Flanigan	Funderburk	Grisamore	Guernsey
Haahr	Hodges	McManus	Pierson	Pike
Rehder	Rhoads	Scharnhorst		

VACANCIES: 001

Representative Bahr declared the bill passed.

HCS HB 351, relating to hospital licensure and inspections, was taken up by Representative Frederick.

On motion of Representative Frederick, **HCS HB 351** was read the third time and passed by the following vote:

AYES: 153

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Justus	Keeney	Kelley 127
Kirkton	Koenig	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Parkinson	Peters	Pfautsch	Phillips	Pogue
Redmon	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 85	Smith 120
Solon	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 001

Ellington

PRESENT: 000

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ABSENT WITH LEAVE: 008

Hodges	Jones 50	Kelly 45	Pierson	Pike
Rehder	Scharnhorst	Sommer		

VACANCIES: 001

Representative Bahr declared the bill passed.

HCS HB 436, relating to firearms, was taken up by Representative Funderburk.

Speaker Jones resumed the Chair.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 105

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pogue	Redmon	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 007

Hodges	Hubbard	Pierson	Pike	Rehder
Smith 120	Torpey			

VACANCIES: 001

On motion of Representative Funderburk, **HCS HB 436** was read the third time and passed by the following vote:

AYES: 115

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Cierpiot	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	English	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeier	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
Mayfield	McCaherty	McGaugh	McKenna	Messenger
Miller	Molendorp	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pogue
Redmon	Reiboldt	Remole	Rhoads	Richardson
Riddle	Roorda	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Schieffer	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Thomson	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 041

Anders	Burns	Butler	Carpenter	Colona
Curtis	Dunn	Ellinger	Ellington	Englund
Gardner	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	McCann Beatty	McDonald	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Rizzo	Runions	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 006

Hodges
Torpey

Hubbard

Pierson

Pike

Rehder

VACANCIES: 001

Speaker Jones declared the bill passed.

COMMITTEE REPORTS

Committee on Agri-Business, Chairman Guernsey reporting:

Mr. Speaker: Your Committee on Agri-Business, to which was referred **HB 564**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Agri-Business, to which was referred **SB 342**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Children, Families, and Persons with Disabilities, Chairman Grisamore reporting:

Mr. Speaker: Your Committee on Children, Families, and Persons with Disabilities, to which was referred **SB 208**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Emerging Issues in Agriculture, Chairman Johnson reporting:

Mr. Speaker: Your Committee on Emerging Issues in Agriculture, to which was referred **HCR 34**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on General Laws, Chairman Jones (50) reporting:

Mr. Speaker: Your Committee on General Laws, to which was referred **HJR 15**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on General Laws, to which was referred **HJR 35**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on General Laws, to which was referred **HB 350**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on General Laws, to which was referred **HB 411**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on General Laws, to which was referred **HB 464**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on General Laws, to which was referred **HB 783**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on General Laws, to which was referred **SS SCS SB 114**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on General Laws, to which was referred **SS SCS SB 121**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Special Standing Committee on Emerging Issues in Health Care, Chairman Richardson reporting:

Mr. Speaker: Your Special Standing Committee on Emerging Issues in Health Care, to which was referred **HB 936**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Riddle reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 75**, begs leave to report it has examined the same and recommends that it **Be Returned to the Committee of Origin as HB 75**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 185**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 616**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 675**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 927**, begs leave to report it has examined the same and recommends that it **Be Returned to the Committee of Origin as HB 927**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SCR 5**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SS#2 SCS SBs 26, 11 & 31**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SS SCS SB 29**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 106**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 117**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 157 and SB 102**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 186**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 197**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 224**, begs leave to report it has examined the same and recommends that it **Be Returned to the Committee of Origin as SCS SB 224**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 230**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 350**, begs leave to report it has examined the same and recommends that it **Do Pass**.

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

- HB 509** - General Laws
- HB 528** - Elementary and Secondary Education
- HB 649** - Insurance Policy
- HB 670** - Judiciary
- HB 799** - Crime Prevention and Public Safety
- HB 820** - Retirement
- HB 838** - Children, Families, and Persons with Disabilities
- HB 851** - Judiciary
- HB 855** - General Laws

- HB 866** - Crime Prevention and Public Safety
- HB 874** - Ways and Means
- HB 878** - Retirement
- HB 890** - Emerging Issues in Agriculture
- HB 947** - Government Oversight and Accountability
- HB 948** - Government Oversight and Accountability
- HB 949** - Government Oversight and Accountability
- HB 950** - Government Oversight and Accountability
- HB 951** - Government Oversight and Accountability
- HB 952** - Government Oversight and Accountability
- HB 953** - Government Oversight and Accountability
- HB 954** - Government Oversight and Accountability
- HB 955** - Government Oversight and Accountability
- HB 956** - Government Oversight and Accountability
- HB 957** - Government Oversight and Accountability
- HB 958** - Government Oversight and Accountability
- HB 959** - Government Oversight and Accountability
- HB 960** - Government Oversight and Accountability
- HB 961** - Government Oversight and Accountability
- HB 966** - Government Oversight and Accountability
- HB 967** - Government Oversight and Accountability
- HB 969** - Government Oversight and Accountability
- HB 970** - Insurance Policy
- HB 979** - Transportation
- HB 990** - General Laws
- HB 1000** - General Laws
- HB 1001** - General Laws
- HB 1006** - Utilities
- HB 1011** - Elementary and Secondary Education
- HB 1014** - Transportation
- HB 1015** - Higher Education
- HB 1016** - Elementary and Secondary Education
- HB 1022** - General Laws
- HB 1023** - Crime Prevention and Public Safety
- HB 1024** - Workforce Development and Workplace Safety
- HB 1026** - General Laws
- HB 1028** - Ways and Means
- HB 1029** - Ways and Means
- HB 1030** - Special Standing Committee on Emerging Issues in Health Care
- HB 1031** - Ways and Means
- HB 1032** - Elections
- HB 1034** - Insurance Policy
- HB 1036** - Workforce Development and Workplace Safety
- HB 1038** - Utilities
- HB 1042** - Ways and Means

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

HCS SS#2 SCS SBs 26, 11 & 31 - Fiscal Review

SB 112 - General Laws

HCS SCS SB 117 - Fiscal Review

SS SCS SB 159 - General Laws

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 205**, entitled:

An act to repeal section 211.036, RSMo, and to enact in lieu thereof two new sections relating to foster children.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 226**, entitled:

An act to repeal sections 56.700, 631.165, 632.005, 632.150, 632.155, 632.300, 632.305, 632.330, 632.335, 632.337, 632.340, 632.350, 632.355, 632.375, 632.390, and 632.430, RSMo, and to enact in lieu thereof sixteen new sections relating to mental health services.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 256**, entitled:

An act to repeal sections 160.2110, 174.335, 210.861, 210.950, 211.447, and 595.220, RSMo, and to enact in lieu thereof eight new sections relating to child abuse and neglect.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 282**, entitled:

An act to repeal sections 174.700, 174.703, 174.706, 302.302, and 544.157, RSMo, and to enact in lieu thereof ten new sections relating to the regulation of motor vehicles, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 366**, entitled:

An act to repeal sections 33.080, 144.030, 360.045, and 374.150, RSMo, and to enact in lieu thereof six new sections relating to rebuilding damaged infrastructure, with an existing penalty provision and an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

COMMITTEE CHANGE

April 18, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol 317-A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby remove Representative Judy Morgan from the committee on International Trade and appoint Representative Josh Peters.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

/s/ Jacob Hummel
House Minority Leader
District 81

COMMUNICATIONS

April 16, 2013

Dear Chief Clerk Crumbliss,

May this letter serve as notification that I have been asked to serve on the P.A.T. Advisory Board for Hannibal School District No. 60. The period of service is two years. This is a voluntary position only on the Advisory Board. I have chosen to serve on the board and ask that this letter become part of my file with your office. I will also keep a copy in my office.

Thank you for your assistance in this matter.

Sincerely,

/s/ Lindell F. Shumake
State Representative
District 5

April 16, 2013

Dear Chief Clerk Crumbliss,

May this letter serve as notification that I have been asked to serve on the CASA Advisory Board. This is a voluntary position only on the Advisory Board. I have chosen to serve on the board and ask that this letter become part of my file with your office. I will also keep a copy in my office.

Thank you for your assistance in this matter.

Sincerely,

/s/ Lindell F. Shumake
State Representative
District 5

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 4:00 p.m., Monday, April 22, 2013.

COMMITTEE HEARINGS

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, April 23, 2013, 2:00 PM, House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

We will be looking at the 2009 audit of Corrections looking into the Canteen Program.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, April 24, 2013, 2:00 PM, House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

We will be looking at the 2009 audit of Corrections looking into the Canteen Program.

CHILDREN, FAMILIES, AND PERSONS WITH DISABILITIES

Tuesday, April 23, 2013, 12:00 PM or Upon Adjournment, House Hearing Room 1.

Public hearing will be held: SCS SB 87, HB 838, HB 710, HB 720

Executive session may be held on any matter referred to the committee.

CRIME PREVENTION AND PUBLIC SAFETY

Tuesday, April 23, 2013, 8:00 AM, House Hearing Room 7.

Public hearing will be held: HB 812

Executive session will be held: HB 36, HB 296, HCS SCS SB 224

Executive session may be held on any matter referred to the committee.

Please note room change

AMENDED

ELECTIONS

Tuesday, April 23, 2013, 8:15 AM, House Hearing Room 5.

Public hearing will be held: SCS SB 2, SB 99, HB 865

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Monday, April 22, 2013, 1:00 PM, House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

FRESHMAN BIPARTISAN ISSUE DEVELOPMENT COMMITTEE

Tuesday, April 23, 2013, Upon Evening Adjournment, 612 East Capitol Avenue.

The committee will preview TrakBill, an innovative tool for tracking legislation.

GOVERNMENT OVERSIGHT AND ACCOUNTABILITY

Monday, April 22, 2013, 1:00 PM, House Hearing Room 7.

Executive session will be held: HB 803, HB 840

Executive session may be held on any matter referred to the committee.

The committee will hear testimony on the contract the Department of Social Services has entered into with the Public Consulting Group.

HEALTH INSURANCE

Tuesday, April 23, 2013, 9:30 AM, House Hearing Room 3.

Executive session will be held: SCS SB 147, SB 161, SS SB 262

Executive session may be held on any matter referred to the committee.

ISSUE DEVELOPMENT STANDING COMMITTEE ON MISSOURI HEALTH CARE

Monday, April 22, 2013, 1:00 PM, House Hearing Room 5.

Informational testimony from: Pat Graber, retired Deputy Director, Mental Health

Brent McGinty, Pathways - Coalition of Community Mental Health Center

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, May 2, 2013, 8:00 AM, House Hearing Room 1.

Second quarter meeting

JUDICIARY

Monday, April 22, 2013, 6:00 PM, 1426 Southridge Drive, Jefferson City.

MISSOURI SPORTSMAN ISSUE DEVELOPMENT COMMITTEE

Monday, April 22, 2013, Upon Evening Adjournment,

4750 Henwick Lane, Jefferson City, MO 65109

Trap shoot and final training

RETIREMENT

Thursday, April 25, 2013, 9:00 AM, House Hearing Room 1.

Public hearing will be held: HB 897

Executive session may be held on any matter referred to the committee.

RULES

Monday, April 22, 2013, Upon Afternoon Adjournment, South Gallery.

Executive session may be held on any matter referred to the committee.

TOURISM AND NATURAL RESOURCES

Tuesday, April 23, 2013, 6:00 PM or Upon Evening Adjournment,
330 Commerce Drive, Jefferson City, MO

TRANSPORTATION

Tuesday, April 23, 2013, 12:00 PM or Upon Morning Adjournment, House Hearing Room 7.
Public hearing will be held: HB 885, HB 1014, HB 979
Executive session may be held on any matter referred to the committee.

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Wednesday, April 24, 2013, 8:00 AM, House Hearing Room 5.
Public hearing will be held: HB 1024
Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

FIFTY-FIFTH DAY, MONDAY, APRIL 22, 2013

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HCS HJR 26 - Richardson
- 2 HCS HJR 14 - Jones (110)
- 3 HJR 19 - Bahr

HOUSE BILLS FOR PERFECTION

- 1 HB 227 - Zerr
- 2 HB 423 - Zerr
- 3 HB 578, as amended - Funderburk
- 4 HCS HB 221 - Leara
- 5 HCS HB 701 - Molendorp
- 6 HB 255 - Torpey
- 7 HCS HB 458 - Scharnhorst
- 8 HB 242 - Ellington
- 9 HB 503, as amended, HA 1 HA 3, and HA 3, pending - McCaherty
- 10 HB 448 - Webb
- 11 HB 162 - Sommer
- 12 HCS HB 161 - Gatschenberger
- 13 HCS HB 285 - Pace
- 14 HCS HB 348 - Neth
- 15 HCS HB 372 - Cox
- 16 HCS HB 859 - Brattin
- 17 HCS HB 881 - Guernsey
- 18 HCS HB 275 - Brattin
- 19 HCS HB 76 - Rowland
- 20 HCS HB 78 - Johnson
- 21 HCS HB 344 - Molendorp

- 22 HCS HB 387 - Frederick
- 23 HCS HB 415 - Phillips
- 24 HCS HB 601 - Richardson
- 25 HCS HB 653 - Lauer
- 26 HB 421 - Curtman
- 27 HCS HB 541 - Hicks
- 28 HCS HB 543 - Hoskins
- 29 HCS HB 234 - Gatschenberger
- 30 HCS HB 986 - Barnes
- 31 HB 616 - Bahr
- 32 HCS HB 675 - Grisamore
- 33 HB 185 - Kirkton

HOUSE BILLS FOR PERFECTION - FEDERAL MANDATE

- 1 HB 635 - Fitzwater
- 2 HCS HB 771 - Schatz
- 3 HCS HB 611 - Lant

HOUSE BILLS FOR THIRD READING

- 1 HB 201 - Torpey
- 2 HCS HBs 521 & 579, (Fiscal Review 3/27/13) - Koenig
- 3 HCS HB 470 - Barnes
- 4 HCS#2 HB 178 - Koenig
- 5 HCS HBs 455 & 297, (Fiscal Review 4/17/13) - English
- 6 HB 756, (Fiscal Review 4/17/13) - Hubbard
- 7 HB 274, (Fiscal Review 4/17/13) - Brattin
- 8 HB 339 - Wieland
- 9 HCS HB 340 - Johnson
- 10 HB 747 - Scharnhorst
- 11 HCS HB 1035 - Kelley (127)
- 12 HCS#2 HB 698, (Fiscal Review 4/17/13) - Zerr
- 13 HCS HB 335 - Hinson
- 14 HCS HB 589, E.C. - Hinson
- 15 HCS HB 170, E.C. - Guernsey
- 16 HB 808 - Funderburk
- 17 HCS HBs 593 & 695 - Solon

SENATE BILLS FOR SECOND READING

- 1 SB 205
- 2 SCS SB 226
- 3 SCS SB 256
- 4 SS SB 282
- 5 SS SB 366

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 11 - Walton Gray
- 2 HCR 21 - Black
- 3 HCS HCR 17 - Frederick

SENATE BILLS FOR THIRD READING - CONSENT

(4/15/2013)

- 1 SB 59 - Gosen
- 2 SB 60 - Gosen
- 3 SB 80 - Engler
- 4 HCS SB 188 - Engler
- 5 SB 234 - Burlison
- 6 SB 235 - Dugger
- 7 SB 306 - Elmer
- 8 SCS SB 324 - Hansen
- 9 SCS SB 376 - Frederick
- 10 SB 16 - Dugger
- 11 SCS SB 191 - McCaherty
- 12 SB 237 - Miller
- 13 SB 329 - Love

SENATE BILLS FOR THIRD READING

- 1 SCS SB 106 - Davis
- 2 HCS SCS SB 117, (Fiscal Review 4/18/13) - Davis
- 3 HCS SCS SB 157 and SB 102 - Phillips
- 4 HCS SCS SB 186 - Davis
- 5 SB 197 - Frederick
- 6 SB 230 - Brattin
- 7 HCS SS#2 SCS SBs 26, 11 & 31, E.C., (Fiscal Review 4/18/13) - Koenig

HOUSE BILLS WITH SENATE AMENDMENTS

SS HCS HJR 11 & 7 , as amended - Reiboldt

SENATE CONCURRENT RESOLUTIONS

SCS SCR 5 - Frederick

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

FIFTY-FIFTH DAY, MONDAY, APRIL 22, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Representative Lindell Shumake.

Let us pray: Dear Lord, we come before You this morning acknowledging our utter and complete dependence upon You. Today we reach out to You for divine wisdom. As we learn from sacred scripture how King Solomon did not ask for riches, long life, or victory over his enemies, but rather, asked for wisdom to govern Your people, we ask for that kind of wisdom today.

Lord we ask that You remember our fellow Americans who have experienced tragedy in their lives, especially those in Boston and Texas. May their recovery be swift and total. Please remember our own House members and staff who are dealing with sickness, whether their own or that of a family member.

We ask for Your divine guidance as we begin our work week. We cannot thank You enough for the many blessings You have visited upon our great state through the grace of Your Son Jesus.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

OATH OF OFFICE

Representative-elect Mike Moon advanced to the bar and subscribed to the oath of office, which was administered by the Honorable Timothy Jones, Speaker of the Missouri House of Representatives.

The Journal of the fifty-fourth day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2018 through House Resolution No. 2101

SECOND READING OF SENATE BILLS

SB 205, SCS SB 226, SCS SB 256, SS SB 282, and SS SB 366 were read the second time.

COMMITTEE REPORTS

Committee on Fiscal Review, Chairman Flanigan reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 274**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HBs 455 & 297**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS#2 HB 698**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 756**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SCS SB 117**, begs leave to report it has examined the same and recommends that it **Do Pass**.

THIRD READING OF HOUSE BILLS

HB 339, relating to uninsured motorist cause of action, was taken up by Representative Wieland.

On motion of Representative Wieland, **HB 339** was read the third time and passed by the following vote:

AYES: 104

Allen	Anders	Anderson	Austin	Bahr
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Cierpiot	Conway 104	Cookson	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	English
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fraker
Franklin	Frederick	Gannon	Gatschenberger	Gosen
Guernsey	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeier	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	McCahty	McGaugh	McKenna
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Parkinson	Pfautsch	Phillips
Pike	Pogue	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Roorda	Ross
Rowland	Scharnhorst	Schieber	Schieffer	Shull
Shumake	Smith 120	Sommer	Spencer	Stream
Swan	Thomson	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 055

Barnes	Burns	Butler	Carpenter	Colona
Conway 10	Cornejo	Curtis	Dunn	Ellinger
Ellington	Englund	Fowler	Frame	Gardner
Grisamore	Haahr	Hodges	Hubbard	Hummel
Kirkton	Kratky	LaFaver	Marshall	May
Mayfield	McCann Beatty	McDonald	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Neth	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Rowden
Runions	Schatz	Schupp	Solon	Swearingen
Torpey	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 004

Funderburk	Kelly 45	Redmon	Smith 85
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VACANCIES: 000

Speaker Jones declared the bill passed.

HB 274, relating to newborn screenings, was taken up by Representative Brattin.

On motion of Representative Brattin, **HB 274** was read the third time and passed by the following vote:

AYES: 155

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fraker	Frame	Franklin	Frederick
Gannon	Gardner	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	May
Mayfield	McCahty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Parkinson	Peters	Pfautsch	Phillips	Pierson
Pike	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross

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Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webb	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 004

Fowler	Marshall	Moon	Pogue
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PRESENT: 000

ABSENT WITH LEAVE: 004

Funderburk	Kelly 45	Redmon	Smith 85
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VACANCIES: 000

Speaker Jones declared the bill passed.

HCS HB 1035, relating to property taxes, was taken up by Representative Kelley (127).

On motion of Representative Kelley (127), **HCS HB 1035** was read the third time and passed by the following vote:

AYES: 159

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kirkton	Koenig	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Molendorp	Montecillo	Moon	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Pace	Parkinson	Peters
Pfausch	Phillips	Pierson	Pike	Pogue
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 120

Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 004

Funderburk	Kelly 45	Redmon	Smith 85
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VACANCIES: 000

Speaker Jones declared the bill passed.

HB 747, relating to gaming establishment transactions, was taken up by Representative Scharnhorst.

Representative Leara assumed the Chair.

On motion of Representative Scharnhorst, **HB 747** was read the third time and passed by the following vote:

AYES: 132

Allen	Anders	Anderson	Austin	Barnes
Bernskoetter	Brattin	Brown	Burlison	Burns
Butler	Carpenter	Cierpiot	Colona	Conway 10
Conway 104	Cookson	Cornejo	Crawford	Curtis
Curtman	Davis	Diehl	Dugger	Dunn
Ellington	Elmer	Engler	English	Englund
Fitzpatrick	Fitzwater	Fowler	Fraker	Frame
Franklin	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kirkton	Koenig	Kolkmeier
Kratky	LaFaver	Lair	Lauer	Leara
Lichtenegger	Love	Lynch	May	McCann Beatty
McDonald	McGaugh	McKenna	McManus	Meredith
Messenger	Miller	Mims	Mitten	Montecillo
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Parkinson	Peters	Pfautsch	Phillips	Pierson
Pike	Rehder	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieffer	Shull
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webb	Webber	Wieland	Wright
Zerr	Mr Speaker			

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NOES: 025

Bahr	Berry	Black	Cox	Dohrman
Ellinger	Entlicher	Flanigan	Frederick	Korman
Lant	Marshall	Mayfield	McCaherty	McNeil
Moon	Pogue	Reiboldt	Remole	Schieber
Schupp	Shumake	White	Wilson	Wood

PRESENT: 000

ABSENT WITH LEAVE: 006

Cross	Funderburk	Kelly 45	Molendorp	Redmon
Smith 85				

VACANCIES: 000

Representative Leara declared the bill passed.

HCS HBs 593 & 695, relating to cancer medications, was taken up by Representative Solon.

On motion of Representative Solon, **HCS HBs 593 & 695** was read the third time and passed by the following vote:

AYES: 143

Allen	Anders	Anderson	Austin	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burns	Butler	Carpenter	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Curtis	Davis	Dohrman	Dugger
Dunn	Ellinger	Elmer	Engler	English
Englund	Entlicher	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Gannon	Gardner
Gatschenberger	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kirkton	Kolkmeier
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Parkinson	Peters	Pfautsch	Phillips
Pierson	Pike	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieffer	Schupp	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webb	Webber	Wieland	Wood
Wright	Zerr	Mr Speaker		

NOES: 013

Bahr	Burlison	Curtman	Ellington	Fitzpatrick
Frederick	Gosen	Koenig	Marshall	Pogue
Schieber	White	Wilson		

PRESENT: 000

ABSENT WITH LEAVE: 007

Cross	Diehl	Funderburk	Kelly 45	Molendorp
Redmon	Smith 85			

VACANCIES: 000

Representative Leara declared the bill passed.

HCS HB 340, relating to daylight saving time, was taken up by Representative Johnson.

On motion of Representative Johnson, **HCS HB 340** was read the third time and passed by the following vote:

AYES: 104

Allen	Anders	Anderson	Austin	Berry
Black	Brattin	Brown	Burlison	Burns
Carpenter	Cierpiot	Conway 10	Cox	Crawford
Curtman	Davis	Dohrman	Dugger	Elmer
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haefner	Hansen	Harris	Hicks
Higdon	Hinson	Hough	Houghton	Hubbard
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	Lair	Lant	Lauer	Leara
Lichtenegger	Lynch	Mayfield	McCaherty	McDonald
McGaugh	Messenger	Miller	Molendorp	Morris
Muntzel	Neely	Neth	Norr	Otto
Pace	Pfautsch	Pike	Rehder	Reiboldt
Remole	Rhoads	Richardson	Roorda	Ross
Rowland	Scharnhorst	Schatz	Shull	Shumake
Smith 120	Solon	Sommer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Mr Speaker	

NOES: 052

Bahr	Barnes	Bernskoetter	Butler	Colona
Conway 104	Cookson	Cornejo	Cross	Curtis
Dunn	Ellinger	Ellington	Gardner	Haahr
Hampton	Hodges	Hoskins	Hummel	LaFaver
Love	Marshall	May	McCann Beatty	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Moon	Morgan	Newman	Nichols
Parkinson	Peters	Phillips	Pierson	Pogue

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Rizzo	Rowden	Runions	Schieber	Schieffer
Schupp	Spencer	Walton Gray	Webb	Webber
Wright	Zerr			

PRESENT: 001

Engler

ABSENT WITH LEAVE: 006

Diehl	Funderburk	Kelly 45	Redmon	Riddle
Smith 85				

VACANCIES: 000

Representative Leara declared the bill passed.

HCS#2 HB 698, relating to tax incentives, was taken up by Representative Zerr.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 106

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Schatz	Schieber	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith

Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 007

Diehl	Funderburk	Kelly 45	Redmon	Scharnhorst
Smith 85	Swearingen			

VACANCIES: 000

On motion of Representative Zerr, **HCS#2 HB 698** was read the third time and passed by the following vote:

AYES: 113

Allen	Anders	Austin	Barnes	Bernskoetter
Berry	Black	Brown	Burns	Butler
Carpenter	Cierpiot	Colona	Conway 10	Cornejo
Crawford	Cross	Curtis	Davis	Dohrman
Dunn	Ellinger	Elmer	Engler	English
Englund	Fitzwater	Flanigan	Frame	Franklin
Frederick	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Guernsey	Haefner	Hansen	Harris
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hubbard	Hummel	Jones 50	Justus
Kelley 127	Kolkmeyer	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Lynch
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Peters	Pfausch	Phillips	Pierson	Pike
Reiboldt	Richardson	Riddle	Rizzo	Roorda
Rowden	Runions	Scharnhorst	Schieffer	Shull
Shumake	Solon	Sommer	Stream	Swan
Thomson	Torpey	Walker	Walton Gray	Webb
Wieland	Zerr	Mr Speaker		

NOES: 043

Anderson	Bahr	Brattin	Burlison	Conway 104
Cookson	Cox	Curtman	Dugger	Ellington
Entlicher	Fitzpatrick	Fowler	Haahr	Hampton
Hodges	Hurst	Johnson	Keeney	Kirkton
Koenig	Korman	Love	Marshall	Montecillo
Moon	Parkinson	Pogue	Rehder	Remole
Rhoads	Ross	Rowland	Schatz	Schieber
Schupp	Smith 120	Spencer	Webber	White
Wilson	Wood	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 007

Diehl
Smith 85

Fraker
Swearingen

Funderburk

Kelly 45

Redmon

VACANCIES: 000

Representative Leara declared the bill passed.

REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

HCS HB 589 - Fiscal Review

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

SB 57 - Local Government

SB 67 - Higher Education

SCS SB 118 - Judiciary

SB 170 - Downsizing State Government

SS SB 245 - Judiciary

SS SB 251 - Government Oversight and Accountability

SS SB 252 - Government Oversight and Accountability

SS SB 282 - Transportation

SB 303 - Professional Registration and Licensing

SB 304 - Professional Registration and Licensing

SB 327 - Crime Prevention and Public Safety

SS SCS SB 373 - Agri-Business

SCS SB 381 - Higher Education

COMMITTEE REPORTS

Committee on Children, Families, and Persons with Disabilities, Chairman Grisamore reporting:

Mr. Speaker: Your Committee on Children, Families, and Persons with Disabilities, to which was referred **HB 402**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Health Care Policy, Chairman Frederick reporting:

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **SCS SB 126**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **SCS SB 178**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **SCS SB 302**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

SENATE CONSENT BILLS

Pursuant to Rule 45(c), the following bills have remained on the Senate Consent Calendar for Third Reading for five legislative days without any objection, and all committee substitutes and committee amendments are hereby adopted by consent: **SB 16, SB 59, SB 60, SB 80, HCS SB 188, SCS SB 191, SB 234, SB 235, SB 237, SB 306, SCS SB 324, SB 329** and **SCS SB 376**.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 1**, entitled:

An act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund, and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds of these sections shall be expended for the purpose of costs associated with the travel or staffing of the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 2**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 3**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

In which the concurrence of the House is respectfully requested.

ADJOURNMENT

On motion of Representative Cierpiot, the House adjourned until 10:00 a.m., Tuesday, April 23, 2013.

COMMITTEE HEARINGS

AGRI-BUSINESS

Tuesday, April 23, 2013, Upon Afternoon Adjournment, House Hearing Room 5.
Executive session may be held on any matter referred to the committee.

AGRICULTURE POLICY

Tuesday, April 23, 2013, 12:00 PM, House Hearing Room 6.
Executive session may be held on any matter referred to the committee.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, April 23, 2013, Noon or Upon Morning Recess, House Hearing Room 5.
Executive session may be held on any matter referred to the committee.
We will be looking at the 2009 audit of Corrections looking into the Canteen Program.
CORRECTED

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, April 23, 2013, 2:00 PM, House Hearing Room 3.
Executive session may be held on any matter referred to the committee.
We will be looking at the 2009 audit of Corrections looking into the Canteen Program.
CANCELLED

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, April 24, 2013, 2:00 PM, House Hearing Room 6.
Executive session may be held on any matter referred to the committee.
We will be looking at the 2009 audit of Corrections looking into the Canteen Program.

BUDGET

Wednesday, April 24, 2013, 8:00 AM, House Hearing Room 3.

Public hearing will be held: HB 930

Executive session will be held: HB 17, HB 18, HB 19, HB 930

Executive session may be held on any matter referred to the committee.

CHILDREN, FAMILIES, AND PERSONS WITH DISABILITIES

Tuesday, April 23, 2013, 12:00 PM or Upon Adjournment, House Hearing Room 1.

Public hearing will be held: SCS SB 87, HB 838, HB 710, HB 720

Executive session may be held on any matter referred to the committee.

CRIME PREVENTION AND PUBLIC SAFETY

Tuesday, April 23, 2013, 8:00 AM, House Hearing Room 7.

Public hearing will be held: HB 812

Executive session will be held: HB 36, HB 296, HCS SCS SB 224

Executive session may be held on any matter referred to the committee.

Please note room change

AMENDED

ECONOMIC DEVELOPMENT

Tuesday, April 23, 2013, 5:00 PM, House Hearing Room 3.

Public hearing will be held: HB 827, SCS SB 248

Executive session may be held on any matter referred to the committee.

ELECTIONS

Tuesday, April 23, 2013, 8:15 AM, House Hearing Room 5.

Public hearing will be held: SCS SB 2, SB 99, HB 865

Executive session may be held on any matter referred to the committee.

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, April 24, 2013, 8:00 AM, House Hearing Room 6.

Public hearing will be held: SB 242, SB 211, HB 295, HB 681, HB 1016, HB 603

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Tuesday, April 23, 2013, Upon Afternoon Adjournment or 4:45 PM (whichever is later), House Hearing Room 6.

Executive session will be held: HCS SS#2 SCS SBs 26, 11 & 31

FRESHMAN BIPARTISAN ISSUE DEVELOPMENT

Tuesday, April 23, 2013, Upon Evening Adjournment, 612 East Capitol Avenue.

The committee will preview TrakBill, an innovative tool for tracking legislation.

GENERAL LAWS

Tuesday, April 23, 2013, 12:00 PM, House Hearing Room 3.

Public hearing will be held: SCS SB 83, HB 872, SS SCS SB 159, HB 990

Executive session will be held: HB 92

Executive session may be held on any matter referred to the committee.

HEALTH CARE POLICY

Wednesday, April 24, 2013, Noon or Upon Morning Recess, House Hearing Room 6.

Public hearing will be held: HB 929, SB 127, SS SCS SB 129

Executive session may be held on any matter referred to the committee.

HEALTH INSURANCE

Tuesday, April 23, 2013, 9:30 AM, House Hearing Room 3.

Executive session will be held: SCS SB 147, SB 161, SS SB 262

Executive session may be held on any matter referred to the committee.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, May 2, 2013, 8:00 AM, House Hearing Room 1.

Second quarter meeting

JUDICIARY

Wednesday, April 24, 2013, 12:00 PM or Upon Morning Adjournment (whichever is earlier), House Hearing Room 1.

Public hearing will be held: HB 670, HB 851, SB 12

Executive session will be held: SB 110, HB 567, SCS SB 45, HB 594, SB 73

Executive session may be held on any matter referred to the committee.

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, April 24, 2013, Upon Morning Recess, House Hearing Room 5.

Public hearing will be held: SCS SB 101, SCS SB 305

Executive session may be held on any matter referred to the committee.

RETIREMENT

Thursday, April 25, 2013, 9:00 AM, House Hearing Room 1.

Public hearing will be held: HB 897

Executive session may be held on any matter referred to the committee.

CANCELLED

RULES

Tuesday, April 23, 2013, Upon Afternoon Adjournment, South Gallery.

Executive session will be held: HCS HB 132, HCS HB 210, HCS HB 630, HCS HB 641, HCS HB 781, HCS HB 936, HCS SCS SB 17, SS SB 28, HCS SS SB 34, HCS SS SCS SB 116, HCS SS SCS SB 125, SCS SB 254, SCS SB 287, HCR 34

Executive session may be held on any matter referred to the committee.

AMENDED

SPECIAL STANDING COMMITTEE ON SMALL BUSINESS

Wednesday, April 24, 2013, 12 PM or Upon Morning Recess, House Hearing Room 7.

Public hearing will be held: HB 1033

Executive session will be held: HB 393, HB 71

Executive session may be held on any matter referred to the committee.

TOURISM AND NATURAL RESOURCES

Tuesday, April 23, 2013, 6:00 PM or Upon Evening Adjournment,

Committee Dinner, 330 Commerce Drive, Jefferson City, MO

TRANSPORTATION

Tuesday, April 23, 2013, 12:00 PM or Upon Morning Adjournment, House Hearing Room 7.

Public hearing will be held: HB 885, HB 1014, HB 979

Executive session may be held on any matter referred to the committee.

UTILITIES

Wednesday, April 24, 2013, 8:00 AM, House Hearing Room 7.

Public hearing will be held: SB 275, HB 1006, HB 1038, SB 294

Executive session may be held on any matter referred to the committee.

WAYS AND MEANS

Tuesday, April 23, 2013, 5:00 PM, House Hearing Room 1.

Public hearing will be held: HB 1029, HB 1031, HB 832

Executive session may be held on any matter referred to the committee.

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Wednesday, April 24, 2013, 8:00 AM, House Hearing Room 5.

Public hearing will be held: HB 1024

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

FIFTY-SIXTH DAY, TUESDAY, APRIL 23, 2013

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HCS HJR 26 - Richardson
- 2 HCS HJR 14 - Jones (110)
- 3 HJR 19 - Bahr

HOUSE BILLS FOR PERFECTION

- 1 HB 227 - Zerr
- 2 HB 423 - Zerr
- 3 HB 578, as amended - Funderburk
- 4 HCS HB 221 - Leara
- 5 HCS HB 701 - Molendorp

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- 6 HB 255 - Torpey
- 7 HCS HB 458 - Scharnhorst
- 8 HB 242 - Ellington
- 9 HB 503, as amended, HA 1 HA 3, and HA 3, pending - McCaherty
- 10 HB 448 - Webb
- 11 HB 162 - Sommer
- 12 HCS HB 161 - Gatschenberger
- 13 HCS HB 285 - Pace
- 14 HCS HB 348 - Neth
- 15 HCS HB 372 - Cox
- 16 HCS HB 859 - Brattin
- 17 HCS HB 881 - Guernsey
- 18 HCS HB 275 - Brattin
- 19 HCS HB 76 - Rowland
- 20 HCS HB 78 - Johnson
- 21 HCS HB 344 - Molendorp
- 22 HCS HB 387 - Frederick
- 23 HCS HB 415 - Phillips
- 24 HCS HB 601 - Richardson
- 25 HCS HB 653 - Lauer
- 26 HB 421 - Curtman
- 27 HCS HB 541 - Hicks
- 28 HCS HB 543 - Hoskins
- 29 HCS HB 234 - Gatschenberger
- 30 HCS HB 986 - Barnes
- 31 HB 616 - Bahr
- 32 HCS HB 675 - Grisamore
- 33 HB 185 - Kirkton

HOUSE BILLS FOR PERFECTION - FEDERAL MANDATE

- 1 HB 635 - Fitzwater
- 2 HCS HB 771 - Schatz
- 3 HCS HB 611 - Lant

HOUSE BILLS FOR THIRD READING

- 1 HB 201 - Torpey
- 2 HCS HBs 521 & 579, (Fiscal Review 3/27/13) - Koenig
- 3 HCS HB 470 - Barnes
- 4 HCS#2 HB 178 - Koenig
- 5 HCS HBs 455 & 297 - English
- 6 HB 756 - Hubbard
- 7 HCS HB 335, E.C. - Hinson
- 8 HCS HB 589, (Fiscal Review 4/22/13), E.C. - Hinson
- 9 HCS HB 170, E.C. - Guernsey
- 10 HB 808 - Funderburk

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 11 - Walton Gray
- 2 HCR 21 - Black
- 3 HCS HCR 17 - Frederick

SENATE BILLS FOR THIRD READING - CONSENT

- 1 SB 59 - Gosen
- 2 SB 60 - Gosen
- 3 SB 80 - Engler
- 4 HCS SB 188 - Engler
- 5 SB 234 - Burlison
- 6 SB 235 - Dugger
- 7 SB 306 - Elmer
- 8 SCS SB 324 - Hansen
- 9 SCS SB 376 - Frederick
- 10 SB 16 - Dugger
- 11 SCS SB 191 - McCaherty
- 12 SB 237 - Miller
- 13 SB 329 - Love

SENATE BILLS FOR THIRD READING

- 1 SCS SB 106 - Davis
- 2 HCS SCS SB 117 - Davis
- 3 HCS SCS SB 157 and SB 102 - Dugger
- 4 HCS SCS SB 186 - Davis
- 5 SB 197 - Frederick
- 6 SB 230 - Brattin
- 7 HCS SS#2 SCS SBs 26, 11 & 31, (Fiscal Review 4/18/13), E.C. - Koenig

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 SS HCS HJR 11 & 7 , as amended - Reiboldt
- 2 SCS HCS HB 1 - Stream
- 3 SCS HCS HB 2 - Stream
- 4 SCS HCS HB 3 - Stream

SENATE CONCURRENT RESOLUTIONS

- SCS SCR 5 - Frederick

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

FIFTY-SIXTH DAY, TUESDAY, APRIL 23, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

Teach me Thy way, O Lord, that I may walk in Thy truth. (Psalm 86:11)

Eternal God, Who is the refuge and strength of Your people in every age and our refuge and strength in this present hour, come into our hearts as we bow humbly in Your presence. Help us to realize our dependence upon You, our constant need of Your strength, Your guidance, and Your love. Give us knowledge that You are always with us and that with You we can be made ready for every responsibility and equal to every experience.

We pray for peace in our world, for an end to terrorism, for good will among our people, and for a faith in You which makes us strong, gives us courage, and helps us on our upward way. Keep our firefighters safe and protect us from floods.

May Your spirit touch each one of us with healing power. Kindle our faith, make sensitive our consciences, dedicate our strength, fortify us in our troubles, and send us out into this day strong in You and in the power of Your might.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Alex Ricci, Miranda Nelson, Sabrina Drake, Anna Marie Harmon, Alex Loethen, Savannah Feltrop, Faith Koenig, Jacoby Lefort, Gage Rethorn, James Bomen, Johanna Shumake, Sadie Rowden and Stella Sides.

The Journal of the fifty-fifth day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2102 through House Resolution No. 2214

PERFECTION OF HOUSE BILLS

HCS HB 161, relating to political subdivisions, was taken up by Representative Gatschenberger.

Representative Gatschenberger offered **House Amendment No. 1.**

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 161, Page 12, Section 77.675, Line 15, by inserting after all of said section and line the following:

"247.225. Notwithstanding any provision of law to the contrary, a water supply district under this chapter in a county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants shall be under the auspices of the public service commission for rates, charges, or other fees."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Gatschenberger, **House Amendment No. 1** was adopted.

Representative Lauer offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 161, Section 64.170, Page 3, Line 30, by inserting after all of said line the following:

"67.463. 1. At the hearing to consider the proposed improvements and assessments, the governing body shall hear and pass upon all objections to the proposed improvements and proposed assessments, if any, and may amend the proposed improvements, and the plans and specifications therefor, or assessments as to any property, and thereupon by ordinance or resolution the governing body of the city or county shall order that the improvement be made and direct that financing for the cost thereof be obtained as provided in sections 67.453 to 67.475.

2. After construction of the improvement has been completed in accordance with the plans and specifications therefor, the governing body shall compute the final costs of the improvement and apportion the costs among the property benefitted by such improvement in such equitable manner as the governing body shall determine, charging each parcel of property with its proportionate share of the costs, and by resolution or ordinance, assess the final cost of the improvement or the amount of general obligation bonds issued or to be issued therefor as special assessments against the property described in the assessment roll.

3. After the passage or adoption of the ordinance or resolution assessing the special assessments, the city clerk or county clerk shall mail a notice to each property owner within the district which sets forth a description of each parcel of real property to be assessed which is owned by such owner, the special assessment assigned to such property, and a statement that the property owner may pay such assessment in full, together with interest accrued thereon from the effective date of such ordinance or resolution, on or before a specified date determined by the effective date of the ordinance or resolution, or may pay such assessment in annual installments as provided in subsection 4 of this section.

4. The special assessments shall be assessed upon the property included therein concurrent with general property taxes, and shall be payable in substantially equal annual installments for a duration stated in the ballot measure prescribed in subsection 2 of section 67.457 or in the petition prescribed in subsection 3 of section 67.457, and, if authorized, an assessment in each year thereafter levied and collected in the same manner with the proceeds thereof used solely for maintenance of the improvement, taking into account such assessments and interest thereon, as the governing body determines. The first installment shall be payable after the first collection of general property taxes following the adoption of the assessment ordinance or resolution unless such ordinance or resolution was adopted and certified too late to permit its collection at such time. All assessments shall bear interest at such rate as the governing body determines, not to exceed the rate permitted for bonds by section 108.170. Interest on the assessment between the effective date of the ordinance or resolution assessing the assessment and the date the first installment is payable shall be added to the first installment. The interest for one year on all unpaid installments shall be added to each subsequent installment until paid. In the case of a special assessment by a city, all of the installments, together with the interest accrued or to accrue thereon, may be certified by the city clerk to the county clerk in one instrument at the same time. Such certification shall be good for all of the installments, and the interest thereon payable as special assessments.

5. Special assessments shall be collected and paid over to the city treasurer or county treasurer in the same manner as taxes of the city or county are collected and paid. In any county [of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants], the county collector may collect a fee as prescribed by section 52.260 for collection of assessments under this section.

67.469. A special assessment authorized under the provisions of sections 67.453 to 67.475 shall be a lien, from the date of the assessment, on the property against which it is assessed on behalf of the city or county assessing the same to the same extent as a tax upon real property. The lien may be foreclosed in the same manner as a tax upon real property by land tax sale pursuant to chapter 140 or, **if applicable to that county, chapter 141, or**, [by judicial foreclosure proceeding,] at the option of the governing body, **by judicial foreclosure proceeding**. Upon the foreclosure of any such lien, whether by land tax sale or by judicial foreclosure proceeding, the entire remaining assessment may become due and payable and may be recoverable in such foreclosure proceeding at the option of the governing body.

67.2070. 1. Sections 67.2070 to 67.2073 shall be known and may be cited as the "STAR Bonds Financing Act".

2. As used in sections 67.2070 to 67.2073, the following terms mean:

(1) "Commence work", the manifest commencement of actual operations on the development site, such as erecting a building, excavating the ground to lay a foundation or a basement, or work of like description that a person with reasonable diligence can see and recognize as being done with the intention and purpose to continue work until the project is completed;

(2) "De minimus", an amount less than fifteen percent of the land area within a STAR bond project district;

(3) "Developer", any person, firm, corporation, partnership, or limited liability company other than a city and other than an agency, political subdivision, or instrumentality of the state;

(4) "Director", the director of the department of economic development;

(5) "Economic impact study", a study to project the financial benefit of the project to the local, regional, and state economies;

(6) "Eligible area", a historic theater, major tourism area, river walk canal facility, major multisport athletic complex, or a major commercial entertainment and tourism area as determined by the director;

(7) "Historic theater", a building constructed before the year 1940 that was constructed for the purpose of staging entertainment, including motion pictures, vaudeville shows, or operas, that is operated by a nonprofit corporation and is designated by the state historic preservation office as eligible to be on the National Register of Historic Places;

(8) "Historic theater sales tax increment", the amount of any state and local sales tax revenue imposed under state law collected from taxpayers doing business within a historic theater that is in excess of the amount of such taxes collected before the designation of the building as a historic theater for purposes of the STAR bonds financing act;

(9) "Major commercial entertainment and tourism area", an area that may include, but not be limited to, a major multisport athletic complex;

(10) "Major multisport athletic complex", an athletic complex that is used for the training of athletes, the practice of athletic teams, the playing of athletic games, or the hosting of events. Such project may include playing fields, parking lots, and other developments including grandstands, suites and viewing areas, concessions, souvenir facilities, catering facilities, visitor centers, signage, and temporary hospitality facilities, but excluding hotels, motels, restaurants, and retail facilities, not directly related to or necessary to the operation of such facility;

(11) "Major tourism area", an area for which the director has made a finding that capital improvements costing not less than one hundred million dollars will be built in the state;

(12) "Market study", a study to determine the ability of the project to gain market share locally, regionally, and nationally, and the ability of the project to gain sufficient market share to:

(a) Remain profitable past the term of repayment; and

(b) Maintain status as a significant factor for travel decisions;

(13) "Market impact study", a study to measure the impact of the proposed project on similar businesses in the project's market area;

(14) "Museum facility", a separate newly-constructed museum building and facilities directly related and necessary to the operation thereof, including gift shops and restaurant facilities, but excluding hotels, motels, restaurants, and retail facilities not directly related to or necessary to the operation of such facility. The museum facility shall be owned by the state, a city, county, other political subdivision of the state, or a nonprofit

corporation, shall be managed by the state, a city, county, other political subdivision of the state, or a nonprofit corporation, and shall not be leased to any developer and shall not be located within any retail or commercial building;

(15) "Project", a STAR bond project;

(16) "Project costs":

(a) Costs necessary to implement a STAR bond project plan;

(b) Project costs includes costs incurred for:

a. Acquisition of real property within the STAR bond project area;

b. Payment of relocation assistance under a relocation assistance plan as provided in the STAR bonds financing act;

c. Site preparation including utility relocations;

d. Sanitary and storm sewers and lift stations;

e. Drainage conduits, channels, levees, and river walk canal facilities;

f. Street grading, paving, graveling, macadamizing, curbing, guttering, and surfacing;

g. Street light fixtures, connection, and facilities;

h. Underground gas, water, heating, and electrical services and connections located within the public right-of-way;

i. Sidewalks and pedestrian underpasses or overpasses;

j. Drives and driveway approaches located within the public right-of-way;

k. Water mains and extensions;

l. Plazas and arcades;

m. Parking facilities and multilevel parking structures devoted to parking only;

n. Landscaping and plantings, fountains, shelters, benches, sculptures, lighting, decorations, and similar amenities;

o. Major multisport athletic complex;

p. Museum facility;

q. Related expenses to redevelop and finance the project, except that for a STAR bond project financed with special obligation bonds payable from the revenues described in paragraph (a) of subdivision (1) of subsection 1 of section 67.2072, such expenses shall require prior approval by the director;

(c) Project costs shall not include:

a. Costs incurred in connection with the construction of buildings or other structures;

b. Fees and commissions paid to developers, real estate agents, financial advisors or any other consultants who represent the developers or any other businesses considering locating in or located in a STAR bond project district;

c. Salaries for local government employees;

d. Moving expenses for employees of the businesses locating within the STAR bond project district;

e. Property taxes for businesses that locate in the STAR bond project district;

f. Lobbying costs;

g. Any bond origination fee charged by the city or county;

h. Any personal property that is subject to taxation under this state's laws; and

i. Travel, entertainment, and hospitality;

(17) "Projected market area", any area within the state in which the project is projected to have a substantial fiscal or market impact upon businesses in such area;

(18) "River walk canal facilities", a canal and related water features that flow through a major commercial entertainment and tourism area and facilities related or contiguous thereto, including, but not limited to, pedestrian walkways and promenades, landscaping, and parking facilities;

(19) "Sales tax and revenue", those revenues available to finance the issuance of special obligation bonds as identified in the STAR bond financing act;

(20) "STAR bond", a sales tax and revenue bond;

(21) "STAR bond project", an approved project to implement a project plan for the development of the established STAR bond project district with a capital investment of at least fifty million dollars and fifty million dollars in projected gross annual sales, or for areas outside of metropolitan statistical areas as defined by the federal Office of Management and Budget, an area for which the director finds that the project is an eligible area and one of the following:

(a) Would be of regional or statewide importance; or

(b) Is a major tourism area;

(22) "STAR bond project area", the geographic area within the STAR bond project district in which there may be one or more projects;

(23) "STAR bond project district", the specific area declared to be an eligible area as determined by the director in which the city or county may develop one or more STAR bond projects;

(24) "STAR bond project district plan", the preliminary plan that identifies all of the proposed STAR bond project areas and identifies in a general manner all of the buildings, facilities, and improvements in each that are proposed to be constructed or improved in each STAR bond project area;

(25) "STAR bond project plan", the plan adopted by a city or county for the development of a STAR bond project or projects in a STAR bond project district;

(26) "Substantial change", as applicable, a change wherein the proposed plan or plans differ substantially from the intended purpose for which the STAR bond project district plan was approved;

(27) "Tax increment", that portion of the revenue derived from state and local sales, use, and transient guest tax collected from taxpayers doing business within that portion of a STAR bond project district occupied by a project that is in excess of the amount of base year revenue. For purposes of this subsection, the base year shall be the twelve-month period immediately before the month in which the STAR bond project district is established. The director shall determine base year revenue by reference to the revenue collected during the base year from taxpayers doing business within the specific area in which a STAR bond project district is subsequently established. For purposes of this subsection, revenue collected from taxpayers doing business within a STAR bond project district, or within a specific area in which a STAR bond project district is subsequently established shall not include local sales and use tax revenue that is sourced to jurisdictions other than those in which the project is located;

(28) "Taxpayer", a person, corporation, limited liability company, S corporation, partnership, registered limited liability partnership, foundation, association, nonprofit entity, sole proprietorship, business trust, group, or other entity that is subject to the tax imposed in chapter 143, 147, 148, or 153.

67.2071. 1. (1) The governing body of any city may establish one or more STAR bond projects in any area within such city or wholly outside the boundaries of such city. A STAR bond project wholly outside the boundaries of such city shall be approved by the governing body of the county in which the city is located by the passage of a county resolution. The governing body of a county may establish one or more STAR bond projects in any unincorporated area of the county. Such projects shall be eligible for financing by special obligation bonds payable from revenues described by subdivision (1) of subsection 1 of section 67.2072.

(2) Each STAR bond project shall first be approved by the director, if the director determines that the proposed project or complex sufficiently promotes, stimulates, and develops the general and economic welfare of the state. Upon approving the project, the director may approve such financing in an amount not to exceed fifty percent of the total costs including all project costs and any other costs related to the project. The proceeds of such STAR bond financing shall only be used to pay for incurred project costs.

(3) A project shall not be granted to any business that proposes to relocate its business from another area of the state into such city or county for the purpose of consideration for a STAR bond project.

(4) A project shall not be approved by the director if the required market study indicates a substantial negative impact upon businesses in the project or complex market area or the granting of such project or complex would cause a default in the payment of any outstanding special obligation bond payable from revenues authorized under subdivision (1) of subsection 1 of section 67.2072.

(5) The maximum maturity of special obligation bonds payable primarily from revenues described in subdivision (1) of subsection 1 of section 67.2072 to finance STAR bond projects under this section shall not exceed twenty years.

(6) The director shall not approve any application for STAR bond project financing that is submitted by a city or county more than one year after the STAR bond project district in which the STAR bond project is located has been established.

2. (1) When a city or county proposes to establish a STAR bond project district within an eligible area, the city or county shall adopt a resolution stating that the city or county is considering the establishment of a STAR bond project district. Such resolution shall:

(a) Give notice that a public hearing will be held to consider the establishment of a STAR bond project district and fix the date, hour, and place of such public hearing;

(b) Describe the proposed boundaries of the STAR bond project district;

(c) Describe the STAR bond project district plan;

(d) State that a description and map of the proposed STAR bond project district are available for inspection at a time and place designated;

(e) State that the governing body will consider findings necessary for the establishment of a STAR bond project district.

(2) (a) The city or county shall submit the proposed STAR bond project district to the director for a determination that the district is an eligible area. Upon the conclusion of the public hearing and a finding by the director that the proposed project district is an eligible area, the governing body of the city or county shall pass an ordinance or resolution.

(b) An ordinance or resolution for a STAR bond project district may establish the STAR bond project district, and such ordinance shall:

a. Make findings that the STAR bond project district proposed to be developed is a historic theater or a STAR bond project;

b. Contain a STAR bond project district plan that identifies all of the proposed STAR bond project areas and identifies in a general manner all of the buildings and facilities that are proposed to be constructed or improved in each STAR bond project area. The boundaries of such STAR bond project district shall not include any area not designated in the notice required by this subsection;

c. Contain the legal description of the STAR bond project district.

(c) If no ordinance or resolution is passed by the city or county within thirty days from the conclusion of the public hearing, then such STAR bond project district shall not be established.

(3) The governing body of a city or county may establish a STAR bond project district within that city or such city may establish a district inclusive of land outside the boundaries of the city or wholly outside the boundaries of such city upon written consent of the governing body of the county. The governing body of a county may establish a STAR bond project district within the unincorporated area of the county. Before providing written consent, the governing body of the county shall provide notice and hold a hearing as is required for the establishment of a STAR bond project district.

(4) One or more STAR bond projects may be undertaken by a city or county within a STAR bond project district after such STAR bond project district has been established in the manner provided by this section.

(5) No privately owned property subject to ad valorem taxes shall be acquired and redeveloped under the STAR bonds financing act if the governing body of the county or the school district levying taxes on such property determines by resolution adopted within thirty days following the conclusion of the hearing for the establishment of the STAR bond project district that the proposed STAR bond project district will have an adverse effect on such county or school district. The governing body of the county or the school district shall deliver a copy of such resolution to the city or county. The city or county shall within thirty days of receipt of such resolution pass an ordinance or resolution dissolving the STAR bond project district. The provisions of this subdivision shall not apply if the STAR bond project plan provides that ad valorem property tax revenues of the county or the school district levying taxes on such property will not be adversely impacted.

(6) No STAR bond project shall include a project for a gambling casino.

3. (1) One or more projects may be undertaken by a city or county within an established STAR bond project district. Any city or county proposing to undertake a STAR bond project shall prepare a STAR bond project plan in consultation with the planning commission of the city and in consultation with the planning commission of the county, if any, if such project is located wholly outside the boundaries of the city. Any such project plan may be implemented in separate development stages.

(2) Any city or county proposing to undertake a STAR bond project within a STAR bond project district shall prepare a feasibility study. The feasibility study shall contain the following, but the failure to include all information required in this subdivision shall not affect the validity of bonds issued under the STAR bonds financing act:

(a) Whether a STAR bond project's revenue and tax increment revenue and other available revenues under the STAR bonds financing act are expected to exceed or be sufficient to pay for the project costs;

(b) The effect, if any, a STAR bond project will have on any outstanding special obligation bonds payable from the revenues described in the STAR bonds financing act;

(c) A statement of how the jobs and taxes obtained from the STAR bond project will contribute significantly to the economic development of the state and region;

(d) Visitation expectations;

(e) The unique quality of the project;

(f) An economic impact study;

(g) A market study;

- (h) A market impact study;
 - (i) Integration and collaboration with other resources or businesses;
 - (j) The quality of service and experience provided, as measured against national consumer standards for the specific target market;
 - (k) Project accountability, measured according to best industry practices;
 - (l) The expected return on state and local investment that the project is anticipated to produce;
 - (m) A statement concerning whether a portion of the local sales and use taxes are pledged to other uses and are unavailable as revenue for the STAR bond project. If a portion of local sales and use taxes is so committed, the applicant shall describe the percentage of city and county sales and use taxes collected that are so committed and the date or dates on which the city and county sales and use taxes pledged to other uses can be pledged for repayment of bonds;
 - (n) An anticipated principal and interest payment schedule on the bond issue.
- (3) If the city or county determines the project is feasible, the project plan shall include:
- (a) A summary of the feasibility study;
 - (b) A reference to the district plan that identifies the project area that is set forth in the project plan that is being considered;
 - (c) A description and map of the project area to be redeveloped;
 - (d) The relocation assistance plan as described in section 67.2073;
 - (e) A detailed description of the buildings and facilities proposed to be constructed or improved in such area;
 - (f) Any other information the governing body of the city or county deems necessary to advise the public of the intent of the project plan.
- (4) A copy of the STAR bond project plan prepared by a city shall be delivered to the governing body of the county and of any school district levying taxes on property within the STAR bond project area. A copy of the STAR bond project plan prepared by a county shall be delivered to any school district levying taxes on property within the STAR bond project area.
- (5) Upon a finding by the planning commission that the STAR bond project plan is consistent with the intent of the comprehensive plan for the development of the city, and a finding by the planning commission of the county, if any, with respect to a STAR bond project located wholly outside the boundaries of the city, that the STAR bond project plan is consistent with the intent of the comprehensive plan for the development of the county, the governing body of the city or county shall adopt a resolution stating that the city or county is considering the adoption of the STAR bond project plan. Such resolution shall:
- (a) Give notice that a public hearing will be held to consider the adoption of the STAR bond project plan and fix the date, hour, and place of such public hearing;
 - (b) Describe the boundaries of the STAR bond project district within which the STAR bond project will be located and the date of establishment of such district;
 - (c) Describe the boundaries of the area proposed to be included within the STAR bond project area;
 - (d) State that the STAR bond project plan, including a summary of the feasibility study, market study, relocation assistance plan, financial guarantees of the prospective developer, and a description and map of the area to be redeveloped or developed are available for inspection during regular office hours in the office of the city clerk or county clerk, respectively.
- (6) (a) The date fixed for the public hearing to consider the adoption of the STAR bond project plan shall be not less than thirty nor more than seventy days following the date of the adoption of the resolution fixing the date of the hearing.
- (b) A copy of the city or county resolution providing for the public hearing shall be sent by the city by certified mail, return receipt requested, to the governing body of the county and by the city or county to any school district levying taxes on property within the proposed STAR bond project area. Copies also shall be sent by certified mail, return receipt requested, to each owner and occupant of land within the proposed STAR bond project area not more than ten days following the date of the adoption of the resolution. The resolution shall be published once in a newspaper within such city or county not less than one week nor more than two weeks preceding the date fixed for the public hearing. A sketch clearly delineating the area in sufficient detail to advise the reader of the particular land proposed to be included within the STAR bond project area shall be published with the resolution.
 - (c) At the public hearing, a representative of the city or county shall present the city's or county's proposed STAR bond project plan. Following the presentation of the STAR bond project area, all interested

persons shall be given an opportunity to be heard. The governing body may recess such hearing for good cause shown to a time and date certain, which shall be fixed in the presence of persons in attendance at the hearing.

(7) The public hearing records and feasibility study shall be a public record as defined in chapter 610.

(8) Upon conclusion of the public hearing, the governing body may adopt the STAR bond project plan by ordinance or resolution passed upon a two-thirds vote of the members.

(9) After the adoption by the city or county governing body of a STAR bond project plan, the clerk of the city or county shall transmit a copy of the description of the land within the STAR bond project district, a copy of the ordinance or resolution adopting the plan and a map or plat indicating the boundaries of the district to the clerk, assessor, and treasurer of the county in which the district is located, and to the governing bodies of the county and school district that levy taxes upon any property in the district. Such documents shall be transmitted following the adoption or modification of the plan or a revision of the plan on or before January first of the year in which the increment is first allocated to the taxing subdivision.

(10) If the STAR bond project plan is approved, the feasibility study shall be supplemented to include a copy of the minutes of the governing body meetings of any city or county whose bonding authority will be used in the STAR bond project, evidencing that a STAR bond project plan has been created, discussed, and adopted by the city or county in a regularly scheduled open public meeting.

(11) Any substantial changes to the STAR bond project plan as adopted shall be subject to a public hearing following publication of notice thereof at least twice in a newspaper located within such city or county.

(12) Any STAR bond project shall be completed within twenty years from the date of the approval of the STAR bond project plan. The maximum maturity on bonds issued to finance projects under the STAR bonds financing act shall not exceed twenty years.

(13) Residents of this state shall be given priority consideration for employment in construction projects located in a STAR bond project area.

(14) Any developer of a STAR bond project shall commence work on the project within two years from the date of adoption of the STAR bond project plan. If the developer fails to commence work on the STAR bond project within the two-year period, funding for such project shall cease and the developer of such project or complex shall have one year to appeal to the director for reapproval of such project and the funding for it. If the project is reapproved, the two-year period for commencement shall apply.

4. (1) The director shall review the STAR bond project plan, feasibility study, and market study, along with other supporting documentation, and determine whether to approve a request and, if approved, issue an approval letter for a STAR bond project based upon the requirements within the STAR bonds financing act and rules and regulations developed by the director.

(2) A special obligation bond issue shall bear interest at a reasonable rate as of the time of sale of the bonds, taking into account such factors as current market conditions, the nature and degree of risk associated with repayment of the bonds, and other relevant factors.

5. (1) Any city or county that has received approval for a STAR bond project may request STAR bond issuance authority to issue additional STAR bonds in an amount in excess of the amount previously approved by the director. Any city or county requesting such additional STAR bond issuance authority shall make application for approval to the director. Such application shall include all information required to be submitted to the director for initial approval of a STAR bond project.

(2) The director shall review all of the information submitted by the city or county in the request for additional STAR bond issuance authority and determine whether to approve a request and, if approved, issue an approval letter for additional STAR bond issuance authority based upon the requirements within this act, and rules and regulations developed by the director.

(3) The director may approve such additional STAR bond issuance authority in an amount not to exceed fifty percent of the total costs of the addition or expansion to the STAR bond project for which the additional STAR bond issuance authority is sought, including all project costs and any other costs related to the project addition or expansion. The proceeds of such additional STAR bond financing shall only be used to pay for incurred project costs of such addition or expansion.

67.2072. 1. (1) Any city or county shall have the power to issue special obligation bonds in one or more series to finance the undertaking of any STAR bond project in accordance with the STAR bonds financing act. Such special obligation bonds shall be made payable, both as to principal and interest:

(a) From revenues of the city or county derived from or held in connection with the undertaking and carrying out of any STAR bond project or projects under the STAR bonds financing act, including historic theater sales tax increments;

(b) From any private sources, contributions, or other financial assistance from the state or federal government;

(c) From a pledge of one hundred percent of the tax increment revenue received by the city from any local sales and use taxes, including the city's share of any county sales tax, that are collected from taxpayers doing business within that portion of the city's STAR bond project district occupied by a STAR bond project, except for amounts committed to other uses by election of voters or pledged to bond repayment before the approval of the STAR bond project;

(d) At the option of the county in a city STAR bond project district, from a pledge of all of the tax increment revenues received by the county from any local sales and use taxes that are collected from taxpayers doing business within that portion of the city's STAR bond project district, except for amounts committed to other uses by election of voters or pledged to bond repayment before the approval of a STAR bond project;

(e) In a county STAR bond project district, from a pledge of one hundred percent of the tax increment revenue received by the county from any county sales and use tax, but excluding any portions of such taxes that are allocated to the cities in such county under state law, that are collected from taxpayers doing business within that portion of the county's STAR bond project district occupied by a STAR bond project;

(f) From a pledge of all of the tax increment revenue received from any state sales taxes that are collected from taxpayers doing business within that portion of the city's or county's STAR bond project district occupied by a STAR bond project;

(g) At the option of the city or county and with approval of the director, from all or a portion of the transient guest tax of such city or county;

(h) At the option of the city or county and with approval of the director:

a. From a pledge of all or a portion of increased revenue received by the city or county from franchise fees collected from utilities and other businesses using public right-of-way within the STAR bond project district; or

b. From a pledge of all or a portion of the revenue received by a city or county from local sales taxes or local transient guest and local use taxes; or

(i) By any combination of these methods.

(2) The city or county may pledge such revenue to the repayment of such special obligation bonds before, simultaneously with, or subsequent to the issuance of such special obligation bonds.

(3) Bonds issued under subdivision (1) of this subsection shall not be general obligations of the city or the county, nor in any event shall they give rise to a charge against the city's or county's general credit or taxing powers, or be payable out of any funds or properties other than any of those set forth in subdivision (1) of this subsection, and such bonds shall so state on their face. Bonds issued under the provisions of subdivision (1) of this subsection shall be special obligations of the city or county and are declared to be negotiable instruments. Such bonds shall be executed by the mayor and clerk of the city or the presiding commissioner and the county clerk and sealed with the corporate seal of the city or county. All details pertaining to the issuance of such special obligation bonds and terms and conditions thereof shall be determined by ordinance of the city or by resolution of the county. All special obligation bonds issued under the STAR bonds financing act and all income or interest therefrom shall be exempt from all state taxes. Such special obligation bonds shall not be required to contain any recital that when such bonds have been duly registered, such registration shall import absolute verity and shall be conclusive in favor of all persons purchasing such bonds, or that all proceedings and conditions precedent have been had and performed to authorize the issuance of such bonds and that such bonds shall be negotiable, but such bonds shall contain the following recitals:

(a) The authority under which such special obligation bonds are issued;

(b) Such bonds are in conformity with the provisions, restrictions, and limitations thereof; and

(c) That such special obligation bonds and the interest thereon are to be paid from the money and revenue received as provided in subdivision (1) of this subsection.

(4) Any city or county issuing special obligation bonds under the STAR bonds financing act may refund all or part of such issue as provided in state law.

2. For each project financed with special obligation bonds payable from the revenues described in subdivision (1) of subsection 1 of this section, the city or county shall prepare and submit to the director by October first of each year a report describing the status of any projects within such STAR bond project area, any expenditures of the proceeds of special obligation bonds that have occurred since the last annual report, and any expenditures of the proceeds of such bonds expected to occur in the future, including the amount of sales tax revenue, how such revenue has been spent, the projected amount of such revenue, and the anticipated use of such

revenue. The department of economic development shall compile this information and submit a report annually to the governor and the legislature by February first of each year.

3. A city or county may use the proceeds of special obligation bonds or any uncommitted funds derived from sources set forth in this section to pay the bond project to implement the STAR bond project plan.

67.2073. 1. In the event that the city or county shall default in the payment of any STAR bonds payable from revenues described in subdivision (1) of subsection 1 of section 67.2072, no public funds shall be used to pay the holders thereof except as otherwise specifically authorized in the STAR bonds financing act.

2. (1) Any addition of area to the STAR bond project district, or any substantial change to the STAR bond project district plan, shall be subject to the same procedure for public notice and hearing as is required for the establishment of the STAR bond project district.

(2) A city or county may remove real property from a STAR bond project district by an ordinance or resolution of the governing body respectively.

(3) A city or county may divide the real property in a STAR bond project district, including real property in different project areas within a STAR bond project district, into separate STAR bond project districts. Any division of real property within a STAR bond project district into more than one STAR bond project district shall be subject to the same procedure of public notice and hearing as is required for the establishment of the STAR bond project district.

(4) If a city or county has undertaken a STAR bond project within a STAR bond project district, and either the city or county wishes to subsequently remove more than a de minimus amount of real property from the STAR bond project district, or the city or county wishes to subsequently divide the real property in the STAR bond project district into more than one STAR bond project district, then before any such removal or division the city or county shall provide a feasibility study that shows that the tax revenue from the resulting STAR bond project district within which the STAR bond project is located is expected to be sufficient to pay the project costs.

(5) Removal of real property from one STAR bond project district and addition of all or a portion of that real property to another STAR bond project district may be accomplished by the adoption of an ordinance or resolution, and in such event the determination of the existence or nonexistence of an adverse effect on the county or school district under subsection 2 of section 67.2071 shall apply to both such removal and such addition of real property to a STAR bond project district.

3. (1) Any city or county that has adopted a STAR bond project plan may purchase or otherwise acquire real property in connection with such project plan. Upon a two-thirds vote of the members of the governing body thereof, a city or county may acquire by condemnation any interest in real property, including a fee simple title thereto, that it deems necessary for or in connection with any project plan of an area located within the project district; however, eminent domain shall be used only as provided in state law. Any such city or county may exercise the power of eminent domain in the manner provided in state law. In addition to any compensation or damages allowed under provisions governing eminent domain, such city or county shall also provide for the payment of relocation assistance as provided in subsection 4 of this section.

(2) No real property shall be taken using eminent domain by any municipal or county government for any economic development project, as defined in section 523.271, funded by Star Bonds if such property is acquired in order to be transferred to any private entity prior to the expiration of the Star Bond project.

4. Before any STAR bond project shall be initiated, a relocation assistance plan shall be approved by the governing body of the city or county proposing to undertake the project. Such relocation assistance plan shall:

(1) Provide for relocation payments to be made to persons, families, and businesses who move from real property located in the STAR bond project district, or who move personal property from real property located in the STAR bond project district as a result of the acquisition of the real property by the city or county in carrying out the provisions of the STAR bonds financing act. With respect to any STAR bond project, such payments shall not be less than five hundred dollars;

(2) Provide that no persons or families residing in the STAR bond project district shall be displaced unless and until there is a suitable housing unit available and ready for occupancy by such displaced person or family at rents within the person's or family's ability to pay. Such housing units shall be suitable to the needs of such displaced persons or families and must be a decent, safe, sanitary, and otherwise standard dwelling; and

(3) Provide for the payment of any damages sustained by a seller, as defined in section 144.010, by reason of the liquidation of inventories necessitated by relocation from the STAR bond project district.

5. (1) Notwithstanding any other provision of law to the contrary, copies of all sales, use, and transient guest tax returns of sellers, as defined in section 144.010, filed with the director in connection with a STAR bond project area or STAR bond project, for which sales, use, and transient guest tax revenues are pledged or

otherwise intended to be used in whole or in part for the payment of bonds issued to finance project costs in such STAR bond project area, shall be provided by the director to the bond trustee, escrow agent, or paying agent for such bonds upon the written request of the city or county within fifteen days of receipt by the director. The bond trustee, escrow agent, or paying agent shall keep such sales, use, and transient guest tax returns of sellers and the information contained therein confidential, but may use such information for purposes of allocating and depositing such sales, use, and transient guest tax revenues in connection with the bonds used to finance project costs in such STAR bond project area. Except as otherwise provided herein, the sales, use, and transient guest tax returns received by the bond trustee, escrow agent, or paying agent shall be subject to the confidentiality provisions in chapter 32.

(2) The director shall determine when the amount of sales tax and other revenues that have been collected and distributed to the bond debt service or reserve fund is sufficient to satisfy all principal and interest costs to the maturity date or dates of any special obligation bonds issued by a city or county to finance a STAR bond project. Thereafter, all sales tax and other revenues shall be collected and distributed in accordance with applicable law.

6. For projects involving the use of financing under paragraph (e) of subdivision (1) of subsection 1 of section 67.2072, the director shall set a limit on the total amount of such special obligation bonds that may be issued for a STAR bond project. An issue of special obligation bonds shall bear interest at a reasonable rate as of the time of sale of the bonds, taking into account such factors as current market conditions, the nature and degree of risk associated with repayment of the bonds, and other relevant factors.

7. (1) STAR bond projects using state sales tax financing under section 67.2072 shall be audited by an independent certified public accountant annually at the expense of the city or county. The audit report shall supplement the required annual report required.

(2) Such audits shall determine whether bond financing obtained under section 67.2072 is being used only for authorized purposes. Audit results shall be reported to the governor, the director of the department of economic development, the senate committee on commerce, consumer protection, energy and the environment, the house committee on economic development, and any successor committees thereto, and the director, during the legislative session immediately following the audit.

(3) If audit findings indicate that bond funds have been used for unauthorized or ineligible purposes, the city or county shall repay to the bond fund all such unauthorized or ineligible expenditures. Such city or county shall enter into a repayment agreement with the director specifying the terms of such repayment obligation.

8. The STAR bonds financing act shall expire on June 30, 2018."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Lauer, **House Amendment No. 2** was adopted.

Representative Davis offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 161, Page 12, Section 77.675, Line 15, by inserting immediately after said line the following:

"184.800. Sections 184.800 to 184.880 shall be known as the "Missouri Museum **and Cultural** District Act".

184.805. 1. As used in sections 184.800 to 184.880, the following terms mean:

(1) "Board", the board of directors of a district;

(2) "Cultural asset", a building or area used for the purposes of promoting community culture and the arts, recreation and knowledge, including for purposes of supporting or promoting the performing arts, theater, music, entertainment, public spaces, public libraries or other public assets;

(3) "Disaster area", an area located within a municipality for which public and individual assistance has been declared by the President under Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Section 5121, et seq., provided that the municipality adopts or has adopted an ordinance approving a redevelopment plan within three years after the President declares such disaster;

(4) "District", a museum and cultural district organized pursuant to sections 184.800 to 184.880;

[(3)] **(5)** "Museum", a building or area used for the purpose of exhibiting and/or preserving objects or specimens of interest to the public, including but not limited to **photographs**, art, **historical** items, **items** of natural history, and items connected with wildlife [and], conservation, **and historical events**;

[(4)] **(6)** "Owner of real property", the owner of the fee interest in the real property[, except that when the real property is subject to a lease of ten or more years, the lessee rather than the owner of the fee interest shall be considered as the "owner of real property"]. An owner may be either a natural person or a [juridical] **legal** entity.

2. For the purposes of sections 11(c), 16 and 22 of article X of the Constitution of Missouri, section 137.073, and as used in sections 184.800 to 184.880, the following terms shall have the meanings given:

(1) "Approval of the required majority" [or "direct voter approval"], a simple majority;

(2) "Qualified voters", the owners of real property located within the proposed district [or any person residing in the district who is a legal voter within the district].

184.810. 1. A district **where the majority of the property is located within a disaster area** may be created to fund, promote, plan, design, construct, improve, maintain and operate one or more projects relating to [a museum] **one or more museums and cultural assets** or to assist in such activity.

2. A district is a political subdivision of the state.

3. No structures operated by a museum **and cultural** district board pursuant to sections 184.800 to 184.880 shall be named for a commercial venture.

184.815. 1. Whenever the creation of a district is desired, the owners of real property who own at least two-thirds of the real property within the proposed district may file a petition requesting the creation of a district. The petition shall be filed in the circuit court of the county in which the proposed district is located. Any petition to create a museum **and cultural** district pursuant to the provisions of sections 184.800 to 184.880 shall be filed [on or before December 31, 1998] **within five years after the Presidential declaration establishing the disaster area**.

2. The proposed district area [shall be contiguous and] may contain **one or more parcels of real property, which may or may not be contiguous and may further include** any portion of one or more municipalities.

3. The petition shall set forth:

(1) The name and address of each owner of real property located within the proposed district [or who is a legal voter resident within the proposed district];

(2) A specific description of the proposed district boundaries including a map illustrating such boundaries;

(3) A general description of the purpose or purposes for which the district is being formed, including a description of the proposed museum or museums **and cultural asset or cultural assets** and a general plan for [its] operation **of each museum and each cultural asset within the district**; and

(4) The name of the proposed district.

4. In the event any owner of real property within the proposed district who is named in the petition [or any legal voter resident within the district] shall not join in the petition or file an entry of appearance and waiver of service of process in the case, a copy of the petition shall be served upon said owner [or legal voter] in the manner provided by supreme court rule for the service of petitions generally. Any objections to the petition shall be raised by answer within the time provided by supreme court rule for the filing of an answer to a petition.

184.820. 1. Any owner of real property within the proposed district [and any legal voter who is a resident within the proposed district] may join in or file a petition supporting or answer opposing the creation of the district and seeking a judgment respecting these same issues.

2. The court shall hear the case without a jury. If the court determines the petition is defective or the proposed district or its plan of operation is unconstitutional, it shall enter its judgment to that effect and shall refuse to incorporate the district as requested in the pleadings. If the court determines the petition is not legally defective and the proposed district and plan of operation are not unconstitutional, the court shall determine and declare the district organized and incorporated and shall approve the plan of operation stated in the petition.

3. Any party having filed a petition or answer to a petition may appeal the circuit court's order or judgment in the same manner as provided for other appeals. Any order either refusing to incorporate the district or incorporating the district shall be deemed a final judgment for purposes of appeal.

184.827. A museum **and cultural** district created pursuant to sections 184.800 to 184.880 shall be governed by a board of directors consisting of [eight] **five** members[. Five of the members] **who** shall be elected as provided in section 184.830. [Three members of the board of directors shall be appointed by the governor with the advice and consent of the senate for a three-year term. Not more than two of the three members appointed by the governor shall

be of the same political party. The governor shall appoint an interim director to complete the unexpired term of a director caused by resignation or disqualification who was appointed by the governor.]

184.830. 1. Within thirty days after the order declaring the district organized has become final, the circuit clerk of the county in which the petition was filed shall, give notice by causing publication to be made once a week for two consecutive weeks in a newspaper of general circulation in the county, the last publication of which shall be at least ten days before the day of the meeting required by this section, call a meeting of the owners of real property within the district at a day and hour specified in a public place in the county in which the petition was filed for the purpose of electing a board of five directors, to be composed of owners or representatives of owners of real property in the district.

2. The owners of real property, when assembled, shall organize by the election of a chairman and secretary of the meeting who shall conduct the election. At the election, each acre of real property within the district shall be considered as a voting interest, and each owner of real property shall have one vote in person or by proxy for every acre of real property owned within the district for each director to be elected. A director need not be a legal voter of the district.

3. Each director shall serve for a term of three years and until his **or her** successor is duly elected and qualified. Successor directors shall be elected in the same manner as the initial directors at a meeting of the owners of real property called by the board. Each successor director shall serve a three-year term. The remaining directors shall have the authority to elect an interim director to complete any unexpired term of a director caused by resignation or disqualification.

4. Directors shall be at least twenty-one years of age.

184.835. 1. The board shall possess and exercise all of the district's legislative and executive powers.

2. Within thirty days after the election of the initial directors, the board shall meet. At its first meeting and after each election of new board members the board shall elect a chairman, a secretary, a treasurer and such other officers as it deems necessary from its members. A director may fill more than one office, except that a director may not fill both the office of chairman and secretary.

3. [The board may employ such employees as it deems necessary; provided, however, that the board shall not employ any employee who is related within the fourth degree by blood or marriage to a member of the board.

4.] At the first meeting, the board, by resolution, shall define the first and subsequent fiscal years of the district, and shall adopt a corporate seal.

[5.] 4. A simple majority of the board shall constitute a quorum. If a quorum exists, a **simple** majority of those voting shall have the authority to act in the name of the board, and approve any board resolution.

[6.] 5. Each director shall devote such time to the duties of the office as the faithful discharge thereof may require and may be reimbursed for his or her actual expenditures in the performance of his or her duties on behalf of the district.

184.840. 1. A district may receive and use funds for the purposes of planning, designing, constructing, reconstructing, maintaining and operating [a museum] **one or more museums and cultural assets**, conducting educational programs in connection therewith [for any public purpose] which is reasonably connected with the museum **or cultural asset** and for any other purposes authorized by sections 184.840 to 184.880. Such funds may be derived from any funding method which is authorized by sections 184.800 to 184.880 and from any other source, including but not limited to funds from federal sources, the state of Missouri or an agency thereof, a political subdivision of the state or private sources.

2. The general assembly may annually for a period of twenty years after [July 7, 1997] **January 1, 2013**, make appropriations from general revenue to a district which is created pursuant to the provisions of sections 184.800 to 184.880.

184.845. 1. The board of the district may impose a museum **and cultural** district sales tax by resolution on all retail sales made in such museum **and cultural** district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525. Such museum **and cultural** district sales tax may be imposed for any museum **or cultural** purpose designated by the board of the museum **and cultural** district. If the resolution is adopted the board of the district may submit the question of whether to impose a sales tax authorized by this section to [either the legal voters of the district and/or to the owners of real property within the district] **the qualified voters**, who shall have the same voting interests as with the election of members of the board of the district.

2. The sales tax authorized by this section shall become effective on the first day of the second calendar quarter following adoption of the tax by the **board or qualified voters, if the board elects to submit the question of whether to impose a sales tax to the** qualified voters.

3. In each museum **and cultural** district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the museum **and cultural** district pursuant to this section to the retailer's sale price, and when so added such tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

4. In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the museum **and cultural** district may establish appropriate brackets which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided in section [144.825] **144.285**.

5. All revenue received by a museum **and cultural** district from the tax authorized by this section which has been designated for a certain museum **or cultural** purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. All funds remaining in the special trust fund shall continue to be used solely for such designated museum **or cultural** purpose. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other museum **or cultural** district funds.

6. The sales tax may be imposed at a rate of one-half of one percent, three-fourths of one percent or one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the museum **and cultural** district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525. Any museum **and cultural** district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.

7. On and after the effective date of any tax imposed pursuant to this section, the museum **and cultural** district shall perform all functions incident to the administration, collection, enforcement, and operation of the tax. The tax imposed pursuant to this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the museum **and cultural** district.

8. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax, sections 32.085 and 32.087, and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section.

9. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services pursuant to the provisions of sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax imposed by this section.

10. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the museum **and cultural** district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

11. The penalties provided in section 32.057 and sections 144.010 to 144.525 for violation of those sections are hereby made applicable to violations of this section.

12. For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order shall be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which the employee works.

13. All sales taxes collected by the museum **and cultural** district shall be deposited by the museum **and cultural** district in a special fund to be expended for the purposes authorized in this section. The museum **and cultural** district shall keep accurate records of the amount of money which was collected pursuant to this section, and the records shall be open to the inspection by the officers and directors of each museum **and cultural** district and the Missouri department of revenue. Tax returns filed by businesses within the district shall otherwise be considered as confidential in the same manner as sales tax returns filed with the Missouri department of revenue.

14. No museum **and cultural** district imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment will not impair the district's ability to repay any liabilities which it has

incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued to finance any project or projects.

184.847. 1. The board of a district may impose an admissions fee on every person, firm, association, company or partnership of whatever form offering or managing any form of entertainment, amusement, athletic or other commercial or nonprofit event or venue for which admission is charged and which is presented within the district. The fee shall be at a rate of no more than one dollar per seat or admission sold. This fee is in addition to any state or local tax. Such admission fee may be imposed for any museum and cultural purpose designated by the board of the museum and cultural district. If the resolution is adopted, the board of the district may submit the question of whether to impose such admission fee authorized by this section to the qualified voters, who shall have the same voting interests as with the election of members of the board of the district. The question shall specify the particular types of events or venues that shall be subject to such admission fee.

2. The admission fee authorized by this section shall become effective on the first day of the second calendar quarter following the adoption of the admission fee by the qualified voters.

3. All revenue received by a museum and cultural district from the admission fee authorized by this section shall be deposited in a special trust fund and shall be used solely for such designated purpose. All funds remaining in the special trust fund shall continue to be used solely for such designated museum or cultural purpose. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other museum and cultural district funds.

4. On and after the effective date of any admission fee imposed pursuant to this section, the museum and cultural district shall perform all functions incident to the administration, collection, enforcement, and operation of the admission fee. The admission fee imposed pursuant to this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the museum and cultural district.

184.850. 1. A district may contract and incur obligations appropriate to accomplish its purposes.

2. A district may enter into any lease or lease-purchase agreement for or with respect to any real or personal property necessary or convenient for its purposes.

3. A district may enter into operating agreements and/or management agreements [with not-for-profit corporations] to operate [the] **a museum or cultural asset** or carry out any other authorized purposes or functions of the district.

4. A district may borrow money for its purposes at such rates of interest as the district may determine.

5. A district may issue bonds, notes and other obligations, and may secure any of such obligations by mortgage, pledge, assignment, security agreement or deed of trust of any or all of the property and income of the district, subject to the restrictions provided in sections 184.800 to 184.880. The district shall also have the power and authority to secure financing on the issuance of bonds for financing through another political subdivision or an agency of the state.

6. A district may enter into labor agreements, establish all bid conditions, decide all contract awards, pay all contractors and generally supervise the construction of [the] **a museum or cultural asset** project.

7. A district may hire employees, enter leases and contracts and otherwise take such actions and enter into such agreements as are necessary or incidental to the ownership, operation, and maintenance of each museum and each cultural asset within the district.

184.865. The district may contract with a federal agency, a state or its agencies and political subdivisions, a corporation, partnership **or limited partnership, limited liability company**, or individual regarding funding, promotion, planning, designing, constructing, improving, maintaining, or operating [a project] **any museum or cultural asset within the district** or to assist in such activity[]; provided, however, that any contract providing for the overall management and operation of the museum for the district shall only be with a governmental entity or a not-for-profit corporation[]."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Davis, **House Amendment No. 3** was adopted.

Representative Korman offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 161, Page 3, Section 64.170, Line 30, by inserting after all of said section and line the following:

"67.1368. 1. The governing body of any county of the third classification without a township form of government and with more than twelve thousand but fewer than fourteen thousand inhabitants and with a city of the fourth classification with more than two thousand seven hundred but fewer than three thousand inhabitants as the county seat may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the county or a portion thereof, which shall not be more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the county submits to the voters of the county at a state general or primary election a proposal to authorize the governing body of the county to impose a tax under this section. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and the proceeds of such tax shall be used by the county for the promotion of tourism, growth of the region, and economic development. Such tax shall be stated separately from all other charges and taxes.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the county) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in (name of county) at a rate of (insert rate of percent) percent for the promotion of the county, growth of the region, and economic development?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax authorized by this section shall not become effective unless and until the question is resubmitted under this section to the qualified voters of the county and such question is approved by a majority of the qualified voters of the county voting on the question.

3. As used in this section, "transient guests" means persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter."; and

Further amend said bill, Section 77.675, Page 12, Line 15, by inserting after all of said section and line the following:

"94.1060. 1. The governing body of any city of the fourth classification with more than seven hundred but fewer than eight hundred inhabitants and located in any county of the third classification without a township form of government and with more than twelve thousand but fewer than fourteen thousand inhabitants may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof, which shall not be more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city submits to the voters of the city at a state general or primary election a proposal to authorize the governing body of the city to impose a tax under this section. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and the proceeds of such tax shall be used by the city for the promotion of tourism, growth of the region, and economic development. Such tax shall be stated separately from all other charges and taxes.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in (name of city) at a rate of (insert rate of percent) percent for the promotion of the city, growth of the region, and economic development?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax authorized by this section shall not become effective unless and until the question is resubmitted under this section to the qualified voters of the city and such question is approved by a majority of the qualified voters of the city voting on the question.

3. As used in this section, "transient guests" means persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Korman, **House Amendment No. 4** was adopted.

Representative Fraker offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Committee Substitute for House Bill No. 161, Page 12, Section 77.675, Line 15, by inserting after all of said line the following:

"321.320. **1.** If any property, located within the boundaries of a fire protection district, is included within a city having a population of forty thousand inhabitants or more, which city is not wholly within the fire protection district, and which city maintains a city fire department, the property is excluded from the fire protection district.

2. The provisions of this section shall not apply where the fire protection district's boundaries are located within any county of the first classification with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants and in any county of the third classification without a township form of government and with more than thirty-three thousand but fewer than thirty-seven thousand inhabitants and with a city of the fourth classification with more than six thousand but fewer than seven thousand inhabitants as the county seat when such district serves any city of the fourth classification with more than two thousand one hundred but fewer than two thousand four hundred inhabitants and located in any county of the first classification with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants. When any city having a population of forty thousand inhabitants or more annexes property located within the boundaries of such district, the provision of fire and emergency medical services following annexation shall be governed by subsections 2 and 3 of section 72.418."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Fraker, **House Amendment No. 5** was adopted.

Representative Roorda offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Committee Substitute for House Bill No. 161, Page 12, Section 77.675, Line 15, by inserting after all of said line the following:

"321.017. Notwithstanding the provisions of section 321.015, no employee of any fire protection district or ambulance district shall serve as a member of any fire district or ambulance district board **in the same county or an adjacent fire or ambulance district where such person is employed** while such person is employed by any fire district or ambulance district, except that an employee of a fire protection district or an ambulance district may serve as a member of a voluntary fire protection district board or a voluntary ambulance district board."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Roorda, **House Amendment No. 6** was adopted.

Representative Pfautsch offered **House Amendment No. 7**.

House Amendment No. 7

AMEND House Committee Substitute for House Bill No. 161, Page 12, Section 77.675, Line 15, by inserting after all of said line the following:

"238.272. The state auditor [shall] **may** audit each district not [less] **more** than once every three years[, and may audit more frequently if the state auditor deems appropriate]. The costs of this audit shall be paid by the district **and shall not exceed the greater of three percent of the gross revenues received by the transportation district or three percent of the expenditures made by the transportation district.**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Pfautsch, **House Amendment No. 7** was adopted.

On motion of Representative Gatschenberger, **HCS HB 161, as amended**, was adopted.

On motion of Representative Gatschenberger, **HCS HB 161, as amended**, was ordered perfected and printed.

HCS HB 348, relating to Kansas City school board elections, was taken up by Representative Neth.

Representative Dugger offered **House Amendment No. 1.**

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 348, Page 13, Section 115.300, Lines 1-2, by deleting the phrase: "[fifth] **fourteenth**" on said line and inserting in lieu thereof the phrase:

"fifth"; and

Further amend said section and page, Lines 7-9, by deleting all of said lines and inserting in lieu thereof the following:

"party. [Absentee ballots shall not"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Dugger, **House Amendment No. 1** was adopted.

Representative Dugger offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 348, Section 115.115, Pages 4 and 5, Section 115.277, Pages 6 and 7, and Section 115.283, Pages 7 to 12, by removing all of said sections from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Dugger, **House Amendment No. 2** was adopted.

Representative Cierpiot offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 348, Page 21, Section 115.601, Line 48, by inserting after all of said section and line the following:

"115.607. 1. No person shall be elected or shall serve as a member of a county committee who is not, for one year next before the person's election, both a registered voter of and a resident of the county and the committee district from which the person is elected if such district shall have been so long established, and if not, then of the district or districts from which the same shall have been taken. Except as provided in subsections 2, 3, 4, 5, and 6 of this section, the membership of a county committee of each established political party shall consist of a man and a woman elected from each township or ward in the county.

2. In each county of the first classification containing the major portion of a city which has over three hundred thousand inhabitants, [two members of the committee, a man and a woman, shall be elected from each ward in the city. Any township entirely contained in the city shall have no additional representation on the county committee. The election authority for the county shall, not later than six months after the decennial census has been reported to the President of the United States, divide the most populous township outside the city into eight subdistricts of contiguous and compact territory and as nearly equal in population as practicable. The subdistricts shall be numbered from one upward consecutively, which numbers shall, insofar as practicable, be retained upon reapportionment. Two members of the county committee, a man and a woman, shall be elected from each such subdistrict. Six members of the committee, three men and three women, shall be elected from the second and third most populous townships outside the city. Four members of the committee, two men and two women, shall be elected from the other townships outside the city] **members of the committee shall be elected from the districts of each state representative that are in any way contained in the county in the following manner: within six months after each legislative reapportionment, each portion of a legislative district contained in the county shall constitute a single committee district. Two men and two women shall be elected from each committee district formed from a legislative district that is wholly contained in the county as members of the committee, two men and two women shall be elected from each committee district formed from a legislative district that is predominantly contained in the county as members of the committee, and one man and one woman shall be elected from each committee district formed from a legislative district that is partially but not predominantly contained in the county as members of the committee.**

3. [In any city which has over three hundred thousand inhabitants, the major portion of which is located in a county with a charter form of government, for the portion of the city located within such county and notwithstanding section 82.110, it shall be the duty of the election authority, not later than six months after the decennial census has been reported to the President of the United States, to divide such cities into not less than twenty-four nor more than twenty-five wards after each decennial census. Wards shall be so divided that the number of inhabitants in any ward shall not exceed any other ward of the city and within the same county, by more than five percent, measured by the number of the inhabitants determined at the preceding decennial census.

4.] In each county of the first classification containing a portion, but not the major portion, of a city which has over three hundred thousand inhabitants, ten members of the committee, five men and five women, shall be elected from the district of each state representative wholly contained in the county in the following manner: within six months after each legislative reapportionment, the election authority shall divide each legislative district wholly contained in the county into five committee districts of contiguous territory as compact and as nearly equal in population as may be; two members of the committee, a man and a woman, shall be elected from each committee district. The election authority shall divide the area of the county located within legislative districts not wholly contained in the county into similar committee districts; two members of the committee, a man and a woman, shall be elected from each committee district.

[5.] 4. In each city not situated in a county, two members of the committee, a man and a woman, shall be elected from each ward.

[6.] 5. In all counties with a charter form of government and a population of over nine hundred thousand inhabitants, the county committee persons shall be elected from each township. Within ninety days after August 28, 2002, and within six months after each decennial census has been reported to the President of the United States, the election authority shall divide the county into twenty-eight compact and contiguous townships containing populations as nearly equal in population to each other as is practical.

[7.] 6. If any election authority has failed to adopt a reapportionment plan by the deadline set forth in this section, the county commission, sitting as a reapportionment commission, shall within sixty days after the deadline, adopt

a reapportionment plan. Changes of township, ward, or precinct lines shall not affect the terms of office of incumbent party committee members elected from districts as constituted at the time of their election."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Cierpiot, **House Amendment No. 3** was adopted.

Representative McGaugh offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 348, Page 5, Section 115.115, Line 61, by inserting after all of said section and line the following:

"115.135. 1. Any person who is qualified to vote, or who shall become qualified to vote on or before the day of election, shall be entitled to register in the jurisdiction within which he or she resides. In order to vote in any election for which registration is required, a person must be registered to vote in the jurisdiction of his or her residence no later than 5:00 p.m., or the normal closing time of any public building where the registration is being held if such time is later than 5:00 p.m., on the fourth Wednesday prior to the election, unless the voter is an interstate former resident, an intrastate new resident or a new resident, as defined in section 115.275. In no case shall registration for an election extend beyond 10:00 p.m. on the fourth Wednesday prior to the election. Any person registering after such date shall be eligible to vote in subsequent elections.

2. A person applying to register with an election authority or a deputy registration official shall identify himself or herself by presenting a copy of a birth certificate, a Native American tribal document, other proof of United States citizenship, a valid Missouri drivers license or other form of personal identification at the time of registration. **Any documentation presented under this subsection must contain the applicant's legal name as it appears on a birth certificate or as legally changed through marriage or court order. No name change by common usage based on common law shall be permitted.**

3. Except as provided in federal law or federal elections and in section 115.277, no person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his or her residence prior to the deadline to register to vote."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative McGaugh, **House Amendment No. 4** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 103

Anderson	Austin	Bahr	Barnes	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Fowler	Fraker	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer

Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfausch	Phillips	Pike	Pogue
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Schatz
Schieber	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Rizzo	Roorda	Runions	Schieffer
Schupp	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 009

Allen	Cox	Flanigan	Hansen	Jones 50
Pierson	Redmon	Scharnhorst	Smith 85	

On motion of Representative Neth, **HCS HB 348, as amended**, was adopted.

On motion of Representative Neth, **HCS HB 348, as amended**, was ordered perfected and printed.

HCS HB 859, relating to concealed carry permits, was taken up by Representative Brattin.

Representative Funderburk assumed the Chair.

Representative Brattin offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 859, Page 3, Section 50.535, Line 41, by inserting after all of said section and line the following:

"160.665. 1. Any school district within the state may designate one or more elementary or secondary school teachers or administrators as a school protection officer. The responsibilities and duties of a school protection officer are voluntary and shall be in addition to the normal responsibilities and duties of the teacher or administrator. Any compensation for additional duties relating to service as a school protection officer shall be funded by the local school district, with no state funds used for such purpose.

2. Any person designated by a school district as a school protection officer shall be authorized to carry concealed firearms in any school in the district and shall be required to keep such firearm on his or her person at all times while on school property. Any school protection officer who violates this subsection shall be removed immediately from the classroom and subject to employment termination proceedings.

3. Any person designated as a school protection officer may detain, on view, any person the officer sees violating or who such officer has reasonable grounds to believe has violated any law of this state, including a misdemeanor or infraction, or any policy of the school.

4. Any person detained by a school protection officer for violation of any state law shall, as soon as practically possible, be turned over to a law enforcement officer. However, in no case shall a person detained under the provisions of this section be detained by a school protection officer for more than four hours.

5. Any person detained by a school protection officer for violation of any school policy shall, as soon as practically possible, be turned over to a school administrator. However, in no case shall a person detained under the provisions of this section be detained by a school protection officer for more than four hours.

6. Any teacher or administrator of an elementary or secondary school who seeks to be designated as a school protection officer shall request such designation, in writing, and submit it to the superintendent of the school district which employs him or her as a teacher or administrator. Along with this request the teacher or administrator shall also submit proof that he or she has a valid concealed carry endorsement and shall submit a certificate of school protection officer training program completion from a training program approved by the director of the department of public safety which demonstrates that such person has successfully completed the training requirements established by the POST commission under chapter 590 for school protection officers.

7. No school district may designate a teacher or administrator as a school protection officer unless such person has a valid concealed carry endorsement and has successfully completed a school protection officer training program which has been approved by the director of the department of public safety.

8. Any school district which designates a teacher or administrator as a school protection officer shall, within thirty days, notify, in writing, the director of the department of public safety of the designation which shall include the following:

- (1) The full name, date of birth, and address of the officer;
- (2) The name of the school district; and
- (3) The date such person was designated as a school protection officer.

Notwithstanding any other law, any identifying information collected under the authority of this subsection shall not be considered public information and shall not be subject to a sunshine request made under chapter 610.

9. A school district may revoke the designation of a person as a school protection officer for any reason and shall immediately notify the designated school protection officer, in writing, of the revocation. The school district shall also within thirty days of the revocation notify the director of the department of public safety, in writing, of the revocation of the designation of such person as a school protection officer.

10. The director of the department of public safety shall maintain a listing of all persons designated by school districts as school protection officers and shall make this list available to all law enforcement agencies."; and

Further amend said bill, Section 571.030, Page 7, Line 151, by inserting after all of said section and line the following:

"571.107. 1. A concealed carry endorsement issued pursuant to sections 571.101 to 571.121 or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize the person in whose name the permit or endorsement is issued to carry concealed firearms on or about his or her person or vehicle throughout the state. No driver's license or nondriver's license containing a concealed carry endorsement issued pursuant to sections 571.101 to 571.121 or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize any person to carry concealed firearms into:

(1) Any police, sheriff, or highway patrol office or station without the consent of the chief law enforcement officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(2) Within twenty-five feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(3) The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention, or correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(4) Any courthouse solely occupied by the circuit, appellate or supreme court, or any courtrooms, administrative offices, libraries or other rooms of any such court whether or not such court solely occupies the building in question. This subdivision shall also include, but not be limited to, any juvenile, family, drug, or other court offices, any room or office wherein any of the courts or offices listed in this subdivision are temporarily conducting any business within the jurisdiction of such courts or offices, and such other locations in such manner as may be specified by supreme court rule pursuant to subdivision (6) of this subsection. Nothing in this subdivision shall preclude those persons listed in subdivision (1) of subsection 2 of section 571.030 while within their jurisdiction and on duty, those persons listed in subdivisions (2), (4), and (10) of subsection 2 of section 571.030, or such other persons who serve in a law enforcement capacity for a court as may be specified by supreme court rule pursuant to subdivision (6) of this subsection from carrying a concealed firearm within any of the areas described in this subdivision. Possession of a firearm in a vehicle on the premises of any of the areas listed in this subdivision shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(5) Any meeting of the governing body of a unit of local government; or any meeting of the general assembly or a committee of the general assembly, except that nothing in this subdivision shall preclude a member of the body holding a valid concealed carry endorsement from carrying a concealed firearm at a meeting of the body which he or she is a member. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision shall preclude a member of the general assembly, a full-time employee of the general assembly employed under section 17, article III, Constitution of Missouri, legislative employees of the general assembly as determined under section 21.155, or statewide elected officials and their employees, holding a valid concealed carry endorsement, from carrying a concealed firearm in the state capitol building or at a meeting whether of the full body of a house of the general assembly or a committee thereof, that is held in the state capitol building;

(6) The general assembly, supreme court, county or municipality may by rule, administrative regulation, or ordinance prohibit or limit the carrying of concealed firearms by endorsement holders in that portion of a building owned, leased or controlled by that unit of government. Any portion of a building in which the carrying of concealed firearms is prohibited or limited shall be clearly identified by signs posted at the entrance to the restricted area. The statute, rule or ordinance shall exempt any building used for public housing by private persons, highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by that unit of government from any restriction on the carrying or possession of a firearm. The statute, rule or ordinance shall not specify any criminal penalty for its violation but may specify that persons violating the statute, rule or ordinance may be denied entrance to the building, ordered to leave the building and if employees of the unit of government, be subjected to disciplinary measures for violation of the provisions of the statute, rule or ordinance. The provisions of this subdivision shall not apply to any other unit of government;

(7) Any establishment licensed to dispense intoxicating liquor for consumption on the premises, which portion is primarily devoted to that purpose, without the consent of the owner or manager. The provisions of this subdivision shall not apply to the licensee of said establishment. The provisions of this subdivision shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty persons and that receives at least fifty-one percent of its gross annual income from the dining facilities by the sale of food. This subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision authorizes any individual who has been issued a concealed carry endorsement to possess any firearm while intoxicated;

(8) Any area of an airport to which access is controlled by the inspection of persons and property. Possession of a firearm in a vehicle on the premises of the airport shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(9) Any place where the carrying of a firearm is prohibited by federal law;

(10) Any higher education institution or elementary or secondary school facility without the consent of the governing body of the higher education institution or a school official or the district school board, **unless the person**

with the concealed carry endorsement or permit is a teacher or administrator of an elementary or secondary school who has been designated by his or her school district as a school protection officer and is carrying a firearm in a school within that district, in which case no consent is required. Possession of a firearm in a vehicle on the premises of any higher education institution or elementary or secondary school facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(11) Any portion of a building used as a child care facility without the consent of the manager. Nothing in this subdivision shall prevent the operator of a child care facility in a family home from owning or possessing a firearm or a driver's license or nondriver's license containing a concealed carry endorsement;

(12) Any riverboat gambling operation accessible by the public without the consent of the owner or manager pursuant to rules promulgated by the gaming commission. Possession of a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(13) Any gated area of an amusement park. Possession of a firearm in a vehicle on the premises of the amusement park shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(14) Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(15) Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one or more signs displayed in a conspicuous place of a minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less than one inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity, or person may prohibit persons holding a concealed carry endorsement from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry endorsement from carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a concealed carry endorsement from carrying a concealed firearm in vehicles owned by the employer;

(16) Any sports arena or stadium with a seating capacity of five thousand or more. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(17) Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

2. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17) of subsection 1 of this section by any individual who holds a concealed carry endorsement issued pursuant to sections 571.101 to 571.121 shall not be a criminal act but may subject the person to denial to the premises or removal from the premises. If such person refuses to leave the premises and a peace officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars for the first offense. If a second citation for a similar violation occurs within a six-month period, such person shall be fined an amount not to exceed two hundred dollars and his or her endorsement to carry concealed firearms shall be suspended for a period of one year. If a third citation for a similar violation is issued within one year of the first citation, such person shall be fined an amount not to exceed five hundred dollars and shall have his or her concealed carry endorsement revoked and such person shall not be eligible for a concealed carry endorsement for a period of three years. Upon conviction of charges arising from a citation issued pursuant to this subsection, the court shall notify the sheriff of the county which issued the certificate of qualification for a concealed carry endorsement and the department of revenue. The sheriff shall suspend or revoke the certificate of qualification for a concealed carry endorsement and the department of revenue shall issue a notice of such suspension or revocation of the concealed carry endorsement and take action to remove the concealed carry endorsement from the individual's driving record. The director of revenue shall notify the licensee that he or she must apply for a new license pursuant to chapter 302 which does not contain such endorsement. A concealed carry endorsement suspension pursuant to sections 571.101 to 571.121 shall be reinstated at the time of the renewal of his or her driver's license. The notice issued by the department of revenue shall be mailed to the last known address shown on the individual's driving record. The notice is deemed received three days after mailing."; and

Further amend said bill, Section 571.198, Page 25, Line 2, by inserting after all of said section and line the following:

"590.010. As used in this chapter, the following terms mean:

- (1) "Commission", when not obviously referring to the POST commission, means a grant of authority to act as a peace officer;
- (2) "Director", the director of the Missouri department of public safety or his or her designated agent or representative;
- (3) "Peace officer", a law enforcement officer of the state or any political subdivision of the state with the power of arrest for a violation of the criminal code or declared or deemed to be a peace officer by state statute;
- (4) "POST commission", the peace officer standards and training commission;
- (5) "Reserve peace officer", a peace officer who regularly works less than thirty hours per week;
- (6) **"School protection officer", an elementary or secondary school teacher or administrator who has been designated as a school protection officer by a school district.**

590.200. 1. The POST commission shall:

- (1) Establish minimum standards for the training of school protection officers;**
- (2) Set the minimum number of hours of training required for a school protection officer; and**
- (3) Set the curriculum for school protection officer training programs.**

2. At a minimum this training shall include:

- (1) Instruction specific to the prevention of incidents of violence in schools;**
- (2) The handling of emergency or violent crisis situations in school settings;**
- (3) A review of all state criminal laws;**
- (4) Training involving the use of defensive force; and**
- (5) Training involving the use of deadly force.**

590.205. 1. The POST commission shall establish minimum standards for school protection officer training instructors, training centers, and training programs.

2. The director shall develop and maintain a list of approved school protection officer training instructors, training centers, and training programs. The director shall not place any instructor, training center, or training program on its approved list unless such instructor, training center, or training program meets all of the POST commission requirements under this section and section 590.200. The director shall make this approved list available to every school district in the state.

3. Each person seeking entrance into a school protection officer training center or training program shall submit a fingerprint card and authorization for a criminal history background check to include the records of the Federal Bureau of Investigation to the training center or training program where such person is seeking entrance. The training center or training program shall cause a criminal history background check to be made and shall cause the resulting report to be forwarded to the school district where the elementary school teacher or administrator is seeking to be designated as a school protection officer.

4. No person shall be admitted to a school protection officer training center or training program unless such person submits proof to the training center or training program that he or she has a valid concealed carry endorsement.

5. A certificate of school protection officer training program completion may be issued to any applicant by any approved school protection officer training instructor. On the certificate of program completion the approved school protection officer training instructor shall affirm that the individual receiving instruction has taken and passed a school protection officer training program that meets the requirements of this section and section 590.200 and that the individual has a valid concealed carry endorsement. The instructor shall also provide a copy of such certificate to the director of the department of public safety.

590.207. 1. Notwithstanding any other provision of law, any person designated as a school protection officer under the provisions of section 160.665 who fails to properly carry his or her concealed weapon on his or her person at all times while on school property as proscribed under subsection 2 of section 160.655 shall be guilty of a class A misdemeanor and shall be subject to employment termination proceedings within the school district.

2. Any school employee who discloses any information collected under subsection 8 of section 160.655 that contains identifying personal information about any person designated as a school protection officer to

anyone other than those authorized to receive the information under subsection 8 of section 160.655 shall be guilty of a class B misdemeanor and shall be subject to employment termination proceedings within the school district."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 106

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lant	Lauer	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Moon	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Curtis	Dunn	Ellinger	Ellington
Englund	Frame	Gardner	Harris	Hodges
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 007

Conway 10	Conway 104	English	Lair	Leara
Molendorp	Smith 85			

On motion of Representative Brattin, **House Amendment No. 1** was adopted by the following vote:

AYES: 118

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Cierpiot	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Elmer	Engler
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hubbard	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	LaFaver	Lair	Lant	Lauer
Lichtenegger	Love	Lynch	Marshall	Mayfield
McCaherty	McGaugh	McKenna	Messenger	Miller
Moon	Morris	Muntzel	Neely	Neth
Otto	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Schieffer
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 039

Burns	Butler	Carpenter	Colona	Curtis
Dunn	Ellinger	Ellington	English	Englund
Gardner	Hodges	Hummel	Kelly 45	Kirkton
Kratky	May	McCann Beatty	McDonald	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Pace
Peters	Pierson	Rizzo	Runions	Schupp
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 006

Conway 10	Conway 104	Leara	Molendorp	Roorda
Smith 85				

HCS HB 859, as amended, was laid over.

On motion of Representative Diehl, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Representative Cox.

PERFECTION OF HOUSE JOINT RESOLUTION

Representative Kelly (45) moved that **HCS HJR 14** be recommitted to the Committee on Budget.

Which motion was adopted.

PERFECTION OF HOUSE BILLS

HCS HB 859, as amended, relating to concealed carry permits, was again taken up by Representative Brattin.

Representative Brattin offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 859, Page 25, Section 571.196, Line 15, by inserting after all of said line the following:

"3. The department of revenue shall surrender to the Missouri state highway patrol all state-owned identification processing equipment, including electronics, copiers, printers, computers, monitors, and cameras, the department no longer uses in processing applications for permits, driver licenses or non-driver licenses. The Missouri state highway patrol shall disburse any and all such equipment to any county sheriff as deemed necessary. The county sheriff or his or her agent is authorized to dispose of any such equipment in any manner he or she finds necessary. The proceeds from the sale of any such equipment shall be deposited into the County Sheriff's Revolving Fund established in section 50.535."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Brattin, **House Amendment No. 2** was adopted.

Representative Brown offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 859, Page 25, Section 571.198, Line 2, by inserting after all of said line the following:

"Section 1. Notwithstanding any other state law to the contrary, no state agency shall disclose to the federal government the statewide list of conceal carry holders. Nothing in this section shall be construed to restrict the use of the Missouri uniform law enforcement system for criminal investigations."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Brown, **House Amendment No. 3** was adopted.

Representative Hinson offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 859, Page 3, Section 50.535, Line 41, by inserting after all of said section and line, the following:

"571.018. 1. Any person who has been found guilty or pleaded guilty or nolo contendere to a prior felony offense and who commits a subsequent felony offense, regardless of whether use of a firearm is an element of the subsequent felony offense, and during the commission of such felony offense the person possesses, displays, brandishes, threatens to use, attempts to use, or discharges any firearm is guilty of the offense of unlawful possession or use of a firearm during the commission of a felony. Such offense shall be in addition to and not in lieu of any underlying felony offense or any other offense for which such person may be charged and found guilty of or plead guilty or nolo contendere to.

2. Any person who violates the provisions of this section shall be subject to the following terms of imprisonment:

- (1) For possession of a firearm during the commission of a felony, a term of imprisonment of ten years;**
- (2) For displaying, brandishing, threatening to use, or attempting to use a firearm during the commission of a felony, a term of imprisonment of twenty years; and**
- (3) For discharging a firearm during the commission of a felony, a term of imprisonment of life.**

The terms of imprisonment in this subsection shall be imposed consecutively to any other terms of imprisonment imposed for any other felony offense.

3. For purposes of this section, the following terms shall mean:

- (1) "Firearm", any weapon that is designed or adapted to expel a projectile by the action of an explosion;**
- (2) "Possession", with respect to a firearm, carrying it on the person. Possession may also be established by demonstrating that the person had a firearm within immediate physical reach with ready access and the intent to use the firearm during the commission of a felony.**

4. This section shall not apply to law enforcement officers or United States military personnel who are performing their lawful duties or who are traveling to or from their places of employment or assignment to perform their lawful duties."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hinson, **House Amendment No. 4** was adopted.

Representative Schatz offered **House Amendment No. 5.**

House Amendment No. 5

AMEND House Committee Substitute for House Bill No. 859, Page 2, Section 50.535, Line 2, by deleting the words "subsections 10 and 11" and inserting in lieu thereof the following:

"[subsections] subsection 10 [and 11]"; and

Further amend said page and section, Line 11, by inserting an opening and closing bracket around the words "or renewals"; and

Further amend said page and section, Line 25, by inserting an opening and closing bracket around the words "and renewal"; and

Further amend said section, Page 3, Line 35, by deleting the number "12" and inserting in lieu thereof the words "[12] 11"; and

Further amend said section, Page 3, Line 41, by inserting after said line the following:

"302.181. 1. The license issued pursuant to the provisions of sections 302.010 to 302.340 shall be in such form as the director shall prescribe, but the license shall be a card made of plastic or other comparable material. All licenses shall be manufactured of materials and processes that will prohibit, as nearly as possible, the ability to reproduce, alter, counterfeit, forge, or duplicate any license without ready detection. All licenses shall bear the licensee's Social Security number, if the licensee has one, and if not, a notarized affidavit must be signed by the licensee stating that the licensee does not possess a Social Security number, or, if applicable, a certified statement must be submitted as provided in subsection 4 of this section. The license shall also bear the expiration date of the license, the classification of the license, the name, date of birth, residence address including the county of residence or a code number corresponding to such county established by the department, and brief description and colored photograph or digitized image of the licensee, and a facsimile of the signature of the licensee. The director shall provide by administrative rule the procedure and format for a licensee to indicate on the back of the license together with the designation for an anatomical gift as provided in section 194.240 the name and address of the person designated pursuant to sections 404.800 to 404.865 as the licensee's attorney in fact for the purposes of a durable power of attorney for health care decisions. No license shall be valid until it has been so signed by the licensee. If any portion of the license is prepared by a private firm, any contract with such firm shall be made in accordance with the competitive purchasing procedures as established by the state director of the division of purchasing. For all licenses issued or renewed after March 1, 1992, the applicant's Social Security number shall serve as the applicant's license number. Where the licensee has no Social Security number, or where the licensee is issued a license without a Social Security number in accordance with subsection 4 of this section, the director shall issue a license number for the licensee and such number shall also include an indicator showing that the number is not a Social Security number.

2. All film involved in the production of photographs for licenses shall become the property of the department of revenue.

3. The license issued shall be carried at all times by the holder thereof while driving a motor vehicle, and shall be displayed upon demand of any officer of the highway patrol, or any police officer or peace officer, or any other duly authorized person, for inspection when demand is made therefor. Failure of any operator of a motor vehicle to exhibit his or her license to any duly authorized officer shall be presumptive evidence that such person is not a duly licensed operator.

4. The director of revenue shall issue a commercial or noncommercial driver's license without a Social Security number to an applicant therefor, who is otherwise qualified to be licensed, upon presentation to the director of a certified statement that the applicant objects to the display of the Social Security number on the license. The director shall assign an identification number, that is not based on a Social Security number, to the applicant which shall be displayed on the license in lieu of the Social Security number.

5. The director of revenue shall not issue a license without a facial photograph or digital image of the license applicant, except as provided pursuant to subsection 8 of this section. A photograph or digital image of the applicant's full facial features shall be taken in a manner prescribed by the director. No photograph or digital image will be taken wearing anything which cloaks the facial features of the individual.

6. The department of revenue may issue a temporary license or a full license without the photograph or with the last photograph or digital image in the department's records to members of the Armed Forces, except that where such temporary license is issued it shall be valid only until the applicant shall have had time to appear and have his or her picture taken and a license with his or her photograph issued.

7. The department of revenue shall issue upon request a nondriver's license card containing essentially the same information and photograph or digital image, except as provided pursuant to subsection 8 of this section, as the driver's license upon payment of six dollars. All nondriver's licenses shall expire on the applicant's birthday in the sixth year after issuance. A person who has passed his or her seventieth birthday shall upon application be issued a nonexpiring nondriver's license card. [Notwithstanding any other provision of this chapter, a nondriver's license containing a concealed carry endorsement shall expire three years from the date the certificate of qualification was issued pursuant to section 571.101.] The fee for nondriver's licenses issued for a period exceeding three years is six dollars [or three dollars for nondriver's licenses issued for a period of three years or less]. The nondriver's license card shall be used for identification purposes only and shall not be valid as a license.

8. If otherwise eligible, an applicant may receive a driver's license or nondriver's license without a photograph or digital image of the applicant's full facial features except that such applicant's photograph or digital image shall be taken and maintained by the director and not printed on such license.

In order to qualify for a license without a photograph or digital image pursuant to this section the applicant must:

(1) Present a form provided by the department of revenue requesting the applicant's photograph be omitted from the license or nondriver's license due to religious affiliations. The form shall be signed by the applicant and another member of the religious tenant verifying the photograph or digital image exemption on the license or nondriver's license is required as part of their religious affiliation. The required signatures on the prescribed form shall be properly notarized;

(2) Provide satisfactory proof to the director that the applicant has been a [U.S.] **United States** citizen for at least five years and a resident of this state for at least one year, except that an applicant moving to this state possessing a valid driver's license from another state without a photograph shall be exempt from the one-year state residency requirement. The director may establish rules necessary to determine satisfactory proof of citizenship and residency pursuant to this section;

(3) Applications for a driver's license or nondriver's license without a photograph or digital image must be made in person at a license office determined by the director. The director is authorized to limit the number of offices that may issue a driver's or nondriver's license without a photograph or digital image pursuant to this section.

9. The department of revenue shall make available, at one or more locations within the state, an opportunity for individuals to have their full facial photograph taken by an employee of the department of revenue, or their designee, who is of the same sex as the individual being photographed, in a segregated location.

10. Beginning July 1, 2005, the director shall not issue a driver's license or a nondriver's license for a period that exceeds an applicant's lawful presence in the United States. The director may, by rule or regulation, establish procedures to verify the lawful presence of the applicant and establish the duration of any driver's license or nondriver's license issued under this section.

11. No rule or portion of a rule promulgated pursuant to the authority of this chapter shall become effective unless it is promulgated pursuant to the provisions of chapter 536."; and

Further amend said bill, Page 7, Section 571.030, Line 151, by inserting after said line the following:

"571.101. 1. All applicants for concealed carry endorsements issued pursuant to subsection 7 of this section must satisfy the requirements of sections 571.101 to 571.121. If the said applicant can show qualification as provided by sections 571.101 to 571.121, the county or city sheriff shall issue a certificate of qualification for a concealed carry endorsement. Upon receipt of such certificate, the certificate holder shall apply for a driver's license or nondriver's license with the director of revenue in order to obtain a concealed carry endorsement. Any person who has been issued a concealed carry endorsement on a driver's license or nondriver's license and such endorsement or license has not been suspended, revoked, cancelled, or denied may carry concealed firearms on or about his or her person or within a vehicle. A concealed carry endorsement shall be valid for [a period of three years from the date of issuance or renewal] **life unless it is suspended or revoked**. The concealed carry endorsement is valid throughout this state.

2. A certificate of qualification for a concealed carry endorsement issued pursuant to subsection 7 of this section shall be issued by the sheriff or his or her designee of the county or city in which the applicant resides, if the applicant:

(1) Is at least twenty-one years of age, is a citizen of the United States and either:
 (a) Has assumed residency in this state; or
 (b) Is a member of the Armed Forces stationed in Missouri, or the spouse of such member of the military;
 (2) Is at least twenty-one years of age, or is at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces, and is a citizen of the United States and either:

(a) Has assumed residency in this state;
 (b) Is a member of the Armed Forces stationed in Missouri; or
 (c) The spouse of such member of the military stationed in Missouri and twenty-one years of age;
 (3) Has not pled guilty to or entered a plea of nolo contendere or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

(4) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a certificate of qualification for a concealed carry endorsement or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a

controlled substance within a five-year period immediately preceding application for a certificate of qualification for a concealed carry endorsement;

(5) Is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

(6) Has not been discharged under dishonorable conditions from the United States Armed Forces;

(7) Has not engaged in a pattern of behavior, documented in public records, that causes the sheriff to have a reasonable belief that the applicant presents a danger to himself or others;

(8) Is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state following a hearing at which the defendant was represented by counsel or a representative;

(9) Submits a completed application for a certificate of qualification as described in subsection 3 of this section;

(10) Submits an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsections 1 and 2 of section 571.111;

(11) Is not the respondent of a valid full order of protection which is still in effect.

3. The application for a certificate of qualification for a concealed carry endorsement issued by the sheriff of the county of the applicant's residence shall contain only the following information:

(1) The applicant's name, address, telephone number, gender, and date and place of birth;

(2) An affirmation that the applicant has assumed residency in Missouri or is a member of the Armed Forces stationed in Missouri or the spouse of such a member of the Armed Forces and is a citizen of the United States;

(3) An affirmation that the applicant is at least twenty-one years of age or is eighteen years of age or older and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces;

(4) An affirmation that the applicant has not pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

(5) An affirmation that the applicant has not been convicted of, pled guilty to, or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a certificate of qualification to obtain a concealed carry endorsement or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a certificate of qualification to obtain a concealed carry endorsement;

(6) An affirmation that the applicant is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

(7) An affirmation that the applicant has not been discharged under dishonorable conditions from the United States Armed Forces;

(8) An affirmation that the applicant is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply;

(9) An affirmation that the applicant has received firearms safety training that meets the standards of applicant firearms safety training defined in subsection 1 or 2 of section 571.111;

(10) An affirmation that the applicant, to the applicant's best knowledge and belief, is not the respondent of a valid full order of protection which is still in effect; and

(11) A conspicuous warning that false statements made by the applicant will result in prosecution for perjury pursuant to the laws of the state of Missouri.

4. An application for a certificate of qualification for a concealed carry endorsement shall be made to the sheriff of the county or any city not within a county in which the applicant resides. An application shall be filed in writing, signed under oath and under the penalties of perjury, and shall state whether the applicant complies with each of the

requirements specified in subsection 2 of this section. In addition to the completed application, the applicant for a certificate of qualification for a concealed carry endorsement must also submit the following:

- (1) A photocopy of a firearms safety training certificate of completion or other evidence of completion of a firearms safety training course that meets the standards established in subsection 1 or 2 of section 571.111; and
- (2) A nonrefundable certificate of qualification fee as provided by subsection 10 [or 11] of this section.

5. Before an application for a certificate of qualification for a concealed carry endorsement is approved, the sheriff shall make only such inquiries as he or she deems necessary into the accuracy of the statements made in the application. The sheriff may require that the applicant display a Missouri driver's license or nondriver's license or military identification and orders showing the person being stationed in Missouri. In order to determine the applicant's suitability for a certificate of qualification for a concealed carry endorsement, the applicant shall be fingerprinted. The sheriff shall request a criminal background check through the appropriate law enforcement agency within three working days after submission of the properly completed application for a certificate of qualification for a concealed carry endorsement. If no disqualifying record is identified by the fingerprint check at the state level, the fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal history record check. Upon receipt of the completed background check, the sheriff shall issue a certificate of qualification for a concealed carry endorsement within three working days. The sheriff shall issue the certificate within forty-five calendar days if the criminal background check has not been received, provided that the sheriff shall revoke any such certificate and endorsement within twenty-four hours of receipt of any background check that results in a disqualifying record, and shall notify the department of revenue.

6. The sheriff may refuse to approve an application for a certificate of qualification for a concealed carry endorsement if he or she determines that any of the requirements specified in subsection 2 of this section have not been met, or if he or she has a substantial and demonstrable reason to believe that the applicant has rendered a false statement regarding any of the provisions of sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff is required to deny the application, and notify the applicant in writing, stating the grounds for denial and informing the applicant of the right to submit, within thirty days, any additional documentation relating to the grounds of the denial. Upon receiving any additional documentation, the sheriff shall reconsider his or her decision and inform the applicant within thirty days of the result of the reconsideration. The applicant shall further be informed in writing of the right to appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114. After two additional reviews and denials by the sheriff, the person submitting the application shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114.

7. If the application is approved, the sheriff shall issue a certificate of qualification for a concealed carry endorsement to the applicant within a period not to exceed three working days after his or her approval of the application. The applicant shall sign the certificate of qualification in the presence of the sheriff or his or her designee and shall within seven days of receipt of the certificate of qualification take the certificate of qualification to the department of revenue. Upon verification of the certificate of qualification and completion of a driver's license or nondriver's license application pursuant to chapter 302, the director of revenue shall issue a new driver's license or nondriver's license with an endorsement which identifies that the applicant has received a certificate of qualification to carry concealed weapons issued pursuant to sections 571.101 to 571.121 if the applicant is otherwise qualified to receive such driver's license or nondriver's license. [Notwithstanding any other provision of chapter 302, a nondriver's license with a concealed carry endorsement shall expire three years from the date the certificate of qualification was issued pursuant to this section.] The requirements for the director of revenue to issue a concealed carry endorsement pursuant to this subsection shall not be effective until July 1, 2004, and the certificate of qualification issued by a county sheriff pursuant to subsection 1 of this section shall allow the person issued such certificate to carry a concealed weapon pursuant to the requirements of subsection 1 of section 571.107 in lieu of the concealed carry endorsement issued by the director of revenue from October 11, 2003, until the concealed carry endorsement is issued by the director of revenue on or after July 1, 2004, unless such certificate of qualification has been suspended or revoked for cause.

8. The sheriff shall keep a record of all applications for a certificate of qualification for a concealed carry endorsement and his or her action thereon. The sheriff shall report the issuance of a certificate of qualification to the Missouri uniform law enforcement system. All information on any such certificate that is protected information on any driver's or nondriver's license shall have the same personal protection for purposes of sections 571.101 to 571.121. An applicant's status as a holder of a certificate of qualification or a concealed carry endorsement shall not be public information and shall be considered personal protected information. Any person who violates the provisions of this subsection by disclosing protected information shall be guilty of a class A misdemeanor.

9. Information regarding any holder of a certificate of qualification or a concealed carry endorsement is a closed record.

10. For processing an application for a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed one hundred dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

11. [For processing a renewal for a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed fifty dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

12.] For the purposes of sections 571.101 to 571.121, the term "sheriff" shall include the sheriff of any county or city not within a county or his or her designee and in counties of the first classification the sheriff may designate the chief of police of any city, town, or municipality within such county.

571.104. 1. (1) A concealed carry endorsement issued pursuant to sections 571.101 to 571.121 shall be suspended or revoked if the concealed carry endorsement holder becomes ineligible for such concealed carry endorsement under the criteria established in subdivisions (2), (3), (4), (5), and (7) of subsection 2 of section 571.101 or upon the issuance of a valid full order of protection.

(2) When a valid full order of protection, or any arrest warrant, discharge, or commitment for the reasons listed in subdivision (2), (3), (4), (5), or (7) of subsection 2 of section 571.101, is issued against a person holding a concealed carry endorsement issued pursuant to sections 571.101 to 571.121 upon notification of said order, warrant, discharge or commitment or upon an order of a court of competent jurisdiction in a criminal proceeding, a commitment proceeding or a full order of protection proceeding ruling that a person holding a concealed carry endorsement presents a risk of harm to themselves or others, then upon notification of such order, the holder of the concealed carry endorsement shall surrender the driver's license or nondriver's license containing the concealed carry endorsement to the court, to the officer, or other official serving the order, warrant, discharge, or commitment.

(3) The official to whom the driver's license or nondriver's license containing the concealed carry endorsement is surrendered shall issue a receipt to the licensee for the license upon a form, approved by the director of revenue, that serves as a driver's license or a nondriver's license and clearly states the concealed carry endorsement has been suspended. The official shall then transmit the driver's license or a nondriver's license containing the concealed carry endorsement to the circuit court of the county issuing the order, warrant, discharge, or commitment. The concealed carry endorsement issued pursuant to sections 571.101 to 571.121 shall be suspended until the order is terminated or until the arrest results in a dismissal of all charges. Upon dismissal, the court holding the driver's license or nondriver's license containing the concealed carry endorsement shall return it to the individual.

(4) Any conviction, discharge, or commitment specified in sections 571.101 to 571.121 shall result in a revocation. Upon conviction, the court shall forward a notice of conviction or action and the driver's license or nondriver's license with the concealed carry endorsement to the department of revenue. The department of revenue shall notify the sheriff of the county which issued the certificate of qualification for a concealed carry endorsement and shall report the change in status of the concealed carry endorsement to the Missouri uniform law enforcement system. The director of revenue shall immediately remove the endorsement issued pursuant to sections 571.101 to 571.121 from the individual's driving record within three days of the receipt of the notice from the court. The director of revenue shall notify the licensee that he or she must apply for a new license pursuant to chapter 302 which does not contain such endorsement. This requirement does not affect the driving privileges of the licensee. The notice issued by the department of revenue shall be mailed to the last known address shown on the individual's driving record. The notice is deemed received three days after mailing.

2. [A concealed carry endorsement shall be renewed for a qualified applicant upon receipt of the properly completed renewal application and the required renewal fee by the sheriff of the county of the applicant's residence. The renewal application shall contain the same required information as set forth in subsection 3 of section 571.101, except that in lieu of the fingerprint requirement of subsection 5 of section 571.101 and the firearms safety training, the applicant need only display his or her current driver's license or nondriver's license containing a concealed carry endorsement. Upon successful completion of all renewal requirements, the sheriff shall issue a certificate of qualification which contains the date such certificate was renewed.

3. A person who has been issued a certificate of qualification for a concealed carry endorsement who fails to file a renewal application on or before its expiration date must pay an additional late fee of ten dollars per month for each month it is expired for up to six months. After six months, the sheriff who issued the expired certificate shall notify the director of revenue that such certificate is expired. The director of revenue shall immediately cancel the concealed carry endorsement and remove such endorsement from the individual's driving record and notify the individual of such cancellation. The notice of cancellation of the endorsement shall be conducted in the same manner as described in subsection 1 of this section. Any person who has been issued a certificate of qualification for a concealed carry

endorsement pursuant to sections 571.101 to 571.121 who fails to renew his or her application within the six-month period must reapply for a new certificate of qualification for a concealed carry endorsement and pay the fee for a new application. The director of revenue shall not issue an endorsement on a renewed driver's license or renewed nondriver's license unless the applicant for such license provides evidence that he or she has renewed the certification of qualification for a concealed carry endorsement in the manner provided for such renewal pursuant to sections 571.101 to 571.121.] If an applicant for renewal of a driver's license or nondriver's license containing a concealed carry endorsement does not want to maintain the concealed carry endorsement, the applicant shall inform the director at the time of license renewal of his or her desire to remove the endorsement. When a driver's or nondriver's license applicant informs the director of his or her desire to remove the concealed carry endorsement, the director shall renew the driver's license or nondriver's license without the endorsement appearing on the license if the applicant is otherwise qualified for such renewal.

[4.] 3. Any person issued a concealed carry endorsement pursuant to sections 571.101 to 571.121 shall notify the department of revenue and the sheriffs of both the old and new jurisdictions of the endorsement holder's change of residence within thirty days after the changing of a permanent residence. The endorsement holder shall furnish proof to the department of revenue and the sheriff in the new jurisdiction that the endorsement holder has changed his or her residence. The sheriff of the new jurisdiction may charge a processing fee of not more than ten dollars for any costs associated with notification of a change in residence. The change of residence shall be made by the department of revenue onto the individual's driving record and the new address shall be accessible by the Missouri uniform law enforcement system within three days of receipt of the information.

[5.] 4. Any person issued a driver's license or nondriver's license containing a concealed carry endorsement pursuant to sections 571.101 to 571.121 shall notify the sheriff or his or her designee of the endorsement holder's county or city of residence within seven days after actual knowledge of the loss or destruction of his or her driver's license or nondriver's license containing a concealed carry endorsement. The endorsement holder shall furnish a statement to the sheriff that the driver's license or nondriver's license containing the concealed carry endorsement has been lost or destroyed. After notification of the loss or destruction of a driver's license or nondriver's license containing a concealed carry endorsement, the sheriff shall reissue a new certificate of qualification within three working days of being notified by the concealed carry endorsement holder of its loss or destruction. The reissued certificate of qualification shall contain the same personal information, including expiration date, as the original certificate of qualification. The applicant shall then take the certificate to the department of revenue, and the department of revenue shall proceed on the certificate in the same manner as provided in subsection 7 section 571.101. Upon application for a license pursuant to chapter 302, the director of revenue shall issue a driver's license or nondriver's license containing a concealed carry endorsement if the applicant is otherwise eligible to receive such license.

[6.] 5. If a person issued a concealed carry endorsement changes his or her name, the person to whom the endorsement was issued shall obtain a corrected certificate of qualification for a concealed carry endorsement with a change of name from the sheriff who issued such certificate upon the sheriff's verification of the name change. The sheriff may charge a processing fee of not more than ten dollars for any costs associated with obtaining a corrected certificate of qualification. The endorsement holder shall furnish proof of the name change to the department of revenue and the sheriff within thirty days of changing his or her name and display his or her current driver's license or nondriver's license containing a concealed carry endorsement. The endorsement holder shall apply for a new driver's license or nondriver's license containing his or her new name. Such application for a driver's license or nondriver's license shall be made pursuant to chapter 302. The director of revenue shall issue a driver's license or nondriver's license with concealed carry endorsement with the endorsement holder's new name if the applicant is otherwise eligible for such license. The director of revenue shall take custody of the old driver's license or nondriver's license. The name change shall be made by the department of revenue onto the individual's driving record and the new name shall be accessible by the Missouri uniform law enforcement system within three days of receipt of the information.

[7.] 6. A concealed carry endorsement shall be automatically invalid after thirty days if the endorsement holder has changed his or her name or changed his or her residence and not notified the department of revenue and sheriff of a change of name or residence as required in subsections 4 and 6 of this section.

571.117. 1. Any person who has knowledge that another person, who was issued a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, never was or no longer is eligible for such endorsement under the criteria established in sections 571.101 to 571.121 may file a petition with the clerk of the small claims court to revoke that person's certificate of qualification for a concealed carry endorsement and such person's concealed carry endorsement. The petition shall be in a form substantially similar to the petition for revocation of concealed carry endorsement provided in this section. Appeal forms shall be provided by the clerk of the small claims court free of charge to any person:

SMALL CLAIMS COURT

In the Circuit Court of, Missouri

....., PLAINTIFF

)

)

vs.) Case Number

)

....., DEFENDANT,

Carry Endorsement Holder

....., DEFENDANT,

Sheriff of Issuance

PETITION FOR REVOCATION OF CERTIFICATE OF QUALIFICATION
OR CONCEALED CARRY ENDORSEMENT

Plaintiff states to the court that the defendant,, has a certificate of qualification or a concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo, and that the defendant's certificate of qualification or concealed carry endorsement should now be revoked because the defendant either never was or no longer is eligible for such a certificate or endorsement pursuant to the provisions of sections 571.101 to 571.121, RSMo, specifically plaintiff states that defendant,, never was or no longer is eligible for such certificate or endorsement for one or more of the following reasons:

(CHECK BELOW EACH REASON THAT APPLIES TO THIS DEFENDANT)

- ☐ Defendant is not at least twenty-one years of age or at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces.
- ☐ Defendant is not a citizen of the United States.
- ☐ Defendant had not resided in this state prior to issuance of the permit and does not qualify as a military member or spouse of a military member stationed in Missouri.
- ☐ Defendant has pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.
- ☐ Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a certificate of qualification or concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo, or if the applicant has been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a certificate of qualification or a concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo.
- ☐ Defendant is a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.
- ☐ Defendant has been discharged under dishonorable conditions from the United States Armed Forces.
- ☐ Defendant is reasonably believed by the sheriff to be a danger to self or others based on previous, documented pattern.
- ☐ Defendant is adjudged mentally incompetent at the time of application or for five years prior to application, or has been committed to a mental health facility, as defined in section 632.005, RSMo, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, RSMo, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply.
- ☐ Defendant failed to submit a completed application for a certificate of qualification or concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo.
- ☐ Defendant failed to submit to or failed to clear the required background check.
- ☐ Defendant failed to submit an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsection 1 of section 571.111, RSMo.

The plaintiff subject to penalty for perjury states that the information contained in this petition is true and correct to the best of the plaintiff's knowledge, is reasonably based upon the petitioner's personal knowledge and is not primarily intended to harass the defendant/respondent named herein.

....., PLAINTIFF

2. If at the hearing the plaintiff shows that the defendant was not eligible for the certificate of qualification or the concealed carry endorsement issued pursuant to sections 571.101 to 571.121 at the time of issuance [or renewal] or is no longer eligible for a certificate of qualification or the concealed carry endorsement issued pursuant to the provisions of sections 571.101 to 571.121, the court shall issue an appropriate order to cause the revocation of the certificate of qualification or concealed carry endorsement. Costs shall not be assessed against the sheriff.

3. The finder of fact, in any action brought against an endorsement holder pursuant to subsection 1 of this section, shall make findings of fact and the court shall make conclusions of law addressing the issues at dispute. If it is determined that the plaintiff in such an action acted without justification or with malice or primarily with an intent to harass the endorsement holder or that there was no reasonable basis to bring the action, the court shall order the plaintiff to pay the defendant/respondent all reasonable costs incurred in defending the action including, but not limited to, attorney's fees, deposition costs, and lost wages. Once the court determines that the plaintiff is liable to the defendant/respondent for costs and fees, the extent and type of fees and costs to be awarded should be liberally calculated in defendant/respondent's favor. Notwithstanding any other provision of law, reasonable attorney's fees shall be presumed to be at least one hundred fifty dollars per hour.

4. Any person aggrieved by any final judgment rendered by a small claims court in a petition for revocation of a certificate of qualification or concealed carry endorsement may have a right to trial de novo as provided in sections 512.180 to 512.320.

5. The office of the county sheriff or any employee or agent of the county sheriff shall not be liable for damages in any civil action arising from alleged wrongful or improper granting, renewing, or failure to revoke a certificate of qualification or a concealed carry endorsement issued pursuant to sections 571.101 to 571.121, so long as the sheriff acted in good faith."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Schatz, **House Amendment No. 5** was adopted.

Representative Rowden offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Committee Substitute for House Bill No. 859, Page 25, Section 571.198, Line 2, by inserting after all of said section and line the following:

"Section 1. An owner or operator of a business shall not restrict any person from lawfully possessing a firearm in a motor vehicle in possession of such person except a motor vehicle owned or leased by such person.";
and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Rowden, **House Amendment No. 6** was adopted.

Representative Burlison offered **House Amendment No. 7**.

House Amendment No. 7 was withdrawn.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 101

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Brattin	Brown	Burlison	Conway 104
Cookson	Cornejo	Cox	Crawford	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Franklin	Frederick	Gannon
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Hicks	Higdon
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeier	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
Messenger	Miller	Moon	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schieber	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Roorda	Runions
Schieffer	Schupp	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 010

Barnes	Cierpiot	Cross	Funderburk	Hinson
McCaherty	McGaugh	Molendorp	Schatz	Smith 85

On motion of Representative Brattin, **HCS HB 859, as amended**, was adopted.

On motion of Representative Brattin, **HCS HB 859, as amended**, was ordered perfected and printed.

HCS HB 275, relating to illegal aliens, was taken up by Representative Brattin.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 101

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	Messenger	Miller
Molendorp	Moon	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Remole	Rhoads
Richardson	Ross	Rowden	Rowland	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 012

Cierpiot	Colona	Funderburk	Jones 50	McGaugh
Mims	Reiboldt	Riddle	Scharnhorst	Schatz
Smith 85	Smith 120			

On motion of Representative Brattin, **HCS HB 275** was adopted.

On motion of Representative Brattin, **HCS HB 275** was ordered perfected and printed.

HCS HB 76, relating to the Missouri School Improvement Program standards, was taken up by Representative Rowland.

On motion of Representative Rowland, **HCS HB 76** was adopted.

On motion of Representative Rowland, **HCS HB 76** was ordered perfected and printed.

HCS HB 78, relating to the Missouri Jobs for Education Program, was taken up by Representative Johnson.

Representative Hinson moved the previous question.

Which motion was adopted by the following vote:

AYES: 099

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Conway 104	Cookson	Cox	Crawford	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	Entlicher	Fitzpatrick	Fitzwater	Fowler
Fraker	Franklin	Frederick	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Lichtenegger
Love	Lynch	Marshall	McCaherty	Messenger
Miller	Molendorp	Moon	Morris	Muntzel
Neely	Neth	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Remole	Rhoads
Richardson	Riddle	Ross	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 013

Cierpiot	Cornejo	Cross	Flanigan	Funderburk
Haahr	Leara	McGaugh	McKenna	Parkinson
Reiboldt	Rowden	Smith 85		

On motion of Representative Johnson, **HCS HB 78** was adopted.

On motion of Representative Johnson, **HCS HB 78** was ordered perfected and printed.

HCS HB 344, relating to MO HealthNet reimbursement, was taken up by Representative Molendorp.

On motion of Representative Molendorp, **HCS HB 344** was adopted.

On motion of Representative Molendorp, **HCS HB 344** was ordered perfected and printed.

HCS HB 387, relating to physician assistants, was taken up by Representative Frederick.

Representative Frederick offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 387, Page 2, Section 334.735, Line 24, by deleting all of said line and inserting in lieu thereof the following:

"facility as the] **with a** supervising physician [sixty-six percent of the time a physician assistant"; and

Further amend said bill, page, and section, Line 32, by deleting the word "**supervision**" and inserting in lieu thereof the word "**supervising**"; and

Further amend said bill, Page 3, Section 334.735, Line 86, by deleting the phrase "**(2) A**" and inserting in lieu thereof the phrase "**(2) For a**"; and

Further amend said bill, Page 4, Section 334.735, Lines 91-92, by deleting all of said lines and inserting in lieu thereof the following:

"to the minimum federal law shall be required [for the physician-physician assistant team in a rural health clinic if a waiver has been granted by the board. However, the board shall be able to void"; and

Further amend said bill, page, and section, Line 114, by deleting the word "**and**"; and

Further amend said bill, page, and section, Line 116, by inserting immediately after the word "perform;" the word "**and**"; and

Further amend said bill, Page 6, Section 334.735, Line 185, by deleting the first instance of the word "**a**" and inserting in lieu thereof the word "**the**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Frederick, **House Amendment No. 1** was adopted.

Representative Burlison offered **House Amendment No. 2.***House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 387, Page 1, Section A, Line 2, by inserting immediately after said line the following:

"334.104. 1. A physician may enter into collaborative practice arrangements with registered professional nurses. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the registered professional nurse and is consistent with that nurse's skill, training and competence.

2. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer, dispense or prescribe drugs and provide treatment if the registered professional nurse is an advanced practice nurse as defined in subdivision (2) of section 335.016. Collaborative practice arrangements may delegate to an advanced practice registered nurse, as defined in section 335.016, the authority to administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017; except that, the collaborative practice arrangement shall not delegate the authority to administer any controlled substances listed in schedules III, IV, and V of section 195.017 for the purpose of inducing sedation or general anesthesia for therapeutic, diagnostic, or surgical procedures. Schedule III narcotic controlled substance prescriptions shall be limited to a one hundred twenty-hour supply without refill. Such collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services.

3. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the advanced practice registered nurse;

(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the advanced practice registered nurse to prescribe;

(3) A requirement that there shall be posted at every office where the advanced practice registered nurse is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an advanced practice registered nurse and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the advanced practice registered nurse;

(5) The manner of collaboration between the collaborating physician and the advanced practice registered nurse, including how the collaborating physician and the advanced practice registered nurse will:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity, **except the collaborative practice arrangement may allow for geographic proximity to be waived for a maximum of twenty-eight days per calendar year for rural health clinics as defined by P.L. 95-210, as long as the collaborative practice arrangement includes alternative plans as required in paragraph (c) of this subdivision. This exception to geographic proximity shall apply only to independent rural health clinics and provider-based rural health clinics where the main location of the hospital sponsor is more than fifty miles from the clinic. The collaborating physician is required to maintain documentation related to this requirement and to present it to the state board of registration for the healing arts if requested;** and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(6) A description of the advanced practice registered nurse's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the nurse to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the advanced practice registered nurse;

(8) The duration of the written practice agreement between the collaborating physician and the advanced practice registered nurse;

(9) A description of the time and manner of the collaborating physician's review of the advanced practice registered nurse's delivery of health care services. The description shall include provisions that the advanced practice

registered nurse shall submit a minimum of ten percent of the charts documenting the advanced practice registered nurse's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days; and

(10) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the advanced practice registered nurse prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (9) of this subsection.

4. The state board of registration for the healing arts pursuant to section 334.125 and the board of nursing pursuant to section 335.036 may jointly promulgate rules regulating the use of collaborative practice arrangements. Such rules shall be limited to specifying geographic areas to be covered, the methods of treatment that may be covered by collaborative practice arrangements and the requirements for review of services provided pursuant to collaborative practice arrangements including delegating authority to prescribe controlled substances. Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither the state board of registration for the healing arts nor the board of nursing may separately promulgate rules relating to collaborative practice arrangements. Such jointly promulgated rules shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined pursuant to chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

5. The state board of registration for the healing arts shall not deny, revoke, suspend or otherwise take disciplinary action against a physician for health care services delegated to a registered professional nurse provided the provisions of this section and the rules promulgated thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action imposed as a result of an agreement between a physician and a registered professional nurse or registered physician assistant, whether written or not, prior to August 28, 1993, all records of such disciplinary licensure action and all records pertaining to the filing, investigation or review of an alleged violation of this chapter incurred as a result of such an agreement shall be removed from the records of the state board of registration for the healing arts and the division of professional registration and shall not be disclosed to any public or private entity seeking such information from the board or the division. The state board of registration for the healing arts shall take action to correct reports of alleged violations and disciplinary actions as described in this section which have been submitted to the National Practitioner Data Bank. In subsequent applications or representations relating to his medical practice, a physician completing forms or documents shall not be required to report any actions of the state board of registration for the healing arts for which the records are subject to removal under this section.

6. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice agreement, including collaborative practice agreements delegating the authority to prescribe controlled substances, or physician assistant agreement and also report to the board the name of each licensed professional with whom the physician has entered into such agreement. The board may make this information available to the public. The board shall track the reported information and may routinely conduct random reviews of such agreements to ensure that agreements are carried out for compliance under this chapter.

7. Notwithstanding any law to the contrary, a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 shall be permitted to provide anesthesia services without a collaborative practice arrangement provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed. Nothing in this subsection shall be construed to prohibit or prevent a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 from entering into a collaborative practice arrangement under this section, except that the collaborative practice arrangement may not delegate the authority to prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017.

8. A collaborating physician shall not enter into a collaborative practice arrangement with more than three full-time equivalent advanced practice registered nurses. This limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

9. It is the responsibility of the collaborating physician to determine and document the completion of at least a one-month period of time during which the advanced practice registered nurse shall practice with the collaborating

physician continuously present before practicing in a setting where the collaborating physician is not continuously present. This limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

10. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020 if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

11. No contract or other agreement shall require a physician to act as a collaborating physician for an advanced practice registered nurse against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular advanced practice registered nurse. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any advanced practice registered nurse, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by hospital's medical staff.

12. No contract or other agreement shall require any advanced practice registered nurse to serve as a collaborating advanced practice registered nurse for any collaborating physician against the advanced practice registered nurse's will. An advanced practice registered nurse shall have the right to refuse to collaborate, without penalty, with a particular physician."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Burlison, **House Amendment No. 2** was adopted.

Representative Hinson offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 387, Page 1, Section A, Line 2, by inserting after all of said section and line, the following:

"190.098. 1. In order for a person to be eligible for certification by the department as a community paramedic, an individual shall:

- (1) Be currently certified as a paramedic;**
- (2) Successfully complete or have successfully completed a community paramedic certification program from a college, university, or educational institution that has been approved by the department or accredited by a national accreditation organization approved by the department; and**
- (3) Complete an application form approved by the department.**

2. A community paramedic shall practice in accordance with protocols and supervisory standards established by the medical director. A community paramedic shall provide services of a health care plan if the plan has been developed by the patient's physician or by an advanced practice registered nurse or a physician assistant and there is no duplication of services to the patient from another provider.

3. Any ambulance service shall enter into a written contract to provide community paramedic services in another ambulance service area, as that term is defined in section 190.100. The contract that is agreed upon may be for an indefinite period of time, as long as it includes at least a sixty-day cancellation notice by either ambulance service.

4. A community paramedic is subject to the provisions of sections 190.001 to 190.245 and rules promulgated under sections 190.001 to 190.245.

5. No person shall hold himself or herself out as a community paramedic or provide the services of a community paramedic unless such person is certified by the department.

6. The medical director shall approve the implementation of the community paramedic program.

7. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective

date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

190.100. As used in sections 190.001 to 190.245, the following words and terms mean:

(1) "Advanced life support (ALS)", an advanced level of care as provided to the adult and pediatric patient such as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to 190.245;

(2) "Ambulance", any privately or publicly owned vehicle or craft that is specially designed, constructed or modified, staffed or equipped for, and is intended or used, maintained or operated for the transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, or who require the presence of medical equipment being used on such individuals, but the term does not include any motor vehicle specially designed, constructed or converted for the regular transportation of persons who are disabled, handicapped, normally using a wheelchair, or otherwise not acutely ill, or emergency vehicles used within airports;

(3) "Ambulance service", a person or entity that provides emergency or nonemergency ambulance transportation and services, or both, in compliance with sections 190.001 to 190.245, and the rules promulgated by the department pursuant to sections 190.001 to 190.245;

(4) "Ambulance service area", a specific geographic area in which an ambulance service has been authorized to operate;

(5) "Basic life support (BLS)", a basic level of care, as provided to the adult and pediatric patient as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to 190.245;

(6) "Council", the state advisory council on emergency medical services;

(7) "Department", the department of health and senior services, state of Missouri;

(8) "Director", the director of the department of health and senior services or the director's duly authorized representative;

(9) "Dispatch agency", any person or organization that receives requests for emergency medical services from the public, by telephone or other means, and is responsible for dispatching emergency medical services;

(10) "Emergency", the sudden and, at the time, unexpected onset of a health condition that manifests itself by symptoms of sufficient severity that would lead a prudent layperson, possessing an average knowledge of health and medicine, to believe that the absence of immediate medical care could result in:

(a) Placing the person's health, or with respect to a pregnant woman, the health of the woman or her unborn child, in significant jeopardy;

(b) Serious impairment to a bodily function;

(c) Serious dysfunction of any bodily organ or part;

(d) Inadequately controlled pain;

(11) "Emergency medical dispatcher", a person who receives emergency calls from the public and has successfully completed an emergency medical dispatcher course, meeting or exceeding the national curriculum of the United States Department of Transportation and any modifications to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;

(12) "Emergency medical response agency", any person that regularly provides a level of care that includes first response, basic life support or advanced life support, exclusive of patient transportation;

(13) "Emergency medical services for children (EMS-C) system", the arrangement of personnel, facilities and equipment for effective and coordinated delivery of pediatric emergency medical services required in prevention and management of incidents which occur as a result of a medical emergency or of an injury event, natural disaster or similar situation;

(14) "Emergency medical services (EMS) system", the arrangement of personnel, facilities and equipment for the effective and coordinated delivery of emergency medical services required in prevention and management of incidents occurring as a result of an illness, injury, natural disaster or similar situation;

(15) "Emergency medical technician", a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to 190.245, and by rules adopted by the department pursuant to sections 190.001 to 190.245;

(16) "Emergency medical technician-basic" or "EMT-B", a person who has successfully completed a course of instruction in basic life support as prescribed by the department and is licensed by the department in accordance with standards prescribed by sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;

(17) **"Emergency medical technician-community paramedic", "community paramedic", or "EMT-CP", a person who is certified as an emergency medical technician-paramedic and is licensed by the department in accordance with standards prescribed in section 190.098;**

(18) "Emergency medical technician-intermediate" or "EMT-I", a person who has successfully completed a course of instruction in certain aspects of advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to 190.245 and rules and regulations adopted by the department pursuant to sections 190.001 to 190.245;

[(18)] (19) "Emergency medical technician-paramedic" or "EMT-P", a person who has successfully completed a course of instruction in advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;

[(19)] (20) "Emergency services", health care items and services furnished or required to screen and stabilize an emergency which may include, but shall not be limited to, health care services that are provided in a licensed hospital's emergency facility by an appropriate provider or by an ambulance service or emergency medical response agency;

[(20)] (21) "First responder", a person who has successfully completed an emergency first response course meeting or exceeding the national curriculum of the United States Department of Transportation and any modifications to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245 and who provides emergency medical care through employment by or in association with an emergency medical response agency;

[(21)] (22) "Health care facility", a hospital, nursing home, physician's office or other fixed location at which medical and health care services are performed;

[(22)] (23) "Hospital", an establishment as defined in the hospital licensing law, subsection 2 of section 197.020, or a hospital operated by the state;

[(23)] (24) "Medical control", supervision provided by or under the direction of physicians to providers by written or verbal communications;

[(24)] (25) "Medical direction", medical guidance and supervision provided by a physician to an emergency services provider or emergency medical services system;

[(25)] (26) "Medical director", a physician licensed pursuant to chapter 334 designated by the ambulance service or emergency medical response agency and who meets criteria specified by the department by rules pursuant to sections 190.001 to 190.245;

[(26)] (27) "Memorandum of understanding", an agreement between an emergency medical response agency or dispatch agency and an ambulance service or services within whose territory the agency operates, in order to coordinate emergency medical services;

[(27)] (28) "Patient", an individual who is sick, injured, wounded, diseased, or otherwise incapacitated or helpless, or dead, excluding deceased individuals being transported from or between private or public institutions, homes or cemeteries, and individuals declared dead prior to the time an ambulance is called for assistance;

[(28)] (29) "Person", as used in these definitions and elsewhere in sections 190.001 to 190.245, any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, estate, public trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, or any other service user or provider;

[(29)] (30) "Physician", a person licensed as a physician pursuant to chapter 334;

[(30)] (31) "Political subdivision", any municipality, city, county, city not within a county, ambulance district or fire protection district located in this state which provides or has authority to provide ambulance service;

[(31)] (32) "Professional organization", any organized group or association with an ongoing interest regarding emergency medical services. Such groups and associations could include those representing volunteers, labor, management, firefighters, EMT-B's, nurses, EMT-P's, physicians, communications specialists and instructors. Organizations could also represent the interests of ground ambulance services, air ambulance services, fire service organizations, law enforcement, hospitals, trauma centers, communication centers, pediatric services, labor unions and poison control services;

[(32)] (33) "Proof of financial responsibility", proof of ability to respond to damages for liability, on account of accidents occurring subsequent to the effective date of such proof, arising out of the ownership, maintenance or use of a motor vehicle in the financial amount set in rules promulgated by the department, but in no event less than the statutory minimum required for motor vehicles. Proof of financial responsibility shall be used as proof of self-insurance;

[(33)] (34) "Protocol", a predetermined, written medical care guideline, which may include standing orders;

[(34)] (35) "Regional EMS advisory committee", a committee formed within an emergency medical services (EMS) region to advise ambulance services, the state advisory council on EMS and the department;

[(35)] (36) "Specialty care transportation", the transportation of a patient requiring the services of an emergency medical technician-paramedic who has received additional training beyond the training prescribed by the department. Specialty care transportation services shall be defined in writing in the appropriate local protocols for ground and air ambulance services and approved by the local physician medical director. The protocols shall be maintained by the local ambulance service and shall define the additional training required of the emergency medical technician-paramedic;

[(36)] (37) "Stabilize", with respect to an emergency, the provision of such medical treatment as may be necessary to attempt to assure within reasonable medical probability that no material deterioration of an individual's medical condition is likely to result from or occur during ambulance transportation unless the likely benefits of such transportation outweigh the risks;

[(37)] (38) "State advisory council on emergency medical services", a committee formed to advise the department on policy affecting emergency medical service throughout the state;

[(38)] (39) "State EMS medical directors advisory committee", a subcommittee of the state advisory council on emergency medical services formed to advise the state advisory council on emergency medical services and the department on medical issues;

[(39)] (40) "STEMI" or "ST-elevation myocardial infarction", a type of heart attack in which impaired blood flow to the patient's heart muscle is evidenced by ST-segment elevation in electrocardiogram analysis, and as further defined in rules promulgated by the department under sections 190.001 to 190.250;

[(40)] (41) "STEMI care", includes education and prevention, emergency transport, triage, and acute care and rehabilitative services for STEMI that requires immediate medical or surgical intervention or treatment;

[(41)] (42) "STEMI center", a hospital that is currently designated as such by the department to care for patients with ST-segment elevation myocardial infarctions;

[(42)] (43) "Stroke", a condition of impaired blood flow to a patient's brain as defined by the department;

[(43)] (44) "Stroke care", includes emergency transport, triage, and acute intervention and other acute care services for stroke that potentially require immediate medical or surgical intervention or treatment, and may include education, primary prevention, acute intervention, acute and subacute management, prevention of complications, secondary stroke prevention, and rehabilitative services;

[(44)] (45) "Stroke center", a hospital that is currently designated as such by the department;

[(45)] (46) "Trauma", an injury to human tissues and organs resulting from the transfer of energy from the environment;

[(46)] (47) "Trauma care" includes injury prevention, triage, acute care and rehabilitative services for major single system or multisystem injuries that potentially require immediate medical or surgical intervention or treatment;

[(47)] (48) "Trauma center", a hospital that is currently designated as such by the department."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hinson, **House Amendment No. 3** was adopted.

On motion of Representative Frederick, **HCS HB 387, as amended**, was adopted.

On motion of Representative Frederick, **HCS HB 387, as amended**, was ordered perfected and printed.

HCS HB 415, relating to special license plates, was taken up by Representative Phillips.

Representative Crawford offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 415, Page 4, Section 227.327, Line 2, by inserting immediately after, "**James R. Ledbetter Memorial Bridge**." the following sentence, "**The department of transportation shall erect and maintain appropriate signs designating the bridge, with the costs for such designation to be paid for by private donation.**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Crawford, **House Amendment No. 1** was adopted.

Representative Franklin offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 415, Page 4, Section 227.517, Line 4, by inserting after all of said section and line the following:

"301.140. 1. Upon the transfer of ownership of any motor vehicle or trailer, the certificate of registration and the right to use the number plates shall expire and the number plates shall be removed by the owner at the time of the transfer of possession, and it shall be unlawful for any person other than the person to whom such number plates were originally issued to have the same in his or her possession whether in use or not, unless such possession is solely for charitable purposes; except that the buyer of a motor vehicle or trailer who trades in a motor vehicle or trailer may attach the license plates from the traded-in motor vehicle or trailer to the newly purchased motor vehicle or trailer. The operation of a motor vehicle with such transferred plates shall be lawful for no more than thirty days. As used in this subsection, the term "trade-in motor vehicle or trailer" shall include any single motor vehicle or trailer sold by the buyer of the newly purchased vehicle or trailer, as long as the license plates for the trade-in motor vehicle or trailer are still valid.

2. In the case of a transfer of ownership the original owner may register another motor vehicle under the same number, upon the payment of a fee of two dollars, if the motor vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that originally registered. When such motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, applicant shall pay a transfer fee of two dollars and a pro rata portion for the difference in fees. When such vehicle is of less horsepower, gross weight or (in case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, applicant shall not be entitled to a refund.

3. License plates may be transferred from a motor vehicle which will no longer be operated to a newly purchased motor vehicle by the owner of such vehicles. The owner shall pay a transfer fee of two dollars if the newly purchased vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that of the vehicle which will no longer be operated. When the newly purchased motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, the applicant shall pay a transfer fee of two dollars and a pro rata portion of the difference in fees. When the newly purchased vehicle is of less horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, the applicant shall not be entitled to a refund.

4. The director of the department of revenue shall have authority to produce or allow others to produce a weather resistant, nontearing temporary permit authorizing the operation of a motor vehicle or trailer by a buyer for not more than thirty days from the date of purchase. The temporary permit authorized under this section may be purchased by the purchaser of a motor vehicle or trailer from the central office of the department of revenue or from an authorized agent of the department of revenue upon proof of purchase of a motor vehicle or trailer for which the buyer has no

registration plate available for transfer and upon proof of financial responsibility, or from a motor vehicle dealer upon purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer, or from a motor vehicle dealer upon purchase of a motor vehicle or trailer for which the buyer has registered and is awaiting receipt of registration plates. The director of the department of revenue or a producer authorized by the director of the department of revenue may make temporary permits available to registered dealers in this state, authorized agents of the department of revenue or the department of revenue. The price paid by a motor vehicle dealer, an authorized agent of the department of revenue or the department of revenue for a temporary permit shall not exceed five dollars for each permit. The director of the department of revenue shall direct motor vehicle dealers and authorized agents to obtain temporary permits from an authorized producer. Amounts received by the director of the department of revenue for temporary permits shall constitute state revenue; however, amounts received by an authorized producer other than the director of the department of revenue shall not constitute state revenue and any amounts received by motor vehicle dealers or authorized agents for temporary permits purchased from a producer other than the director of the department of revenue shall not constitute state revenue. In no event shall revenues from the general revenue fund or any other state fund be utilized to compensate motor vehicle dealers or other producers for their role in producing temporary permits as authorized under this section. Amounts that do not constitute state revenue under this section shall also not constitute fees for registration or certificates of title to be collected by the director of the department of revenue under section 301.190. No motor vehicle dealer, authorized agent or the department of revenue shall charge more than five dollars for each permit issued. The permit shall be valid for a period of thirty days from the date of purchase of a motor vehicle or trailer, or from the date of sale of the motor vehicle or trailer by a motor vehicle dealer for which the purchaser obtains a permit as set out above. No permit shall be issued for a vehicle under this section unless the buyer shows proof of financial responsibility. Each temporary permit issued shall be securely fastened to the back or rear of the motor vehicle in a manner and place on the motor vehicle consistent with registration plates so that all parts and qualities of the temporary permit thereof shall be plainly and clearly visible, reasonably clean and are not impaired in any way.

5. The permit shall be issued on a form prescribed by the director of the department of revenue and issued only for the applicant's temporary operation of the motor vehicle or trailer purchased to enable the applicant to temporarily operate the motor vehicle while proper title and registration plates are being obtained, or while awaiting receipt of registration plates, and shall be displayed on no other motor vehicle. Temporary permits issued pursuant to this section shall not be transferable or renewable and shall not be valid upon issuance of proper registration plates for the motor vehicle or trailer. The director of the department of revenue shall determine the size, material, design, numbering configuration, construction, and color of the permit. The director of the department of revenue, at his or her discretion, shall have the authority to reissue, and thereby extend the use of, a temporary permit previously and legally issued for a motor vehicle or trailer while proper title and registration are being obtained.

6. Every motor vehicle dealer that issues temporary permits shall keep, for inspection by proper officers, an accurate record of each permit issued by recording the permit number, the motor vehicle dealer's number, buyer's name and address, the motor vehicle's year, make, and manufacturer's vehicle identification number, and the permit's date of issuance and expiration date. Upon the issuance of a temporary permit by either the central office of the department of revenue, a motor vehicle dealer or an authorized agent of the department of revenue, the director of the department of revenue shall make the information associated with the issued temporary permit immediately available to the law enforcement community of the state of Missouri.

7. Upon the transfer of ownership of any currently registered motor vehicle wherein the owner cannot transfer the license plates due to a change of motor vehicle category, the owner may surrender the license plates issued to the motor vehicle and receive credit for any unused portion of the original registration fee against the registration fee of another motor vehicle. Such credit shall be granted based upon the date the license plates are surrendered. No refunds shall be made on the unused portion of any license plates surrendered for such credit.

8. The provisions of subsections 4, 5, and 6 of this section shall expire July 1, 2019.

9. An additional temporary license plate produced in a manner and of materials determined by the director to be the most cost-effective means of production with a configuration that matches an existing or newly issued plate may be purchased by a motor vehicle owner to be placed in the interior of the vehicle's rear window such that the driver's view out of the rear window is not obstructed and the plate configuration is clearly visible from the outside of the vehicle to serve as the visible plate when a bicycle rack or other item obstructs the view of the actual plate. Such temporary plate is only authorized for use when the matching actual plate is affixed to the vehicle in the manner prescribed in subsection 5 of section 301.130. The fee charged for the temporary plate shall be equal to the fee charged for a temporary permit issued under subsection 4 of this section. Replacement temporary plates authorized in this subsection may be issued as needed upon the payment of a fee equal to the fee charged for a temporary permit under subsection 4 of this section.

The newly produced third plate may only be used on the vehicle with the matching plate, and the additional plate shall be clearly recognizable as a third plate and only used for the purpose specified in this subsection.

10. Notwithstanding the provisions of section 301.127, the director may issue a temporary permit to an individual who possesses a salvage motor vehicle which requires an inspection under subsection 9 of section 301.190. The operation of a salvage motor vehicle for which the permit has been issued shall be limited to the most direct route from the residence, maintenance, or storage facility of the individual in possession of such motor vehicle to the nearest authorized inspection facility and return to the originating location. Notwithstanding any other requirements for the issuance of a temporary permit under this section, an individual obtaining a temporary permit for the purpose of operating a motor vehicle to and from an examination facility as prescribed in this subsection shall also purchase the required motor vehicle examination form which is required to be completed for an examination under subsection 9 of section 301.190 and provide satisfactory evidence that such vehicle has passed a motor vehicle safety inspection for such vehicle as required in section 307.350.

11. The director of the department of revenue may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

[11.] **12.** The repeal and reenactment of this section shall become effective on the date the department of revenue or a producer authorized by the director of the department of revenue begins producing temporary permits described in subsection 4 of such section, or on July 1, 2013, whichever occurs first. If the director of revenue or a producer authorized by the director of the department of revenue begins producing temporary permits prior to July 1, 2013, the director of the department of revenue shall notify the revisor of statutes of such fact.

[301.140. 1. Upon the transfer of ownership of any motor vehicle or trailer, the certificate of registration and the right to use the number plates shall expire and the number plates shall be removed by the owner at the time of the transfer of possession, and it shall be unlawful for any person other than the person to whom such number plates were originally issued to have the same in his or her possession whether in use or not, unless such possession is solely for charitable purposes; except that the buyer of a motor vehicle or trailer who trades in a motor vehicle or trailer may attach the license plates from the traded-in motor vehicle or trailer to the newly purchased motor vehicle or trailer. The operation of a motor vehicle with such transferred plates shall be lawful for no more than thirty days. As used in this subsection, the term "trade-in motor vehicle or trailer" shall include any single motor vehicle or trailer sold by the buyer of the newly purchased vehicle or trailer, as long as the license plates for the trade-in motor vehicle or trailer are still valid.

2. In the case of a transfer of ownership the original owner may register another motor vehicle under the same number, upon the payment of a fee of two dollars, if the motor vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that originally registered. When such motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, applicant shall pay a transfer fee of two dollars and a pro rata portion for the difference in fees. When such vehicle is of less horsepower, gross weight or (in case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, applicant shall not be entitled to a refund.

3. License plates may be transferred from a motor vehicle which will no longer be operated to a newly purchased motor vehicle by the owner of such vehicles. The owner shall pay a transfer fee of two dollars if the newly purchased vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that of the vehicle which will no longer be operated. When the newly purchased motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, the applicant shall pay a transfer fee of two dollars and a pro rata portion of the difference in fees. When the newly purchased vehicle is of less horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, the applicant shall not be entitled to a refund.

4. Upon the sale of a motor vehicle or trailer by a dealer, a buyer who has made application for registration, by mail or otherwise, may operate the same for a period of thirty days after taking possession thereof, if during such period the motor vehicle or trailer shall have attached thereto, in the manner required by section 301.130, number plates issued to the dealer. Upon application and presentation of proof of financial responsibility as required under subsection 5 of this section and satisfactory evidence that the buyer has applied for registration, a dealer may furnish such number plates to the buyer for such temporary use. In such event, the dealer shall require the buyer to deposit the sum of ten dollars and fifty cents to be returned to the buyer upon return of the number plates as a guarantee that said buyer will return to the dealer such number plates within thirty days. The director shall issue a temporary permit authorizing the operation of a motor vehicle or trailer by a buyer for not more than thirty days of the date of purchase.

5. The temporary permit shall be made available by the director of revenue and may be purchased from the department of revenue upon proof of purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer and upon proof of financial responsibility, or from a dealer upon purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer. The director shall make temporary permits available to registered dealers in this state or authorized agents of the department of revenue in sets of ten permits. The fee for the temporary permit shall be seven dollars and fifty cents for each permit or plate issued. No dealer or authorized agent shall charge more than seven dollars and fifty cents for each permit issued. The permit shall be valid for a period of thirty days from the date of purchase of a motor vehicle or trailer, or from the date of sale of the motor vehicle or trailer by a dealer for which the purchaser obtains a permit as set out above. No permit shall be issued for a vehicle under this section unless the buyer shows proof of financial responsibility.

6. The permit shall be issued on a form prescribed by the director and issued only for the applicant's use in the operation of the motor vehicle or trailer purchased to enable the applicant to legally operate the vehicle while proper title and registration plate are being obtained, and shall be displayed on no other vehicle. Temporary permits issued pursuant to this section shall not be transferable or renewable and shall not be valid upon issuance of proper registration plates for the motor vehicle or trailer. The director shall determine the size and numbering configuration, construction, and color of the permit.

7. The dealer or authorized agent shall insert the date of issuance and expiration date, year, make, and manufacturer's number of vehicle on the permit when issued to the buyer. The dealer shall also insert such dealer's number on the permit. Every dealer that issues a temporary permit shall keep, for inspection of proper officers, a correct record of each permit issued by recording the permit or plate number, buyer's name and address, year, make, manufacturer's vehicle identification number on which the permit is to be used, and the date of issuance.

8. Upon the transfer of ownership of any currently registered motor vehicle wherein the owner cannot transfer the license plates due to a change of vehicle category, the owner may surrender the license plates issued to the motor vehicle and receive credit for any unused portion of the original registration fee against the registration fee of another motor vehicle. Such credit shall be granted based upon the date the license plates are surrendered. No refunds shall be made on the unused portion of any license plates surrendered for such credit.

9. An additional temporary license plate produced in a manner and of materials determined by the director to be the most cost-effective means of production with a configuration that matches an existing or newly issued plate may be purchased by a motor vehicle owner to be placed in the interior of the vehicle's rear window such that the driver's view out of the rear window is not obstructed and the plate configuration is clearly visible from the outside of the vehicle to serve as the visible plate when a bicycle rack or other item obstructs the view of the actual plate. Such temporary plate is only authorized for use when the matching actual plate is affixed to the vehicle in the manner prescribed in subsection 5 of section 301.130. The fee charged for the temporary plate shall be equal to the fee charged for a temporary permit issued under subsection 5 of this section. Replacement temporary plates authorized in this subsection may be issued as needed upon the payment of a fee equal to the fee charged for a temporary permit under subsection 5 of this section. The newly produced third plate may only be used on the vehicle with the matching plate, and the additional plate shall be clearly recognizable as a third plate and only used for the purpose specified in this subsection.

10. The director may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.]; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Franklin, **House Amendment No. 2** was adopted.

Representative Gosen offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 415, Pages 83 and 84, Section 301.3142, Lines 1 through 41, by deleting all of said section and lines and inserting in lieu thereof the following:

"301.3142. 1. Any immediate family member, including stepsiblings or stepchildren, who wishes to pay tribute to a member of the United States military who was a resident of this state and who was killed in the line of duty may receive special **personalized** license plates as prescribed by this section, for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.

2. **Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof of eligibility as the director may require.**

3. Upon [annual application payment of a fifteen dollar fee in addition to the registration fee, and presentation of any other documents which may be required by law or upon biennial application, payment of a thirty dollar fee in addition to the registration fee and] presentation of **such** proof of eligibility [for such plates] **and payment of the regular registration fees**, and presentation of any [other] documents which may be required by law, the [department] **director** of revenue [may] **shall** issue to the vehicle owner a **special** personalized license plate which shall bear the initials of the member of the United States military killed while in the line of duty, a gold star on the left side of the plates, followed by a three-letter description of the relative's relation to the veteran, provided such license plate configuration is not currently in use, and [which shall bear] the words "WE SHALL NOT FORGET" [in place of the words "SHOW-ME STATE"] **at the bottom of the plate, in a manner prescribed by the director of revenue.** Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

4. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

5. **There shall be no limit on the number of license plates any person qualified under this section may obtain so long as each set of license plates issued under this section is issued for vehicles owned solely or jointly by such person.**

[3.] 6. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.

7. The director [of revenue] shall make **all** necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rule making authority and any rule proposed or adopted after August 28, [2004] **2013**, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Gosen, **House Amendment No. 3** was adopted.

Representative McCaherty offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 415, Page 108, Section 301.3172, Line 37, by after all of said section and line inserting the following:

"Section 1. 1. Any person who has been awarded the military service award known as the "Korea Defense Service Medal" may apply for special motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.

2. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof as a recipient of the Korea Defense Service Medal as the director may require.

3. Upon presentation of such proof of eligibility and payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a special personalized license plate which shall bear the words "KOREA DEFENSE SERVICE MEDAL" at the bottom of the plate, in a manner prescribed by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

4. Such plates shall also bear an image of the Korea Defense Service Medal.

5. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section.

6. There shall be no limit on the number of license plates any person qualified under this section may obtain so long as each set of license plates issued under this section is issued for vehicles owned solely or jointly by such person.

7. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.

8. The director may consult with any organization which represents the interests of persons receiving the Korea Defense Service Medal when formulating the design for the special license plates described in this section.

9. The director shall make all necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative McCaherty, **House Amendment No. 4** was adopted.

Representative Bahr offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Committee Substitute for House Bill No. 415, Page 10, Section 301.145, Line 10, by inserting after all of said section and line the following:

"301.216. Department investigators licensed as peace officers by the director of the department of public safety under chapter 590 shall be deemed to be peace officers within the state of Missouri while acting in an investigation to

enforce the provisions of this chapter and any provisions regarding fees, licenses, or taxes administered by the director. The power of arrest of a department investigator acting as a peace officer shall be limited to offenses involving fees, licenses, taxes, **other than taxes under chapters 143 or 147**, or in situations of imminent danger to the investigator or another person."; and

Further amend said bill, Page 29, Section 301.481, Line 15, by inserting after all of said section and line the following:

"301.562. 1. The department may refuse to issue or renew any license required pursuant to sections 301.550 to 301.573 for any one or any combination of causes stated in subsection 2 of this section. The department shall notify the applicant or licensee in writing at his or her last known address of the reasons for the refusal to issue or renew the license and shall advise the applicant or licensee of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any license issued under sections 301.550 to 301.573 for any one or any combination of the following causes:

(1) The applicant or license holder was previously the holder of a license issued under sections 301.550 to 301.573, which license was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of suspension have not been fulfilled;

(2) The applicant or license holder was previously a partner, stockholder, director or officer controlling or managing a partnership or corporation whose license issued under sections 301.550 to 301.573 was revoked for cause and never reissued or was suspended for cause and the terms of suspension have not been fulfilled;

(3) The applicant or license holder has, within ten years prior to the date of the application, been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions, or duties of any business licensed under sections 301.550 to 301.573; for any offense, an essential element of which is fraud, dishonesty, or an act of violence; or for any offense involving moral turpitude, whether or not sentence is imposed;

(4) Use of fraud, deception, misrepresentation, or bribery in securing any license issued pursuant to sections 301.550 to 301.573;

(5) Obtaining or attempting to obtain any money, commission, fee, barter, exchange, or other compensation by fraud, deception, or misrepresentation;

(6) Violation of, or assisting or enabling any person to violate any provisions of this chapter and chapters 143, 144, 306, 307, 407, 578, and 643 or of any lawful rule or regulation adopted pursuant to this chapter and chapters 143, 144, 306, 307, 407, 578, and 643;

(7) The applicant or license holder has filed an application for a license which, as of its effective date, was incomplete in any material respect or contained any statement which was, in light of the circumstances under which it was made, false or misleading with respect to any material fact;

(8) The applicant or license holder has failed to pay the proper application or license fee or other fees required pursuant to this chapter or chapter 306 or fails to establish or maintain a bona fide place of business;

(9) Uses or permits the use of any special license or license plate assigned to the license holder for any purpose other than those permitted by law;

(10) The applicant or license holder is finally adjudged insane or incompetent by a court of competent jurisdiction;

(11) Use of any advertisement or solicitation which is false;

(12) Violations of sections 407.511 to 407.556, section 578.120, which resulted in a conviction or finding of guilt or violation of any federal motor vehicle laws which result in a conviction or finding of guilt.

3. Any such complaint shall be filed within one year of the date upon which the department receives notice of an alleged violation of an applicable statute or regulation. After the filing of such complaint, the proceedings shall, except for the matters set forth in subsection 5 of this section, be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the department may, singly or in combination, refuse to issue the person a license, issue a license for a period of less than two years, issue a private reprimand, place the person on probation on such terms and conditions as the department deems appropriate for a period of one day to five years, suspend the person's license from one day to six days, or revoke the person's license for such period as the department deems appropriate. The applicant

or licensee shall have the right to appeal the decision of the administrative hearing commission and department in the manner provided in chapter 536.

4. Upon the suspension or revocation of any person's license issued under sections 301.550 to 301.573, the department shall recall any distinctive number plates that were issued to that licensee. If any licensee who has been suspended or revoked shall neglect or refuse to surrender his or her license or distinctive number license plates issued under sections 301.550 to 301.580, the director shall direct any [agent or employee of the department or any] law enforcement officer, to secure possession thereof and return such items to the director. For purposes of this subsection, a "law enforcement officer" means any member of the highway patrol, any sheriff or deputy sheriff, or any peace officer certified under chapter 590 acting in his or her official capacity. Failure of the licensee to surrender his or her license or distinctive number license plates upon demand by the director[, any agent or employee of the department,] or any law enforcement officer shall be a class A misdemeanor.

5. Notwithstanding the foregoing provisions of this section, the following events or acts by the holder of any license issued under sections 301.550 to 301.580 are deemed to present a clear and present danger to the public welfare and shall be considered cause for suspension or revocation of such license under the procedure set forth in subsection 6 of this section, at the discretion of the director:

(1) The expiration or revocation of any corporate surety bond or irrevocable letter of credit, as required by section 301.560, without submission of a replacement bond or letter of credit which provides coverage for the entire period of licensure;

(2) The failure to maintain a bona fide established place of business as required by section 301.560;

(3) Criminal convictions as set forth in subdivision (3) of subsection 2 of this section; or

(4) Three or more occurrences of violations which have been established following proceedings before the administrative hearing commission under subsection 3 of this section, or which have been established following proceedings before the director under subsection 6 of this section, of this chapter and chapters 143, 144, 306, 307, 578, and 643 or of any lawful rule or regulation adopted under this chapter and chapters 143, 144, 306, 307, 578, and 643, not previously set forth herein.

6. (1) Any license issued under sections 301.550 to 301.580 shall be suspended or revoked, following an evidentiary hearing before the director or his or her designated hearing officer, if affidavits or sworn testimony by an authorized agent of the department alleges the occurrence of any of the events or acts described in subsection 5 of this section.

(2) For any license which the department believes may be subject to suspension or revocation under this subsection, the director shall immediately issue a notice of hearing to the licensee of record. The director's notice of hearing:

(a) Shall be served upon the licensee personally or by first class mail to the dealer's last known address, as registered with the director;

(b) Shall be based on affidavits or sworn testimony presented to the director, and shall notify the licensee that such information presented therein constitutes cause to suspend or revoke the licensee's license;

(c) Shall provide the licensee with a minimum of ten days' notice prior to hearing;

(d) Shall specify the events or acts which may provide cause for suspension or revocation of the license, and shall include with the notice a copy of all affidavits, sworn testimony or other information presented to the director which support discipline of the license; and

(e) Shall inform the licensee that he or she has the right to attend the hearing and present any evidence in his or her defense, including evidence to show that the event or act which may result in suspension or revocation has been corrected to the director's satisfaction, and that he or she may be represented by counsel at the hearing.

(3) At any hearing before the director conducted under this subsection, the director or his or her designated hearing officer shall consider all evidence relevant to the issue of whether the license should be suspended or revoked due to the occurrence of any of the acts set forth in subsection 5 herein. Within twenty business days after such hearing, the director or his or her designated hearing officer shall issue a written order, with findings of fact and conclusions of law, which either grants or denies the issuance of an order of suspension or revocation. The suspension or revocation shall be effective ten days after the date of the order. The written order of the director or his or her hearing officer shall be the final decision of the director and shall be subject to judicial review under the provisions of chapter 536.

(4) Notwithstanding the provisions of this chapter or chapter 610 or 621 to the contrary, the proceedings under this section shall be closed and no order shall be made public until it is final, for purposes of appeal."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Bahr, **House Amendment No. 5** was adopted.

Representative Korman offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Committee Substitute for House Bill No. 415, Page 108, Section 301.3172, Line 37, by inserting after said line the following:

"Section 1. The portion of interstate highway 70 in Montgomery County between mile marker 165.0 and 166.0 shall be designated the "Graham's Picnic Rock Highway". The department of transportation shall erect and maintain appropriate signs designating such highway. The signs shall not be erected until the next lane widening or pavement replacement project within that portion of the highway."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Korman, **House Amendment No. 6** was adopted.

Representative Webber offered **House Amendment No. 7**.

House Amendment No. 7

AMEND House Committee Substitute for House Bill No. 415, Page 16, Section 301.451, Line 20, by inserting after all of said section and line, the following:

"301.453. 1. [Any member of the general assembly of the state of Missouri while holding office, upon application and payment of the fee required for personalized license plates in section 301.144, and other fees and documents which may be required by law, may apply for special personalized license plates bearing the state seal in gold and black colors along with the words "Representative" or "Senator" in preference to the words "SHOW-ME STATE". The director of revenue shall annually set aside special personalized license plates bearing the letters and numbers S-1 to S-34 and S01 to S034, R-1 to R-163 and R01 to R0163 to be issued to a member of the general assembly of the state of Missouri while such member is holding that office, upon such member's written request. For the first set of special personalized license plates issued to a member of the general assembly, such plates shall bear the letter "S" and the number of the senator's district for a member of the state senate or the letter "R" and the number of the representative's district for a member of the house of representatives and for the second set of plates issued to a member of the general assembly, such plates shall bear the letter "S" and the number of the senator's district preceded by the numeral "0" for a member of the state senate or the letter "R" and the number of the representative's district preceded by the numeral "0" for a member of the house of representatives. Only two sets of such plates may be issued to any one member of the general assembly.

2.] Any member of the United States Congress while he or she is holding that office, upon his or her written request and upon a payment of the additional fee required for personalized plates in section 301.144, may apply for special personalized license plates bearing the state seal in gold and black along with the words "Member of Congress" instead of the words "SHOW-ME STATE" and either the letters and numbers "USS-1, USS-01" and "USS-2, USS-02" for the senior and junior United States Senators from Missouri, respectively, or, in the case of members of the United States House of Representatives, bearing the letters "USC-1 to USC-9 and USC-01 to USC-09". Only two sets of such plates may be issued to any one individual congressman.

[3.] 2. The director shall annually set aside special personalized license plates bearing the state seal in gold and black and the numbers 1, 2, 3, 4, 5, and 6 along with the words "Governor", "Lieutenant Governor", "Secretary of State", "State Auditor", "State Treasurer" and "Attorney General" in preference to the words "SHOW-ME STATE" to be issued to the governor, lieutenant governor, secretary of state, state auditor, state treasurer, and attorney general, respectively, upon written request and upon payment of the fee required for personalized license plates in section 301.144, and other fees and documents as may be required by law. These plates shall be held by the appropriate public official only while such person remains in that office. Upon leaving that office the public official shall surrender the personalized license plates to the director, who shall make them available as provided in this subsection to the succeeding public official.

[4.] 3. All special license plates issued under this section shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 102

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Conway 104	Cookson	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Fowler	Franklin	Frederick	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowland	Schatz	Schieber
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Runions	Schieffer
Schupp	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 010

Cierpiot	Cornejo	Flanigan	Fraker	Funderburk
Haahr	Roorda	Rowden	Scharnhorst	Smith 85

Representative Webber moved that **House Amendment No. 7** be adopted.

Which motion was defeated.

Representative Love offered **House Amendment No. 8**.

House Amendment No. 8

AMEND House Committee Substitute for House Bill No. 415, Page 4, Section 227.517, Line 4, by inserting after all of said section and line the following:

"227.520. The portion of U.S. Highway 54 from the Kansas/Missouri state line east to the Missouri/Illinois state line shall be designated the "Discover More on Route 54" Highway. The department of transportation shall erect and maintain appropriate signs designating such highway, with the cost to be paid for by private donations."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Love, **House Amendment No. 8** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Fowler	Fraker	Franklin	Frederick
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfausch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Schatz	Schieber	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 048

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Gardner	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton

Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Runions	Schupp	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 011

Cierpiot	Flanigan	Frame	Funderburk	Jones 50
McManus	Molendorp	Roorda	Scharnhorst	Schieffer
Smith 85				

On motion of Representative Phillips, **HCS HB 415, as amended**, was adopted.

On motion of Representative Phillips, **HCS HB 415, as amended**, was ordered perfected and printed.

HCS HB 601, relating to telecommunications, was taken up by Representative Richardson.

Representative Richardson offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 601, Page 2, Section 392.461, Line 22, by inserting after the phrase: "accessible website." on said line the following:

"A telecommunications company may include in a tariff filed with the commission any, all, or none of the rates, terms, or conditions for any, all, or none of its retail telecommunications services."; and

Further amend said bill, Section 392.611, Page 3, Line 10, by deleting the word: **"its"** on said line and inserting in lieu thereof the word:

"their"; and

Further amend said section, Page 3, Line 12, by inserting after the phrase: **"voice over"** the phrase:

"internet"; and

Further amend said section, Page 3, Line 18, by deleting from said line the word: **"providing"** and inserting in lieu thereof the phrase:

"to the provision"; and

Further amend said section, Page 3, Lines 20-23, by deleting all of said lines and inserting in lieu thereof the following:

"2. Broadband and other Internet protocol-enabled services shall not be subject to regulation under chapter 386 or this chapter, except that interconnected voice over Internet protocol service shall continue to be subject to section 392.550. Nothing in this subsection extends, modifies, or restricts the provisions of subsection 3 of section 392.611. As used in this subsection, "other internet"; and

Further amend said section, Page 3, Lines 31-32, by deleting the phrase: "**Nothing in this section is intended to extend, modify, or restrict**" and inserting in lieu thereof the following:

"Notwithstanding any other provision of this section, nothing in this section extends, modifies, or restricts"; and

Further amend said section, Page 3, Lines 35-36, by deleting the phrase: "**Nor is this section intended to extend, modify, or restrict**" and inserting in lieu thereof the following:

"Notwithstanding any other provision of this section, nothing in this section extends, modifies, or restricts"; and

Further amend said section, Page 3, Line 44, by deleting the word: "**requirement**" and inserting in lieu thereof the word:

"requirements"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Richardson, **House Amendment No. 1** was adopted.

On motion of Representative Richardson, **HCS HB 601, as amended**, was adopted.

On motion of Representative Richardson, **HCS HB 601, as amended**, was ordered perfected and printed.

Speaker Jones resumed the Chair.

HCS HB 653, relating to emergency communications services, was taken up by Representative Lauer.

Representative Lauer offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 653, Page 12, Section 190.451, Line 54, by deleting the words "**For the first thirty days after**" and inserting in lieu thereof the following:

"Beginning on October 1, 2013, and ending on October 31, 2013, when"; and

Further amend said bill, Page 12, Section 190.451, Lines 57 and 58, by deleting all of said lines and inserting in lieu thereof the following:

"service charges that are collected by the seller from the consumer. Beginning on November 1, 2013, a seller shall be permitted to deduct and retain two percent of prepaid"; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Lauer, **House Amendment No. 1** was adopted.

Representative Haefner offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 653, Page 1, Section A, Line 4, by inserting after all of said section and line, the following:

"99.845. 1. A municipality, either at the time a redevelopment project is approved or, in the event a municipality has undertaken acts establishing a redevelopment plan and redevelopment project and has designated a redevelopment area after the passage and approval of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by passing an ordinance providing that after the total equalized assessed valuation of the taxable real property in a redevelopment project exceeds the certified total initial equalized assessed valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such redevelopment project by taxing districts and tax rates determined in the manner provided in subsection 2 of section 99.855 each year after the effective date of the ordinance until redevelopment costs have been paid shall be divided as follows:

(1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

(2) (a) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable. The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula provided for in section 163.031 until such time as all redevelopment costs have been paid as provided for in this section and section 99.850;

(b) Notwithstanding any provisions of this section to the contrary, for purposes of determining the limitation on indebtedness of local government pursuant to article VI, section 26(b) of the Missouri Constitution, the current equalized assessed value of the property in an area selected for redevelopment attributable to the increase above the total initial equalized assessed valuation shall be included in the value of taxable tangible property as shown on the last completed assessment for state or county purposes;

(c) The county assessor shall include the current assessed value of all property within the taxing district in the aggregate valuation of assessed property entered upon the assessor's book and verified pursuant to section 137.245, and such value shall be utilized for the purpose of the debt limitation on local government pursuant to article VI, section 26(b) of the Missouri Constitution;

(3) For purposes of this section, "levies upon taxable real property in such redevelopment project by taxing districts" shall not include the blind pension fund tax levied under the authority of article III, section 38(b) of the Missouri Constitution, or the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of section 6 of article X of the Missouri Constitution, except in redevelopment project areas in which tax increment financing has been adopted by ordinance pursuant to a plan approved by vote of the governing body of the municipality taken after August 13, 1982, and before January 1, 1998.

2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing districts, which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in

the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section 94.660, for the purpose of public transportation, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Any provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of other municipal revenues to the special allocation fund shall be and remain enforceable.

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, taxes levied for the purpose of public transportation pursuant to section 94.660, **taxes imposed on sales pursuant to section 650.399 for the purpose of emergency communication systems** licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, or any sales tax imposed by a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, for the purpose of sports stadium improvement or levied by such county under section 238.410 for the purpose of the county transit authority operating transportation facilities, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund.

4. Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance and which have complied with subsections 4 to 12 of this section, in addition to the payments in lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues, as defined in subsection 8 of this section, estimated for the businesses within the project area and identified by the municipality in the application required by subsection 10 of this section, over and above the amount of such taxes reported by businesses within the project area as identified by the municipality in their application prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, may be available for appropriation by the general assembly as provided in subsection 10 of this section to the department of economic development supplemental tax increment financing fund, from the general revenue fund, for distribution to the treasurer or other designated financial officer of the municipality with approved plans or projects.

5. The treasurer or other designated financial officer of the municipality with approved plans or projects shall deposit such funds in a separate segregated account within the special allocation fund established pursuant to section 99.805.

6. No transfer from the general revenue fund to the Missouri supplemental tax increment financing fund shall be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any state revenues prior to an appropriation being made for that project. For all redevelopment plans or projects adopted or approved after December 23, 1997, appropriations from the new state revenues shall not be distributed from the Missouri supplemental tax increment financing fund into the special allocation fund unless the municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs while tax increment financing remains in effect. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.

7. In order for the redevelopment plan or project to be eligible to receive the revenue described in subsection 4 of this section, the municipality shall comply with the requirements of subsection 10 of this section prior to the time the project or plan is adopted or approved by ordinance. The director of the department of economic development and the commissioner of the office of administration may waive the requirement that the municipality's application be submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or project's approval by ordinance.

8. For purposes of this section, "new state revenues" means:

(1) The incremental increase in the general revenue portion of state sales tax revenues received pursuant to section 144.020, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund

in accordance with section 144.701, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. In no event shall the incremental increase include any amounts attributable to retail sales unless the municipality or authority has proven to the Missouri development finance board and the department of economic development and such entities have made a finding that the sales tax increment attributable to retail sales is from new sources which did not exist in the state during the baseline year. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10 of this section; or

(2) The state income tax withheld on behalf of new employees by the employer pursuant to section 143.221 at the business located within the project as identified by the municipality. The state income tax withholding allowed by this section shall be the municipality's estimate of the amount of state income tax withheld by the employer within the redevelopment area for new employees who fill new jobs directly created by the tax increment financing project.

9. Subsection 4 of this section shall apply only to blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time of approval of the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old; and

(1) Suffered from generally declining population or property taxes over the twenty-year period immediately preceding the area's designation as a project area by ordinance; or

(2) Was a historic hotel located in a county of the first classification without a charter form of government with a population according to the most recent federal decennial census in excess of one hundred fifty thousand and containing a portion of a city with a population according to the most recent federal decennial census in excess of three hundred fifty thousand.

10. The initial appropriation of up to fifty percent of the new state revenues authorized pursuant to subsections 4 and 5 of this section shall not be made to or distributed by the department of economic development to a municipality until all of the following conditions have been satisfied:

(1) The director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee have approved a tax increment financing application made by the municipality for the appropriation of the new state revenues. The municipality shall include in the application the following items in addition to the items in section 99.810:

(a) The tax increment financing district or redevelopment area, including the businesses identified within the redevelopment area;

(b) The base year of state sales tax revenues or the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the project area prior to approval of the redevelopment project;

(c) The estimate of the incremental increase in the general revenue portion of state sales tax revenue or the estimate for the state income tax withheld by the employer on behalf of new employees expected to fill new jobs created within the redevelopment area after redevelopment;

(d) The official statement of any bond issue pursuant to this subsection after December 23, 1997;

(e) An affidavit that is signed by the developer or developers attesting that the provisions of subdivision (1) of subsection 1 of section 99.810 have been met and specifying that the redevelopment area would not be reasonably anticipated to be developed without the appropriation of the new state revenues;

(f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal impact on the state of Missouri; and

(g) The statement of election between the use of the incremental increase of the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;

(h) The name, street and mailing address, and phone number of the mayor or chief executive officer of the municipality;

(i) The street address of the development site;

(j) The three-digit North American Industry Classification System number or numbers characterizing the development project;

(k) The estimated development project costs;

(l) The anticipated sources of funds to pay such development project costs;

(m) Evidence of the commitments to finance such development project costs;

(n) The anticipated type and term of the sources of funds to pay such development project costs;

- (o) The anticipated type and terms of the obligations to be issued;
 - (p) The most recent equalized assessed valuation of the property within the development project area;
 - (q) An estimate as to the equalized assessed valuation after the development project area is developed in accordance with a development plan;
 - (r) The general land uses to apply in the development area;
 - (s) The total number of individuals employed in the development area, broken down by full-time, part-time, and temporary positions;
 - (t) The total number of full-time equivalent positions in the development area;
 - (u) The current gross wages, state income tax withholdings, and federal income tax withholdings for individuals employed in the development area;
 - (v) The total number of individuals employed in this state by the corporate parent of any business benefitting from public expenditures in the development area, and all subsidiaries thereof, as of December thirty-first of the prior fiscal year, broken down by full-time, part-time, and temporary positions;
 - (w) The number of new jobs to be created by any business benefitting from public expenditures in the development area, broken down by full-time, part-time, and temporary positions;
 - (x) The average hourly wage to be paid to all current and new employees at the project site, broken down by full-time, part-time, and temporary positions;
 - (y) For project sites located in a metropolitan statistical area, as defined by the federal Office of Management and Budget, the average hourly wage paid to nonmanagerial employees in this state for the industries involved at the project, as established by the United States Bureau of Labor Statistics;
 - (z) For project sites located outside of metropolitan statistical areas, the average weekly wage paid to nonmanagerial employees in the county for industries involved at the project, as established by the United States Department of Commerce;
 - (aa) A list of other community and economic benefits to result from the project;
 - (bb) A list of all development subsidies that any business benefitting from public expenditures in the development area has previously received for the project, and the name of any other granting body from which such subsidies are sought;
 - (cc) A list of all other public investments made or to be made by this state or units of local government to support infrastructure or other needs generated by the project for which the funding pursuant to this section is being sought;
 - (dd) A statement as to whether the development project may reduce employment at any other site, within or without the state, resulting from automation, merger, acquisition, corporate restructuring, relocation, or other business activity;
 - (ee) A statement as to whether or not the project involves the relocation of work from another address and if so, the number of jobs to be relocated and the address from which they are to be relocated;
 - (ff) A list of competing businesses in the county containing the development area and in each contiguous county;
 - (gg) A market study for the development area;
 - (hh) A certification by the chief officer of the applicant as to the accuracy of the development plan;
- (2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;
- (3) The appropriation shall be either a portion of the estimate of the incremental increase in the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the estimate of the state income tax withheld by the employer on behalf of new employees who fill new jobs created in the redevelopment area as indicated in the municipality's application, approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. At no time shall the annual amount of the new state revenues approved for disbursements from the Missouri supplemental tax increment financing fund exceed thirty-two million dollars;

(4) Redevelopment plans and projects receiving new state revenues shall have a duration of up to fifteen years, unless prior approval for a longer term is given by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee; except that, in no case shall the duration exceed twenty-three years.

11. In addition to the areas authorized in subsection 9 of this section, the funding authorized pursuant to subsection 4 of this section shall also be available in a federally approved levee district, where construction of a levee begins after December 23, 1997, and which is contained within a county of the first classification without a charter form of government with a population between fifty thousand and one hundred thousand inhabitants which contains all or part of a city with a population in excess of four hundred thousand or more inhabitants.

12. There is hereby established within the state treasury a special fund to be known as the "Missouri Supplemental Tax Increment Financing Fund", to be administered by the department of economic development. The department shall annually distribute from the Missouri supplemental tax increment financing fund the amount of the new state revenues as appropriated as provided in the provisions of subsections 4 and 5 of this section if and only if the conditions of subsection 10 of this section are met. The fund shall also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. Moneys in the Missouri supplemental tax increment financing fund shall be disbursed per project pursuant to state appropriations.

13. Redevelopment project costs may include, at the prerogative of the state, the portion of salaries and expenses of the department of economic development and the department of revenue reasonably allocable to each redevelopment project approved for disbursements from the Missouri supplemental tax increment financing fund for the ongoing administrative functions associated with such redevelopment project. Such amounts shall be recovered from new state revenues deposited into the Missouri supplemental tax increment financing fund created under this section.

14. For redevelopment plans or projects approved by ordinance that result in net new jobs from the relocation of a national headquarters from another state to the area of the redevelopment project, the economic activity taxes and new state tax revenues shall not be based on a calculation of the incremental increase in taxes as compared to the base year or prior calendar year for such redevelopment project, rather the incremental increase shall be the amount of total taxes generated from the net new jobs brought in by the national headquarters from another state. In no event shall this subsection be construed to allow a redevelopment project to receive an appropriation in excess of up to fifty percent of the new state revenues."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Haefner, **House Amendment No. 2** was adopted.

Representative Guernsey offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 653, Page 9, Section 190.450, Lines 3 to 5, by deleting all of said lines and inserting in lieu thereof the following:

"or ordinance, a monthly fee on each customer account to which any device capable of contacting 911 is assigned. The fee authorized in this section shall not exceed one dollar and fifty cents per any such customer account, and shall be imposed solely for the purpose of funding 911 service in such"; and

Further amend said bill, Page 9, Section 190.450, Line 14, by deleting all of said line and inserting in lieu thereof the following:

"customer account to which any device capable of contacting 911 is assigned for the purpose of funding 911"; and

Further amend said bill, Page 10, Section 190.450, Line 68, by inserting after all of said line the following:

"9. No county of the third classification shall submit a proposal to the voters of the county under this section until all providers of emergency telephone service as defined in section 190.300 within the county are consolidated into one public agency as defined in section 190.300 that provides emergency telephone service for the county.

10. Each county of the third classification that does not have a public agency as defined in section 190.300 that provides emergency telephone service as defined in section 190.300 for the county shall form an emergency telephone services district in conjunction with any adjoining county of the third classification with a public agency that provides emergency telephone service within such adjoining county. The governing body of such district shall be the county commissioners of each county within the district, and each county within such district shall submit to the voters of the county a proposal to impose the fee under this section. No county of the third classification that adjoins a county of the third classification that does not have a public agency that provides emergency telephone service for the county shall submit a proposal to impose the fee under this section until the adjoining county with no emergency telephone service provided for the county forms an emergency telephone services district with an adjoining county as provided in this subsection."; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Engler offered **House Substitute Amendment No. 1 for House Amendment No. 3.**

*House Substitute Amendment No. 1
for
House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 653, Page 10, Section 190.450, Line 68, by inserting after all of said line the following:

"9. No county of the third classification shall submit a proposal to the voters of the county under this section until either:

(1) All providers of emergency telephone service as defined in section 190.300 within the county are consolidated into one public agency as defined in section 190.300 that provides emergency telephone service for the county; or

(2) The county develops a plan for implementation of emergency telephone service as defined in section 190.300 within the county that considers either consolidation or entering into a shared services agreement for such service if such an agreement is feasible.

10. Each county of the third classification that does not have a public agency as defined in section 190.300 that provides emergency telephone service as defined in section 190.300 for the county shall either:

(1) Enter into a shared services agreement for providing emergency telephone services with an adjoining county with a public agency that provides emergency telephone service within such adjoining county, if such an agreement is feasible; or

(2) Form an emergency telephone services district in conjunction with any adjoining county with a public agency that provides emergency telephone service within such adjoining county. If such a district is formed under this paragraph, the governing body of such district shall be the county commissioners of each county within the district, and each county within such district shall submit to the voters of the county a proposal to impose the fee under this section."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Engler, **House Substitute Amendment No. 1 for House Amendment No. 3** was adopted.

On motion of Representative Lauer, **HCS HB 653, as amended**, was adopted.

On motion of Representative Lauer, **HCS HB 653, as amended**, was ordered perfected and printed.

HCS HB 881, relating to the Department of Natural Resources, was taken up by Representative Guernsey.

Representative Guernsey offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 881, Pages 13-15, Section 253.010, 253.032, 253.035, 253.040 and 253.412, by deleting all of said sections from the bill; and

Further amend said bill, Page 17, Section 258.010, by deleting all of said section from the bill; and

Further amend said bill, Pages 18-19, Section 260.200, Lines 40-79, by deleting all of said lines and inserting in lieu thereof the following:

- "(a) **The full names and business address of key personnel;**
 - (b) The full name and business address of any entity, other than a natural person, that collects, transfers, processes, stores, or disposes of solid waste in which key personnel holds an equity interest of seven percent or more;**
 - (c) A description of the business experience of key personnel listed in the disclosure statement;**
 - (d) The full name business address of permits or licenses from federal, state, or county required for the collection, transfer, treatment, processing, storage, or disposal of solid waste issued to or held by key personnel for the five-year period ending on the date of the sworn disclosure statement or affirmation is signed;**
 - (e) The full name and business address of a permitted or licensed facility which has received the following for the five-year period ending on the date the sworn disclosure statement or affirmation is signed;**
 - (f) A listing and explanation of any administrative, civil, or criminal notice of violation, citation, felony conviction or adjudication from federal, state, or county jurisdictions dealing with solid waste or other environmental matters;**
 - (g) The full name and business address of any facility which has a permit or license suspended, revoked, or denied for the five-year period ending on the date of the sworn disclosure statement or affirmation is signed;"**
- and

Further amend bill and section, by renumbering the paragraphs accordingly; and

Further amend said bill, Page 46, Section 319.129, Lines 30-32, by deleting all of said lines and inserting in lieu thereof the following:

"designee, the director of the department of agriculture or the director's designee, and eight citizens appointed by the governor with the advice and consent"; and

Further amend said bill, page and section, Line 60, by deleting the words "[natural resources]" and inserting in lieu thereof the following:

"natural resources, **department of**"; and

Further amend said bill, page and section, Line 61, by inserting a comma "," after the word "**registration**"; and

Further amend said bill, page and section, Line 62, by deleting the words "[natural resources]" and inserting in lieu thereof the following:

"natural resources, **department of**"; and

Further amend said bill, page and section, Line 63, by inserting a comma "," after the word "**registration**"; and

Further amend said bill and section, Page 47, Line 65, by deleting the words "[natural resources]" and inserting in lieu thereof the following:

"natural resources, **department of**"; and

Further amend said bill, page and section, Line 66, by inserting a comma "," after the word "**registration**"; and

Further amend said bill and section, Page 47, Line 98, by deleting the words "**and the**"; and

Further amend said bill, page, and section, Line 99, by deleting the word "**are**" and inserting in lieu thereof the word "**is**"; and

Further amend said bill, Pages 49-52, Sections 536.021 and 536.024, by deleting all of said sections from the bill; and

Further amend said bill, Pages 55-56, Section 640.019, Lines 1-38, by deleting all of said section and lines from the bill; and

Further amend said bill, Page 56, Section 640.065, Line 6, by deleting the word "**shall**" and inserting in lieu thereof the word "**may**"; and

Further amend said bill, Page 67, Section 644.057, Line 5, by inserting immediately before the word "**private**" the words "**public and**"; and

Further amend said bill, Page 68, Section 644.062, Line 33, by inserting after all of said section and line the following:

"Section 1. 1. Upon public notice, the division of state parks shall once each year hold a stakeholder meeting in each park district.

2. A stakeholder may petition the director of state parks regarding any policy or park issue that has been presented to the relevant facility manager and district supervisor. The director or his designee shall respond to the stakeholder within fourteen days and may schedule a stakeholder meeting to help determine what action is warranted in response to the petition. Whether the response is that no action is warranted or that specific action will be undertaken, the director shall so notify the stakeholder in writing within thirty days. The decision of the director shall be final and not subject to review.

3. For purposes of this section, "stakeholder" shall mean any person with an interest in the subject matter of the petition who has visited the park in the past sixty days."; and

Further amend said bill, Pages 70-71, Section 309.130, Lines 1-42, by deleting all of said section and lines from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Guernsey, **House Amendment No. 1** was adopted.

Representative Hurst offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 881, Page 68, Section 644.062, Line 33, by inserting after all of said section and line the following:

"Section 1. The department of natural resources shall, by December 1, 2013, and annually thereafter, develop a list of all documents the department uses in determining the issuance and conditions of environmental permits, certifications, or modifications under state statute or authority delegated by other state or federal agencies. The list and all documents referenced shall be provided to the joint committee on administrative rules for the purpose of a review, in consultation with the department, to determine if the documents are statements of general applicability that implement, interpret, or prescribe law or policy that should be subject to the rulemaking process prescribed in chapter 536."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hurst, **House Amendment No. 2** was adopted.

Representative Solon offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 881, Page 2, Section 260.205, Line 343, by inserting after all of said line the following:

"260.247. 1. Any city or political subdivision which annexes an area or enters into or expands solid waste collection services into an area where the collection of solid waste is presently being provided by one or more private entities, for commercial or residential services, shall notify the private entity or entities of its intent to provide solid waste collection services in the area by certified mail.

2. A city or political subdivision shall not commence solid waste collection in such area for at least two years from the effective date of the annexation or at least two years from the effective date of the notice that the city or political subdivision intends to enter into the business of solid waste collection or to expand existing solid waste collection services into the area, unless the city or political subdivision contracts with the private entity or entities to continue such services for that period. If for any reason the city or political subdivision does not exercise its option to provide for or contract for the provision of services within an affected area within three years from the effective date of the notice, then the city or political subdivision shall renotify under subsection 1 of this section.

3. If the services to be provided under a contract with the city or political subdivision pursuant to subsection 2 of this section are substantially the same as the services rendered in the area prior to the decision of the city to annex the area or to enter into or expand its solid waste collection services into the area, the amount paid by the city shall be at least equal to the amount the private entity or entities would have received for providing such services during that period.

4. Any private entity or entities which provide collection service in the area which the city or political subdivision has decided to annex or enter into or expand its solid waste collection services into shall make available upon written request by the city not later than thirty days following such request all information in its possession or control which pertains to its activity in the area necessary for the city to determine the nature and scope of the potential contract.

5. If a home rule city with more than fifty-two thousand but fewer than sixty-four thousand inhabitants intends to expand solid waste collection services into an area where the collection of solid waste is presently being provided by one or more private entities such intent shall be put to a vote of the people in the area where the city intends to expand.

6. The provisions of this section shall apply to private entities that service fifty or more residential accounts or any commercial accounts in the area in question."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Speaker Pro Tem Smith assumed the Chair.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 101

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Burlison	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Fowler	Fraker	Franklin	Frederick	Gannon
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Hicks	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeier	Korman	Lair	Lant	Lauer
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Moon	Morris
Muntzel	Neely	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 048

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mitten	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo
Roorda	Runions	Schupp	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 014

Brown	Cierpiot	Flanigan	Funderburk	Higdon
Hubbard	Leara	Mims	Molendorp	Montecillo
Neth	Schieffer	Smith 85	Thomson	

On motion of Representative Solon, **House Amendment No. 3** was adopted.

Representative Ross offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 881, Page 8, Section 60.560, Line 5, by inserting after all of said section and line the following:

"60.570. **1.** The permanent headquarters of the land survey program shall be at or near to the principal office of the Missouri state geological survey. [Until such time as other headquarters can be obtained by the land survey program, the state geologist shall assign such space in the state geological survey building as may be available.] **If the land survey program headquarters are located in any building owned by a state agency or department, the land survey program shall not be liable to that agency or department for rent or any other costs associated with the office space.** The land survey program may also establish and maintain regional offices in the metropolitan areas of the state for the storage and distribution of local survey record information.

2. The building that occupies the permanent headquarters of the land survey program shall be named and referred to as the "Robert E. Myers Building".; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Ross, **House Amendment No. 4** was adopted.

Representative Miller offered **House Amendment No. 5.**

House Amendment No. 5

AMEND House Committee Substitute for House Bill No. 881, Page 57, Section 640.075, Line 7, by inserting after all of said section and line the following:

"640.080. 1. For Missouri state parks' designated swim beaches, a standard that measures E. coli using the Environmental Protection Agency's Method 1603, or any other equivalent method that measures culturable E. coli, at a geometric mean (GM) based on weekly sampling over a thirty-day period of one hundred ninety colony forming units per one hundred milliliters shall be utilized.

2. If beaches exceed the GM standard established in subsection 1 of this section, the department of natural resources shall post the beach with signs that state "Swimming is Not Recommended".

3. The department reserves the right to close a beach in the event of a documented health risk including things such as but not limited to wastewater by-pass, extremely high sampling values, spills of hazardous chemicals, or localized outbreaks of an infectious disease."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 095

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Brattin	Brown	Burlison	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Flanigan
Fowler	Fraker	Frederick	Gannon	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton

Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Lichtenegger	Lynch
McCaherty	McGaugh	Messenger	Miller	Moon
Morris	Muntzel	Neely	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Mr Speaker

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schupp
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 018

Barnes	Cierpiot	Ellinger	Fitzwater	Franklin
Funderburk	Gatschenberger	Hansen	Leara	Love
Marshall	Molendorp	Neth	Parkinson	Schieffer
Smith 85	Stream	Zerr		

On motion of Representative Miller, **House Amendment No. 5** was adopted.

Representative Wieland offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Committee Substitute for House Bill No. 881, Page 52, Section 536.024, Line 19, by inserting after all of said line the following:

"537.556. In all civil actions involving claims that arise from the ownership, maintenance, management, or control of underground hard rock mining or hard rock milling sites that ceased operations prior to January 1, 1975, or that arise from chat or tailings generated at those sites, brought against persons or entities alleged to have owned, maintained, managed, or controlled such sites, chat, or tailings at any time, such persons and entities shall be exempt from punitive or exemplary damages with respect to all claims that relate in any way to the ownership, maintenance, management, or control of such sites, chat, or tailings, so long as such persons or entities or their employees, agents, owners, parent, subsidiary, or any related companies have made or are making good faith efforts to remediate such sites. Any evidence may be introduced to demonstrate good faith efforts to remediate; however, substantial compliance with an order or permit issued by or negotiated with either the state of Missouri or the United States concerning remediation or closure shall be deemed to be good faith efforts to remediate. The exemption from punitive damages provided for in this section shall not apply if the trier of fact

finds that the injury that is the subject of the civil action is attended by circumstances of fraud, malice, or willful and wanton conduct. In the event that good faith efforts to remediate a site have not been made or the injury is found to be attended by circumstances of fraud, malice, or willful and wanton conduct, then the total of any awards of punitive or exemplary damages shall not exceed five hundred thousand dollars in the aggregate as to all defendants in a civil action within this section. The provision of section 537.675 shall not apply to such action, and one-half of any such awards for punitive or exemplary damages shall be paid into the Missouri lead abatement loan fund established under section 701.337. Nothing in this section shall be construed as precluding any party from pursuing compensatory damages, including claims for natural resource damages."; and

Further amend said bill, Page 57, Section 640.075, Line 7, by inserting after all of said line the following:

"640.230. 1. Natural resources damages authorized to be recovered by the natural resources trustee designated by the Governor of the State of Missouri to carry out trustee responsibilities under any state or federal law, shall be modified as follows:

(1) It is the policy of the State of Missouri to acquire land for future generations. However, nothing in this section shall compel the State to accept a donation of land.

(2) Any claim of natural resources damages against a potentially responsible party for a release shall be offset by a credit for the full value of any economic and ecological benefits to the State of Missouri and its citizens of any land or other property rights donated to the State of Missouri by that potentially responsible party or its predecessor in interest calculated from the later of (1) the date of the donation of land or property rights; (2) the initial date of the release; or (3) the earliest date for which natural resources damages are assessed or claimed.

(3) In determining the economic benefits of any land or other property rights donated to the State of Missouri, the trustee shall include any fees and other revenues directly received or to be received by the State of Missouri as well as indirect economic benefits to the State of Missouri and its citizens, including recognition of user spending in the area and the economic multiplier effects on the geographic region, household income, and jobs.

(4) In determining the ecological benefits of land or other property rights donated to the State of Missouri, the trustee shall include the full value of all past, present, and future ecological benefits related to the biota, including any values calculated consistent with the valuation of damages by the trustees or the National Contingency Plan.

2. Any assessment or claim for natural resources damages of the State of Missouri shall be governed by this section, and the natural resources trustee designated by the Governor of the State of Missouri shall not transfer any such authority to assess or recover damages to such natural resources, whether by agreement or otherwise, to any federal or other trustee of natural resources."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 097

Anderson	Austin	Bahr	Barnes	Bernskoetter
Berry	Brattin	Burlison	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Franklin	Frederick	Gannon
Gosen	Grisamore	Guernsey	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCahtery	McGaugh

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Messenger	Miller	Moon	Morris	Muntzel
Neely	Neth	Pfausch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Ross	Rowden	Rowland
Schatz	Schieber	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Zerr	Mr Speaker			

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schupp	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 017

Allen	Brown	Cierpiot	Funderburk	Gatschenberger
Haahr	Jones 50	Kelly 45	Mitten	Molendorp
Parkinson	Riddle	Scharnhorst	Schieffer	Smith 85
Stream	Wood			

On motion of Representative Wieland, **House Amendment No. 6** was adopted by the following vote:

AYES: 096

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Black	Brattin	Burlison	Conway 104
Cookson	Cox	Crawford	Cross	Davis
Diehl	Dohrman	Dugger	Elmer	Engler
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Franklin	Frederick	Gannon	Gosen
Grisamore	Guernsey	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hurst	Johnson
Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	McGaugh	McKenna
Messenger	Miller	Morris	Muntzel	Neely
Parkinson	Pfausch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Roorda	Ross	Rowland
Schatz	Schieber	Shull	Shumake	Smith 120

Sommer	Spencer	Stream	Swan	Thomson
Walker	White	Wieland	Wilson	Zerr
Mr Speaker				

NOES: 053

Anders	Barnes	Burns	Butler	Carpenter
Colona	Conway 10	Cornejo	Curtis	Dunn
Ellinger	Ellington	English	Englund	Frame
Gardner	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	Marshall	May	Mayfield
McCann Beatty	McDonald	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Neth
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Rowden	Runions
Schupp	Solon	Swearingen	Torpey	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 014

Brown	Cierpiot	Curtman	Funderburk	Gatschenberger
Haahr	Jones 50	McCahty	Molendorp	Moon
Scharnhorst	Schieffer	Smith 85	Wood	

Representative Schatz offered **House Amendment No. 7.**

House Amendment No. 7

AMEND House Committee Substitute for House Bill No. 881, Page 61, Section 643.079, Line 122, by inserting after all of said section and line the following:

"644.029. The department shall allow an appropriate schedule of compliance for a permittee to make upgrades or changes to its facilities that are necessary to meet new water quality requirements. For publicly owned treatment works, schedules of compliance shall be consistent with affordability findings made under section 644.145. For privately owned treatment works, schedules of compliance shall be negotiated with the facilities recognizing their financial capabilities and shall reflect statewide performance expectations. The department shall incorporate new water quality requirements into existing permits at the time of permit renewal unless there are compelling reasons to implement these requirements earlier through permit modifications. All new permit applicants may be required to meet any new water quality standards or classifications prescribed by the commission."; and

Further amend said bill, Page 68, Section 644.062, Line 33, by inserting after all of said section and line the following:

"Section 1. The provisions of section 444.771 shall not apply to any business entity located in any county of the first classification with more than seventy thousand but fewer than eighty-three thousand inhabitants and with a city of the fourth classification with more than thirteen thousand five hundred but fewer than sixteen thousand inhabitants as the county seat."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Speaker Jones resumed the Chair.

On motion of Representative Schatz, **House Amendment No. 7** was adopted.

Representative Fraker offered **House Amendment No. 8.**

House Amendment No. 8

AMEND House Committee Substitute for House Bill No. 881, Page 15, Section 253.040, Line 15, by inserting after all of said line the following:

"253.090. 1. All revenue derived from privileges, conveniences, contracts or otherwise, all moneys received by gifts, bequests or contributions or from county or municipal sources and all moneys received from the operation of concessions, projects or facilities and from resale items shall be paid into the state treasury to the credit of the "State Park Earnings Fund", which is hereby created. **The state treasurer is authorized to deposit all of the moneys in the fund in any of the qualified depositories of the state. All such deposits shall be secured in such a manner and shall be made upon such terms and conditions as are now or may hereafter be provided by law relative to state deposits. Interest received on such deposits shall be credited to the fund.** In the event any state park or any part thereof is taken under the power of eminent domain by the federal government the moneys paid for the taking shall be deposited in the state park earnings fund. The fund shall be used solely for the payment of the expenditures of the department of natural resources in the administration of this law, except that in any fiscal year the department may expend a sum not to exceed fifty percent of the preceding fiscal year's deposits to the state park earnings fund for the purpose of:

- (1) Paying the principal and interest of revenue bonds issued;
- (2) Providing an interest and sinking fund;
- (3) Providing a reasonable reserve fund;
- (4) Providing a reasonable fund for depreciation; and
- (5) Paying for feasibility reports necessary for the issuing of revenue bonds.

2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

3. A good and sufficient bond conditioned upon the faithful performance of the contract and compliance with this law shall be required of all contractors.

4. Any person who contracts pursuant to this section with the state shall keep true and accurate records of his or her receipts and disbursements arising out of the performance of the contract and shall permit the department of natural resources and the state auditor to audit such records."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Fraker, **House Amendment No. 8** was adopted.

Representative Hough offered **House Amendment No. 9.**

House Amendment No. 9

AMEND House Committee Substitute for House Bill No. 881, Page 32, Section 260.205, Line 343, by inserting after all of said line the following:

"29. No permit to construct or permit to operate shall be required pursuant to this section for the expansion of an existing permitted utility waste landfill. The expansion shall comply with applicable utility landfill design requirements. Siting requirements shall not constitute design requirements. The expansion plans designs and drawings shall be submitted to the department on the behalf of the permittee by a registered professional engineer licensed by the state of Missouri."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hough, **House Amendment No. 9** was adopted by the following vote:

AYES: 089

Anderson	Austin	Bahr	Bernskoetter	Brattin
Brown	Burlison	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Entlicher	Fitzpatrick
Fitzwater	Fowler	Fraker	Franklin	Frederick
Gosen	Grisamore	Haefner	Hampton	Hicks
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
McGaugh	Messenger	Miller	Moon	Morris
Muntzel	Neely	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Schatz	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Thomson	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 061

Anders	Barnes	Berry	Black	Burns
Butler	Carpenter	Colona	Conway 10	Conway 104
Curtis	Dunn	Ellinger	Ellington	Engler
English	Englund	Frame	Gannon	Gardner
Guernsey	Hansen	Harris	Higdon	Hodges
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	Marshall	May	Mayfield	McCaherty
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieber
Schupp	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 013

Allen	Cierpiot	Flanigan	Funderburk	Gatschenberger
Haahr	Mitten	Molendorp	Neth	Scharnhorst
Schieffer	Smith 85	Torpey		

Representative Reiboldt offered **House Amendment No. 10**.

Representative Roorda raised a point of order that the distribution of **House Amendment No. 10** was not timely.

The Chair ruled the point of order well taken.

On motion of Representative Guernsey, **HCS HB 881, as amended**, was adopted.

On motion of Representative Guernsey, **HCS HB 881, as amended**, was ordered perfected and printed.

COMMITTEE REPORTS

Committee on Agriculture Policy, Chairman Reiboldt reporting:

Mr. Speaker: Your Committee on Agriculture Policy, to which was referred **HB 927**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute No. 2**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Crime Prevention and Public Safety, Chairman Hinson reporting:

Mr. Speaker: Your Committee on Crime Prevention and Public Safety, to which was referred **SCS SB 224**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Health Insurance, Chairman Molendorp reporting:

Mr. Speaker: Your Committee on Health Insurance, to which was referred **SB 161**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Health Insurance, to which was referred **SS SB 262**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Judiciary, Chairman Cox reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **SCS SB 36**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Judiciary, to which was referred **SCS SB 69**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Judiciary, to which was referred **SB 222**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Retirement, Chairman Leara reporting:

Mr. Speaker: Your Committee on Retirement, to which was referred **HB 129**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Special Standing Committee on Corrections, Chairman Fitzwater reporting:

Mr. Speaker: Your Special Standing Committee on Corrections, to which was referred **HB 814**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Fiscal Review, Chairman Flanigan reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS#2 SCS SBs 26, 11 & 31**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Rules, Chairman Riddle reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCR 34**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 132**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 210**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 630**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 641**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 781**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 936**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 17**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SS SB 28**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SS SB 34**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SS SCS SB 116**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SS SCS SB 125**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 254**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 287**, begs leave to report it has examined the same and recommends that it **Do Pass**.

REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

HB 924 - International Trade

REFERRAL OF SENATE BILL

The following Senate Bill was referred to the Committee indicated:

HCS SS SCS SB 125 - Fiscal Review

RE-REFERRAL OF SENATE BILL

The following Senate Bill was re-referred to the Committee indicated:

SB 57 - General Laws

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 4**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 5**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Conservation, the Department of Public Safety, the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the travel or staffing of the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 6**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

With Senate Substitute Amendment No. 2 for Senate Amendment No. 1.

*Senate Substitute Amendment No. 2
for
Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 6, Page 11, Section 6.230, Line 42, by inserting immediately after said line, the following "provided that \$700,000 shall be used by the department"; and

Further amend said section, Lines 43-44, by striking all of said lines from the bill; and

Further amend said page and section, Line 45, by striking the number "1,600,000" and inserting in lieu thereof the number "4,050,000"; and

Further amend said page and section, Line 46, by striking the number "1,600,000" and inserting in lieu thereof the number "3,000,000"; and

Further amend section and bill totals accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 7**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

With Senate Amendment No. 3.

Senate Amendment No. 3

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 7, Page 5, Section 7.035, Line 9, by deleting the number "\$1,360,000" and inserting in lieu thereof the following:

"\$6,360,000"; and

Further amend said bill and page, Section 7.036, Lines 1-3, by striking all of said section from the bill; and

Further amend said bill and page, Section 7.040, Line 5, by deleting the number "\$1,360,000" and inserting in lieu thereof the following:

"\$6,360,000"; and

Further amend said bill and page, Section 7.042, Lines 1-5, by striking all of said section from the bill; and

Further amend section and bill totals accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 8**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 9**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 10**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 11**, entitled:

An act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

With Senate Amendment No. 2.

Senate Amendment No. 2

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 11, Page 1, Section 11.005, Line 2, by inserting immediately after the word "Director", the following:

", provided that no funds shall be used for the salary of the legislative liaison"; and

Further amend said page and section, Line 3, by deleting the number: "\$178,541" and insert in lieu thereof the number:

"\$106,041"; and

Further amend said section, Page 2, Line 14, by deleting the number: "4.25" and insert in lieu thereof the number:

"3.25"; and

Further amend said bill, Page 12, Section 11.200, Line 4, by deleting the number: "\$27,542,105" and insert in lieu thereof the number:

"\$27,614,605"; and

Further amend said section, Page 13, Line 20, by deleting the number: "1,931.38" and insert in lieu thereof the number:

"1,933.38"; and

Further amend sections and bill totals accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 12**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2013 and ending June 30, 2014.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 13**, entitled:

An act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 68**, entitled:

An act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of pancreatic cancer awareness month.

With Senate Amendment No. 1.

Senate Amendment No. 1

AMEND House Bill No. 68, Page 1, Section Title, Lines 2-3, by striking the following: "the designation of pancreatic cancer awareness month" and inserting in lieu thereof the following:

"state designations"; and

Further amend said bill and page, Section 9.155, Line 5, by inserting after all of said line the following:

"9.190. The last full week in October is hereby designated as "Respiratory Syncytial Virus (RSV) Awareness Week" in the state of Missouri. The citizens of this state are encouraged to observe the week with appropriate activities and events."; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 163**, entitled:

An act to repeal section 78.090, RSMo, and to enact in lieu thereof one new section relating to primary elections.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 4 and Senate Amendment No. 5.

Senate Amendment No. 1

AMEND House Bill No. 163, Page 1, Section A, Line 2, by inserting after all of said line the following:

"77.030. 1. Unless it elects to be governed by subsection 2 of this section, the council shall by ordinance divide the city into not less than four wards, and two councilmen shall be elected from each of such wards by the qualified voters thereof at the first election for councilmen in cities hereafter adopting the provisions of this chapter; the one receiving the highest number of votes in each ward shall hold his office for two years, and the one receiving the next highest number of votes shall hold his office for one year; but thereafter each ward shall elect annually one councilman, who shall hold his office for two years.

2. In lieu of electing councilmen as provided in subsection 1 of this section, the council may elect to establish wards and elect councilmen as provided in this subsection. If the council so elects, it shall, by ordinance, divide the city into not less than four wards, and one councilman shall be elected from each of such wards by the qualified voters thereof at the first election for councilmen held in the city after it adopts the provisions of this subsection. At the first election held under this subsection the councilmen elected from the odd-numbered wards shall be elected for a term of one year and the councilmen elected from the even-numbered wards shall be elected for a term of two years. At each annual election held thereafter, successors for councilmen whose terms expire in such year shall be elected for a term of two years.

3. (1) Council members may serve four-year terms if the two-year terms provided under subsection 1 or 2 of this section have been extended to four years by ordinance or by approval of a majority of the voters voting on the proposal.

(2) The ballot of submission shall be in substantially the following form:

Shall the terms of council members which are currently set at two years in..... (city) be extended to four years for members elected after August 28, 2013?

☐ YES

☐ NO

(3) If an ordinance is passed or a majority of the voters voting approve the proposal authorized in this subsection, the members of council who would serve two years under subsections 1 and 2 of this section shall be elected to four-year terms beginning with any election occurring after the adoption of the ordinance or approval of the ballot question."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND House Bill No. 163, Page 1, Section Title, Line 2, by striking the word "primary"; and

Further amend Page 2, Section 78.090, Line 23, by inserting immediately after all of said line the following:

"96.229. 1. Notwithstanding subsection 5 of section 96.150 regarding the lease of substantially all of a hospital where the board of trustees is lessor, a city in which a hospital is located that:

(1) Is organized and operated under this chapter;

(2) Has not accepted appropriated funds from the city during the prior twenty years; and

(3) Is licensed by the department of health and senior services for two hundred beds or more pursuant to sections 197.010 to 197.120, shall not have authority to sell, lease, or otherwise transfer all or substantially all of the property from a hospital organized under this chapter, both real and personal, except in accordance with this section.

2. Upon filing with the city clerk of a resolution adopted by no less than two-thirds of the incumbent members of the board of trustees to sell, lease, or otherwise transfer all or substantially all of the hospital property, both real and personal, for reasons specified in the resolution, the clerk shall present the resolution to the city council. If a majority of the incumbent members of the city council determine that sale, lease, or other transfer of the hospital property is desirable, the city council shall submit to the voters of the city the question in substantially the following form:

"Shall the city council of, Missouri and the board of trustees of hospital be authorized to sell (or lease or otherwise transfer) the property, real and personal, of hospital as approved by, and in accordance with, the resolution of the board of trustees authorizing such sale (or lease or transfer)?"

A majority of the votes cast on such question shall be required in order to approve and authorize such sale, lease or other transfer. If the question receives less than the required majority, then the city council and the board of trustees shall have no power to sell, lease or otherwise transfer the property, real and personal, of the hospital unless and until the city council has submitted another question to authorize such sale, lease or transfer authorized under this section and such question is approved by the required majority of the qualified voters voting thereon. However, in no event shall a question under this section be submitted to the voters sooner than twelve months from the date of the last question under this section and after the adoption of another resolution by no less than two-thirds of the board of trustees and a subsequent vote by a majority of the city council to again submit the question to the voters.

3. Upon passage of such question by the voters, the board of trustees shall sell and dispose of such property, or lease or transfer such property, in the manner proposed by the board of trustees. The deed of the board of trustees, duly authorized by the board of trustees and duly acknowledged and recorded, shall be sufficient to convey to the purchaser all the rights, title, interest, and estate in the hospital property.

4. No sale, lease, or other transfer of such hospital property shall be authorized or effective unless such transaction provides sufficient proceeds to be available to be applied to the payment of all interest and principal of any outstanding valid indebtedness incurred for purchase of the site or construction of the hospital, or for any repairs, alterations, improvements, or additions thereto, or for operation of the hospital.

5. Assets donated to the hospital pursuant to section 96.210 shall be used to provide health care services in the city and in the geographic region previously served by the hospital, except as otherwise prescribed by the terms of the deed, gift, devise, or bequest.

Section B. Because of the need to ensure local hospitals can continue the purpose of providing the best care and treatment of the sick, disabled, and infirm persons as decided on by the people in the affected community, the enactment of section 96.229 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 96.229 of this act shall be in full force and effect upon its passage its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 4

AMEND House Bill No. 163 , Page 1, Section Title, Line 2, by striking the word "primary"; and

Further amend said bill, Page 2, Section 78.090, Line 23, by inserting after all of said line the following:

"473.730. 1. Every county in this state, [and] **except** the city of St. Louis, shall elect a public administrator at the general election in the year 1880, and every four years thereafter, who shall be ex officio public guardian and conservator in and for the public administrator's county. A candidate for public administrator shall be at least twenty-one years of age and a resident of the state of Missouri and the county in which he or she is a candidate for at least one year prior to the date of the general election for such office. The candidate shall also be a registered voter and shall be current in the payment of all personal and business taxes. Before entering on the duties of the public administrator's office, the public administrator shall take the oath required by the constitution, and enter into bond to the state of Missouri in a sum not less than ten thousand dollars, with two or more securities, approved by the court and conditioned that the public administrator will faithfully discharge all the duties of the public administrator's office, which bond shall be given and oath of office taken on or before the first day of January following the public administrator's election, and it shall be the duty of the judge of the court to require the public administrator to make a statement annually, under oath, of the amount of property in the public administrator's hands or under the public administrator's control as such administrator, for the purpose of ascertaining the amount of bond necessary to secure such property; and such court may from time to time, as occasion shall require, demand additional security of such administrator, and, in default of giving the same within twenty days after such demand, may remove the administrator and appoint another.

2. The public administrator in all counties, in the performance of the duties required by chapters 473, 474, and 475, is a public officer. The duties specified by section 475.120 are discretionary. The county shall defend and indemnify the public administrator against any alleged breach of duty, provided that any such alleged breach of duty arose out of an act or omission occurring within the scope of duty or employment.

3. After January 1, 2001, all salaried public administrators shall be considered county officials for purposes of section 50.333, subject to the minimum salary requirements set forth in section 473.742.

4. The public administrator for the city of St. Louis shall be appointed by a majority of the circuit judges and associate circuit judges of the twenty-second judicial circuit, en banc. Such public administrator shall meet the same qualifications and requirements specified in subsection 1 of this section for elected public administrators. The elected public administrator holding office on the effective date of this section shall continue to hold such office for the remainder of his or her term.

473.733. The public administrator's certificate of election, **if applicable**, official oath and bond shall be filed and recorded with the probate clerk, and copies thereof, certified under the seal of such court, shall be evidence. Any person injured by the breach of such bond may sue upon the same in the name of the state for his own use.

473.737. 1. Each public administrator elected **or appointed**, as now or as hereafter provided for in sections 473.730 to 473.767, is hereby declared to be an officer for the county in which such administrator is elected [and for the city of St. Louis, if elected therein] **or appointed**. The county commissions of each county in this state shall make suitable provision for an office for the public administrator in the courthouse of the county if suitable space may be had for such an office, and shall be provided as soon as the county commission shall be of the opinion that the business in charge of the public administrator is such as to reasonably require a separate office for the convenience of the public.

The public administrator of the city of St. Louis shall have suitable and convenient offices provided for him or her in the civil courts building by that city.

2. Each public administrator of a county, except a county of the first classification having a charter form of government, in which a state mental hospital is located, or any county of the second classification which contains a habilitation center operated by the department of mental health and which does not adjoin a county of the first classification shall be entitled to one secretary for one hundred cases or more handled by the office of the public administrator in the immediately preceding calendar year. Each secretary employed pursuant to the provisions of this subsection shall be paid in the same pay range as a court clerk II in the circuit court personnel system. All compensation paid secretaries employed pursuant to the provisions of this subsection shall be paid out of the county treasury and the commissioner of administration shall annually reimburse each county for the compensation so paid upon proper demand being made out of appropriations made for that purpose. The public administrator in such counties may also appoint a person to act as public administrator to serve during the absence of the public administrator.

3. The governing bodies of each county and each city not within a county of this state may provide clerical personnel, not qualifying as status of deputy, for the public administrator of the county, and such personnel shall be provided when the governing body is of the opinion that the business in charge of the public administrator is such as to reasonably require such personnel for the welfare of the public."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 5

AMEND House Bill No. 163, Page 1, Section Title, Line 2, by striking the word "primary"; and

Further amend said bill, Page 2, Section 78.090, Line 23, by inserting immediately after said line the following:

"190.335. 1. In lieu of the tax levy authorized under section 190.305 for emergency telephone services, the county commission of any county may impose a county sales tax for the provision of central dispatching of fire protection, including law enforcement agencies, emergency ambulance service or any other emergency services, including emergency telephone services, which shall be collectively referred to herein as "emergency services", and which may also include the purchase and maintenance of communications and emergency equipment, including the operational costs associated therein, in accordance with the provisions of this section.

2. Such county commission may, by a majority vote of its members, submit to the voters of the county, at a public election, a proposal to authorize the county commission to impose a tax under the provisions of this section. If the residents of the county present a petition signed by a number of residents equal to ten percent of those in the county who voted in the most recent gubernatorial election, then the commission shall submit such a proposal to the voters of the county.

3. The ballot of submission shall be in substantially the following form:

Shall the county of (insert name of county) impose a county sales tax of (insert rate of percent) percent for the purpose of providing central dispatching of fire protection, emergency ambulance service, including emergency telephone services, and other emergency services?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance shall be in effect as provided herein. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the county commission shall have no power to impose the tax authorized by this section unless and until the county commission shall again have submitted another proposal to authorize the county commission to impose the tax under the provisions of this section, and such proposal is approved by a majority of the qualified voters voting thereon.

4. The sales tax may be imposed at a rate not to exceed one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525. The sales tax shall not be collected prior to thirty-six months before operation of the central dispatching of emergency services.

5. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.

6. Any tax imposed pursuant to section 190.305 shall terminate at the end of the tax year in which the tax imposed pursuant to this section for emergency services is certified by the board to be fully operational. Any revenues collected from the tax authorized under section 190.305 shall be credited for the purposes for which they were intended.

7. At least once each calendar year, the board shall establish a tax rate, not to exceed the amount authorized, that together with any surplus revenues carried forward will produce sufficient revenues to fund the expenditures authorized by this act. Amounts collected in excess of that necessary within a given year shall be carried forward to subsequent years. The board shall make its determination of such tax rate each year no later than September first and shall fix the new rate which shall be collected as provided in this act. Immediately upon making its determination and fixing the rate, the board shall publish in its minutes the new rate, and it shall notify every retailer by mail of the new rate.

8. Immediately upon the affirmative vote of voters of such a county on the ballot proposal to establish a county sales tax pursuant to the provisions of this section, the county commission shall appoint the initial members of a board to administer the funds and oversee the provision of emergency services in the county. Beginning with the general election in 1994, all board members shall be elected according to this section and other applicable laws of this state. At the time of the appointment of the initial members of the board, the commission shall relinquish and no longer exercise the duties prescribed in this chapter with regard to the provision of emergency services and such duties shall be exercised by the board.

9. The initial board shall consist of seven members appointed without regard to political affiliation, who shall be selected from, and who shall represent, the fire protection districts, ambulance districts, sheriff's department, municipalities, any other emergency services and the general public. This initial board shall serve until its successor board is duly elected and installed in office. The commission shall ensure geographic representation of the county by appointing no more than four members from each district of the county commission.

10. Beginning in 1994, three members shall be elected from each district of the county commission and one member shall be elected at large, such member to be the chairman of the board. Of those first elected, four members from districts of the county commission shall be elected for terms of two years and two members from districts of the county commission and the member at large shall be elected for terms of four years. In 1996, and thereafter, all terms of office shall be four years. **Notwithstanding any other provision of law, if there is no candidate for an open position on the board, then no election shall be held for that position and it shall be considered vacant, to be filled pursuant to the provisions of section 190.339, and, if there is only one candidate for each open position, no election shall be held and the candidate or candidates shall assume office at the same time and in the same manner as if elected.**

11. Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in any county of the first classification with more than two hundred forty thousand three hundred but fewer than two hundred forty thousand four hundred inhabitants, any emergency telephone service 911 board appointed by the county under section 190.309 which is in existence on the date the voters approve a sales tax under this section shall continue to exist and shall have the powers set forth under section 190.339.

12. (1) Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in any county of the second classification with more than fifty-four thousand two hundred but fewer than fifty-four thousand three hundred inhabitants or any county of the first classification with more than fifty thousand but fewer than seventy thousand inhabitants that has approved a sales tax under this section, the county commission shall appoint the members of the board to administer the funds and oversee the provision of emergency services in the county.

(2) The board shall consist of seven members appointed without regard to political affiliation. Except as provided in subdivision (4) of this subsection, each member shall be one of the following:

- (a) The head of any of the county's fire protection districts, or a designee;
- (b) The head of any of the county's ambulance districts, or a designee;
- (c) The county sheriff, or a designee;
- (d) The head of any of the police departments in the county, or a designee; and
- (e) The head of any of the county's emergency management organizations, or a designee.

(3) Upon the appointment of the board under this subsection, the board shall have the power provided in section 190.339 and shall exercise all powers and duties exercised by the county commission under this chapter, and the commission shall relinquish all powers and duties relating to the provision of emergency services under this chapter to the board.

(4) In any county of the first classification with more than fifty thousand but fewer than seventy thousand inhabitants, each of the entities listed in subdivision (2) of this subsection shall be represented on the board by at least one member."; and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HBs 303 & 304**, entitled:

An act to repeal section 227.303, RSMo, and to enact in lieu thereof nine new sections relating to highway designations, with a contingent effective date for a certain section.

With Senate Amendment No. 1 and Senate Amendment No. 2.

Senate Amendment No. 1

AMEND Senate Committee Substitute for House Committee Substitute for House Bill Nos. 303 & 304, Page 1, Section 227.314, Line 5, by inserting immediately after "Clay" the following:

" , Sr. ".

Senate Amendment No. 2

AMEND Senate Committee Substitute for House Committee Substitute for House Bills Nos. 303 & 304, Page 1, Section Title, Lines 3-4, by striking the following:

", with a contingent effective date for a certain section"; and

Further amend said bill, Page 2, Section 227.421, Line 1, by inserting immediately after "The" the following:

"Missouri portion of the"; and

Further amend said bill, Page 3, Section B, Lines 1-4, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS HCS HB 315**, entitled:

An act to repeal sections 334.040, 334.715, 334.735, 335.066, 338.150, 338.220, RSMo, and to enact in lieu thereof ten new sections relating to health care services.

In which the concurrence of the House is respectfully requested.

COMMUNICATION

April 23, 2013

D. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
201 West Capitol Ave.
Jefferson City, MO 65101

RE: Possible Personal Interest in Legislation

Dear Mr. Crumbliss,

Pursuant to Section 105.461 RSMo, I am hereby filing a written report of a possible personal interest in legislation on which the House of Representatives may vote during the legislative session. I am an Incorporator of "Discover More on Route 54" (N01304598) - a Nonprofit Missouri Corporation registered with the Missouri Secretary of State.

In compliance with Section 105.461 RSMo, please publish this letter in the Journal of the House.

Thank you for your assistance with this matter.

Sincerely,

/s/ Warren D. Love
Representative District 125

COMMITTEE CHANGES

April 23, 2013

The Honorable Timothy Jones, Speaker
Missouri House of Representatives
201 W. Capitol Ave., RM 308
Jefferson City, MO 65101

Dear Mr. Speaker:

I would like to notify you of the following changes to the current Issue Development Standing Committees:

- Rep. T.J. McKenna removed from the Missouri Sportsmen Issue Development Standing Committee
- Rep. T.J. McKenna removed from the Freshman Bipartisan Issue Development Standing Committee

Sincerely,

/s/ Representative Dwight Scharnhorst
Administration and Accounts, Chair

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Wednesday, April 24, 2013.

COMMITTEE HEARINGS

ADMINISTRATION AND ACCOUNTS

Thursday, April 25, 2013, 9:30 AM, South Gallery.

Executive session may be held on any matter referred to the committee.

We will be discussing and voting on changes to member's expense accounts.

Please look for information in your email.

No breakfast provided

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Thursday, April 25, 2013, 1:00 PM or Upon Morning Adjournment, House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Demonstration of FQHC Data Warehouse

Continued discussion of DSS Revenue Maximization Policy

DMH review of CMHC's role in healthcare delivery

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, April 24, 2013, 2:00 PM, House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

Looking into the Canteen program in the Corrections 2009 audit.

CANCELLED

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, April 30, 2013, Noon or Upon Morning Recess, House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Continued conversation about Canteen and then onto MVE both in 2009 audit

Lunch provided

BUDGET

Wednesday, April 24, 2013, 8:00 AM, House Hearing Room 3.

Public hearing will be held: HB 930

Executive session will be held: HB 17, HB 18, HB 19, HB 930

Executive session may be held on any matter referred to the committee.

BUDGET

Thursday, April 25, 2013, 8:30 AM, House Hearing Room 3.

Executive session will be held: HCS HJR 14

Executive session may be held on any matter referred to the committee.

DOWNSIZING STATE GOVERNMENT

Thursday, April 25, 2013, 8:00 AM, House Hearing Room 4.

Public hearing will be held: SB 170

Executive session may be held on any matter referred to the committee.

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, April 24, 2013, 8:00 AM, House Hearing Room 6.

Public hearing will be held: SB 242, SB 211, HB 295, HB 681, HB 1016, HB 603

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Thursday, April 25, 2013, 8:30 AM, House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

All bills referred to committee may be considered.

CORRECTED

GENERAL LAWS

Wednesday, April 24, 2013, 12:00 PM, House Hearing Room 4.

Public hearing will be held: SCS SB 42, SS SB 357, SB 35, HB 1000, HB 390

Executive session may be held on any matter referred to the committee.

HEALTH CARE POLICY

Wednesday, April 24, 2013, Noon or Upon Morning Recess, House Hearing Room 6.

Public hearing will be held: HB 929, SB 127, SS SCS SB 129

Executive session may be held on any matter referred to the committee.

INTERNATIONAL TRADE

Wednesday, April 24, 2013, 1:00 PM, House Hearing Room 3.

Public hearing will be held: HB 924, SB 257

Executive session may be held on any matter referred to the committee.

Please note change in time and hearing location.

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Wednesday, April 24, 2013, 1:30 PM, House Hearing Room 7.

Business meeting

Some portions of the meeting may be closed pursuant to Section 610.021.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, May 2, 2013, 8:00 AM, House Hearing Room 1.

Second quarter meeting

JUDICIARY

Wednesday, April 24, 2013, 12:00 PM or Upon Morning Adjournment (whichever is earlier) House Hearing Room 1.

Public hearing will be held: HB 670, HB 851, SB 12

Executive session will be held: SB 110, HB 567, SCS SB 45, HB 594, SB 73

Executive session may be held on any matter referred to the committee.

LOCAL GOVERNMENT

Thursday, April 25, 2013, 8:30 AM, House Hearing Room 5.

Public hearing will be held: SB 57

Executive session may be held on any matter referred to the committee.

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, April 24, 2013, Upon Morning Recess, House Hearing Room 5.

Public hearing will be held: SCS SB 101, SCS SB 305

Executive session may be held on any matter referred to the committee.

RETIREMENT

Thursday, April 25, 2013, 9:00 AM, House Hearing Room 1.

Public hearing will be held: HB 897

Executive session may be held on any matter referred to the committee.

CANCELLED

RULES

Wednesday, April 24, 2013, Upon Afternoon Adjournment, South Gallery.

Executive session will be held: HCS HB 350, HCS HB 371, HCS HB 464, HCS HJR 15, HCS HJR 35, SCS SB 36, HCS SCS SB 88, HCS SB 90, HCS SCS SB 126, HCS SS SCS SJR 16, HCS SS#2 SCS SB 1

Executive session may be held on any matter referred to the committee.

Possible executive session on SS SCS SB 159, AMENDED #2

AMENDED

SPECIAL STANDING COMMITTEE ON SMALL BUSINESS

Wednesday, April 24, 2013, 12:00 PM or Upon Morning Recess, House Hearing Room 7.

Public hearing will be held: HB 1033

Executive session will be held: HB 393, HB 71

Executive session may be held on any matter referred to the committee.

TOURISM AND NATURAL RESOURCES

Thursday, April 25, 2013, 8:00 AM, House Hearing Room 7.

Public hearing will be held: HB 871

Executive session will be held: SB 72, SB 218, HB 944, HB 835

Executive session may be held on any matter referred to the committee.

Breakfast will not be served.

UTILITIES

Wednesday, April 24, 2013, 8:00 AM, House Hearing Room 7.

Public hearing will be held: SB 275, HB 1006, HB 1038, SB 294

Executive session may be held on any matter referred to the committee.

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Wednesday, April 24, 2013, 8:00 AM, House Hearing Room 5.

Public hearing will be held: HB 1024

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

FIFTY-SEVENTH DAY, WEDNESDAY, APRIL 24, 2013

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HCS HJR 26 - Richardson
- 2 HJR 19 - Bahr

HOUSE BILLS FOR PERFECTION

- 1 HB 227 - Zerr
- 2 HB 423 - Zerr
- 3 HB 578, as amended - Funderburk
- 4 HCS HB 221 - Leara
- 5 HCS HB 701 - Molendorp
- 6 HB 255 - Torpey
- 7 HCS HB 458 - Scharnhorst
- 8 HB 242 - Ellington
- 9 HB 503, as amended, HA 1 HA 3, and HA 3, pending - McCaherty
- 10 HB 448 - Webb
- 11 HB 162 - Sommer
- 12 HCS HB 285 - Pace
- 13 HCS HB 372 - Cox
- 14 HB 421 - Curtman
- 15 HCS HB 541 - Hicks
- 16 HCS HB 543 - Hoskins
- 17 HCS HB 234 - Gatschenberger
- 18 HCS HB 986 - Barnes
- 19 HB 616 - Bahr
- 20 HCS HB 675 - Grisamore
- 21 HB 185 - Kirkton

HOUSE BILLS FOR PERFECTION - FEDERAL MANDATE

- 1 HB 635 - Fitzwater
- 2 HCS HB 771 - Schatz
- 3 HCS HB 611 - Lant

HOUSE BILLS FOR THIRD READING

- 1 HB 201 - Torpey
- 2 HCS HBs 521 & 579, (Fiscal Review 3/27/13) - Koenig
- 3 HCS HB 470 - Barnes
- 4 HCS#2 HB 178 - Koenig
- 5 HCS HBs 455 & 297 - English
- 6 HB 756 - Hubbard
- 7 HCS HB 335, E.C. - Hinson
- 8 HCS HB 589, (Fiscal Review 4/22/13), E.C. - Hinson
- 9 HCS HB 170, E.C. - Guernsey
- 10 HB 808 - Funderburk

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 11 - Walton Gray
- 2 HCR 21 - Black
- 3 HCS HCR 17 - Frederick

SENATE BILLS FOR THIRD READING - CONSENT

- 1 SB 59 - Gosen
- 2 SB 60 - Gosen
- 3 SB 80 - Engler
- 4 HCS SB 188 - Romine
- 5 SB 234 - Burlison
- 6 SB 235 - Dugger
- 7 SB 306 - Elmer
- 8 SCS SB 324 - Hansen
- 9 SCS SB 376 - Frederick
- 10 SB 16 - Dugger
- 11 SCS SB 191 - McCaherty
- 12 SB 237 - Miller
- 13 SB 329 - Love

SENATE BILLS FOR THIRD READING

- 1 SCS SB 106 - Davis
- 2 HCS SCS SB 117 - Davis
- 3 HCS SCS SB 157 and SB 102 - Dugger
- 4 HCS SCS SB 186 - Davis
- 5 SB 197 - Frederick
- 6 SB 230 - Brattin
- 7 HCS SS#2 SCS SBs 26, 11 & 31, E.C. - Koenig
- 8 HCS SS SCS SB 125, (Fiscal Review 4/23/13) - Barnes

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 SS HCS HJR 11 & 7 , as amended - Reiboldt
- 2 SCS HCS HB 1 - Stream
- 3 SCS HCS HB 2 - Stream
- 4 SCS HCS HB 3 - Stream
- 5 SCS HCS HB 4 - Stream
- 6 SCS HCS HB 5 - Stream
- 7 SCS HCS HB 6, as amended - Stream
- 8 SCS HCS HB 7, as amended - Stream
- 9 SCS HCS HB 8 - Stream
- 10 SCS HCS HB 9 - Stream
- 11 SCS HCS HB 10 - Stream
- 12 SCS HCS HB 11 , as amended - Stream
- 13 SCS HCS HB 12 - Stream
- 14 SCS HCS HB 13 - Stream
- 15 SS HCS HB 315 - Rowland
- 16 HB 68, SA 1 - Kelley (127)
- 17 HB 163, SA 1, SA 2, SA 4, SA 5 - Fitzpatrick
- 18 SCS HCS HBs 303 & 304, as amended - Scharnhorst

SENATE CONCURRENT RESOLUTIONS

SCS SCR 5 - Frederick

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

FIFTY-SEVENTH DAY, WEDNESDAY, APRIL 24, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicky, Chaplain.

Let not your heart be troubled; believe in God. (John 14:1)

O Loving God, Who is ever seeking to strengthen Your children, make us strong as we face the arduous tasks of this day and as we carry the heavy responsibilities placed upon us - keeping common sense alive and promoting justice and good will among our citizens. Give to us the faith which will enable us to meet fearlessly the forces of confusion, which threaten to engulf us.

Bless the members of this body. Lead them in their labors, direct them in their decisions, fortify their faith, strengthen their spirits, and elevate their endeavors that they may lead Missouri into wider areas of truth and righteousness.

Finally, bless our men and women in the service of our country - many exposed to danger and death. Heal the wounded, strengthen their families, relieve the suffering, and comfort the sorrowing. Hasten the day when everyone will learn to live in peace.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Justice Hoard, Nia Montgomery, Kori Roach, Jack Vollmer, Madisen Schieber, Alysa Schieber, Rachel Schieber, Eli Meniffee, Joy Farrar and Seth Rothermich.

The Journal of the fifty-sixth day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2215 through House Resolution No. 2283

THIRD READING OF HOUSE BILLS

HCS HBs 455 & 297, relating to food stamp eligibility, was taken up by Representative English.

On motion of Representative English, **HCS HBs 455 & 297** was read the third time and passed by the following vote:

AYES: 120

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Cierpiot	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	English	Entlicher
Fitzpatrick	Fitzwater	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Kratky	Lair
Lant	Lauer	Leara	Love	Lynch
Marshall	Mayfield	McCaherty	McGaugh	Messenger
Miller	Moon	Morris	Muntzel	Neely
Neth	Norr	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Roorda
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Schieffer	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	Webber	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 035

Butler	Carpenter	Colona	Dunn	Ellinger
Englund	Gardner	Hubbard	Hummel	Kelly 45
Kirkton	LaFaver	May	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Otto	Pace	Peters	Pierson	Rizzo
Runions	Schupp	Swearingen	Walton Gray	Webb

PRESENT: 000

ABSENT WITH LEAVE: 008

Curtis	Ellington	Flanigan	Hodges	Lichtenegger
Molendorp	Smith 85	Wright		

Speaker Jones declared the bill passed.

HCS HB 335, relating to public safety, was taken up by Representative Hinson.

On motion of Representative Hinson, **HCS HB 335** was read the third time and passed by the following vote:

AYES: 102

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hubbard	Hurst	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	McCaherty	McGaugh	Messenger
Miller	Moon	Morris	Muntzel	Neely
Neth	Parkinson	Peters	Pfautsch	Phillips
Pike	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowland
Scharnhorst	Schatz	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Thomson
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 055

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hummel	Johnson	Kelly 45	Kirkton
Kratky	LaFaver	Marshall	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Pierson	Pogue	Rizzo	Roorda	Rowden
Runions	Schieber	Schieffer	Schupp	Swan
Swearingen	Torpey	Walton Gray	Webb	Webber

PRESENT: 000

ABSENT WITH LEAVE: 006

Cornejo	Curtis	Flanigan	Molendorp	Smith 85
Wright				

Speaker Jones declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 147

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Dohrman	Dugger	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Montecillo	Moon
Morgan	Morris	Muntzel	Neely	Neth
Newman	Norr	Otto	Pace	Parkinson
Peters	Pfautsch	Phillips	Pike	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieffer
Schupp	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 010

Curtis	Dunn	Ellinger	Ellington	Gardner
Marshall	Nichols	Pierson	Pogue	Schieber

PRESENT: 000

ABSENT WITH LEAVE: 006

Diehl	Flanigan	Hummel	Molendorp	Smith 85
Wright				

HB 756, relating to a prisoner re-entry program, was taken up by Representative Hubbard.

On motion of Representative Hubbard, **HB 756** was read the third time and passed by the following vote:

AYES: 122

Allen	Anders	Barnes	Bernskoetter	Berry
Brown	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Ellington	Engler	English	Englund	Entlicher
Fitzwater	Flanigan	Fraker	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Grisamore
Haefner	Hansen	Harris	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hubbard
Hummel	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	May	McCaherty
McCann Beatty	McGaugh	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Montecillo
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Parkinson	Peters	Pfautsch	Phillips	Pierson
Pike	Reiboldt	Remole	Richardson	Riddle
Rizzo	Rowden	Rowland	Runions	Schupp
Shull	Shumake	Solon	Sommer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webb	Webber	Wieland	Wood
Zerr	Mr Speaker			

NOES: 037

Anderson	Austin	Bahr	Black	Brattin
Burlison	Curtman	Elmer	Fitzpatrick	Fowler
Frame	Franklin	Guernsey	Haahr	Hampton
Hodges	Hurst	Johnson	Koenig	Marshall
Mayfield	McDonald	McKenna	Moon	Pogue
Redmon	Rehder	Rhoads	Roorda	Ross
Schatz	Schieber	Schieffer	Smith 120	Spencer
White	Wilson			

PRESENT: 000

ABSENT WITH LEAVE: 004

Moendorp	Scharnhorst	Smith 85	Wright
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Speaker Jones declared the bill passed.

HB 808, relating to teaching certificates, was taken up by Representative Funderburk.

On motion of Representative Funderburk, **HB 808** was read the third time and passed by the following vote:

AYES: 156

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Lichtenegger	Love	Lynch
Marshall	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Parkinson	Peters	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webb	Webber
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 001

Leara

PRESENT: 000

ABSENT WITH LEAVE: 006

Colona	May	Molendorp	Scharnhorst	Smith 85
Wright				

Speaker Jones declared the bill passed.

HCS HB 170, relating to firearms, was taken up by Representative Guernsey.

Representative Elmer assumed the Chair.

On motion of Representative Guernsey, **HCS HB 170** was read the third time and passed by the following vote:

AYES: 117

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Cierpiot	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Elmer	Engler
English	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
Mayfield	McCaherty	McGaugh	McKenna	Messenger
Miller	Moon	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Roorda	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Schieffer	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Mr Speaker			

NOES: 043

Anders	Burns	Butler	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
Englund	Gardner	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	McCann Beatty
McDonald	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Runions	Schupp	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 003

Molendorp	Smith 85	Zerr
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Representative Elmer declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 113

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Lera	Lichtenegger	Love
Lynch	Marshall	Mayfield	McCaherty	McGaugh
Messenger	Miller	Moon	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Roorda
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Schieffer	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Mr Speaker		

NOES: 043

Anders	Burns	Butler	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
Englund	Frame	Gardner	Hubbard	Hummel
Kelly 45	Kirkton	Kratky	LaFaver	McCann Beatty
McDonald	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Runions	Schupp	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 003

Black	English	McKenna
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ABSENT WITH LEAVE: 004

May	Molendorp	Smith 85	Zerr
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PERFECTION OF HOUSE JOINT RESOLUTION

HCS HJR 26, relating to parental rights, was taken up by Representative Richardson.

Representative Richardson offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Joint Resolution No. 26, Page 2, Section 35, Line 33, by deleting all of said line and inserting in lieu thereof the following:

"6. Nothing contained in this section shall be construed to empower a parent to enroll his or her minor child in a public school outside of the area of that child's residence, except as otherwise provided by law.

7. As used in this section, the following terms shall mean:"; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Richardson, **House Amendment No. 1** was adopted.

On motion of Representative Richardson, **HCS HJR 26, as amended**, was adopted.

On motion of Representative Richardson, **HCS HJR 26, as amended**, was ordered perfected and printed.

PERFECTION OF HOUSE BILL

HCS HB 543, relating to the Office of the State Auditor, was taken up by Representative Hoskins.

Representative Hoskins offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 543, Page 1, Section 29.005, Line 10, by deleting the second occurrence of the word "**and**" on said line and inserting in lieu thereof the word "**as**"; and

Further amend said bill, Page 3, Section 29.005, Line 52, by deleting the phrase "**but not be limited to**" on said line and inserting in lieu thereof the phrase "**, but not be limited to,**"; and

Further amend said bill and page, Section 29.185, Line 6, by deleting the word "**types**" on said line and inserting in lieu thereof the word "**type**"; and

Further amend said bill, Page 6, Section 29.200, Line 91, by deleting the word "**some**" on said line and inserting in lieu thereof the word "**a**"; and

Further amend said bill and page, Section 29.216, Line 2, by deleting the word "**systems**" on said line and inserting in lieu thereof the word "**system**"; and

Further amend said bill, Page 9, Section 29.235, Line 20, by deleting the word "**comply**" on said line and inserting in lieu thereof the word "**complies**"; and

Further amend said bill, Page 10, Section 29.235, Line 49, by deleting the word "**representative**" on said line and inserting in lieu thereof the word "**representatives**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hoskins, **House Amendment No. 1** was adopted.

Representative Guernsey offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 543, Page 23, Section 169.020, Line 131, by inserting immediately after said line the following:

"Section 1. The state auditor may have the power to audit a community action agency as defined under 10 C.F.R. 440.3. The term "community action agency" as used in this section shall mean a private corporation or public agency established under the Economic Opportunity Act of 1964, Pub. L. 88-452, which is authorized to administer funds received from federal, state, local, or private funding entities to assess, design, operate, finance, and oversee antipoverty programs."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Guernsey, **House Amendment No. 2** was adopted.

Representative Kelly (45) offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 543, Page 11, Section 29.351, Lines 1-3, by deleting all of said lines and inserting in lieu thereof, the following:

"[21.760.] 29.351. 1. During the regular legislative session which convenes in an odd-numbered year, the general assembly shall, by concurrent resolution,"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Kelly (45), **House Amendment No. 3** was adopted.

On motion of Representative Hoskins, **HCS HB 543, as amended**, was adopted.

On motion of Representative Hoskins, **HCS HB 543, as amended**, was ordered perfected and printed.

On motion of Representative Diehl, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Representative Scharnhorst.

PERFECTION OF HOUSE BILLS

HCS HB 372, relating to the establishment of the Business Premises Safety Act, was taken up by Representative Cox.

On motion of Representative Cox, **HCS HB 372** was adopted.

On motion of Representative Cox, **HCS HB 372** was ordered perfected and printed.

HB 421, relating to legal tender, was taken up by Representative Curtman.

Representative Burlison offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 421, Page 1, Section 143.111, Line 10, by inserting after all of said section the following:

"143.451. 1. Missouri taxable income of a corporation shall include all income derived from sources within this state.

2. A corporation described in subdivision (1) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income from sources within this state, including that from the transaction of business in this state and that from the transaction of business partly done in this state and partly done in another state or states. However:

(1) Where income results from a transaction partially in this state and partially in another state or states, and income and deductions of the portion in the state cannot be segregated, then such portions of income and deductions shall be allocated in this state and the other state or states as will distribute to this state a portion based upon the portion of the transaction in this state and the portion in such other state or states.

(2) The taxpayer may elect to compute the portion of income from all sources in this state in the following manner, **or the manner set forth in subdivision (3) of this subsection**:

(a) The income from all sources shall be determined as provided, excluding therefrom the figures for the operation of any bridge connecting this state with another state.

(b) The amount of sales which are transactions wholly in this state shall be added to one-half of the amount of sales which are transactions partly within this state and partly without this state, and the amount thus obtained shall be divided by the total sales or in cases where sales do not express the volume of business, the amount of business transacted wholly in this state shall be added to one-half of the amount of business transacted partly in this state and partly outside this state and the amount thus obtained shall be divided by the total amount of business transacted, and the net income shall be multiplied by the fraction thus obtained, to determine the proportion of income to be used to arrive at the amount of Missouri taxable income. The investment or reinvestment of its own funds, or sale of any such investment or reinvestment, shall not be considered as sales or other business transacted for the determination of said fraction.

[(3)] **(c)** For the purposes of this [section] **subdivision**, a transaction involving the sale of tangible property is:

[(a)] **a.** "Wholly in this state" if both the seller's shipping point and the purchaser's destination point are in this state;

[(b)] **b.** "Partly within this state and partly without this state" if the seller's shipping point is in this state and the purchaser's destination point is outside this state, or the seller's shipping point is outside this state and the purchaser's destination point is in this state;

[(c)] **c.** Not "wholly in this state" or not "partly within this state and partly without this state" only if both the seller's shipping point and the purchaser's destination point are outside this state[;].

(d) For purposes of this subdivision:

a. The purchaser's destination point shall be determined without regard to the FOB point or other conditions of the sale[;]; and

b. The seller's shipping point is determined without regard to the location of the seller's principle office or place of business.

(3) The taxpayer may elect to compute the portion of income from all sources in this state in the following manner:

(a) The income from all sources shall be determined as provided, excluding therefrom the figures for the operation of any bridge connecting this state with another state;

(b) The amount of sales which are transactions in this state shall be divided by the total sales, and the net income shall be multiplied by the fraction thus obtained, to determine the proportion of income to be used to arrive at the amount of Missouri taxable income. The investment or reinvestment of its own funds, or sale of any such investment or reinvestment, shall not be considered as sales or other business transacted for the determination of said fraction;

(c) For the purposes of this subdivision, a transaction involving the sale of tangible property is:

a. "In this state" if the purchaser's destination point is in this state;

b. Not "in this state" if the purchaser's destination point is outside this state;

(d) For purposes of this subdivision, the purchaser's destination point shall be determined without regard to the FOB point or other conditions of the sale and shall not be in this state if the purchaser received the tangible personal property from the seller in this state for delivery to the purchaser's location outside this state.

(4) For purposes of this subsection, the following words shall, unless the context otherwise requires, have the following meaning:

(a) "Administration services" include, but are not limited to, clerical, fund or shareholder accounting, participant record keeping, transfer agency, bookkeeping, data processing, custodial, internal auditing, legal and tax services performed for an investment company;

(b) "Affiliate", the meaning as set forth in 15 U.S.C. Section 80a-2(a)(3)(C), as may be amended from time to time;

(c) "Distribution services" include, but are not limited to, the services of advertising, servicing, marketing, underwriting or selling shares of an investment company, but, in the case of advertising, servicing or marketing shares, only where such service is performed by a person who is, or in the case of a closed end company, was, either engaged in the services of underwriting or selling investment company shares or affiliated with a person that is engaged in the service of underwriting or selling investment company shares. In the case of an open end company, such service of underwriting or selling shares must be performed pursuant to a contract entered into pursuant to 15 U.S.C. Section 80a-15(b), as from time to time amended;

(d) "Investment company", any person registered under the federal Investment Company Act of 1940, as amended from time to time, (the act) or a company which would be required to register as an investment company under the act except that such person is exempt to such registration pursuant to Section 80a-3(c)(1) of the act;

(e) "Investment funds service corporation" includes any corporation or S corporation doing business in the state which derives more than fifty percent of its gross income in the ordinary course of business from the provision directly or indirectly of management, distribution or administration services to or on behalf of an investment company or from trustees, sponsors and participants of employee benefit plans which have accounts in an investment company. An investment funds service corporation shall include any corporation or S corporation providing management services as an investment advisory firm registered under Section 203 of the Investment Advisors Act of 1940, as amended from time to time, regardless of the percentage of gross revenues consisting of fees from management services provided to or on behalf of an investment company;

(f) "Management services" include but are not limited to, the rendering of investment advice directly or indirectly to an investment company making determinations as to when sales and purchases of securities are to be made on behalf of the investment company, or the selling or purchasing of securities constituting assets of an investment company, and related activities, but only where such activity or activities are performed:

a. Pursuant to a contract with the investment company entered into pursuant to 15 U.S.C. Section 80a-15(a), as from time to time amended;

b. For a person that has entered into such contract with the investment company; or

c. For a person that is affiliated with a person that has entered into such contract with an investment company;

(g) "Qualifying sales", gross income derived from the provision directly or indirectly of management, distribution or administration services to or on behalf of an investment company or from trustees, sponsors and participants of employee benefit plans which have accounts in an investment company. For purposes of this section, gross income is defined as that amount of income earned from qualifying sources without deduction of expenses related to the generation of such income;

(h) "Residence", presumptively the fund shareholder's mailing address on the records of the investment company. If, however, the investment company or the investment funds service corporation has actual knowledge that the fund shareholder's primary residence or principal place of business is different than the fund shareholder's mailing address such presumption shall not control. To the extent an investment funds service corporation does not have access

to the records of the investment company, the investment funds service corporation may employ reasonable methods to determine the investment company fund shareholder's residence.

(5) Notwithstanding other provisions of law to the contrary, qualifying sales of an investment funds service corporation, or S corporation, shall be considered wholly in this state only to the extent that the fund shareholders of the investment companies, to which the investment funds service corporation, or S corporation, provide services, are resided in this state. Wholly in this state qualifying sales of an investment funds service corporation, or S corporation, shall be determined as follows:

(a) By multiplying the investment funds service corporation's total dollar amount of qualifying sales from services provided to each investment company by a fraction, the numerator of which shall be the average of the number of shares owned by the investment company's fund shareholders resided in this state at the beginning of and at the end of the investment company's taxable year that ends with or within the investment funds service corporation's taxable year, and the denominator of which shall be the average of the number of shares owned by the investment company's fund shareholders everywhere at the beginning of and at the end of the investment company's taxable year that ends with or within the investment funds service corporation's taxable year;

(b) A separate computation shall be made to determine the wholly in this state qualifying sales from each investment company. The qualifying sales for each investment company shall be multiplied by the respective percentage of each fund, as calculated pursuant to paragraph (a) of this subdivision. The product of this equation shall result in the wholly in this state qualifying sales. The qualifying sales for each investment company which are not wholly in this state will be considered wholly without this state;

(c) To the extent an investment funds service corporation has sales which are not qualifying sales, those nonqualified sales shall be apportioned to this state based on the methodology utilized by the investment funds service corporation without regard to this subdivision.

3. Any corporation described in subdivision (1) of subsection 1 of section 143.441 organized in this state or granted a permit to operate in this state for the transportation or care of passengers shall report its gross earnings within the state on intrastate business and shall also report its gross earnings on all interstate business done in this state which report shall be subject to inquiry for the purpose of determining the amount of income to be included in Missouri taxable income. The previous sentence shall not apply to a railroad.

4. A corporation described in subdivision (2) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income arising from all sources in this state and all income from each transportation service wholly within this state, from each service where the only lines of such corporation used are those in this state, and such proportion of revenue from each service where the facilities of such corporation in this state and in another state or states are used, as the mileage used over the lines of such corporation in the state shall bear to the total mileage used over the lines of such corporation. The taxpayer may elect to compute the portion of income from all sources within this state in the following manner:

(1) The income from all sources shall be determined as provided;

(2) The amount of investment of such corporation on December thirty-first of each year in this state in fixed transportation facilities, real estate and improvements, plus the value on December thirty-first of each year of any fixed transportation facilities, real estate and improvements in this state leased from any other railroad shall be divided by the sum of the total amount of investment of such corporation on December thirty-first of each year in fixed transportation facilities, real estate and improvements, plus the value on December thirty-first of each year, of any fixed transportation facilities, real estate and improvements leased from any other railroad. Where any fixed transportation facilities, real estate or improvements are leased by more than one railroad, such portion of the value shall be used by each railroad as the rental paid by each shall bear to the rental paid by all lessees. The income shall be multiplied by the fraction thus obtained to determine the proportion to be used to arrive at the amount of Missouri taxable income.

5. A corporation described in subdivision (3) of subsection 1 of section 143.441 shall include in its Missouri taxable income one-half of the net income from the operation of a bridge between this and another state. If any such bridge is owned or operated by a railroad corporation or corporations, or by a corporation owning a railroad corporation using such bridge, then the figures for operation of such bridge may be included in the return of such railroad or railroads; or if such bridge is owned or operated by any other corporation which may now or hereafter be required to file an income tax return, one-half of the income or loss to such corporation from such bridge may be included in such return by adding or subtracting same to or from another net income or loss shown by the return.

6. A corporation described in subdivision (4) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income arising from all sources within this state. Income shall include revenue from each telephonic or telegraphic service rendered wholly within this state; from each service rendered for which the only facilities of such corporation used are those in this state; and from each service rendered over the facilities of such corporation in this state and in other state or states, such proportion of such revenue as the mileage involved in this state shall bear to the total

mileage involved over the lines of said company in all states. The taxpayer may elect to compute the portion of income from all sources within this state in the following manner:

- (1) The income from all sources shall be determined as provided;
- (2) The amount of investment of such corporation on December thirty-first of each year in this state in telephonic or telegraphic facilities, real estate and improvements thereon, shall be divided by the amount of the total investment of such corporation on December thirty-first of each year in telephonic or telegraphic facilities, real estate and improvements. The income of the taxpayer shall be multiplied by fraction thus obtained to determine the proportion to be used to arrive at the amount of Missouri taxable income.

7. From the income determined in subsections 2, 3, 4, 5 and 6 of this section to be from all sources within this state shall be deducted such of the deductions for expenses in determining Missouri taxable income as were incurred in this state to produce such income and all losses actually sustained in this state in the business of the corporation.

8. If a corporation derives only part of its income from sources within Missouri, its Missouri taxable income shall only reflect the effect of the following listed deductions to the extent applicable to Missouri. The deductions are: (a) its deduction for federal income taxes pursuant to section 143.171, and (b) the effect on Missouri taxable income of the deduction for net operating loss allowed by Section 172 of the Internal Revenue Code. The extent applicable to Missouri shall be determined by multiplying the amount that would otherwise affect Missouri taxable income by the ratio for the year of the Missouri taxable income of the corporation for the year divided by the Missouri taxable income for the year as though the corporation had derived all of its income from sources within Missouri. For the purpose of the preceding sentence, Missouri taxable income shall not reflect the listed deductions.

9. Any investment funds service corporation organized as a corporation or S corporation which has any shareholders resided in this state shall be subject to Missouri income tax as provided in this chapter."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Roorda raised a point of order that **House Amendment No. 1** is not germane to the bill.

Representative Scharnhorst requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

Representative Burlison moved that **House Amendment No. 1** be adopted.

Which motion was defeated.

On motion of Representative Curtman, **HB 421** was ordered perfected and printed.

HCS HB 541, relating to juvenile offenders, was taken up by Representative Hicks.

Speaker Jones resumed the Chair.

On motion of Representative Hicks, **HCS HB 541** was adopted.

On motion of Representative Hicks, **HCS HB 541** was ordered perfected and printed.

HCS HB 986, relating to MO HealthNet benefits, was taken up by Representative Barnes.

Representative Barnes offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 986, Page 11, Section 208.993, Lines 1 through 36, by deleting all of said section and lines and inserting in lieu thereof the following:

"208.993. 1. There is hereby established a joint committee of the general assembly, which shall be known as the "Joint Committee on Medicaid Transformation".

2. The joint committee shall be composed of twelve members. Six members shall be from the senate, with four members appointed by the president pro tem of the senate and two members appointed by the minority leader of the senate. Six members shall be from the house of representatives, with four members appointed by the speaker of the house of representatives and two members appointed by the minority leader of the house of representatives. All members of the Missouri general assembly not appointed in this subsection may be nonvoting, ex officio members of the joint committee. A majority of the appointed members of the joint committee shall constitute a quorum.

3. The joint committee shall meet within thirty days after it becomes effective and organize by selecting a chairperson and a vice chairperson, one of whom shall be a member of the senate and the other a member of the house of representatives. The joint committee may meet at locations other than Jefferson City when the committee deems it necessary.

4. The committee shall prepare a final report together with its recommendations for any legislative action deemed necessary for submission to the speaker of the house of representatives, president pro tem of the senate, and the governor by December 31, 2013. The report shall study and make recommendations regarding improvements that can be made to the state medical assistance health care delivery system in this state and shall examine the following:

- (1) More efficient and cost-effective ways to provide coverage for MO HealthNet participants;
- (2) How coverage for MO HealthNet participants can resemble that of commercially available health plans while complying with federal Medicaid requirements;
- (3) Possibilities for promoting healthy behaviors by encouraging patients to take ownership of their health care and seek early preventative care;
- (4) The best manner in which to provide incentives, including a shared risk and savings to health plans and providers to encourage cost-effective delivery of care; and
- (5) Ways that individuals who currently receive medical care coverage through the MO HealthNet program can transition to obtaining their health coverage through the private sector.

5. The committee shall hold a minimum of one meeting at three urban regions in the state of Missouri to seek public input. The committee may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the committee considers advisable to carry out the provisions of this section.

6. The joint committee may solicit input and information necessary to fulfill its obligations from the general public, any state department, state agency, political subdivision of this state, or anyone else it deems advisable.

7. Members of the committee and subcommittee shall serve without compensation but may be reimbursed for necessary expenses pertaining to the duties of the committee.

8. The staffs of senate research, the joint committee on legislative research, and house research may provide such legal, research, clerical, technical, and bill drafting services as the joint committee may require in the performance of its duties.

9. Any actual and necessary expenses of the joint committee, its members, and any staff assigned to the joint committee incurred by the joint committee shall be paid by the joint contingent fund.

10. The provisions of this section shall expire on January 1, 2014."; and

Further amend said bill, Page 14, Section 208.995, Line 67, by inserting after all of said section and line the following:

"Section B. Because immediate action is necessary to ensure access to health care the enactment of section 208.993 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 208.993 of section A of this act shall be in full force and effect as of May 29, 2013."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Barnes, **House Amendment No. 1** was adopted.

Representative Barnes offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 986, Page 8, Section 208.151, Line 170, by deleting all of said line and inserting in lieu thereof the following:

"2. Beginning July 1, 2014, eligibility for MO HealthNet benefits shall be amended as follows:

(1) Persons eligible under subdivisions (3) and (25) of subsection 1 of this section shall no longer be eligible for MO HealthNet benefits as provided in this section, except for those persons eligible under subdivision (25) who do not have access to employer-sponsored health insurance coverage or subsidized insurance coverage through an exchange at any point after diagnosis, whose income is above one hundred percent of the federal poverty level;

(2) Pregnant women who are eligible under subdivision (12) of subsection 1 of this section, with income that does not exceed one hundred eighty-five percent of the federal poverty level shall be eligible for MO HealthNet benefits. Pregnant women with income between one hundred thirty-three and one hundred eighty-five percent of the federal poverty level may, at the discretion of the department, receive MO HealthNet benefits in the form of a premium subsidy as established by rule of the department in order for them to enroll in a plan offered by a health care exchange, whether federally facilitated, state based, or operated on a partnership basis. The department may direct the pregnant women to choose an exchange plan and the department may provide a premium subsidy equal to the amount of the percentage of income required for premium payments or coinsurance to the pregnant women by federal rule. The department may encourage and incentivize eligible pregnant women to receive MO HealthNet benefits through an exchange plan;

(3) Beginning October 1, 2019, infants under one year of age who are eligible under subdivision (12) of subsection 1 of this section and whose family income does not exceed one hundred eighty-five percent of the federal poverty level as established and amended by the federal Department of Health and Human Services or its successor agency shall be eligible for MO HealthNet benefits. An infant under one year of age born to a woman who was covered under subdivision (2) of this subsection with family income between one hundred thirty-three and one hundred eighty-five percent of the federal poverty level shall only be eligible if, in addition to the other requirements, his or her parents do not have access to health insurance coverage for the child through a health insurance plan in a health care exchange, whether federally facilitated, state based, or operated on a partnership basis, and the parents are not eligible for a premium subsidy for the child or family through such exchange because the parents have been determined to have access to affordable health insurance as defined by the exchange;

(4) The changes in eligibility under subdivisions (1) to (3) of this subsection shall not take place unless and until:

(a) There are health insurance premium tax credits under Section 36B of the Internal Revenue Code of 1986, as amended, available to persons through the purchase of a health insurance plan in a health care exchange, whether federally facilitated, state based, or operated on a partnership basis. The director of the department of revenue shall certify to the director of the department that health insurance premium tax credits are available, and the director of the department shall notify the revisor of statutes;

(b) Eligibility of persons set out in subsection 3 of section 208.995 has been approved by the federal Department of Health and Human Services, has been implemented by the department, and notice of implementation has been provided to the revisor of statutes; and

(c) The federal Department of Health and Human Services grants any necessary waivers and state plan amendments to implement this subsection, federal funding is received for the premium subsidies to be paid, and notice has been provided to the revisor of statutes.

3. Rules and regulations to implement this section shall be promulgated in accordance"; and

Further amend said bill and section, Pages 8 to 9, Lines 179 to 221, by renumbering all of the following subsections accordingly; and

Further amend said bill and section, Page 9, Line 221, by inserting after all of said line the following:

"8. The department shall notify any potential exchange-eligible participant who may be eligible for services due to spenddown that the participant may qualify for more cost-effective private insurance and premium tax credits under Section 36B of the Internal Revenue Code of 1986, as amended, available through the purchase of a health insurance plan in a health care exchange, whether federally facilitated, state based, or operated on a partnership basis and the benefits that would be potentially covered under such insurance.

208.186. 1. Any person participating in the MO HealthNet program who has pled guilty to or been found guilty of a crime involving alcohol or a controlled substance or any crime in which alcohol or substance abuse was, in the opinion of the court, a contributing factor to the person's commission of the crime shall be required to obtain an assessment by a treatment provider approved by the department of mental health to determine the need for services. Recommendations of the treatment provider may be used by the court in sentencing.

2. Any person participating in the MO HealthNet program who is a parent of a child subject to proceedings in juvenile court under subsection 1 or 2 of section 211.031, whose misuse of controlled substances or alcohol is found to be a significant, contributing factor to the reason the child was adjudicated, shall be required to obtain an assessment by a treatment provider approved by the department of mental health to determine the need for services. Recommendations of the treatment provider shall be included in the child's permanency plan. The court may order the parent or guardian to successfully complete treatment before the child is reunified with the parent or guardian.

3. The MO HealthNet division shall certify a MO HealthNet participant's enrollment in MO HealthNet if requested by the court under this section. A letter signed by the director of the MO HealthNet division or his or her designee or the family support division certifying that the individual is a participant in the MO HealthNet program shall be prima facie evidence of such participation and shall be admissible into evidence without further foundation for that purpose. The letter may specify additional information such as anticipated dates of coverage as may be deemed necessary by the department.

208.631. 1. Notwithstanding any other provision of law to the contrary, the MO HealthNet division shall establish a program to pay for health care for uninsured children. Coverage pursuant to sections 208.631 to 208.659 is subject to appropriation. The provisions of sections 208.631 to 208.659, health care for uninsured children, shall be void and of no effect if there are no funds of the United States appropriated by Congress to be provided to the state on the basis of a state plan approved by the federal government under the federal Social Security Act. If funds are appropriated by the United States Congress, the department of social services is authorized to manage the state children's health insurance program (CHIP) allotment in order to ensure that the state receives maximum federal financial participation. Children in households with incomes up to one hundred fifty percent of the federal poverty level may meet all Title XIX program guidelines as required by the Centers for Medicare and Medicaid Services. Children in households with incomes of one hundred fifty percent to three hundred percent of the federal poverty level shall continue to be eligible as they were and receive services as they did on June 30, 2007, unless changed by the Missouri general assembly.

2. For the purposes of sections 208.631 to 208.659, "children" are persons up to nineteen years of age. "Uninsured children" are persons up to nineteen years of age who are emancipated and do not have access to affordable employer-subsidized health care insurance or other health care coverage or persons whose parent or guardian have not had access to affordable employer-subsidized health care insurance or other health care coverage for their children for six months prior to application, are residents of the state of Missouri, and have parents or guardians who meet the requirements in section 208.636. A child who is eligible for MO HealthNet benefits as authorized in section 208.151 is not uninsured for the purposes of sections 208.631 to 208.659.

3. Beginning October 1, 2019, a child eligible under sections 208.631 to 208.658 shall only remain eligible if, in addition to the other requirements, his or her parents do not have access to health insurance coverage for the child through their employment or through a health insurance plan in a health care exchange, whether federally facilitated, state based, or operated on a partnership basis because the parents are not eligible for a

premium subsidy for the child or family through such exchange. This subsection shall not go into effect unless and until, for a six-month period preceding the additional requirements, there are health insurance premium tax credits available for children and family coverage under Section 36B of the Internal Revenue Code of 1986, as amended, available to persons through the purchase of a health insurance plan in a health care exchange, whether federally facilitated, state based, or operated on a partnership basis, which have been in place for a six-month period.

4. The department shall inform participants six months prior to coverage being discontinued under subsection 3 of this section as to the possibility of insurance coverage through the purchase of a subsidized health insurance plan available through a health care exchange.

208.659. 1. The MO HealthNet division shall revise the eligibility requirements for the uninsured women's health program, as established in 13 CSR Section 70-4.090, to include women who are at least eighteen years of age and with a net family income of at or below one hundred eighty-five percent of the federal poverty level. In order to be eligible for such program, the applicant shall not have assets in excess of two hundred and fifty thousand dollars, nor shall the applicant have access to employer-sponsored health insurance. Such change in eligibility requirements shall not result in any change in services provided under the program.

2. Beginning July 1, 2014, the provisions of this section shall no longer be in effect. Such change in eligibility shall not take place unless and until:

(1) For a six-month period preceding the discontinuance of benefits under this subsection there are health insurance premium tax credits available for children and family coverage under Section 36B of the Internal Revenue Code of 1986, as amended, available to persons through the purchase of a health insurance plan in a health care exchange, whether federally facilitated, state based, or operated on a partnership basis, which have been in place for a six-month period, and notice has been provided to the revisor of statutes; and

(2) Eligibility of persons set out in subsection 3 of section 208.995 has received any necessary approvals from the federal Department of Health and Human Services, has been implemented by the department, and notice has been provided to the revisor of statutes.

3. The department shall inform participants six months prior to coverage being discontinued under subsection 2 of this section as to the possibility of insurance coverage through the purchase of a subsidized health insurance plan available through a health care exchange.

208.661. 1. The department shall develop incentive programs, submit state plan amendments and apply for necessary waivers to permit rural health clinics, federally-qualified health centers, or other primary care practices to co-locate on the property of public elementary and secondary schools with fifty percent or more students who are eligible for free or reduced price lunch.

2. No school-based health care clinic established under this section shall perform or refer for abortion services, or provide or refer for contraceptive drugs or devices.

3. The consent of a parent or legal guardian shall be required before a minor may receive health care services under this section.

4. The provisions of this section shall be null and void unless and until any waivers necessary to the implementation of subsections 2 and 3 of this section are granted by the federal government.

208.662. 1. There is hereby established within the department of social services the "Show-Me Healthy Babies Program" as a separate children's health insurance program (CHIP) for any low-income, unborn child, neither of whose parents have access to affordable health insurance coverage for the unborn child through his or her employment or through a health insurance plan in a health care exchange, whether federally facilitated, state based, or operated on a partnership basis. The program shall be established under the authority of Title XXI of the federal Social Security Act, the State Children's Health Insurance Program, as amended, and 42 CFR 457.1.

2. For an unborn child to be enrolled in the show-me healthy babies program, his or her mother shall not be eligible for coverage under Title XIX of the federal Social Security Act, the Medicaid program, as it is administered by the state, and shall not have access to affordable employer-subsidized health care insurance or other affordable health care coverage that includes coverage for the unborn child including any health insurance plan in a health care exchange, whether federally facilitated, state based, or operated on a partnership basis.

3. Coverage for an unborn child enrolled in the show-me healthy babies program shall include all prenatal care and pregnancy-related services that benefit the health of the unborn child and that promote healthy labor, delivery, and birth, as determined by regulations of the department. Coverage shall not include services

that are solely for the benefit of the pregnant mother, that are unrelated to maintaining or promoting a healthy pregnancy, and that provide no benefit to the unborn child.

4. There shall be no waiting period before an unborn child may be enrolled in the show-me healthy babies program. In accordance with the definition of child in 42 CFR 457.10, coverage shall include the period from conception to birth. The department shall develop a presumptive eligibility procedure for enrolling an unborn child.

5. Coverage for the child shall continue for up to one year after birth, unless otherwise prohibited by law or unless otherwise limited by the general assembly through appropriations.

6. Pregnancy-related and postpartum coverage for the mother shall begin on the day the pregnancy ends and extend through the last day of the month that includes the sixtieth day after the pregnancy ends, unless otherwise prohibited by law or unless otherwise limited by the general assembly through appropriations. Coverage for the mother shall be limited to pregnancy-related and postpartum care.

7. Nothing in this section shall be construed to prohibit an unborn child from being enrolled in the show-me healthy babies program at the same time his or her mother is enrolled in MO HealthNet, the children's health insurance program (CHIP), Medicare, or other governmental or government-subsidized health care program. The department shall ensure that there is no duplication of payments for services for an unborn child enrolled in the show-me healthy babies program that are payable under a governmental or nongovernmental health care program for services to an eligible pregnant woman.

8. The department may provide coverage for an unborn child enrolled in the show-me healthy babies program through:

(1) Direct coverage whereby the state pays health care providers directly or by contracting with a managed care organization or with a group or individual health insurance provider;

(2) A premium assistance program whereby the state assists in payment of the premiums, co-payments, coinsurance, or deductibles for a person who is eligible for health coverage through an employer, former employer, labor union, credit union, church, spouse, other organizations, other individuals, or through an individual health insurance policy that includes coverage for the unborn child, when such person needs assistance in paying such premiums, co-payments, coinsurance, or deductibles;

(3) A combination of direct coverage, such as when the unborn child is first enrolled, and premium assistance, such as after the child is born; or

(4) Any other similar arrangement whereby there:

(a) Are lower program costs without sacrificing health care coverage for the unborn child or the child up to one year after birth;

(b) Are greater covered services for the unborn child or the child up to one year after birth;

(c) Is a similar cost for coverage of the participant and also will provide coverage for siblings or other family members; or

(d) Will be an ability for the child to transition more easily to nongovernment or less government-subsidized group or individual health insurance coverage after the child is no longer enrolled in the show-me healthy babies program.

9. The department shall provide information about the show-me healthy babies program to maternity homes as defined in section 135.600, pregnancy resource centers as defined in section 135.630, and other similar agencies and programs in the state that assist unborn children and their mothers. The department shall consider allowing such agencies and programs to assist in the enrollment of unborn children in the program and in making determinations about presumptive eligibility.

10. Within sixty days after the effective date of this section, the department shall submit a state plan amendment or seek any necessary waivers from the federal Department of Health and Human Services requesting approval for the show-me healthy babies program.

11. At least annually, the department shall prepare and submit a report to the governor, the speaker of the house of representatives, and the president pro tem of the senate analyzing the cost savings and benefits, if any, to the state, counties, local communities, school districts, law enforcement agencies, health care providers, employers, other public and private entities, and persons by enrolling unborn children in the show-me healthy babies program. The analysis of cost savings and benefits, if any, shall include but not be limited to:

(1) The higher federal matching rate for having an unborn child enrolled in the show-me healthy babies program versus the lower federal matching rate for a pregnant woman being enrolled in MO HealthNet or other federal programs;

(2) The efficacy in providing services through managed care organizations, group or individual health insurance providers or premium assistance, or through other nontraditional arrangements of providing health care;

(3) The change in the proportion of unborn children who receive care in the first trimester of pregnancy due to a lack of waiting periods, presumptive eligibility, or removal of other barriers, and the attendant decrease in health problems and other problems for unborn children and women throughout pregnancy; at labor, delivery, and birth; and during infancy and childhood;

(4) The change in healthy behaviors by pregnant women, such as the cessation of the use of tobacco, alcohol, illicit drugs, or other harmful practices, and the attendant short-term and long-term decrease in birth defects; poor motor skills; vision, speech, and hearing problems; breathing and respiratory problems; feeding and digestive problems; and other physical, mental, educational, and behavioral problems; and

(5) The change in infant and maternal mortality, preterm births and low birth weight babies and the attendant decrease in short-term and long-term medical and other interventions.

12. The show-me healthy babies program shall not be deemed an entitlement program, but instead shall be subject to a federal allotment or other federal appropriations and matching state appropriations.

13. Nothing in this section shall be construed as obligating the state to continue the show-me healthy babies program if the allotment or payments from the federal government end or are not sufficient for the program to operate, or if the general assembly does not appropriate funds for the program.

14. Nothing in this section shall be construed as expanding MO HealthNet or fulfilling a mandate imposed by the federal government on the state."; and

Further amend said bill and page, Section 208.990, Line 1, by deleting all of said line and inserting in lieu thereof the following:

"208.990. 1. The provisions of sections 208.146, 208.151, 208.186, 208.631, 208.659, 208.661, 208.662, 208.990, 208.995, 208.997, 208.998, 208.999, 376.961, 376.962, 376.964, 376.966, 376.968, 376.970, 376.973, 1 and 2 shall be known and may be cited as the "Show-Me Transformation Act".

2. Notwithstanding any other provisions of law to the contrary, to be"; and

Further amend said bill and section, Page 10, Lines 14 to 33, by renumbering all of the following subsections accordingly; and

Further amend said bill and section, Page 11, Line 48, by inserting after all of said line the following:

"7. The MO HealthNet program shall not provide MO HealthNet coverage under subsection 3 of section 208.995 to a parent or other caretaker relative living with a dependent child unless the child is receiving benefits under the MO HealthNet program, the Children's Health Insurance Program (CHIP) under 42 CFR Chapter IV, Subchapter D, or otherwise is enrolled in minimum essential coverage as defined in 42 CFR 435.4.

8. (1) The provisions of the show-me transformation act shall be null and void unless and until:

(a) There are health insurance premium tax credits under Section 36B of the Internal Revenue Code of 1986, as amended, available to persons through the purchase of a health insurance plan in a health care exchange, whether federally facilitated, state based, or operated on a partnership basis;

(b) Eligibility of persons set out in subsection 3 of section 208.995 has been approved by the federal Department of Health and Human Services and has been implemented by the department;

(c) The federal Department of Health and Human Services grants the required waivers, state plan amendments, and enhanced federal funding rate for persons newly eligible under subsection 3 of section 208.995 whereby the federal government agrees to pay the percentages specified in Section 2001 of PL 111-148, as that section existed on March 23, 2010. The provisions of subsections 3 to 8 of section 208.995 shall not be implemented unless such waivers and enhanced federal funding rates are granted by the federal government;

(2) If the federal funds at the disposal of the state shall at any time become less than ninety percent of the funds necessary or are not appropriated to pay the percentages specified in Section 2001 of Public Law 111-148, as that section existed on March 23, 2010, the provisions of this act shall be null and void. If the director is notified that federal funding will fall below ninety percent of the funds necessary, participants will be notified as soon as practicable that the benefits they receive will terminate on the date that federal funding falls below ninety percent;

(3) The provisions of subdivisions (1) and (2) of this subsection shall not apply to: the MO HealthNet transformation task force under section 2; subdivision (26) of subsection 1 of section 208.151; subsections 2, 3, 4, 5, and 6 of this section; and subdivision (2) of subsection 2 of section 208.995.

9. As MO HealthNet or other expenditures are reduced or savings achieved pursuant to the show-me transformation act, the portion of the state share of those expenditures that is funded by provider taxes described

in 42 CFR 433.56 shall be credited or otherwise shall accrue to the depository account in which the proceeds of such a provider tax are deposited."; and

Further amend said bill, Page 12, Section 208.995, Lines 1 and 2, by deleting all of said lines and inserting in lieu thereof the following:

"208.995. 1. For purposes of sections 208.990 to 208.998, the following terms mean:

(1) "Caretaker relative", a relative of a dependent child by blood, adoption, or marriage with whom the child is living, who assumes primary responsibility for the child's care, which may, but is not required to, be indicated by claiming the child as a tax dependent for federal income tax purposes, and who is one of the following:

(a) The child's father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece; or

(b) The spouse of such parent or relative, even after the marriage is terminated by death or divorce;"; and

Further amend said bill, page, and section, Lines 3 to 15, by renumbering all of the following subdivisions accordingly; and

Further amend said bill, page, and section, Line 17, by deleting all of said line and inserting in lieu thereof the following:

"were in effect prior to the enactment of Public Law 111-148 and Public Law 111-152;

(7) "Medically frail", individuals with:

(a) Serious emotional disturbances;

(b) Disabling mental disorders;

(c) Substance use disorders or chronic medical conditions who are at high risk for significant medical and social costs;

(d) Serious and complex medical conditions, including children who are deemed medically complex;

(e) Physical or mental disabilities that significantly impair the person's ability to perform one or more activities of daily living; or

(f) An adjudicated level of care of twenty-one points or greater as determined by the screening process under 42 CFR 483.100 to 483.138, or deemed eligible for skilled nursing facility placement, but who are not currently residing in a nursing facility."; and

Further amend said bill and section, Page 13, Line 55, by deleting all of said line and inserting in lieu thereof the following:

"3. (1) Effective January 1, 2014, and subject to the receipt of appropriate waivers and approval of state plan amendments, individuals who meet the following qualifications shall be eligible for the alternative package of MO HealthNet benefits as set forth in subsection 4 of this section, subject to the other requirements of this section:

(a) Are nineteen years of age or older and under sixty-five years of age;

(b) Are not pregnant;

(c) Are not entitled to or enrolled for Medicare benefits under Part A or B of Title XVIII of the Social Security Act;

(d) Are not otherwise eligible for and enrolled in mandatory coverage under Missouri's MO HealthNet program in accordance with 42 CFR 435, Subpart B; and

(e) Have household income that is at or below one hundred percent of the federal poverty level for the applicable family size for the applicable year under the MAGI equivalent net income standard.

(2) The department shall immediately seek any necessary waivers from the federal Department of Health and Human Services to implement the provisions of this subsection. The waivers shall:

(a) Promote healthy behavior and reasonable requirements that patients take ownership of their health care by seeking early preventative care in appropriate settings, including no co-payments for preventive care services;

(b) Require personal responsibility in the payment of health care by establishing appropriate co-payments based on family income that shall discourage the use of emergency room visits for non-emergent health situations and promote responsible use of other health care services;

(c) Promote the adoption of healthier personal habits including limiting tobacco use or behaviors that lead to obesity;

(d) Allow recipients to receive an annual cash incentive to promote responsible behavior and encourage efficient use of health care services;

(e) Allow health plans to offer a health savings account option; and

(f) Include a request for an enhanced federal funding rate consistent with subsection 10 of this section for newly eligible participants.

(3) If such waivers and enhanced federal funding rate are not granted by the federal government, the provisions of this subsection shall be null and void.

4. Except for those individuals who meet the definition of medically frail, individuals eligible for MO HealthNet benefits under subsection 3 of this section shall receive only a package of alternative minimum benefits. The MO HealthNet division of the department of social services shall promulgate regulations to be effective January 1, 2014, that provide an alternative benefit package that complies with the requirements of federal law and is subject to limitations as established in regulations of the MO HealthNet division.

5. Except for those individuals who meet the definition of medically frail, individuals who qualify for coverage under subsections 2 and 3 of this section shall receive covered services through health plans authorized by the department under section 208.998.

6. The department shall provide premium subsidy and other cost supports for individuals eligible for MO HealthNet under subsections 2 and 3 of this section to enroll in employer-provided health plans or other private health plans based on cost-effective principles determined by the department.

7. Individuals eligible for MO HealthNet benefits under subsections 2 and 3 of this section who meet the definition of medically frail shall receive all benefits they are eligible to receive under sections 208.152, 208.900, 208.903, 208.909, and 208.930.

8. The department shall establish a screening process in conjunction with the department of mental health and the department of health and senior services for determining whether an individual is medically frail and shall enroll all eligible individuals who meet the definition of medically frail and whose care management would benefit from being assigned a health home in the health home program or other care coordination as established by the department. Any eligible individual may opt out of the health home program.

9. The department or appropriate divisions of the department shall promulgate"; and

Further amend said bill and section, Pages 13 and 14, Lines 55 to 64, by renumbering all of the following subsections accordingly; and

Further amend said bill and section, Page 14, Line 67, by deleting all of said line and inserting in lieu thereof the following:

"of this section. The department shall request of the federal government an enhanced federal funding rate for persons newly eligible under subsection 3 of this section whereby the federal government agrees to pay the percentages specified in Section 2001 of Public Law 111-148, as that section existed on March 23, 2010. The provisions of subsections 3 to 8 of this section shall not be implemented unless such waivers and enhanced federal funding rates are granted by the federal government.

11. If at any time the director receives notice that the federal funds at the disposal of the state for payments of money benefits to or on behalf of any persons under subsection 3 of this section shall at any time become less than ninety percent of the funds necessary or are not appropriated to pay the percentages specified in Section 2001 of Public Law 111-148, as that section existed on March 23, 2010, subsections 3 to 8 of this section shall no longer be effective for the individuals whose benefits are no longer matchable at the specified percentages. The date benefits cease shall be stated in a notice sent to the affected individuals.

208.997. 1. The MO HealthNet division shall develop and implement the "Health Care Homes Program" as a provider-directed care coordination program for MO HealthNet recipients who are not enrolled in a prepaid MO HealthNet benefits option and who are receiving services on a fee-for-service basis. The health care homes program shall provide payment to primary care clinics for care coordination for individuals who are deemed medically frail. Clinics shall meet certain criteria, including but not limited to the following:

(1) The capacity to develop care plans;

- (2) A dedicated care coordinator;
- (3) An adequate number of clients, evaluation mechanisms, and quality improvement processes to qualify for reimbursement; and
- (4) The capability to maintain and use a disease registry.

2. For purposes of this section, "primary care clinic" means a medical clinic designated as the patient's first point of contact for medical care, available twenty-four hours a day, seven days a week, that provides or arranges the patient's comprehensive health care needs and provides overall integration, coordination, and continuity over time and referrals for specialty care. A primary care clinic may include a community mental health center.

3. The health care home for recipients of MO HealthNet services defined in paragraph (f) of subdivision (7) of subsection 1 of section 208.995 shall be the primary provider of home- and community-based services received by the recipient if such provider has a qualified, licensed designee to serve as the recipient's care coordinator and the provider can demonstrate the ability to meet the requirements in subsections 1 and 2 of this section. The qualifications for such designees shall be defined by the department by rule.

4. Providers of behavioral, social, and psychophysiological services for the prevention, treatment, or management of physical health problems and screening and brief intervention shall be reimbursed for utilizing the behavior assessment and intervention, and screening and brief intervention reimbursement codes 96150 to 96155 and 99408 to 99409 or their successor codes under the Current Procedural Terminology (CPT) coding system. Location of service may be limited to NCQA Level 3 Patient-Centered Medical Homes and CARF-accredited health homes.

5. The department may designate that the health care homes program be administered through an organization with a statewide primary care presence, experience with Medicaid population health management, and an established health homes outcomes monitoring and improvement system.

6. This section shall be implemented in such a way that it does not conflict with federal requirements for health care home participation by MO HealthNet participants.

7. The department or appropriate divisions of the department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

8. Nothing in this section shall be construed to limit the department's ability to create health care homes for participants in a managed care plan.

208.998. 1. Except for individuals who meet the definition of medically frail, individuals who qualify for coverage under subsections 2 and 3 of section 208.995 shall receive covered services through health plans offered by managed care entities which are authorized by the department. Health plans authorized by the department:

- (1) Shall resemble commercially available health plans while complying with federal Medicaid requirements as authorized by federal law or through a federal waiver, and may include accountable care organizations, administrative service organizations, or managed care organizations paid on a capitated basis;
- (2) Shall promote, to the greatest extent possible, the opportunity for children and their parents to be covered under the same plan;
- (3) Shall offer plans statewide;
- (4) Shall include cost sharing for outpatient services to the maximum extent allowed by federal law;
- (5) May include other co-payments and provide incentives that encourage and reward the prudent use of the health benefit provided;
- (6) Shall encourage access to care through provider rates that include pay-for-performance and are comparable to commercial rates;
- (7) Shall provide incentives, including shared risk and savings, to health plans and providers to encourage cost-effective delivery of care;
- (8) May provide multiple plan options and reward participants for choosing a low-cost plan; and
- (9) Shall include the services of health providers as defined in 42 U.S.C. Section 1396d(l)(1) and (2) and meet the payment requirements for such health providers as provided in 42 U.S.C. Sections 1396a(a)(15) and 1396a(bb).

2. The department may designate that certain health care services be excluded from such health plans if it is determined cost effective by the department.

3. (1) The department may accept regional plan proposals as an additional option for beneficiaries. Such proposals may be submitted by accountable care organizations or other organizations and entities.

(2) The department shall advance the development of systems of care for medically complex children who are recipients of MO HealthNet benefits by accepting cost-effective regional proposals from and contracting with appropriate pediatric care networks, pediatric centers for excellence, and medical homes for children to provide MO HealthNet benefits when the department determines it is cost effective to do so. Such entities shall be treated as accountable care organizations.

(3) The provisions of subsection 1 of this section shall not apply to this subsection.

4. The department shall establish, in collaboration with plans and providers, uniform utilization review protocols to be used by all authorized health plans.

5. The department shall establish a competitive bidding process for contracting with managed care plans.

(1) The department shall solicit bids only from bidders who offer, or through an associated company offer, an identical or substantially similar plan, in services provided and network, within a health care exchange in this state, whether federally facilitated, state based, or operated on a partnership basis. The bidder, if the bidder offers an identical or similar plan, in services provided or network continuity, including primary care providers, or the bidder and the associated company, if the bidder has formed a partnership for purposes of its bid, shall include a process in its bid by which MO HealthNet recipients who choose its plan will be automatically enrolled in the corresponding plan offered within the health care exchange if the recipient's income increases resulting in the recipient's ineligibility for MO HealthNet benefits. The bidder also shall include in its bid a process by which an individual enrolled in an identical or substantially similar plan, in services provided or network continuity, including primary care providers, within a health care exchange in this state, whether federally facilitated, state based, or operated on a partnership basis whose income decreases resulting in eligibility for MO HealthNet benefits shall be enrolled in MO HealthNet after an application is received and the participant is determined eligible for MO HealthNet benefits.

(2) The department shall select a minimum of three winning bids and may select up to a maximum number of bids equal to the quotient derived from dividing the total number of participants anticipated by the department in a region by one hundred thousand.

(3) The department shall accept the lowest conforming bid. For determining other accepted bids, the department shall consider the following factors:

- (a) The cost to Missouri taxpayers;
- (b) The extent of the network of health care providers offering services within the bidder's plan;
- (c) Additional services offered to recipients under the bidder's plan;
- (d) The bidder's history of providing managed care plans for similar populations in Missouri or other states;
- (e) Any other criteria the department deems relevant to ensuring MO HealthNet benefits are provided to recipients in such manner as to save taxpayer money and improve health outcomes of recipients.

6. Any managed care organization that enters into a contract with the state to provide managed care plans shall be required to fulfill the terms of the contract and provide such plans for at least twelve months, or longer if the contract so provides. The state shall not increase the reimbursement rate provided to the managed care organization during the contract period above the rate included in the contract. If the managed care organization breaches the contract, the state shall be entitled to bring an action against the managed care organization for any remedy allowed by law or equity and shall also recover any and all damages provided by law, including liquidated damages in an amount determined by the department during the bidding process. Nothing in this subsection shall be construed to preclude the department or the state of Missouri from terminating the contract as specified in the terms of the contract, including for breach of contract, lack of appropriated funds, or exercising any remedies for breach as may be provided in the contract.

7. (1) Participants enrolling in managed care plans under this section shall have the ability to choose their plan. In the enrollment process, participants shall be provided a list of all plans available ranked by the relative actuarial value of each plan. Each participant shall be informed in the enrollment process that he or she will be eligible to receive a portion of the amount saved by Missouri taxpayers if he or she chooses a lower cost plan offered in his or her region. The portion received by a participant shall be determined by the department according to the department's best judgment as to the portion which will bring the maximum savings to Missouri taxpayers.

(2) If a participant fails or refuses to choose a plan as set forth in subdivision (1) of this subsection, the department shall determine rules for auto-assignment, which shall include incentives for low-cost bids and improved health outcomes as determined by the department.

8. This section shall not be construed to require the department to terminate any existing managed care contract or to extend any managed care contract.

9. All MO HealthNet plans under this section shall provide coverage for the following services unless they are specifically excluded under subsection 2 of this section and instead are provided by an administrative services organization:

- (1) Ambulatory patient services;
- (2) Emergency services;
- (3) Hospitalization;
- (4) Maternity and newborn care;
- (5) Mental health and substance abuse treatment, including behavioral health treatment;
- (6) Prescription drugs;
- (7) Rehabilitative and habilitative services and devices;
- (8) Laboratory services;
- (9) Preventive and wellness care, and chronic disease management;
- (10) Pediatric services, including oral and vision care; and
- (11) Any other services required by federal law.

10. No MO HealthNet plan or program shall provide coverage for an abortion unless a physician certifies in writing to the MO HealthNet agency that, in the physician's professional judgment, the life of the mother would be endangered if the fetus were carried to term.

11. The MO HealthNet program shall provide a high deductible health plan option for uninsured adults nineteen years of age or older and under sixty-five years of age with incomes of less than one hundred percent of the federal poverty level. The high deductible health plan shall include:

(1) After meeting a one thousand dollar deductible, coverage for benefits as specified by rule of the department;

(2) An account, funded by the department, of at least one thousand dollars per adult to pay medical costs for the initial deductible funded by the department;

(3) Preventive care, as defined by the department by rule, that is not subject to the deductible and does not require a payment of moneys from the account described in subdivision (2) of this subsection;

(4) A basic benefits package if annual medical costs exceed one thousand dollars;

(5) A minimum deductible of one thousand dollars;

(6) As soon as practicable, the establishment and maintenance of a record-keeping system for each health care visit or service received by recipients under this subsection. The plan shall require that the recipient's prepaid card number be entered, or electronic strip be swiped, by the health care provider for purposes of maintaining a record of every health care visit or service received by the recipient from such provider, regardless of any balance on the recipient's card. Such information shall include only the date, provider name, and general description of the visit or service provided. The plan shall maintain a complete history of all health care visits and services for which the recipient's prepaid card is entered or swiped in accordance with this subdivision. If required under the federal Health Insurance Portability and Accountability Act (HIPAA) or other relevant state or federal law or regulation, a recipient shall, as a condition of participation in the prepaid card incentive, be required to provide a written waiver for disclosure of any information required under this subdivision;

(7) The determination of a proportion of the amount left in a participant's account described in subdivision (2) of this subsection which shall be paid to the participant for saving taxpayer money. The amount and method of payment shall be determined by the department; and

(8) The determination of a proportion of a participant's account described in subdivision (2) of this subsection which shall be used to subsidize premiums to facilitate a participant's transition from health coverage under MO HealthNet to private health insurance based on cost-effective principles determined by the department.

12. All participants with chronic conditions, as specified by the department, shall be included in an incentive program for MO HealthNet recipients who obtain specified primary care and preventive services, and who participate or refrain from participation in specified activities to improve the overall health of the recipient. Recipients who complete the requirements of the program shall be eligible to receive an annual cash payment for successful completion of the program. The department shall establish, by rule, the specific primary care and preventive services, activities to be included in the incentive program, and the amount of any annual cash payments to recipients.

13. A MO HealthNet recipient shall be eligible for participation in only one of either the high deductible health plan under subsection 11 of this section or the incentive program under subsection 12 of this section.

14. No cash payments, incentives, or credits paid to or on behalf of a MO HealthNet participant under a program established by the department under this section shall be deemed to be income to the participant in any means-tested benefit program unless otherwise specifically required by law or rule of the department.

15. Managed care entities shall inform participants who choose the high deductible health plan under subsection 11 of this section that the participant may lose his or her incentive payment under subdivision (7) of subsection 11 of this section if the participant utilizes visits to the emergency department for non-emergent purposes. Such information shall be included on every electronic and paper correspondence between the managed care plan and the participant.

16. The department shall provide participants formerly enrolled in the Ticket to Work Health Assurance Program any services formerly received under the program that are not provided through health insurance plans purchased through a health insurance exchange. These services shall include home health services, consumer directed services, Medicare Part D co-payments, durable medical equipment, psychiatric rehabilitation services, comprehensive substance treatment and rehabilitation, division of developmental disabilities waiver services, and targeted case management for mental health services.

17. The department shall seek all necessary waivers and state plan amendments from the federal Department of Health and Human Services necessary to implement the provisions of this section. The provisions of this section shall not be implemented unless such waivers and state plan amendments are approved. If this section is approved in part by the federal government, the department is authorized to proceed on those sections for which approval has been granted; except that, any increase in eligibility shall be contingent upon the receipt of all necessary waivers and state plan amendments. The provisions of this section shall not be implemented until eligibility of persons set out in subsection 3 of section 208.995 has been approved by the federal Department of Health and Human Services and has been implemented by the department. However, nothing shall prevent the department from expanding managed care for populations under other granted authority.

18. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as the term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

208.999. Subject to appropriations, the department shall develop incentive programs to encourage the construction and operation of urgent care clinics which operate outside normal business hours and are in or adjoining emergency room facilities which receive a high proportion of patients who are participating in MO HealthNet, to the extent that the incentives are eligible for federal matching funds.

376.961. 1. There is hereby created a nonprofit entity to be known as the "Missouri Health Insurance Pool". All insurers issuing health insurance in this state and insurance arrangements providing health plan benefits in this state shall be members of the pool.

2. Beginning January 1, 2007, the board of directors shall consist of the director of the department of insurance, financial institutions and professional registration or the director's designee, and eight members appointed by the director. Of the initial eight members appointed, three shall serve a three-year term, three shall serve a two-year term, and two shall serve a one-year term. All subsequent appointments to the board shall be for three-year terms. Members of the board shall have a background and experience in health insurance plans or health maintenance organization plans, in health care finance, or as a health care provider or a member of the general public; except that, the director shall not be required to appoint members from each of the categories listed. The director may reappoint members of the board. The director shall fill vacancies on the board in the same manner as appointments are made at the expiration of a member's term and may remove any member of the board for neglect of duty, misfeasance, malfeasance, or nonfeasance in office.

3. Beginning August 28, 2007, the board of directors shall consist of fourteen members. The board shall consist of the director and the eight members described in subsection 2 of this section and shall consist of the following additional five members:

(1) One member from a hospital located in Missouri, appointed by the governor, with the advice and consent of the senate;

(2) Two members of the senate, with one member from the majority party appointed by the president pro tem of the senate and one member of the minority party appointed by the president pro tem of the senate with the concurrence of the minority floor leader of the senate; and

(3) Two members of the house of representatives, with one member from the majority party appointed by the speaker of the house of representatives and one member of the minority party appointed by the speaker of the house of representatives with the concurrence of the minority floor leader of the house of representatives.

4. The members appointed under subsection 3 of this section shall serve in an ex officio capacity. The terms of the members of the board of directors appointed under subsection 3 of this section shall expire on December 31, 2009. On such date, the membership of the board shall revert back to nine members as provided for in subsection 2 of this section.

5. Beginning on August 28, 2013, the board of directors on behalf of the pool, the executive director, and any other employees of the pool shall have the authority to provide assistance or resources to any department, agency, public official, employee, or agent of the federal government for the specific purpose of transitioning individuals enrolled in the pool to coverage outside of the pool beginning on or before January 1, 2014. Such authority does not extend to authorizing the pool to implement, establish, create, administer, or otherwise operate a state-based exchange.

376.962. 1. The board of directors on behalf of the pool shall submit to the director a plan of operation for the pool and any amendments thereto necessary or suitable to assure the fair, reasonable and equitable administration of the pool. After notice and hearing, the director shall approve the plan of operation, provided it is determined to be suitable to assure the fair, reasonable and equitable administration of the pool, and it provides for the sharing of pool gains or losses on an equitable proportionate basis. The plan of operation shall become effective upon approval in writing by the director consistent with the date on which the coverage under sections 376.960 to 376.989 becomes available. If the pool fails to submit a suitable plan of operation within one hundred eighty days after the appointment of the board of directors, or at any time thereafter fails to submit suitable amendments to the plan, the director shall, after notice and hearing, adopt and promulgate such reasonable rules as are necessary or advisable to effectuate the provisions of this section. Such rules shall continue in force until modified by the director or superseded by a plan submitted by the pool and approved by the director.

2. In its plan, the board of directors of the pool shall:

- (1) Establish procedures for the handling and accounting of assets and moneys of the pool;
- (2) Select an administering insurer **or third-party administrator** in accordance with section 376.968;
- (3) Establish procedures for filling vacancies on the board of directors; **and**

(4) Establish procedures for the collection of assessments from all members to provide for claims paid under the plan and for administrative expenses incurred or estimated to be incurred during the period for which the assessment is made. The level of payments shall be established by the board pursuant to the provisions of section 376.973. Assessment shall occur at the end of each calendar year and shall be due and payable within thirty days of receipt of the assessment notice[;

(5) Develop and implement a program to publicize the existence of the plan, the eligibility requirements, and procedures for enrollment, and to maintain public awareness of the plan].

3. On or before September 1, 2013, the board shall submit such amendments to the plan of operation as are necessary or suitable to ensure a reasonable transition period to allow for the termination of issuance of policies by the pool.

4. The amendments to the plan of operation submitted by the board shall include all of the requirements outlined in subsection 2 of this section and shall address the transition of individuals covered under the pool to alternative health insurance coverage as it is available after January 1, 2014. The plan of operation shall also address procedures for finalizing the financial matters of the pool, including assessments, claims expenses, and other matters identified in subsection 2 of this section.

5. The director shall review the plan of operation submitted under subsection 3 of this section and shall promulgate rules to effectuate the transitional plan of operation. Such rule shall be effective no later than October 1, 2013. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

376.964. The board of directors and administering insurers of the pool shall have the general powers and authority granted under the laws of this state to insurance companies licensed to transact health insurance as defined in section 376.960, and, in addition thereto, the specific authority to:

(1) Enter into contracts as are necessary or proper to carry out the provisions and purposes of sections 376.960 to 376.989, including the authority, with the approval of the director, to enter into contracts with similar pools of other states for the joint performance of common administrative functions, or with persons or other organizations for the performance of administrative functions;

(2) Sue or be sued, including taking any legal actions necessary or proper for recovery of any assessments for, on behalf of, or against pool members;

(3) Take such legal actions as necessary to avoid the payment of improper claims against the pool or the coverage provided by or through the pool;

(4) Establish appropriate rates, rate schedules, rate adjustments, expense allowances, agents' referral fees, claim reserve formulas and any other actuarial function appropriate to the operation of the pool. Rates shall not be unreasonable in relation to the coverage provided, the risk experience and expenses of providing the coverage. Rates and rate schedules may be adjusted for appropriate risk factors such as age and area variation in claim costs and shall take into consideration appropriate risk factors in accordance with established actuarial and underwriting practices;

(5) Assess members of the pool in accordance with the provisions of this section, and to make advance interim assessments as may be reasonable and necessary for the organizational and interim operating expenses. Any such interim assessments are to be credited as offsets against any regular assessments due following the close of the fiscal year;

(6) **Prior to January 1, 2014, issue policies of insurance in accordance with the requirements of sections 376.960 to 376.989. In no event shall new policies of insurance be issued on or after January 1, 2014;**

(7) Appoint, from among members, appropriate legal, actuarial and other committees as necessary to provide technical assistance in the operation of the pool, policy or other contract design, and any other function within the authority of the pool;

(8) Establish rules, conditions and procedures for reinsuring risks of pool members desiring to issue pool plan coverages in their own name. Such reinsurance facility shall not subject the pool to any of the capital or surplus requirements, if any, otherwise applicable to reinsurers;

(9) Negotiate rates of reimbursement with health care providers on behalf of the association and its members;

(10) Administer separate accounts to separate federally defined eligible individuals and trade act eligible individuals who qualify for plan coverage from the other eligible individuals entitled to pool coverage and apportion the costs of administration among such separate accounts.

376.966. 1. No employee shall involuntarily lose his or her group coverage by decision of his or her employer on the grounds that such employee may subsequently enroll in the pool. The department shall have authority to promulgate rules and regulations to enforce this subsection.

2. **Prior to January 1, 2014,** the following individual persons shall be eligible for coverage under the pool if they are and continue to be residents of this state:

(1) An individual person who provides evidence of the following:

(a) A notice of rejection or refusal to issue substantially similar health insurance for health reasons by at least two insurers; or

(b) A refusal by an insurer to issue health insurance except at a rate exceeding the plan rate for substantially similar health insurance;

(2) A federally defined eligible individual who has not experienced a significant break in coverage;

(3) A trade act eligible individual;

(4) Each resident dependent of a person who is eligible for plan coverage;

(5) Any person, regardless of age, that can be claimed as a dependent of a trade act eligible individual on such trade act eligible individual's tax filing;

(6) Any person whose health insurance coverage is involuntarily terminated for any reason other than nonpayment of premium or fraud, and who is not otherwise ineligible under subdivision (4) of subsection 3 of this section. If application for pool coverage is made not later than sixty-three days after the involuntary termination, the effective date of the coverage shall be the date of termination of the previous coverage;

(7) Any person whose premiums for health insurance coverage have increased above the rate established by the board under paragraph (a) of subdivision (1) of subsection 3 of this section;

(8) Any person currently insured who would have qualified as a federally defined eligible individual or a trade act eligible individual between the effective date of the federal Health Insurance Portability and Accountability Act of 1996, Public Law 104-191 and the effective date of this act.

3. The following individual persons shall not be eligible for coverage under the pool:

(1) Persons who have, on the date of issue of coverage by the pool, or obtain coverage under health insurance or an insurance arrangement substantially similar to or more comprehensive than a plan policy, or would be eligible to have coverage if the person elected to obtain it, except that:

(a) This exclusion shall not apply to a person who has such coverage but whose premiums have increased to one hundred fifty percent to two hundred percent of rates established by the board as applicable for individual standard risks;

(b) A person may maintain other coverage for the period of time the person is satisfying any preexisting condition waiting period under a pool policy; and

(c) A person may maintain plan coverage for the period of time the person is satisfying a preexisting condition waiting period under another health insurance policy intended to replace the pool policy;

(2) Any person who is at the time of pool application receiving health care benefits under section 208.151;

(3) Any person having terminated coverage in the pool unless twelve months have elapsed since such termination, unless such person is a federally defined eligible individual;

(4) Any person on whose behalf the pool has paid out one million dollars in benefits;

(5) Inmates or residents of public institutions, unless such person is a federally defined eligible individual, and persons eligible for public programs;

(6) Any person whose medical condition which precludes other insurance coverage is directly due to alcohol or drug abuse or self-inflicted injury, unless such person is a federally defined eligible individual or a trade act eligible individual;

(7) Any person who is eligible for Medicare coverage.

4. Any person who ceases to meet the eligibility requirements of this section may be terminated at the end of such person's policy period.

5. If an insurer issues one or more of the following or takes any other action based wholly or partially on medical underwriting considerations which is likely to render any person eligible for pool coverage, the insurer shall notify all persons affected of the existence of the pool, as well as the eligibility requirements and methods of applying for pool coverage:

(1) A notice of rejection or cancellation of coverage;

(2) A notice of reduction or limitation of coverage, including restrictive riders, if the effect of the reduction or limitation is to substantially reduce coverage compared to the coverage available to a person considered a standard risk for the type of coverage provided by the plan.

6. Coverage under the pool shall expire on January 1, 2014.

376.968. The board shall select an insurer [or] , insurers, or **third-party administrators** through a competitive bidding process to administer the pool. The board shall evaluate bids submitted based on criteria established by the board which shall include:

(1) The insurer's proven ability to handle individual accident and health insurance;

(2) The efficiency of the insurer's claim-paying procedures;

(3) An estimate of total charges for administering the plan;

(4) The insurer's ability to administer the pool in a cost-efficient manner.

376.970. 1. The administering insurer shall serve for a period of three years subject to removal for cause. At least one year prior to the expiration of each three-year period of service by an administering insurer, the board shall invite all insurers, including the current administering insurer, to submit bids to serve as the administering insurer for the succeeding three-year period. Selection of the administering insurer for the succeeding period shall be made at least six months prior to the end of the current three-year period.

2. The administering insurer shall:

(1) Perform all eligibility and administrative claim-payment functions relating to the pool;

(2) Establish a premium billing procedure for collection of premium from insured persons. Billings shall be made on a period basis as determined by the board;

(3) Perform all necessary functions to assure timely payment of benefits to covered persons under the pool including:

(a) Making available information relating to the proper manner of submitting a claim for benefits to the pool and distributing forms upon which submission shall be made;

(b) Evaluating the eligibility of each claim for payment by the pool;

(4) Submit regular reports to the board regarding the operation of the pool. The frequency, content and form of the report shall be determined by the board;

(5) Following the close of each calendar year, determine net written and earned premiums, the expense of administration, and the paid and incurred losses for the year and report this information to the board and the department on a form prescribed by the director;

(6) Be paid as provided in the plan of operation for its expenses incurred in the performance of its services.

3. On or before September 1, 2013, the board shall invite all insurers and third-party administrators, including the current administering insurer, to submit bids to serve as the administering insurer or third-party administrator for the pool. Selection of the administering insurer or third-party administrator shall be made prior to January 1, 2014.

4. Beginning January 1, 2014, the administering insurer or third-party administrator shall:

(1) Submit to the board and director a detailed plan outlining the winding down of operations of the pool. The plan shall be submitted no later than January 31, 2014, and shall be updated quarterly thereafter;

(2) Perform all administrative claim-payment functions relating to the pool;

(3) Perform all necessary functions to assure timely payment of benefits to covered persons under the pool including:

(a) Making available information relating to the proper manner of submitting a claim for benefits to the pool and distributing forms upon which submission shall be made; and

(b) Evaluating the eligibility of each claim for payment by the pool;

(4) Submit regular reports to the board regarding the operation of the pool. The frequency, content and form of the report shall be determined by the board;

(5) Following the close of each calendar year, determine the expense of administration, and the paid and incurred losses for the year, and report such information to the board and department on a form prescribed by the director; and

(6) Be paid as provided in the plan of operation for its expenses incurred in the performance of its services.

376.973. 1. Following the close of each fiscal year, the pool administrator shall determine the net premiums (premiums less administrative expense allowances), the pool expenses of administration and the incurred losses for the year, taking into account investment income and other appropriate gains and losses. Health insurance premiums and benefits paid by an insurance arrangement that are less than an amount determined by the board to justify the cost of collection shall not be considered for purposes of determining assessments. The total cost of pool operation shall be the amount by which all program expenses, including pool expenses of administration, incurred losses for the year, and other appropriate losses exceeds all program revenues, including net premiums, investment income, and other appropriate gains.

2. Each insurer's assessment shall be determined by multiplying the total cost of pool operation by a fraction, the numerator of which equals that insurer's premium and subscriber contract charges for health insurance written in the state during the preceding calendar year and the denominator of which equals the total of all premiums, subscriber contract charges written in the state and one hundred ten percent of all claims paid by insurance arrangements in the state during the preceding calendar year; provided, however, that the assessment for each health maintenance organization shall be determined through the application of an equitable formula based upon the value of services provided in the preceding calendar year.

3. Each insurance arrangement's assessment shall be determined by multiplying the total cost of pool operation calculated under subsection 1 of this section by a fraction, the numerator of which equals one hundred ten percent of the benefits paid by that insurance arrangement on behalf of insureds in this state during the preceding calendar year and the denominator of which equals the total of all premiums, subscriber contract charges and one hundred ten percent of all benefits paid by insurance arrangements made on behalf of insureds in this state during the preceding calendar year. Insurance arrangements shall report to the board claims payments made in this state on an annual basis on a form prescribed by the director.

4. If assessments exceed actual losses and administrative expenses of the pool, the excess shall be held at interest and used by the board to offset future losses or to reduce pool premiums. As used in this subsection, "future losses" include reserves for incurred but not paid claims.

5. Assessments shall continue until such time as the director of the pool provides notice to the board and director that all claims have been paid.

6. Any assessment funds remaining at the time the director provides notice that all claims have been paid shall be deposited in the state general revenue fund.

Section 1. 1. Notwithstanding any other provision of law to the contrary, beginning July 1, 2014, any MO HealthNet recipient who elects to receive medical coverage through a private health insurance plan instead of through the MO HealthNet program shall be eligible for a private insurance premium subsidy to assist the recipient in paying the costs of such private insurance if it is determined to be cost effective by the department.

The subsidy shall be provided on a sliding scale based on income, with a graduated reduction in subsidy over a period of time not to exceed two years.

2. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

House Amendment No. 2 was withdrawn.

On motion of Representative Barnes, **HCS HB 986, as amended**, was adopted.

On motion of Representative Barnes, **HCS HB 986, as amended**, was ordered perfected and printed.

HOUSE BILLS WITH SENATE AMENDMENTS

SS HCS HJR 11 & 7, as amended, relating to the right to farm, was taken up by Representative Reiboldt.

Representative Reiboldt moved that the House refuse to adopt **SS HCS HJR 11 & 7, as amended**, and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

THIRD READING OF SENATE BILL

HCS SS#2 SCS SB 26, 11 & 31, relating to taxation, was taken up by Representative Koenig.

Representative Keeney assumed the Chair.

Representative Kelley (127) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 26, 11 & 31, Page 7, Section 32.383, Line 9, by deleting the word, "**investigations**" and inserting in lieu thereof the word, "**investigation**"; and

Further amend said bill, Page 96, Section 143.011, Line 3, by inserting after the date, "**December 31, 2013**" the following words, "**or on or before the first tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, whichever is latest**"; and

Further amend said bill, Page 97, section, Lines 26-27, by deleting all of said lines and inserting in lieu thereof the following words:

"(2) For the first tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, the tax shall be determined by applying the tax table or the rate"; and

Further amend said bill, page, section, Lines 50-51, by deleting all of said lines and inserting in lieu thereof the following words:

"(3) For the second tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, the tax shall be determined by applying the tax table or the rate"; and

Further amend said bill, Page 98, section, Lines 74-75, by deleting all of said lines and inserting in lieu thereof the following words:

"(4) For the third tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, the tax shall be determined by applying the tax table or the rate"; and

Further amend said bill, Page 99, section, Lines 98-99, by deleting all of said lines and inserting in lieu thereof the following words:

"(5) For the fourth tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, the tax shall be determined by applying the tax table or the rate"; and

Further amend said bill, page, section, Line 120, by deleting all of said line and inserting in lieu thereof the following words:

"(6) For all tax years after the fourth tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, the tax shall be"; and

Further amend said bill, Page 100, Section 143.021, Line 1, by inserting after the date, "**December 31, 2013**" the following words, "**or on or before the first tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, whichever is latest**"; and

Further amend said bill, page, section, Lines 10-11, by deleting all of said lines and inserting in lieu thereof the following words:

"2. For the first tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, every resident having a taxable income of less than eight thousand"; and

Further amend said bill, Pages 100-102, section, Lines 12, 22, 29, 32, 39, 42, 49, 51, and 58, by inserting immediately after the word, "his" the words, "or her"; and

Further amend said bill, Page 101, section, Lines 20-21, by deleting all of said lines and inserting in lieu thereof the following words:

"3. For the second tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, every resident having a taxable income of less than eight thousand six"; and

Further amend said bill, page, section, Lines 30-31, by deleting all of said lines and inserting in lieu thereof the following words:

"4. For the third tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, every resident having a taxable income of less than eight thousand four"; and

Further amend said bill, page, section, Lines 40-41, by deleting all of said lines and inserting in lieu thereof the following words:

"5. For the fourth tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, every resident having a taxable income of less than eight thousand two"; and

Further amend said bill, page, section, Line 50, by deleting all of said line and inserting in lieu thereof the following words:

"6. For all tax years beginning after the fourth tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, every resident having a"; and

Further amend said bill, Page 102, Section 143.022, Lines 10-19, by deleting all of said lines and inserting in lieu thereof the following:

"(1) For the first tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, ten percent of the amount of business income;

(2) For the second tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, twenty percent of the amount of business income;

(3) For the third tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, thirty percent of the amount of business income;

(4) For the fourth tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, forty percent of the amount of business income;

(5) For all tax years beginning after the fourth tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, fifty percent of the amount of business income."; and

Further amend said bill, Page 103, Section 143.071, Line 5, by inserting after the date, "**December 31, 2013**" the following words, "**or on or before the first tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, whichever is latest**"; and

Further amend said bill, page, section, Lines 7-8, by deleting all of said lines and inserting in lieu thereof the following words:

"3. (1) For the first tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, a tax is hereby imposed upon the Missouri taxable income of"; and

Further amend said bill, page, section, Lines 10-11, by deleting all of said lines and inserting in lieu thereof the following words:

"(2) For the second tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, a tax is hereby imposed upon the Missouri taxable income of"; and

Further amend said bill, page, section, Lines 14-15, by deleting all of said lines and inserting in lieu thereof the following words:

"(3) For the third tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, a tax is hereby imposed upon the Missouri taxable income of"; and

Further amend said bill, page, section, Lines 17-18, by deleting all of said lines and inserting in lieu thereof the following words:

"(4) For the fourth tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, a tax is hereby imposed upon the Missouri taxable income of"; and

Further amend said bill, page, section, Line 21, by deleting all of said line and inserting in lieu thereof the following words:

"(5) For all tax years beginning after the fourth tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, a tax is hereby imposed"; and

Further amend said bill, page, Section 143.151, Line 8, by inserting after the date, "**January 1, 2014**" the following words, "**or on or before the first tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, whichever is latest**"; and

Further amend said bill, Page 104, Section 144.010, Lines 25-27, by deleting all of said lines and inserting in lieu thereof the following:

"(7) "Appliance", clothes washer and dryer, water heater, trash compactor, dishwasher, conventional oven, range, stove, air conditioner, furnace, refrigerator, and freezer"; and

Further amend said bill, Page 105, section, Line 66, by deleting the first occurrence of the word, "**of**" and inserting in lieu thereof the word, "**or**"; and

Further amend said bill, Page 106, section, Line 78, by deleting the word, "**included**" and inserting in lieu thereof the word, "**includes**"; and

Further amend said bill, Page 108, section, Line 146, by deleting the words, "**shoe laces**" and inserting in lieu thereof the word, "**shoelaces**"; and

Further amend said bill, page, section, Line 150, by deleting the words, "**Steel toed**" and inserting in lieu thereof the word, "**Steel-toed**"; and

Further amend said bill, page, section, Line 163, by deleting the second occurrence of the word, "**or**" and inserting in lieu thereof the word, "**and**"; and

Further amend said bill, Page 109, section, Line 208, by deleting the word, "**are**" and inserting in lieu thereof the word, "**is**"; and

Further amend said bill, Page 110, section, Line 220, by deleting the word, "**and**" and inserting in lieu thereof the word, "**or**"; and

Further amend said bill, Page 111, section, Line 248, by deleting the word, "**are**" and inserting in lieu thereof the word, "**is**"; and

Further amend said bill, Page 112, section, Line 294, by deleting the words, "**vending machines**" and inserting in lieu thereof the words, "**a vending machine**"; and

Further amend said bill, page, section, Line 298, by deleting the words, "**over-the-counter-drugs**" and inserting in lieu thereof the words, "**over-the-counter drugs**"; and

Further amend said bill, Page 116, section, Line 441, by deleting the word, "**or**" and inserting in lieu thereof the word, "**of**"; and

Further amend said bill, Page 118, section, Line 523, by deleting the word, "**protections**" and inserting in lieu thereof the word, "**protection**"; and

Further amend said bill, page, section, Line 524, by deleting the word, "**are**" and inserting in lieu thereof the word, "**is**"; and

Further amend said bill, Page 122, section, Line 657, by deleting the word, "**service**" and inserting in lieu thereof the word, "**services**"; and

Further amend said bill, Page 123, section, Line 699, by deleting the word, "**telecommunication**" and inserting in lieu thereof the word, "**telecommunications**"; and

Further amend said bill, page, section, Line 705, by deleting the word, "**charges**" and inserting in lieu thereof the word, "**charge**"; and

Further amend said bill, Page 128, Section 144.020, Lines 54-59, by deleting all of said lines and inserting in lieu thereof the following words:

"(1) In the first calendar year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, four and one-fifth percent;

(2) In the second calendar year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, four and three-tenths percent;

(3) In the third calendar year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, four and two-fifths percent;

(4) In the fourth calendar year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, four and one-half percent;

(5) For all tax years after the fourth calendar year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, four and three-fifths percent."; and

Further amend said bill, page, Section 144.021, Lines 11-17, by deleting all of said lines and inserting in lieu thereof the words, **"imposed under this section shall be the rate imposed under 144.020."**; and

Further amend said bill, Page 133, Section 144.030, Line 124, by inserting a comma, ",", after the word, "disabilities"; and

Further amend said bill, Page 139, Section 144.040, Line 58, by deleting the words, **"the previous rules of"**; and

Further amend said bill, Page 155, Section 144.110, Line 3, by deleting the word, **"Section"** and inserting in lieu thereof the word, **"section"**; and

Further amend said bill, Page 160, Section 144.212, Line 32, by inserting immediately after the word, **"use"** the word, **"is"**; and

Further amend said bill, Page 163, Section 144.440, Lines 37-43, by deleting all of said lines and inserting in lieu thereof the words, **"imposed under this section shall be the rate imposed under 144.020."**; and

Further amend said bill, page, Section 144.522, Line 9, by inserting immediately after the word, **"Code"** the words, **"of 1986, as amended"**; and

Further amend said bill, Pages 165-166, Section 144.605, Lines 29, 30, 31, 40, 44-45, 46, and 48, by deleting the words, **"the state"** and inserting in lieu thereof the words, **"this state"**; and

Further amend said bill, Page 165, section, Line 31, by deleting the word, **"sales;"** and inserting in lieu thereof the words, **"vendor's sales."**; and

Further amend said bill, Page 169, Section 144.700, Line 8, by inserting after the date, **"January 1, 2014"** the following words, **"or the first calendar year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars"**; and

Further amend said bill, Page 170, Section 144.700, Line 16, by inserting after the word, **"fund"** the following:

";

(3) The revenue derived from the rate for the second calendar year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, one-tenth percent; the revenue derived from the rate for the third calendar year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, one-tenth percent; the fourth calendar year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, one-tenth percent; and the revenue derived from the rate for all calendar years after the fourth calendar year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, one-tenth percent. The revenue derived from the rates specified in this subdivision shall be deposited in the state school moneys fund under section 166.051."; and

Further amend said bill, Page 181, Section 630.1100, Line 8, by deleting the number, **"2"** and inserting in lieu thereof the number, **"(2)"**; and

Further amend said bill, Page 187, Section B, Lines 10-14, by deleting all of said lines and inserting in lieu thereof the words, **"144.124, 144.125, 144.212, and 144.522 shall become effective on January 1, 2015."**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Kelley (127), **House Amendment No. 1** was adopted.

Representative Hough offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 26, 11 & 31, Page 3, Section 32.087, Line 8, by inserting after the word, "section" the following words, "**and shall be imposed on all transactions on which the Missouri state sales tax is imposed**"; and

Further amend said bill, Page 128, Section 144.021, Line 3, by inserting after the number, "144.020" the following words, "**and for the privilege of titling new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hough, **House Amendment No. 2** was adopted.

Representative Burlison offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 26, 11 & 31, Page 104, Section 143.151, Line 13, by inserting after all of said section and line the following:

"143.451. 1. Missouri taxable income of a corporation shall include all income derived from sources within this state.

2. A corporation described in subdivision (1) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income from sources within this state, including that from the transaction of business in this state and that from the transaction of business partly done in this state and partly done in another state or states. However:

(1) Where income results from a transaction partially in this state and partially in another state or states, and income and deductions of the portion in the state cannot be segregated, then such portions of income and deductions shall be allocated in this state and the other state or states as will distribute to this state a portion based upon the portion of the transaction in this state and the portion in such other state or states.

(2) The taxpayer may elect to compute the portion of income from all sources in this state in the following manner, **or the manner set forth in subdivision (3) of this subsection**:

(a) The income from all sources shall be determined as provided, excluding therefrom the figures for the operation of any bridge connecting this state with another state.

(b) The amount of sales which are transactions wholly in this state shall be added to one-half of the amount of sales which are transactions partly within this state and partly without this state, and the amount thus obtained shall be divided by the total sales or in cases where sales do not express the volume of business, the amount of business transacted wholly in this state shall be added to one-half of the amount of business transacted partly in this state and partly outside this state and the amount thus obtained shall be divided by the total amount of business transacted, and the net income shall be multiplied by the fraction thus obtained, to determine the proportion of income to be used to arrive at the amount of Missouri taxable income. The investment or reinvestment of its own funds, or sale of any such investment or reinvestment, shall not be considered as sales or other business transacted for the determination of said fraction.

[(3)] (c) For the purposes of this [section] **subdivision**, a transaction involving the sale of tangible property is:

[(a)] **a.** "Wholly in this state" if both the seller's shipping point and the purchaser's destination point are in this state;

[(b)] **b.** "Partly within this state and partly without this state" if the seller's shipping point is in this state and the purchaser's destination point is outside this state, or the seller's shipping point is outside this state and the purchaser's destination point is in this state;

[(c)] **c.** Not "wholly in this state" or not "partly within this state and partly without this state" only if both the seller's shipping point and the purchaser's destination point are outside this state[;].

(d) For purposes of this subdivision:

a. The purchaser's destination point shall be determined without regard to the FOB point or other conditions of the sale[;]; and

b. The seller's shipping point is determined without regard to the location of the seller's principle office or place of business.

(3) The taxpayer may elect to compute the portion of income from all sources in this state in the following manner:

(a) The income from all sources shall be determined as provided, excluding therefrom the figures for the operation of any bridge connecting this state with another state;

(b) The amount of sales which are transactions in this state shall be divided by the total sales, and the net income shall be multiplied by the fraction thus obtained, to determine the proportion of income to be used to arrive at the amount of Missouri taxable income. The investment or reinvestment of its own funds, or sale of any such investment or reinvestment, shall not be considered as sales or other business transacted for the determination of said fraction;

(c) For the purposes of this subdivision, a transaction involving the sale of tangible property is:

a. "In this state" if the purchaser's destination point is in this state;

b. Not "in this state" if the purchaser's destination point is outside this state;

(d) For purposes of this subdivision, the purchaser's destination point shall be determined without regard to the FOB point or other conditions of the sale and shall not be in this state if the purchaser received the tangible personal property from the seller in this state for delivery to the purchaser's location outside this state.

(4) For purposes of this subsection, the following words shall, unless the context otherwise requires, have the following meaning:

(a) "Administration services" include, but are not limited to, clerical, fund or shareholder accounting, participant record keeping, transfer agency, bookkeeping, data processing, custodial, internal auditing, legal and tax services performed for an investment company;

(b) "Affiliate", the meaning as set forth in 15 U.S.C. Section 80a-2(a)(3)(C), as may be amended from time to time;

(c) "Distribution services" include, but are not limited to, the services of advertising, servicing, marketing, underwriting or selling shares of an investment company, but, in the case of advertising, servicing or marketing shares, only where such service is performed by a person who is, or in the case of a closed end company, was, either engaged in the services of underwriting or selling investment company shares or affiliated with a person that is engaged in the service of underwriting or selling investment company shares. In the case of an open end company, such service of underwriting or selling shares must be performed pursuant to a contract entered into pursuant to 15 U.S.C. Section 80a-15(b), as from time to time amended;

(d) "Investment company", any person registered under the federal Investment Company Act of 1940, as amended from time to time, (the act) or a company which would be required to register as an investment company under the act except that such person is exempt to such registration pursuant to Section 80a-3(c)(1) of the act;

(e) "Investment funds service corporation" includes any corporation or S corporation doing business in the state which derives more than fifty percent of its gross income in the ordinary course of business from the provision directly or indirectly of management, distribution or administration services to or on behalf of an investment company or from trustees, sponsors and participants of employee benefit plans which have accounts in an investment company. An investment funds service corporation shall include any corporation or S corporation providing management services as an investment advisory firm registered under Section 203 of the Investment Advisors Act of 1940, as amended from time to time, regardless of the percentage of gross revenues consisting of fees from management services provided to or on behalf of an investment company;

(f) "Management services" include but are not limited to, the rendering of investment advice directly or indirectly to an investment company making determinations as to when sales and purchases of securities are to be made on behalf of the investment company, or the selling or purchasing of securities constituting assets of an investment company, and related activities, but only where such activity or activities are performed:

a. Pursuant to a contract with the investment company entered into pursuant to 15 U.S.C. Section 80a-15(a), as from time to time amended;

b. For a person that has entered into such contract with the investment company; or

c. For a person that is affiliated with a person that has entered into such contract with an investment company;
 (g) "Qualifying sales", gross income derived from the provision directly or indirectly of management, distribution or administration services to or on behalf of an investment company or from trustees, sponsors and participants of employee benefit plans which have accounts in an investment company. For purposes of this section, gross income is defined as that amount of income earned from qualifying sources without deduction of expenses related to the generation of such income;

(h) "Residence", presumptively the fund shareholder's mailing address on the records of the investment company. If, however, the investment company or the investment funds service corporation has actual knowledge that the fund shareholder's primary residence or principal place of business is different than the fund shareholder's mailing address such presumption shall not control. To the extent an investment funds service corporation does not have access to the records of the investment company, the investment funds service corporation may employ reasonable methods to determine the investment company fund shareholder's residence.

(5) Notwithstanding other provisions of law to the contrary, qualifying sales of an investment funds service corporation, or S corporation, shall be considered wholly in this state only to the extent that the fund shareholders of the investment companies, to which the investment funds service corporation, or S corporation, provide services, are resided in this state. Wholly in this state qualifying sales of an investment funds service corporation, or S corporation, shall be determined as follows:

(a) By multiplying the investment funds service corporation's total dollar amount of qualifying sales from services provided to each investment company by a fraction, the numerator of which shall be the average of the number of shares owned by the investment company's fund shareholders resided in this state at the beginning of and at the end of the investment company's taxable year that ends with or within the investment funds service corporation's taxable year, and the denominator of which shall be the average of the number of shares owned by the investment company's fund shareholders everywhere at the beginning of and at the end of the investment company's taxable year that ends with or within the investment funds service corporation's taxable year;

(b) A separate computation shall be made to determine the wholly in this state qualifying sales from each investment company. The qualifying sales for each investment company shall be multiplied by the respective percentage of each fund, as calculated pursuant to paragraph (a) of this subdivision. The product of this equation shall result in the wholly in this state qualifying sales. The qualifying sales for each investment company which are not wholly in this state will be considered wholly without this state;

(c) To the extent an investment funds service corporation has sales which are not qualifying sales, those nonqualified sales shall be apportioned to this state based on the methodology utilized by the investment funds service corporation without regard to this subdivision.

3. Any corporation described in subdivision (1) of subsection 1 of section 143.441 organized in this state or granted a permit to operate in this state for the transportation or care of passengers shall report its gross earnings within the state on intrastate business and shall also report its gross earnings on all interstate business done in this state which report shall be subject to inquiry for the purpose of determining the amount of income to be included in Missouri taxable income. The previous sentence shall not apply to a railroad.

4. A corporation described in subdivision (2) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income arising from all sources in this state and all income from each transportation service wholly within this state, from each service where the only lines of such corporation used are those in this state, and such proportion of revenue from each service where the facilities of such corporation in this state and in another state or states are used, as the mileage used over the lines of such corporation in the state shall bear to the total mileage used over the lines of such corporation. The taxpayer may elect to compute the portion of income from all sources within this state in the following manner:

(1) The income from all sources shall be determined as provided;

(2) The amount of investment of such corporation on December thirty-first of each year in this state in fixed transportation facilities, real estate and improvements, plus the value on December thirty-first of each year of any fixed transportation facilities, real estate and improvements in this state leased from any other railroad shall be divided by the sum of the total amount of investment of such corporation on December thirty-first of each year in fixed transportation facilities, real estate and improvements, plus the value on December thirty-first of each year, of any fixed transportation facilities, real estate and improvements leased from any other railroad. Where any fixed transportation facilities, real estate or improvements are leased by more than one railroad, such portion of the value shall be used by each railroad as the rental paid by each shall bear to the rental paid by all lessees. The income shall be multiplied by the fraction thus obtained to determine the proportion to be used to arrive at the amount of Missouri taxable income.

5. A corporation described in subdivision (3) of subsection 1 of section 143.441 shall include in its Missouri taxable income one-half of the net income from the operation of a bridge between this and another state. If any such bridge is owned or operated by a railroad corporation or corporations, or by a corporation owning a railroad corporation

using such bridge, then the figures for operation of such bridge may be included in the return of such railroad or railroads; or if such bridge is owned or operated by any other corporation which may now or hereafter be required to file an income tax return, one-half of the income or loss to such corporation from such bridge may be included in such return by adding or subtracting same to or from another net income or loss shown by the return.

6. A corporation described in subdivision (4) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income arising from all sources within this state. Income shall include revenue from each telephonic or telegraphic service rendered wholly within this state; from each service rendered for which the only facilities of such corporation used are those in this state; and from each service rendered over the facilities of such corporation in this state and in other state or states, such proportion of such revenue as the mileage involved in this state shall bear to the total mileage involved over the lines of said company in all states. The taxpayer may elect to compute the portion of income from all sources within this state in the following manner:

(1) The income from all sources shall be determined as provided;

(2) The amount of investment of such corporation on December thirty-first of each year in this state in telephonic or telegraphic facilities, real estate and improvements thereon, shall be divided by the amount of the total investment of such corporation on December thirty-first of each year in telephonic or telegraphic facilities, real estate and improvements. The income of the taxpayer shall be multiplied by fraction thus obtained to determine the proportion to be used to arrive at the amount of Missouri taxable income.

7. From the income determined in subsections 2, 3, 4, 5 and 6 of this section to be from all sources within this state shall be deducted such of the deductions for expenses in determining Missouri taxable income as were incurred in this state to produce such income and all losses actually sustained in this state in the business of the corporation.

8. If a corporation derives only part of its income from sources within Missouri, its Missouri taxable income shall only reflect the effect of the following listed deductions to the extent applicable to Missouri. The deductions are: (a) its deduction for federal income taxes pursuant to section 143.171, and (b) the effect on Missouri taxable income of the deduction for net operating loss allowed by Section 172 of the Internal Revenue Code. The extent applicable to Missouri shall be determined by multiplying the amount that would otherwise affect Missouri taxable income by the ratio for the year of the Missouri taxable income of the corporation for the year divided by the Missouri taxable income for the year as though the corporation had derived all of its income from sources within Missouri. For the purpose of the preceding sentence, Missouri taxable income shall not reflect the listed deductions.

9. Any investment funds service corporation organized as a corporation or S corporation which has any shareholders resided in this state shall be subject to Missouri income tax as provided in this chapter."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Speaker Jones resumed the Chair.

Representative Haefner offered **House Amendment No. 1 to House Amendment No. 3.**

Representative Hummel raised a point of order that the distribution of **House Amendment No. 1 to House Amendment No. 3** was not timely.

The Chair ruled the point of order well taken.

On motion of Representative Burlison, **House Amendment No. 3** was adopted.

MOTION

Representative Hummel moved that further discussion of **HCS SS#2 SCS SBs 26, 11 & 31, as amended**, be postponed until such time that the formal challenge to the fiscal note, made on Monday, April 22, 2013, pursuant to Section 23.140.3 RSMo, has been evaluated and heard in front of the Joint Committee on Legislative Research; further, that discussion of the bill be postponed until such time that the fiscal note has been re-evaluated and re-submitted by the Oversight Division within Legislative Research.

Which motion was defeated by the following vote:

AYES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Swearingen	Walton Gray	Webber	Wright

NOES: 106

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Parkinson	Pfautsch
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

PRESENT: 000

ABSENT WITH LEAVE: 007

Guernsey	May	Neth	Phillips	Smith 85
Smith 120	Webb			

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 108

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Parkinson
Pfausch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 047

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	Mayfield	McCann Beatty
McDonald	McManus	McNeil	Meredith	Mims
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo
Runions	Schieffer	Schupp	Swearingen	Walton Gray
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 008

Cross	May	McKenna	Mitten	Roorda
Smith 85	Smith 120	Webb		

On motion of Representative Koenig, **HCS SS#2 SCS SBs 26, 11 & 31, as amended**, was adopted.

On motion of Representative Koenig, **HCS SS#2 SCS SBs 26, 11 & 31, as amended**, was read the third time and passed by the following vote:

AYES: 090

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Fitzwater	Flanigan
Franklin	Frederick	Funderburk	Gatschenberger	Gosen
Grisamore	Guernsey	Haefner	Hansen	Hicks
Higdon	Hinson	Hough	Houghton	Hurst
Jones 50	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	McCaherty	McGaugh
Messenger	Miller	Moon	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Pike
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Scharnhorst	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Walker
White	Wieland	Wilson	Zerr	Mr Speaker

NOES: 068

Anders	Black	Brown	Burns	Butler
Carpenter	Colona	Conway 10	Curtis	Dunn
Ellinger	Ellington	English	Englund	Entlicher
Fitzpatrick	Fowler	Fraker	Frame	Gannon
Gardner	Haahr	Hampton	Harris	Hodges
Hoskins	Hubbard	Hummel	Johnson	Justus
Kelly 45	Kirkton	Kratky	LaFaver	Marshall
Mayfield	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Molendorp
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Phillips	Pierson
Pogue	Rizzo	Rowden	Rowland	Runions
Schieffer	Schupp	Swearingen	Torpey	Walton Gray
Webber	Wood	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 005

May	Roorda	Smith 85	Smith 120	Webb
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Speaker Jones declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 109

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
McCaherty	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth
Pace	Parkinson	Pfautsch	Phillips	Pike
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kirkton
Kratky	LaFaver	Marshall	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Peters	Pierson
Pogue	Rizzo	Runions	Schieffer	Schupp
Swearingen	Walton Gray	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 005

May	Roorda	Smith 85	Smith 120	Webb
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PERFECTION OF HOUSE BILLS

HCS HB 675, relating to diabetes training in public schools, was taken up by Representative Grisamore.

Representative Riddle offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 675, Page 5, Section 167.824, Line 11, by inserting after all of said line the following:

"Section 1. The Missouri state training center for the D.A.R.E. program shall develop the curriculum and certification requirements for school resource officers. At a minimum, school resource officers must complete forty hours of basic school resource officer training to include legal operations within an educational environment, intruder training and planning, juvenile law, and any other relevant topics relating to the job and functions of a school resource officer."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Guernsey assumed the Chair.

On motion of Representative Riddle, **House Amendment No. 1** was adopted.

Representative Scharnhorst offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 675, Page 1, Section A, Line 3, by inserting after all of said line the following:

"161.450. 1. This section shall be known as "Cade's Law".

2. The department of elementary and secondary education shall develop and adopt rules relating to a physical fitness challenge for elementary, middle, and high school level students. The challenge shall include, but not be limited to, elements that address physical conditioning, flexibility, strength, and aerobic capacity and shall recognize individual, team, and school-wide performance.

3. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Scharnhorst, **House Amendment No. 2** was adopted.

On motion of Representative Grisamore, **HCS HB 675, as amended**, was adopted.

On motion of Representative Grisamore, **HCS HB 675, as amended**, was ordered perfected and printed.

HCS HB 285, relating to controlled substance distribution, was taken up by Representative Pace.

Representative McGaugh offered **House Amendment No. 1**.

House Amendment No. 1 was withdrawn.

On motion of Representative Pace, **HCS HB 285** was adopted.

On motion of Representative Pace, **HCS HB 285** was ordered perfected and printed.

REFERRAL OF HOUSE JOINT RESOLUTION

The following House Joint Resolution was referred to the Committee indicated:

HCS HJR 26 - Fiscal Review

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HCS HB 78 - Fiscal Review

HB 421 - Fiscal Review

HCS HB 653 - Fiscal Review

HCS HB 859 - Fiscal Review

HCS HB 986 - Fiscal Review

COMMITTEE REPORTS

Committee on Budget, Vice-Chairman Flanigan reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HJR 17**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Budget, Chairman Stream reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HB 17**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 18**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 19**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Economic Development, Chairman Zerr reporting:

Mr. Speaker: Your Committee on Economic Development, to which was referred **SCS SB 248**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Elections, Chairman Entlicher reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **SCS SB 2**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Elections, to which was referred **SB 99**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on General Laws, Chairman Jones (50) reporting:

Mr. Speaker: Your Committee on General Laws, to which was referred **SB 23**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on International Trade, Chairman McCaherty reporting:

Mr. Speaker: Your Committee on International Trade, to which was referred **SB 257**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Utilities, Chairman Funderburk reporting:

Mr. Speaker: Your Committee on Utilities, to which was referred **SCS SB 240**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Utilities, to which was referred **SB 275**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Workforce Development and Workplace Safety, Chairman Lant reporting:

Mr. Speaker: Your Committee on Workforce Development and Workplace Safety, to which was referred **HB 1041**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Riddle reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HJR 15**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HJR 35**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 350**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 371**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 464**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SS#2 SCS SJR 16**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SS#2 SCS SB 1**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 36**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 88**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 90**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 126**, begs leave to report it has examined the same and recommends that it **Do Pass**.

COMMITTEE CHANGE

April 24, 2013

The Honorable Timothy Jones, Speaker
Missouri House of Representatives
201 W. Capitol Ave., RM 308
Jefferson City, MO 65101

Dear Mr. Speaker:

I would like to notify you of the following changes to the current Issue Development Standing Committees:

- Rep. Craig Redmon added to the Issue Development Standing Committee on Missouri Ports

Sincerely,

/s/ Representative Dwight Scharnhorst
Administration and Accounts, Chair

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Thursday, April 25, 2013.

COMMITTEE HEARINGS

ADMINISTRATION AND ACCOUNTS

Thursday, April 25, 2013, 9:30 AM, South Gallery.

Executive session may be held on any matter referred to the committee.

We will be discussing and voting on changes to member's expense accounts.

Please look for information in your email.

AGRI-BUSINESS

Thursday, April 25, 2013, Upon Morning Adjournment, House Hearing Room 5.

Executive session may be held on any matter referred to the committee.

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Tuesday, April 30, 2013, Upon Afternoon Adjournment, House Hearing Room 5.

Committee will review fee fund balances with the Department of Agriculture and the Department of Natural Resources

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Thursday, April 25, 2013, 1:00 PM or Upon Morning Adjournment, House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Demonstration of FQHC Data Warehouse

Continued discussion of Department of Social Services Revenue Maximization Policy

Department of Mental Health review of CMHC's role in healthcare delivery

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, April 30, 2013, 12:00 PM or Upon Morning Recess, House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Continued conversation about Canteen and then onto MVE both in 2009 audit

BUDGET

Thursday, April 25, 2013, 8:30 AM, House Hearing Room 3.

Executive session will be held: HCS HJR 14

Executive session may be held on any matter referred to the committee.

DOWNSIZING STATE GOVERNMENT

Thursday, April 25, 2013, 8:00 AM, House Hearing Room 4.

Public hearing will be held: SB 170

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Thursday, April 25, 2013, 8:30 AM, House Hearing Room 6.

Executive session will be held: HCS HB 589, HCS HB 653, HCS SS SCS SB 125

Executive session may be held on any matter referred to the committee.

All bills referred to committee may be considered.

AMENDED#2

GOVERNMENT OVERSIGHT AND ACCOUNTABILITY

Monday, April 29, 2013, 12:00 PM, House Hearing Room 7.

Public hearing will be held: SS SB 251, SS SB 252

Executive session may be held on any matter referred to the committee.

ISSUE DEVELOPMENT STANDING COMMITTEE ON MISSOURI PORTS

Wednesday, May 1, 2013, 7:00 PM, House Hearing Room 1.

This will be an informational meeting.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, May 2, 2013, 8:00 AM, House Hearing Room 1.

Second quarter meeting

LOCAL GOVERNMENT

Thursday, April 25, 2013, 8:30 AM, House Hearing Room 5.

Executive session may be held on any matter referred to the committee.

AMENDED

RETIREMENT

Thursday, April 25, 2013, 9:00 AM, House Hearing Room 1.

Public hearing will be held: HB 897

Executive session may be held on any matter referred to the committee.

CANCELLED

RULES

Thursday, April 25, 2013, Upon Morning Adjournment, South Gallery.

Executive session will be held: HCS HB 402, HB 427, HCS HB 430, HCS HB 484, HCS HB 513, HB 555, HCS HB 564, HCS SCS SB 9, SB 77, HCS SB 148, HCS SB 161, SB 216, HCS SB 222, SCS SB 224, HCS SS SCS SB 241, HCS SS SB 262, HCS SB 330, HCS SCS SB 33, HCS SB 51, HCS HB 717, HCS HB 727, HCS SB 23

Executive session may be held on any matter referred to the committee.

AMENDED#2

TOURISM AND NATURAL RESOURCES

Thursday, April 25, 2013, 8:00 AM, House Hearing Room 7.

Public hearing will be held: HB 871

Executive session will be held: SB 72, SB 218, HB 944, HB 835

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

FIFTY-EIGHTH DAY, THURSDAY, APRIL 25, 2013

HOUSE JOINT RESOLUTIONS FOR PERFECTION

HJR 19 - Bahr

HOUSE BILLS FOR PERFECTION

- 1 HB 227 - Zerr
- 2 HB 423 - Zerr
- 3 HB 578, as amended - Funderburk
- 4 HCS HB 221 - Leara
- 5 HCS HB 701 - Molendorp
- 6 HB 255 - Torpey
- 7 HCS HB 458 - Scharnhorst
- 8 HB 242 - Ellington
- 9 HB 503, as amended, HA 1 HA 3, and HA 3, pending - McCaherty
- 10 HB 448 - Webb
- 11 HB 162 - Sommer
- 12 HCS HB 234 - Gatschenberger
- 13 HB 616 - Bahr
- 14 HB 185 - Kirkton
- 15 HCS HB 210 - Cox
- 16 HCS HB 630 - McCaherty
- 17 HB 336 - Hinson

HOUSE BILLS FOR PERFECTION - FEDERAL MANDATE

- 1 HB 635 - Fitzwater
- 2 HCS HB 771 - Schatz
- 3 HCS HB 611 - Lant

HOUSE JOINT RESOLUTIONS FOR THIRD READING

HCS HJR 26, (Fiscal Review 4/24/13) - Richardson

HOUSE BILLS FOR THIRD READING

- 1 HB 201 - Torpey
- 2 HCS HBs 521 & 579, (Fiscal Review 3/27/13) - Koenig
- 3 HCS HB 470 - Barnes
- 4 HCS#2 HB 178 - Koenig
- 5 HCS HB 589, (Fiscal Review 4/22/13), E.C. - Hinson
- 6 HCS HB 161 - Gatschenberger
- 7 HCS HB 348 - Neth
- 8 HCS HB 859, (Fiscal Review 4/24/13) - Brattin
- 9 HCS HB 275 - Brattin
- 10 HCS HB 76 - Rowland
- 11 HCS HB 78, (Fiscal Review 4/24/13) - Johnson
- 12 HCS HB 344, E.C. - Molendorp
- 13 HCS HB 387 - Frederick
- 14 HCS HB 415 - Phillips
- 15 HCS HB 601 - Richardson
- 16 HCS HB 653, (Fiscal Review 4/24/13) - Lauer
- 17 HCS HB 881, E.C. - Guernsey
- 18 HCS HB 543, E.C. - Hoskins
- 19 HCS HB 372 - Cox
- 20 HB 421, (Fiscal Review 4/24/13) - Curtman
- 21 HCS HB 541, E.C. - Hicks
- 22 HCS HB 986, (Fiscal Review 4/24/13), E.C. - Barnes

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 11 - Walton Gray
- 2 HCR 21 - Black
- 3 HCS HCR 17 - Frederick
- 4 HCR 34 - Houghton

SENATE BILLS FOR THIRD READING - CONSENT

- 1 SB 59 - Gosen
- 2 SB 60 - Gosen
- 3 SB 80 - Engler
- 4 HCS SB 188 - Romine
- 5 SB 234 - Burlison
- 6 SB 235 - Dugger
- 7 SB 306 - Elmer
- 8 SCS SB 324 - Hansen
- 9 SCS SB 376 - Frederick
- 10 SB 16 - Dugger

- 11 SCS SB 191 - McCaherty
- 12 SB 237 - Miller
- 13 SB 329 - Love

SENATE BILLS FOR THIRD READING

- 1 SCS SB 106 - Davis
- 2 HCS SCS SB 117 - Davis
- 3 HCS SCS SB 157 and SB 102 - Dugger
- 4 HCS SCS SB 186 - Davis
- 5 SB 197 - Frederick
- 6 SB 230 - Brattin
- 7 HCS SS SCS SB 125, (Fiscal Review 4/23/13) - Barnes
- 8 SS SB 28 - Cierpiot
- 9 SCS SB 254 - Crawford
- 10 SCS SB 287 - Gosen

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 SCS HCS HB 1 - Stream
- 2 SCS HCS HB 2 - Stream
- 3 SCS HCS HB 3 - Stream
- 4 SCS HCS HB 4 - Stream
- 5 SCS HCS HB 5 - Stream
- 6 SCS HCS HB 6, as amended - Stream
- 7 SCS HCS HB 7, as amended - Stream
- 8 SCS HCS HB 8 - Stream
- 9 SCS HCS HB 9 - Stream
- 10 SCS HCS HB 10 - Stream
- 11 SCS HCS HB 11 , as amended - Stream
- 12 SCS HCS HB 12 - Stream
- 13 SCS HCS HB 13 - Stream
- 14 SS HCS HB 315 - Rowland
- 15 HB 68, SA 1 - Kelley (127)
- 16 HB 163, SA 1, SA 2, SA 4, SA 5, E.C. - Fitzpatrick
- 17 SCS HCS HBs 303 & 304, as amended - Scharnhorst

BILLS CARRYING REQUEST MESSAGES

SS HCS HJR 11 & 7, as amended (request Senate recede/grant conference) - Reiboldt

SENATE CONCURRENT RESOLUTIONS

SCS SCR 5 - Frederick

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

FIFTY-EIGHTH DAY, THURSDAY, APRIL 25, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

Blessed are they that hear the word of God and keep it. (Luke 11:28)

Eternal God, so high above us that we cannot comprehend You and yet so deep within us that we cannot escape You, make Yourself real to us as we pray today.

We are tired of our smallness and pray that You will lift us into the fellowship of great minds. Tired are we of our thoughts of discouragement and pray that You will lift us into the companionship of great hearts. In this fellowship and from this companionship may our faith be renewed, our hope strengthened, and our courage confirmed.

Bless these Representatives of our people. During these days may they be wise with Your wisdom, strong in Your power, and faithful through Your faithfulness to them. According to our needs may the riches of Your grace enter the heart of every one of us.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Catherine Perlik, Claire Giefer, Alec Tapia, Emma Schroeder, Connor Gibbs, Mason Gibbs and Adalyn Gibbs.

The Journal of the fifty-seventh day was approved as printed.

Representative Barnes assumed the Chair.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2284 through House Resolution No. 2313

THIRD READING OF HOUSE BILLS

HCS HB 601, relating to telecommunications, was taken up by Representative Richardson.

On motion of Representative Richardson, **HCS HB 601** was read the third time and passed by the following vote:

AYES: 146

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Cierpiot
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Guernsey	Haahr	Haefner
Hansen	Harris	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Mayfield	McCaherty
McCann Beatty	McGaugh	McKenna	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Montecillo	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Parkinson	Peters	Pfautsch	Phillips	Pierson
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 006

Colona	Curtis	Gardner	Kirkton	Marshall
Moon				

PRESENT: 000

ABSENT WITH LEAVE: 011

Carpenter	Grisamore	Hampton	Hodges	Koenig
May	McDonald	McManus	Pace	Smith 85
Webb				

Representative Barnes declared the bill passed.

HCS HB 881, relating to the Department of Natural Resources, was taken up by Representative Guernsey.

Speaker Jones resumed the Chair.

On motion of Representative Guernsey, **HCS HB 881** was read the third time and passed by the following vote:

AYES: 105

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Leara	Lichtenegger	Love
Lynch	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	Lauer	Marshall
Mayfield	McCaherty	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Peters	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Swearingen	Walton Gray
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 006

Grisamore	Hampton	May	Pace	Smith 85
Webb				

Speaker Jones declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 000

NOES: 156

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeier	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Parkinson	Peters	Pfautsch	Phillips	Pierson
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

PRESENT: 000

ABSENT WITH LEAVE: 007

Ellington	Hampton	Hough	May	Pace
Smith 85	Webb			

HCS HB 275, relating to illegal aliens, was taken up by Representative Brattin.

On motion of Representative Brattin, **HCS HB 275** was read the third time and passed by the following vote:

AYES: 104

Allen	Barnes	Bernskoetter	Berry	Black
Brattin	Brown	Cierpiot	Conway 10	Conway 104
Cornejo	Cox	Crawford	Cross	Davis
Diehl	Dohrman	Dugger	Elmer	Engler
English	Englund	Entlicher	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hurst	Johnson	Keeney
Kelley 127	Kratky	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
Mayfield	McCaherty	McGaugh	McKenna	Messenger
Miller	Molendorp	Morris	Muntzel	Neely
Parkinson	Pfausch	Phillips	Pike	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Roorda	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Schieffer	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Thomson	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 050

Anders	Anderson	Austin	Bahr	Burlison
Burns	Butler	Carpenter	Colona	Curtis
Curtman	Dunn	Ellinger	Fitzpatrick	Gardner
Hubbard	Hummel	Justus	Kelly 45	Kirkton
Koenig	Kolkmeyer	LaFaver	McCann Beatty	McDonald
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Moon	Morgan	Neth	Newman
Nichols	Norr	Otto	Peters	Pierson
Pogue	Rizzo	Ross	Runions	Schupp
Swearingen	Torpey	Walton Gray	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 009

Cookson	Ellington	Hampton	Jones 50	Korman
May	Pace	Smith 85	Webb	

Speaker Jones declared the bill passed.

HCS HB 76, relating to Missouri School Improvement Program standards, was taken up by Representative Rowland.

Representative Leara assumed the Chair.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 106

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeier	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Molendorp	Moon	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Mr Speaker				

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Swearingen	Walton Gray	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 008

Conway 104	Funderburk	Hampton	May	Pace
Smith 85	Webb	Zerr		

On motion of Representative Rowland, **HCS HB 76** was read the third time and passed by the following vote:

AYES: 154

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kirkton	Koenig	Kolkmeier	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mitten	Molendorp	Montecillo	Moon
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Parkinson
Peters	Pfautsch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 002

Ellinger Schupp

PRESENT: 000

ABSENT WITH LEAVE: 007

Hampton	Kelly 45	May	Mims	Pace
Smith 85	Webb			

Representative Leara declared the bill passed.

HCS HB 344, relating to MO HealthNet reimbursement, was taken up by Representative Molendorp.

On motion of Representative Molendorp, **HCS HB 344** was read the third time and passed by the following vote:

AYES: 153

Allen	Anders	Anderson	Austin	Bahr
Barnes	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Frame	Franklin	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Parkinson	Peters
Pfausch	Phillips	Pierson	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Walker	Walton Gray
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Bernskoetter	Fraker	Hampton	Hoskins	May
Moon	Pace	Smith 85	Torpey	Webb

Representative Leara declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 147

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Ellington	Engler	English	Englund	Entlicher
Fitzwater	Flanigan	Fowler	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kirkton	Koenig	Kolkmeier	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Parkinson	Peters
Pfautsch	Phillips	Pierson	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webber	White	Wieland	Wood	Wright
Zerr	Mr Speaker			

NOES: 007

Burlison	Curtis	Fitzpatrick	Gardner	Marshall
Moon	Wilson			

PRESENT: 000

ABSENT WITH LEAVE: 009

Elmer	Fraker	Hampton	Kelly 45	May
Pace	Smith 85	Stream	Webb	

HCS HB 387, relating to physician assistants, was taken up by Representative Frederick.

On motion of Representative Frederick, **HCS HB 387** was read the third time and passed by the following vote:

AYES: 150

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Guernsey	Haahr
Haefner	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Montecillo	Moon	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Parkinson	Peters	Pfautsch	Phillips
Pierson	Pike	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 004

Curtis	Gardner	Marshall	Pogue
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PRESENT: 000

ABSENT WITH LEAVE: 009

Cookson	Grisamore	Hampton	May	Molendorp
Pace	Ross	Smith 85	Webb	

Representative Leara declared the bill passed.

HCS HB 415, relating to special license plates, was taken up by Representative Phillips.

On motion of Representative Phillips, **HCS HB 415** was read the third time and passed by the following vote:

AYES: 137

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Guernsey	Haahr
Haefner	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kirkton	Koenig
Kolkmeier	Korman	Kratky	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	Miller	Mims	Montecillo
Moon	Muntzel	Neely	Neth	Nichols
Otto	Parkinson	Peters	Pfautsch	Phillips
Pike	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 010

LaFaver	Marshall	McNeil	Meredith	Mitten
Morgan	Newman	Norr	Pogue	Schupp

PRESENT: 000

ABSENT WITH LEAVE: 016

Ellinger	Ellington	Flanigan	Grisamore	Hampton
Kelly 45	May	Messenger	Molendorp	Morris
Pace	Pierson	Ross	Smith 85	Stream
Webb				

Representative Leara declared the bill passed.

HCS HB 348, relating to the Kansas City school board elections, was taken up by Representative Neth.

MOTION

Representative LaFaver moved that the House indefinitely postpone discussion on **HCS HB 348** pursuant to Rule 76.

Which motion was defeated.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 101

Allen	Anderson	Austin	Bahr	Barnes
Berry	Brattin	Brown	Burlison	Conway 104
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	Entlicher	Fitzpatrick	Fitzwater	Fowler
Fraker	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Guernsey	Haahr	Haefner
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Scharnhorst	Schatz	Schieber
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 048

Anders	Black	Burns	Butler	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Peters	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Swearingen
Walton Gray	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 014

Bernskoetter	Carpenter	Cierpiot	Cookson	Flanigan
Grisamore	Hampton	May	Molendorp	Pace
Rowland	Smith 85	Stream	Webb	

On motion of Representative Neth, **HCS HB 348** was read the third time and passed by the following vote:

AYES: 112

Allen	Anders	Anderson	Austin	Bahr
Barnes	Berry	Black	Brattin	Brown
Burlison	Cierpiot	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Guernsey
Haahr	Haefner	Hansen	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeier	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Mayfield	McCaherty	McGaugh	Messenger	Miller
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfausch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Schieffer	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 042

Burns	Butler	Colona	Curtis	Dunn
Ellinger	Ellington	English	Englund	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	Marshall	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Peters	Pierson
Rizzo	Roorda	Runions	Schupp	Walton Gray
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 009

Bernskoetter	Carpenter	Grisamore	Hampton	May
Molendorp	Pace	Smith 85	Webb	

Representative Leara declared the bill passed.

HCS HB 543, relating to the Office of the State Auditor, was taken up by Representative Hoskins.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 099

Allen	Anderson	Austin	Bahr	Barnes
Berry	Brattin	Burlison	Cierpiot	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Fowler	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Guernsey	Haahr	Haefner
Hansen	Hicks	Higdon	Hinson	Hoskins
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	McCaherty	McGaugh	Messenger
Miller	Moon	Morris	Muntzel	Neely
Neth	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 048

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	Marshall	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Peters	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Swearingen
Walton Gray	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 016

Bernskoetter	Brown	Flanigan	Fraker	Gardner
Grisamore	Hampton	Hough	May	Mims
Molendorp	Pace	Parkinson	Smith 85	Stream
Webb				

On motion of Representative Hoskins, **HCS HB 543** was read the third time and passed by the following vote:

AYES: 111

Allen	Anders	Anderson	Austin	Bahr
Barnes	Berry	Black	Brattin	Burlison
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Dohrman	Dugger
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Fowler	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Guernsey
Haahr	Haefner	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Mayfield	McCaherty
McGaugh	Messenger	Miller	Moon	Morris
Muntzel	Neely	Neth	Norr	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Roorda	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Schieffer	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Swan
Thomson	Torpey	Walker	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 034

Burns	Butler	Carpenter	Colona	Conway 10
Curtis	Dunn	Ellinger	Ellington	Frame
Gardner	Hubbard	Hummel	Kirkton	Kratky
LaFaver	Marshall	McDonald	McKenna	McManus
McNeil	Meredith	Mitten	Montecillo	Morgan
Newman	Nichols	Otto	Peters	Rizzo
Runions	Schupp	Swearingen	Walton Gray	

PRESENT: 000

ABSENT WITH LEAVE: 018

Bernskoetter	Brown	Cierpiot	Diehl	Flanigan
Fraker	Grisamore	Hampton	May	McCann Beatty
Mims	Molendorp	Pace	Parkinson	Pierson
Smith 85	Stream	Webb		

Representative Leara declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 004

Bahr	Pierson	Rowland	Torpey
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NOES: 146

Allen	Anders	Anderson	Austin	Bernskoetter
Berry	Black	Brattin	Burlison	Burns
Butler	Carpenter	Cierpiot	Colona	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtis	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Frame
Franklin	Frederick	Funderburk	Gannon	Gardner
Gatschenberger	Gosen	Guernsey	Haahr	Haefner
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Montecillo	Moon	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Peters	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Runions	Scharnhorst	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Swan	Swearingen
Thomson	Walker	Walton Gray	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

PRESENT: 000

ABSENT WITH LEAVE: 013

Barnes	Brown	Fraker	Grisamore	Hampton
May	Molendorp	Pace	Parkinson	Schatz
Smith 85	Stream	Webb		

HCS HB 372, relating to the Business Premises Safety Act, was taken up by Representative Cox.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 101

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Fitzpatrick
Fitzwater	Flanigan	Fowler	Frederick	Gannon
Gatschenberger	Gosen	Guernsey	Haahr	Haefner
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Moon	Morris	Muntzel
Neely	Neth	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 048

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Peters	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Swearingen
Walton Gray	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 014

Entlicher	Fraker	Franklin	Funderburk	Gardner
Grisamore	Hampton	Jones 50	May	Molendorp
Pace	Parkinson	Smith 85	Webb	

On motion of Representative Cox, **HCS HB 372** was read the third time and passed by the following vote:

AYES: 119

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Cierpiot	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Gannon	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
Mayfield	McCaherty	McGaugh	McKenna	Messenger
Miller	Moon	Morris	Muntzel	Neely
Nichols	Norr	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Roorda
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Schieffer	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Thomson	Walker	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 036

Burns	Butler	Carpenter	Colona	Conway 10
Curtis	Dunn	Ellinger	Ellington	Gardner
Hummel	Kelly 45	Kirkton	Kratky	LaFaver
McCann Beatty	McDonald	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Neth
Newman	Otto	Peters	Pierson	Rizzo
Runions	Schupp	Swearingen	Torpey	Walton Gray
Webber				

PRESENT: 000

ABSENT WITH LEAVE: 008

Funderburk	Grisamore	Hampton	May	Molendorp
Pace	Smith 85	Webb		

Representative Leara declared the bill passed.

HCS HB 161, relating to political subdivisions, was taken up by Representative Gatschenberger.

On motion of Representative Gatschenberger, **HCS HB 161** was read the third time and passed by the following vote:

AYES: 135

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brown
Burns	Butler	Carpenter	Cierpiot	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Davis	Diehl	Dohrman	Dugger
Dunn	Elmer	Engler	English	Englund
Entlicher	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Guernsey	Haahr	Haefner
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Lynch	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
Meredith	Messenger	Miller	Mims	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Neth	Nichols	Norr	Otto	Peters
Pfautsch	Phillips	Pierson	Pike	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieffer
Schupp	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Webber	White
Wieland	Wood	Wright	Zerr	Mr Speaker

NOES: 019

Brattin	Burlison	Colona	Curtman	Ellinger
Ellington	Fitzpatrick	Gardner	Kirkton	Koenig
Love	Marshall	McNeil	Mitten	Newman
Pogue	Schieber	Walton Gray	Wilson	

PRESENT: 000

ABSENT WITH LEAVE: 009

Curtis	Grisamore	Hampton	May	Molendorp
Pace	Parkinson	Smith 85	Webb	

Representative Leara declared the bill passed.

HCS HB 541, relating to juvenile offenders, was taken up by Representative Hicks.

On motion of Representative Hicks, **HCS HB 541** was read the third time and passed by the following vote:

AYES: 149

Anders	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Conway 10	Cookson	Cornejo	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Montecillo	Moon
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Parkinson
Peters	Pfautsch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
Walton Gray	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 014

Allen	Colona	Conway 104	Cox	Curtis
Flanigan	Grisamore	Hampton	May	Molendorp
Pace	Smith 85	Swearingen	Webb	

Representative Leara declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 151

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Crawford	Cross	Curtis	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gardner	Gosen	Guernsey	Haahr
Haefner	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Montecillo	Moon	Morgan	Morris	Muntzel
Neely	Newman	Nichols	Norr	Otto
Parkinson	Peters	Pfausch	Phillips	Pierson
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 002

Curtman	Neth
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PRESENT: 000

ABSENT WITH LEAVE: 010

Cox	Gatschenberger	Grisamore	Hampton	Hough
May	Molendorp	Pace	Smith 85	Webb

HOUSE BILLS WITH SENATE AMENDMENTS

HB 163, with Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 4 and Senate Amendment No. 5, relating to third class city primary elections, was taken up by Representative Fitzpatrick.

On motion of Representative Fitzpatrick, the House concurred in **Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 4 and Senate Amendment No. 5** by the following vote:

AYES: 149

Anders	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Cookson	Cornejo	Crawford
Cross	Curtis	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Gannon	Gardner
Gosen	Guernsey	Haahr	Haefner	Hansen
Harris	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Montecillo	Moon
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Parkinson
Peters	Pfautsch	Phillips	Pierson	Pike
Pogue	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 014

Allen	Conway 104	Cox	Funderburk	Gatschenberger
Grisamore	Hampton	Hicks	May	Molendorp
Pace	Redmon	Smith 85	Webb	

On motion of Representative Fitzpatrick, **HB 163, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 146

Anders	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Gannon	Gardner	Gosen
Guernsey	Haahr	Haefner	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Love	Lynch	Marshall	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
Meredith	Messenger	Miller	Mims	Mitten
Montecillo	Moon	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Parkinson	Peters	Pfautsch	Phillips
Pierson	Pike	Pogue	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 001

Curtis

PRESENT: 000

ABSENT WITH LEAVE: 016

Allen	Cox	Fitzwater	Funderburk	Gatschenberger
Grisamore	Hampton	Hoskins	Lichtenegger	May
McNeil	Molendorp	Pace	Redmon	Smith 85
Webb				

Representative Leara declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 138

Anders	Anderson	Austin	Barnes	Bernskoetter
Berry	Black	Brattin	Brown	Burlison
Burns	Butler	Carpenter	Cierpiot	Conway 10
Conway 104	Cookson	Cornejo	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Gannon	Gosen	Guernsey	Haahr	Haefner
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeier	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Montecillo	Moon	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Otto	Pfausch	Phillips	Pierson
Pike	Pogue	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webber	White	Wieland	Wilson
Wood	Wright	Zerr		

NOES: 009

Bahr	Curtis	Frame	Gardner	Hummel
Marshall	Norr	Parkinson	Peters	

PRESENT: 000

ABSENT WITH LEAVE: 016

Allen	Colona	Cox	Funderburk	Gatschenberger
Grisamore	Hampton	Hansen	May	Molendorp
Pace	Redmon	Scharnhorst	Smith 85	Webb
Mr Speaker				

REFERRAL OF SENATE BILL

The following Senate Bill was referred to the Committee indicated:

SS SB 366 - Economic Development

COMMITTEE REPORTS

Committee on Agri-Business, Chairman Guernsey reporting:

Mr. Speaker: Your Committee on Agri-Business, to which was referred **HB 880**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Budget, Chairman Stream reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HCS HJR 14**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute No. 2**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 930**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Downsizing State Government, Chairman Curtman reporting:

Mr. Speaker: Your Committee on Downsizing State Government, to which was referred **HB 863**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on General Laws, Chairman Jones (50) reporting:

Mr. Speaker: Your Committee on General Laws, to which was referred **HB 975**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on General Laws, to which was referred **SB 35**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Health Care Policy, Chairman Frederick reporting:

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **HB 608**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **HB 929**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **SB 127**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **SS SCS SB 129**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Judiciary, Chairman Cox reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **SB 12**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Judiciary, to which was referred **SB 41**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Judiciary, to which was referred **SCS SB 45**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Judiciary, to which was referred **SB 73**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Judiciary, to which was referred **SB 100**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Judiciary, to which was referred **SB 110**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Riddle reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HB 427**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 430**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 484**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 513**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 555**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 564**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 717**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 727**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 9**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 23**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 33**, begs leave to report it has examined the same and recommends that it **Be Returned to the Committee of Origin as SCS SB 33**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 51**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 77**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 148**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 161**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 216**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 222**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 224**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SS SB 262**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 330**, begs leave to report it has examined the same and recommends that it **Do Pass**.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 673**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SBs 317 & 319**, entitled:

An act to repeal sections 301.301 and 303.024, RSMo, and to enact in lieu thereof five new sections relating to the regulation of motor vehicles.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 432**, entitled:

An act to amend chapter 196, RSMo, by adding thereto one new section relating to the preparation of food for a charitable purpose.

In which the concurrence of the House is respectfully requested.

COMMITTEE CHANGES

April 25, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, Missouri 65101

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby remove Representative Denny Hoskins and Representative Jeffrey Messenger from the Committee on Fiscal Review and appoint Representative Sonya Anderson and Representative Kathy Swan.

If you have any questions regarding this communication, please contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

April 25, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, Missouri 65101

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby remove Representative Elaine Gannon and Representative Mike Thomson from the Committee on Elementary and Secondary Education and appoint Representative Michael Moon.

If you have any questions regarding this communication, please contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 4:00 p.m., Monday, April 29, 2013.

COMMITTEE HEARINGS

ADMINISTRATION AND ACCOUNTS

Monday, April 29, 2013, 3:30 PM, House Hearing Room 1.

Executive session may be held on any matter referred to the committee.

We will be voting on the amendments to the House Policy Book as discussed in committee on Thursday the 25th.

AGRI-BUSINESS

Tuesday, April 30, 2013, 8:00 AM, House Hearing Room 4.

Public hearing will be held: SS SCS SB 373

Executive session may be held on any matter referred to the committee.

CORRECTED

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Tuesday, April 30, 2013, Upon Afternoon Adjournment, House Hearing Room 5.

Committee will review fee fund balances with Department of Agriculture and Department of Natural Resources.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, April 30, 2013, Noon or Upon Morning Recess, House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Continued conversation about Canteen and then onto MVE both in 2009 audit

Lunch provided

CHILDREN, FAMILIES, AND PERSONS WITH DISABILITIES

Monday, April 29, 2013, Upon Afternoon Adjournment, South Gallery.

Executive session will be held: SCS SB 33

Executive session may be held on any matter referred to the committee.

CRIME PREVENTION AND PUBLIC SAFETY

Tuesday, April 30, 2013, 8:00 AM, House Hearing Room 7.

Public hearing will be held: HB 799, SB 327

Executive session may be held on any matter referred to the committee.

ECONOMIC DEVELOPMENT

Monday, April 29, 2013, Upon Evening Adjournment, 120 E High, Jefferson City, MO.

Committee dinner

FISCAL REVIEW

Monday, April 29, 2013, 2:00 PM, House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

All bills referred to Fiscal Review may be considered

GOVERNMENT OVERSIGHT AND ACCOUNTABILITY

Monday, April 29, 2013, 12:00 PM, House Hearing Room 7.

Public hearing will be held: SS SB 251, SS SB 252

Executive session may be held on any matter referred to the committee.

HIGHER EDUCATION

Tuesday, April 30, 2013, 8:00 AM, House Hearing Room 6.

Public hearing will be held: SB 67, SCS SB 381, HB 1015

Executive session will be held: SB 67, SCS SB 381

Executive session may be held on any matter referred to the committee.

ISSUE DEVELOPMENT STANDING COMMITTEE ON MISSOURI HEALTH CARE

Monday, April 29, 2013, 1:00 PM, House Hearing Room 5.

Zane Yates of Centene Corporation will present on Managed Care in Missouri

ISSUE DEVELOPMENT STANDING COMMITTEE ON MISSOURI PORTS

Wednesday, May 1, 2013, 7:00 PM, House Hearing Room 1.

This will be an informational meeting.

JOINT COMMITTEE ON LEGISLATIVE RESEARCH - OVERSIGHT SUBCOMMITTEE

Monday, April 29, 2013, Upon Senate Adjournment, Senate Committee Room 2.

Contested Fiscal Note - HCS SS#2 SCS SBs 26, 11 & 31

JOINT COMMITTEE ON LEGISLATIVE RESEARCH - REVISIONS SUBCOMMITTEE

Thursday, May 2, 2013, 8:00 AM, Room 117A, State Capitol Building

On-line and print versions of the Revised Statutes

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, May 2, 2013, 8:00 AM, House Hearing Room 1.

Second quarter meeting

SPECIAL STANDING COMMITTEE ON URBAN ISSUES

Monday, April 29, 2013, Upon Evening Adjournment (only if after 5:00 PM), House Hearing Room 5.

Public hearing will be held: HB 264, HB 540

Executive session will be held: HB 419

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

FIFTY-NINTH DAY, MONDAY, APRIL 29, 2013

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HJR 19 - Bahr
- 2 HCS HJR 15 - Brattin
- 3 HCS HJR 35 - Jones (50)

HOUSE BILLS FOR PERFECTION

- 1 HB 227 - Zerr
- 2 HB 423 - Zerr
- 3 HB 578, as amended - Funderburk
- 4 HCS HB 221 - Leara
- 5 HCS HB 701 - Molendorp
- 6 HB 255 - Torpey
- 7 HCS HB 458 - Scharnhorst
- 8 HB 242 - Ellington
- 9 HB 503, as amended, HA 1 HA 3, and HA 3, pending - McCaherty
- 10 HB 448 - Webb
- 11 HB 162 - Sommer
- 12 HCS HB 234 - Gatschenberger
- 13 HB 616 - Bahr
- 14 HB 185 - Kirkton
- 15 HCS HB 210 - Cox
- 16 HCS HB 630 - McCaherty

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- 17 HB 336 - Hinson
- 18 HCS HB 641 - Korman
- 19 HCS HB 781 - Hough
- 20 HCS HB 936 - Swan
- 21 HCS HB 371 - Cox
- 22 HB 427 - Schatz
- 23 HCS HB 430 - Schatz
- 24 HCS HB 513 - Bahr
- 25 HB 555 - Burlison

HOUSE BILLS FOR PERFECTION - FEDERAL MANDATE

- 1 HB 635 - Fitzwater
- 2 HCS HB 771 - Schatz
- 3 HCS HB 611 - Lant

HOUSE JOINT RESOLUTIONS FOR THIRD READING

HCS HJR 26, (Fiscal Review 4/24/13) - Richardson

HOUSE BILLS FOR THIRD READING

- 1 HB 201 - Torpey
- 2 HCS HBs 521 & 579, (Fiscal Review 3/27/13) - Koenig
- 3 HCS HB 470 - Barnes
- 4 HCS#2 HB 178 - Koenig
- 5 HCS HB 589, (Fiscal Review 4/22/13), E.C. - Hinson
- 6 HCS HB 859, (Fiscal Review 4/24/13) - Brattin
- 7 HCS HB 78, (Fiscal Review 4/24/13) - Johnson
- 8 HCS HB 653, (Fiscal Review 4/24/13) - Lauer
- 9 HB 421, (Fiscal Review 4/24/13) - Curtman
- 10 HCS HB 986, (Fiscal Review 4/24/13), E.C. - Barnes
- 11 HCS HB 675 - Grisamore
- 12 HCS HB 285 - Pace

SENATE BILLS FOR SECOND READING

- 1 SCS SBs 317 & 319
- 2 SS SCS SB 432

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 11 - Walton Gray
- 2 HCR 21 - Black
- 3 HCS HCR 17 - Frederick
- 4 HCR 34 - Houghton

SENATE JOINT RESOLUTIONS FOR THIRD READING

HCS SS#2 SCS SJR 16 - Hinson

SENATE BILLS FOR THIRD READING - CONSENT

- 1 SB 59 - Gosen
- 2 SB 60 - Gosen
- 3 SB 80 - Engler
- 4 HCS SB 188 - Romine
- 5 SB 234 - Burlison
- 6 SB 235 - Dugger
- 7 SB 306 - Elmer
- 8 SCS SB 324 - Hansen
- 9 SCS SB 376 - Frederick
- 10 SB 16 - Dugger
- 11 SCS SB 191 - McCaherty
- 12 SB 237 - Miller
- 13 SB 329 - Love

SENATE BILLS FOR THIRD READING

- 1 SCS SB 106 - Davis
- 2 HCS SCS SB 117 - Davis
- 3 HCS SCS SB 157 and SB 102 - Dugger
- 4 HCS SCS SB 186 - Davis
- 5 SB 197 - Frederick
- 6 SB 230 - Brattin
- 7 HCS SS SCS SB 125, (Fiscal Review 4/23/13) - Barnes
- 8 SS SB 28 - Cierpiot
- 9 SCS SB 254 - Crawford
- 10 SCS SB 287 - Gosen
- 11 HCS SCS SB 17 - Thomson
- 12 HCS SS SB 34 - Fraker
- 13 HCS SS SCS SB 116 - Davis
- 14 HCS SS#2 SCS SB 1, E.C. - Richardson
- 15 SCS SB 36 - Hicks
- 16 HCS SCS SB 88 - Frederick
- 17 HCS SB 90 - Dugger
- 18 HCS SCS SB 126 - Morris
- 19 HCS SCS SB 9 - Guernsey
- 20 SB 77 - Allen
- 21 HCS SB 222 - Kelly (45)
- 22 SCS SB 224 - Rizzo
- 23 HCS SS SB 262 - Molendorp
- 24 HCS SB 330 - Burlison

- 25 HCS SB 51 - Guernsey
- 26 HCS SB 23, E.C. - Jones (50)

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 SCS HCS HB 1 - Stream
- 2 SCS HCS HB 2 - Stream
- 3 SCS HCS HB 3 - Stream
- 4 SCS HCS HB 4 - Stream
- 5 SCS HCS HB 5 - Stream
- 6 SCS HCS HB 6, as amended - Stream
- 7 SCS HCS HB 7, as amended - Stream
- 8 SCS HCS HB 8 - Stream
- 9 SCS HCS HB 9 - Stream
- 10 SCS HCS HB 10 - Stream
- 11 SCS HCS HB 11 , as amended - Stream
- 12 SCS HCS HB 12 - Stream
- 13 SCS HCS HB 13 - Stream
- 14 SS HCS HB 315 - Rowland
- 15 HB 68, SA 1 - Kelley (127)
- 16 SCS HCS HBs 303 & 304, as amended - Scharnhorst

BILLS CARRYING REQUEST MESSAGES

SS HCS HJR 11 & 7, as amended (request Senate recede/grant conference) - Reiboldt

SENATE CONCURRENT RESOLUTIONS

SCS SCR 5 - Frederick

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

FIFTY-NINTH DAY, MONDAY, APRIL 29, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Representative John A. Mayfield.

Please join me in a word of prayer.

Dear Heavenly Father, we come to You today to offer our thanks for the many blessings You have bestowed on us. We are thankful for our families and our friends, we are thankful for the opportunity to serve, and we are thankful for the opportunity to seek Your divine guidance today.

We are grateful for Your love and grace to each of us. You have given us many freedoms and privileges. You have been good to us - Your children.

Please grant us wisdom and peace as we work together for the people of Missouri. Please give us strength to do what is pleasing in Your sight.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Journal of the fifty-eighth day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2314 through House Resolution No. 2458

SECOND READING OF SENATE BILLS

SCS SBs 317 & 319 and SS SCS SB 432 were read the second time.

COMMITTEE REPORTS

Committee on Fiscal Review, Chairman Flanigan reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HJR 26**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 78**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 421**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 589**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 653**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 859**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 986**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS SCS SB 125**, begs leave to report it has examined the same and recommends that it **Do Pass**.

PERFECTION OF HOUSE BILLS - FEDERAL MANDATE

HB 635, relating to correctional treatment programs, was taken up by Representative Fitzwater.

On motion of Representative Fitzwater, **HB 635** was ordered perfected and printed.

HCS HB 611, relating to unemployment compensation, was taken up by Representative Lant.

Representative Leara assumed the Chair.

On motion of Representative Lant, **HCS HB 611** was adopted.

On motion of Representative Lant, **HCS HB 611** was ordered perfected and printed.

HOUSE BILLS WITH SENATE AMENDMENTS

SCS HCS HB 1, relating to appropriations, was taken up by Representative Stream.

Representative Stream moved that the House refuse to adopt **SCS HCS HB 1** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HCS HB 2, relating to appropriations, was taken up by Representative Stream.

Representative Stream moved that the House refuse to adopt **SCS HCS HB 2** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HCS HB 3, relating to appropriations, was taken up by Representative Stream.

Representative Stream moved that the House refuse to adopt **SCS HCS HB 3** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HCS HB 4, relating to appropriations, was taken up by Representative Stream.

Representative Stream moved that the House refuse to adopt **SCS HCS HB 4** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HCS HB 5, relating to appropriations, was taken up by Representative Stream.

Representative Stream moved that the House refuse to adopt **SCS HCS HB 5** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HCS HB 6, as amended, relating to appropriations, was taken up by Representative Stream.

Representative Stream moved that the House refuse to adopt **SCS HCS HB 6, as amended**, and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HCS HB 7, as amended, relating to appropriations, was taken up by Representative Stream.

Representative Stream moved that the House refuse to adopt **SCS HCS HB 7, as amended**, and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HCS HB 8, relating to appropriations, was taken up by Representative Stream.

Representative Stream moved that the House refuse to adopt **SCS HCS HB 8** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HCS HB 9, relating to appropriations, was taken up by Representative Stream.

Representative Stream moved that the House refuse to adopt **SCS HCS HB 9** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HCS HB 10, relating to appropriations, was taken up by Representative Stream.

Representative Stream moved that the House refuse to adopt **SCS HCS HB 10** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HCS HB 11, as amended, relating to appropriations, was taken up by Representative Stream.

Representative Stream moved that the House refuse to adopt **SCS HCS HB 11, as amended**, and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Representative Roorda made a substitute motion that the House refuse to adopt **SCS HCS HB 11, as amended**, and request the Senate to recede from its position and, failing to do so, grant the House a conference to allow the conferees to exceed the differences on Section 11.505, Line 22, for the specific purpose of expanding Medicaid.

Which motion was defeated by the following vote:

AYES: 053

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelley 127
Kelly 45	Kirkton	Kratky	LaFaver	May
Mayfield	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Swearingen	Walton Gray
Webb	Webber	Wright		

NOES: 102

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Engler	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Houghton
Hurst	Johnson	Justus	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 008

Elmer	Entlicher	Hough	Jones 50	Keeney
Schieber	Smith 85	Smith 120		

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 105

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Moon	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull

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Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 007

Cornejo	Entlicher	Keeney	Molendorp	Peters
Smith 85	Smith 120			

Representative Stream again moved that the House refuse to adopt **SCS HCS HB 11, as amended**, and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HCS HB 12, relating to appropriations, was taken up by Representative Stream.

Representative Stream moved that the House refuse to adopt **SCS HCS HB 12** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HCS HB 13, relating to appropriations, was taken up by Representative Stream.

Representative Stream moved that the House refuse to adopt **SCS HCS HB 13** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

THIRD READING OF HOUSE BILLS

HCS HB 589, relating to sexual offender registration, was taken up by Representative Hinson.

On motion of Representative Hinson, **HCS HB 589** was read the third time and passed by the following vote:

AYES: 101

Allen	Bahr	Barnes	Bernskoetter	Berry
Brattin	Burlison	Burns	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dunn	Ellinger	Elmer	Engler
English	Fitzpatrick	Fitzwater	Flanigan	Fowler
Frame	Frederick	Funderburk	Gannon	Gosen
Grisamore	Haahr	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hurst	Johnson
Jones 50	Justus	Kelley 127	Kelly 45	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Love	Lynch	Marshall	May
McDonald	McGaugh	McKenna	Meredith	Mims
Molendorp	Muntzel	Neely	Neth	Pace
Peters	Pfautsch	Pike	Redmon	Rehder
Remole	Rhoads	Richardson	Riddle	Roorda
Schatz	Schieber	Shumake	Sommer	Spencer
Stream	Swan	Thomson	Walker	Walton Gray
Webber	Wieland	Wood	Wright	Zerr
Mr Speaker				

NOES: 052

Anders	Anderson	Austin	Black	Brown
Butler	Carpenter	Curtis	Dugger	Ellington
Englund	Fraker	Franklin	Gardner	Haefner
Hummel	Kirkton	Kratky	LaFaver	Lichtenegger
Mayfield	McCaherty	McCann Beatty	McManus	McNeil
Messenger	Miller	Mitten	Montecillo	Moon
Morgan	Morris	Newman	Nichols	Norr
Otto	Phillips	Pierson	Pogue	Reiboldt
Rizzo	Ross	Rowden	Rowland	Runions
Schupp	Shull	Solon	Torpey	Webb
White	Wilson			

PRESENT: 000

ABSENT WITH LEAVE: 010

Entlicher	Gatschenberger	Guernsey	Keeney	Parkinson
Scharnhorst	Schieffer	Smith 85	Smith 120	Swearingen

Representative Leara declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 138

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Cierpiot	Colona
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Dunn	Ellinger	Elmer	Engler
English	Englund	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gosen	Grisamore	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeier	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Molendorp	Montecillo	Moon	Morris
Muntzel	Neth	Newman	Norr	Parkinson
Peters	Pfautsch	Pierson	Pike	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schupp	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
Walton Gray	Webber	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 013

Butler	Carpenter	Curtis	Ellington	Gardner
Morgan	Nichols	Otto	Pace	Phillips
Pogue	Shull	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 012

Conway 10	Entlicher	Gatschenberger	Guernsey	Keeney
May	Neely	Schieffer	Smith 85	Smith 120
Swearingen	Webb			

HCS HB 78, relating to the Missouri Jobs for Education Program, was taken up by Representative Johnson.

On motion of Representative Johnson, **HCS HB 78** was read the third time and passed by the following vote:

AYES: 108

Allen	Anders	Austin	Barnes	Bernskoetter
Berry	Black	Brown	Burns	Butler
Carpenter	Cierpiot	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	English	Englund	Fitzwater	Flanigan
Fowler	Fraker	Franklin	Frederick	Funderburk
Gannon	Gosen	Grisamore	Haefner	Hansen
Harris	Hicks	Higdon	Hodges	Hoskins
Hough	Houghton	Hubbard	Hurst	Johnson
Jones 50	Justus	Kelley 127	Kolkmeier	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	May
Mayfield	McCaherty	McGaugh	McKenna	Messenger
Miller	Mims	Molendorp	Morris	Muntzel
Neely	Neth	Nichols	Norr	Peters
Pfautsch	Phillips	Pike	Redmon	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Rowland	Runions	Schatz	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 044

Anderson	Bahr	Brattin	Burlison	Colona
Curtman	Dunn	Ellinger	Ellington	Fitzpatrick
Frame	Gardner	Haahr	Hampton	Hummel
Kirkton	Koenig	Marshall	McCann Beatty	McDonald
McManus	McNeil	Meredith	Mitten	Montecillo
Moon	Morgan	Newman	Otto	Pace
Parkinson	Pierson	Pogue	Rehder	Roorda
Ross	Rowden	Schieber	Schupp	Walton Gray
Webb	Webber	White	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 011

Entlicher	Gatschenberger	Guernsey	Hinson	Keeney
Kelly 45	Scharnhorst	Schieffer	Smith 85	Smith 120
Swearingen				

Representative Leara declared the bill passed.

PERFECTION OF HOUSE BILL - FEDERAL MANDATE

HCS HB 771, relating to commercial drivers' licenses, was taken up by Representative Schatz.

Representative Schatz offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 771, Page 17, Section 302.755, Line 78, by inserting after said line the following:

"302.767. Notwithstanding sections 302.700, 302.720, 302.735, 302.740, 302.755 to the contrary, the department of revenue shall have until July 8, 2015, to comply with the provisions of 49 CFR 383, 384, and 385 pertaining to the commercial driver's license testing and commercial learner's permit standards rule issued by the federal motor carrier safety administration."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Schatz, **House Amendment No. 1** was adopted.

On motion of Representative Schatz, **HCS HB 771, as amended**, was adopted.

On motion of Representative Schatz, **HCS HB 771, as amended**, was ordered perfected and printed.

THIRD READING OF SENATE BILLS

SCS SB 287, relating to captive insurance companies, was taken up by Representative Gosen.

On motion of Representative Gosen, **SCS SB 287** was truly agreed to and finally passed by the following vote:

AYES: 153

Allen	Anders	Anderson	Austin	Bahr
Barnes	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gardner	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hodges	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger

Love	Lynch	Marshall	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Molendorp	Montecillo	Moon	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Parkinson
Peters	Pfautsch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schupp	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Bernskoetter	Entlicher	Gatschenberger	Hinson	Keeney
McManus	Schieffer	Smith 85	Smith 120	Swearingen

Representative Leara declared the bill passed.

SS SB 28, relating to unemployment benefits, was taken up by Representative Cierpiot.

SS SB 28 was laid over.

REFERRAL OF HOUSE REMONSTRANCE

The following House Remonstrance was referred to the Committee indicated:

HRM 1 - Rules

REFERRAL OF SENATE CONCURRENT RESOLUTION

The following Senate Concurrent Resolution was referred to the Committee indicated:

SCR 13 - Veterans

REFERRAL OF SENATE JOINT RESOLUTION

The following Senate Joint Resolution was referred to the Committee indicated:

HCS SS#2 SCS SJR 16 - Fiscal Review

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

HCS SS#2 SCS SB 1 - Fiscal Review
HCS SB 23 - Fiscal Review
HCS SB 51 - Fiscal Review
HCS SS SCS SB 116 - Fiscal Review
SB 205 - Children, Families, and Persons with Disabilities
SCS SB 256 - Crime Prevention and Public Safety
SCS SBs 317 & 319 - Insurance Policy
HCS SB 330 - Fiscal Review
SS SCS SB 432 - Professional Registration and Licensing

COMMITTEE REPORTS

Committee on Administration and Accounts, Chairman Scharnhorst reporting:

Mr. Speaker: Your Committee on Administration and Accounts, to which was referred **HR 222**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Tourism and Natural Resources, Chairman Phillips reporting:

Mr. Speaker: Your Committee on Tourism and Natural Resources, to which was referred **SB 72**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Tourism and Natural Resources, to which was referred **SB 218**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Riddle reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 402**, begs leave to report it has examined the same and recommends that it **Do Pass**.

COMMITTEE CHANGE

April 25, 2013

The Honorable Timothy Jones, Speaker
Missouri House of Representatives
201 W. Capitol Ave., RM 308
Jefferson City, MO 65101

Dear Mr. Speaker:

I would like to notify you of the following change to the current Issue Development Standing Committee:

- Rep. Jon Carpenter removed from the Freshman Bipartisan Issue Development Standing Committee

Sincerely,

/s/ Rep. Dwight Scharnhorst
Administration and Accounts, Chair
District 98

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Tuesday, April 30, 2013.

COMMITTEE HEARINGS

AGRI-BUSINESS

Tuesday, April 30, 2013, 8:00 AM, House Hearing Room 4.

Public hearing will be held: SS SCS SB 373

Executive session may be held on any matter referred to the committee.

CORRECTED

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Tuesday, April 30, 2013, Upon Afternoon Adjournment, House Hearing Room 5.

Committee will review fee fund balances with Department of Agriculture and Department of Natural Resources

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, April 30, 2013, 12:00 PM or Upon Morning Recess, House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Continued conversation about Canteen and then onto MVE both in 2009 audit

Lunch provided

CRIME PREVENTION AND PUBLIC SAFETY

Tuesday, April 30, 2013, 8:00 AM, House Hearing Room 7.

Public hearing will be held: HB 799, SB 327

Executive session may be held on any matter referred to the committee.

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, May 1, 2013, 8:00 AM, House Hearing Room 6.

Public hearing will be held: HB 743, HB 942, HB 603

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Tuesday, April 30, 2013, 8:30 AM, South Gallery.

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Wednesday, May 1, 2013, 8:30 AM, South Gallery.

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Thursday, May 2, 2013, 8:30 AM, South Gallery.

Executive session may be held on any matter referred to the committee.

GENERAL LAWS

Tuesday, April 30, 2013, 12:00 PM, House Hearing Room 4.

Public hearing will be held: SCR 2, SB 57

Executive session will be held: SS SCS SB 159, HB 92, HB 915

Executive session may be held on any matter referred to the committee.

AMENDED

HEALTH CARE POLICY

Wednesday, May 1, 2013, 12:00 PM or Upon Afternoon Recess, House Hearing Room 7.

Public hearing will be held: HB 359, HB 549, HB 856

Executive session may be held on any matter referred to the committee.

HIGHER EDUCATION

Tuesday, April 30, 2013, 8:00 AM, House Hearing Room 6.

Public hearing will be held: SB 67, SCS SB 381, HB 1015

Executive session will be held: SB 67, SCS SB 381

Executive session may be held on any matter referred to the committee.

ISSUE DEVELOPMENT STANDING COMMITTEE ON MISSOURI PORTS

Wednesday, May 1, 2013, 7:00 PM, House Hearing Room 1.

This will be an informational meeting.

JOINT COMMITTEE ON LEGISLATIVE RESEARCH - REVISIONS SUBCOMMITTEE

Thursday, May 2, 2013, 8:00 AM, Room 117A, State Capitol Building

On-line and print versions of the Revised Statutes

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, May 2, 2013, 8:00 AM, House Hearing Room 1.

Second quarter meeting

JUDICIARY

Wednesday, May 1, 2013, 12:00 PM or Upon Morning Recess (whichever is earlier) House Hearing Room 1.

Public hearing will be held: SCS SB 118, SS SB 245

Executive session will be held: HB 851

Executive session may be held on any matter referred to the committee.

JUDICIARY

Monday, May 6, 2013, 6:30 PM, 516 S. Country Club Drive, Jefferson City, MO.

House Judiciary Committee dinner

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, May 1, 2013, Upon Morning Recess, House Hearing Room 5.

Public hearing will be held: HB 796

Executive session will be held: SCS SB 101

Executive session may be held on any matter referred to the committee.

RULES

Tuesday, April 30, 2013, Upon Afternoon Adjournment, South Gallery.

Executive session will be held: HCS HB 83, SB 138, HCS SS SCS SB 241, HCS SB 43, SCS SB 47, SS SCS SB 114, SS SCS SB 121, SCS SB 302, HCS HB 1041, HJR 17, HB 18, SCS SB 240, HCS HB 17, HCS HB 19, HCS#2 HJR 14, HCS SCS SB 45

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON CORRECTIONS

Wednesday, May 1, 2013, 8:00 AM, House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Director George Lombardi and Ian Dunlap will be present to answer questions from committee members and may offer suggestions on how the committee may be of service to the Department of Corrections.

SPECIAL STANDING COMMITTEE ON SMALL BUSINESS

Wednesday, May 1, 2013, 12:00 PM or Upon Morning Recess, House Hearing Room 7.

Executive session will be held: HB 1033

Executive session may be held on any matter referred to the committee.

TRANSPORTATION

Tuesday, April 30, 2013, 12:00 PM or Upon Adjournment, House Hearing Room 7.

Public hearing will be held: SS SB 282

Executive session will be held: SS SB 282

Executive session may be held on any matter referred to the committee.

UTILITIES

Wednesday, May 1, 2013, 9:00 AM, House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

SIXTIETH DAY, TUESDAY, APRIL 30, 2013

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HJR 19 - Bahr
- 2 HCS HJR 15 - Brattin
- 3 HCS HJR 35 - Jones (50)

HOUSE BILLS FOR PERFECTION

- 1 HB 227 - Zerr
- 2 HB 423 - Zerr
- 3 HB 578, as amended - Funderburk
- 4 HCS HB 221 - Leara
- 5 HCS HB 701 - Molendorp
- 6 HB 255 - Torpey
- 7 HCS HB 458 - Scharnhorst
- 8 HB 242 - Ellington
- 9 HB 503, as amended, HA 1 HA 3, and HA 3, pending - McCaherty
- 10 HB 448 - Webb
- 11 HB 162 - Sommer
- 12 HCS HB 234 - Gatschenberger
- 13 HB 616 - Bahr
- 14 HB 185 - Kirkton
- 15 HCS HB 210 - Cox
- 16 HCS HB 630 - McCaherty
- 17 HB 336 - Hinson
- 18 HCS HB 641 - Korman
- 19 HCS HB 781 - Hough
- 20 HCS HB 936 - Swan
- 21 HCS HB 371 - Cox
- 22 HB 427 - Schatz
- 23 HCS HB 430 - Schatz
- 24 HCS HB 513 - Bahr
- 25 HB 555 - Burlison
- 26 HCS HB 402 - Shumake
- 27 HCS HB 717 - Grisamore
- 28 HCS HB 727 - Grisamore

HOUSE JOINT RESOLUTIONS FOR THIRD READING

HCS HJR 26 - Richardson

HOUSE BILLS FOR THIRD READING

- 1 HB 201 - Torpey
- 2 HCS HBs 521 & 579, (Fiscal Review 3/27/13) - Koenig
- 3 HCS HB 470 - Barnes
- 4 HCS#2 HB 178 - Koenig
- 5 HCS HB 859 - Brattin
- 6 HCS HB 653 - Lauer
- 7 HB 421 - Curtman
- 8 HCS HB 986, E.C. - Barnes
- 9 HCS HB 675 - Grisamore
- 10 HCS HB 285 - Pace

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 11 - Walton Gray
- 2 HCR 21 - Black
- 3 HCS HCR 17 - Frederick
- 4 HCR 34 - Houghton

SENATE JOINT RESOLUTIONS FOR THIRD READING

HCS SS#2 SCS SJR 16, (Fiscal Review 4/29/13) - Hinson

SENATE BILLS FOR THIRD READING - CONSENT

- 1 SB 59 - Gosen
- 2 SB 60 - Gosen
- 3 SB 80 - Engler
- 4 HCS SB 188 - Romine
- 5 SB 234 - Burlison
- 6 SB 235 - Dugger
- 7 SB 306 - Elmer
- 8 SCS SB 324 - Hansen
- 9 SCS SB 376 - Frederick
- 10 SB 16 - Dugger
- 11 SCS SB 191 - McCaherty
- 12 SB 237 - Miller
- 13 SB 329 - Love

SENATE BILLS FOR THIRD READING

- 1 SCS SB 106 - Davis
- 2 HCS SCS SB 117 - Davis
- 3 HCS SCS SB 157 and SB 102 - Dugger
- 4 HCS SCS SB 186 - Davis
- 5 SB 197 - Frederick
- 6 SB 230 - Brattin
- 7 HCS SS SCS SB 125 - Barnes
- 8 SS SB 28 - Cierpiot
- 9 SCS SB 254 - Crawford
- 10 HCS SCS SB 17 - Thomson
- 11 HCS SS SB 34 - Fraker
- 12 HCS SS SCS SB 116, (Fiscal Review 4/29/13) - Davis
- 13 HCS SS#2 SCS SB 1, (Fiscal Review 4/29/13), E.C. - Richardson
- 14 SCS SB 36 - Hicks
- 15 HCS SCS SB 88 - Frederick
- 16 HCS SB 90 - Dugger
- 17 HCS SCS SB 126 - Morris
- 18 HCS SCS SB 9 - Guernsey
- 19 SB 77 - Allen

- 20 HCS SB 222 - Kelly (45)
- 21 SCS SB 224 - Rizzo
- 22 HCS SS SB 262 - Molendorp
- 23 HCS SB 330, (Fiscal Review 4/29/13) - Burlison
- 24 HCS SB 51, (Fiscal Review 4/29/13) - Guernsey
- 25 HCS SB 23, (Fiscal Review 4/29/13), E.C. - Jones (50)
- 26 HCS SB 148 - Schatz

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 SS HCS HB 315 - Rowland
- 2 HB 68, SA 1 - Kelley (127)
- 3 SCS HCS HBs 303 & 304, as amended - Scharnhorst

BILLS CARRYING REQUEST MESSAGES

- 1 SS HCS HJRs 11 & 7, as amended (request Senate recede/grant conference) - Reiboldt
- 2 SCS HCS HB 1, (request Senate recede/grant conference) - Stream
- 3 SCS HCS HB 2, (request Senate recede/grant conference) - Stream
- 4 SCS HCS HB 3, (request Senate recede/grant conference) - Stream
- 5 SCS HCS HB 4, (request Senate recede/grant conference) - Stream
- 6 SCS HCS HB 5, (request Senate recede/grant conference) - Stream
- 7 SCS HCS HB 6, as amended, (request Senate recede/grant conference) - Stream
- 8 SCS HCS HB 7, as amended, (request Senate recede/grant conference) - Stream
- 9 SCS HCS HB 8, (request Senate recede/grant conference) - Stream
- 10 SCS HCS HB 9, (request Senate recede/grant conference) - Stream
- 11 SCS HCS HB 10, (request Senate recede/grant conference) - Stream
- 12 SCS HCS HB 11, as amended, (request Senate recede/grant conference) - Stream
- 13 SCS HCS HB 12, (request Senate recede/grant conference) - Stream
- 14 SCS HCS HB 13, (request Senate recede/grant conference) - Stream

SENATE CONCURRENT RESOLUTIONS

- SCS SCR 5 - Frederick

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

SIXTIETH DAY, TUESDAY, APRIL 30, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Representative John McCaherty.

Father, Your word tells that this is the day which You have made, let us be glad and rejoice in it. We bow before Your throne of grace this morning asking You for Your help, Your wisdom, and Your foresight. What an honor and privilege You have given us to serve You and the people of Missouri in these great chambers. We ask that You grant us boldness when it is time to speak, humility when it is time to listen and learn, mercy when it is time to forgive, and courage when it is time to act.

And the House says, "Amen."

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Jack Hanaway.

The Journal of the fifty-ninth day was approved as printed.

HOUSE RESOLUTION

Representative Butler, et al. offered House Resolution No. 2594.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2459 through House Resolution No. 2559

COMMITTEE REPORTS

Committee on Fiscal Review, Chairman Flanigan reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS#2 SCS SJR 16**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS#2 SCS SB 1**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SB 23**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SB 51**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS SCS SB 116**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SB 330**, begs leave to report it has examined the same and recommends that it **Do Pass**.

SIGNING OF HOUSE BILL

All other business of the House was suspended while **HB 163** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

Having been duly signed in open session of the Senate, **HB 163** was delivered to the Governor by the Chief Clerk of the House.

MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS HCS HJRs 11 & 7, as amended**, and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Parson, Munzlinger, Brown, Justus and Sifton.

APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

SS HCS HJRs 11 & 7: Representatives Smith (120), Reiboldt and Black

THIRD READING OF HOUSE JOINT RESOLUTION

HCS HJR 26, relating to parental rights, was taken up by Representative Richardson.

On motion of Representative Richardson, **HCS HJR 26** was read the third time and passed by the following vote:

AYES: 131

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Cierpiot	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman

Dugger	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hummel	Hurst
Johnson	Jones 50	Justus	Kelley 127	Kelly 45
Koenig	Kolkmeyer	Korman	Kratky	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	May	Mayfield	McCaherty	McGaugh
McKenna	McManus	Messenger	Miller	Mims
Molendorp	Moon	Morris	Neely	Neth
Norr	Parkinson	Peters	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 023

Butler	Colona	Curtis	Dunn	Gardner
Hubbard	Kirkton	LaFaver	Marshall	McCann Beatty
McDonald	McNeil	Meredith	Mitten	Montecillo
Morgan	Newman	Nichols	Otto	Pace
Pierson	Schupp	Walton Gray		

PRESENT: 000

ABSENT WITH LEAVE: 009

Carpenter	Grisamore	Keeney	Muntzel	Smith 85
Smith 120	Swearingen	Webb	Webber	

Speaker Jones declared the bill passed.

HOUSE BILLS WITH SENATE AMENDMENTS

SS HCS HB 315, relating to prescription eye drop refills, was taken up by Representative Rowland.

Representative Hoskins assumed the Chair.

On motion of Representative Rowland, **SS HCS HB 315** was adopted by the following vote:

AYES: 152

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo

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Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	May	Mayfield
McCaherty	McCann Beatty	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Molendorp	Montecillo	Moon	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Parkinson
Peters	Pfausch	Phillips	Pierson	Pike
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Zerr			

NOES: 004

Burlison	Gardner	Marshall	Pogue
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PRESENT: 001

Scharnhorst

ABSENT WITH LEAVE: 006

Grisamore	Keeney	McDonald	Smith 85	Smith 120
Mr Speaker				

On motion of Representative Rowland, **SS HCS HB 315** was truly agreed to and finally passed by the following vote:

AYES: 143

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Cornejo	Cox	Crawford
Cross	Curtis	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Gannon	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson

Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Justus	Kelley 127
Koenig	Kolkmeier	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	May	Mayfield	McCaherty
McCann Beatty	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Montecillo	Moon	Morgan	Morris	Muntzel
Neely	Newman	Nichols	Norr	Otto
Pace	Parkinson	Peters	Pfautsch	Phillips
Pierson	Pike	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	White	Wieland	Wilson
Wood	Wright	Zerr		

NOES: 004

Burlison	Gardner	Marshall	Pogue
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PRESENT: 001

Scharnhorst

ABSENT WITH LEAVE: 015

Conway 104	Cookson	Funderburk	Grisamore	Jones 50
Keeney	Kelly 45	Kirkton	McDonald	Molendorp
Neth	Smith 85	Smith 120	Swearingen	Mr Speaker

Representative Hoskins declared the bill passed.

THIRD READING OF HOUSE BILLS

HCS HB 653, relating to emergency communications services, was taken up by Representative Lauer.

On motion of Representative Lauer, **HCS HB 653** was read the third time and passed by the following vote:

AYES: 131

Allen	Anders	Austin	Barnes	Berry
Black	Brown	Burns	Butler	Carpenter
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Davis
Diehl	Dohrman	Dunn	Ellinger	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gardner
Gatschenberger	Gosen	Grisamore	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hodges

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Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Jones 50	Justus	Kelley 127	Kelly 45
Kirkton	Kolkmeier	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Love	Lynch
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Montecillo
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Peters	Pfautsch	Phillips	Pierson	Pike
Pogue	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Runions	Scharnhorst	Schatz	Schieffer	Schupp
Shull	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Walker	Walton Gray	Webb
Webber	White	Wilson	Wood	Wright
Zerr				

NOES: 026

Anderson	Bahr	Bernskoetter	Brattin	Burlison
Cierpiot	Curtman	Dugger	Fitzpatrick	Guernsey
Haahr	Hinson	Johnson	Koenig	Leara
Lichtenegger	Marshall	Moon	Parkinson	Redmon
Rowden	Schieber	Solon	Torpey	Wieland
Mr Speaker				

PRESENT: 001

Shumake

ABSENT WITH LEAVE: 005

Keeney	Molendorp	Rowland	Smith 85	Smith 120
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Representative Hoskins declared the bill passed.

HB 421, relating to legal tender, was taken up by Representative Curtman.

On motion of Representative Curtman, **HB 421** was read the third time and passed by the following vote:

AYES: 107

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Black	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	English	Entlicher
Fitzpatrick	Fitzwater	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hoskins	Houghton	Hurst	Johnson	Jones 50
Justus	Kelley 127	Koenig	Kolkmeier	Korman
Lair	Lant	Lauer	Leara	Lichtenegger

Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Roorda
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Schieffer	Shull	Shumake	Solon
Sommer	Spencer	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 047

Anders	Berry	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	Englund	Frame	Gardner	Hodges
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo
Runions	Schupp	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 001

Meredith

ABSENT WITH LEAVE: 008

Cookson	Flanigan	Hough	Keeney	Redmon
Smith 85	Smith 120	Stream		

Representative Hoskins declared the bill passed.

HCS HB 986, relating to MO HealthNet benefits, was taken up by Representative Barnes.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Flanigan
Fowler	Fraker	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller

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Molendorp	Moon	Morris	Muntzel	Neely
Neth	Parkinson	Pfausch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Roorda	Runions
Schieffer	Schupp	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 007

Brattin	Cox	Fitzwater	Keeney	Smith 85
Smith 120	Stream			

On motion of Representative Barnes, **HCS HB 986** was read the third time and passed by the following vote:

AYES: 133

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Cierpiot	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hummel	Hurst	Johnson
Jones 50	Justus	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Mayfield	McCaherty	McCann Beatty
McGaugh	McKenna	McManus	McNeil	Messenger
Miller	Mims	Mitten	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Norr
Pfausch	Phillips	Pike	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland

Runions	Scharnhorst	Schatz	Schieffer	Schupp
Shull	Shumake	Solon	Sommer	Stream
Swan	Thomson	Torpey	Walker	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 027

Burns	Butler	Carpenter	Colona	Curtis
Curtman	Ellington	Gardner	Hubbard	Marshall
May	McDonald	Meredith	Montecillo	Morgan
Newman	Nichols	Otto	Pace	Parkinson
Peters	Pierson	Pogue	Schieber	Spencer
Swearingen	Walton Gray			

PRESENT: 000

ABSENT WITH LEAVE: 003

Keeney	Smith 85	Smith 120
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Representative Hoskins declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 134

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Cierpiot	Colona	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Dunn	Ellinger	Elmer	Engler
English	Englund	Entlicher	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hummel	Hurst	Johnson
Jones 50	Justus	Kelley 127	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Mayfield	McCaherty	McCann Beatty	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Neth	Norr	Pfautsch	Phillips	Pierson
Pike	Redmon	Rehder	Reiboldt	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieffer	Schupp	Shull	Solon	Sommer
Stream	Swan	Thomson	Torpey	Walker
Webb	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

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NOES: 023

Burns	Butler	Carpenter	Curtis	Ellington
Fitzpatrick	Gardner	Hubbard	Marshall	May
McDonald	Newman	Nichols	Otto	Pace
Parkinson	Peters	Pogue	Remole	Schieber
Spencer	Swearingen	Walton Gray		

PRESENT: 000

ABSENT WITH LEAVE: 006

Gosen	Keeney	Kelly 45	Shumake	Smith 85
Smith 120				

Representative Neth assumed the Chair.

HCS HB 675, relating to diabetes training in public schools, was taken up by Representative Grisamore.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	McCaherty	McGaugh	Messenger
Miller	Molendorp	Moon	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Zerr	Mr Speaker	

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield

McCann Beatty	McKenna	McManus	McNeil	Meredith
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schupp	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 010

Brattin	Keeney	Marshall	McDonald	Mims
Schieffer	Smith 85	Smith 120	Stream	Wood

On motion of Representative Grisamore, **HCS HB 675** was read the third time and passed by the following vote:

AYES: 137

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Black	Brattin	Brown
Burns	Butler	Carpenter	Cierpiot	Colona
Conway 10	Cookson	Cornejo	Cox	Crawford
Cross	Curtis	Davis	Diehl	Dohrman
Dugger	Dunn	Ellinger	Ellington	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hodges	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Jones 50	Justus	Kelley 127	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Lichtenegger	Love	Lynch	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Morgan
Morris	Muntzel	Neth	Newman	Nichols
Norr	Otto	Pace	Parkinson	Peters
Pfautsch	Phillips	Pierson	Pike	Redmon
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schupp	Shull
Shumake	Solon	Sommer	Stream	Swan
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wood	Wright
Zerr	Mr Speaker			

NOES: 019

Berry	Burlison	Conway 104	Curtman	Frame
Guernsey	Hinson	Johnson	Kirkton	Koenig
Marshall	Moon	Neely	Pogue	Rehder
Schieber	Spencer	Swearingen	Wilson	

PRESENT: 000

ABSENT WITH LEAVE: 007

Funderburk	Keeney	Kelly 45	Leara	Schieffer
Smith 85	Smith 120			

Representative Neth declared the bill passed.

HCS HB 285, relating to controlled substance distribution, was taken up by Representative Pace.

On motion of Representative Pace, **HCS HB 285** was read the third time and passed by the following vote:

AYES: 144

Allen	Anders	Anderson	Austin	Bahr
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Davis	Diehl
Dohrman	Dugger	Dunn	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Kelley 127	Kelly 45	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
May	Mayfield	McCaherty	McCann Beatty	McGaugh
McKenna	McManus	Meredith	Messenger	Miller
Mims	Molendorp	Montecillo	Morgan	Morris
Muntzel	Neely	Neth	Nichols	Norr
Otto	Pace	Peters	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Webb	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 012

Colona	Curtman	Ellington	Gardner	Kirkton
McDonald	Mitten	Moon	Newman	Pierson
Schupp	Walton Gray			

PRESENT: 000

ABSENT WITH LEAVE: 007

Barnes	Ellinger	Keeney	McNeil	Parkinson
Smith 85	Smith 120			

Representative Neth declared the bill passed.

HCS HB 859, relating to concealed carry permits, was taken up by Representative Brattin.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 107

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 050

Black	Burns	Butler	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Walton Gray	Webb	Webber	Wright

PRESENT: 000

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ABSENT WITH LEAVE: 006

Anders	Keeney	Lynch	Smith 85	Smith 120
Swearingen				

On motion of Representative Brattin, **HCS HB 859** was read the third time and passed by the following vote:

AYES: 123

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Cierpiot	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	English	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hurst	Johnson	Jones 50	Justus	Kelley 127
Koenig	Kolkmeyer	Korman	Kratky	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	Mayfield	McCaherty	McGaugh
McKenna	Messenger	Miller	Moon	Morris
Muntzel	Neely	Neth	Nichols	Otto
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Roorda	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Schieffer
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 034

Burns	Butler	Carpenter	Colona	Curtis
Dunn	Ellinger	Ellington	Englund	Gardner
Hummel	Kelly 45	Kirkton	LaFaver	May
McCann Beatty	McDonald	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Norr	Pace	Peters	Pierson	Rizzo
Runions	Schupp	Walton Gray	Webb	

PRESENT: 000

ABSENT WITH LEAVE: 006

Anders	Keeney	Molendorp	Smith 85	Smith 120
Swearingen				

Representative Neth declared the bill passed.

PERFECTION OF HOUSE BILL

HCS HB 210, relating to the Missouri Criminal Code, was taken up by Representative Cox.

Representative Cox offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 210, Page 93, Section 197.1002, Line 18, by inserting after the word "**neglect**," on said line the following:

"Notwithstanding any other provision of this section, a duly ordained minister, clergy, religious worker, or Christian Science practitioner while functioning in his or her ministerial capacity shall not be required to report concerning a privileged communication made to him or her in his or her professional capacity."; and

Further amend said bill, Page 356, Section 565.184, Line 22, by inserting after all of said line the following:

"Nothing in this section shall be construed to mean that an elderly or disabled person is abused solely because such person chooses to rely on spiritual means through prayer, in lieu of medical care, for his or her health care, as evidence by such person's explicit consent, advance directive for health care, or practice."; and

Further amend said bill, Page 586, Section 630.162, Line 30, by inserting after all of said line the following:

"3. Nothing in this section shall be construed to mean that a vulnerable person is abused or neglected solely because such person chooses to rely on spiritual means through prayer, in lieu of medical care, for his or her health care, as evidenced by such person's explicit consent, advance directive for health care, or practice."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Cox, **House Amendment No. 1** was adopted.

Representative Kratky offered **House Amendment No. 2**.

Representative Cox raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

Representative Neth requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

On motion of Representative Cox, **HCS HB 210, as amended**, was adopted.

On motion of Representative Cox, **HCS HB 210, as amended**, was ordered perfected and printed.

On motion of Representative Diehl, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Jones.

PERFECTION OF HOUSE BILLS

HCS HB 630, relating to the Manufacturing Jobs Act, was taken up by Representative McCaherty.

Representative White offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 630, Page 1, Section A, Line 2, by inserting after all of said section the following:

"620.1881. 1. The department of economic development shall respond within thirty days to a company who provides a notice of intent with either an approval or a rejection of the notice of intent. The department shall give preference to qualified companies and projects targeted at an area of the state which has recently been classified as a disaster area by the federal government. Failure to respond on behalf of the department of economic development shall result in the notice of intent being deemed an approval for the purposes of this section. A qualified company who is provided an approval for a project shall be allowed a benefit as provided in this program in the amount and duration provided in this section. A qualified company may receive additional periods for subsequent new jobs at the same facility after the full initial period if the minimum thresholds are met as set forth in sections 620.1875 to 620.1890. There is no limit on the number of periods a qualified company may participate in the program, as long as the minimum thresholds are achieved and the qualified company provides the department with the required reporting and is in proper compliance for this program or other state programs. A qualified company may elect to file a notice of intent to start a new project period concurrent with an existing project period if the minimum thresholds are achieved and the qualified company provides the department with the required reporting and is in proper compliance for this program and other state programs; however, the qualified company may not receive any further benefit under the original approval for jobs created after the date of the new notice of intent, and any jobs created before the new notice of intent may not be included as new jobs for the purpose of benefit calculation in relation to the new approval. When a qualified company has filed and received approval of a notice of intent and subsequently files another notice of intent, the department shall apply the definition of project facility under subdivision (19) of section 620.1878 to the new notice of intent as well as all previously approved notices of intent and shall determine the application of the definitions of new job, new payroll, project facility base employment, and project facility base payroll accordingly.

2. Notwithstanding any provision of law to the contrary, any qualified company that is awarded benefits under this program may not simultaneously receive tax credits or exemptions under sections 135.100 to 135.150, sections 135.200 to 135.286, section 135.535, or sections 135.900 to 135.906 at the same project facility. The benefits available to the company under any other state programs for which the company is eligible and which utilize withholding tax from the new jobs of the company must first be credited to the other state program before the withholding retention level applicable under the Missouri quality jobs act will begin to accrue. These other state programs include, but are not limited to, the new jobs training program under sections 178.892 to 178.896, the job retention program under sections 178.760 to 178.764, the real property tax increment allocation redevelopment act, sections 99.800 to 99.865, or the Missouri downtown and rural economic stimulus act under sections 99.915 to 99.980. If any qualified company also participates in the new jobs training program in sections 178.892 to 178.896, the company shall retain no withholding tax, but the department shall issue a refundable tax credit for the full amount of benefit allowed under this subdivision. The calendar year annual maximum amount of tax credits which may be issued to a qualifying company that also participates in the new job training program shall be increased by an amount equivalent to the withholding tax retained by that company under the new jobs training program. However, if the combined benefits of the quality jobs program and the new jobs training program exceed the projected state benefit of the project, as determined by the department of economic development through a cost-benefit analysis, the increase in the maximum tax credits shall be limited to the amount that would not cause the combined benefits to exceed the projected state benefit. Any taxpayer who is awarded benefits under this program who knowingly hires individuals who are not allowed to work legally in the United States shall immediately forfeit such benefits and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained.

3. The types of projects and the amount of benefits to be provided are:

(1) Small and expanding business projects: in exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs created by the program, a qualified company may

retain an amount equal to the withholding tax as calculated under subdivision (33) of section 620.1878 from the new jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265 for a period of three years from the date the required number of new jobs were created if the average wage of the new payroll equals or exceeds the county average wage or for a period of five years from the date the required number of new jobs were created if the average wage of the new payroll equals or exceeds one hundred twenty percent of the county average wage;

(2) Technology business projects: in exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs created by the program, a qualified company may retain an amount equal to a maximum of five percent of new payroll for a period of five years from the date the required number of jobs were created from the withholding tax of the new jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265 if the average wage of the new payroll equals or exceeds the county average wage. An additional one-half percent of new payroll may be added to the five percent maximum if the average wage of the new payroll in any year exceeds one hundred twenty percent of the county average wage in the county in which the project facility is located, plus an additional one-half percent of new payroll may be added if the average wage of the new payroll in any year exceeds one hundred forty percent of the average wage in the county in which the project facility is located. The department shall issue a refundable tax credit for any difference between the amount of benefit allowed under this subdivision and the amount of withholding tax retained by the company, in the event the withholding tax is not sufficient to provide the entire amount of benefit due to the qualified company under this subdivision;

(3) High impact projects: in exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs created by the program, a qualified company may retain an amount from the withholding tax of the new jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265, equal to three percent of new payroll for a period of five years from the date the required number of jobs were created if the average wage of the new payroll equals or exceeds the county average wage of the county in which the project facility is located. For high-impact projects in a facility located within two adjacent counties, the new payroll shall equal or exceed the higher county average wage of the adjacent counties. The percentage of payroll allowed under this subdivision shall be three and one-half percent of new payroll if the average wage of the new payroll in any year exceeds one hundred twenty percent of the county average wage in the county in which the project facility is located. The percentage of payroll allowed under this subdivision shall be four percent of new payroll if the average wage of the new payroll in any year exceeds one hundred forty percent of the county average wage in the county in which the project facility is located. An additional one percent of new payroll may be added to these percentages if local incentives equal between ten percent and twenty-four percent of the new direct local revenue; an additional two percent of new payroll is added to these percentages if the local incentives equal between twenty-five percent and forty-nine percent of the new direct local revenue; or an additional three percent of payroll is added to these percentages if the local incentives equal fifty percent or more of the new direct local revenue. The department shall issue a refundable tax credit for any difference between the amount of benefit allowed under this subdivision and the amount of withholding tax retained by the company, in the event the withholding tax is not sufficient to provide the entire amount of benefit due to the qualified company under this subdivision;

(4) Job retention projects: a qualified company may receive a tax credit for the retention of jobs in this state, provided the qualified company and the project meets all of the following conditions:

(a) For each of the twenty-four months preceding the year in which application for the program is made the qualified company must have maintained at least one thousand full-time employees at the employer's site in the state at which the jobs are based, and the average wage of such employees must meet or exceed the county average wage;

(b) The qualified company retained at the project facility the level of full-time employees that existed in the taxable year immediately preceding the year in which application for the program is made;

(c) The qualified company is considered to have a significant statewide effect on the economy, and has been determined to represent a substantial risk of relocation from the state by the quality jobs advisory task force established in section 620.1887; provided, however, until such time as the initial at-large members of the quality jobs advisory task force are appointed, this determination shall be made by the director of the department of economic development;

(d) The qualified company in the project facility will cause to be invested a minimum of seventy million dollars in new investment prior to the end of two years or will cause to be invested a minimum of thirty million dollars in new investment prior to the end of two years and maintain an annual payroll of at least seventy million dollars during each of the years for which a credit is claimed; and

(e) The local taxing entities shall provide local incentives of at least fifty percent of the new direct local revenues created by the project over a ten-year period. The quality jobs advisory task force may recommend to the department of economic development that appropriate penalties be applied to the company for violating the agreement.

The amount of the job retention credit granted may be equal to up to fifty percent of the amount of withholding tax generated by the full-time jobs at the project facility for a period of five years. The calendar year annual maximum amount of tax credit that may be issued to any qualified company for a job retention project or combination of job retention projects shall be seven hundred fifty thousand dollars per year, but the maximum amount may be increased up to one million dollars if such action is proposed by the department and approved by the quality jobs advisory task force established in section 620.1887; provided, however, until such time as the initial at-large members of the quality jobs advisory task force are appointed, this determination shall be made by the director of the department of economic development. In considering such a request, the task force shall rely on economic modeling and other information supplied by the department when requesting the increased limit on behalf of the job retention project. In no event shall the total amount of all tax credits issued for the entire job retention program under this subdivision exceed three million dollars annually. Notwithstanding the above, no tax credits shall be issued for job retention projects approved by the department after August 30, 2013;

(5) Small business job retention and flood survivor relief: a qualified company may receive a tax credit under sections 620.1875 to 620.1890 for the retention of jobs and flood survivor relief in this state for each job retained over a three-year period, provided that:

(a) The qualified company did not receive any state or federal benefits, incentives, or tax relief or abatement in locating its facility in a flood plain;

(b) The qualified company and related companies have fewer than one hundred employees at the time application for the program is made;

(c) The average wage of the qualified company's and related companies' employees must meet or exceed the county average wage;

(d) All of the qualified company's and related companies' facilities are located in this state;

(e) The facilities at the primary business site in this state have been directly damaged by floodwater rising above the level of a five hundred year flood at least two years, but fewer than eight years, prior to the time application is made;

(f) The qualified company made significant efforts to protect the facilities prior to any impending danger from rising floodwaters;

(g) For each year it receives tax credits under sections 620.1875 to 620.1890, the qualified company and related companies retained, at the company's facilities in this state, at least the level of full-time, year-round employees that existed in the taxable year immediately preceding the year in which application for the program is made; and

(h) In the years it receives tax credits under sections 620.1875 to 620.1890, the company cumulatively invests at least two million dollars in capital improvements in facilities and equipment located at such facilities that are not located within a five hundred year flood plain as designated by the Federal Emergency Management Agency, and amended from time to time. The amount of the small business job retention and flood survivor relief credit granted may be equal to up to one hundred percent of the amount of withholding tax generated by the full-time jobs at the project facility for a period of three years. The calendar year annual maximum amount of tax credit that may be issued to any qualified company for a small business job retention and survivor relief project shall be two hundred fifty thousand dollars per year, but the maximum amount may be increased up to five hundred thousand dollars if such action is proposed by the department and approved by the quality jobs advisory task force established in section 620.1887. In considering such a request, the task force shall rely on economic modeling and other information supplied by the department when requesting an increase in the limit on behalf of the small business job retention and flood survivor relief project. In no event shall the total amount of all tax credits issued for the entire small business job retention and flood survivor relief program under this subdivision exceed five hundred thousand dollars annually. Notwithstanding the provisions of this subdivision to the contrary, no tax credits shall be issued for small business job retention and flood survivor relief projects approved by the department after August 30, 2010.

(6) A manufacturer of firearms, ammunition, or parts thereof that relocates to Missouri or an existing manufacturer of firearms, ammunition, or parts thereof that expands in Missouri, in exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs created by the relocation or expansion, a qualified company may retain an amount equal to the withholding tax as calculated under subdivision (33) of section 620.1878 from the new jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265 for a period of three years from the date the required number of new jobs were created if the average wage of the new payroll equals or exceeds the county average wage or for a period of five years from the date the required number of new jobs were created if the average wage of the new payroll equals or exceeds one hundred twenty percent of the county average wage. The maximum amount that may be retained by a qualifying company under this subsection is three million dollars annually. This subsection shall sunset six years after this subsection becomes effective.

4. The qualified company shall provide an annual report of the number of jobs and such other information as may be required by the department to document the basis for the benefits of this program. The department may withhold the approval of any benefits until it is satisfied that proper documentation has been provided, and shall reduce the benefits to reflect any reduction in full-time employees or new payroll. Upon approval by the department, the qualified company may begin the retention of the withholding taxes when it reaches the minimum number of new jobs and the average wage exceeds the county average wage. Tax credits, if any, may be issued upon satisfaction by the department that the qualified company has exceeded the county average wage and the minimum number of new jobs. In such annual report, if the average wage is below the county average wage, the qualified company has not maintained the employee insurance as required, or if the number of new jobs is below the minimum, the qualified company shall not receive tax credits or retain the withholding tax for the balance of the benefit period. In the case of a qualified company that initially filed a notice of intent and received an approval from the department for high-impact benefits and the minimum number of new jobs in an annual report is below the minimum for high-impact projects, the company shall not receive tax credits for the balance of the benefit period but may continue to retain the withholding taxes if it otherwise meets the requirements of a small and expanding business under this program.

5. The maximum calendar year annual tax credits issued for the entire program shall not exceed eighty million dollars. Notwithstanding any provision of law to the contrary, the maximum annual tax credits authorized under section 135.535 are hereby reduced from ten million dollars to eight million dollars, with the balance of two million dollars transferred to this program. There shall be no limit on the amount of withholding taxes that may be retained by approved companies under this program.

6. The department shall allocate the annual tax credits based on the date of the approval, reserving such tax credits based on the department's best estimate of new jobs and new payroll of the project, and the other factors in the determination of benefits of this program. However, the annual issuance of tax credits is subject to the annual verification of the actual new payroll. The allocation of tax credits for the period assigned to a project shall expire if, within two years from the date of commencement of operations, or approval if applicable, the minimum thresholds have not been achieved. The qualified company may retain authorized amounts from the withholding tax under this section once the minimum new jobs thresholds are met for the duration of the project period. No benefits shall be provided under this program until the qualified company meets the minimum new jobs thresholds. In the event the qualified company does not meet the minimum new job threshold, the qualified company may submit a new notice of intent or the department may provide a new approval for a new project of the qualified company at the project facility or other facilities.

7. For a qualified company with flow-through tax treatment to its members, partners, or shareholders, the tax credit shall be allowed to members, partners, or shareholders in proportion to their share of ownership on the last day of the qualified company's tax period.

8. Tax credits may be claimed against taxes otherwise imposed by chapters 143 and 148, and may not be carried forward but shall be claimed within one year of the close of the taxable year for which they were issued, except as provided under subdivision (4) of subsection 3 of this section.

9. Tax credits authorized by this section may be transferred, sold, or assigned by filing a notarized endorsement thereof with the department that names the transferee, the amount of tax credit transferred, and the value received for the credit, as well as any other information reasonably requested by the department.

10. Prior to the issuance of tax credits, the department shall verify through the department of revenue, or any other state department, that the tax credit applicant does not owe any delinquent income, sales, or use tax or interest or penalties on such taxes, or any delinquent fees or assessments levied by any state department and through the department of insurance, financial institutions and professional registration that the applicant does not owe any delinquent insurance taxes. Such delinquency shall not affect the authorization of the application for such tax credits, except that at issuance credits shall be first applied to the delinquency and any amount issued shall be reduced by the applicant's tax delinquency. If the department of revenue or the department of insurance, financial institutions and professional registration, or any other state department, concludes that a taxpayer is delinquent after June fifteenth but before July first of any year and the application of tax credits to such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the deficiency in which interest, penalties, and additions to tax shall be tolled. After applying all available credits toward a tax delinquency, the administering agency shall notify the appropriate department and that department shall update the amount of outstanding delinquent tax owed by the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions of other provisions of law.

11. Except as provided under subdivision (4) of subsection 3 of this section, the director of revenue shall issue a refund to the qualified company to the extent that the amount of credits allowed in this section exceeds the amount of the qualified company's income tax.

12. An employee of a qualified company will receive full credit for the amount of tax withheld as provided in section 143.211.

13. If any provision of sections 620.1875 to 620.1890 or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of these sections which can be given effect without the invalid provisions or application, and to this end, the provisions of sections 620.1875 to 620.1890 are hereby declared severable."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Cox moved the previous question.

Which motion was adopted by the following vote:

AYES: 097

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Conway 104	Cookson	Cornejo	Cox	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Funderburk	Gannon	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Love
Marshall	McCaherty	McGaugh	Messenger	Miller
Molendorp	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 047

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
English	Englund	Frame	Harris	Hodges
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo
Roorda	Runions	Schieffer	Swearingen	Walton Gray
Webb	Webber			

PRESENT: 000

ABSENT WITH LEAVE: 019

Cierpiot	Crawford	Ellington	Entlicher	Franklin
Frederick	Gardner	Grisamore	Keeney	Lichtenegger
Lynch	Mims	Moon	Riddle	Schupp
Smith 85	Smith 120	Torpey	Wright	

On motion of Representative White, **House Amendment No. 1** was adopted.

Representative Johnson offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 630, Page 6, Section 620.1910, Line 167, by inserting immediately after said line the following:

"620.1915. 1. There is hereby created in the state treasury the "Missouri International Business Advertising Fund", which shall consist of appropriated moneys, gifts, contributions, grants, or bequests to be used solely for the purpose of attracting international businesses to Missouri. The fund shall be used for advertising the benefits of relocating an international business to Missouri and may be used to advertise in international business magazines, international social media sites, or any search engine that receives international traffic. The fund may be used to promote the existence and purpose of the fund. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the administration of this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. The Missouri international advertising fund shall be administered and managed by the Missouri small business technology and development center and its coordinator, with the primary goal of encouraging any business located outside of the United States to relocate to Missouri.

3. The Missouri small business technology and development center shall establish a committee consisting of no fewer than three but no more than five persons for the purpose of reviewing which international markets are seeing an increase of business relocating to the United States and specifically use the funds that are deposited into the Missouri international advertising fund to create a marketing campaign directed toward the international companies in these markets. The coordinator shall establish its own rules of procedure."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Hummel raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Johnson, **House Amendment No. 2** was adopted.

On motion of Representative McCaherty, **HCS HB 630, as amended**, was adopted.

On motion of Representative McCaherty, **HCS HB 630, as amended**, was ordered perfected and printed.

HB 162, relating to the establishment of the Missouri Firearms Freedom Act, was taken up by Representative Sommer.

Representative Kelley (127) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 162, Page 1, Lines 2-3 in the Title, by deleting the words "the Missouri firearms freedom act" and inserting in lieu there of the word "firearms"; and

Further amend said bill, Page 3, Section 21.755, Line 74, by inserting after all of said section and line the following:

"571.101. 1. All applicants for concealed carry endorsements issued pursuant to subsection [7] **8** of this section must satisfy the requirements of sections 571.101 to 571.121. If the said applicant can show qualification as provided by sections 571.101 to 571.121, the county or city sheriff shall issue a certificate of qualification for a concealed carry endorsement. Upon receipt of such certificate, the certificate holder shall apply for a driver's license or nondriver's license with the director of revenue in order to obtain a concealed carry endorsement. Any person who has been issued a concealed carry endorsement on a driver's license or nondriver's license and such endorsement or license has not been suspended, revoked, cancelled, or denied may carry concealed firearms on or about his or her person or within a vehicle. A concealed carry endorsement shall be valid for a period of three years from the date of issuance or renewal. The concealed carry endorsement is valid throughout this state.

2. A certificate of qualification for a concealed carry endorsement issued pursuant to subsection [7] **8** of this section shall be issued by the sheriff or his or her designee of the county or city in which the applicant resides, if the applicant:

- (1) Is at least twenty-one years of age, is a citizen of the United States and either:
 - (a) Has assumed residency in this state; or
 - (b) Is a member of the Armed Forces stationed in Missouri, or the spouse of such member of the military;
- (2) Is at least twenty-one years of age, or is at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces, and is a citizen of the United States and either:
 - (a) Has assumed residency in this state;
 - (b) Is a member of the Armed Forces stationed in Missouri; or
 - (c) The spouse of such member of the military stationed in Missouri and twenty-one years of age;
- (3) Has not pled guilty to or entered a plea of nolo contendere or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;
- (4) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a certificate of qualification for a concealed carry endorsement or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a certificate of qualification for a concealed carry endorsement;
- (5) Is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;
- (6) Has not been discharged under dishonorable conditions from the United States Armed Forces;
- (7) Has not engaged in a pattern of behavior, documented in public records, that causes the sheriff to have a reasonable belief that the applicant presents a danger to himself or others;
- (8) Is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state following a hearing at which the defendant was represented by counsel or a representative;
- (9) Submits a completed application for a certificate of qualification as described in subsection 3 of this section;

(10) Submits an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsections 1 and 2 of section 571.111;

(11) Is not the respondent of a valid full order of protection which is still in effect.

3. The application for a certificate of qualification for a concealed carry endorsement issued by the sheriff of the county of the applicant's residence shall contain only the following information:

(1) The applicant's name, address, telephone number, gender, and date and place of birth;

(2) An affirmation that the applicant has assumed residency in Missouri or is a member of the Armed Forces stationed in Missouri or the spouse of such a member of the Armed Forces and is a citizen of the United States;

(3) An affirmation that the applicant is at least twenty-one years of age or is eighteen years of age or older and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces;

(4) An affirmation that the applicant has not pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

(5) An affirmation that the applicant has not been convicted of, pled guilty to, or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a certificate of qualification to obtain a concealed carry endorsement or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a certificate of qualification to obtain a concealed carry endorsement;

(6) An affirmation that the applicant is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

(7) An affirmation that the applicant has not been discharged under dishonorable conditions from the United States Armed Forces;

(8) An affirmation that the applicant is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply;

(9) An affirmation that the applicant has received firearms safety training that meets the standards of applicant firearms safety training defined in subsection 1 or 2 of section 571.111;

(10) An affirmation that the applicant, to the applicant's best knowledge and belief, is not the respondent of a valid full order of protection which is still in effect; and

(11) A conspicuous warning that false statements made by the applicant will result in prosecution for perjury pursuant to the laws of the state of Missouri.

4. An application for a certificate of qualification for a concealed carry endorsement shall be made to the sheriff of the county or any city not within a county in which the applicant resides. An application shall be filed in writing, signed under oath and under the penalties of perjury, and shall state whether the applicant complies with each of the requirements specified in subsection 2 of this section. In addition to the completed application, the applicant for a certificate of qualification for a concealed carry endorsement must also submit the following:

(1) A photocopy of a firearms safety training certificate of completion or other evidence of completion of a firearms safety training course that meets the standards established in subsection 1 or 2 of section 571.111; [and]

(2) A nonrefundable certificate of qualification fee as provided by subsection [10 or] 11 **or 12** of this section; **and**

(3) A nonrefundable anonymous fingerprint background check fee as provided for in subsection 11 of this section, if an anonymous fingerprint background check is requested by the applicant.

5. Before an application for a certificate of qualification for a concealed carry endorsement is approved, the sheriff shall make only such inquiries as he or she deems necessary into the accuracy of the statements made in the application. The sheriff may require that the applicant display a Missouri driver's license or nondriver's license or military identification and orders showing the person being stationed in Missouri. In order to determine the applicant's suitability for a certificate of qualification for a concealed carry endorsement, the applicant shall be fingerprinted. The sheriff shall request a criminal background check through the appropriate law enforcement agency within three working days after submission of the properly completed application for a certificate of qualification for a concealed carry

endorsement. If no disqualifying record is identified by the fingerprint check at the state level, the fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal history record check. Upon receipt of the completed background check, the sheriff shall issue a certificate of qualification for a concealed carry endorsement within three working days. The sheriff shall issue the certificate within forty-five calendar days if the criminal background check has not been received, provided that the sheriff shall revoke any such certificate and endorsement within twenty-four hours of receipt of any background check that results in a disqualifying record, and shall notify the department of revenue.

6. An applicant may request that the fingerprint background check be done anonymously. If such request is made the sheriff shall submit the fingerprint background check with a tracking number instead of any personal identifying information. The appropriate law enforcement agencies shall report the results of anonymous fingerprint background checks to the sheriff in the same manor as those submitted with personal identifying information. The sheriff may charge an additional fee for the anonymous fingerprint background check as provided in subsection 11 of this section.

7. The sheriff may refuse to approve an application for a certificate of qualification for a concealed carry endorsement if he or she determines that any of the requirements specified in subsection 2 of this section have not been met, or if he or she has a substantial and demonstrable reason to believe that the applicant has rendered a false statement regarding any of the provisions of sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff is required to deny the application, and notify the applicant in writing, stating the grounds for denial and informing the applicant of the right to submit, within thirty days, any additional documentation relating to the grounds of the denial. Upon receiving any additional documentation, the sheriff shall reconsider his or her decision and inform the applicant within thirty days of the result of the reconsideration. The applicant shall further be informed in writing of the right to appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114. After two additional reviews and denials by the sheriff, the person submitting the application shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114.

[7.] 8. If the application is approved, the sheriff shall issue a certificate of qualification for a concealed carry endorsement to the applicant within a period not to exceed three working days after his or her approval of the application. The applicant shall sign the certificate of qualification in the presence of the sheriff or his or her designee and shall within seven days of receipt of the certificate of qualification take the certificate of qualification to the department of revenue. Upon verification of the certificate of qualification and completion of a driver's license or nondriver's license application pursuant to chapter 302, the director of revenue shall issue a new driver's license or nondriver's license with an endorsement which identifies that the applicant has received a certificate of qualification to carry concealed weapons issued pursuant to sections 571.101 to 571.121 if the applicant is otherwise qualified to receive such driver's license or nondriver's license. Notwithstanding any other provision of chapter 302, a nondriver's license with a concealed carry endorsement shall expire three years from the date the certificate of qualification was issued pursuant to this section. The requirements for the director of revenue to issue a concealed carry endorsement pursuant to this subsection shall not be effective until July 1, 2004, and the certificate of qualification issued by a county sheriff pursuant to subsection 1 of this section shall allow the person issued such certificate to carry a concealed weapon pursuant to the requirements of subsection 1 of section 571.107 in lieu of the concealed carry endorsement issued by the director of revenue from October 11, 2003, until the concealed carry endorsement is issued by the director of revenue on or after July 1, 2004, unless such certificate of qualification has been suspended or revoked for cause.

[8.] 9. The sheriff shall keep a record of all applications for a certificate of qualification for a concealed carry endorsement and his or her action thereon. The sheriff shall report the issuance of a certificate of qualification to the Missouri uniform law enforcement system. All information on any such certificate that is protected information on any driver's or nondriver's license shall have the same personal protection for purposes of sections 571.101 to 571.121. An applicant's status as a holder of a certificate of qualification or a concealed carry endorsement shall not be public information and shall be considered personal protected information. Any person who violates the provisions of this subsection by disclosing protected information shall be guilty of a class A misdemeanor.

[9.] 10. Information regarding any holder of a certificate of qualification or a concealed carry endorsement is a closed record.

[10.] 11. For processing an application for a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed one hundred dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund. **For processing an anonymous fingerprint background check requested under subsection 6 of this section, the sheriff in each county may charge an additional nonrefundable fee in an amount not to exceed one hundred dollars, which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.**

[11.] **12.** For processing a renewal for a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed fifty dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

13. The Missouri state highway patrol is hereby authorized to conduct anonymous fingerprint background checks under this section and to charge up to, but no more than, the same fee charged for the complete criminal background check required under this section.

14. Whenever an applicant has requested an anonymous fingerprint background check and the results of that check do not disqualify the applicant for a certificate of qualification for a concealed carry endorsement, all records of the fingerprints submitted anonymously, including all methods of storage or archiving shall be purged of any record of the applicant's fingerprints in both the sheriff's records and the records of any law enforcement agency to which the fingerprints were submitted.

[12.] **15.** For the purposes of sections 571.101 to 571.121, the term "sheriff" shall include the sheriff of any county or city not within a county or his or her designee and in counties of the first classification the sheriff may designate the chief of police of any city, town, or municipality within such county."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Kelley (127), **House Amendment No. 1** was adopted by the following vote:

AYES: 117

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Cierpiot	Conway 10	Conway 104	Cookson
Cornejo	Cox	Cross	Curtman	Davis
Diehl	Dohrman	Elmer	Engler	English
Entlicher	Fitzpatrick	Fitzwater	Fowler	Fraker
Frame	Funderburk	Gannon	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hurst	Johnson
Jones 50	Justus	Kelley 127	Kelly 45	Koenig
Kolkmeyer	Korman	Kratky	Lant	Lauer
Leara	Lichtenegger	Love	Marshall	Mayfield
McCaherty	McGaugh	McKenna	McManus	Messenger
Miller	Molendorp	Moon	Morris	Muntzel
Neely	Neth	Nichols	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Shull	Shumake	Solon	Sommer	Spencer
Swan	Thomson	Torpey	Walker	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 031

Anders	Burns	Butler	Carpenter	Curtis
Dunn	Ellinger	Ellington	Englund	Gardner
Hummel	Kirkton	LaFaver	May	McCann Beatty
McDonald	McNeil	Meredith	Mims	Mitten

Montecillo	Morgan	Newman	Norr	Otto
Pace	Peters	Pierson	Swearingen	Walton Gray
Webb				

PRESENT: 000

ABSENT WITH LEAVE: 015

Colona	Crawford	Dugger	Flanigan	Franklin
Frederick	Grisamore	Hansen	Keeney	Lair
Lynch	Schupp	Smith 85	Smith 120	Stream

Representative Gatschenberger offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Bill No. 162, Page 1, in the Title, Lines 2 and 3, by deleting the words, "the Missouri firearms freedom act" and inserting in lieu thereof the word, "firearms"; and

Further amend said bill, Page 3, Section 21.755, Line 74, by inserting after all of said line the following:

"571.030. 1. A person commits the crime of unlawful use of weapons if he or she knowingly:

(1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or

(2) Sets a spring gun; or

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, or any building or structure used for the assembling of people; or

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

(5) Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense;

(6) Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building; or

(7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or

(8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof; or

(9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or

(10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.

2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the persons described in this subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section shall not apply to or affect any of the following persons, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties, except as otherwise provided in this subsection:

(1) All state, county and municipal peace officers who have completed the training required by the police officer standards and training commission pursuant to sections 590.030 to 590.050 and who possess the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection 11 of this section, and

who carry the identification defined in subsection 12 of this section, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(3) Members of the Armed Forces or National Guard while performing their official duty;

(4) Those persons vested by article V, section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;

(5) Any person whose bona fide duty is to execute process, civil or criminal;

(6) Any federal probation officer or federal flight deck officer as defined under the federal flight deck officer program, 49 U.S.C. Section 44921 regardless of whether such officers are on duty, or within the law enforcement agency's jurisdiction;

(7) Any state probation or parole officer, including supervisors and members of the board of probation and parole;

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the board of police commissioners under section 84.340;

(9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

(10) Any prosecuting attorney or assistant prosecuting attorney or any circuit attorney or assistant circuit attorney who has completed the firearms safety training course required under subsection 2 of section 571.111; and

(11) Any member of a fire department or fire protection district who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement under section 571.111 when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.

3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply to any person [twenty-one] **nineteen** years of age or older or eighteen years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.

4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any person who has a valid concealed carry endorsement issued pursuant to sections 571.101 to 571.121 or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.

5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

6. Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

7. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

8. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony;

(2) For any violation by a prior offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years;

(3) For any violation by a persistent offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release;

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

9. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons.

10. Notwithstanding any other provision of law, no person who pleads guilty to or is found guilty of a felony violation of subsection 1 of this section shall receive a suspended imposition of sentence if such person has previously received a suspended imposition of sentence for any other firearms- or weapons-related felony offense.

11. As used in this section "qualified retired peace officer" means an individual who:

(1) Retired in good standing from service with a public agency as a peace officer, other than for reasons of mental instability;

(2) Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

(3) Before such retirement, was regularly employed as a peace officer for an aggregate of fifteen years or more, or retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

(4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such a plan is available;

(5) During the most recent twelve-month period, has met, at the expense of the individual, the standards for training and qualification for active peace officers to carry firearms;

(6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(7) Is not prohibited by federal law from receiving a firearm.

12. The identification required by subdivision (1) of subsection 2 of this section is:

(1) A photographic identification issued by the agency from which the individual retired from service as a peace officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm; or

(2) A photographic identification issued by the agency from which the individual retired from service as a peace officer; and

(3) A certification issued by the state in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the state to meet the standards established by the state for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm.

571.101. 1. All applicants for concealed carry endorsements issued pursuant to subsection 7 of this section must satisfy the requirements of sections 571.101 to 571.121. If the said applicant can show qualification as provided by sections 571.101 to 571.121, the county or city sheriff shall issue a certificate of qualification for a concealed carry endorsement. Upon receipt of such certificate, the certificate holder shall apply for a driver's license or nondriver's license with the director of revenue in order to obtain a concealed carry endorsement. Any person who has been issued a concealed carry endorsement on a driver's license or nondriver's license and such endorsement or license has not been suspended, revoked, cancelled, or denied may carry concealed firearms on or about his or her person or within a vehicle. A concealed carry endorsement shall be valid for a period of three years from the date of issuance or renewal. The concealed carry endorsement is valid throughout this state.

2. A certificate of qualification for a concealed carry endorsement issued pursuant to subsection 7 of this section shall be issued by the sheriff or his or her designee of the county or city in which the applicant resides, if the applicant:

(1) Is at least [twenty-one] **nineteen** years of age, is a citizen of the United States and either:

(a) Has assumed residency in this state; or

(b) Is a member of the Armed Forces stationed in Missouri, or the spouse of such member of the military;

(2) Is at least [twenty-one] **nineteen** years of age, or is at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces, and is a citizen of the United States and either:

(a) Has assumed residency in this state;

- (b) Is a member of the Armed Forces stationed in Missouri; or
 - (c) The spouse of such member of the military stationed in Missouri and [twenty-one] **nineteen** years of age;
 - (3) Has not pled guilty to or entered a plea of nolo contendere or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;
 - (4) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a certificate of qualification for a concealed carry endorsement or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a certificate of qualification for a concealed carry endorsement;
 - (5) Is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;
 - (6) Has not been discharged under dishonorable conditions from the United States Armed Forces;
 - (7) Has not engaged in a pattern of behavior, documented in public records, that causes the sheriff to have a reasonable belief that the applicant presents a danger to himself or others;
 - (8) Is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state following a hearing at which the defendant was represented by counsel or a representative;
 - (9) Submits a completed application for a certificate of qualification as described in subsection 3 of this section;
 - (10) Submits an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsections 1 and 2 of section 571.111;
 - (11) Is not the respondent of a valid full order of protection which is still in effect.
3. The application for a certificate of qualification for a concealed carry endorsement issued by the sheriff of the county of the applicant's residence shall contain only the following information:
- (1) The applicant's name, address, telephone number, gender, and date and place of birth;
 - (2) An affirmation that the applicant has assumed residency in Missouri or is a member of the Armed Forces stationed in Missouri or the spouse of such a member of the Armed Forces and is a citizen of the United States;
 - (3) An affirmation that the applicant is at least [twenty-one] **nineteen** years of age or is eighteen years of age or older and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces;
 - (4) An affirmation that the applicant has not pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;
 - (5) An affirmation that the applicant has not been convicted of, pled guilty to, or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a certificate of qualification to obtain a concealed carry endorsement or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a certificate of qualification to obtain a concealed carry endorsement;
 - (6) An affirmation that the applicant is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;
 - (7) An affirmation that the applicant has not been discharged under dishonorable conditions from the United States Armed Forces;
 - (8) An affirmation that the applicant is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply;

(9) An affirmation that the applicant has received firearms safety training that meets the standards of applicant firearms safety training defined in subsection 1 or 2 of section 571.111;

(10) An affirmation that the applicant, to the applicant's best knowledge and belief, is not the respondent of a valid full order of protection which is still in effect; and

(11) A conspicuous warning that false statements made by the applicant will result in prosecution for perjury pursuant to the laws of the state of Missouri.

4. An application for a certificate of qualification for a concealed carry endorsement shall be made to the sheriff of the county or any city not within a county in which the applicant resides. An application shall be filed in writing, signed under oath and under the penalties of perjury, and shall state whether the applicant complies with each of the requirements specified in subsection 2 of this section. In addition to the completed application, the applicant for a certificate of qualification for a concealed carry endorsement must also submit the following:

(1) A photocopy of a firearms safety training certificate of completion or other evidence of completion of a firearms safety training course that meets the standards established in subsection 1 or 2 of section 571.111; and

(2) A nonrefundable certificate of qualification fee as provided by subsection 10 or 11 of this section.

5. Before an application for a certificate of qualification for a concealed carry endorsement is approved, the sheriff shall make only such inquiries as he or she deems necessary into the accuracy of the statements made in the application. The sheriff may require that the applicant display a Missouri driver's license or nondriver's license or military identification and orders showing the person being stationed in Missouri. In order to determine the applicant's suitability for a certificate of qualification for a concealed carry endorsement, the applicant shall be fingerprinted. The sheriff shall request a criminal background check through the appropriate law enforcement agency within three working days after submission of the properly completed application for a certificate of qualification for a concealed carry endorsement. If no disqualifying record is identified by the fingerprint check at the state level, the fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal history record check. Upon receipt of the completed background check, the sheriff shall issue a certificate of qualification for a concealed carry endorsement within three working days. The sheriff shall issue the certificate within forty-five calendar days if the criminal background check has not been received, provided that the sheriff shall revoke any such certificate and endorsement within twenty-four hours of receipt of any background check that results in a disqualifying record, and shall notify the department of revenue.

6. The sheriff may refuse to approve an application for a certificate of qualification for a concealed carry endorsement if he or she determines that any of the requirements specified in subsection 2 of this section have not been met, or if he or she has a substantial and demonstrable reason to believe that the applicant has rendered a false statement regarding any of the provisions of sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff is required to deny the application, and notify the applicant in writing, stating the grounds for denial and informing the applicant of the right to submit, within thirty days, any additional documentation relating to the grounds of the denial. Upon receiving any additional documentation, the sheriff shall reconsider his or her decision and inform the applicant within thirty days of the result of the reconsideration. The applicant shall further be informed in writing of the right to appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114. After two additional reviews and denials by the sheriff, the person submitting the application shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114.

7. If the application is approved, the sheriff shall issue a certificate of qualification for a concealed carry endorsement to the applicant within a period not to exceed three working days after his or her approval of the application. The applicant shall sign the certificate of qualification in the presence of the sheriff or his or her designee and shall within seven days of receipt of the certificate of qualification take the certificate of qualification to the department of revenue. Upon verification of the certificate of qualification and completion of a driver's license or nondriver's license application pursuant to chapter 302, the director of revenue shall issue a new driver's license or nondriver's license with an endorsement which identifies that the applicant has received a certificate of qualification to carry concealed weapons issued pursuant to sections 571.101 to 571.121 if the applicant is otherwise qualified to receive such driver's license or nondriver's license. Notwithstanding any other provision of chapter 302, a nondriver's license with a concealed carry endorsement shall expire three years from the date the certificate of qualification was issued pursuant to this section. The requirements for the director of revenue to issue a concealed carry endorsement pursuant to this subsection shall not be effective until July 1, 2004, and the certificate of qualification issued by a county sheriff pursuant to subsection 1 of this section shall allow the person issued such certificate to carry a concealed weapon pursuant to the requirements of subsection 1 of section 571.107 in lieu of the concealed carry endorsement issued by the director of revenue from October 11, 2003, until the concealed carry endorsement is issued by the director of revenue on or after July 1, 2004, unless such certificate of qualification has been suspended or revoked for cause.

8. The sheriff shall keep a record of all applications for a certificate of qualification for a concealed carry endorsement and his or her action thereon. The sheriff shall report the issuance of a certificate of qualification to the Missouri uniform law enforcement system. All information on any such certificate that is protected information on any driver's or nondriver's license shall have the same personal protection for purposes of sections 571.101 to 571.121. An applicant's status as a holder of a certificate of qualification or a concealed carry endorsement shall not be public information and shall be considered personal protected information. Any person who violates the provisions of this subsection by disclosing protected information shall be guilty of a class A misdemeanor.

9. Information regarding any holder of a certificate of qualification or a concealed carry endorsement is a closed record.

10. For processing an application for a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed one hundred dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

11. For processing a renewal for a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed fifty dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

12. For the purposes of sections 571.101 to 571.121, the term "sheriff" shall include the sheriff of any county or city not within a county or his or her designee and in counties of the first classification the sheriff may designate the chief of police of any city, town, or municipality within such county.

571.117. 1. Any person who has knowledge that another person, who was issued a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, never was or no longer is eligible for such endorsement under the criteria established in sections 571.101 to 571.121 may file a petition with the clerk of the small claims court to revoke that person's certificate of qualification for a concealed carry endorsement and such person's concealed carry endorsement. The petition shall be in a form substantially similar to the petition for revocation of concealed carry endorsement provided in this section. Appeal forms shall be provided by the clerk of the small claims court free of charge to any person:

SMALL CLAIMS COURT

In the Circuit Court of, Missouri

....., PLAINTIFF

)

)

vs.) Case Number

)

....., DEFENDANT,

Carry Endorsement Holder

....., DEFENDANT,

Sheriff of Issuance

PETITION FOR REVOCATION OF CERTIFICATE OF QUALIFICATION OR CONCEALED CARRY ENDORSEMENT

Plaintiff states to the court that the defendant,, has a certificate of qualification or a concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo, and that the defendant's certificate of qualification or concealed carry endorsement should now be revoked because the defendant either never was or no longer is eligible for such a certificate or endorsement pursuant to the provisions of sections 571.101 to 571.121, RSMo, specifically plaintiff states that defendant,, never was or no longer is eligible for such certificate or endorsement for one or more of the following reasons:

(CHECK BELOW EACH REASON THAT APPLIES TO THIS DEFENDANT)

- ☐ Defendant is not at least [twenty-one] **nineteen** years of age or at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces.
- ☐ Defendant is not a citizen of the United States.
- ☐ Defendant had not resided in this state prior to issuance of the permit and does not qualify as a military member or spouse of a military member stationed in Missouri.
- ☐ Defendant has pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws

of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.

☐ Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a certificate of qualification or concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo, or if the applicant has been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a certificate of qualification or a concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo.

☐ Defendant is a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.

☐ Defendant has been discharged under dishonorable conditions from the United States Armed Forces.

☐ Defendant is reasonably believed by the sheriff to be a danger to self or others based on previous, documented pattern.

☐ Defendant is adjudged mentally incompetent at the time of application or for five years prior to application, or has been committed to a mental health facility, as defined in section 632.005, RSMo, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, RSMo, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply.

☐ Defendant failed to submit a completed application for a certificate of qualification or concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo.

☐ Defendant failed to submit to or failed to clear the required background check.

☐ Defendant failed to submit an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsection 1 of section 571.111, RSMo.

The plaintiff subject to penalty for perjury states that the information contained in this petition is true and correct to the best of the plaintiff's knowledge, is reasonably based upon the petitioner's personal knowledge and is not primarily intended to harass the defendant/respondent named herein.

....., PLAINTIFF

2. If at the hearing the plaintiff shows that the defendant was not eligible for the certificate of qualification or the concealed carry endorsement issued pursuant to sections 571.101 to 571.121 at the time of issuance or renewal or is no longer eligible for a certificate of qualification or the concealed carry endorsement issued pursuant to the provisions of sections 571.101 to 571.121, the court shall issue an appropriate order to cause the revocation of the certificate of qualification or concealed carry endorsement. Costs shall not be assessed against the sheriff.

3. The finder of fact, in any action brought against an endorsement holder pursuant to subsection 1 of this section, shall make findings of fact and the court shall make conclusions of law addressing the issues at dispute. If it is determined that the plaintiff in such an action acted without justification or with malice or primarily with an intent to harass the endorsement holder or that there was no reasonable basis to bring the action, the court shall order the plaintiff to pay the defendant/respondent all reasonable costs incurred in defending the action including, but not limited to, attorney's fees, deposition costs, and lost wages. Once the court determines that the plaintiff is liable to the defendant/respondent for costs and fees, the extent and type of fees and costs to be awarded should be liberally calculated in defendant/respondent's favor. Notwithstanding any other provision of law, reasonable attorney's fees shall be presumed to be at least one hundred fifty dollars per hour.

4. Any person aggrieved by any final judgment rendered by a small claims court in a petition for revocation of a certificate of qualification or concealed carry endorsement may have a right to trial de novo as provided in sections 512.180 to 512.320.

5. The office of the county sheriff or any employee or agent of the county sheriff shall not be liable for damages in any civil action arising from alleged wrongful or improper granting, renewing, or failure to revoke a certificate of qualification or a concealed carry endorsement issued pursuant to sections 571.101 to 571.121, so long as the sheriff acted in good faith."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative LaFaver raised a point of order that **House Amendment No. 2** amends previously amended material.

The Chair ruled the point of order not well taken.

On motion of Representative Gatschenberger, **House Amendment No. 2** was adopted.

Representative Johnson offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Bill No. 162, Page 3, Section 21.755, Line 74, by inserting after all of said section and line the following:

"571.030. 1. A person commits the crime of unlawful use of weapons if he or she knowingly:

(1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or

(2) Sets a spring gun; or

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, or any building or structure used for the assembling of people; or

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

(5) Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense;

(6) Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building; or

(7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or

(8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof; or

(9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or

(10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.

2. Subdivisions (1), (3), (4), (6), (7), (8), (9) and (10) of subsection 1 of this section shall not apply to or affect any of the following when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties:

(1) All state, county and municipal peace officers who have completed the training required by the police officer standards and training commission pursuant to sections 590.030 to 590.050 and who possess the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection 10 of this section, and who carry the identification defined in subsection 11 of this section, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(3) Members of the armed forces or national guard while performing their official duty;

(4) Those persons vested by article V, section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;

(5) Any person whose bona fide duty is to execute process, civil or criminal;
 (6) Any federal probation officer or federal flight deck officer as defined under the federal flight deck officer program, 49 U.S.C. Section 44921;

(7) Any state probation or parole officer, including supervisors and members of the board of probation and parole;

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the board of police commissioners under section 84.340;

(9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner; [and]

(10) Any prosecuting attorney or assistant prosecuting attorney or any circuit attorney or assistant circuit attorney who has completed the firearms safety training course required under subsection 2 of section 571.111; [and]

(11) Any member of a fire department or fire protection district who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement under section 571.111 when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties; **and**

(12) Any member of an ambulance service, who is employed on a full-time basis as an emergency medical technician or paramedic and who has met the training requirements for a concealed carry endorsement under section 571.111.

3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply to any person twenty-one years of age or older transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event.

4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any person who has a valid concealed carry endorsement issued pursuant to sections 571.101 to 571.121 or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.

5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

6. Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

7. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

8. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony;

(2) For any violation by a prior offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years;

(3) For any violation by a persistent offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release;

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

9. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons.

10. As used in this section "qualified retired peace officer" means an individual who:

(1) Retired in good standing from service with a public agency as a peace officer, other than for reasons of mental instability;

(2) Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

(3) Before such retirement, was regularly employed as a peace officer for an aggregate of fifteen years or more, or retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

(4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such a plan is available;

(5) During the most recent twelve-month period, has met, at the expense of the individual, the standards for training and qualification for active peace officers to carry firearms;

(6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(7) Is not prohibited by federal law from receiving a firearm.

11. The identification required by subdivision (1) of subsection 2 of this section is:

(1) A photographic identification issued by the agency from which the individual retired from service as a peace officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm; or

(2) A photographic identification issued by the agency from which the individual retired from service as a peace officer; and

(3) A certification issued by the state in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the state to meet the standards established by the state for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 096

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Cross	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Funderburk	Gannon
Gatschenberger	Gosen	Grisamore	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Kelley 127	Koenig	Kolkmeyer	Korman
Lant	Lauer	Leara	Lichtenegger	Love
Marshall	McCaherty	McGaugh	Messenger	Miller
Moon	Morris	Muntzel	Neely	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schieber	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

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NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Roorda	Runions
Schieffer	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 016

Crawford	Curtman	Franklin	Frederick	Guernsey
Justus	Keeney	Lair	Lynch	Molendorp
Neth	Schatz	Schupp	Shull	Smith 85
Smith 120				

On motion of Representative Johnson, **House Amendment No. 3** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 097

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Gannon	Gatschenberger
Gosen	Grisamore	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Kelley 127	Koenig	Kolkmeyer	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Roorda	Runions
Schieffer	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 015

Barnes	Crawford	Franklin	Frederick	Funderburk
Guernsey	Hoskins	Keeney	Korman	Lynch
Neth	Schatz	Schupp	Smith 85	Smith 120

On motion of Representative Sommer, **HB 162, as amended**, was ordered perfected and printed.

HB 555, relating to motorcycle helmets, was taken up by Representative Burlison.

Representative Hurst offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 555, Page 1, Line 3 in the Title, by deleting the words "protective headgear for" and inserting in lieu thereof the word "the"; and

Further amend said bill, Page 2, Section 302.020, Line 37, by inserting after all of said section and line the following:

"302.132. 1. Any person at least fifteen and one-half years of age who, except for age or lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain a motorcycle or motortricycle license or endorsement pursuant to sections 302.010 to 302.340 may apply, with the written consent of the parent or guardian of such person, for a temporary motorcycle instruction permit to operate a motorcycle or motortricycle.

2. The director shall issue a temporary motorcycle instruction permit under this section if the applicant has completed a motorcycle rider training course approved under sections 302.133 to 302.138 and is otherwise eligible for the temporary permit. **An applicant issued a temporary motorcycle instruction permit under this section may renew such permit two additional times, for a total maximum permit period of eighteen months.**

3. A person receiving a temporary motorcycle permit and having it in his **or her** immediate possession shall be entitled to operate a motorcycle or motortricycle for a period of six months upon the highways of the state, and persons under the age of sixteen shall be subject to the following restrictions:

(1) The motorcycle or motortricycle may not have an engine with a displacement of greater than two hundred fifty cubic centimeters;

(2) The operator shall not travel at any time from a half-hour after sunset to a half-hour before sunrise;

(3) The operator shall not carry any passengers; and

(4) The operator shall not travel over fifty miles from the operator's home address."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 098

Anderson	Austin	Bahr	Barnes	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Fowler	Fraker	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Schatz	Schieber	Shumake
Solon	Sommer	Spencer	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 015

Allen	Crawford	Flanigan	Franklin	Frederick
Keeney	Lynch	Mims	Reiboldt	Scharnhorst
Schupp	Shull	Smith 85	Smith 120	Stream

On motion of Representative Hurst, **House Amendment No. 1** was adopted by the following vote:

AYES: 130

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Burlison
Burns	Butler	Carpenter	Cierpiot	Conway 10
Conway 104	Cookson	Cornejo	Cox	Cross
Davis	Diehl	Dugger	Dunn	Ellinger
Elmer	Engler	English	Englund	Entlicher
Fitzwater	Flanigan	Fowler	Fraker	Frame
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Kelley 127
Kelly 45	Kirkton	Kolkmeyer	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mitten	Molendorp
Moon	Morgan	Morris	Muntzel	Neely
Newman	Nichols	Norr	Otto	Pace
Parkinson	Pfautsch	Phillips	Pike	Rehder
Remole	Rhoads	Richardson	Riddle	Rizzo
Ross	Rowden	Rowland	Runions	Schieffer
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 021

Brattin	Brown	Colona	Curtis	Curtman
Dohrman	Ellington	Fitzpatrick	Gardner	Koenig
Korman	Marshall	Montecillo	Neth	Peters
Pierson	Pogue	Roorda	Schatz	Schieber
Webb				

PRESENT: 000

ABSENT WITH LEAVE: 012

Crawford	Franklin	Frederick	Keeney	Lynch
Mims	Redmon	Reiboldt	Scharnhorst	Schupp
Smith 85	Smith 120			

Representative Conway (104) offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Bill No. 555, Page 2, Section 302.020, Line 37, by inserting after all of said section and line the following:

"302.341. 1. If a Missouri resident charged with a moving traffic violation of this state or any county or municipality of this state fails to dispose of the charges of which the resident is accused through authorized prepayment of fine and court costs and fails to appear on the return date or at any subsequent date to which the case has been continued, or without good cause fails to pay any fine or court costs assessed against the resident for any such violation within the period of time specified or in such installments as approved by the court or as otherwise provided by law, any court having jurisdiction over the charges shall within ten days of the failure to comply inform the defendant by ordinary mail at the last address shown on the court records that the court will order the director of revenue to suspend the defendant's driving privileges if the charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter, if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and court costs, the court shall notify the director of revenue of such failure and of the pending charges against the defendant. Upon receipt of this notification, the director shall suspend the license of the driver, effective immediately, and provide notice of the suspension to the driver at the last address for the driver shown on the records of the department of revenue. Such suspension shall remain in effect until the court with the subject pending charge requests setting aside the noncompliance suspension pending final disposition, or satisfactory evidence of disposition of pending charges and payment of fine and court costs, if applicable, is furnished to the director by the individual. Upon proof of disposition of charges and payment of fine and court costs, if applicable, and payment of the reinstatement fee as set forth in section 302.304, the director shall return the license and remove the suspension from the individual's driving record if the individual was not operating a commercial motor vehicle or a commercial driver's license holder at the time of the offense. The filing of financial responsibility with the bureau of safety responsibility, department of revenue, shall not be required as a condition of reinstatement of a driver's license suspended solely under the provisions of this section.

2. If any city, town [or], village, **or county** receives more than [thirty-five] **twenty** percent of its annual general operating revenue from fines and court costs for traffic violations, **including amended charges from any traffic violation**, occurring [on state highways] **within the city, town, village, or county**, all revenues from such violations in excess of [thirty-five] **twenty** percent of the annual general operating revenue of the city, town [or], village, **or county** shall be sent to the director of the department of revenue and shall be distributed annually to the schools of the county in the same manner that proceeds of all penalties, forfeitures and fines collected for any breach of the penal laws of the state are distributed. [For the purpose of this section the words "state highways" shall mean any state or federal highway, including any such highway continuing through the boundaries of a city, town or village with a designated street name other than the state highway number.] The director of the department of revenue shall set forth by rule a procedure whereby excess revenues as set forth above shall be sent to the department of revenue. If any city, town, [or] village, **or county** disputes a determination that it has received excess revenues required to be sent to the department of revenue, such city, town, [or], village, **or county** may submit to an annual audit by the state auditor under the authority of article IV, section 13 of the Missouri Constitution. **An accounting of the percent of annual general operating revenue from fines and court costs for traffic violations, including amended charges from any charged traffic violation, occurring within the city, town, village, or county and charged in the municipal court of that city, town, village, or county shall be included in the Comprehensive Annual Financial Report submitted to the state auditor by the city, town, village, or county under section 105.145. Any city, town, village, or county which fails to make an accurate or timely report, or to send excess revenues from such violations to the director of the department of revenue by the date on which the report is due to the state auditor shall suffer an immediate loss of jurisdiction of the municipal court of said city, town, village, or county on all traffic-related charges until all requirements of this section are satisfied.** Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

3. **As used in subsection 2 of this section, traffic violations shall include all ordinance violations which are detected through the use of an automated traffic enforcement system, regardless of whether the ordinance violation is prosecuted as a civil infraction or not. An "automated traffic enforcement system" means a camera, optical device, electronic system, or other surveillance system designed to record and produce photographic images, video, or other digital data of a motor vehicle, a motor vehicle's operator, or both, violating a traffic**

control signal, speed restriction, or other traffic law, ordinance or regulation. Automated traffic enforcement systems shall also include automated speed enforcement systems. The term "automated speed enforcement system" means a device with one or more motor vehicle sensors, including, but not limited to, photographic devices, radar devices, laser devices, or other electrical or mechanical devices, designed to record the speed of a motor vehicle and to obtain a clear photograph or other recorded image of the motor vehicle and the motor vehicle's license plate, which automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded image of a motor vehicle at the time it is used or operated in violation of the posted speed limit."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Hummel raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 097

Anderson	Austin	Bahr	Barnes	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Engler	Entlicher	Fitzpatrick	Fitzwater	Fowler
Fraker	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Justus
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Marshall	McCaherty	McGaugh	Messenger	Miller
Molendorp	Moon	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Rehder	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mitten	Montecillo	Morgan	Newman	Nichols

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Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 017

Allen	Crawford	Elmer	Flanigan	Franklin
Frederick	Jones 50	Keeney	Lynch	May
Mims	Redmon	Reiboldt	Schupp	Smith 85
Smith 120	Stream			

Representative Conway (104) moved that **House Amendment No. 2** be adopted.

Which motion was defeated.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 097

Anderson	Austin	Bahr	Barnes	Bernskoetter
Berry	Brattin	Brown	Burlison	Conway 104
Cookson	Cornejo	Cox	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	Entlicher	Fitzpatrick	Fitzwater	Fowler
Fraker	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Marshall	McCaherty	McGaugh	Messenger
Miller	Moon	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Remole	Rhoads
Richardson	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mitten	Montecillo	Morgan	Newman	Nichols

Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 017

Allen	Cierpiot	Crawford	Flanigan	Franklin
Frederick	Keeney	Lynch	May	Mims
Molendorp	Reiboldt	Riddle	Schupp	Smith 85
Smith 120	Stream			

On motion of Representative Burlison, **HB 555, as amended**, was ordered perfected and printed by the following vote:

AYES: 114

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Carpenter	Cierpiot	Conway 10	Conway 104
Cookson	Cornejo	Cox	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Ellington
Elmer	Engler	English	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hansen	Harris
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hubbard	Hurst	Johnson	Jones 50
Justus	Kelley 127	Kelly 45	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Marshall	Mayfield	McCaherty
McGaugh	Messenger	Miller	Moon	Morris
Muntzel	Neely	Neth	Norr	Otto
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Schieffer	Shull	Solon
Sommer	Spencer	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	Webber	Wieland
Wilson	Wright	Zerr	Mr Speaker	

NOES: 036

Anders	Burns	Butler	Colona	Curtis
Dunn	Ellinger	Englund	Gardner	Hampton
Hodges	Hummel	Kirkton	Kratky	LaFaver
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mitten	Montecillo	Morgan	Newman
Nichols	Pace	Peters	Pierson	Rizzo
Roorda	Runions	Stream	Swan	White
Wood				

PRESENT: 001

Shumake

ABSENT WITH LEAVE: 012

Crawford	Franklin	Frederick	Keeney	Lynch
May	Mims	Molendorp	Reiboldt	Schupp
Smith 85	Smith 120			

HCS HB 781, relating to MO HealthNet-funded home- and community-based care, was taken up by Representative Hough.

Representative Guernsey offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 781, Page 4, Section 208.895, Line 114, by inserting after all of said section and line the following:

"208.960. Health care professionals licensed under chapter 331 shall be reimbursed under the MO HealthNet program for providing services currently covered under section 208.152 and within the scope of practice under section 331.010."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Guernsey, **House Amendment No. 1** was adopted.

Representative Barnes assumed the Chair.

On motion of Representative Hough, **HCS HB 781, as amended**, was adopted.

On motion of Representative Hough, **HCS HB 781, as amended**, was ordered perfected and printed.

HCS HB 936, relating to the provision of health care services, was taken up by Representative Swan.

Representative Swan offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 936, Page 1, Section 335.175, Line 4, by deleting the words **"the protocols of"**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Swan, **House Amendment No. 1** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 094

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Conway 104	Cookson	Cornejo	Cox	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Fowler	Fraker	Funderburk	Gannon	Gosen
Grisamore	Guernsey	Haahr	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Justus	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Marshall
McGaugh	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Remole	Rhoads	Richardson	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 048

Anders	Black	Burns	Butler	Carpenter
Colona	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Harris	Hodges
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo
Roorda	Runions	Schieffer	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 021

Cierpiot	Conway 10	Crawford	Flanigan	Franklin
Frederick	Gardner	Gatschenberger	Haefner	Jones 50
Keeney	Lynch	McCaherty	McDonald	Parkinson
Reiboldt	Riddle	Schupp	Smith 85	Smith 120
Stream				

On motion of Representative Swan, **HCS HB 936, as amended**, was adopted.

On motion of Representative Swan, **HCS HB 936, as amended**, was ordered perfected and printed.

Speaker Jones resumed the Chair.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 1** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Schaefer, Rupp, Kehoe, Curls and Walsh.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 2** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Schaefer, Rupp, Kehoe, Curls and Walsh.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 3** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Schaefer, Rupp, Kehoe, Curls and Walsh.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 4** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Schaefer, Rupp, Kehoe, Curls and Walsh.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 5** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Schaefer, Rupp, Kehoe, Curls and Walsh.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 6, as amended**, and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Schaefer, Rupp, Kehoe, Curls and Walsh.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 7, as amended**, and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Schaefer, Rupp, Kehoe, Curls and Walsh.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 8** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Schaefer, Rupp, Kehoe, Curls and Walsh.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 9** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Schaefer, Rupp, Kehoe, Curls and Walsh.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 10** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Schaefer, Rupp, Kehoe, Curls and Walsh.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 11, as amended**, and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Schaefer, Rupp, Kehoe, Curls and Walsh.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 12** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Schaefer, Rupp, Kehoe, Curls and Walsh.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 13** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Schaefer, Rupp, Kehoe, Curls and Walsh.

APPOINTMENT OF CONFERENCE COMMITTEES

The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:

SCS HCS HB 1: Representatives Stream, Flanigan and Kirkton
SCS HCS HB 2: Representatives Stream, Lair and Montecillo
SCS HCS HB 3: Representatives Stream, Flanigan and Montecillo
SCS HCS HB 4: Representatives Stream, Hoskins and McCann Beatty
SCS HCS HB 5: Representatives Stream, Parkinson and McCann Beatty
SCS HCS HB 6: Representatives Stream, Redmon and Kirkton
SCS HCS HB 7: Representatives Stream, Flanigan and McManus
SCS HCS HB 8: Representatives Stream, Haefner and Kelly (45)
SCS HCS HB 9: Representatives Stream, Flanigan and Schupp
SCS HCS HB 10: Representatives Stream, Allen and Kirkton
SCS HCS HB 11: Representatives Stream, Flanigan and Kirkton
SCS HCS HB 12: Representatives Stream, Flanigan and Kelly (45)
SCS HCS HB 13: Representatives Stream, Flanigan and Kirkton

PERFECTION OF HOUSE BILLS

HCS HB 371, relating to judicial procedures, was taken up by Representative Cox.

Representative Barnes resumed the Chair.

Representative Cox offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 371, Section 432.047, Page 32, Line 4, by deleting all of said line and inserting in lieu thereof the following:

"2. A debtor may not maintain an action upon or a defense, regardless of"; and

Further amend said bill, Pages 44-45, Section 488.5320, Lines 1-46, by deleting all of said section and lines and inserting in lieu thereof the following:

"488.5320. 1. Sheriffs, county marshals or other officers shall be allowed a charge for their services rendered in criminal cases and in all proceedings for contempt or attachment, as required by law, the sum of seventy-five dollars for each felony case or contempt or attachment proceeding, ten dollars for each misdemeanor case, and six dollars for each infraction, [excluding] **including** cases disposed of by a [traffic] violations bureau established pursuant to law or supreme court rule. Such charges shall be charged and collected in the manner provided by sections 488.010 to 488.020

and shall be payable to the county treasury; **except that, those charges from cases disposed of by a violations bureau shall be distributed as follows: one-half of the charges collected shall be forwarded and deposited to the credit of the MODEX fund established in subsection 6 of this section for the operational cost of the Missouri data exchange (MODEX) system, and one-half of the charges collected shall be deposited to the credit of the inmate security fund, established in section 488.5026, of the county or municipal political subdivision from which the citation originated. If the county or municipal political subdivision has not established an inmate security fund, all of the funds shall be deposited in the MODEX fund.**

2. Notwithstanding subsection 1 of this section to the contrary, sheriffs, county marshals, or other officers in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants or in any city not within a county shall not be allowed a charge for their services rendered in cases disposed of by a violations bureau established pursuant to law or supreme court rule.

3. The sheriff receiving any charge pursuant to subsection 1 of this section shall reimburse the sheriff of any other county or the city of St. Louis the sum of three dollars for each pleading, writ, summons, order of court or other document served in connection with the case or proceeding by the sheriff of the other county or city, and return made thereof, to the maximum amount of the total charge received pursuant to subsection 1 of this section.

[3.] 4. The charges provided in subsection 1 of this section shall be taxed as other costs in criminal proceedings immediately upon a plea of guilty or a finding of guilt of any defendant in any criminal procedure. The clerk shall tax all the costs in the case against such defendant, which shall be collected and disbursed as provided by sections 488.010 to 488.020; provided, that no such charge shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court; provided further, that all costs, incident to the issuing and serving of writs of scire facias and of writs of fieri facias, and of attachments for witnesses of defendant, shall in no case be paid by the state, but such costs incurred under writs of fieri facias and scire facias shall be paid by the defendant and such defendant's sureties, and costs for attachments for witnesses shall be paid by such witnesses.

[4.] 5. Mileage shall be reimbursed to sheriffs, county marshals and guards for all services rendered pursuant to this section at the rate prescribed by the Internal Revenue Service for allowable expenses for motor vehicle use expressed as an amount per mile.

6. (1) There is hereby created in the state treasury the "MODEX Fund", which shall consist of money collected under subsection 1 of this section. The fund shall be administered by the Peace Officers Standards and Training Commission established in section 590.120. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely for the operational support and expansion of the MODEX system.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund."; and

Further amend said bill, Page 56, Section 558.026, Line 32, by inserting after all of said section and line the following:

"559.100. 1. The circuit courts of this state shall have power, herein provided, to place on probation or to parole persons convicted of any offense over which they have jurisdiction, except as otherwise provided in sections 195.275 to 195.296, section 558.018, section 559.115, section 565.020, sections 566.030, 566.060, 566.067, 566.151, and 566.213, section 571.015, and subsection 3 of section 589.425.

2. The circuit court shall have the power to revoke the probation or parole previously granted under section 559.036 and commit the person to the department of corrections. The circuit court shall determine any conditions of probation or parole for the defendant that it deems necessary to ensure the successful completion of the probation or parole term, including the extension of any term of supervision for any person while on probation or parole. The circuit court may require that the defendant pay restitution for his crime. The probation or parole may be revoked under section 559.036 for failure to pay restitution or for failure to conform his behavior to the conditions imposed by the circuit court. The circuit court may, in its discretion, credit any period of probation or parole as time served on a sentence.

3. Restitution, whether court ordered as provided in subsection 2 of this section or agreed to by the parties, or as enforced under section 558.011, shall be paid through the office of the prosecuting attorney or circuit attorney. When ordered by the court, interest shall be allowed under subsection 1 of section 408.040. In addition to all other costs and fees allowed by law, each prosecuting attorney or circuit attorney who takes any action to collect restitution shall collect an administrative handling cost from the person paying restitution. The cost shall

be twenty-five dollars for restitution less than one hundred dollars and fifty dollars for restitution of one hundred dollars but less than two hundred fifty dollars. For restitution of two hundred fifty dollars or more an additional fee of ten percent of the total restitution shall be assessed, with a maximum fee for administrative handling costs not to exceed seventy-five dollars total. In addition to the administrative handling costs, an installment cost shall be assessed in the amount of two dollars per installment, excepting the first installment, until such total amount of restitution is paid in full. Notwithstanding the provisions of sections 50.525 to 50.745, the costs provided for in this subsection shall be deposited by the county treasurer into a separate interest-bearing fund to be expended by the prosecuting attorney or circuit attorney. This fund shall be known as the "Administrative Handling Cost Fund", and it shall be the fund for deposits under this section and under section 570.120. The funds shall be expended, upon warrants issued by the prosecuting attorney or circuit attorney directing the treasurer to issue checks thereon, only for purposes related to that authorized by subsection 4 of this section. Notwithstanding the provisions of any other law, in addition to the administrative handling cost, the prosecuting attorney or circuit attorney shall collect an additional cost of five dollars per each crime victim to whom restitution is paid for deposit to the Missouri office of prosecution services fund established in subsection 2 of section 56.765. All moneys collected under this section which are payable to the Missouri office of prosecution services fund shall be transmitted at least monthly by the county treasurer to the director of revenue who shall deposit the amount collected to the credit of the Missouri office of prosecution services fund under the procedure established under subsection 2 of section 56.765. As used in this subsection, "crime victim" means any natural person or his or her survivors or legal guardians, the estate of a deceased person, a for-profit corporation or business entity, a nonprofit corporation or entity, a charitable entity, or any governmental body or a political subdivision thereof.

4. The moneys deposited in the fund may be used by the prosecuting attorney or circuit attorney for office supplies, postage, books, training, office equipment, capital outlay, expenses of trial and witness preparation, additional employees for the staff of the prosecuting or circuit attorney, employees' salaries, and for other lawful expenses incurred by the prosecuting or circuit attorney in the operation of that office.

5. This fund may be audited by the state auditor's office or the appropriate auditing agency.

6. If the moneys collected and deposited into this fund are not totally expended annually, then the unexpended balance shall remain in the fund and the balance shall be kept in the fund to accumulate from year to year.

7. Nothing in this section shall be construed to prohibit a crime victim from pursuing other lawful remedies against a defendant for restitution.

559.105. 1. Any person who has been found guilty of or has pled guilty to [a violation of subdivision (2) of subsection 1 of section 569.080 or paragraph (a) of subdivision (3) of subsection 3 of section 570.030] **an offense** may be ordered by the court to make restitution to the victim for the victim's losses due to such offense. Restitution pursuant to this section shall include, but not be limited to[, the following:

- (1)] a victim's reasonable expenses to participate in the prosecution of the crime[;
- (2) A victim's payment for any repairs or replacement of the motor vehicle, watercraft, or aircraft; and
- (3) A victim's costs associated with towing or storage fees for the motor vehicle caused by the acts of the defendant].

2. No person ordered by the court to pay restitution pursuant to this section shall be released from probation until such restitution is complete. If full restitution is not made within the original term of probation, the court shall order the maximum term of probation allowed for such offense.

3. Any person eligible to be released on parole [for a violation of subdivision (2) of subsection 1 of section 569.080 or paragraph (a) of subdivision (3) of subsection 3 of section 570.030 may] **shall** be required, as a condition of parole, to make restitution pursuant to this section. The board of probation and parole shall not release any person from any term of parole for such offense until the person has completed such restitution, or until the maximum term of parole for such offense has been served.

4. **The court may set an amount of restitution to be paid by the defendant. Said amount may be taken from the inmate's account at the department of corrections while the defendant is incarcerated. Upon conditional release or parole, if any amount of such court-ordered restitution is unpaid, the payment of the unpaid balance may be collected as a condition of conditional release or parole by the prosecuting attorney or circuit attorney under section 559.100. The prosecuting attorney or circuit attorney may refer any failure to make such restitution as a condition of conditional release or parole to the parole board for enforcement.**"; and

Further amend said bill, Section 566.226, Page 62, Line 18, by inserting after all of said section and line the following:

"570.120. 1. A person commits the crime of passing a bad check when:

(1) With purpose to defraud, the person makes, issues or passes a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money, knowing that it will not be paid by the drawee, or that there is no such drawee; or

(2) The person makes, issues, or passes a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money, knowing that there are insufficient funds in or on deposit with that account for the payment of such check, sight order, or other form of presentment involving the transmission of account information in full and all other checks, sight orders, or other forms of presentment involving the transmission of account information upon such funds then outstanding, or that there is no such account or no drawee and fails to pay the check or sight order or other form of presentment involving the transmission of account information within ten days after receiving actual notice in writing that it has not been paid because of insufficient funds or credit with the drawee or because there is no such drawee.

2. As used in subdivision (2) of subsection 1 of this section, "actual notice in writing" means notice of the nonpayment which is actually received by the defendant. Such notice may include the service of summons or warrant upon the defendant for the initiation of the prosecution of the check or checks which are the subject matter of the prosecution if the summons or warrant contains information of the ten-day period during which the instrument may be paid and that payment of the instrument within such ten-day period will result in dismissal of the charges. The requirement of notice shall also be satisfied for written communications which are tendered to the defendant and which the defendant refuses to accept.

3. The face amounts of any bad checks passed pursuant to one course of conduct within any ten-day period may be aggregated in determining the grade of the offense.

4. Passing bad checks is a class A misdemeanor, unless:

(1) The face amount of the check or sight order or the aggregated amounts is five hundred dollars or more; or

(2) The issuer had no account with the drawee or if there was no such drawee at the time the check or order was issued, in which cases passing bad checks is a class C felony.

5. (1) In addition to all other costs and fees allowed by law, each prosecuting attorney or circuit attorney who takes any action pursuant to the provisions of this section shall collect from the issuer in such action an administrative handling cost. The cost shall be twenty-five dollars for checks of less than one hundred dollars, and fifty dollars for checks of one hundred dollars but less than two hundred fifty dollars. For checks of two hundred fifty dollars or more an additional fee of ten percent of the face amount shall be assessed, with a maximum fee for administrative handling costs not to exceed seventy-five dollars total. Notwithstanding the provisions of sections 50.525 to 50.745, the costs provided for in this subsection shall be deposited by the county treasurer into a separate interest-bearing fund to be expended by the prosecuting attorney or circuit attorney. **This fund shall be known as the "Administrative Handling Cost Fund", and it shall be the fund for deposits under this section and under section 559.100.** The funds shall be expended, upon warrants issued by the prosecuting attorney or circuit attorney directing the treasurer to issue checks thereon, only for purposes related to that previously authorized in this section. Any revenues that are not required for the purposes of this section may be placed in the general revenue fund of the county or city not within a county. Notwithstanding any law to the contrary, in addition to the administrative handling cost, the prosecuting attorney or circuit attorney shall collect an additional cost of five dollars per check for deposit to the Missouri office of prosecution services fund established in subsection 2 of section 56.765. All moneys collected pursuant to this section which are payable to the Missouri office of prosecution services fund shall be transmitted at least monthly by the county treasurer to the director of revenue who shall deposit the amount collected pursuant to the credit of the Missouri office of prosecution services fund under the procedure established pursuant to subsection 2 of section 56.765.

(2) The moneys deposited in the fund may be used by the prosecuting or circuit attorney for office supplies, postage, books, training, office equipment, capital outlay, expenses of trial and witness preparation, additional employees for the staff of the prosecuting or circuit attorney, employees' salaries, and for other lawful expenses incurred by the circuit or prosecuting attorney in operation of that office.

(3) This fund may be audited by the state auditor's office or the appropriate auditing agency.

(4) If the moneys collected and deposited into this fund are not totally expended annually, then the unexpended balance shall remain in said fund and the balance shall be kept in said fund to accumulate from year to year.

6. Notwithstanding any other provision of law to the contrary:

(1) In addition to the administrative handling costs provided for in subsection 5 of this section, the prosecuting attorney or circuit attorney may collect from the issuer, in addition to the face amount of the check, a reasonable service

charge, which along with the face amount of the check, shall be turned over to the party to whom the bad check was issued;

(2) If a check that is dishonored or returned unpaid by a financial institution is not referred to the prosecuting attorney or circuit attorney for any action pursuant to the provisions of this section, the party to whom the check was issued, or his or her agent or assignee, or a holder, may collect from the issuer, in addition to the face amount of the check, a reasonable service charge, not to exceed twenty-five dollars, plus an amount equal to the actual charge by the depository institution for the return of each unpaid or dishonored instrument.

7. When any financial institution returns a dishonored check to the person who deposited such check, it shall be in substantially the same physical condition as when deposited, or in such condition as to provide the person who deposited the check the information required to identify the person who wrote the check."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Cox, **House Amendment No. 1** was adopted.

Representative Cornejo offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 371, Section 476.057, Page 42, Line 29, by inserting after all of said line the following:

"478.007. 1. Any circuit court, or any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants with a county municipal court established under section 66.010, may establish a docket or court to provide an alternative for the judicial system to dispose of cases in which a person has pleaded guilty to driving while intoxicated or driving with excessive blood alcohol content and:

(1) The person was operating a motor vehicle with at least fifteen-hundredths of one percent or more by weight of alcohol in such person's blood; or

(2) The person has previously pleaded guilty to or has been found guilty of one or more intoxication-related traffic offenses as defined by section 577.023; or

(3) The person has two or more previous alcohol-related enforcement contacts as defined in section 302.525.

2. This docket or court shall combine judicial supervision, drug testing, continuous alcohol monitoring, substance abuse traffic offender program compliance, and treatment of DWI court participants. The court may assess any and all necessary costs for participation in DWI court against the participant. Any money received from such assessed costs by a court from a defendant shall not be considered court costs, charges, or fines. This docket or court may operate in conjunction with a drug court established pursuant to sections 478.001 to 478.006.

3. If the department of probation and parole is otherwise unavailable to assist in the judicial supervision of any person who wishes to enter a DWI court, a court-approved private probation service may be utilized by the DWI court to fill the department's role. In such case, any and all necessary additional costs may be assessed against the participant. In no case shall any person be rejected from participating in DWI court for the reason that the person does not reside in the city or county where the applicable DWI court is located."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Cornejo, **House Amendment No. 2** was adopted.

Representative Cornejo offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 371, Page 26, Section 217.010, Line 32, by inserting after all of said section and line the following:

"304.152. 1. Notwithstanding any provision of the law to the contrary, no law enforcement agency may establish a roadside checkpoint or road block pattern based upon a particular vehicle type, including the establishment of motorcycle-only checkpoints.

2. Notwithstanding subsection 1 of this section, a law enforcement agency may establish a roadside checkpoint pattern that only stops and checks commercial motor vehicles, as defined in section 301.010.

3. The provisions of this section shall not be construed to restrict any other type of checkpoint or road block which is lawful and is established and operated in accordance with the provisions of the United States Constitution and the Constitution of Missouri."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Roorda raised points of order that **House Amendment No. 3** is in violation of Rule 84 and goes beyond the scope of the bill.

Representative Barnes requested a parliamentary ruling.

The Parliamentary Committee ruled the points of order not well taken.

On motion of Representative Cornejo, **House Amendment No. 3** was adopted.

Representative Mayfield offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 371, Page 33, Section 443.723, Line 37, by inserting after all of said section and line the following:

"452.375. 1. As used in this chapter, unless the context clearly indicates otherwise:

(1) **"Coerce" means to force a person to act in a given manner or to compel by pressure or threat;**

(2) **"Custody" means joint legal custody, sole legal custody, joint physical custody or sole physical custody or any combination thereof;**

[(2)] (3) **"Joint legal custody" means that the parents share the decision-making rights, responsibilities, and authority relating to the health, education and welfare of the child, and, unless allocated, apportioned, or decreed, the parents shall confer with one another in the exercise of decision-making rights, responsibilities, and authority;**

[(3)] (4) **"Joint physical custody" means an order awarding each of the parents significant, but not necessarily equal, periods of time during which a child resides with or is under the care and supervision of each of the parents. Joint physical custody shall be shared by the parents in such a way as to assure the child of frequent, continuing and meaningful contact with both parents;**

[(4)] (5) **"Third-party custody" means a third party designated as a legal and physical custodian pursuant to subdivision (5) of subsection 5 of this section.**

2. The court shall determine custody in accordance with the best interests of the child. The court shall consider all relevant factors including:

(1) The wishes of the child's parents as to custody and the proposed parenting plan submitted by both parties;

(2) The needs of the child for a frequent, continuing and meaningful relationship with both parents and the ability and willingness of parents to actively perform their functions as mother and father for the needs of the child;

(3) The interaction and interrelationship of the child with parents, siblings, and any other person who may significantly affect the child's best interests;

(4) Which parent is more likely to allow the child frequent, continuing and meaningful contact with the other parent;

- (5) The child's adjustment to the child's home, school, and community;
- (6) The mental and physical health of all individuals involved, including any history of abuse of any individuals involved. If the court finds that a pattern of domestic violence as defined in section 455.010 has occurred, and, if the court also finds that awarding custody to the abusive parent is in the best interest of the child, then the court shall enter written findings of fact and conclusions of law. Custody and visitation rights shall be ordered in a manner that best protects the child and any other child or children for whom the parent has custodial or visitation rights, and the parent or other family or household member who is the victim of domestic violence from any further harm;
- (7) The intention of either parent to relocate the principal residence of the child; and
- (8) The wishes of a child as to the child's custodian. The fact that a parent sends his or her child or children to a home school, as defined in section 167.031, shall not be the sole factor that a court considers in determining custody of such child or children.

3. (1) In any court proceedings relating to custody of a child, the court shall not award custody or unsupervised visitation of a child to a parent if such parent or any person residing with such parent has been found guilty of, or pled guilty to, any of the following offenses when a child was the victim:

- (a) A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064, 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206, 566.209, 566.212, or 566.215;
- (b) A violation of section 568.020;
- (c) A violation of subdivision (2) of subsection 1 of section 568.060;
- (d) A violation of section 568.065;
- (e) A violation of section 568.080;
- (f) A violation of section 568.090; or
- (g) A violation of section 568.175.

(2) For all other violations of offenses in chapters 566 and 568 not specifically listed in subdivision (1) of this subsection or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri, the court may exercise its discretion in awarding custody or visitation of a child to a parent if such parent or any person residing with such parent has been found guilty of, or pled guilty to, any such offense.

4. The general assembly finds and declares that it is the public policy of this state that frequent, continuing and meaningful contact with both parents after the parents have separated or dissolved their marriage is in the best interest of the child, except for cases where the court specifically finds that such contact is not in the best interest of the child, and that it is the public policy of this state to encourage parents to participate in decisions affecting the health, education and welfare of their children, and to resolve disputes involving their children amicably through alternative dispute resolution. In order to effectuate these policies, the court shall determine the custody arrangement which will best assure both parents participate in such decisions and have frequent, continuing and meaningful contact with their children so long as it is in the best interests of the child.

5. Prior to awarding the appropriate custody arrangement in the best interest of the child, the court shall consider each of the following as follows:

(1) Joint physical and joint legal custody to both parents, which shall not be denied solely for the reason that one parent opposes a joint physical and joint legal custody award. The residence of one of the parents shall be designated as the address of the child for mailing and educational purposes;

(2) Joint physical custody with one party granted sole legal custody. The residence of one of the parents shall be designated as the address of the child for mailing and educational purposes;

(3) Joint legal custody with one party granted sole physical custody;

(4) Sole custody to either parent; or

(5) Third-party custody or visitation:

(a) When the court finds that each parent is unfit, unsuitable, or unable to be a custodian, or the welfare of the child requires, and it is in the best interests of the child, then custody, temporary custody or visitation may be awarded to any other person or persons deemed by the court to be suitable and able to provide an adequate and stable environment for the child. Before the court awards custody, temporary custody or visitation to a third person under this subdivision, the court shall make that person a party to the action;

(b) Under the provisions of this subsection, any person may petition the court to intervene as a party in interest at any time as provided by supreme court rule.

6. If the parties have not agreed to a custodial arrangement, or the court determines such arrangement is not in the best interest of the child, the court shall include a written finding in the judgment or order based on the public policy in subsection 4 of this section and each of the factors listed in subdivisions (1) to (8) of subsection 2 of this section detailing the specific relevant factors that made a particular arrangement in the best interest of the child. If a proposed

custodial arrangement is rejected by the court, the court shall include a written finding in the judgment or order detailing the specific relevant factors resulting in the rejection of such arrangement.

7. Upon a finding by the court that either parent has refused to exchange information with the other parent, which shall include but not be limited to information concerning the health, education and welfare of the child, the court shall order the parent to comply immediately and to pay the prevailing party a sum equal to the prevailing party's cost associated with obtaining the requested information, which shall include but not be limited to reasonable attorney's fees and court costs.

8. As between the parents of a child, no preference may be given to either parent in the awarding of custody because of that parent's age, sex, or financial status, nor because of the age or sex of the child.

9. Any judgment providing for custody shall include a specific written parenting plan setting forth the terms of such parenting plan arrangements specified in subsection 7 of section 452.310. Such plan may be a parenting plan submitted by the parties pursuant to section 452.310 or, in the absence thereof, a plan determined by the court, but in all cases, the custody plan approved and ordered by the court shall be in the court's discretion and shall be in the best interest of the child.

10. Unless a parent has been denied custody rights pursuant to this section or visitation rights under section 452.400, both parents shall have access to records and information pertaining to a minor child, including, but not limited to, medical, dental, and school records. If the parent without custody has been granted restricted or supervised visitation because the court has found that the parent with custody or any child has been the victim of domestic violence, as defined in section 455.010, by the parent without custody, the court may order that the reports and records made available pursuant to this subsection not include the address of the parent with custody or the child. Unless a parent has been denied custody rights pursuant to this section or visitation rights under section 452.400, any judgment of dissolution or other applicable court order shall specifically allow both parents access to such records and reports.

11. Except as otherwise precluded by state or federal law, if any individual, professional, public or private institution or organization denies access or fails to provide or disclose any and all records and information, including, but not limited to, past and present dental, medical and school records pertaining to a minor child, to either parent upon the written request of such parent, the court shall, upon its finding that the individual, professional, public or private institution or organization denied such request without good cause, order that party to comply immediately with such request and to pay to the prevailing party all costs incurred, including, but not limited to, attorney's fees and court costs associated with obtaining the requested information.

12. An award of joint custody does not preclude an award of child support pursuant to section 452.340 and applicable supreme court rules. The court shall consider the factors contained in section 452.340 and applicable supreme court rules in determining an amount reasonable or necessary for the support of the child.

13. If the court finds that domestic violence or abuse, as defined in section 455.010 has occurred, the court shall make specific findings of fact to show that the custody or visitation arrangement ordered by the court best protects the child and the parent or other family or household member who is the victim of domestic violence, as defined in section 455.010, and any other children for whom such parent has custodial or visitation rights from any further harm.

14. If the court finds that a parent of a child, while the child was unborn, attempted to coerce the mother of the child to obtain an abortion, the court may deny custody to the parent."; and

Further amend said bill, Page 34, Section 452.400, Line 26, by inserting after all of said line the following:

"(c) The court may exercise its discretion in granting visitation to a parent not granted custody if such parent, while the child was unborn, attempted to coerce the mother of the child to obtain an abortion."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Kelly (45) offered **House Amendment No. 1 to House Amendment No. 4.**

*House Amendment No. 1
to
House Amendment No. 4*

AMEND House Amendment No. 4 to House Committee Substitute for House Bill No. 371, Page 4, Line 6, by inserting after all of said line the following:

"453.015. As used in sections 453.010 to 453.400, the following terms mean:

(1) **"Coerce" means to force a person to act in a given manner or to compel by pressure or threat;**

(2) "Minor" or "child", any person who has not attained the age of eighteen years or any person in the custody of the division of family services who has not attained the age of twenty-one;

[(2)] (3) "Parent", a birth parent or parents of a child, including the putative father of the child, as well as the husband of a birth mother at the time the child was conceived, or a parent or parents of a child by adoption. The putative father shall have no legal relationship unless he has acknowledged the child as his own by affirmatively asserting his paternity;

[(3)] (4) "Putative father", the alleged or presumed father of a child including a person who has filed a notice of intent to claim paternity with the putative father registry established in section 192.016 and a person who has filed a voluntary acknowledgment of paternity pursuant to section 193.087; and

[(4)] (5) "Stepparent", the spouse of a biological or adoptive parent. The term does not include the state if the child is a ward of the state. The term does not include a person whose parental rights have been terminated."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Kelly (45), **House Amendment No. 1 to House Amendment No. 4** was adopted.

On motion of Representative Mayfield, **House Amendment No. 4, as amended**, was adopted.

On motion of Representative Cox, **HCS HB 371, as amended**, was adopted.

On motion of Representative Cox, **HCS HB 371, as amended**, was ordered perfected and printed.

HB 427, relating to mechanics' liens, was taken up by Representative Schatz.

Representative Schatz offered **House Amendment No. 1.**

House Amendment No. 1

AMEND House Bill No. 427, Page 2, Section 429.010, Line 36, by deleting the word "**thirty**" and inserting in lieu thereof the word "**fifteen**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Schatz, **House Amendment No. 1** was adopted.

On motion of Representative Schatz, **HB 427, as amended**, was ordered perfected and printed.

HCS HB 430, relating to workers' compensation insurance, was taken up by Representative Schatz.

On motion of Representative Schatz, **HCS HB 430** was adopted.

On motion of Representative Schatz, **HCS HB 430** was ordered perfected and printed.

HCS HB 513, relating to the protection of parental rights, was taken up by Representative Bahr.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 096

Anderson	Austin	Bahr	Barnes	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Fowler	Fraker	Funderburk	Gannon	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Houghton	Hurst	Johnson	Jones 50	Justus
Kelley 127	Koenig	Kolkmeier	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Marshall	McCaherty	McGaugh	Messenger	Miller
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 049

Anders	Black	Butler	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Swearingen	Walton Gray	Webb	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 018

Allen	Burns	Crawford	Flanigan	Franklin
Frederick	Gatschenberger	Hough	Keeney	Lynch
Molendorp	Reiboldt	Scharnhorst	Schupp	Smith 85
Smith 120	Stream	Webber		

On motion of Representative Bahr, **HCS HB 513** was adopted.

On motion of Representative Bahr, **HCS HB 513** was ordered perfected and printed.

HB 336, relating to first responder political activity, was taken up by Representative Hinson.

On motion of Representative Hinson, **HB 336** was ordered perfected and printed.

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HCS HB 210 - Fiscal Review

HCS HB 771 - Fiscal Review

COMMITTEE REPORTS

Committee on Children, Families, and Persons with Disabilities, Chairman Grisamore reporting:

Mr. Speaker: Your Committee on Children, Families, and Persons with Disabilities, to which was referred **SCS SB 33**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Children, Families, and Persons with Disabilities, to which was referred **SCS SB 87**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Crime Prevention and Public Safety, Chairman Hinson reporting:

Mr. Speaker: Your Committee on Crime Prevention and Public Safety, to which was referred **SB 327**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Downsizing State Government, Chairman Curtman reporting:

Mr. Speaker: Your Committee on Downsizing State Government, to which was referred **SB 18**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Downsizing State Government, to which was referred **SB 265**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Downsizing State Government, to which was referred **SS SB 267**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on General Laws, Chairman Jones (50) reporting:

Mr. Speaker: Your Committee on General Laws, to which was referred **SB 24**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on General Laws, to which was referred **SS SCS SB 159**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Higher Education, Chairman Thomson reporting:

Mr. Speaker: Your Committee on Higher Education, to which was referred **SB 67**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Higher Education, to which was referred **SCS SB 381**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Transportation, Chairman Schatz reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **SS SB 282**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Riddle reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS#2 HJR 14**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HJR 17**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 17**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 18**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 19**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 83**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 462**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 604**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1041**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 43**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 45**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 47**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 138**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 229**, begs leave to report it has examined the same and recommends that it **Be Returned to the Committee of Origin**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SS SCS SB 241**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 302**, begs leave to report it has examined the same and recommends that it **Do Pass**.

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

HCS SB 43 - Fiscal Review

HCS SCS SB 45 - Fiscal Review

SCS SB 47 - Fiscal Review

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS#2 HB 34**, entitled:

An act to repeal sections 290.210, 290.260, and 290.262, RSMo, and to enact in lieu thereof three new sections relating to prevailing wage.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 133**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 159**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 212**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 233**, entitled:

An act to repeal sections 104.010, 104.040, 104.090, 104.140, 104.200, 104.272, 104.312, 104.352, 104.354, 104.380, 104.395, 104.420, 104.490, 104.601, 104.620, 104.800, 104.1003, 104.1015, 104.1021, 104.1030, 104.1039, 104.1051, 104.1054, 104.1060, 105.684, and 476.515, RSMo, and to enact in lieu thereof twenty-six new sections relating to the administration of state employee benefits.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 235**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 498**, entitled:

An act to repeal section 351.210, RSMo, and to enact in lieu thereof one new section relating to the distribution of paid-in surplus.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS#2 HB 698**, entitled:

An act to repeal sections 135.305, 135.350, 135.352, 135.484, 143.119, 253.550, 253.557, 253.559, and 447.708, RSMo, and section 135.630 as enacted by house committee substitute for senate substitute for senate committee substitute for senate bills nos. 20, 15 & 19, ninety-seventh general assembly, first regular session, and to enact in lieu thereof twenty new sections relating to tax incentives, with an emergency clause for certain sections.

With Senate Amendment No. 1 to Senate Amendment No. 1 and Senate Amendment No. 1, as amended.

*Senate Amendment No. 1
to
Senate Amendment No. 1*

AMEND Senate Amendment No. 1 to Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 698, Page 1, Line 2, by striking the number "seventy" and inserting in lieu thereof the following:

"sixty".

Senate Amendment No. 1

AMEND Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 698, Page 23, Section 253.550, Line 55, by striking "forty-five" and inserting in lieu thereof "**seventy**"; and

Further amend said bill and section, Page 24, Line 90, by striking "five" and inserting in lieu thereof "**ten**".

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Wednesday, May 1, 2013.

COMMITTEE HEARINGS

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Thursday, May 2, 2013, 8:00 AM, House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Budget overview pertaining to hospitals and Medicaid

CORRECTED

CHILDREN, FAMILIES, AND PERSONS WITH DISABILITIES

Wednesday, May 1, 2013, 12:30 PM, North Gallery.

Public hearing will be held: SB 205

Executive session will be held: SB 205

Executive session may be held on any matter referred to the committee.

CORRECTED

CONFERENCE COMMITTEE

Thursday, May 2, 2013, 7:30 AM, House Hearing Room 4.
SS HCS HJR 11 & 7

CRIME PREVENTION AND PUBLIC SAFETY

Thursday, May 2, 2013, 8:00 AM, House Hearing Room 7.
Public hearing will be held: SCS SB 256
Executive session will be held: SCS SB 256
Executive session may be held on any matter referred to the committee.

DOWNSIZING STATE GOVERNMENT

Thursday, May 2, 2013, 8:00 AM, House Hearing Room 4.
Executive session may be held on any matter referred to the committee.

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, May 1, 2013, 8:00 AM, House Hearing Room 6.
Public hearing will be held: HB 743, HB 942, HB 603
Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Wednesday, May 1, 2013, 8:30 AM, South Gallery.
Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Thursday, May 2, 2013, 8:30 AM, South Gallery.
Executive session may be held on any matter referred to the committee.

GENERAL LAWS

Wednesday, May 1, 2013, 12:45 PM, House Hearing Room 3.
Public hearing will be held: SB 75, HB 509
Executive session may be held on any matter referred to the committee.

HEALTH CARE POLICY

Wednesday, May 1, 2013, 12:00 PM or Upon Afternoon Recess, House Hearing Room 7.
Public hearing will be held: HB 359, HB 549, HB 856
Executive session may be held on any matter referred to the committee.

INSURANCE POLICY

Thursday, May 2, 2013, 8:00 AM, House Hearing Room 6.
Public hearing will be held: SCS SBs 317 & 319
Executive session will be held: SCS SBs 317 & 319
Executive session may be held on any matter referred to the committee.

ISSUE DEVELOPMENT STANDING COMMITTEE ON MISSOURI PORTS

Wednesday, May 1, 2013, 7:00 PM, House Hearing Room 1.

This will be an informational meeting.

JOINT COMMITTEE ON EDUCATION

Tuesday, May 7, 2013, 8:30 AM, Senate Lounge.

Executive session may be held on any matter referred to the committee.

Election of chair and vice-chair; Discussion of interim projects; Information on charter sponsor reports to the committee per SB 576 (2012); and an update on SB 437.

JOINT COMMITTEE ON LEGISLATIVE RESEARCH - REVISIONS SUBCOMMITTEE

Thursday, May 2, 2013, 8:00 AM, Room 117A, State Capitol Building

On-line and print versions of the Revised Statutes

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, May 2, 2013, 8:00 AM, House Hearing Room 1.

Second quarter meeting

JUDICIARY

Wednesday, May 1, 2013, 12:00 PM or Upon Morning Recess (whichever is earlier), House Hearing Room 1.

Public hearing will be held: SCS SB 118, SS SB 245

Executive session will be held: HB 851

Executive session may be held on any matter referred to the committee.

JUDICIARY

Monday, May 6, 2013, 6:30 PM, 516 S. Country Club Drive, Jefferson City.

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, May 1, 2013, Upon Morning Recess, House Hearing Room 5.

Public hearing will be held: HB 796

Executive session will be held: SCS SB 101

Executive session may be held on any matter referred to the committee.

RULES

Wednesday, May 1, 2013, 1:00 PM, House Hearing Room 7.

Executive session will be held: HCS#2 HB 927, HCS HB 930, HCS SB 12, SB 35, HCS SB 41, HCS SCS SB 45, HCS SB 110, SS SCS SB 129, SCS SB 178, SCS SB 248, SB 257, SB 327

Executive session may be held on any matter referred to the committee.

CORRECTED

SPECIAL STANDING COMMITTEE ON CORRECTIONS

Wednesday, May 1, 2013, 8:00 AM, House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Director George Lombardi and Ian Dunlap will be present to answer questions from committee members and may offer suggestions on how the Committee may be of service to the Department of Corrections.

SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN HEALTH CARE

Wednesday, May 1, 2013, Upon Morning Recess, South Gallery.

Executive session will be held: HB 925

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON SMALL BUSINESS

Wednesday, May 1, 2013, 12:00 PM or Upon Morning Recess, House Hearing Room 7.

Executive session will be held: HB 1033

Executive session may be held on any matter referred to the committee.

UTILITIES

Wednesday, May 1, 2013, 9:00 AM, House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

VETERANS

Thursday, May 2, 2013, 8:00 AM, North Gallery.

Public hearing will be held: SCR 13

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

SIXTY-FIRST DAY, WEDNESDAY, MAY 1, 2013

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HJR 19 - Bahr
- 2 HCS HJR 15 - Brattin
- 3 HCS HJR 35 - Jones (50)
- 4 HCS#2 HJR 14 - Kelly (45)
- 5 HJR 17 - Burlison

HOUSE BILLS FOR PERFECTION - APPROPRIATIONS

- 1 HCS HB 17 - Stream
- 2 HB 18 - Stream
- 3 HCS HB 19 - Stream

HOUSE BILLS FOR PERFECTION

- 1 HB 227 - Zerr
- 2 HB 423 - Zerr
- 3 HB 578, as amended - Funderburk
- 4 HCS HB 221 - Leara
- 5 HCS HB 701 - Molendorp
- 6 HB 255 - Torpey
- 7 HCS HB 458 - Scharnhorst
- 8 HB 242 - Ellington

- 9 HB 503, as amended, HA 1 HA 3, and HA 3, pending - McCaherty
- 10 HB 448 - Webb
- 11 HCS HB 234 - Gatschenberger
- 12 HB 616 - Bahr
- 13 HB 185 - Kirkton
- 14 HCS HB 641 - Korman
- 15 HCS HB 402 - Shumake
- 16 HCS HB 717 - Grisamore
- 17 HCS HB 727 - Grisamore
- 18 HCS HB 83 - Reiboldt
- 19 HCS HB 132 - Stream
- 20 HCS HB 1041 - Swan

HOUSE BILLS FOR THIRD READING

- 1 HB 201 - Torpey
- 2 HCS HBs 521 & 579, (Fiscal Review 3/27/13) - Koenig
- 3 HCS HB 470 - Barnes
- 4 HCS#2 HB 178 - Koenig

HOUSE BILLS FOR THIRD READING - FEDERAL MANDATE

- 1 HB 635 - Fitzwater
- 2 HCS HB 611 - Lant
- 3 HCS HB 771, (Fiscal Review 4/30/13) - Schatz

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 11 - Walton Gray
- 2 HCR 21 - Black
- 3 HCS HCR 17 - Frederick
- 4 HCR 34 - Houghton

SENATE JOINT RESOLUTIONS FOR THIRD READING

HCS SS#2 SCS SJR 16 - Hinson

SENATE BILLS FOR THIRD READING - CONSENT

- 1 SB 59 - Gosen
- 2 SB 60 - Gosen
- 3 SB 80 - Engler
- 4 HCS SB 188 - Romine
- 5 SB 234 - Burlison
- 6 SB 235 - Dugger
- 7 SB 306 - Elmer
- 8 SCS SB 324 - Hansen

- 9 SCS SB 376 - Frederick
- 10 SB 16 - Dugger
- 11 SCS SB 191 - McCaherty
- 12 SB 237 - Miller
- 13 SB 329 - Love

SENATE BILLS FOR THIRD READING

- 1 SCS SB 106 - Davis
- 2 HCS SCS SB 117 - Davis
- 3 HCS SCS SB 157 and SB 102 - Phillips
- 4 HCS SCS SB 186 - Davis
- 5 SB 197 - Frederick
- 6 SB 230 - Brattin
- 7 HCS SS SCS SB 125 - Barnes
- 8 SS SB 28 - Cierpiot
- 9 SCS SB 254 - Crawford
- 10 HCS SCS SB 17 - Thomson
- 11 HCS SS SB 34 - Fraker
- 12 HCS SS SCS SB 116 - Davis
- 13 HCS SS#2 SCS SB 1, E.C. - Richardson
- 14 SCS SB 36 - Hicks
- 15 HCS SCS SB 88 - Frederick
- 16 HCS SB 90 - Dugger
- 17 HCS SCS SB 126 - Morris
- 18 HCS SCS SB 9 - Guernsey
- 19 SB 77 - Allen
- 20 HCS SB 222 - Kelly (45)
- 21 SCS SB 224 - Rizzo
- 22 HCS SS SB 262 - Molendorp
- 23 HCS SB 330 - Burlison
- 24 HCS SB 51 - Guernsey
- 25 HCS SB 23, E.C. - Jones (50)
- 26 HCS SB 148 - Schatz
- 27 HCS SB 43, (Fiscal Review 4/30/13) - Kolkmeier
- 28 HCS SCS SB 45, (Fiscal Review 4/30/13) - Hough
- 29 SCS SB 47, (Fiscal Review 4/30/13) - Grisamore
- 30 SB 216 - Hinson
- 31 HCS SS SCS SB 241 - Cierpiot
- 32 SCS SB 302 - Elmer

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 HB 68, SA 1 - Kelley (127)
- 2 SCS HCS HBs 303 & 304, as amended - Scharnhorst
- 3 SS#2 HB 34 - Guernsey
- 4 SCS HB 498 - Jones (50)
- 5 SCS HCS HB 233 - Leara

BILLS IN CONFERENCE

- 1 SS HCS HJR 11 & 7, as amended - Reiboldt
- 2 SCS HCS HB 1 - Stream
- 3 SCS HCS HB 2 - Stream
- 4 SCS HCS HB 3 - Stream
- 5 SCS HCS HB 4 - Stream
- 6 SCS HCS HB 5 - Stream
- 7 SCS HCS HB 6, as amended - Stream
- 8 SCS HCS HB 7, as amended - Stream
- 9 SCS HCS HB 8 - Stream
- 10 SCS HCS HB 9 - Stream
- 11 SCS HCS HB 10 - Stream
- 12 SCS HCS HB 11, as amended - Stream
- 13 SCS HCS HB 12 - Stream
- 14 SCS HCS HB 13 - Stream

SENATE CONCURRENT RESOLUTIONS

- SCS SCR 5 - Frederick

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

SIXTY-FIRST DAY, WEDNESDAY, MAY 1, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

Thou shalt rejoice in every good thing which the Lord, thy God, hath given unto thee. (Deuteronomy 26:11)

Almighty God, grant that through the ministry of this moment of meditation we may draw near to You and receive from Your hands the wisdom to make wise decisions, good will to relate ourselves affirmatively to others, and faith to hold us steady amid the frustrations of this time. May we be with You, and through all our discussions we pray that You will keep us mindful of Your presence.

We pray for our citizens that on this beautiful May Day in Missouri we may be Your channel for peace in our state and Your servant for good will among all people. As leaders and as a people may we grow in spirit, and as mature persons assume our position of responsible leadership among the states.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Isaiah Mims, Alexis Kleekamp and Leah Kleekamp.

The Journal of the sixtieth day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2560 through House Resolution No. 2593

House Resolution No. 2595 through House Resolution No. 2624

THIRD READING OF SENATE BILLS - CONSENT

SB 59, relating to life and health insurance, was taken up by Representative Gosen.

On motion of Representative Gosen, **SB 59** was truly agreed to and finally passed by the following vote:

AYES: 153

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Moon
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Parkinson	Peters	Pfautsch	Phillips	Pierson
Pike	Pogue	Redmon	Rehder	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Solon	Sommer	Spencer	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 003

Ellington	Gardner	Marshall
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PRESENT: 000

ABSENT WITH LEAVE: 007

Grisamore	Meredith	Reiboldt	Smith 85	Smith 120
Stream	Wright			

Speaker Jones declared the bill passed.

SB 60, relating to reinsurance, was taken up by Representative Gosen.

On motion of Representative Gosen, **SB 60** was truly agreed to and finally passed by the following vote:

AYES: 154

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Parkinson	Peters	Pfautsch	Phillips
Pierson	Pike	Redmon	Rehder	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webb	Webber	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 002

Ellington	Pogue
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PRESENT: 000

ABSENT WITH LEAVE: 007

Elmer	Grisamore	Molendorp	Reiboldt	Smith 85
Smith 120	Wright			

Speaker Jones declared the bill passed.

SB 80, relating to the Missouri Board of Nursing Home Administrators, was taken up by Representative Engler.

On motion of Representative Engler, **SB 80** was truly agreed to and finally passed by the following vote:

AYES: 156

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gardner	Gatschenberger
Gosen	Guernsey	Haahr	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Marshall
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Montecillo	Moon	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Parkinson	Peters	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webb	Webber
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Grisamore	Haefner	Lynch	Reiboldt	Smith 85
Smith 120	Wright			

Speaker Jones declared the bill passed.

HCS SB 188, relating to sexually violent predator notification, was taken up by Representative Engler.

On motion of Representative Engler, **HCS SB 188** was read the third time and passed by the following vote:

AYES: 154

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dunn	Ellinger
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Montecillo	Moon	Morgan	Morris	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Parkinson	Peters	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Torpey	Walker
Walton Gray	Webb	Webber	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Brattin	Dugger	Grisamore	Muntzel	Reiboldt
Smith 85	Smith 120	Thomson	Wright	

Speaker Jones declared the bill passed.

SB 234, relating to marital and family therapists, was taken up by Representative Burlison.

On motion of Representative Burlison, **SB 234** was truly agreed to and finally passed by the following vote:

AYES: 148

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brown
Burlison	Butler	Carpenter	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Curtis	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Elmer
Engler	English	Englund	Entlicher	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gardner	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Montecillo	Moon	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Parkinson	Peters	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Remole	Rhoads	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webb	Webber	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 002

Marshall	White
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PRESENT: 000

ABSENT WITH LEAVE: 013

Brattin	Burns	Cross	Ellington	Fitzpatrick
Grisamore	Koenig	Reiboldt	Richardson	Riddle
Smith 85	Smith 120	Wright		

Speaker Jones declared the bill passed.

SB 235, relating to residential real estate loans, was taken up by Representative Dugger.

On motion of Representative Dugger, **SB 235** was truly agreed to and finally passed by the following vote:

AYES: 157

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gardner	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Laur	Leara	Lichtenegger	Love
Lynch	Marshall	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Molendorp	Montecillo	Moon	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Parkinson
Peters	Pfautsch	Phillips	Pierson	Pike
Pogue	Rehder	Remole	Rhoads	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webb	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Grisamore	Redmon	Reiboldt	Richardson	Smith 85
Smith 120				

Speaker Jones declared the bill passed.

HCS SB 188, relating to sexually violent predator notification, was again taken up by Representative Engler.

On motion of Representative Engler, the emergency clause was adopted by the following vote:

AYES: 158

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Molendorp	Montecillo	Moon	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Parkinson
Peters	Pfautsch	Phillips	Pierson	Pike
Pogue	Rehder	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Funderburk	Redmon	Reiboldt	Smith 85	Smith 120
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SB 306, relating to the testing of compounded drugs, was taken up by Representative Elmer.

On motion of Representative Elmer, **SB 306** was truly agreed to and finally passed by the following vote:

AYES: 154

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cox	Crawford	Cross	Curtis	Davis
Dohrman	Dugger	Dunn	Ellinger	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Moon
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Parkinson	Peters	Pfautsch	Phillips	Pierson
Pike	Pogue	Redmon	Rehder	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 001

Curtman

PRESENT: 000

ABSENT WITH LEAVE: 008

Cornejo	Diehl	Grisamore	Justus	Reiboldt
Scharnhorst	Smith 85	Smith 120		

Speaker Jones declared the bill passed.

SCS SB 324, relating to travel insurance, was taken up by Representative Hansen.

On motion of Representative Hansen, **SCS SB 324** was truly agreed to and finally passed by the following vote:

AYES: 154

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeier
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Peters	Pfautsch	Phillips	Pierson
Pike	Redmon	Rehder	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 002

Marshall	Pogue
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PRESENT: 000

ABSENT WITH LEAVE: 007

Diehl	Hinson	Korman	Parkinson	Reiboldt
Smith 85	Smith 120			

Speaker Jones declared the bill passed.

SCS SB 376, relating to the powers of hospital districts, was taken up by Representative Frederick.

On motion of Representative Frederick, **SCS SB 376** was truly agreed to and finally passed by the following vote:

AYES: 151

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Grisamore
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hodges	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeier	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Molendorp	Montecillo	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Pace	Parkinson	Peters
Pfausch	Phillips	Pierson	Pike	Pogue
Redmon	Rehder	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schupp	Shull	Shumake	Solon	Sommer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Diehl	Franklin	Guernsey	Hinson	Hoskins
Justus	Moon	Reiboldt	Schieffer	Smith 85
Smith 120	Spencer			

Speaker Jones declared the bill passed.

SB 16, relating to children working on family farms, was taken up by Representative Dugger.

Representative Diehl assumed the Chair.

On motion of Representative Dugger, **SB 16** was truly agreed to and finally passed by the following vote:

AYES: 113

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brown
Cierpiot	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Elmer	Engler
Entlicher	Fitzpatrick	Fitzwater	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hodges	Hoskins	Hough	Houghton	Hubbard
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	Mayfield	McGaugh	Miller
Mims	Molendorp	Moon	Morris	Muntzel
Neely	Neth	Nichols	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Schieffer	Shull	Shumake	Solon	Sommer
Spencer	Swan	Swearingen	Thomson	Walker
Webb	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 040

Burns	Butler	Carpenter	Colona	Curtis
Dunn	Ellinger	Ellington	English	Englund
Frame	Gardner	Hummel	Kirkton	Kratky
LaFaver	May	McCaherty	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mitten
Montecillo	Morgan	Newman	Norr	Otto
Pace	Peters	Pierson	Rizzo	Roorda
Runions	Schupp	Torpey	Walton Gray	Webber

PRESENT: 000

ABSENT WITH LEAVE: 010

Brattin	Burlison	Flanigan	Hinson	Kelly 45
Messenger	Reiboldt	Smith 85	Smith 120	Stream

Representative Diehl declared the bill passed.

SCS SB 191, relating to the Missouri Public Service Commission, was taken up by Representative McCaherty.

On motion of Representative McCaherty, **SCS SB 191** was truly agreed to and finally passed by the following vote:

AYES: 151

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brown
Burlison	Burns	Butler	Carpenter	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtis	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gardner
Gatschenberger	Gosen	Grisamore	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Koenig	Kolkmeyer	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Parkinson	Peters	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Brattin	Cierpiot	Colona	Flanigan	Guernsey
Haahr	Hinson	Kirkton	Korman	Reiboldt
Smith 85	Smith 120			

Representative Diehl declared the bill passed.

SB 237, relating to telecommunication price cap waivers, was taken up by Representative Miller.

On motion of Representative Miller, **SB 237** was truly agreed to and finally passed by the following vote:

AYES: 153

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Higdon	Hodges	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Moon
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Parkinson	Peters	Pfautsch	Phillips	Pierson
Pike	Pogue	Redmon	Rehder	Remole
Rhoads	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Solon	Sommer	Spencer	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 001

Marshall

PRESENT: 000

ABSENT WITH LEAVE: 009

Funderburk	Hicks	Hinson	LaFaver	Reiboldt
Richardson	Smith 85	Smith 120	Stream	

Representative Diehl declared the bill passed.

SB 329, relating to eggs, was taken up by Representative Love.

On motion of Representative Love, **SB 329** was truly agreed to and finally passed by the following vote:

AYES: 135

Allen	Anders	Austin	Barnes	Bernskoetter
Berry	Black	Brown	Burns	Butler
Carpenter	Cierpiot	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Elmer	Engler	English	Englund	Entlicher
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gardner
Gatschenberger	Gosen	Guernsey	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kirkton	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	May
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Molendorp	Montecillo	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Pace	Parkinson	Peters
Pfausch	Phillips	Pierson	Pike	Rehder
Rhoads	Richardson	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Schatz	Schieffer
Schupp	Shumake	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	Webber	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 016

Anderson	Bahr	Brattin	Burlison	Curtman
Fitzpatrick	Haahr	Koenig	Marshall	Mayfield
McCaherty	Moon	Pogue	Remole	Schiefer
White				

PRESENT: 000

ABSENT WITH LEAVE: 012

Colona	Curtis	Ellington	Grisamore	Kelly 45
Redmon	Reiboldt	Riddle	Scharnhorst	Shull
Smith 85	Smith 120			

Representative Diehl declared the bill passed.

THIRD READING OF SENATE BILL

HCS SB 23, relating to political subdivisions, was taken up by Representative Jones (50).

Speaker Jones resumed the Chair.

Representative Jones (50) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 23, Page 2, In the Title, Line 28, by deleting the phrase "political subdivisions" on said line and inserting in lieu thereof the phrase "taxation"; and

Further amend said bill, Page 71, Section 302.309, Line 85, by deleting the word "if" on said line and inserting in lieu thereof, the phrase "[if] **unless**"; and

Further amend said bill, page, and section, Line 86, by placing opening and closing brackets, "[]", around the word "not" on said line; and

Further amend said bill, page, and section, Line 90, by deleting the phrase "**immediately upon the person's license revocation**" on said line; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Jones (50), **House Amendment No. 1** was adopted.

Representative Torpey offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for Senate Bill No. 23, Pages 77-87, Sections 348.273 and 348.274, by deleting all of said sections from the bill and inserting in lieu thereof, the following:

"348.273. 1. This section and section 348.274 shall be known and may be cited as the "Missouri Angel Investment Incentive Act".

2. As used in this section and section 348.274, the following terms mean:

(1) "Cash investment", money or money equivalent contribution;

(2) "Department", the department of economic development;

(3) "Investor":

(a) A natural person who is an accredited investor as defined in 17 CFR 230.501(a)(5) or 17 CFR 230.501(a)(6), as in effect on August 28, 2013;

(b) A permitted entity investor who is an accredited investor as defined in 17 CFR 230.501(a)(8), as in effect on August 28, 2013; or

(c) A natural person or permitted entity investor making an investment that is permitted under the Jumpstart Our Business Startups Act, Pub. L. No. 112-106, Sections 301-305, 126 Stat. 315-323, as in effect on August 28, 2013.

A person who serves as an executive, officer, or employee of the business in which an otherwise qualified cash investment is made is not an investor and such person shall not qualify for the issuance of tax credits for such investment;

(4) "MTC", the Missouri technology corporation, established under section 348.250;

(5) "Owner", any natural person who is, directly or indirectly, a partner, stockholder, or member in a permitted entity investor;

(6) "Permitted entity investor", any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143, general partnership, limited partnership, small corporation described in section 143.471, revocable living trust, or limited liability company that has elected to be taxed as a partnership under the United States internal revenue code, and that was established and is operated for the purpose of making investments in other entities;

(7) "Qualified knowledge-based company", a company based on the use of ideas and information to provide innovative technologies, products, and services;

(8) "Qualified Missouri business", the Missouri businesses that are approved and certified as qualified knowledge-based companies by the MTC that meet at least one of the following criteria:

(a) Any business owned by an individual;

(b) Any partnership, association, or corporation domiciled in Missouri; or

(c) Any corporation, even if a wholly owned subsidiary of a foreign corporation, that does business primarily in Missouri or does substantially all of such business's production in Missouri;

(9) "Qualified securities", a cash investment through any one or more forms of financial assistance as provided in this subdivision and that have been approved in form and substance by the department. Forms of such financial assistance include:

(a) Any form of equity, such as:

a. A general or limited partnership interest;

b. Common stock;

c. Preferred stock, with or without voting rights, without regard to seniority position, and whether or not convertible into common stock; or

d. Any form of subordinate or convertible debt, or both, with warrants or other means of equity conversion attached; or

(b) A debt instrument, such as a note or debenture that is secured or unsecured, subordinated to the general creditors of the debtor and requires no payments of principal, other than principal payments required to be made out of any future profits of the debtor, for at least a seven-year period after commencement of such debt instrument's term;

(10) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265.

3. The Missouri angel investment incentive act shall be administered by the MTC and the department, with the primary goal of encouraging individuals to provide seed-capital financing for emerging Missouri businesses engaged in the development, implementation, and commercialization of innovative technologies, products, and services. The MTC shall review applications from businesses requesting designation as a qualified Missouri business and allocate the amount of available tax credits among the qualified Missouri businesses. The department shall establish its own rules of procedure, including the form and substance of applications to be used by the MTC and the criteria to be considered by the MTC when evaluating a qualified Missouri business, such applications and criteria to be not less than the minimum requirements set forth in subsection 5 of this section. The department shall issue tax credits to qualified investors that make cash investments in qualified Missouri businesses that have been allocated available tax credits by the MTC.

4. (1) A tax credit shall be allowed for an investor's cash investment in the qualified securities of a qualified Missouri business. The credit shall be in a total amount equal to fifty percent of such investor's cash investment in any qualified Missouri business, subject to the limitations set forth in this subsection. This tax credit may be used in its entirety in the taxable year in which the cash investment is made except that no tax credit shall be allowed in a year prior to the year beginning January 1, 2014. If the amount by which that portion of the credit allowed by this section exceeds the investor's liability in any one taxable year, the remaining portion of the credit may be carried forward five years or until the total amount of the credit is used, whichever occurs first. If the investor is a permitted entity investor, the credit provided by this section shall be claimed by the owners of the permitted entity investor in proportion to their equity investment in the permitted entity investor.

(2) A cash investment in a qualified security shall be deemed to have been made on the date of acquisition of the qualified security, as such date is determined in accordance with the provisions of the Internal Revenue Code of 1986, as amended.

(3) The department shall not allow tax credits of more than fifty thousand dollars for a single qualified Missouri business or a total of two hundred fifty thousand dollars in tax credits for a single year per investor who is a natural person or owner of a permitted entity investor. No tax credits authorized by this section and section

348.274 shall be allowed for any cash investments in qualified securities for any year beginning after December 31, 2019. The total amount of tax credits allocated under this section shall not exceed six million dollars per year.

(4) At the beginning of each calendar year, the department shall equally designate the tax credits available during that year for investments made in companies within each congressional district of the state. At the beginning of each calendar quarter, the department shall allocate to each congressional district one-fourth of the total tax credits designated to such district for the calendar year such that the MTC can allocate tax credits among the qualified Missouri businesses within such district. The department shall then issue tax credits to qualified investors for cash investments in such qualified Missouri businesses during that calendar quarter.

(5) At the end of each calendar quarter, the MTC shall report to the department any unallocated tax credits for the preceding quarter for each congressional district. Such report shall meet the requirements set forth in section 348.274. The department shall aggregate all such tax credits and reallocate them equally among the congressional districts as soon as possible during the next consecutive calendar quarter. Each congressional district shall receive such reallocation in addition to the new allocation of designated tax credits for such quarter.

(6) During the fourth calendar quarter, a congressional district in need of additional tax credits for transactions closing in the fourth calendar quarter may receive unallocated tax credits to the extent such credits are available. When the MTC transfers unallocated tax credits to another congressional district under this subdivision, the MTC shall provide to the department a written confirmation authorizing such transfer and the MTC shall include a copy of such written confirmation in its reports provided under section 348.274.

5. (1) Before an investor may be entitled to receive tax credits under this section and section 348.274, such investor shall have made a cash investment in a qualified security of a qualified Missouri business. The business shall have been approved by the MTC as a qualified Missouri business before the date on which the cash investment was made. To be designated as a qualified Missouri business, a business shall make application to the MTC in accordance with the provisions of this section.

(2) The application by a business to the MTC shall be in the form and substance as required by the department, but shall include at least the following:

- (a) The name of the business and certified copies of the organizational documents of the business;
- (b) A business plan, including a description of the business and the management, product, market, and financial plan of the business;
- (c) A statement of the potential economic impact of the enterprise, including the number, location, and types of jobs expected to be created;
- (d) A description of the qualified securities to be issued, the consideration to be paid for the qualified securities, and the amount of any tax credits requested;
- (e) A statement of the amount, timing, and projected use of the proceeds to be raised from the proposed sale of qualified securities; and
- (f) Such other information as the MTC or the department may reasonably request.

(3) The designation of a business as a qualified Missouri business shall be made by the MTC, and such designation shall be renewed annually. A business shall be so designated if the MTC determines, based upon the application submitted by the business and any additional investigation the MTC shall make, that such business meets the criteria established by the department. Such criteria shall include at least the following:

- (a) The business shall not have had annual gross revenues of more than five million dollars in the most recent tax year of the business;
- (b) Businesses that are not bioscience businesses shall have been in operation for less than five years, and bioscience businesses shall have been in operation for less than ten years;
- (c) The ability of investors in the business to receive tax credits for cash investments in qualified securities of the business is beneficial, because funding otherwise available for the business is not available on commercially reasonable terms;
- (d) The business shall not have ownership interests including, but not limited to, common or preferred shares of stock, that can be traded via a public stock exchange before the date that a qualifying investment is made;
- (e) The business shall not be engaged primarily in any one or more of the following enterprises:
 - a. The business of banking, savings and loan or lending institutions, credit or finance, or financial brokerage or investments;
 - b. The provision of professional services, such as legal, accounting, or engineering services;
 - c. Governmental, charitable, religious, or trade organizations;
 - d. The ownership, development brokerage, sales, or leasing of real estate;
 - e. Insurance;

- f. Construction or construction management or contracting;
 - g. Business consulting or brokerage;
 - h. Any business engaged primarily as a passive business, having irregular or noncontinuous operations, or deriving substantially all of the income of the business from passive investments that generate interest, dividends, royalties, or capital gains, or any business arrangements the effect of which is to immunize an investor from risk of loss;
 - i. Any activity that is in violation of the law;
 - j. Any business raising money primarily to purchase real estate, land, or fixtures; and
 - k. Any gambling related business;
 - (f) The business has a reasonable chance of success;
 - (g) The business has the reasonable potential to create measurable employment within the region, this state, or both;
 - (h) The business has an innovative and proprietary technology, product, or service;
 - (i) The existing owners of the business and other founders have made or are committed to make a substantial financial and time commitment to the business;
 - (j) The securities to be issued and purchased are qualified securities;
 - (k) The business has the reasonable potential to address the needs and opportunities specific to the region or this state, or both;
 - (l) The business has made binding commitments to the MTC for adequate reporting of financial data, including a requirement for an annual report, or, if required by the MTC, an annual audit of the financial and operational records of the business, the right of access to the financial records of the business, and the right of the MTC to record and publish normal and customary data and information related to the issuance of tax credits that are not otherwise determined to be trade or business secrets; and
 - (m) The business shall satisfy all other requirements of this section and section 348.274.
- (4) Notwithstanding the requirements of subdivision (3) of this subsection, a business may be considered as a qualified Missouri business under the provisions of this section and section 348.274 if such business falls within a standard industrial classification code established by the department.
- (5) A qualified Missouri business shall have the burden of proof to demonstrate to the MTC the qualifications of the business under this section.
- (6) Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section and section 348.274 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

348.274. 1. (1) The MTC is authorized to allocate tax credits to qualified Missouri businesses. The department is authorized to issue tax credits to qualified investors in such qualified Missouri businesses. Such tax credits shall be allocated to those qualified Missouri businesses which, as determined by the MTC, are most likely to provide the greatest economic benefit to the region, the state, or both. The MTC may allocate, and the department may issue, whole or partial tax credits based on the MTC's assessment of the qualified Missouri businesses. The MTC may consider numerous factors in such assessment, including but not limited to, the quality and experience of the management team, the size of the estimated market opportunity, the risk from current or future competition, the ability to defend intellectual property, the quality and utility of the business model, and the quality and reasonableness of financial projections for the business.

(2) Each qualified Missouri business for which the MTC has allocated tax credits such that the department can issue tax credits to the qualified investors of such qualified Missouri business shall submit to the MTC a report before such tax credits are issued. The MTC shall provide copies of this report to the department. Such report shall include the following:

- (a) The name, address, and taxpayer identification number of each investor who has made cash investment in the qualified securities of the qualified Missouri business;
- (b) Proof of such investment, including copies of the securities purchase agreements and cancelled checks or wire transfer receipts; and
- (c) Any additional information as the MTC may reasonably require under this section and section 348.273.

2. (1) The state of Missouri shall not be held liable for any damages to any investor that makes an investment in any qualified security of a qualified Missouri business, any business that applies to be designated as a qualified Missouri business and is turned down, or any investor that makes an investment in a business that applies to be designated as a qualified Missouri business and is turned down.

(2) Each qualified Missouri business shall have the obligation to notify the MTC and the department in a timely manner of any changes in the qualifications of the business or in the eligibility of investors to claim a tax credit for cash investment in a qualified security.

(3) The department shall provide the information specified in subdivision (3) of subsection 4 of this section to the department of revenue on an annual basis. The department shall conduct an annual review of the activities undertaken under this section and section 348.273 to ensure that tax credits issued under this section and section 348.273 are issued in compliance with the provisions of this section and section 348.273 or rules and regulations promulgated by the MTC or the department with respect to this section and section 348.273.

(4) If the department determines that a business is not in substantial compliance with the requirements of this section and section 348.273 to maintain its designation, the department, by written notice, shall inform the business that such business will lose its designation as a qualified Missouri business one hundred twenty days from the date of mailing of the notice unless such business corrects the deficiencies and is once again in compliance with the requirements for designation.

(5) At the end of the one hundred twenty-day period, if the qualified Missouri business is still not in substantial compliance, the department shall send a notice of loss of designation to the business, the MTC, the director of the department of revenue and to all known investors in the business.

(6) A business shall lose its designation as a qualified Missouri business under this section and section 348.273 by moving its operations outside Missouri within ten years after receiving financial assistance under this section and section 348.273.

(7) In the event that a business loses its designation as a qualified Missouri business, such business shall be precluded from being issued any additional tax credits with respect to the business, shall be precluded from being approved as a qualified Missouri business and shall repay any financial assistance to the MTC, in an amount to be determined by the MTC. Each qualified Missouri business that loses its designation as a qualified Missouri business shall enter into a repayment agreement with the MTC specifying the terms of such repayment obligation.

(8) Investors in a qualified Missouri business shall be entitled to keep all of the tax credits properly issued to such investors under this section and section 348.273.

(9) The portions of documents and other materials submitted the MTC or the department that contain trade secrets shall be kept confidential and shall be maintained in a secured environment by the MTC and the department, as applicable. For the purposes of this section and section 348.273, "trade secrets" means any customer lists, formula, compound, production data, or compilation of information that will allow individuals within a commercial concern using such information the means to fabricate, produce, or compound an article of trade or perform any service having commercial value, which gives the user an opportunity to obtain a business advantage over competitors who do not know or use such service.

(10) The MTC and the department may prepare and adopt procedures concerning the performance of the duties placed upon each respective entity by this section and section 348.273.

3. Any qualified investor who makes a cash investment in a qualified security of a qualified Missouri business may transfer the tax credits such qualified investor may receive under subsection 4 of section 348.273 to any natural person. Such transferee may claim the tax credit against the transferee's Missouri income tax liability as provided in subdivision (1) of subsection 4 of section 348.273, subject to all restrictions and limitations set forth in this section and section 348.273. Only the full credit for any one investment shall be transferred and this interest shall only be transferred one time. Documentation of any tax credit transfer under this section shall be provided by the qualified investor in the manner required by the department.

4. (1) Each qualified Missouri business for which tax credits have been issued under this section and section 348.273 shall report to the MTC on an annual basis, on or before February first. The MTC shall provide copies of the reports to the department. Such reports shall include the following:

(a) The name, address, and taxpayer identification number of each investor who has made cash investment in the qualified securities of the qualified Missouri business and has received tax credits for this investment during the preceding year;

(b) The amounts of these cash investments by each investor and a description of the qualified securities issued in consideration of such cash investments; and

(c) Any additional information as the MTC or the department may reasonably require under this section and section 348.273.

(2) The MTC shall report quarterly to the department on the allocation of the tax credits for each congressional district in the preceding calendar quarter. Such reports shall include:

(a) The amount of applications the MTC received for business in each congressional district;
(b) The number and ratio of successful applications to unsuccessful applications;
(c) The amount of tax credits allocated but not issued in each congressional district in the previous quarter, including what percentage was allocated to individuals and what percentage was allocated to investment firms;

(d) The amount of unallocated tax credits in each congressional district; and

(e) Such other information as reasonably agreed upon by the MTC and the department.

(3) The department shall also report annually to the governor, the president pro tempore of the senate, and the speaker of the house of representatives, on or before April first, on the allocation and issuance of the tax credits. Such reports shall include:

(a) The amount of tax credits issued in the previous fiscal year, including what percentage was issued to individuals and what percentage was issued to investment firms;

(b) The types of businesses that benefitted from the tax credits;

(c) The amount of allocated but unissued tax credits and the information about the unissued tax credits set forth in subdivision (2) of this subsection;

(d) Any aggregate job creation or capital investment in each congressional district that resulted from the use of the tax credits for a period of five years beginning from the date on which the tax credits were awarded;

(e) The manner in which the purpose of this section and section 348.273 has been carried out with regard to the region;

(f) The total cash investments made for the purchase of qualified securities of qualified Missouri businesses within each congressional district during the preceding year and cumulatively since the effective date of this section and section 348.273;

(g) An estimate of jobs created and jobs preserved by cash investments made in qualified Missouri businesses within each congressional district;

(h) An estimate of the multiplier effect on the economy of the region of the cash investments made under this section and section 348.273;

(i) Information regarding what businesses derived benefit from the tax credits remained in the applicable congressional district, what businesses ceased business, what businesses were purchased, and what businesses may have moved out of the congressional district or state and why.

(4) Any violation of the reporting requirements of this subsection by a qualified Missouri business may be grounds for the loss of designation of such qualified Missouri business, and such business that loses its designation as a qualified Missouri business shall be subject to the restrictions upon loss of designation set forth in subsection 2 of this section."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Zerr offered **House Amendment No. 1 to House Amendment No. 2.**

House Amendment No. 1

to

House Amendment No. 2

AMEND House Amendment No. 2 to House Committee Substitute for Senate Bill No. 23, Page 1, Line 1 of said amendment, by deleting all of said line and inserting in lieu thereof the following:

‘AMEND House Committee Substitute for Senate Bill No. 23, Page 34, Section 144.810, Line 28, by deleting the word "**five**" and inserting in lieu thereof the word "**two**"; and

Further amend said bill, section, and page, Line 29, by deleting the word "**five**" and inserting in lieu thereof the word "**two**"; and

Further amend said bill and section, Page 35, Line 60, by deleting the word "**thirty-seven**" and inserting in lieu thereof the word "**five**"; and

Further amend said bill, section, and page, Line 65, by deleting the word "**thirty**" and inserting in lieu thereof the word "**five**"; and

Further amend said bill, Pages 77 to 87, Section 348.273 and'; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Zerr, **House Amendment No. 1 to House Amendment No. 2** was adopted.

On motion of Representative Torpey, **House Amendment No. 2, as amended**, was adopted.

Representative Zerr offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for Senate Bill No. 23, Page 10, Section 92.387, Line 2, by inserting after all of said section and line, the following:

"135.960. 1. Any governing authority that desires to have any portion of a city or unincorporated area of a county under its control designated as an enhanced enterprise zone shall hold a public hearing for the purpose of obtaining the opinion and suggestions of those persons who will be affected by such designation. [The governing authority shall notify the director of such hearing at least thirty days prior thereto and shall publish notice of such hearing in a newspaper of general circulation in the area to be affected by such designation at least twenty days prior to the date of the hearing but not more than thirty days prior to such hearing. Such notice shall state the time, location, date, and purpose of the hearing. The director, or the director's designee, shall attend such hearing.]

2. After a public hearing is held as required in subsection 1 of this section, the governing authority may, **by a majority vote of the members of the governing authority**, [file a petition with the department requesting the designation of] **adopt an ordinance or resolution designating** a specific area as an enhanced enterprise zone. Such [petition] **ordinance** shall include, in addition to a description of the physical, social, and economic characteristics of the area:

- (1) A plan to provide adequate police protection within the area;
 - (2) A specific and practical process for individual businesses to obtain waivers from burdensome local regulations, ordinances, and orders which serve to discourage economic development within the area to be designated an enhanced enterprise zone, except that such waivers shall not substantially endanger the health or safety of the employees of any such business or the residents of the area;
 - (3) A description of what other specific actions will be taken to support and encourage private investment within the area;
 - (4) A plan to ensure that resources are available to assist area residents to participate in increased development through self-help efforts and in ameliorating any negative effects of designation of the area as an enhanced enterprise zone;
 - (5) A statement describing the projected positive and negative effects of designation of the area as an enhanced enterprise zone;
 - (6) A specific plan to provide assistance to any person or business dislocated as a result of activities within the enhanced enterprise zone. Such plan shall determine the need of dislocated persons for relocation assistance; provide, prior to displacement, information about the type, location, and price of comparable housing or commercial property; provide information concerning state and federal programs for relocation assistance and provide other advisory services to displaced persons. Public agencies may choose to provide assistance under the Uniform Relocation and Real Property Acquisition Act, 42 U.S.C. Section 4601, et seq., to meet the requirements of this subdivision; and
 - (7) A description or plan that demonstrates the requirements of subsection 4 of section 135.953.
3. An enhanced enterprise zone designation shall [be effective upon such approval by the department and shall] expire in twenty-five years.

4. Each designated enhanced enterprise zone board shall report to the director on an annual basis regarding the status of the zone and business activity within the zone."; and

Further amend said bill, Page 93, Section 577.041, Line 138, by inserting after all of said section and line, the following:

"620.2000. Sections 620.2000 to 620.2020 shall be known and may be cited as the "Missouri Works Program".

620.2005. As used in sections 620.2000 to 620.2020, the following terms mean:

(1) "Average wage", the new payroll divided by the number of new jobs, or the payroll of the retained jobs divided by the number of retained jobs;

(2) "Commencement of operations", the starting date for the qualified company's first new employee, which shall be no later than twelve months from the date of the approval;

(3) "County average wage", the average wages in each county as determined by the department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility. The department shall publish the county average wage for each county at least annually. Notwithstanding the provisions of this subdivision to the contrary, for any qualified company that in conjunction with their project is relocating employees from a Missouri county with a higher county average wage, the company shall obtain the endorsement of the governing body of the community from which jobs are being relocated or the county average wage for their project shall be the county average wage for the county from which the employees are being relocated;

(4) "Department", the Missouri department of economic development;

(5) "Director", the director of the department of economic development;

(6) "Employee", a person employed by a qualified company, excluding:

(a) Owners of the qualified company unless the qualified company is participating in an employee stock ownership plan; or

(b) Owners of a non-controlling interest in stock of a qualified company that is publically traded;

(7) "Existing Missouri business", a qualified company that, for the ten-year period preceding submission of a notice of intent to the department, had a physical location in Missouri and full-time employees who routinely perform job duties within Missouri;

(8) "Full-time employee", an employee of the qualified company that is scheduled to work an average of at least thirty-five hours per week for a twelve-month period, and one for which the qualified company offers health insurance and pays at least fifty percent of such insurance premiums. An employee that spends less than fifty percent of the employee's work time at the facility shall be considered to be located at a facility if the employee receives his or her directions and control from that facility, is on the facility's payroll, one hundred percent of the employee's income from such employment is Missouri income, and the employee is paid at or above the applicable percentage of the county average wage;

(9) "Local incentives", the present value of the dollar amount of direct benefit received by a qualified company for a project facility from one or more local political subdivisions, but this term shall not include loans or other funds provided to the qualified company that shall be repaid by the qualified company to the political subdivision;

(10) "NAICS" or "NAICS industry classification", the classification provided by the most recent edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget;

(11) "New capital investment", shall include costs incurred by the qualified company at the project facility after acceptance by the qualified company of the proposal for benefits from the department or the approval notice of intent, whichever occurs first, for real or personal property, and may include the value of finance or capital leases for real or personal property for the term of such lease at the project facility executed after acceptance by the qualified company of the proposal for benefits from the department or the approval of the notice of intent;

(12) "New direct local revenue", the present value of the dollar amount of direct net new tax revenues of the local political subdivisions likely to be produced by the project over a ten-year period as calculated by the department, excluding local earnings tax, and net new utility revenues, provided the local incentives include a discount or other direct incentives from utilities owned or operated by the political subdivision;

(13) "New job", the number of full-time employees located at the project facility that exceeds the project facility base employment less any decrease in the number of full-time employees at related facilities below the related facility base employment. No job that was created prior to the date of the notice of intent shall be deemed a new job.;

(14) "New payroll", the amount of wages paid for all new jobs, , located at the project facility during the qualified company's tax year that exceeds the project facility base payroll;

(15) "Notice of intent", a form developed by the department and available online, completed by the qualified company, and submitted to the department stating the qualified company's intent to request benefits under this program;

(16) "Percent of local incentives", the amount of local incentives divided by the amount of new direct local revenue;

(17) "Program", the Missouri works program established in sections 620.2000 to 620.2020;

(18) "Project facility", the building or buildings used by a qualified company at which new or retained jobs and any new capital investment are or will be located. A project facility may include separate buildings located within sixty miles of each other such that their purpose and operations are interrelated; provided that where the buildings making up the project facility are not located within the same county, the average wage of the new payroll shall exceed the applicable percentage of the highest county average wage among the counties in which the buildings are located. Upon approval by the department, a subsequent project facility may be designated if the qualified company demonstrates a need to relocate to the subsequent project facility at any time during the project period;

(19) "Project facility base employment", the greater of the number of full-time employees located at the project facility on the date of the notice of intent or, for the twelve-month period prior to the date of the notice of intent, the average number of full-time employees located at the project facility. In the event the project facility has not been in operation for a full twelve-month period, the average number of full-time employees for the number of months the project facility has been in operation prior to the date of the notice of intent;

(20) "Project facility base payroll", the annualized payroll for the project facility base employment or the total amount of wages paid by the qualified company to full-time employees of the qualified company located at the project facility in the twelve months prior to the notice of intent. For purposes of calculating the benefits under this program, the amount of base payroll shall increase each year based on an appropriate measure, as determined by the department;

(21) "Project period", the time period within which benefits are awarded to a qualified company or within which the qualified company is obligated to perform under an agreement with the department, whichever is greater;

(22) "Projected net fiscal benefit", the total fiscal benefit to the state less any state benefits offered to the qualified company, as determined by the department;

(23) "Qualified company", a firm, partnership, joint venture, association, private or public corporation whether organized for profit or not, or headquarters of such entity registered to do business in Missouri that is the owner or operator of a project facility, certifies that it offers health insurance to all full-time employees of all facilities located in this state, and certifies that it pays at least fifty percent of such insurance premiums. For the purposes of sections 620.2000 to 620.2020, the term "qualified company" shall not include:

(a) Gambling establishments (NAICS industry group 7132);

(b) Store front consumer-based retail trade establishments (under NAICS sectors 44 and 45), except with respect to any company headquartered in this state with a majority of its full-time employees engaged in operations not within the NAICS codes specified in this subdivision;

(c) Food and drinking places (NAICS subsector 722);

(d) Public utilities (NAICS 221 including water and sewer services);

(e) Any company that is delinquent in the payment of any nonprotested taxes or any other amounts due the state or federal government or any other political subdivision of this state;

(f) Any company requesting benefits for retained jobs that has filed for or has publicly announced its intention to file for bankruptcy protection. However, a company that has filed for or has publicly announced its intention to file for bankruptcy, may be a qualified company provided that such company:

a. Certifies to the department that it plans to reorganize and not to liquidate; and

b. After its bankruptcy petition has been filed, it produces proof, in a form and at times satisfactory to the department, that it is not delinquent in filing any tax returns or making any payment due to the state of Missouri, including but not limited to all tax payments due after the filing of the bankruptcy petition and under the terms of the plan of reorganization.

Any taxpayer who is awarded benefits under this subsection and who files for bankruptcy under Chapter 7 of the United States Bankruptcy Code, Title 11 U.S.C., shall immediately notify the department and shall forfeit such benefits and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained;

- (g) Educational services (NAICS sector 61);
- (h) Religious organizations (NAICS industry group 8131);
- (i) Public administration (NAICS sector 92);
- (j) Ethanol distillation or production;
- (k) Biodiesel production; or
- (l) Healthcare and social services (NAICS sector 62).

Notwithstanding any provision of this section to the contrary, the headquarters, administrative offices, or research and development facilities of an otherwise excluded business may qualify for benefits if the offices or facilities serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the jobs and investment of such operation shall be considered eligible for benefits under this section if the other requirements are satisfied;

(24) "Related company", shall mean:

- (a) A corporation, partnership, trust, or association controlled by the qualified company;
- (b) An individual, corporation, partnership, trust, or association in control of the qualified company; or
- (c) Corporations, partnerships, trusts or associations controlled by an individual, corporation, partnership, trust, or association in control of the qualified company. As used in this paragraph, "control of a qualified company" shall mean:

a. Ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote in the case of a qualified company that is a corporation;

b. Ownership of at least fifty percent of the capital or profits interest in such qualified company if it is a partnership or association;

c. Ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such qualified company if it is a trust, and ownership shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

(25) "Related facility", a facility operated by the qualified company or a related company located in this state that is directly related to the operations of the project facility or in which operations substantially similar to the operations of the project facility are performed;

(26) "Related facility base employment", the greater of the number of full-time employees located at all related facilities on the date of the notice of intent or, for the twelve-month period prior to the date of the notice of intent, the average number of full-time employees located at all related facilities of the qualified company or a related company located in this state;

(27) "Related facility base payroll", the annualized payroll of the related facility base payroll or the total amount of taxable wages paid by the qualified company to full-time employees of the qualified company located at a related facility in the twelve months prior to the filing of the notice of intent. For purposes of calculating the benefits under this program, the amount of related facility base payroll shall increase each year based on an appropriate measure, as determined by the department;

(28) "Rural area", a county in Missouri with a population less than seventy-five thousand or that does not contain an individual city with a population greater than fifty thousand according to the most recent federal decennial census;

(29) "Tax credits", tax credits issued by the department to offset the state taxes imposed by chapters 143 and 148, or which may be sold or refunded as provided for in this program;

(30) "Withholding tax", the state tax imposed by sections 143.191 to 143.265. For purposes of this program, the withholding tax shall be computed using a schedule as determined by the department based on average wages; and

(31) This section is subject to the provisions of section 196.1127.

620.2010. 1. In exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs created, a qualified company may, for a period of five years from the date the new jobs are created, or for a period of six years from the date the new jobs are created if the qualified company is an existing Missouri business, retain an amount equal to the withholding tax as calculated

under subdivision (30) of section 620.2005 from the new jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265 if:

(1) The qualified company creates ten or more new jobs, and the average wage of the new payroll equals or exceeds ninety percent of the county average wage;

(2) The qualified company creates two or more new jobs at a project facility located in a rural area, the average wage of the new payroll equals or exceeds ninety percent of the county average wage, and the qualified company commits to making at least one hundred thousand dollars of new capital investment at the project facility within two years; or

(3) The qualified company creates two or more new jobs at a project facility located within a zone designated under sections 135.950 to 135.963, the average wage of the new payroll equals or exceeds eighty percent of the county average wage, and the qualified company commits to making at least one hundred thousand dollars in new capital investment at the project facility within two years of approval;

2. In addition to any benefits available under subsection 1 of this section, the department may award a qualified company that satisfies subdivision (1) of subsection 1 of this section additional tax credits, issued each year for a period of five years from the date the new jobs are created, or for a period of six years from the date the new jobs are created if the qualified company is an existing Missouri business, in an amount equal to or less than six percent of new payroll; provided that in no event may the total amount of benefits awarded to a qualified company under this section exceed nine percent of new payroll in any calendar year. The amount of tax credits awarded to a qualified company under this subsection shall not exceed the projected net fiscal benefit to the state, as determined by the department, and shall not exceed the least amount necessary to obtain the qualified company's commitment to initiate the project. In determining the amount of tax credits to award to a qualified company under this subsection, the department shall consider the following factors:

(1) The significance of the qualified company's need for program benefits;

(2) The amount of projected net fiscal benefit to the state of the project and the period in which the state would realize such net fiscal benefit;

(3) The overall size and quality of the proposed project, including the number of new jobs, new capital investment, proposed wages, growth potential of the qualified company, the potential multiplier effect of the project, and similar factors;

(4) The financial stability and creditworthiness of the qualified company;

(5) The level of economic distress in the area;

(6) An evaluation of the competitiveness of alternative locations for the project facility, as applicable; and

(7) The percent of local incentives committed;

3. Upon approval of a notice of intent to receive tax credits under subsections 2 and 5 of this section, the department and the qualified company shall enter into a written agreement covering the applicable project period. The agreement shall specify, at a minimum:

(1) The committed number of new jobs, new payroll, and new capital investment for each year during the project period;

(2) The date or time period during which the tax credits shall be issued, which may be immediately or over a period not to exceed two years from the date of approval of the notice of intent;

(3) Clawback provisions, as may be required by the department; and

(4) Any other provisions the department may require.

4. In lieu of the benefits available under sections 1 and 2 of this section, and in exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs created by the program, a qualified company may, for a period of five years from the date the new jobs are created, or for a period of six years from the date the new jobs are created if the qualified company is an existing Missouri business, retain an amount equal to the withholding tax as calculated under subdivision (30) of section 620.2005 from the new jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265 equal to:

(1) Six percent of new payroll for a period of five years from the date the required number of new jobs were created if the qualified company creates one hundred or more new jobs and the average wage of the new payroll equals or exceeds one hundred twenty percent of the county average wage of the county in which the project facility is located; or

(2) Seven percent of new payroll for a period of five years from the date the required number of jobs were created if the qualified company creates one hundred or more new jobs and the average wage of the new payroll equals or exceeds one hundred forty percent of the county average wage of the county in which the project facility is located.

The department shall issue a refundable tax credit for any difference between the amount of benefit allowed under this subsection and the amount of withholding tax retained by the company, in the event the withholding tax is not sufficient to provide the entire amount of benefit due to the qualified company under this subsection.

5. In addition to the benefits available under subsections 4 of this section, the department may award a qualified company that satisfies the provisions of subsection 4 of this section additional tax credits, issued each year for a period of five years from the date the new jobs are created, or for a period of six years from the date the new jobs are created if the qualified company is an existing Missouri business, in an amount equal to or less than three percent of new payroll; provided that in no event may the total amount of benefits awarded to a qualified company under this section exceed nine percent of new payroll in any calendar year. The amount of tax credits awarded to a qualified company under this subsection shall not exceed the projected net fiscal benefit to the state, as determined by the department, and shall not exceed the least amount necessary to obtain the qualified company's commitment to initiate the project. In determining the amount of tax credits to award to a qualified company under this subsection, the department shall consider the factors provided under subsection 2 of this section.

6. No benefits shall be available under this section for any qualified company that has performed significant, project-specific site work at the project facility, purchased machinery or equipment related to the project, or has publicly announced its intention to make new capital investment at the project facility prior to approval of its notice of intent.

620.2015. 1. In exchange for the consideration provided by the tax revenues and other economic stimuli that will be generated by the retention of jobs and the making of new capital investment in this state, a qualified company may be eligible to receive the benefits described in this section if the department determines that there is a significant probability that the qualified company would relocate to another state in the absence of the benefits authorized under this section. In no event shall the total amount of benefits available to all qualified companies under this section exceed six million dollars in any fiscal year.

2. A qualified company meeting the requirements of this section may be authorized to retain an amount not to exceed one hundred percent of the withholding tax from full-time jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265, for a period of ten years if the average wage of the retained jobs equals or exceeds ninety percent of the county average wage. In order to receive benefits under this section, a qualified company shall enter into written agreement with the department containing detailed performance requirements and repayment penalties in event of nonperformance. The amount of benefits awarded to a qualified company under this section shall not exceed the projected net fiscal benefit and shall not exceed the least amount necessary to obtain the qualified company's commitment to retain the necessary number of jobs and make the required new capital investment.

3. In order to be eligible to receive benefits under this section, the qualified company shall meet each of the following conditions:

(1) The qualified company shall agree to retain, for a period of ten years from the date of approval of the notice of intent, at least fifty retained jobs; and

(2) The qualified company shall agree to make a new capital investment at the project facility within three years of the approval in an amount equal to one-half the total benefits, available under this section, which are offered to the qualified company by the department.

4. In awarding benefits under this section, the department shall consider the factors set forth in subsection 2 of section 620.2010.

5. Upon approval of a notice of intent to request benefits under this section, the department and the qualified company shall enter into a written agreement covering the applicable project period. The agreement shall specify, at a minimum:

(1) The committed number of retained jobs, payroll, and new capital investment for each year during the project period;

(2) Clawback provisions, as may be required by the department; and

(3) Any other provisions the department may require.

620.2020. 1. The department shall respond to a written request, by or on behalf of a qualified company, for a proposed benefit award under the provisions of this program within five business days of receipt of such request. Such response shall contain either a proposal of benefits for the qualified company, or a written response refusing to provide such a proposal and stating the reasons for such refusal. A qualified company that intends to seek benefits under the program shall submit to the department a notice of intent. The department shall

respond within thirty days to a notice of intent with an approval or a rejection, provided that the department may withhold approval or provide a contingent approval until it is satisfied that proper documentation of eligibility has been provided. Failure to respond on behalf of the department shall result in the notice of intent being deemed approved. A qualified company receiving approval for program benefits may receive additional benefits for subsequent new jobs at the same facility after the full initial project period if the applicable minimum job requirements are met. There shall be no limit on the number of project periods a qualified company may participate in the program, and a qualified company may elect to file a notice of intent to begin a new project period concurrent with an existing project period if the applicable minimum job requirements are achieved, the qualified company provides the department with the required annual reporting, and the qualified company is in compliance with this program and any other state programs in which the qualified company is currently or has previously participated. However, the qualified company shall not receive any further program benefits under the original approval for any new jobs created after the date of the new notice of intent, and any jobs created before the new notice of intent shall not be included as new jobs for purposes of the benefit calculation for the new approval. When a qualified company has filed and received approval of a notice of intent and subsequently files another notice of intent, the department shall apply the definition of project facility under subdivision (18) of section 620.2005 to the new notice of intent as well as all previously approved notices of intent and shall determine the application of the definitions of new job, new payroll, project facility base employment, and project facility base payroll accordingly.

2. Notwithstanding any provision of law to the contrary, the benefits available to the qualified company under any other state programs for which the company is eligible and which utilize withholding tax from the new or retained jobs of the company shall first be credited to the other state program before the withholding retention level applicable under this program will begin to accrue. If any qualified company also participates in a job training program utilizing withholding tax, the company shall retain no withholding tax under this program, but the department shall issue a refundable tax credit for the full amount of benefit allowed under this program. The calendar year annual maximum amount of tax credits which may be issued to a qualifying company that also participates in a job training program shall be increased by an amount equivalent to the withholding tax retained by that company under a jobs training program.

3. A qualified company receiving benefits under this program shall provide an annual report of the number of jobs and such other information as may be required by the department to document the basis for program benefits available no later than 90 days prior to the end of the qualified company's tax year immediately following the tax year for which the benefits provided under the program are attributed. In such annual report, if the average wage is below the applicable percentage of the county average wage, the qualified company has not maintained the employee insurance as required, or if the number of jobs is below the number required, the qualified company shall not receive tax credits or retain the withholding tax for the balance of the project period. Failure to timely file the annual report required under this section shall result in the forfeiture of tax credits attributable to the year for which the reporting was required and a recapture of withholding taxes retained by the qualified company during such year.

4. The department may withhold the approval of any benefits under this program until it is satisfied that proper documentation has been provided, and shall reduce the benefits to reflect any reduction in full-time employees or payroll. Upon approval by the department, the qualified company may begin the retention of the withholding taxes when it reaches the required number of jobs and the average wage meets or exceeds the applicable percentage of county average wage. Tax credits, if any, may be issued upon satisfaction by the department that the qualified company has exceeded the applicable percentage of county average wage and the required number of jobs.

5. Any qualified company approved for benefits under this program shall provide to the department, upon request, any and all information and records reasonably required to monitor compliance with program requirements. This program shall be considered a business recruitment tax credit under subdivision (4) of subsection 2 of section 135.800, and any qualified company approved for benefits under this program shall be subject to the provisions of section 135.800 to 135.830.

6. Any taxpayer who is awarded benefits under this program who knowingly hires individuals who are not allowed to work legally in the United States shall immediately forfeit such benefits and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained.

7. The maximum amount of tax credits that may be authorized under this program for any fiscal year shall be limited as follows, less the amount of any tax credits previously obligated for that fiscal year under any of the tax credit programs referenced in subsection 13 of this section:

(1) For the fiscal year beginning on July 1, 2013, but ending on or before June 30, 2014, no more than one hundred and six million dollars in tax credits may be authorized;

(2) For the fiscal year beginning on July 1, 2014, but ending on or before June 30, 2015, no more than one hundred and eleven million dollars in tax credits may be authorized; and

(3) For any fiscal year beginning on or after July 1, 2015, no more than one hundred and sixteen million dollars in tax credits may be authorized for each fiscal year.

8. For tax credits for the creation of new jobs under section 620.2010, the department shall allocate the annual tax credits based on the date of the approval, reserving such tax credits based on the department's best estimate of new jobs and new payroll of the project, and any other applicable factors in determining the amount of benefits available to the qualified company under this program. However, the annual issuance of tax credits shall be subject to annual verification of actual payroll by the department. Any authorization of tax credits shall expire if, within two years from the date of commencement of operations, or approval if applicable, the qualified company has failed to meet the applicable minimum job requirements. The qualified company may retain authorized amounts from the withholding tax under the project once the applicable minimum job requirements have been met for the duration of the project period. No benefits shall be provided under this program until the qualified company meets the applicable minimum new job requirements. In the event the qualified company does not meet the applicable minimum new job requirements, the qualified company may submit a new notice of intent or the department may provide a new approval for a new project of the qualified company at the project facility or other facilities.

9. Tax credits provided under this program may be claimed against taxes otherwise imposed by chapters 143 and 148, and may not be carried forward, but shall be claimed within one year of the close of the taxable year for which they were issued. Tax credits provided under this program may be transferred, sold, or assigned by filing a notarized endorsement thereof with the department that names the transferee, the amount of tax credit transferred, and the value received for the credit, as well as any other information reasonably requested by the department. For a qualified company with flow-through tax treatment to its members, partners, or shareholders, the tax credit shall be allowed to members, partners, or shareholders in proportion to their share of ownership on the last day of the qualified company's tax period.

10. Prior to the issuance of tax credits or the qualified company beginning to retain withholding taxes, the department shall verify through the department of revenue and any other applicable state department, that the tax credit applicant does not owe any delinquent income, sales, or use tax or interest or penalties on such taxes, or any delinquent fees or assessments levied by any state department and through the department of insurance, financial institutions and professional registration that the applicant does not owe any delinquent insurance taxes or other fees. Such delinquency shall not affect the approval, except that any tax credits issued shall be first applied to the delinquency and any amount issued shall be reduced by the applicant's tax delinquency. If the department of revenue, the department of insurance, financial institutions and professional registration, or any other state department concludes that a taxpayer is delinquent after June fifteenth but before July first of any year and the application of tax credits to such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the deficiency in which interest, penalties, and additions to tax shall be tolled. After applying all available credits toward a tax delinquency, the administering agency shall notify the appropriate department and that department shall update the amount of outstanding delinquent tax owed by the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions of other provisions of law.

11. The director of revenue shall issue a refund to the qualified company to the extent that the amount of tax credits allowed under this program exceeds the amount of the qualified company's tax liability under chapter 143 or 148.

12. An employee of a qualified company shall receive full credit for the amount of tax withheld as provided in section 143.211.

13. Notwithstanding any provision of law to the contrary, beginning August 28, 2013, no new benefits shall be authorized for any project that had not received from the department a proposal or approval for such benefits prior to August 28, 2013, under the development tax credit program created under sections 32.100 to 32.125, , the rebuilding communities tax credit program created under section 135.535, the enhanced enterprise zone tax credit program created under sections 135.950 to 135.973, and the Missouri quality jobs program created under sections 620.1875 to 620.1890. The provisions of this subsection shall not be construed to limit or impair the ability of any administering agency to authorize or issue benefits for any project that had received an approval or a proposal from the department under any of the programs referenced in this subsection prior to August 28,

2013, or the ability of any taxpayer to redeem any such tax credits or to retain any withholding tax under an approval issued prior to that date. The provisions of this subsection shall not be construed to limit or in any way impair the ability of any governing authority to provide any local abatement or designate a new zone under the enhanced enterprise zone program created by sections 135.950 to 135.963. Notwithstanding any provision of law to the contrary, no qualified company that is awarded benefits under this program shall:

(1) Simultaneously receive benefits under the programs referenced in this subsection at the same capital investment; or

(2) Receive benefits under the provisions of section 620.1910 for the same jobs.

14. If any provision of sections 620.2000 to 620.2020 or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of these sections which can be given effect without the invalid provisions or application, and to this end, the provisions of sections 620.2000 to 620.2020 are hereby declared severable.

15. By no later than January 1, 2014, and the first day of each calendar quarter thereafter, the department shall present a quarterly report to the general assembly detailing the benefits authorized under this program during the immediately preceding calendar quarter to the extent such information may be disclosed under state and federal law. The report shall include, at a minimum:

(1) A list of all approved and disapproved applicants for each tax credit;

(2) A list of the aggregate amount of new or retained jobs that are directly attributable to the tax credits authorized;

(3) A statement of the aggregate amount of new capital investment directly attributable to the tax credits authorized;

(4) Documentation of the estimated net state fiscal benefit for each authorized project and, to the extent available, the actual benefit realized upon completion of such project or activity; and

(5) The department's response time for each request for a proposed benefit award under this program.

16. The department may adopt such rules, statements of policy, procedures, forms, and guidelines as may be necessary to carry out the provisions of sections 620.2000 to 620.2020. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

17. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under sections 620.2000 to 620.2020 shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of this reauthorization of sections 620.2000 to 620.2020; and

(3) Sections 620.2000 to 620.2020 shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under sections 620.2000 to 620.2020 is sunset."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Cierpiot offered **House Amendment No. 1 to House Amendment No. 3.**

House Amendment No. 1

to

House Amendment No. 3

AMEND House Amendment No. 3 to House Committee Substitute for Senate Bill No. 23, Page 9, Line 15, by inserting after the phrase "**prior to**" on said line, the phrase "**receipt of a proposal for benefits under this section or**"; and

Further amend said page and line, by inserting after the word "**intent**" on said line, the phrase ", **whichever occurs first**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Cierpiot, **House Amendment No. 1 to House Amendment No. 3** was adopted.

On motion of Representative Zerr, **House Amendment No. 3, as amended**, was adopted.

Representative Leara offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for Senate Bill No. 23, Page 10, Section 92.387, Line 2, by inserting after all of said section and line, the following:

"135.1550. 1. Sections 135.1550 to 135.1575 shall be known and may be cited as the "Missouri Export Incentive Act".

2. As used in sections 135.1550 to 135.1575, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Air export tax credit", the tax credit against the taxes imposed under chapters 143, 147, and 148, except for those in sections 143.191 to 143.265, to be issued by the department to a claiming freight forwarder for the shipment of air cargo on a qualifying outbound flight;

(2) "Airport", any international airport located within the state;

(3) "Chargeable kilo", the shipment of a kilo of freight, as measured by the greater of:

(a) Actual weight; or

(b) A dimensional weight, as determined by the conversion factors promulgated by the International Air Transport Association, on a qualifying outbound flight;

(4) "Claiming freight forwarder", the freight forwarder designated as the "agent" on the airway bill for the qualifying outbound flight for which such air export tax credit is sought;

(5) "Department", the Missouri department of economic development;

(6) "Direct international aircraft flight", a single aircraft transoceanic flight that operates to an international destination in accordance with the operators bilateral route authority;

(7) "Freight forwarder", a person who assumes responsibility in the ordinary course of business for the transportation of cargo from the place of receipt to the place of destination, including the utilization of a qualifying outbound flight;

(8) "Qualifying outbound flight", a direct international aircraft flight that carries either all cargo or a mix of passengers and cargo from the airport to an international destination.

135.1555. 1. For all fiscal years beginning on or after July 1, 2013, a claiming freight forwarder shall be entitled to an air export tax credit for the shipment of cargo on a qualifying outbound flight in an amount equal to forty cents per chargeable kilo.

2. The department shall index, and the secretary of state shall publish in the Missouri Register, the amount of the air export tax credits to adjust each year depending upon fluctuations in the cost of fuel for over-the-road transportation.

135.1560. 1. To receive benefits provided under section 135.1555, a claiming freight forwarder shall file an application with the department within one hundred twenty calendar days of the date of shipment. The documentation to be presented by the claiming freight forwarder in such an application shall consist of the master airway bill for the shipment on the qualifying outbound flight for which the claiming freight forwarder is seeking air export tax credits. The department shall establish procedures to allow claiming freight forwarders that file applications for air export tax credits to receive such tax credits within twenty business days of the filing of the application.

2. If the fiscal year cap on the issuance of air export tax credits provided under section 135.1565 is met in a given fiscal year, then the amount of such tax credits that have been authorized, but remain unissued, shall be carried forward and issued in the subsequent fiscal year.

3. No tax credits provided under this section shall be authorized after June 30, 2021. Any tax credits authorized on or before June 30, 2021, but not issued, may be issued until all such authorized tax credits have been issued.

135.1565. The total aggregate amount for air export tax credits authorized under section 135.1555 shall not exceed sixty million dollars. The amount of the air export tax credits issued under section 135.1555 shall not exceed seven million five hundred thousand dollars for each fiscal year beginning on or after July 1, 2013, unless authorized by the department. Any amount issued exceeding seven million five hundred thousand dollars in a fiscal year shall be reduced first from the authorized amount for the fiscal year ending June 30, 2021, and then the preceding fiscal years, until all such authorized credits have been issued.

135.1570. If the amount of any tax credit authorized under sections 135.1550 to 135.1575 exceeds the total tax liability for the year in which the applicant is entitled to receive a tax credit, the amount that exceeds the state tax liability may be carried forward for credit against the taxes imposed under chapters 143, 147, and 148, except those in sections 143.191 to 143.265, for the succeeding six years, or until the full credit is used, whichever occurs first. Tax credits authorized under the provisions of sections 135.1550 to 135.1575 may be transferred, sold, or otherwise assigned. Tax credits granted to a partnership, a limited liability company taxed as a partnership, or multiple owners of property shall be passed through to the partners, members, or owners respectively pro rata or pursuant to an executed agreement among the partners, members, or owners documenting an alternate distribution method.

135.1575. 1. The department may promulgate rules to implement the provisions of sections 135.1550 to 135.1575. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this act, shall be invalid and void.

2. The provisions of section 23.253 of the Missouri sunset act notwithstanding:

(1) The provisions of the new programs authorized under sections 135.1550 to 135.1575 shall automatically sunset eight years after the effective date of this act, unless reauthorized by an act of the general assembly;

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset eight years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the programs authorized under sections 135.1550 to 135.1575 sunset."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Leara, **House Amendment No. 4** was adopted.

Representative Redmon offered **House Amendment No. 5.**

House Amendment No. 5

AMEND House Committee Substitute for Senate Bill No. 23, Page 48, Section 184.865, Line 7, by inserting after all of said line the following:

"198.345. Nothing in sections 198.200 to 198.350 shall prohibit a nursing home district from establishing and maintaining apartments for seniors that provide at a minimum housing[,] **and** food services[, and emergency call buttons to the apartment residents] in any county of the third **or fourth** classification [without a township form of government and with more than twenty-eight thousand two hundred but fewer than twenty-eight thousand three hundred inhabitants or any county of the third classification without a township form of government and with more than nine thousand five hundred fifty but fewer than nine thousand six hundred fifty inhabitants] **within its corporate limits.** Such nursing home districts shall not lease such apartments for less than fair market rent as reported by the United States Department of Housing and Urban Development."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Redmon, **House Amendment No. 5** was adopted.

Representative Diehl offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Committee Substitute for Senate Bill No. 23, Page 11, Section 137.1018, Line 42, by inserting after all of said line the following:

"143.145. 1. As used in this section, the following terms mean:

(1) "Deduction", an amount deducted from the taxpayer's Missouri adjusted gross income pursuant to section 143.121 to determine Missouri taxable income for the tax year in which such deduction is claimed;

(2) "Purchase", any conveyance to a taxpayer of fee simple ownership interest in a qualified principal residence made by deed executed by any person having authority to convey the same, or by his agent or attorney, and acknowledged and recorded pursuant to chapter 442 after the effective date of this section but before January 1, 2016;

(3) "Contract sales price", the total price paid by a taxpayer for the purchase of a qualified principal residence;

(4) "Qualified principal residence", any single-family residence located in the state of Missouri, whether detached or attached, that is owner occupied or will be owner occupied after purchase by the taxpayer claiming the deduction allowed by this section as his or her primary residence, for which construction began and has been completed between August 28, 2013, and December 31, 2015, and that has not been previously occupied. For the purposes of this section, a manufactured home, modular unit, recreational park trailer, or recreational vehicle as defined in section 700.010, shall not be considered a single-family residence. For the purposes of this section, the value of land or any pre-existing structures on such land shall not be included in the value of such residence. The taxpayer shall submit an appraisal to the department that separately states the value of the land and any existing structures in order to claim the deduction;

(5) "Recapture period", the two taxable years beginning with the first taxable year following the taxable year in which the taxpayer occupied the qualified principal residence for which a deduction is allowed under this section, except that such recapture period shall be deemed to have expired immediately upon the date of the death of any person deemed a taxpayer under this section;

(6) "Taxpayer", an individual who purchases a fee simple ownership interest in a qualified principal residence during a taxable year and has not previously received a deduction issued pursuant to this section in any taxable year.

2. In addition to all deductions listed in this chapter, for taxable years beginning on or after January 1, 2013, and ending on or before December 31, 2015, a taxpayer shall be allowed a deduction for the purchase of a qualified principal residence in this state. The deduction amount shall be equal to the lesser of:

(1) One-third of the contract sales price of the qualified principal residence in this state; or

(2) One hundred sixty-six thousand six hundred sixty-seven dollars.

3. No taxpayer shall claim a tax deduction for the purchase of more than one qualified principal residence under this section. Such tax deduction shall be limited to a maximum tax benefit of ten thousand dollars.

4. If the amount of the deduction allowed under this section exceeds the total Missouri adjusted gross income for the taxpayer in the same tax year in which the deduction is allowed without taking into account the deduction allowed by this section, the amount that exceeds the total Missouri adjusted gross income for the taxpayer without taking into account the deduction allowed by this section may be carried forward to any subsequent tax year until the full deduction is claimed.

5. If a taxpayer disposes of his or her qualified principal residence for which a deduction was allowed under this section or such qualified principal residence ceases to be the principal residence of the taxpayer (and if married the taxpayer's spouse) before the end of the recapture period, then any remaining unused deduction shall be cancelled, and the taxpayer shall be subject to an addition to his or her Missouri adjusted gross income of any amount deducted under this section in any preceding tax year. The provisions of this subsection shall not apply in the case of a transfer of a qualified principal residence from an individual taxpayer to a spouse (or to a

former spouse if the transfer is incident to a divorce) or from an individual taxpayer to a grantor-trust or a single-member limited liability company owned by the taxpayer.

6. If a Missouri taxpayer self-constructs a qualified principal residence, such taxpayer shall be eligible for a tax deduction allowed by this section by satisfying the department of revenue's proof of documentation requirements to verify the contract sale price of a qualified principle residence.

7. The department of revenue shall establish the procedure by which the deduction provided in this section may be claimed and may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

8. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset December 31, 2015, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset December thirty-first one year after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Diehl, **House Amendment No. 6** was adopted.

Representative Zerr offered **House Amendment No. 7**.

House Amendment No. 7

AMEND House Committee Substitute for Senate Bill No. 23, Page 20, Section 144.030, Line 109, by deleting all of said line and inserting in lieu thereof the following words, "corporation, **provided, however, that a municipality or other political subdivision may enter into revenue-sharing agreements with private persons, firms, or corporations providing goods or services, including management services, in or for the place of amusement, entertainment or recreation, games or athletic events, and provided further that nothing in this paragraph shall exempt from tax any amounts retained by any private person, firm, or corporation under such revenue-sharing agreement;**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Zerr, **House Amendment No. 7** was adopted.

Representative Haefner offered **House Amendment No. 8**.

House Amendment No. 8

AMEND House Committee Substitute for Senate Bill No. 23, Page 10, Section 92.387, Line 2, by inserting after all of said section and line the following:

"99.845. 1. A municipality, either at the time a redevelopment project is approved or, in the event a municipality has undertaken acts establishing a redevelopment plan and redevelopment project and has designated a redevelopment area after the passage and approval of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by passing an ordinance providing that after the total equalized assessed valuation of the taxable real property in a redevelopment project exceeds the certified total initial equalized assessed valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable

real property in such redevelopment project by taxing districts and tax rates determined in the manner provided in subsection 2 of section 99.855 each year after the effective date of the ordinance until redevelopment costs have been paid shall be divided as follows:

(1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

(2) (a) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable. The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula provided for in section 163.031 until such time as all redevelopment costs have been paid as provided for in this section and section 99.850;

(b) Notwithstanding any provisions of this section to the contrary, for purposes of determining the limitation on indebtedness of local government pursuant to article VI, section 26(b) of the Missouri Constitution, the current equalized assessed value of the property in an area selected for redevelopment attributable to the increase above the total initial equalized assessed valuation shall be included in the value of taxable tangible property as shown on the last completed assessment for state or county purposes;

(c) The county assessor shall include the current assessed value of all property within the taxing district in the aggregate valuation of assessed property entered upon the assessor's book and verified pursuant to section 137.245, and such value shall be utilized for the purpose of the debt limitation on local government pursuant to article VI, section 26(b) of the Missouri Constitution;

(3) For purposes of this section, "levies upon taxable real property in such redevelopment project by taxing districts" shall not include the blind pension fund tax levied under the authority of article III, section 38(b) of the Missouri Constitution, or the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of section 6 of article X of the Missouri Constitution, except in redevelopment project areas in which tax increment financing has been adopted by ordinance pursuant to a plan approved by vote of the governing body of the municipality taken after August 13, 1982, and before January 1, 1998.

2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing districts, which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section 94.660, for the purpose of public transportation, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Any provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of other municipal revenues to the special allocation fund shall be and remain enforceable.

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the

amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, taxes levied for the purpose of public transportation pursuant to section 94.660, **taxes imposed on sales pursuant to section 650.399 for the purpose of emergency communication systems** licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, or any sales tax imposed by a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, for the purpose of sports stadium improvement or levied by such county under section 238.410 for the purpose of the county transit authority operating transportation facilities, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund.

4. Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance and which have complied with subsections 4 to 12 of this section, in addition to the payments in lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues, as defined in subsection 8 of this section, estimated for the businesses within the project area and identified by the municipality in the application required by subsection 10 of this section, over and above the amount of such taxes reported by businesses within the project area as identified by the municipality in their application prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, may be available for appropriation by the general assembly as provided in subsection 10 of this section to the department of economic development supplemental tax increment financing fund, from the general revenue fund, for distribution to the treasurer or other designated financial officer of the municipality with approved plans or projects.

5. The treasurer or other designated financial officer of the municipality with approved plans or projects shall deposit such funds in a separate segregated account within the special allocation fund established pursuant to section 99.805.

6. No transfer from the general revenue fund to the Missouri supplemental tax increment financing fund shall be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any state revenues prior to an appropriation being made for that project. For all redevelopment plans or projects adopted or approved after December 23, 1997, appropriations from the new state revenues shall not be distributed from the Missouri supplemental tax increment financing fund into the special allocation fund unless the municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs while tax increment financing remains in effect. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.

7. In order for the redevelopment plan or project to be eligible to receive the revenue described in subsection 4 of this section, the municipality shall comply with the requirements of subsection 10 of this section prior to the time the project or plan is adopted or approved by ordinance. The director of the department of economic development and the commissioner of the office of administration may waive the requirement that the municipality's application be submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or project's approval by ordinance.

8. For purposes of this section, "new state revenues" means:

(1) The incremental increase in the general revenue portion of state sales tax revenues received pursuant to section 144.020, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. In no event shall the incremental increase include any amounts attributable to retail sales unless the municipality or authority has proven to the Missouri development finance board and the department of economic development and such entities have made a finding that the sales tax increment attributable to retail sales is from new sources which did not exist in the state during the baseline year. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10 of this section; or

(2) The state income tax withheld on behalf of new employees by the employer pursuant to section 143.221 at the business located within the project as identified by the municipality. The state income tax withholding allowed by this section shall be the municipality's estimate of the amount of state income tax withheld by the employer within the redevelopment area for new employees who fill new jobs directly created by the tax increment financing project.

9. Subsection 4 of this section shall apply only to blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, blighted areas located in federal empowerment zones, or to blighted areas located in central business

districts or urban core areas of cities which districts or urban core areas at the time of approval of the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old; and

(1) Suffered from generally declining population or property taxes over the twenty-year period immediately preceding the area's designation as a project area by ordinance; or

(2) Was a historic hotel located in a county of the first classification without a charter form of government with a population according to the most recent federal decennial census in excess of one hundred fifty thousand and containing a portion of a city with a population according to the most recent federal decennial census in excess of three hundred fifty thousand.

10. The initial appropriation of up to fifty percent of the new state revenues authorized pursuant to subsections 4 and 5 of this section shall not be made to or distributed by the department of economic development to a municipality until all of the following conditions have been satisfied:

(1) The director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee have approved a tax increment financing application made by the municipality for the appropriation of the new state revenues. The municipality shall include in the application the following items in addition to the items in section 99.810:

(a) The tax increment financing district or redevelopment area, including the businesses identified within the redevelopment area;

(b) The base year of state sales tax revenues or the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the project area prior to approval of the redevelopment project;

(c) The estimate of the incremental increase in the general revenue portion of state sales tax revenue or the estimate for the state income tax withheld by the employer on behalf of new employees expected to fill new jobs created within the redevelopment area after redevelopment;

(d) The official statement of any bond issue pursuant to this subsection after December 23, 1997;

(e) An affidavit that is signed by the developer or developers attesting that the provisions of subdivision (1) of subsection 1 of section 99.810 have been met and specifying that the redevelopment area would not be reasonably anticipated to be developed without the appropriation of the new state revenues;

(f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal impact on the state of Missouri; and

(g) The statement of election between the use of the incremental increase of the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;

(h) The name, street and mailing address, and phone number of the mayor or chief executive officer of the municipality;

(i) The street address of the development site;

(j) The three-digit North American Industry Classification System number or numbers characterizing the development project;

(k) The estimated development project costs;

(l) The anticipated sources of funds to pay such development project costs;

(m) Evidence of the commitments to finance such development project costs;

(n) The anticipated type and term of the sources of funds to pay such development project costs;

(o) The anticipated type and terms of the obligations to be issued;

(p) The most recent equalized assessed valuation of the property within the development project area;

(q) An estimate as to the equalized assessed valuation after the development project area is developed in accordance with a development plan;

(r) The general land uses to apply in the development area;

(s) The total number of individuals employed in the development area, broken down by full-time, part-time, and temporary positions;

(t) The total number of full-time equivalent positions in the development area;

(u) The current gross wages, state income tax withholdings, and federal income tax withholdings for individuals employed in the development area;

(v) The total number of individuals employed in this state by the corporate parent of any business benefitting from public expenditures in the development area, and all subsidiaries thereof, as of December thirty-first of the prior fiscal year, broken down by full-time, part-time, and temporary positions;

(w) The number of new jobs to be created by any business benefitting from public expenditures in the development area, broken down by full-time, part-time, and temporary positions;

(x) The average hourly wage to be paid to all current and new employees at the project site, broken down by full-time, part-time, and temporary positions;

(y) For project sites located in a metropolitan statistical area, as defined by the federal Office of Management and Budget, the average hourly wage paid to nonmanagerial employees in this state for the industries involved at the project, as established by the United States Bureau of Labor Statistics;

(z) For project sites located outside of metropolitan statistical areas, the average weekly wage paid to nonmanagerial employees in the county for industries involved at the project, as established by the United States Department of Commerce;

(aa) A list of other community and economic benefits to result from the project;

(bb) A list of all development subsidies that any business benefitting from public expenditures in the development area has previously received for the project, and the name of any other granting body from which such subsidies are sought;

(cc) A list of all other public investments made or to be made by this state or units of local government to support infrastructure or other needs generated by the project for which the funding pursuant to this section is being sought;

(dd) A statement as to whether the development project may reduce employment at any other site, within or without the state, resulting from automation, merger, acquisition, corporate restructuring, relocation, or other business activity;

(ee) A statement as to whether or not the project involves the relocation of work from another address and if so, the number of jobs to be relocated and the address from which they are to be relocated;

(ff) A list of competing businesses in the county containing the development area and in each contiguous county;

(gg) A market study for the development area;

(hh) A certification by the chief officer of the applicant as to the accuracy of the development plan;

(2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;

(3) The appropriation shall be either a portion of the estimate of the incremental increase in the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the estimate of the state income tax withheld by the employer on behalf of new employees who fill new jobs created in the redevelopment area as indicated in the municipality's application, approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. At no time shall the annual amount of the new state revenues approved for disbursements from the Missouri supplemental tax increment financing fund exceed thirty-two million dollars;

(4) Redevelopment plans and projects receiving new state revenues shall have a duration of up to fifteen years, unless prior approval for a longer term is given by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee; except that, in no case shall the duration exceed twenty-three years.

11. In addition to the areas authorized in subsection 9 of this section, the funding authorized pursuant to subsection 4 of this section shall also be available in a federally approved levee district, where construction of a levee begins after December 23, 1997, and which is contained within a county of the first classification without a charter form of government with a population between fifty thousand and one hundred thousand inhabitants which contains all or part of a city with a population in excess of four hundred thousand or more inhabitants.

12. There is hereby established within the state treasury a special fund to be known as the "Missouri Supplemental Tax Increment Financing Fund", to be administered by the department of economic development. The department shall annually distribute from the Missouri supplemental tax increment financing fund the amount of the new state revenues as appropriated as provided in the provisions of subsections 4 and 5 of this section if and only if the conditions of subsection 10 of this section are met. The fund shall also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. Moneys in the Missouri supplemental tax increment financing fund shall be disbursed per project pursuant to state appropriations.

13. Redevelopment project costs may include, at the prerogative of the state, the portion of salaries and expenses of the department of economic development and the department of revenue reasonably allocable to each redevelopment project approved for disbursements from the Missouri supplemental tax increment financing fund for the ongoing administrative functions associated with such redevelopment project. Such amounts shall be recovered from new state revenues deposited into the Missouri supplemental tax increment financing fund created under this section.

14. For redevelopment plans or projects approved by ordinance that result in net new jobs from the relocation of a national headquarters from another state to the area of the redevelopment project, the economic activity taxes and new state tax revenues shall not be based on a calculation of the incremental increase in taxes as compared to the base year or prior calendar year for such redevelopment project, rather the incremental increase shall be the amount of total taxes generated from the net new jobs brought in by the national headquarters from another state. In no event shall this subsection be construed to allow a redevelopment project to receive an appropriation in excess of up to fifty percent of the new state revenues."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Haefner, **House Amendment No. 8** was adopted.

Representative Riddle offered **House Amendment No. 9**.

House Amendment No. 9

AMEND House Committee Substitute for Senate Bill No. 23, Page 87, Section 348.274, Line 140, by inserting after all of said section and line the following:

"393.760. 1. Each participating municipality shall, in accordance with the provisions of chapter 115, order an election to be held whereby the qualified electors in such participating municipality shall approve or disapprove the issuance of its bonds to finance its individual interest in the project. The participating municipality may not order such an election until it has received a report from an independent consulting engineer as defined in section 327.181 for the purpose of determining the economic and engineering feasibility of any proposed project the costs of which are to be financed through the issuance of bonds. The report of the consulting engineer shall be provided to and approved by the legislative body and executive of each such participating municipality and such report shall be open to public inspection and shall be the subject of a public hearing in each participating municipality. Notice of the time and place of each such hearing shall be published in a daily newspaper of general circulation within each such participating municipality. Interested parties may appear and fully participate in such hearings.

2. Each participating municipality shall notify the election authority or authorities responsible for conducting elections within such participating municipality in accordance with chapter 115.

3. The question shall be submitted in substantially the following form:
OFFICIAL BALLOT

Shall (name of participating municipality) issue its (type) revenue bonds in an amount not to exceed \$..... for the purpose of paying its share of the cost of participating in (describe project)?

☐ YES ☐ NO

If you are in favor of the resolution, place an "X" in the box opposite "Yes".

If you are opposed to the question, place an "X" in the box opposite "No".

4. If the issuance of the bonds is approved by at least a majority of the qualified electors voting thereon in the participating municipality, the participating municipality shall declare the result of the election and cause the bonds to be issued.

5. Each participating municipality shall bear all expenses associated with the elections in such participating municipality.

6. [In lieu of the public voting procedure set forth in subsections 1 to 5 of this section, in] **In** the case of purchasing or leasing, constructing, installing, and operating reservoirs, pipelines, wells, check dams, pumping stations, water purification plants, and other facilities for the production, wholesale distribution, and utilization of water, the commission may provide for a vote by the governing body of each contracting municipality. Such vote shall require the

approval of three-quarters of all governing bodies of the contracting municipalities. The commission may not order such a vote until it has engaged and received a report from an independent consulting engineer as defined in section 327.181 for the purpose of determining the economic and engineering feasibility of any proposed project the costs of which are to be financed through the issuance of bonds. The report of the consulting engineer shall be provided to and approved by the legislative body and executive of each contracting municipality participating in the project and such report shall be open to public inspection and shall be the subject of a public hearing in each municipality participating in the project. Notice of the time and place of each such hearing shall be published in a daily newspaper of general circulation within each municipality. Interested parties may appear and fully participate in such hearings. Each contracting municipality shall vote by ordinance or resolution and such ordinance or resolution shall approve the issuance of revenue bonds by the joint municipal water commission in an amount not to exceed a specified amount."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Riddle, **House Amendment No. 9** was adopted.

Representative Wilson offered **House Amendment No. 10**.

House Amendment No. 10

AMEND House Committee Substitute for Senate Bill No. 23, Page 40, Section 144.810, Line 242, by inserting after all of said section and line, the following:

"144.900. Notwithstanding any other provision of law, beginning on January 1, 2014, all proposals relating to taxation submitted to the voters of any taxing jurisdiction, including, but not limited to, the state, a county, city, or school district, shall only appear on general election ballots."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 098

Allen	Anderson	Austin	Bahr	Barnes
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	McGaugh
Messenger	Miller	Moon	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Reiboldt	Remole
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 045

Anders	Black	Burns	Butler	Carpenter
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Gardner	Harris	Hubbard
Hummel	Kelly 45	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McNeil	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Swearingen	Walton Gray	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 020

Bernskoetter	Colona	Dugger	Frame	Franklin
Hodges	Hoskins	Kelley 127	Marshall	McCaherty
McManus	Meredith	Mims	Molendorp	Rehder
Rhoads	Smith 85	Smith 120	Torpey	Webb

Representative Wilson moved that **House Amendment No. 10** be adopted.

Which motion was defeated by the following vote:

AYES: 041

Anderson	Austin	Bahr	Berry	Brattin
Burlison	Cierpiot	Cox	Curtman	Diehl
Fitzpatrick	Fitzwater	Flanigan	Frederick	Funderburk
Gatschenberger	Gosen	Grisamore	Hicks	Jones 50
Keeney	Kelley 127	Koenig	Lant	Leara
Love	Marshall	Moon	Muntzel	Parkinson
Redmon	Reiboldt	Remole	Ross	Scharnhorst
Schieber	Solon	Spencer	Wilson	Zerr
Mr Speaker				

NOES: 107

Allen	Anders	Barnes	Black	Burns
Butler	Carpenter	Colona	Conway 10	Conway 104
Cookson	Cornejo	Crawford	Cross	Curtis
Davis	Dohrman	Dunn	Ellinger	Ellington
Elmer	Engler	Englund	Englund	Entlicher
Fowler	Fraker	Gannon	Gardner	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Higdon	Hinson	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Justus	Kelly 45
Kirkton	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lauer	Lichtenegger	Lynch	May
Mayfield	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Messenger	Miller	Mitten
Molendorp	Montecillo	Morgan	Morris	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Peters	Pfautsch	Phillips	Pierson
Pike	Pogue	Rhoads	Richardson	Riddle
Rizzo	Roorda	Rowden	Rowland	Runions

Schatz	Schieffer	Schupp	Shull	Shumake
Sommer	Stream	Swan	Swearingen	Thomson
Walker	Walton Gray	Webber	White	Wieland
Wood	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 015

Bernskoetter	Brown	Dugger	Frame	Franklin
Hodges	Hoskins	McCaherty	Meredith	Mims
Rehder	Smith 85	Smith 120	Torpey	Webb

Representative Hinson offered **House Amendment No. 11.**

House Amendment No. 11

AMEND House Committee Substitute for Senate Bill No. 23, Page 10, Section 92.387, Line 2, by inserting after all of said section and line, the following:

"99.1205. 1. This section shall be known and may be cited as the "Distressed Areas Land Assemblage Tax Credit Act".

2. As used in this section, the following terms mean:

(1) "Acquisition costs", the purchase price for the eligible parcel, costs of environmental assessments, closing costs, real estate brokerage fees, reasonable demolition costs of vacant structures **or any portion thereof, together with engineering costs, surveying costs, title insurance, and architectural and design costs incurred in connection with acquisition, financing, parcel consolidation or site and redevelopment area planning regarding one or more eligible parcels**, and reasonable maintenance costs incurred to maintain an acquired eligible parcel for a period of [five] twelve years after the acquisition of such eligible parcel. Acquisition costs shall not include costs for [title insurance and survey,] attorney's fees, relocation costs, fines, or bills from a municipality;

(2) "Applicant", any person, firm, partnership, trust, limited liability company, or corporation which has:

(a) Incurred, within an eligible project area, acquisition costs for the acquisition of land sufficient to satisfy the requirements under subdivision (8) of this subsection; and

(b) Been appointed or selected, pursuant to a redevelopment agreement by a municipal authority, as a redeveloper or similar designation, under an economic incentive law, to redevelop an urban renewal area or a redevelopment area that includes all of an eligible project area or whose redevelopment plan or redevelopment area, which encompasses all of an eligible project area, has been approved or adopted under an economic incentive law. In addition to being designated the redeveloper, the applicant shall have been designated to receive economic incentives only after the municipal authority has considered the amount of the tax credits in adopting such economic incentives as provided in subsection 8 of this section **unless such economic incentives were approved for an eligible project area qualified as such under subparagraph c. of paragraph (b) of subdivision (8) of this subsection.** The redevelopment agreement shall provide that[:

a.] the funds generated through the use or sale of the tax credits issued under this section shall be used to redevelop the eligible project area[;

b.]. **Additionally, except for projects in eligible project areas qualified as such under subparagraph c. of paragraph (b) of subdivision (8) of this subsection, the redevelopment agreement shall provide that:**

a. No more than seventy-five percent of the urban renewal area identified in the urban renewal plan or the redevelopment area identified in the redevelopment plan may be redeveloped by the applicant; and

[c.] b. The remainder of the urban renewal area or the redevelopment area shall be redeveloped by co-redevelopers or redevelopers to whom the applicant has assigned its redevelopment rights and obligations under the urban renewal plan or the redevelopment plan;

(3) "Certificate", a tax credit certificate issued under this section;

(4) "Condemnation proceedings", any action taken by, or on behalf of, an applicant to initiate an action in a court of competent jurisdiction to use the power of eminent domain to acquire a parcel within the eligible project area. Condemnation proceedings shall include any and all actions taken after the submission of a notice of intended acquisition

to an owner of a parcel within the eligible project area by a municipal authority or any other person or entity under section 523.250;

(5) "Department", the Missouri department of economic development;

(6) "Economic incentive laws", any provision of Missouri law pursuant to which economic incentives are provided to redevelopers of a parcel or parcels to redevelop the land, such as tax abatement or payments in lieu of taxes, or redevelopment plans or redevelopment projects approved or adopted which include the use of economic incentives to redevelop the land. Economic incentive laws include, but are not limited to, the land clearance for redevelopment authority law under sections 99.300 to 99.660, the real property tax increment allocation redevelopment act under sections 99.800 to 99.865, the Missouri downtown and rural economic stimulus act under sections 99.915 to 99.1060, and the downtown revitalization preservation program under sections 99.1080 to 99.1092;

(7) "Eligible parcel", a parcel:

(a) Which is located within an eligible project area;

(b) Which is to be redeveloped;

(c) On which the applicant has not commenced construction prior to November 28, 2007;

(d) Which has been acquired **either directly by the applicant, or on behalf of the applicant through one or more affiliated companies controlled by the applicant or under common ownership with the applicant;**

(e) **Which has been acquired** without the commencement of any condemnation proceedings with respect to such parcel brought by or on behalf of the applicant. Any parcel acquired **before August 28, 2007**, by the applicant from a municipal authority shall not constitute an eligible parcel; and

[(e)] (f) On which all outstanding taxes, fines, and bills levied by municipal governments that were levied by the municipality during the time period that the applicant held title to the eligible parcel have been paid in full;

(8) "Eligible project area", an area which shall have satisfied the following requirements:

(a) The eligible project area shall consist of at least seventy-five acres and may include parcels within its boundaries that do not constitute an eligible parcel;

(b) At least eighty percent of the eligible project area shall be located within:

a. A Missouri qualified census tract area, as designated by the United States Department of Housing and Urban Development under 26 U.S.C. Section 42[, or within]; **or**

b. A distressed community as that term is defined in section 135.530; **or**

c. **A redevelopment area as that term is defined under the real property tax increment allocation redevelopment act under sections 99.800 to 99.865 that:**

(i) **Contains at least three hundred acres of real property;**

(ii) **Includes or previously included in excess of one million square feet of commercial building space;**

(iii) **Contains eighty or more parcels; and**

(iv) **Is located within a low-income community as defined by 26 U.S.C. Section 45D as of January 1, 2011;**

or

d. **Any area including and within one quarter mile of property formerly utilized by the state of Missouri as a penitentiary located in any home rule city with more than forty-one thousand but fewer than forty-seven thousand inhabitants and partially located in any county of the first classification with more than seventy thousand but fewer than eighty-three thousand inhabitants.**

(c) The eligible parcels acquired by the applicant within the eligible project area shall total at least fifty acres, which may consist of contiguous and noncontiguous parcels, **but shall not include any parcel acquired by the applicant from a municipal authority. Any applicant applying for credits for costs incurred within an eligible project area qualified as such under subparagraph c. of paragraph (b) of this subdivision shall own, either directly by the applicant, or on behalf of the applicant through one or more affiliated companies controlled by the applicant or under common ownership with the applicant, at least one hundred fifty contiguous acres of real property, which may be separated by the width of public right-of-way, within the urban renewal area or redevelopment area containing such eligible project area;**

(d) **Other than in eligible project areas qualified as such under subparagraph c. of paragraph (b) of this subdivision, the average number of parcels per acre in an eligible project area shall be four or more;**

(e) Less than five percent of the acreage within the boundaries of the eligible project area shall consist of owner-occupied residences which the applicant has identified for acquisition under the urban renewal plan or the redevelopment plan pursuant to which the applicant was appointed or selected as the redeveloper or by which the person or entity was qualified as an applicant under this section on the date of the approval or adoption of such plan;

(9) "Interest costs", interest, loan fees, and closing costs, **any of which relate to or arise out of loans relating to acquisition costs, including without limitation, interest, loan fees, and closing costs associated with the refinancing of loans relating to acquisition costs.** Interest costs shall not include attorney's fees;

(10) "Maintenance costs", costs of boarding up and securing vacant structures, costs of removing trash, and costs of cutting grass and weeds;

(11) "Municipal authority", any city, town, village, county, public body corporate and politic, political subdivision, or land trust of this state established and authorized to own land within the state;

(12) "Municipality", any city, town, village, or county;

(13) "Parcel", a single lot or tract of land, and the improvements thereon, owned by, or recorded as the property of, one or more persons or entities;

(14) "Redeveloped", the process of undertaking and carrying out a redevelopment plan or urban renewal plan pursuant to which the conditions which provided the basis for an eligible project area to be included in a redevelopment plan or urban renewal plan are to be reduced or eliminated by redevelopment or rehabilitation; and

(15) "Redevelopment agreement", the redevelopment agreement or similar agreement into which the applicant entered with a municipal authority and which is the agreement for the implementation of the urban renewal plan or redevelopment plan pursuant to which the applicant was appointed or selected as the redeveloper or by which the person or entity was qualified as an applicant under this section; and such appointment or selection shall have been approved by an ordinance of the governing body of the municipality, or municipalities, or in the case of any city not within a county, the board of aldermen, in which the eligible project area is located. The redevelopment agreement shall include a time line for redevelopment of the eligible project area, **including deadlines for commencement of work and for project completion, and shall provide the municipal authority the right to terminate the rights of the redeveloper under the redevelopment agreement if such deadlines are not met.** The redevelopment agreement shall state that the named developer shall be subject to the provisions of chapter 290.

3. **Subject to the limitations provided in subsection 7 of this section,** any applicant shall be entitled to a tax credit against the taxes imposed under chapters 143, 147, and 148, except for sections 143.191 to 143.265, in an amount equal to fifty percent of the acquisition costs; **except that, the tax credit for reasonable demolition costs shall be in an amount equal to one hundred percent of such costs,** and one hundred percent of the interest costs incurred for a period of [five] **twelve** years after the acquisition of an eligible parcel. [No tax credits shall be issued under this section until after January 1, 2008.]

4. If the amount of such tax credit exceeds the total tax liability for the year in which the applicant is entitled to receive a tax credit, the amount that exceeds the state tax liability may be carried forward for credit against the taxes imposed under chapters 143, 147, and 148 for the succeeding six years, or until the full credit is used, whichever occurs first. The applicant shall not be entitled to a tax credit for taxes imposed under sections 143.191 to 143.265. Applicants entitled to receive such tax credits may transfer, sell, or assign the tax credits. Tax credits granted to a partnership, a limited liability company taxed as a partnership, or multiple owners of property shall be passed through to the partners, members, or owners respectively pro rata or pursuant to an executed agreement among the partners, members, or owners documenting an alternate distribution method.

5. A purchaser, transferee, or assignee of the tax credits authorized under this section may use acquired tax credits to offset up to one hundred percent of the tax liabilities otherwise imposed under chapters 143, 147, and 148, except for sections 143.191 to 143.265. A seller, transferor, or assignor shall perfect such transfer by notifying the department in writing within thirty calendar days following the effective date of the transfer and shall provide any information as may be required by the department to administer and carry out the provisions of this section.

6. To claim tax credits authorized under this section, an applicant shall submit to the department an application for a certificate. An applicant shall identify the boundaries of the eligible project area in the application. The department shall verify that the applicant has submitted a valid application in the form and format required by the department. The department shall verify that the municipal authority held the requisite hearings and gave the requisite notices for such hearings in accordance with the applicable economic incentive act, and municipal ordinances. On [an annual] **a quarterly** basis, an applicant may file for the tax credit for the acquisition costs, and for the tax credit for the interest costs, subject to the limitations of this section. If an applicant applying for the tax credit meets the criteria required under this section, the department shall issue a certificate in the appropriate amount. If an applicant receives a tax credit for maintenance costs as a part of the applicant's acquisition costs, the department shall post on its internet website the amount and type of maintenance costs and a description of the redevelopment project for which the applicant received a tax credit within thirty days after the department issues the certificate to the applicant.

7. The total aggregate amount of tax credits authorized under this section **after August 28, 2013,** shall not exceed ninety-five million dollars. At no time shall the annual amount of the tax credits issued under this section exceed [twenty] **thirty** million dollars. If the tax credits that are to be issued under this section exceed, in any year, the [twenty] **thirty** million dollar limitation, the department shall either:

(1) Issue tax credits to the applicant in the amount of [twenty] **thirty** million dollars, if there is only one applicant entitled to receive tax credits in that year; or

(2) (a) Issue the tax credits [on a pro rata basis] to all applicants entitled to receive tax credits in that year as provided in this subdivision. The department shall determine on an ongoing basis during the course of each calendar year the amount of tax credits that have been issued to each applicant for each eligible project area during such year, and the amount of tax credits remaining available for issuance with respect to such calendar year, if any.

(b) Applicants applying for tax credits with respect to projects located in eligible project areas qualified as such under subparagraph c. of paragraph (b) of subdivision (8) of subsection 2 of this section shall not, in the aggregate, be issued tax credits in excess of fifty percent of the annual thirty million dollar limitation with respect to such calendar year. If more than one applicant qualifies for issuance of tax credits under the preceding sentence in a given calendar year, such tax credits shall be issued on a pro rata basis. Applicants applying for tax credits with respect to projects located in any other eligible project areas shall not, in the aggregate, be issued tax credits in excess of fifty percent of the annual thirty million dollar limitation with respect to such calendar year. If more than one applicant qualifies for issuance of tax credits under the preceding sentence in a given calendar year, such tax credits shall be issued on a pro rata basis.

(c) In the event that the department determines, as of December thirty-first of a given calendar year, that the full amount of tax credits available for such calendar year under paragraph (b) of this subdivision with respect to projects located in eligible project areas qualified as such under subparagraph c. of paragraph (b) of subdivision (8) of subsection 2 of this section, was not issued, then the department shall make available for allocation to qualifying applicants with respect to projects located in any other eligible project areas the unissued amount of such tax credits. In the event that the department determines, as of December thirty-first of a given calendar year, that the full amount of tax credits available for such calendar year under paragraph (b) of this subdivision with respect to projects not located in eligible project areas qualified as such under subparagraph c. of paragraph (b) of subdivision (8) of subsection 2 of this section, was not issued, then the department shall make available for allocation to qualifying applicants with respect to projects located in eligible project areas which qualified as such under subparagraph c. of paragraph (b) of subdivision (8) of subsection 2 of this section, the unissued amount of such tax credits.

(d) Any amount of tax credits, which an applicant is, or applicants are, entitled to receive on an annual basis and are not issued due to the [twenty] **thirty** million dollar limitation, shall be carried forward for the benefit of the applicant or applicants to subsequent years.

No tax credits provided under this section shall be authorized after August 28, [2013] **2019**. Any tax credits which have been authorized on or before August 28, [2013] **2019**, but not issued, may be issued, subject to the limitations provided under this subsection, until all such authorized tax credits have been issued.

8. Upon issuance of any tax credits pursuant to this section, the department shall report to the municipal authority the applicant's name and address, the parcel numbers of the eligible parcels for which the tax credits were issued, the itemized acquisition costs and interest costs for which tax credits were issued, and the total value of the tax credits issued. The municipal authority and the state shall not consider the amount of the tax credits as an applicant's cost, but shall include [the] **issued** tax credits in any **subsequent** sources and uses and cost benefit analysis reviewed or created for the purpose of awarding other economic incentives. The amount of the tax credits shall not be considered an applicant's cost in the evaluation of the amount of any award of any other economic incentives, but shall be considered in measuring the reasonableness of the rate of return to the applicant with respect to such award of other economic incentives. The municipal authority shall provide the report to any relevant commission, board, or entity responsible for the evaluation and recommendation or approval of other economic incentives to assist in the redevelopment of the eligible project area. Tax credits authorized under this section shall constitute redevelopment tax credits, as such term is defined under section 135.800, and shall be subject to all provisions applicable to redevelopment tax credits provided under sections 135.800 to 135.830.

9. Following its initial application for tax credits under this section for eligible costs incurred in 2013 or any following year, and during the period it continues to seek tax credits under this section, an applicant shall submit to the department on a quarterly basis at the end of each calendar quarter a report affirming such applicant's continued qualification as an applicant under this section, describing the applicant's progress toward meeting the deadlines for commencement of work and for project completion established under its redevelopment agreement with the applicable municipal authority, and including copies of any written notices from such municipal authority asserting or threatening a termination of such development agreement due to a breach or default in the performance of such applicant's obligations under such redevelopment agreement. The department shall review annually the eligibility of each applicant to receive tax credits under this section. The department shall not issue to an applicant any tax credits provided under this section after the date upon which the governing body of the municipality, or municipalities, or in the case of any city not within a county, the board of aldermen,

makes a finding that the applicant has failed to comply with deadlines regarding project commencement or completion or other material provisions of its redevelopment agreement with an applicant, and in furtherance of such finding, the governing body validly adopts an ordinance terminating its redevelopment agreement with the applicant, with the result that such applicant no longer satisfies the requirements of paragraph (b) of subdivision (2) of subsection 2 of this section. The governing body shall notify the department of the governing body's findings and shall deliver to the department a certified copy of the ordinance terminating such redevelopment agreement as soon as practicable.

10. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Hough offered House Amendment No. 1 to House Amendment No. 11.

*House Amendment No. 1
to
House Amendment No. 11*

AMEND House Amendment No. 11 to House Committee Substitute for Senate Bill No. 23, Page 6, Line 25, by inserting after all of said line, the following:

'Further amend said bill, Page 6, Section 32.087, Line 136, by inserting after the word "purchaser" on said line, the phrase "**and remitted to that local taxing entity**"; and

Further amend said bill, Page 26, Section 144.069, Line 9, by inserting after the word "collected" on said line, the phrase "**and remitted**"; and

Further amend said bill, Page 28, Section 144.455, Line 2, by inserting after the word "on" on said line, the phrase "**the titling of**"; and'; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hough, House Amendment No. 1 to House Amendment No. 11 was adopted.

On motion of Representative Hinson, House Amendment No. 11, as amended, was adopted.

Representative Flanigan offered House Amendment No. 12.

House Amendment No. 12

AMEND House Committee Substitute for Senate Bill No. 23, Page 8, Section 32.087, Line 191, by inserting after all of said section the following:

"33.080. **1.** All fees, funds and moneys from whatsoever source received by any department, board, bureau, commission, institution, official or agency of the state government by virtue of any law or rule or regulation made in accordance with any law, excluding all funds received and disbursed by the state on behalf of counties and cities, towns and villages shall, by the official authorized to receive same, and at stated intervals of not more than thirty days, be

placed in the state treasury to the credit of the particular purpose or fund for which collected, and shall be subject to appropriation by the general assembly for the particular purpose or fund for which collected during the biennium in which collected and appropriated. The unexpended balance remaining in all such funds (except such unexpended balance as may remain in any fund authorized, collected and expended by virtue of the provisions of the constitution of this state) shall at the end of the biennium and after all warrants on same have been discharged and the appropriation thereof has lapsed, be transferred and placed to the credit of the [ordinary] **general** revenue fund of the state by the state treasurer. Any official or any person who shall willfully fail to comply with any of the provisions of this section, and any person who shall willfully violate any provision hereof, shall be deemed guilty of a misdemeanor; provided, that all such money received by the curators of the University of Missouri except those funds required by law or by instrument granting the same to be paid into the seminary fund of the state, is excepted herefrom, and in the case of other state educational institutions there is excepted herefrom, gifts or trust funds from whatever source; appropriations; gifts or grants from the federal government, private organizations and individuals; funds for or from student activities; farm or housing activities; and other funds from which the whole or some part thereof may be liable to be repaid to the person contributing the same; and hospital fees. All of the above excepted funds shall be reported in detail quarterly to the governor and biennially to the general assembly.

2. Notwithstanding any provision of law to the contrary concerning the transfer of funds, ten million dollars shall be transferred from the Insurance dedicated fund established under section 374.150, and placed to the credit of the rebuild damaged infrastructure fund created in section 33.295 on July 1, 2013.

33.295. 1. There is hereby established the "Rebuild Damaged Infrastructure Program" to provide funding for the reconstruction, replacement, or renovation of, or repair to, any infrastructure damaged by a presidentially declared natural disaster, including, but not limited to, the physical components of interrelated systems providing essential commodities and services to the public which includes transportation, communication, sewage, water, and electric systems as well as public elementary and secondary school buildings.

2. There is hereby created in the state treasury the "Rebuild Damaged Infrastructure Fund", which shall consist of money appropriated or collected under this section. Any amount to be transferred to the fund on July 1, 2013, pursuant to subsection 2 of section 33.080 and subsection 2 of section 360.045, in excess of fifteen million dollars shall instead be transferred to the state general revenue fund. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the purposes of this section. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

3. The provisions of this section shall expire on June 30, 2014."; and

Further amend said bill, Page 87, Section 348.274, Line 140, by inserting after all of said section the following:

"360.045. 1. The authority shall have the following powers together with all powers incidental thereto or necessary for the performance thereof:

- (1) To have perpetual succession as a body politic and corporate;
- (2) To adopt bylaws for the regulation of its affairs and the conduct of its business;
- (3) To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;
- (4) To have and to use a corporate seal and to alter the same at pleasure;
- (5) To maintain an office at such place or places in the state of Missouri as it may designate;
- (6) To determine the location and construction of any facility to be financed under the provisions of sections 360.010 to 360.140, and to construct, reconstruct, repair, alter, improve, extend, maintain, lease, and regulate the same; and to designate a participating health institution or a participating educational institution, as the case may be, as its agent to determine the location and construction of a facility undertaken by such participating health institution or participating educational institution, as the case may be, under the provisions of sections 360.010 to 360.140, to construct, reconstruct, repair, alter, improve, extend, maintain, and regulate the same, and to enter into contracts for any and all of such purposes including contracts for the management and operation of the facility;
- (7) To lease to a participating health institution or a participating educational institution, as the case may be, the particular health or educational facility or facilities, as the case may be, upon such terms and conditions as the authority shall deem proper; to charge and collect rent therefor; to terminate any such lease upon the failure of the lessee to comply with any of the obligations thereof; to include in any such lease, if desired, provisions that the lessee thereof

shall have options to renew the term of the lease for such period or periods at such rent as shall be determined by the authority or to purchase any or all of the particular leased facility or facilities; and, upon payment of all of the indebtedness incurred by the authority for the financing of the facility or facilities, to convey any or all of such facility or facilities to the lessee or lessees thereof. Every lease agreement between the authority and an institution must contain a clause obligating the institution not to use the leased land, nor any facility located thereon, for sectarian instruction or study or as a place of religious worship, or in connection with any part of the program of a school or department of divinity of any religious denomination; to insure that this covenant is honored, each lease agreement shall allow the authority to conduct inspections, and every conveyance of title to an institution shall contain a restriction against use for any sectarian purpose;

(8) To issue its bonds, notes, or other obligations for any of its corporate purposes and to refund the same, all as provided in sections 360.010 to 360.140;

(9) **To transfer assets of the authority to the rebuild damaged infrastructure fund created in section 33.295;**

(10) To fix and revise from time to time and make and collect rates, rents, fees, and charges for the use of and services furnished or to be furnished by any facility or facilities or any portion thereof and to contract with any person, firm, or corporation or other body, public or private, in respect thereof; except that the authority shall have no jurisdiction over rates, rents, fees, and charges established by a participating educational institution for its students or established by a participating health institution for its patients other than to require that such rates, rents, fees, and charges by such an institution be sufficient to discharge the institution's obligations to the authority;

[(10)] (11) To establish rules and regulations for review by or on behalf of the authority of the retention or employment by a participating health institution or by a participating educational institution, as the case may be, of consulting engineers, architects, attorneys, accountants, construction and finance experts, superintendents, managers, and such other employees and agents as shall be determined to be necessary in connection with any such facility or facilities and for review by or on behalf of the authority of all reports, studies, or other material prepared in connection with any bond issue of the authority for any such facility or facilities. The costs incurred or to be incurred by a participating health institution or by a participating educational institution in connection with the review shall be deemed, where appropriate, an expense of constructing the facility or facilities or, where appropriate, shall be deemed an annual expense of operation and maintenance of the facility or facilities;

[(11)] (12) To receive and accept from any public agency loans or grants for or in aid of the construction of a facility or facilities, or any portion thereof, or for equipping the same and to receive and accept grants, gifts, or other contributions from any source;

[(12)] (13) To mortgage or pledge all or any portion of any facility or facilities, including any other health or educational facility or facilities conveyed to the authority for such purpose and the site or sites thereof, whether then owned or thereafter acquired, for the benefit of the holders of the bonds of the authority issued to finance such facility or facilities or any portion thereof or issued to refund or refinance outstanding indebtedness of a private health institution or a private institution of higher education as permitted by sections 360.010 to 360.140;

[(13)] (14) To make loans to any participating health institution or participating educational institution, as the case may be, for the cost of any facility or facilities in accordance with an agreement between the authority and such participating health institution or participating educational institution, as the case may be; except that no such loan shall exceed the total cost of such facility or facilities as determined by the participating health institution or participating educational institution, as the case may be, and approved by the authority;

[(14)] (15) To make loans to a participating health institution or participating educational institution, as the case may be, to refund outstanding obligations, mortgages, or advances issued, made, or given by the institution for the cost of its facility or facilities, including the power to issue bonds and make loans to a participating health institution or participating educational institution, as the case may be, to refinance indebtedness incurred for facilities undertaken and completed prior to or after September 28, 1975, whenever the authority finds that the financing is in the public interest, alleviates a financial hardship upon the participating health institution or participating educational institution, as the case may be, and results in a lesser cost of patient care or cost of education and a saving to third parties, including state or federal governments, and to others who must pay for the care or education;

[(15)] (16) To inspect any and all facilities assisted by the authority in any way to enforce the prohibition against sectarian or religious use at any time; and

[(16)] (17) To do all things necessary and convenient to carry out the purposes of sections 360.010 to 360.140.

2. Notwithstanding any provision of law to the contrary, including section 360.115, the authority shall transfer four million dollars of the assets of the authority to the rebuild damaged infrastructure fund created in section 33.295 on July 1, 2013.

374.150. 1. All fees due the state under the provisions of the insurance laws of this state shall be paid to the director of revenue and deposited in the state treasury to the credit of the insurance dedicated fund unless otherwise provided for in subsection 2 of this section.

2. There is hereby established in the state treasury a special fund to be known as the "Insurance Dedicated Fund". The fund shall be subject to appropriation of the general assembly and shall be devoted solely to the payment of expenditures incurred by the department attributable to duties performed by the department for the regulation of the business of insurance, regulation of health maintenance organizations and the operation of the division of consumer affairs as required by law which are not paid for by another source of funds. Other provisions of law to the contrary notwithstanding, beginning on January 1, 1991, all fees charged under any provision of chapter 325, 354, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384 or 385 due the state shall be paid into this fund. The state treasurer shall invest moneys in this fund in the same manner as other state funds and any interest or earnings on such moneys shall be credited to the insurance dedicated fund. The provisions of section 33.080 notwithstanding, moneys in the fund shall not lapse, be transferred to or placed to the credit of the general revenue fund unless and then only to the extent to which the unencumbered balance at the close of the biennium year exceeds two times the total amount appropriated, paid, or transferred to the fund during such fiscal year.

3. Notwithstanding provisions of this section to the contrary, five hundred thousand dollars of the insurance dedicated fund shall annually be transferred and placed to the credit of the state general revenue fund on July first beginning with fiscal year 2014."; and

Further amend said bill, Page 94, Section C, Line 7, by inserting after all of said section the following:

"Section D. Because of the necessity to provide funding for the reconstruction, replacement, or renovation of, or repair to, any infrastructure damaged by a presidentially declared natural disaster, sections 33.080, 33.295, 360.045, and 374.150 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and sections 33.080, 33.295, 360.045, and 374.150 of section A of this act shall be in full force and effect upon its passage and approval."; and

Further amend said bill, page, Section D, Line 1, by deleting the letter, "D" and inserting in lieu thereof the letter "E"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Flanigan, **House Amendment No. 12** was adopted.

Representative Burlison offered **House Amendment No. 13**.

House Amendment No. 13

AMEND House Committee Substitute for Senate Bill No. 23, Page 14, Section 144.010, Line 83, by deleting all of said line and inserting in lieu thereof the following:

"(a) Sales of admission tickets[, or cash admissions[, charges and fees] to [or in] places of"; and

Further amend said section, Page 15, Line 125, by inserting after all of said line the following:

"144.018. 1. Notwithstanding any other provision of law to the contrary, except as provided under subsection 2 or 3 of this section, when a purchase of tangible personal property or service subject to tax is made for the purpose of resale, such purchase shall be either exempt or excluded under this chapter if the subsequent sale is:

- (1) Subject to a tax in this or any other state;
- (2) For resale;
- (3) Excluded from tax under this chapter;
- (4) Subject to tax but exempt under this chapter; or
- (5) Exempt from the sales tax laws of another state, if the subsequent sale is in such other state.

The purchase of tangible personal property by a taxpayer shall not be deemed to be for resale if such property is used or consumed by the taxpayer in providing a service on which tax is not imposed by subsection 1 of section 144.020, except purchases made in fulfillment of any obligation under a defense contract with the United States government.

2. For purposes of subdivision (2) of subsection 1 of section 144.020, a place of amusement, entertainment or recreation, including games or athletic events, shall remit tax on the amount paid for admissions or seating accommodations[, or fees paid to, or] in such place of amusement, entertainment or recreation. Any subsequent sale of such admissions or seating accommodations shall not be subject to tax if the initial sale was an arms length transaction for fair market value with an unaffiliated entity. If the sale of such admissions or seating accommodations is exempt or excluded from payment of sales and use taxes, the provisions of this subsection shall not require the place of amusement, entertainment, or recreation to remit tax on that sale.

3. For purposes of subdivision (6) of subsection 1 of section 144.020, a hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp, or other place in which rooms, meals, or drinks are regularly served to the public shall remit tax on the amount of sales or charges for all rooms, meals, and drinks furnished at such hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp, or other place in which rooms, meals, or drinks are regularly served to the public. Any subsequent sale of such rooms, meals, or drinks shall not be subject to tax if the initial sale was an arms length transaction for fair market value with an unaffiliated entity. If the sale of such rooms, meals, or drinks is exempt or excluded from payment of sales and use taxes, the provisions of this subsection shall not require the hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp, or other place in which rooms, meals, or drinks are regularly served to the public to remit tax on that sale.

4. The provisions of this section are intended to reject and abrogate earlier case law interpretations of the state's sales and use tax law with regard to sales for resale as extended in *Music City Centre Management, LLC v. Director of Revenue*, 295 S.W.3d 465, (Mo. 2009) and *ICC Management, Inc. v. Director of Revenue*, 290 S.W.3d 699, (Mo. 2009). The provisions of this section are intended to clarify the exemption or exclusion of purchases for resale from sales and use taxes as originally enacted in this chapter."; and

Further amend said bill, page, Section 144.020, Line 16, by deleting all of said line and inserting in lieu thereof the following:

"accommodations[, or fees paid to, or] in any place of amusement, entertainment or recreation,"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Burlison, House Amendment No. 13 was adopted.

Representative Neth offered House Amendment No. 14.

House Amendment No. 14

AMEND House Committee Substitute for Senate Bill No. 23, Page 40, Section 144.810, Line 242, by inserting after all of said line the following:

"169.270. Unless a different meaning is clearly required by the context, the following words and phrases as used in sections 169.270 to 169.400 shall have the following meanings:

(1) "Accumulated contributions", the sum of all amounts deducted from the compensation of a member or paid on behalf of the member by the employer and credited to the member's individual account together with interest thereon in the employees' contribution fund. The board of trustees shall determine the rate of interest allowed thereon as provided for in section 169.295;

(2) "Actuarial equivalent", a benefit of equal value when computed upon the basis of formulas and/or tables which have been approved by the board of trustees. The formulas and tables in effect at any time shall be set forth in a written document which shall be maintained at the offices of the retirement system and treated for all purposes as part of the documents governing the retirement system established by section 169.280. The formulas and tables may be changed from time to time if recommended by the retirement system's actuary and approved by the board of trustees;

(3) "Average final compensation", the highest average annual compensation received for any four consecutive years of service. In determining whether years of service are "consecutive", only periods for which creditable service is earned shall be considered, and all other periods shall be disregarded;

(4) "Beneficiary", any person designated by a member for a retirement allowance or other benefit as provided by sections 169.270 to 169.400;

(5) "Board of education", the board of directors or corresponding board, by whatever name, having charge of the public schools of the school district in which the retirement system is established;

(6) "Board of trustees", the board provided for in section 169.291 to administer the retirement system;

(7) "Break in service", an occurrence when a regular employee ceases to be a regular employee for any reason other than retirement (including termination of employment, resignation, or furlough but not including vacation, sick leave, excused absence or leave of absence granted by an employer) and such person does not again become a regular employee until after sixty consecutive calendar days have elapsed, or after fifteen consecutive school or work days have elapsed, whichever occurs later. A break in service also occurs when a regular employee retires under the retirement system established by section 169.280 and does not again become a regular employee until after fifteen consecutive school or work days have elapsed. A "school or work day" is a day on which the employee's employer requires (or if the position no longer exists, would require, based on past practice) employees having the former employee's last job description to report to their place of employment for any reason;

(8) "Charter school", any charter school established pursuant to sections 160.400 to 160.420 and located, at the time it is established, within the school district;

(9) "Compensation", the regular compensation as shown on the salary and wage schedules of the employer, including any amounts paid by the employer on a member's behalf pursuant to subdivision (5) of subsection 1 of section 169.350, but such term is not to include extra pay, overtime pay, consideration for entering into early retirement, or any other payments not included on salary and wage schedules. For any year beginning after December 31, 1988, the annual compensation of each member taken into account under the retirement system shall not exceed the limitation set forth in Section 401(a)(17) of the Internal Revenue Code of 1986, as amended;

(10) "Creditable service", the amount of time that a regular employee is a member of the retirement system and makes contributions thereto in accordance with the provisions of sections 169.270 to 169.400;

(11) "Employee", any person who is classified by the school district, a charter school, the library district or the retirement system established by section 169.280 as an employee of such employer and is reported contemporaneously for federal and state tax purposes as an employee of such employer. A person is not considered to be an employee for purposes of such retirement system with respect to any service for which the person was not reported contemporaneously for federal and state tax purposes as an employee of such employer, regardless of whether the person is or may later be determined to be or to have been a common law employee of such employer, including but not limited to a person classified by the employer as independent contractors and persons employed by other entities which contract to provide staff and services to the employer. In no event shall a person reported for federal tax purposes as an employee of a private, for-profit entity be deemed to be an employee eligible to participate in the retirement system established by section 169.280 with respect to such employment;

(12) "Employer", the school district, any charter school, the library district, or the retirement system established by section 169.280, or any combination thereof, as required by the context to identify the employer of any member, or, for purposes only of subsection 2 of section 169.324, of any retiree;

(13) "Employer's board", the board of education, the governing board of any charter school, the board of trustees of the library district, the board of trustees, or any combination thereof, as required by the context to identify the governing body of an employer;

(14) "Library district", any urban public library district created from or within a school district under the provisions of section 182.703;

(15) "Medical board", the board of physicians provided for in section 169.291;

(16) "Member", any person who is a regular employee after the retirement system has been established hereunder ("active member"), and any person who (i) was an active member, (ii) has vested retirement benefits hereunder, and (iii) is not receiving a retirement allowance hereunder ("inactive member"). **A person shall cease to be a member if the person has a break in service before earning any vested retirement benefits or if the person withdraws his or her accumulated contributions from the retirement system;**

(17) "Minimum normal retirement age", **for any member who retires before January 1, 2014, or who is a member of the retirement system on December 31, 2013, and remains a member continuously to retirement**, the earlier of the date the member attains the age of sixty or the date the member has a total of at least seventy-five credits, with each year of creditable service and each year of age equal to one credit[,] **and with both years of creditable service and years of age prorated for fractional years; for any person who becomes a member of the retirement system on**

or after January 1, 2014, including any person who was previously a member of the retirement system before January 1, 2014, but ceased to be a member for any reason other than retirement, the earlier of the date the member attains the age of sixty-two or the date the member has a total of at least eighty credits, with each year of creditable service and each year of age equal to one credit and with both years of creditable service and years of age prorated for fractional years;

(18) "Prior service", service prior to the date the system becomes operative which is creditable in accordance with the provisions of section 169.311. Prior service in excess of thirty-eight years shall be considered thirty-eight years;

(19) "Regular employee", any employee who is assigned to an established position which requires service of not less than twenty-five hours per week, and not less than nine calendar months a year. Any regular employee who is subsequently assigned without break in service to a position demanding less service than is required of a regular employee shall continue the employee's status as a regular employee. Except as stated in the preceding sentence, a temporary, part-time, or furloughed employee is not a regular employee;

(20) "Retirant", a former member receiving a retirement allowance hereunder;

(21) "Retirement allowance", annuity payments to a retirant or to such beneficiary as is entitled to same;

(22) "School district", any school district in which a retirement system shall be established under section 169.280.

169.291. 1. The general administration and the responsibility for the proper operation of the retirement system are hereby vested in a board of trustees of twelve persons who shall be resident taxpayers of the school district, as follows:

(1) Four trustees to be appointed for terms of four years by the board of education; provided, however, that the terms of office of the first four trustees so appointed shall begin immediately upon their appointment and shall expire one, two, three and four years from the date the retirement system becomes operative, respectively;

(2) Four trustees to be elected for terms of four years by and from the members of the retirement system; provided, however, that the terms of office of the first four trustees so elected shall begin immediately upon their election and shall expire one, two, three and four years from the date the retirement system becomes operative, respectively;

(3) The ninth trustee shall be the superintendent of schools of the school district;

(4) The tenth trustee shall be one retirant of the retirement system elected for a term of four years beginning the first day of January immediately following August 13, 1986, by the retirants of the retirement system;

(5) The eleventh trustee shall be appointed for a term of four years beginning the first day of January immediately following August 13, 1990, by the board of trustees described in subdivision (3) of section 182.701;

(6) The twelfth trustee shall be a retirant of the retirement system elected for a term of four years beginning the first day of January immediately following August 28, 1992, by the retirants of the retirement system.

2. If a vacancy occurs in the office of a trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled, except that the board of trustees may appoint a qualified person to fill the vacancy in the office of an elected member until the next regular election at which time a member shall be elected for the unexpired term. No vacancy or vacancies on the board of trustees shall impair the power of the remaining trustees to administer the retirement system pending the filling of such vacancy or vacancies.

3. In the event of a lapse of the school district's corporate organization as described in subsections 1 and 4 of section 162.081, the general administration and responsibility for the proper operation of the retirement system shall continue to be vested in a twelve-person board of trustees, all of whom shall be resident taxpayers of a city, other than a city not within a county, of four hundred thousand or more. In such event, if vacancies occur in the offices of the four trustees appointed, prior to the lapse, by the board of education, or in the offices of the four trustees elected, prior to the lapse, by the members of the retirement system, or in the office of trustee held, prior to the lapse, by the superintendent of schools in the school district, as provided in subdivisions (1), (2) and (3) of subsection 1 of this section, the board of trustees shall appoint a qualified person to fill each vacancy and subsequent vacancies in the office of trustee for terms of up to four years, as determined by the board of trustees.

4. Each trustee shall, before assuming the duties of a trustee, take the oath of office before the court of the judicial circuit or one of the courts of the judicial circuit in which the school district is located that so far as it devolves upon the trustee, such trustee shall diligently and honestly administer the affairs of the board of trustees and that the trustee will not knowingly violate or willingly permit to be violated any of the provisions of the law applicable to the retirement system. Such oath shall be subscribed to by the trustee making it and filed in the office of the clerk of the circuit court.

5. Each trustee shall be entitled to one vote in the board of trustees. Seven trustees shall constitute a quorum at any meeting of the board of trustees. At any meeting of the board of trustees where a quorum is present, the vote of at least seven of the trustees in support of a motion, resolution or other matter is necessary to be the decision of the board;

provided, however, that in the event of a lapse in the school district's corporate organization as described in subsections 1 and 4 of section 162.081, a majority of the trustees then in office shall constitute a quorum at any meeting of the board of trustees, and the vote of a majority of the trustees then in office in support of a motion, resolution or other matter shall be necessary to be the decision of the board.

6. The board of trustees shall have exclusive original jurisdiction in all matters relating to or affecting the funds herein provided for, including, in addition to all other matters, all claims for benefits or refunds, and its action, decision or determination in any matter shall be reviewable in accordance with chapter 536 or chapter 621. Subject to the limitations of sections 169.270 to 169.400, the board of trustees shall, from time to time, establish rules and regulations for the administration of funds of the retirement system, for the transaction of its business, and for the limitation of the time within which claims may be filed.

7. The trustees shall serve without compensation. The board of trustees shall elect from its membership a chairman and a vice chairman. The board of trustees shall appoint an executive director who shall serve as the administrative officer of the retirement system and as secretary to the board of trustees. It shall employ one or more persons, firms or corporations experienced in the investment of moneys to serve as investment counsel to the board of trustees. The compensation of all persons engaged by the board of trustees and all other expenses of the board necessary for the operation of the retirement system shall be paid at such rates and in such amounts as the board of trustees shall approve, and shall be paid from the investment income.

8. The board of trustees shall keep in convenient form such data as shall be necessary for actuarial valuations of the various funds of the retirement system and for checking the experience of the system.

9. The board of trustees shall keep a record of all its proceedings which shall be open to public inspection. It shall prepare annually and furnish to the board of education and to each member of the retirement system who so requests a report showing the fiscal transactions of the retirement system for the preceding fiscal year, the amount of accumulated cash and securities of the system, and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the retirement system.

10. The board of trustees shall have, in its own name, power to sue and to be sued, to enter into contracts, to own property, real and personal, and to convey the same; but the members of such board of trustees shall not be personally liable for obligations or liabilities of the board of trustees or of the retirement system.

11. The board of trustees shall arrange for necessary legal advice for the operation of the retirement system.

12. The board of trustees shall designate a medical board to be composed of three or more physicians who shall not be eligible for membership in the system and who shall pass upon all medical examinations required under the provisions of sections 169.270 to 169.400, shall investigate all essential statements and certificates made by or on behalf of a member in connection with an application for disability retirement and shall report in writing to the board of trustees its conclusions and recommendations upon all matters referred to it.

13. The board of trustees shall designate an actuary who shall be the technical advisor of the board of trustees on matters regarding the operation of the retirement system and shall perform such other duties as are required in connection therewith. Such person shall be qualified as an actuary by membership as a Fellow of the Society of Actuaries or by similar objective standards.

14. At least once in each five-year period the actuary shall make an investigation into the actuarial experience of the members, retirants and beneficiaries of the retirement system and, taking into account the results of such investigation, the board of trustees shall adopt for the retirement system such actuarial assumptions as the board of trustees deems necessary for the financial soundness of the retirement system.

15. On the basis of such actuarial assumptions as the board of trustees adopts, the actuary shall make annual valuations of the assets and liabilities of the funds of the retirement system.

16. The rate of contribution payable by the [employer] **employers** shall equal one and ninety-nine one-hundredths percent, effective July 1, 1993; three and ninety-nine one-hundredths percent, effective July 1, 1995; five and ninety-nine one-hundredths percent, effective July 1, 1996; seven and one-half percent effective January 1, 1999, and for [all] subsequent **calendar** years **through 2013. For calendar year 2014 and each subsequent year, the rate of contribution payable by the employers for each year shall be determined by the actuary for the retirement system in the manner provided in subsection 4 of section 169.350 and shall be certified by the board of trustees to the employers at least six months prior to the date such rate is to be effective.**

17. In the event of a lapse of a school district's corporate organization as described in subsections 1 and 4 of section 162.081, no retirement system, nor any of the assets of any retirement system, shall be transferred to or merged with another retirement system without prior approval of such transfer or merge by the board of trustees of the retirement system.

169.301. 1. Any active member who has completed five or more years of actual (not purchased) creditable service shall be entitled to a vested retirement benefit equal to the annual service retirement allowance provided in sections 169.270 to 169.400 payable after attaining the minimum normal retirement age and calculated in accordance with the law in effect on the last date such person was a regular employee; provided, that such member does not withdraw such person's accumulated contributions pursuant to section 169.328 prior to attaining the minimum normal retirement age.

2. Any member who elected on October 13, 1961, or within thirty days thereafter, to continue to contribute and to receive benefits under sections 169.270 to 169.400 may continue to be a member of the retirement system under the terms and conditions of the plan in effect immediately prior to October 13, 1961, or may, upon written request to the board of trustees, transfer to the present plan, provided that the member pays into the system any additional contributions with interest the member would have credited to the member's account if such person had been a member of the current plan since its inception or, if the person's contributions and interest are in excess of what the person would have paid, such person will receive a refund of such excess. The board of trustees shall adopt appropriate rules and regulations governing the operation of the plan in effect immediately prior to October 13, 1961.

3. Should a retirant again become an active member, such person's retirement allowance payments shall cease during such membership and shall be recalculated upon subsequent retirement to include any creditable service earned during the person's latest period of active membership in accordance with subsection 2 of section 169.324.

4. In the event of the complete termination of the retirement system established by section 169.280 or the complete discontinuance of contributions to such retirement system, the rights of all members to benefits accrued to the date of such termination or discontinuance, to the extent then funded, shall be fully vested and nonforfeitable.

5. If a member leaves employment with an employer to perform qualified military service, as defined in Section 414(u) of the Internal Revenue Code of 1986, as amended, and dies while in such service, the member's survivors shall be entitled to any additional benefits (other than benefit accruals relating to the period of qualified military service) that would have been provided had the member resumed employment with the employer and then terminated on account of death in accordance with the requirements of Sections [407(a)(37)] **401(a)(37)** and 414(u) of the Internal Revenue Code of 1986, as amended. In such event, the member's period of qualified military [services] **service** shall be counted as creditable service for purposes of vesting but not for purposes of determining the amount of the member's retirement allowance.

169.324. 1. The annual service retirement allowance payable pursuant to section 169.320 [in equal monthly installments for life shall be the retirant's number of years of creditable service multiplied by one and three-fourths percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation. For any member who retires as an active member on or after June 30, 1999, the annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life shall be the retirant's number of years of creditable service multiplied by two percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation. Any member whose number of years of creditable service is greater than thirty-four and one-quarter on August 28, 1993, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service as of August 28, 1993, multiplied by one and three-fourths percent of the person's average final compensation but shall not receive a greater annual service retirement allowance based on additional years of creditable service after August 28, 1993. Provided, however, that,] **shall be the retirant's number of years of creditable service multiplied by a percentage of the retirant's average final compensation, determined as follows:**

(1) **A retirant whose last employment as a regular employee ended prior to June 30, 1999, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service multiplied by one and three-fourths percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation;**

(2) **A retirant whose number of years of creditable service is greater than thirty-four and one-quarter on August 28, 1993, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service as of August 28, 1993, multiplied by one and three-fourths percent of the person's average final compensation but shall not receive a greater annual service retirement allowance based on additional years of creditable service after August 28, 1993;**

(3) **A retirant who was an active member of the retirement system at any time on or after June 30, 1999, and who either retires before January 1, 2014, or is a member of the retirement system on December 31, 2013, and remains a member continuously to retirement shall receive an annual service retirement allowance payable**

pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service multiplied by two percent of the person's average final compensation, subject to a maximum of sixty percent of the person's final compensation;

(4) A retirant who becomes a member of the retirement system on or after January 1, 2014, including any retirant who was a member of the retirement system before January 1, 2014, but ceased to be a member for any reason other than retirement, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service multiplied by one and three-fourths percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation;

(5) Notwithstanding the provisions of subdivisions (1) to (4) of this subsection, effective January 1, 1996, any [retiree] **retirant** who retired on, before or after January 1, 1996, with at least twenty years of creditable service shall receive at least three hundred dollars each month as a retirement allowance, or the actuarial equivalent thereof if the [retiree] **retirant** elected any of the options available under section 169.326. [Provided, further, any retiree] **Any retirant** who retired with at least ten years of creditable service shall receive at least one hundred fifty dollars each month as a retirement allowance, plus fifteen dollars for each additional full year of creditable service greater than ten years but less than twenty years (or the actuarial equivalent thereof if the [retiree] **retirant** elected any of the options available under section 169.326). Any beneficiary of a deceased [retiree] **retirant** who retired with at least ten years of creditable service and elected one of the options available under section 169.326 shall also be entitled to the actuarial equivalent of the minimum benefit provided by this subsection, determined from the option chosen.

2. Except as otherwise provided in sections 169.331, 169.580 and 169.585, payment of a retirant's retirement allowance will be suspended for any month for which such person receives remuneration from the person's employer or from any other employer in the retirement system established by section 169.280 for the performance of services except any such person other than a person receiving a disability retirement allowance under section 169.322 may serve as a nonregular substitute, part-time or temporary employee for not more than six hundred hours in any school year without becoming a member and without having the person's retirement allowance discontinued, provided that through such substitute, part-time, or temporary employment, the person may earn no more than fifty percent of the annual salary or wages the person was last paid by the employer before the person retired and commenced receiving a retirement allowance, adjusted for inflation. If a person exceeds such hours limit or such compensation limit, payment of the person's retirement allowance shall be suspended for the month in which such limit was exceeded and each subsequent month in the school year for which the person receives remuneration from any employer in the retirement system. If a retirant is reemployed by any employer in any capacity, whether pursuant to this section, or section 169.331, 169.580, or 169.585, or as a regular employee, the amount of such person's retirement allowance attributable to service prior to the person's first retirement date shall not be changed by the reemployment. If the person again becomes an active member and earns additional creditable service, upon the person's second retirement the person's retirement allowance shall be the sum of:

(1) The retirement allowance the person was receiving at the time the person's retirement allowance was suspended, pursuant to the payment option elected as of the first retirement date, plus the amount of any increase in such retirement allowance the person would have received pursuant to subsection 3 of this section had payments not been suspended during the person's reemployment; and

(2) An additional retirement allowance computed using the benefit formula in effect on the person's second retirement date, the person's creditable service following reemployment, and the person's average final annual compensation as of the second retirement date. The sum calculated pursuant to this subsection shall not exceed the greater of sixty percent of the person's average final compensation as of the second retirement date or the amount determined pursuant to subdivision (1) of this subsection. Compensation earned prior to the person's first retirement date shall be considered in determining the person's average final compensation as of the second retirement date if such compensation would otherwise be included in determining the person's average final compensation.

3. The board of trustees shall determine annually whether the investment return on funds of the system can provide for an increase in benefits for retirants eligible for such increase. A retirant shall and will be eligible for an increase awarded pursuant to this section as of the second January following the date the retirant commenced receiving retirement benefits. Any such increase shall also apply to any monthly joint and survivor retirement allowance payable to such retirant's beneficiaries, regardless of age. The board shall make such determination as follows:

(1) After determination by the actuary of the investment return for the preceding year as of December thirty-first (the "valuation year"), the actuary shall recommend to the board of trustees what portion of the investment return is available to provide such benefits increase, if any, and shall recommend the amount of such benefits increase, if any, to be implemented as of the first day of the thirteenth month following the end of the valuation year, and [the] first payable on or about the first day of the fourteenth month following the end of the valuation year. The actuary shall make

such recommendations so as not to affect the financial soundness of the retirement system, recognizing the following safeguards:

(a) The retirement system's funded ratio as of January first of the year preceding the year of a proposed increase shall be at least one hundred percent after adjusting for the effect of the proposed increase. The funded ratio is the ratio of assets to the pension benefit obligation;

(b) The actuarially required contribution rate, after adjusting for the effect of the proposed increase, may not exceed the [statutory] **then applicable employer and member contribution rate as determined under subsection 4 of section 169.350;**

(c) The actuary shall certify to the board of trustees that the proposed increase will not impair the actuarial soundness of the retirement system;

(d) A benefit increase, under this section, once awarded, cannot be reduced in succeeding years;

(2) The board of trustees shall review the actuary's recommendation and report and shall, in their discretion, determine if any increase is prudent and, if so, shall determine the amount of increase to be awarded.

4. This section does not guarantee an annual increase to any retiree.

5. If an inactive member becomes an active member after June 30, 2001, and after a break in service, unless the person earns at least four additional years of creditable service without another break in service, upon retirement the person's retirement allowance shall be calculated separately for each separate period of service ending in a break in service. The retirement allowance shall be the sum of the separate retirement allowances computed for each such period of service using the benefit formula in effect, the person's average final compensation as of the last day of such period of service and the creditable service the person earned during such period of service; provided, however, if the person earns at least four additional years of creditable service without another break in service, all of the person's creditable service prior to and including such service shall be aggregated and, upon retirement, the retirement allowance shall be computed using the benefit formula in effect and the person's average final compensation as of the last day of such period of four or more years and all of the creditable service the person earned prior to and during such period.

6. Notwithstanding anything contained in this section to the contrary, the amount of the annual service retirement allowance payable to any retiree pursuant to the provisions of sections 169.270 to 169.400, including any adjustments made pursuant to subsection 3 of this section, shall at all times comply with the provisions and limitations of Section 415 of the Internal Revenue Code of 1986, as amended, and the regulations thereunder, the terms of which are specifically incorporated herein by reference.

7. All retirement systems established by the laws of the state of Missouri shall develop a procurement action plan for utilization of minority and women money managers, brokers and investment counselors. Such retirement systems shall report their progress annually to the joint committee on public employee retirement and the governor's minority advocacy commission.

169.350. 1. All of the assets of the retirement system (other than tangible real or personal property owned by the retirement system for use in carrying out its duties, such as office supplies and furniture) shall be credited, according to the purpose for which they are held, in either the employees' contribution fund or the general reserve fund.

(1) The employees' contribution fund shall be the fund in which shall be accumulated the contributions of the members. The employer shall, except as provided in subdivision (5) of this subsection, cause to be deducted from the compensation of each member on each and every payroll, for each and every payroll period, the pro rata portion of five and nine-tenths percent of his annualized compensation. Effective January 1, 1999, **through December 31, 2013**, the employer shall deduct an additional one and six-tenths percent of the member's annualized compensation. **For 2014 and for each subsequent year, the employer shall deduct from each member's annualized compensation the rate of contribution determined for such year by the actuary for the retirement system in the manner provided in subsection 4 of this section.**

(2) The employer shall pay all such deductions and any amount it may elect to pay pursuant to subdivision (5) of this subsection to the retirement system at once. The retirement system shall credit such deductions and such amounts to the individual account of each member from whose compensation the deduction was made or with respect to whose compensation the amount was paid pursuant to subdivision (5) of this subsection. In determining the deduction for a member in any payroll period, the board of trustees may consider the rate of compensation payable to such member on the first day of the payroll period as continuing throughout such period.

(3) The deductions provided for herein are declared to be a part of the compensation of the member and the making of such deductions shall constitute payments by the member out of the person's compensation and such deductions shall be made notwithstanding that the amount actually paid to the member after such deductions is less than the minimum compensation provided by law for any member. Every member shall be deemed to consent to the deductions made and provided for herein, and shall receipt for the person's full compensation, and the making of the

deduction and the payment of compensation less the deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for services rendered during the period covered by the payment except as to benefits provided by sections 169.270 to 169.400.

(4) The accumulated contributions with interest of a member withdrawn by the person or paid to the person's estate or designated beneficiary in the event of the person's death before retirement shall be paid from the employees' contribution fund. Upon retirement of a member the member's accumulated contributions with interest shall be transferred from the employees' contribution fund to the general reserve fund.

(5) The employer may elect to pay on behalf of all members all or part of the amount that the members would otherwise be required to contribute to the employees' contribution fund pursuant to subdivision (1) of this subsection. Such amounts paid by the employer shall be in lieu of members' contributions and shall be treated for all purposes of sections 169.270 to 169.400 as contributions made by members. Notwithstanding any other provision of this chapter to the contrary, no member shall be entitled to receive such amounts directly. The election shall be made by a duly adopted resolution of the employer's board and shall remain in effect for at least one year from the effective date thereof. The election may be thereafter terminated only by an affirmative act of the employer's board notwithstanding any limitation in the term thereof in the adopting resolution. Any such termination resolution shall be adopted at least sixty days prior to the effective date thereof, and the effective date thereof shall coincide with a fiscal year-end of the employer. In the absence of such a termination resolution, the election shall remain in effect from fiscal year to fiscal year.

2. The general reserve fund shall be the fund in which shall be accumulated all reserves for the payment of all benefit expenses and other demands whatsoever upon the retirement system except those items heretofore allocated to the employees' contribution fund.

(1) All contributions by the employer, except those the employer elects to make on behalf of the members pursuant to subdivision (5) of subsection 1 of this section, shall be credited to the general reserve fund.

(2) Should a retirant be restored to active service and again become a member of the retirement system, the excess, if any, of the person's accumulated contributions over benefits received by the retirant shall be transferred from the general reserve fund to the employees' contribution fund and credited to the person's account.

3. Gifts, devises, bequests and legacies may be accepted by the board of trustees and deposited in the general reserve fund to be held, invested and used at its discretion for the benefit of the retirement system except where specific direction for the use of a gift is made by a donor.

4. Beginning in 2013, the actuary for the retirement system shall annually calculate the rate of employer contributions and member contributions for 2014 and for each subsequent calendar year, expressed as a level percentage of the annualized compensation of the members, subject to the following:

(1) The rate of contribution for any calendar year shall be determined based on an actuarial valuation of the retirement system as of the first day of the prior calendar year. Such actuarial valuation shall be performed using the actuarial cost method and actuarial assumptions adopted by the board of trustees and in accordance with accepted actuarial standards of practice in effect at the time the valuation is performed, as promulgated by the actuarial standards board or its successor;

(2) The target combined employer and member contribution rate shall be the amount actuarially required to cover the normal cost and amortize any unfunded accrued actuarial liability over a period that shall not exceed thirty years from the date of the valuation;

(3) The target combined rate as so determined shall be allocated equally between the employer contribution rate and the member contribution rate, provided, however, that the level rate of contributions to be paid by the employers and the level rate of contributions to be deducted from the compensation of members for any calendar year shall each be limited as follows:

(a) The contribution rate shall not be less than seven and one-half percent;

(b) The contribution rate shall not exceed nine percent; and

(c) Changes in the contribution rate from year to year shall be in increments of one-half percent such that the contribution rate for any year shall not be greater than or less than the rate in effect for the prior year by more than one-half percent;

(4) The board of trustees shall certify to the employers the contribution rate for the following calendar year no later than six months prior to the date such rate is to be effective."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Neth, **House Amendment No. 14** was adopted.

Representative Butler offered **House Amendment No. 15.**

House Amendment No. 15

AMEND House Committee Substitute for Senate Bill No. 23, Page 40, Section 144.810, Line 242, by inserting after all of said section and line the following:

"144.1026. Notwithstanding other provisions of law to the contrary, beginning January 1, 2014, there shall be a sales tax levied upon the gross receipts of tickets sold at retail for admission to all professional and amateur sporting events held within the state at a rate of one half of one percent."; and

Further amend said bill, Section 577.041, Page 93, Line 138, by inserting after all of said section and line the following:

"620.3040. 1. There is hereby created in the state treasury the "Youth Sports Program Fund", which shall consist of money collected under section 144.1026. The general assembly may appropriate moneys to the fund for the purpose of providing funds to counties, cities, towns, or other political subdivisions, as provided in this section. At no time shall the annual amount of funding approved for disbursement from the youth sports program fund exceed ten million dollars.

2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

3. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The director of the department of economic development shall create an application and establish procedures for counties, cities, towns, or other political subdivisions to follow to receive funds under this section. Any funds distributed under this section to a single program shall be limited to the amount of twenty percent of the total fund at the time of disbursement unless extraordinary cause is shown. Funds are to be disbursed equitably based upon need. To qualify for funds, a county, city, town, or other political subdivision shall complete an application to the department of economic development.

5. The department of economic development shall make a determination regarding the application for a disbursement from the youth sports program fund based on the application submitted by a county, city, town, or other political subdivision. In making determinations as to the disbursement of funds from the youth sports program fund, priority shall be given to areas with a high crime rate, as defined in this subsection. An area with a high crime rate, for purposes of this section, is defined as a county, city, town, or other political subdivision located within a county that is in the top twenty-five percent of all counties with the highest overall crime rate, according to the most recently available state highway patrol uniform crime reporting program.

6. The director of the department of economic development may promulgate rules and regulations to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and, if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

7. The director of the department of economic development shall administer the youth sports program fund. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund, and, upon appropriation, money in the fund shall be used solely for the administration of this section."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Butler moved that **House Amendment No. 15** be adopted.

Which motion was defeated.

Representative Korman offered **House Amendment No. 16.**

House Amendment No. 16

AMEND House Committee Substitute for Senate Bill No. 23, Section 67.1020, Page 8, Line 4, by inserting the following after all of said line:

"67.1368. 1. The governing body of any county of the third classification without a township form of government and with more than twelve thousand but fewer than fourteen thousand inhabitants and with a city of the fourth classification with more than two thousand seven hundred but fewer than three thousand inhabitants as the county seat may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the county or a portion thereof, which shall not be more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the county submits to the voters of the county at a state general or primary election a proposal to authorize the governing body of the county to impose a tax under this section. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and the proceeds of such tax shall be used by the county for the promotion of tourism, growth of the region, and economic development. Such tax shall be stated separately from all other charges and taxes.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the county) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in (name of county) at a rate of (insert rate of percent) percent for the promotion of the county, growth of the region, and economic development?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax authorized by this section shall not become effective unless and until the question is resubmitted under this section to the qualified voters of the county and such question is approved by a majority of the qualified voters of the county voting on the question.

3. As used in this section, "transient guests" means persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter."; and

Further amend said bill, Section 92.387, Page 10, Line 2, by inserting the following after all of said line:

"94.1060. 1. The governing body of any city of the fourth classification with more than seven hundred but fewer than eight hundred inhabitants and located in any county of the third classification without a township form of government and with more than twelve thousand but fewer than fourteen thousand inhabitants may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof, which shall not be more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city submits to the voters of the city at a state general or primary election a proposal to authorize the governing body of the city to impose a tax under this section. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and the proceeds of such tax shall be used by the city for the promotion of tourism, growth of the region, and economic development. Such tax shall be stated separately from all other charges and taxes.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in (name of city) at a rate of (insert rate of percent) percent for the promotion of the city, growth of the region, and economic development?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax authorized by this section shall not become effective unless and until the question is resubmitted under this section to the qualified voters of the city and such question is approved by a majority of the qualified voters of the city voting on the question.

3. As used in this section, "transient guests" means persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Korman, **House Amendment No. 16** was adopted.

Representative Allen offered **House Amendment No. 17**.

House Amendment No. 17

AMEND House Committee Substitute for Senate Bill No. 23, Page 15, Section 144.010, Line 117, by inserting after the word "services" on said line, the phrase "**subject to section 67.2689**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Allen, **House Amendment No. 17** was adopted.

Representative Engler offered **House Amendment No. 18**.

House Amendment No. 18

AMEND House Committee Substitute for Senate Bill No. 23, Page 10, Section 67.2050, Line 73, by inserting after all of said section and line, the following:

"71.285. 1. Whenever weeds or trash, in violation of an ordinance, are allowed to grow or accumulate, as the case may be, on any part of any lot or ground within any city, town or village in this state, the owner of the ground, or in case of joint tenancy, tenancy by entireties or tenancy in common, each owner thereof, shall be liable. The marshal or other city official as designated in such ordinance shall give a hearing after ten days' notice thereof, either personally or by United States mail to the owner or owners, or the owner's agents, or by posting such notice on the premises; thereupon, the marshal or other designated city official may declare the weeds or trash to be a nuisance and order the same to be abated within five days; and in case the weeds or trash are not removed within the five days, the marshal or other designated city official shall have the weeds or trash removed, and shall certify the costs of same to the city clerk, who shall cause a special tax bill therefor against the property to be prepared and to be collected by the collector, with other taxes assessed against the property; and the tax bill from the date of its issuance shall be a first lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity, and no mere clerical error or informality in the same, or in the proceedings leading up to the issuance, shall be a defense thereto. Each special tax bill shall be issued by the city clerk and delivered to the collector on or before the first day of June of each year. Such tax bills if not paid when due shall bear interest at the rate of eight percent per annum. Notwithstanding the time limitations of this section, any city, town or village located in a county of the first classification may hold the hearing provided in this section four days after notice is sent or posted, and may order at the hearing that the weeds or trash shall be abated within five business days after the hearing and if such weeds or trash are not removed within five business days after the hearing, the order shall allow the city to immediately remove the weeds or trash pursuant to this section. Except for lands owned by a public utility, rights-of-way, and easements appurtenant or incidental to lands controlled by any railroad, the department of transportation, the department of natural resources or the department of conservation, the provisions of this subsection shall not apply to any city with a population of at least seventy thousand inhabitants which is located in a county of the first classification with a population of less than one hundred thousand inhabitants which adjoins a county with a population of less than one hundred thousand inhabitants that contains part of a city with a population of three hundred fifty thousand or more inhabitants, any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification, or any city, town or village located within a county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, or any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, or the City of St. Louis, where such

city, town or village establishes its own procedures for abatement of weeds or trash, and such city may charge its costs of collecting the tax bill, including attorney fees, in the event a lawsuit is required to enforce a tax bill.

2. Except as provided in subsection 3 of this section, if weeds are allowed to grow, or if trash is allowed to accumulate, on the same property in violation of an ordinance more than once during the same growing season in the case of weeds, or more than once during a calendar year in the case of trash, in any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, in the City of St. Louis, in any city, town or village located in a county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, in any fourth class city located in a county of the first classification with a charter form of government and a population of less than three hundred thousand, or in any home rule city with more than one hundred thirteen thousand two hundred but less than one hundred thirteen thousand three hundred inhabitants located in a county with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants, the marshal or other designated city official may order that the weeds or trash be abated within five business days after notice is sent to or posted on the property. In case the weeds or trash are not removed within the five days, the marshal or other designated city official may have the weeds or trash removed and the cost of the same shall be billed in the manner described in subsection 1 of this section.

3. If weeds are allowed to grow, or if trash is allowed to accumulate, on the same property in violation of an ordinance more than once during the same growing season in the case of weeds, or more than once during a calendar year in the case of trash, in any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, in the City of St. Louis, in any city, town or village located in a county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, in any fourth class city located in a county of the first classification with a charter form of government and a population of less than three hundred thousand, in any home rule city with more than one hundred thirteen thousand two hundred but less than one hundred thirteen thousand three hundred inhabitants located in a county with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants, in any third class city with a population of at least ten thousand inhabitants but less than fifteen thousand inhabitants with the greater part of the population located in a county of the first classification, in any city of the third classification with more than sixteen thousand nine hundred but less than seventeen thousand inhabitants, [or] in any city of the third classification with more than eight thousand but fewer than nine thousand inhabitants, **in any city of the third classification with more than fifteen thousand but fewer than seventeen thousand inhabitants and located in any county of the first classification with more than sixty-five thousand but fewer than seventy-five thousand inhabitants, or in any city of the fourth classification with more than eight thousand but fewer than nine thousand inhabitants and located in any county of the third classification without a township form of government and with more than eighteen thousand but fewer than twenty thousand inhabitants**, the marshal or other designated official may, without further notification, have the weeds or trash removed and the cost of the same shall be billed in the manner described in subsection 1 of this section. The provisions of subsection 2 and this subsection do not apply to lands owned by a public utility and lands, rights-of-way, and easements appurtenant or incidental to lands controlled by any railroad.

4. The provisions of this section shall not apply to any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification where such city establishes its own procedures for abatement of weeds or trash, and such city may charge its costs of collecting the tax bill, including attorney fees, in the event a lawsuit is required to enforce a tax bill.

77.675. 1. In addition to the process for passing ordinances provided in section 77.080, the council of any city of the third classification with more than fifteen thousand but fewer than seventeen thousand inhabitants and located in any county of the first classification with more than sixty-five thousand but fewer than seventy-five thousand inhabitants may adopt or repeal any ordinance by passage of a bill that sets forth the ordinance and specifies that the ordinance so proposed shall be submitted to the registered voters of the city at the next municipal election. The bill shall be passed under the procedures in section 77.080, except that it shall take effect upon approval of a majority of the voters rather than upon the approval and signature of the mayor.

2. If the mayor approves and signs the bill, the question shall be submitted to the voters in substantially the following form:

Shall the following ordinance be (adopted) (repealed)? (Set out ordinance.)

☐ YES

☐ NO

3. If a majority of the voters voting on the proposed ordinance vote in favor, such ordinance shall become a valid and binding ordinance of the city."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Roorda raised a point of order that **House Amendment No. 18** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Engler, **House Amendment No. 18** was adopted.

Representative Funderburk offered **House Amendment No. 19**.

House Amendment No. 19

AMEND House Committee Substitute for Senate Bill No. 23, Page 3, Section A, Line 30, by inserting after all of said line the following:

"32.070. 1. This act shall be known and may be cited as the "Streamlined Sales and Use Tax Agreement Act".

2. The director of the department of revenue shall enter into the streamlined sales and use tax agreement with one or more states to simplify and modernize sales and use tax administration in order to substantially reduce the burden of tax compliance for all sellers and for all types of commerce. In furtherance of the streamlined sales and use tax agreement, the director of the department of revenue may act jointly with other states that are members of the streamlined sales and use tax agreement to establish standards for certification of a certified service provider and certified automated system and establish performance standards for multistate sellers.

3. In the first year after any federal legislation requiring vendors to collect sales and use tax uniformly on sales in all states has been adopted and in which the amount of state sales and use tax revenue collected under such federal legislation exceeds the amount of such revenues collected in the immediately preceding year by at least two hundred million dollars, the highest rate of the tax imposed on the Missouri taxable income of residents under chapter 143 shall be decreased from six percent to five and one half percent. The director of the department of revenue shall notify the revisor of statutes when such federal legislation is adopted and becomes effective in all states.

4. The director of the department of revenue may take other action reasonably required to implement the provisions set forth in the streamlined sales and use tax administration act, including, but not limited to, the promulgation of rules and the joint procurement, with other member states, of goods and services in furtherance of the streamlined sales and use tax agreement.

5. For the purposes of representing the state as a member of the agreement and, if necessary, amending the agreement, the state shall be represented by three delegates, one of whom shall be appointed by the governor, one shall be a member of the general assembly appointed by mutual agreement of the president pro tem of the senate and the speaker of the house of representatives, with the director of the department of revenue or the director's designee as the third delegate. The delegates shall recommend to the committees responsible for reviewing tax issues in the senate and the house of representatives each year any amendment of state statutes required to be substantially in compliance with the agreement. Such delegates shall make a written report by the fifteenth day of January each year regarding the status of the agreement.

6. The department of revenue shall promulgate rules necessary to implement the provisions of the streamlined sales and use tax agreement.

32.086. Notwithstanding any other provision of law, for all local sales and use taxes collected by the department and remitted to a political jurisdiction or taxing district, the department shall remit one percent of the amount collected to the general revenue fund to offset the cost of collection, unless a greater amount is specified in the local sales and use tax law. The department shall not commingle the remaining amounts collected with general revenues and shall remit the remaining amounts collected to the political jurisdiction or taxing district less any credits for erroneous payments, overpayments, and dishonored checks."; and

Further amend said bill, Pages 3 to 8, Section 32.087, Lines 1 to 191, by deleting all of said lines and inserting in lieu thereof the following:

"32.087. 1. Within ten days after the adoption of any ordinance or order in favor of adoption of any local sales tax authorized under the local sales tax law by the voters of a taxing entity, the governing body or official of such taxing entity shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance or order. The ordinance or order shall reflect the effective date thereof.

2. Any local sales tax so adopted shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the local sales tax, except as provided in subsection [18] 17 of this section, **and shall be imposed on all transactions on which the Missouri state sales tax is imposed.**

3. Every retailer within the jurisdiction of one or more taxing entities which has imposed one or more local sales taxes under the local sales tax law shall add all taxes so imposed along with the tax imposed by the sales tax law of the state of Missouri to the sale price and, when added, the combined tax shall constitute a part of the price, and shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. The combined rate of the state sales tax and all local sales taxes shall be the sum of the rates, multiplying the combined rate times the amount of the sale.

4. [The brackets required to be established by the director of revenue under the provisions of section 144.285 shall be based upon the sum of the combined rate of the state sales tax and all local sales taxes imposed under the provisions of the local sales tax law.

5.] (1) The ordinance or order imposing a local sales tax under the local sales tax law shall impose **a tax** upon all [sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail] **transactions upon which the Missouri state sales tax is imposed** to the extent and in the manner provided in sections 144.010 to 144.525, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the sum of the combined rate of the state sales tax or state highway use tax and all local sales taxes imposed under the provisions of the local sales tax law.

(2) **Notwithstanding any other provision of law to the contrary, local taxing jurisdictions, except those in which voters previously have approved a local use tax under section 144.757, shall have placed on the ballot on or after the general election in November 2014, but no later than the general election in November 2016, whether to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 and purchased from a source other than a licensed Missouri dealer. The ballot question presented to the local voters shall contain substantially the following language:**

Shall the (local jurisdiction's name) discontinue applying and collecting the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer? Approval of this measure will result in a reduction of local revenue to provide for vital services for (local jurisdiction's name) and it will place Missouri dealers of motor vehicles, outboard motors, boats, and trailers at a competitive disadvantage to non- Missouri dealers of motor vehicles, outboard motors, boats, and trailers.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(3) **If the ballot question set forth in subdivision (2) of this subsection receives a majority of the votes cast in favor of the proposal, or if the local taxing jurisdiction fails to place the ballot question before the voters on or before the general election in November 2016, the local taxing jurisdiction shall cease applying the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer.**

(4) **In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection be placed before the voters, the governing body of any local taxing jurisdiction that previously had imposed a local use tax on the use of motor vehicles, trailers, boats, and outboard motors may, at any time, place a proposal on the ballot at any election to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no longer be applied to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes**

cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.

(5) In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection be placed before the voters on or after the general election in November 2014, and on or before the general election in November 2016, whenever the governing body of any local taxing jurisdiction imposing a local sales tax on the sale of motor vehicles, trailers, boats, and outboard motors receives a petition, signed by fifteen percent of the registered voters of such jurisdiction voting in the last gubernatorial election and calling for a proposal to be placed on the ballot at any election to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer, the governing body shall submit to the voters of such jurisdiction a proposal to repeal application of the local sales tax to such titling. If a majority of the votes cast by the registered voters voting thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no longer be applied to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.

(6) Nothing in this subsection shall be construed to authorize the voters of any jurisdiction to repeal application of any state sales or use tax.

(7) If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is repealed, such repeal shall take effect on the first day of the second calendar quarter after the election. If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is required to cease to be applied or collected due to failure of a local taxing jurisdiction to hold an election under subdivision (2) of this subsection, such cessation shall take effect on March 1, 2017.

[6.] 5. On and after the effective date of any local sales tax imposed under the provisions of the local sales tax law, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri all additional local sales taxes authorized under the authority of the local sales tax law. All local sales taxes imposed under the local sales tax law together with all taxes imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

[7.] 6. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of any local sales tax imposed under the local sales tax law except as modified by the local sales tax law.

[8.] 7. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.525, as these sections now read and as they may hereafter be amended, it being the intent of this general assembly to ensure that the same sales tax exemptions granted from the state sales tax law also be granted under the local sales tax law, are hereby made applicable to the imposition and collection of all local sales taxes imposed under the local sales tax law.

[9.] 8. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of the local sales tax law, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from any local sales tax imposed by the local sales tax law.

[10.] 9. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under the provisions of the state sales tax law are hereby allowed and made applicable to any local sales tax collected under the provisions of the local sales tax law.

[11.] 10. The penalties provided in section 32.057 and sections 144.010 to 144.525 for a violation of the provisions of those sections are hereby made applicable to violations of the provisions of the local sales tax law.

[12. (1)] 11. For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales[, except the sale of motor vehicles, trailers, boats, and outboard motors, shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's agent or employee shall be deemed to be consummated at the place of business from which he works.

(2) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales of motor vehicles, trailers, boats, and outboard motors shall be deemed to be consummated at the residence of the purchaser and not at the place of business of the retailer, or the place of business from which the retailer's agent or employee works.

(3) For the purposes of any local tax imposed by an ordinance or under the local sales tax law on charges for mobile telecommunications services, all taxes of mobile telecommunications service shall be imposed as provided in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended] **shall be sourced as provided by sections 144.040 to 144.043 and section 144.069.**

[13.] **12.** Local sales taxes [imposed pursuant to the local sales tax law on the purchase and sale] **shall not be imposed on the seller** of motor vehicles, trailers, boats, and outboard motors [shall not be collected and remitted by the seller,] **required to be titled under the laws of the state of Missouri**, but shall be collected **from the purchaser** by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a taxing entity imposing a local sales tax under the local sales tax law.

[14.] **13.** The director of revenue and any of [his] **the director's** deputies, assistants and employees who have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of the local sales tax law shall enter a surety bond or bonds payable to any and all taxing entities in whose behalf such funds have been collected under the local sales tax law in the amount of one hundred thousand dollars for each such tax; but the director of revenue may enter into a blanket bond covering [himself] **the director** and all such deputies, assistants and employees. The cost of any premium for such bonds shall be paid by the director of revenue from the share of the collections under the sales tax law retained by the director of revenue for the benefit of the state.

[15.] **14.** The director of revenue shall annually report on [his] **the director's** management of each trust fund which is created under the local sales tax law and administration of each local sales tax imposed under the local sales tax law. [He] **The director** shall provide each taxing entity imposing one or more local sales taxes authorized by the local sales tax law with a detailed accounting of the source of all funds received by [him] **the director** for the taxing entity. Notwithstanding any other provisions of law, the state auditor shall annually audit each trust fund. A copy of the director's report and annual audit shall be forwarded to each taxing entity imposing one or more local sales taxes.

[16.] **15.** Within the boundaries of any taxing entity where one or more local sales taxes have been imposed, if any person is delinquent in the payment of the amount required to be paid by [him] **such person** under the local sales tax law or in the event a determination has been made against [him] **such person** for taxes and penalty under the local sales tax law, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under the local sales tax law, the director of revenue shall notify the taxing entity in the event any person fails or refuses to pay the amount of any local sales tax due so that appropriate action may be taken by the taxing entity.

[17.] **16.** Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by the local sales tax law, the director of revenue shall permit the taxing entity to join in any sale of property to pay the delinquent taxes and penalties due the state and to the taxing entity under the local sales tax law. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such taxing entity.

[18.] **17.** If a local sales tax has been in effect for at least one year under the provisions of the local sales tax law and voters approve reimposition of the same local sales tax at the same rate at an election as provided for in the local sales tax law prior to the date such tax is due to expire, the tax so reimposed shall become effective the first day of the first calendar quarter after the director receives a certified copy of the ordinance, order or resolution accompanied by a map clearly showing the boundaries thereof and the results of such election, provided that such ordinance, order or resolution and all necessary accompanying materials are received by the director at least thirty days prior to the expiration of such tax. Any administrative cost or expense incurred by the state as a result of the provisions of this subsection shall be paid by the city or county reimposing such tax.

18. If the boundaries of a city in which a sales tax or use tax has been imposed shall thereafter be changed or altered, the city clerk shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the city within ten days of adoption of the ordinance. The ordinance shall reflect the effective date of the ordinance and shall be accompanied by a map of the city clearly showing the territory added or detached from the city boundaries. Upon receipt of the ordinance and map, the tax imposed under the local sales tax law or local use tax law shall be

effective in the added territory or abolished in the detached territory on the first day of a calendar quarter after one hundred twenty days' notice to sellers.

19. Any change to any local sales tax or local use tax boundary or rate shall be effective on the first day of a calendar quarter after one hundred twenty days' notice to sellers.

66.620. 1. All county sales taxes collected by the director of revenue under sections 66.600 to 66.630 on behalf of any county[, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited in a special trust fund, which is hereby created, to be known as the "County Sales Tax Trust Fund". [The moneys in the county sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a county sales tax, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax; such funds shall be deposited with the county treasurer of the county and all expenditures of funds arising from the county sales tax trust fund shall be by an appropriation act to be enacted by the legislative council of the county, and to the cities, towns and villages located wholly or partly within the county which levied the tax in the manner as set forth in sections 66.600 to 66.630.

2. In any county not adopting an additional sales tax and alternate distribution system as provided in section 67.581, for the purposes of distributing the county sales tax, the county shall be divided into two groups, "Group A" and "Group B". Group A shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which had a city sales tax in effect under the provisions of sections 94.500 to 94.550 on the day prior to the adoption of the county sales tax ordinance, except that beginning January 1, 1980, group A shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which had a city sales tax approved by the voters of such city under the provisions of sections 94.500 to 94.550 on the day prior to the effective date of the county sales tax. For the purposes of determining the location of consummation of sales for distribution of funds to cities, towns and villages in group A, the boundaries of any such city, town or village shall be the boundary of that city, town or village as it existed on March 19, 1984. Group B shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which did not have a city sales tax in effect under the provisions of sections 94.500 to 94.550 on the day prior to the adoption of the county sales tax ordinance, and shall also include all unincorporated areas of the county which levied the tax; except that, beginning January 1, 1980, group B shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which did not have a city sales tax approved by the voters of such city under the provisions of sections 94.500 to 94.550 on the day prior to the effective date of the county sales tax and shall also include all unincorporated areas of the county which levied the tax.

3. Until January 1, 1994, the director of revenue shall distribute to the cities, towns and villages in group A the taxes based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087. Except for distribution governed by section 66.630, after deducting the distribution to the cities, towns and villages in group A, the director of revenue shall distribute the remaining funds in the county sales tax trust fund to the cities, towns and villages and the county in group B as follows: To the county which levied the tax, a percentage of the distributable revenue equal to the percentage ratio that the population of the unincorporated areas of the county bears to the total population of group B; and to each city, town or village in group B located wholly within the taxing county, a percentage of the distributable revenue equal to the percentage ratio that the population of such city, town or village bears to the total population of group B; and to each city, town or village located partly within the taxing county, a percentage of the distributable revenue equal to the percentage ratio that the population of that part of the city, town or village located within the taxing county bears to the total population of group B.

4. From and after January 1, 1994, the director of revenue shall distribute to the cities, towns and villages in group A a portion of the taxes based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087 in accordance with the formula described in this subsection. After deducting the distribution to the cities, towns and villages in group A, the director of revenue shall distribute funds in the county sales tax trust fund to the cities, towns and villages and the county in group B as follows: To the county which levied the tax, ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated since April 1, 1993, multiplied by the total of all sales tax revenues countywide, and a percentage of the remaining distributable revenue equal to the percentage ratio that the population of unincorporated areas of the county bears to the total population of group B; and to each city, town or village in group B located wholly within the taxing county, a percentage of the remaining distributable revenue equal to the percentage ratio that the population of such city, town or village bears to the total population of group B; and to each city, town or village located partly within the taxing

county, a percentage of the remaining distributable revenue equal to the percentage ratio that the population of that part of the city, town or village located within the taxing county bears to the total population of group B.

5. (1) For purposes of administering the distribution formula of subsection 4 of this section, the revenues arising each year from sales occurring within each group A city, town or village shall be distributed as follows: Until such revenues reach the adjusted county average, as hereinafter defined, there shall be distributed to the city, town or village all of such revenues reduced by the percentage which is equal to ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993; and once revenues exceed the adjusted county average, total revenues shall be shared in accordance with the redistribution formula as defined in this subsection.

(2) For purposes of this subsection, the "adjusted county average" is the per capita countywide average of all sales tax distributions during the prior calendar year reduced by the percentage which is equal to ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993; the "redistribution formula" is as follows: During 1994, each group A city, town and village shall receive that portion of the revenues arising from sales occurring within the municipality that remains after deducting therefrom an amount equal to the cumulative sales tax revenues arising from sales within the municipality multiplied by the percentage which is the sum of ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993, and the percentage, if greater than zero, equal to the product of 8.5 multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of cumulative per capita sales taxes arising from sales within the municipality less the adjusted county average. During 1995, each group A city, town and village shall receive that portion of the revenues arising from sales occurring within the municipality that remains after deducting therefrom an amount equal to the cumulative sales tax revenues arising from sales within the municipality multiplied by the percentage which is the sum of ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993, and the percentage, if greater than zero, equal to the product of seventeen multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of cumulative per capita sales taxes arising from sales within the municipality less the adjusted county average. From January 1, 1996, until January 1, 2000, each group A city, town and village shall receive that portion of the revenues arising from sales occurring within the municipality that remains after deducting therefrom an amount equal to the cumulative sales tax revenues arising from sales within the municipality multiplied by the percentage which is the sum of ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993, and the percentage, if greater than zero, equal to the product of 25.5 multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of cumulative per capita sales taxes arising from sales within the municipality less the adjusted county average. From and after January 1, 2000, the distribution formula covering the period from January 1, 1996, until January 1, 2000, shall continue to apply, except that the percentage computed for sales arising within the municipalities shall be not less than 7.5 percent for municipalities within which sales tax revenues exceed the adjusted county average, nor less than 12.5 percent for municipalities within which sales tax revenues exceed the adjusted county average by at least twenty-five percent.

(3) For purposes of applying the redistribution formula to a municipality which is partly within the county levying the tax, the distribution shall be calculated alternately for the municipality as a whole, except that the factor for annexed portion of the county shall not be applied to the portion of the municipality which is not within the county levying the tax, and for the portion of the municipality within the county levying the tax. Whichever calculation results in the larger distribution to the municipality shall be used.

(4) Notwithstanding any other provision of this section, the fifty percent of additional sales taxes as described in section 99.845 arising from economic activities within the area of a redevelopment project established after July 12, 1990, pursuant to sections 99.800 to 99.865, while tax increment financing remains in effect shall be deducted from all calculations of countywide sales taxes, shall be distributed directly to the municipality involved, and shall be disregarded in calculating the amounts distributed or distributable to the municipality. Further, any agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of incremental sales tax revenues to the special allocation fund of a tax increment financing project while tax increment financing remains in effect shall continue to be in full force and effect and the sales taxes so appropriated shall be deducted from all calculations of countywide sales taxes, shall be distributed directly to the municipality involved, and shall be disregarded in calculating the amounts distributed or distributable to the municipality. In addition, and notwithstanding any other provision of this chapter to the contrary, economic development funds shall be distributed in full to the municipality in which the sales producing them were deemed consummated. Additionally, economic development funds shall be deducted from all calculations of countywide sales taxes and shall be disregarded in calculating the amounts distributed or distributable to the municipality. As used in this subdivision, the term "economic development funds" means the amount of sales tax revenue generated in any fiscal year by projects authorized pursuant

to chapter 99 or chapter 100 in connection with which such sales tax revenue was pledged as security for, or was guaranteed by a developer to be sufficient to pay, outstanding obligations under any agreement authorized by chapter 100, entered into or adopted prior to September 1, 1993, between a municipality and another public body. The cumulative amount of economic development funds allowed under this provision shall not exceed the total amount necessary to amortize the obligations involved.

6. If the qualified voters of any city, town or village vote to change or alter its boundaries by annexing any unincorporated territory included in group B or if the qualified voters of one or more city, town or village in group A and the qualified voters of one or more city, town or village in group B vote to consolidate, the area annexed or the area consolidated which had been a part of group B shall remain a part of group B after annexation or consolidation. After the effective date of the annexation or consolidation, the annexing or consolidated city, town or village shall receive a percentage of the group B distributable revenue equal to the percentage ratio that the population of the annexed or consolidated area bears to the total population of group B and such annexed area shall not be classified as unincorporated area for determination of the percentage allocable to the county. If the qualified voters of any two or more cities, towns or villages in group A each vote to consolidate such cities, towns or villages, then such consolidated cities, towns or villages shall remain a part of group A. For the purpose of sections 66.600 to 66.630, population shall be as determined by the last federal decennial census or the latest census that determines the total population of the county and all political subdivisions therein. For the purpose of calculating the adjustment based on the percentage of unincorporated county population which is annexed after April 1, 1993, the accumulated percentage immediately before each census shall be used as the new percentage base after such census. After any annexation, incorporation or other municipal boundary change affecting the unincorporated area of the county, the chief elected official of the county shall certify the new population of the unincorporated area of the county and the percentage of the population which has been annexed or incorporated since April 1, 1993, to the director of revenue. After the adoption of the county sales tax ordinance, any city, town or village in group A may by adoption of an ordinance by its governing body cease to be a part of group A and become a part of group B. Within ten days after the adoption of the ordinance transferring the city, town or village from one group to the other, the clerk of the transferring city, town or village shall forward to the director of revenue, by registered mail, a certified copy of the ordinance. Distribution to such city as a part of its former group shall cease and as a part of its new group shall begin on the first day of January of the year following notification to the director of revenue, provided such notification is received by the director of revenue on or before the first day of July of the year in which the transferring ordinance is adopted. If such notification is received by the director of revenue after the first day of July of the year in which the transferring ordinance is adopted, then distribution to such city as a part of its former group shall cease and as a part of its new group shall begin the first day of July of the year following such notification to the director of revenue. Once a group A city, town or village becomes a part of group B, such city may not transfer back to group A.

7. If any city, town or village shall hereafter change or alter its boundaries, the city clerk of the municipality shall forward to the director of revenue, by registered mail, a certified copy of the ordinance adding or detaching territory from the municipality. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the municipality clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by sections 66.600 to 66.630 shall be redistributed and allocated in accordance with the provisions of this section on the effective date of the change of the municipal boundary so that the proper percentage of group B distributable revenue is allocated to the municipality in proportion to any annexed territory. If any area of the unincorporated county elects to incorporate subsequent to the effective date of the county sales tax as set forth in sections 66.600 to 66.630, the newly incorporated municipality shall remain a part of group B. The city clerk of such newly incorporated municipality shall forward to the director of revenue, by registered mail, a certified copy of the incorporation election returns and a map of the municipality clearly showing the boundaries thereof. The certified copy of the incorporation election returns shall reflect the effective date of the incorporation. Upon receipt of the incorporation election returns and map, the tax imposed by sections 66.600 to 66.630 shall be distributed and allocated in accordance with the provisions of this section on the effective date of the incorporation.

8. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of

revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

9. Except as modified in sections 66.600 to 66.630, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under sections 66.600 to 66.630.

67.395. 1. All sales taxes collected by the director of revenue under sections 67.391 to 67.395 on behalf of any county[, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087] shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County AntiDrug Sales Tax Trust Fund". [The moneys in the county antidrug sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a sales tax under sections 67.391 to 67.395, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax. Such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from the county antidrug sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county.

2. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

3. Except as modified in sections 67.391 to 67.395, all provisions of sections 32.085 [and] **to** 32.087 shall apply to the tax imposed under sections 67.391 to 67.395.

67.525. 1. All county sales taxes collected by the director of revenue under sections 67.500 to 67.545 on behalf of any county[, less one percent for cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087.] shall be deposited with the state treasurer in a county sales tax trust fund, which fund shall be separate and apart from the county sales tax trust fund established by section 66.620. [The moneys in such county sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a county sales tax, and the records shall be open to the inspection of officers of the county and to the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month by distributing to the county treasurer, or such other officer as may be designated by the county ordinance or order, of each county imposing the tax authorized by sections 67.500 to 67.545, the sum due the county as certified by the director of revenue.

2. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

3. Except as modified in sections 67.500 to 67.545, all provisions of sections 32.085 [and] **to** 32.087 shall apply to the tax imposed under sections 67.500 to 67.545.

67.571. 1. The governing body of any county of the first classification with a population of more than eighty-two thousand inhabitants and less than ninety thousand inhabitants may, in addition to any tourism sales tax

imposed pursuant to sections 67.671 to 67.685, by a majority vote, impose a sales tax for the funding of museums and festivals. For purposes of this section, the term "funding of museums and festivals" shall mean:

(1) Funding of museums operating in the county, which are registered with the United States Internal Revenue Service as a 501(C)(3) corporation and which are considered by the board to be tourism attractions; and

(2) Funding of organizations that are registered as 501(C)(3) corporations which promote cultural heritage tourism including festivals and the arts.

2. Any question submitted to the voters of such county to establish a sales tax pursuant to this section shall be submitted in substantially the following form:

Shall the county of (insert the name of the county) impose a sales tax of (insert rate of percent) percent to be used to fund (museums, cultural heritage, festivals) in certain areas of the county?

☐ YES

☐ NO

3. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, and the tax takes effect pursuant to this section, the museums and festivals board appointed pursuant to subsection 5 of this section shall determine in what manner the tax revenue moneys will be expended, and disbursements of these moneys shall be made strictly in accordance with directions of the board which are consistent with the provisions of sections 67.571 to 67.577. Expenditures of these tax moneys may be made for the employment of personnel selected by the board to assist in carrying out the duties of the board, and the board is expressly authorized to employ such personnel. Expenditures of these tax moneys may be made directly to corporations pursuant to subsection 1 of this section. No such tax revenue moneys shall be disbursed to or on behalf of any corporation, organization or entity that is not duly registered with the Internal Revenue Service as a 501(C)(3) organization.

4. Any sales tax imposed pursuant to this section shall be imposed at a rate not to exceed two-tenths of one percent on receipts from the sale of certain tangible personal property or taxable services within the county pursuant to sections 67.571 to 67.577.

5. The governing body of any county which imposes a sales tax pursuant to this section may establish a museums and festivals board for the purpose of expending funds collected from any sales tax submitted and approved by the county's voters pursuant to this section. The board shall be comprised of six members who are appointed by the governing body of the county from a list of candidates supplied by the chair of each of the two major political parties of the county. The board shall be comprised of three members from each of the two political parties. Members shall serve for three-year terms, but of the members first appointed, one shall be appointed for a term of one year, two shall be appointed for a term of two years, and two shall be appointed for a term of three years. Each member shall be a resident of the county from which he or she is appointed. The members of the board shall not receive compensation for service on the board, but shall be reimbursed from the tax revenue money for any reasonable and necessary expenses incurred in service on the board.

6. In the area of each county in which a sales tax has been imposed in the manner provided by sections 67.571 to 67.577, every retailer within such area shall add the tax imposed by the provisions of sections 67.571 to 67.577 to his sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

7. In counties imposing a tax under the provisions of sections 67.571 to 67.577, in order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing body may authorize the use of a bracket system similar to that authorized by the provisions of section 144.285, and notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions.

8. Except as modified in this section, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under this section.

67.576. 1. The following provisions shall govern the collection of the tax imposed by the provisions of sections 67.571 to 67.577:

(1) All applicable provisions contained in sections 144.010 to 144.510 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by the provisions of sections 67.571 to 67.577;

(2) All exemptions granted to agencies of government, organizations, and persons under the provisions of sections 144.010 to 144.510 are hereby made applicable to the imposition and collection of the tax imposed by sections 67.571 to 67.577.

2. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.510 for the administration and collection of the state sales tax shall satisfy the requirements of sections 67.571 to

67.577, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax imposed by sections 67.571 to 67.577.

3. All discounts allowed the retailer pursuant to the provisions of the state sales tax law for the collection of and for payment of taxes pursuant to that act are hereby allowed and made applicable to any taxes collected pursuant to the provisions of sections 67.571 to 67.577.

4. The penalties provided in section 32.057 and sections 144.010 to 144.510 for a violation of those acts are hereby made applicable to violations of the provisions of sections 67.571 to 67.577.

5. [For the purposes of the sales tax imposed by an order pursuant to sections 67.571 to 67.577, all retail sales shall be deemed to be consummated at the place of business of the retailer] **Except as provided in sections 67.571 to 67.577, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under sections 67.571 to 67.577.**

67.578. 1. The governing authority of any county of the third classification without a township form of government and with more than sixteen thousand four hundred but less than sixteen thousand five hundred inhabitants may impose a sales tax in an amount not to exceed one-fifth of one percent on all retail sales made in the county which are subject to taxation pursuant to sections 144.010 to 144.525, to be used solely for the funding of museums. For purposes of this section, the term "museums" means museums operating in the county, which are registered with the United States Internal Revenue Service as a 501(c)(3) corporation and which are considered by the board to be a tourism attraction. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax shall be imposed pursuant to this section unless the governing authority submits to the voters of the county, at a county or state general, primary, or special election, a proposal to authorize the governing authority to impose the tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the county of (insert the name of the county) impose a sales tax of (insert rate of percent) percent for the funding of museums? "Museums" means museums operating in the county, which are registered with the United States Internal Revenue Service as a 501(c)(3) corporation and which are considered by the museum board to be a tourism attraction.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO". If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the sales tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of the tax. If the proposal receives less than the required majority of votes, then the governing authority shall have no power to impose the tax unless and until the governing authority has again submitted another proposal to authorize the governing authority to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon.

3. On or after the effective date of the tax, the director of revenue shall be responsible for the administration, collection, enforcement, and operation of the tax, and sections 32.085 [and] to 32.087 shall apply. The director may retain an amount not to exceed one percent for deposit in the general revenue fund to offset the costs of collection. In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing authority may authorize the use of a bracket system similar to that authorized in section 144.285, and notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions. Beginning with the effective date of the tax, every retailer in the county shall add the sales tax to the sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. For purposes of this section, all retail sales shall be deemed to be consummated at the place of business of the retailer.

4. All applicable provisions in sections 144.010 to 144.525 governing the state sales tax, and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax, and all exemptions granted to agencies of government, organizations, and persons pursuant to sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax. The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax. All discounts allowed the retailer pursuant to the state sales tax law for the collection of and for payment of taxes are hereby allowed and made applicable to the tax. The penalties for violations provided in section 32.057 and sections 144.010 to 144.525 are hereby

made applicable to violations of this section. If any person is delinquent in the payment of the amount required to be paid pursuant to this section, or in the event a determination has been made against the person for taxes and penalty pursuant to this section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525.

5. The governing authority may authorize any museum board already existing in the county, or may establish a museum board, to expend revenue collected pursuant to this section. In the event that no museum board already exists, the board established pursuant to this section shall consist of six members who are appointed by the governing authority from a list of candidates supplied by the chair of each of the two major political parties of the county, with three members from each of the two parties. Members shall serve for three-year terms, but of the members first appointed, [one] **two** shall be appointed for a term of one year, two shall be appointed for a term of two years, and two shall be appointed for a term of three years. Each member shall be a resident of the county. The members shall not receive compensation for service on the board, but shall be reimbursed from the revenues collected pursuant to this section for any reasonable and necessary expenses incurred in service on the board. The board shall determine in what manner the revenues will be expended, and disbursements of these moneys shall be made strictly in accordance with this section. Expenditures may be made for the employment of personnel selected by the board to assist in carrying out the duties of the board, and the board is expressly authorized to employ such personnel.

6. The governing authority may submit the question of repeal of the tax to the voters at any county or state general, primary, or special election. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the county of (insert name of county) repeal the sales tax of (insert rate of percent) percent for the funding of museums?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES".

If you are opposed to the question, place an "X" in the box opposite "NO". [If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which the repeal was approved.]

67.581. 1. In addition to the sales tax permitted by sections 66.600 to 66.630, any county of the first class having a charter form of government and having a population of nine hundred thousand or more may impose an additional countywide sales tax upon approval by a vote of the qualified voters of the county. The proposal may be submitted to the voters by the governing body of the county and shall be submitted to the voters at the next general election upon petitions signed by a number of qualified voters residing in the county equal to at least eight percent of the votes cast in the county in the next preceding gubernatorial election filed with the governing body of the county. The submission shall include the levying of a sales tax at a rate of not to exceed two hundred seventy-five one-thousandths of one percent on the receipts from the sale at retail of all tangible personal property or taxable services within the county which are also taxable under the provisions of sections 66.600 to 66.630, and shall provide for the distribution of the proceeds in the manner provided in either subsection 4 or subsection 5 of this section. If either of the alternative distribution systems as provided in subsection 4 or subsection 5 of this section is approved by the voters, then the alternative system of distribution may not be submitted to the voters for at least three years from the date of such voter approval.

2. The ballot of submission shall contain, but is not limited to, the following language:

Shall the County of levy an additional sales tax at the rate of (insert rate) and distribute the proceeds in the manner provided in (insert proper reference) (subsection 4)(subsection 5) of section 67.581, RSMo?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, the additional sales tax shall be levied and collected and the proceeds from the additional tax shall be distributed as provided in either subsection 4 or subsection 5 of this section. If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal, then the governing body of the county shall have no power to impose the additional sales tax authorized by this section unless and until a proposal for the levy of such tax is submitted to and approved by the voters of the county.

3. The provisions of sections 66.600 to 66.630 and sections 32.085 [and] **to** 32.087, except to the extent otherwise provided in this section, shall govern the levy, collection, distribution and other procedures related to an additional sales tax imposed pursuant to this section.

4. In any county adopting an additional sales tax pursuant to the provisions of this section, and selecting the method of distribution provided in this subsection, the proceeds from the sales tax imposed pursuant to this section, less one percent collection cost, shall be distributed first to those municipalities that did not receive during the preceding calendar year ninety-five percent of the amount the municipality would have received by multiplying the population of the municipality by the average per capita sales tax receipt for such county in an amount which will bring each municipality receipt of sales tax moneys up to ninety-five percent of the average per capita receipts from the proceeds of the sales tax imposed pursuant to sections 66.600 to 66.630. Any remainder of the money received from the sales tax imposed pursuant to this section shall be distributed to all municipalities on the ratio that the population of each municipality bears to the total population of the county. The average per capita sales tax distribution shall be calculated by dividing the sum of the total sales tax revenue derived from the tax imposed pursuant to sections 66.600 to 66.630 by the total population of the county. Population of each municipality, of the unincorporated area of the county, and the total population of the county shall be determined on the basis of the most recent federal decennial census. For the purposes of this subsection, any city, town, village or the unincorporated area of the county shall be considered a municipality.

5. In any county adopting an additional sales tax pursuant to the provisions of this section and selecting the method of distribution provided in this subsection, the proceeds from the sales tax imposed pursuant to this section, less one percent collection cost, shall be distributed to all cities, towns and villages, and the unincorporated areas of the county in group B and to such cities, towns and villages in group A as necessary so that no city, town, or village in group A receives from the combined proceeds of both the sales tax imposed pursuant to this section and the sales tax imposed pursuant to sections 66.600 to 66.630, less than the per capita amount received by the cities, towns and villages and the unincorporated area of the county in group B receives from the total proceeds from both sales taxes.

6. The governing body of any county which is imposing a sales tax under the provisions of sections 66.600 to 66.630 may on its own motion and shall, upon petitions filed with the governing body of the county signed by a number of qualified voters residing in the county equal to at least eight percent of the votes cast in the county at the next preceding gubernatorial election, submit to the qualified voters of the county a proposal to change the method of distribution of sales tax proceeds from the manner provided in subsection 2 of section 66.620 to the method provided in this subsection. The ballot of submission shall be in substantially the following form:

Shall the proceeds from the county sales tax be distributed among the county of and the various cities, towns and villages therein in the manner provided in subdivisions (1) and (2) of subsection 6 of section 67.581, RSMo, in lieu of the present manner of distribution?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters of the county voting thereon are in favor of the proposal, the sales tax imposed by the county under the provisions of sections 66.600 to 66.630 shall be distributed in the manner provided in this subsection and not in the manner provided in subsection 2 of section 66.620. If a majority of the votes cast by the qualified voters of the county voting thereon are opposed to the proposal, then the governing body of the county shall have no power to order the proceeds from the sales tax imposed pursuant to the provisions of sections 66.600 to 66.630 in the manner provided in this subsection in lieu of the method provided in subsection 2 of section 66.620, unless and until a proposal authorizing such method of distribution is submitted to and approved by the voters of the county. If the voters approve the change in the method of distribution of the sales tax proceeds in the manner provided in this subsection, the county clerk of the county shall notify the director of revenue of the change in the method of distribution within ten days after adoption of the proposal and shall inform the director of the effective date of the change in the method of distribution, which shall be on the first day of the third calendar quarter after the director of revenue receives notice. After the effective date of the change in the manner of distribution, the director of revenue shall distribute the proceeds of the sales tax imposed by such county under the provisions of sections 66.600 to 66.630 in the manner provided in this subsection in lieu of the manner of distribution provided in subsection 2 of section 66.620. The proceeds of the sales tax imposed under the provisions of sections 66.600 to 66.630 in any county which elects to have the proceeds distributed in the manner provided in this subsection shall be distributed in the following manner:

(1) The proceeds from the sales taxes shall be distributed to the cities, towns and villages in group A and to the cities, towns and villages, and the county in group B as defined in section 66.620 in the manner provided in subsection 2 of section 66.620, until an amount equal to the total amount distributed under section 66.620, for the

twelve-month period immediately preceding the effective date of the tax levied pursuant to the provisions of this section has been distributed;

(2) All moneys received in excess of the total amount distributed under section 66.620 for the twelve-month period immediately preceding the effective date of the tax levied pursuant to the provisions of this section shall be distributed to all cities, towns and villages and to the county on the basis that the population of each city, town or village, and in the case of the county the basis that the population of the unincorporated area of the county, bears to the total population of the county. The average per capita sales tax distribution shall be calculated by dividing the sum of the remaining amount of the total sales tax revenues by the total population of the county. Population of each city, town or village, of the unincorporated area of the county, and the total population of the county shall be determined on the basis of the most recent federal decennial census.

7. No municipality incorporated after the adoption of the tax authorized by this section shall be included as other than part of the unincorporated area of the county nor receive any share of either the proceeds from the tax levied pursuant to the provisions of this section or the tax levied pursuant to the provisions of sections 66.600 to 66.630 unless, at the time of incorporation, such municipality had a population of ten thousand or more.

8. The county sales tax imposed pursuant to this section on the purchase and sale of motor vehicles shall not be collected and remitted by the seller, but shall be collected by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within the county imposing the additional sales tax. [The amounts so collected, less one percent collection cost, shall be deposited in the county sales tax trust fund to be distributed in accordance with section 66.620. The purchase or sale of motor vehicles shall be deemed to be consummated at the address of the applicant for a certificate of title.]

9. No tax shall be imposed pursuant to this section for the purpose of funding in whole or in part the construction, operation or maintenance of a sports stadium, field house, indoor or outdoor recreational facility, center, playing field, parking facility or anything incidental or necessary to a complex suitable for any type of professional sport, either upon, above or below the ground.

10. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

67.582. 1. The governing body of any county, except a county of the first class with a charter form of government with a population of greater than four hundred thousand inhabitants, is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of one percent on all retail sales made in such county which are subject to taxation under the provisions of sections 144.010 to 144.525 for the purpose of providing law enforcement services for such county. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax under the provisions of this section shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the governing body of the county to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

(1) If the proposal submitted involves only authorization to impose the tax authorized by this section the ballot shall contain substantially the following:

Shall the county of (county's name) impose a countywide sales tax of (insert amount) for the purpose of providing law enforcement services for the county?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No"; or

(2) If the proposal submitted involves authorization to enter into agreements to form a regional jail district and obligates the county to make payments from the tax authorized by this section the ballot shall contain substantially the following:

Shall the county of (county's name) be authorized to enter into agreements for the purpose of forming a regional jail district and obligating the county to impose a countywide sales tax of (insert amount) to fund dollars of the costs to construct a regional jail and to fund the costs to operate a regional jail, with any funds in excess of that necessary to construct and operate such jail to be used for law enforcement purposes?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to subdivision (1) of this subsection, then the ordinance or order and any amendments thereto shall be in effect [on the first day of the second quarter immediately following the election approving the proposal] **as provided by section 32.087**. If the constitutionally required percentage of the voters voting thereon are in favor of the proposal submitted pursuant to subdivision (2) of this subsection, then the ordinance or order and any amendments thereto shall be in effect [on the first day of the second quarter immediately following the election approving the proposal] **as provided by section 32.087**. If a proposal receives less than the required majority, then the governing body of the county shall have no power to impose the sales tax herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. All revenue received by a county from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for providing law enforcement services for such county for so long as the tax shall remain in effect. Revenue placed in the special trust fund may also be utilized for capital improvement projects for law enforcement facilities and for the payment of any interest and principal on bonds issued for said capital improvement projects.

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for providing law enforcement services for the county. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue under this section on behalf of any county[, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited in a special trust fund, which is hereby created, to be known as the "County Law Enforcement Sales Tax Trust Fund". [The moneys in the county law enforcement sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust and which was collected in each county imposing a sales tax under this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax; such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from the county law enforcement sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county. Expenditures may be made from the fund for any law enforcement functions authorized in the ordinance or order adopted by the governing body submitting the law enforcement tax to the voters.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, **the repeal of such tax shall become effective as provided in section 32.087**. The county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

7. Except as modified in this section, all provisions of sections 32.085 [and] **to 32.087** shall apply to the tax imposed under this section.

67.583. 1. The governing body of any county of the second class with a population of more than forty thousand but less than sixty thousand and which contains institutions operated by the department of corrections and by the department of mental health is hereby authorized to impose, by ordinance or order, a sales tax in the amount of one-eighth of one percent on all retail sales made in such county which are subject to taxation under the provisions of sections 144.010 to 144.525. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law; provided, however, that no ordinance or order imposing a sales tax under the provisions of this section shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the governing body of the county to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the county of (county's name) impose a countywide sales tax of (insert amount) for the purpose of providing retirement and health care benefits for county employees and their dependents?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to impose the sales tax herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. All revenue received by a county from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for providing retirement and health care benefits for county employees and their dependents.

4. All sales taxes collected by the director of revenue under this section on behalf of any county[, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited in a special trust fund, which is hereby created, to be known as the "County Employee Benefit Sales Tax Trust Fund". [The moneys in the county employee benefit sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust and which was collected in each county imposing a sales tax under this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax. Such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from the county employee benefit sales tax trust fund shall be for the provision of retirement benefits or health care benefits for employees of the county and their dependents and for no other purpose.

5. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

6. Except as modified in this section, all provisions of sections 32.085 [and] to 32.087 shall apply to the tax imposed under this section.

67.584. 1. The governing body of any county of the first classification with more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half percent on all retail sales made in such county which are subject to taxation pursuant to sections 144.010 to 144.525 for the purpose of providing law enforcement services for such county. The tax authorized by this section shall be in addition to any and all other sales taxes allowed

by law, except that no ordinance or order imposing a sales tax pursuant to this section shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary, or special election, a proposal to authorize the governing body of the county to impose a tax.

2. If the proposal submitted involves only authorization to impose the tax authorized by this section, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the county of (county's name) impose a countywide sales tax of (insert amount) for the purpose of providing law enforcement services for the county?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to this subsection, then the ordinance or order and any amendments thereto shall be in effect [on the first day of the second quarter immediately following the election approving the proposal] **as provided by section 32.087**. If a proposal receives less than the required majority, then the governing body of the county shall have no power to impose the sales tax herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. Twenty-five percent of the revenue received by a county treasurer from the tax authorized pursuant to this section shall be deposited in a special trust fund and shall be used solely by a prosecuting attorney's office for such county for so long as the tax shall remain in effect. The remainder of revenue shall be deposited in the county law enforcement sales tax trust fund established pursuant to section 67.582 of the county levying the tax pursuant to this section. The revenue derived from the tax imposed pursuant to this section shall be used for public law enforcement services only. No revenue derived from the tax imposed pursuant to this section shall be used for any private contractor providing law enforcement services or for any private jail.

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the prosecuting attorney's trust fund shall be used solely by a prosecuting attorney's office for the county. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue pursuant to this section on behalf of any county[, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited in a special trust fund, which is hereby created, to be known as the "County Prosecuting Attorney's Office Sales Tax Trust Fund" or in the county law enforcement sales tax trust fund, pursuant to the deposit ratio in subsection 3 of this section. [The moneys in the trust funds shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trusts and which was collected in each county imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust funds during the preceding month to the county which levied the tax; such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from either trust fund shall be by an appropriation act to be enacted by the governing body of each such county. Expenditures may be made from the funds for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust funds and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, **the repeal of such tax shall become effective as provided in section 32.087**. The county shall notify the director of revenue of the action at least ninety days before the effective date of the repeal and the director of revenue may order retention in the appropriate trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayments of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county established pursuant to this section. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

7. Except as modified in this section, all provisions of sections 32.085 [and] **to** 32.087 shall apply to the tax imposed pursuant to this section.

67.712. 1. All sales taxes collected by the director of revenue under sections 67.700 to 67.727 on behalf of any county[, less one percent for the cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Alternate Sales Tax Trust Fund". [The moneys in the county alternate sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a sales tax under sections 67.700 to 67.727, and the records shall be open to the inspection of officers of each county and the general public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month by distributing to the county treasurer, or such other officer as may be designated by the county ordinance or order, of each county imposing the tax authorized by sections 67.700 to 67.727, the sum, as certified by the director of revenue, due the county.

2. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county repeals the tax authorized by sections 67.700 to 67.727, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and **the repeal shall be effective as provided in section 32.087**. The director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of repeal of the tax authorized by sections 67.700 to 67.727 in such county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

3. Except as modified in sections 67.700 to 67.727, all provisions of sections 32.085 [and] **to** 32.087 shall apply to the tax imposed under sections 67.700 to 67.727.

67.713. 1. Notwithstanding the provisions of section 67.712, as to the disposition of any other sales tax imposed under the provisions of sections 67.700 to 67.727, one-fifth of the sales taxes collected by the director of revenue from the tax authorized by section 67.701 on behalf of any county of the first class having a charter form of government and having a population of nine hundred thousand or more[, less one percent for cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in sections 67.700 to 67.727,] shall be deposited in a special trust fund, which is hereby created, to be known as the "County-Municipal Storm Water and Public Works Sales Tax Trust Fund". [The moneys in the county-municipal storm water and public works sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county and the records shall be open to the inspection of officers of the county and of the municipalities within the county and the public. Not later than the tenth day of each month, the director of the department of revenue shall distribute all moneys deposited in the county-municipal storm water and public works sales tax trust fund during the preceding month to the county which levied the tax, and the municipalities which are located wholly or partially within such county as follows:

(1) The county which levied the sales tax shall receive a percentage of the distributable revenue equal to the percentage ratio that the population of the unincorporated areas of the county bears to the total population of the county;

(2) Each municipality located wholly within the county which levied the tax shall receive a percentage of the distributable revenue equal to the percentage ratio that the population of such municipality bears to the total population of the county; and

(3) Each municipality located partially within the county which levied the tax shall receive a percentage of the distributable revenue equal to the percentage ratio that the population of that part of the municipality located within the county bears to the total population of the county.

2. The director of revenue may make refunds from the amounts in the county-municipal storm water and public works sales tax trust fund and credited to any county or municipality for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such county or municipality. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the county-municipal storm water and public works sales tax trust fund, for a period of one year, of two

percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county or municipality and close the account of that county or municipality. The director of revenue shall notify each county or municipality of each instance of any amount refunded or any check redeemed from receipts due the county or municipality.

3. If the governing body of any municipality located wholly or partially within the county so requests by resolution, no funds shall be expended from the proceeds of any tax imposed under section 67.701 within the corporate boundaries of the requesting municipality for the construction, reconstruction or widening of any road established or to be established pursuant to section 137.558, the total cost of which exceeds one hundred thousand dollars unless: (a) a public hearing is first held at a place near such proposed action; and (b) plans and specifications of such proposed action are prepared and a cost-benefit analysis prepared in accordance with accepted accounting principles of such proposed action is presented to such public hearing. Such cost-benefit analysis and its work papers shall be a public document and subject to inspection as provided in chapter 610. The provisions of this subsection shall not apply to proposed projects in unincorporated areas of the county.

67.729. 1. Any county except any first class county having a charter form of government and having a population of nine hundred thousand or more may, in the same manner and by the same procedure and subject to the same penalties as set out in sections 67.700 to 67.727, impose a sales tax of not more than one-tenth of one percent for the purpose of funding storm water control and public works projects other than stadiums or other sports facilities. This sales tax shall be in addition to any other sales tax authorized by law.

2. Notwithstanding the provisions of section 67.712 as to the disposition of any other sales tax imposed under the provisions of sections 67.700 to 67.727, all sales taxes collected by the director of revenue from the tax authorized by this section on behalf of any county[, less one percent for cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Storm Water and Public Works Sales Tax Trust Fund". [The moneys in the county storm water and public works sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a sales tax under this section and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the county storm water and public works sales tax trust fund during the preceding month to the county which levied the tax, and the municipalities which are located wholly or partially within such county as follows:

(1) The county which levied the sales tax shall receive a percentage of the distributable revenue equal to the percentage ratio that the population of the unincorporated areas of the county bears to the total population of the county;

(2) Each municipality located wholly within the county which levied the tax shall receive a percentage of the distributable revenue equal to the percentage ratio that the population of such municipality bears to the total population of the county; and

(3) Each municipality located partially within the county which levied the tax shall receive a percentage of the distributable revenue equal to the percentage ratio that the population of that part of the municipality located within the county bears to the total population of the county.

3. The director of revenue may authorize the state treasurer to make refunds from the amounts in the county storm water and public works sales tax trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the county storm water and public works sales tax trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

67.737. Except as modified in sections 67.730 to 67.739, all provisions of sections 32.085 [and] **to** 32.087 shall apply to the tax imposed under sections 67.730 to 67.739.

67.738. 1. All sales taxes collected by the director of revenue under sections 67.730 to 67.739 on behalf of any county[, less one percent for the cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Capital Improvement Bond Sales Tax Trust Fund". [The moneys in the county capital improvement bond sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a sales tax under sections 67.730 to 67.739, and the records shall be open to the inspection of officers of each county and the general public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month by distributing to the county treasurer, or such other officer as may be designated by the county ordinance or order, of each county imposing the tax authorized by sections 67.730 to 67.739, the sum, as certified by the director of revenue, due the county.

2. The director of revenue may authorize the state treasurer to make refund from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county repeals the tax authorized by sections 67.730 to 67.739, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal or expiration and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of repeal or expiration of the tax authorized by sections 67.730 to 67.739 in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

67.745. 1. Any county of the third classification without a township form of government and with more than eleven thousand seven hundred fifty but fewer than eleven thousand eight hundred fifty inhabitants may impose a sales tax throughout the county for public recreational projects and programs, but the sales tax authorized by this section shall not become effective unless the governing body of such county submits to the qualified voters of the county a proposal to authorize the county to impose the sales tax.

2. The ballot submission shall be in substantially the following form:

Shall the County of impose a sales tax of up to one percent for the purpose of funding the financing, acquisition, construction, operation, and maintenance of recreational projects and programs, including the acquisition of land for such purposes?

☐ YES

☐ NO

3. If approved by a majority of qualified voters **voting on the issue** in the county, the governing body of the county shall appoint a board of directors consisting of nine members. Of the initial members appointed to the board, three members shall be appointed for a term of three years, three members shall be appointed for a term of two years, and three members shall be appointed for a term of one year. After the initial appointments, board members shall be appointed to three-year terms.

4. The sales tax may be imposed at a rate of up to one percent on the receipts from the retail sale of all tangible personal property or taxable service within the county, if such property and services are subject to taxation by the state of Missouri under sections 144.010 to 144.525.

5. All revenue collected from the sales tax under this section by the director of revenue on behalf of a county[, less one percent for the cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Recreation Sales Trust Fund". [Moneys in the fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund collected in each county imposing a sales tax under this section, and the records shall be open to the inspection of officers of such county and the general public. Not later than the tenth day of each calendar month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding calendar month by distributing to the county treasurer, or such officer as may be designated by county ordinance or order, of each county imposing the tax under this section the sum due the county as certified by the director of revenue.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. Each county shall notify the director of revenue at least ninety days prior

to the effective date of the expiration of the sales tax authorized by this section and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the trust fund for a period of one year of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayments of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the date of expiration of the tax authorized by this section in a county, the director of revenue shall remit the balance in the account to the county and close the account of such county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due such county.

7. The tax authorized under this section may be imposed in accordance with this section by a county in addition to or in lieu of the tax authorized in sections 67.750 to 67.780.

8. The sales tax imposed under this section shall expire twenty years from the effective date thereof unless an extension of the tax is submitted to and approved by the qualified voters in the county in the manner provided in this section. Each extension of the sales tax shall be for a period of ten years.

9. The provisions of this section shall not in any way affect or limit the powers granted to any county to establish, maintain, and conduct parks and other recreational grounds for public recreation.

10. Except as modified in this section, the provisions of sections 32.085 [and] **to 32.087** shall apply to the tax imposed under this section.

67.782. 1. Any county of the third class having a population of more than ten thousand and less than fifteen thousand and any county of the second class having a population of more than fifty-eight thousand and less than seventy thousand adjacent to such third class county, both counties making up the same judicial circuit, may jointly impose a sales tax throughout each of their respective counties for public recreational purposes including the financing, acquisition, construction, operation and maintenance of recreational projects and programs, but the sales taxes authorized by this section shall not become effective unless the governing body of each such county submits to the voters of their respective counties a proposal to authorize the counties to impose the sales tax.

2. The ballot of submission shall be in substantially the following form:

Shall the County of impose a sales tax of percent in conjunction with the county of for the purpose of funding the financing, acquisition, construction, operation and maintenance of recreational projects and programs, including the acquisition of land for such purposes?

☐ YES

☐ NO

If a separate majority of the votes cast on the proposal by the qualified voters voting thereon in each county are in favor of the proposal, then the tax shall be in effect in both counties. If a majority of the votes cast by the qualified voters voting thereon in either county are opposed to the proposal, then the governing body of neither county shall have power to impose the sales tax authorized by this section unless or until the governing body of the county that has not approved the tax shall again have submitted another proposal to authorize the governing body to impose the tax, and the proposal is approved by a majority of the qualified voters voting thereon in that county.

3. The sales tax may be imposed at a rate of one percent on the receipts from the sale at retail of all tangible personal property or taxable service at retail within the county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525.

4. All sales taxes collected by the director of revenue under this section on behalf of any county[, less one percent for the cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Recreation Sales Tax Trust Fund". [The moneys in the county recreation sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a sales tax under this section, and the records shall be open to the inspection of officers of each county and the general public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month by distributing to the county treasurer, or such other officer as may be designated by the county ordinance or order, of each county imposing the tax authorized by this section, the sum, as certified by the director of revenue, due the county.

5. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. Each county shall notify the director of revenue at least ninety days prior to the effective date of the expiration of the sales tax authorized by this section and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax

and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the date of expiration of the tax authorized by this section in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

6. The tax authorized by this section may be imposed, in accordance with this section, by a county in addition to or in lieu of the tax authorized by sections 67.750 to 67.780.

7. Any county imposing a sales tax pursuant to the provisions of this section may contract with the authority of any other county or with any city or political subdivision for the financing, acquisition, operation, construction, maintenance, or utilization of any recreation facility or project or program funded in whole or in part from revenues derived from the tax levied pursuant to the provisions of this section.

8. The sales tax imposed pursuant to the provisions of this section shall expire twenty-five years from the effective date thereof unless an extension of the tax is submitted to and approved by the voters in each county in the manner provided in this section. Each extension of the sales tax shall be for a period of ten years.

9. The governing body of each of the counties imposing a sales tax under the provisions of this section may cooperate with the governing body of any county or other political subdivision of this state in carrying out the provisions of this section, and may establish and conduct jointly a system of public recreation. The respective governing bodies administering programs jointly may provide by agreement among themselves for all matters connected with the programs and determine what items of cost and expense shall be paid by each.

10. The provisions of this section shall not in any way repeal, affect or limit the powers granted to any county to establish, maintain and conduct parks and other recreational grounds for public recreation.

11. Except as modified in this section, all provisions of sections 32.085 [and] ~~to~~ 32.087 shall apply to the tax imposed under this section.

67.799. 1. A regional recreational district may, by a majority vote of its board of directors, impose an annual property tax for the establishment and maintenance of public parks and recreational facilities and grounds within the boundaries of the regional recreational district not to exceed sixty cents per year on each one hundred dollars of assessed valuation on all property within the district, except that no such tax shall become effective unless the board of directors of the district submits to the voters of the district, at a county or state general, primary or special election, a proposal to authorize the tax.

2. The question shall be submitted in substantially the following form:

Shall a cent tax per one hundred dollars assessed valuation be levied for public parks and recreational facilities?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall become effective. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors shall have no power to impose the tax unless and until the board of directors of the district submits another proposal to authorize the tax and such proposal is approved by a majority of the qualified voters voting thereon.

3. The property tax authorized in subsections 1 and 2 of this section shall be levied and collected in the same manner as other ad valorem property taxes are levied and collected.

4. (1) A regional recreational district may, by a majority vote of its board of directors, impose a tax not to exceed one-half of one cent on all retail sales subject to taxation pursuant to sections 144.010 to 144.525 for the purpose of funding the creation, operation and maintenance of public parks, recreational facilities and grounds within the boundaries of a regional recreational district. The tax authorized by this subsection shall be in addition to all other sales taxes allowed by law. No tax pursuant to this subsection shall become effective unless the board of directors submits to the voters of the district, at a county or state general, primary or special election, a proposal to authorize the tax, and such tax shall become effective only after the majority of the voters voting on such tax approve such tax.

(2) In the event the district seeks to impose a sales tax pursuant to this subsection, the question shall be submitted in substantially the following form:

Shall a cent sales tax be levied on all retail sales within the district for public parks and recreational facilities?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall become effective. If a majority of the votes cast by the qualified voters voting are opposed to the proposal,

then the board of directors shall have no power to impose the tax unless and until another proposal to authorize the tax is submitted to the voters of the district and such proposal is approved by a majority of the qualified voters voting thereon. The provisions of sections 32.085 [and] to 32.087 shall apply to any tax approved pursuant to this subsection.

5. As used in this section, "qualified voters" or "voters" means any individuals residing within the proposed district who are eligible to be registered voters and who have registered to vote under chapter 115 or, if no individuals eligible and registered to vote reside within the proposed district, all of the owners of real property located within the proposed district who have unanimously petitioned for or consented to the adoption of an ordinance by the governing body imposing a tax authorized in this section. If the owner of the property within the proposed district is a political subdivision or corporation of the state, the governing body of such political subdivision or corporation shall be considered the owner for purposes of this section.

67.997. 1. The governing body of any county of the third classification without a township form of government and with more than eighteen thousand one hundred but fewer than eighteen thousand two hundred inhabitants may impose, by order or ordinance, a sales tax on all retail sales made within the county which are subject to sales tax under chapter 144. The tax authorized in this section shall not exceed one-fourth of one percent, and shall be imposed solely for the purpose of funding senior services and youth programs provided by the county. One-half of all revenue collected under this section[, less one-half the cost of collection,] shall be used solely to fund any service or activity deemed necessary by the senior service tax commission established in this section, and one-half of all revenue collected under this section[, less one-half the cost of collection,] shall be used solely to fund all youth programs administered by an existing county community task force. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The order or ordinance shall not become effective unless the governing body of the county submits to the voters residing within the county at a state general, primary, or special election a proposal to authorize the governing body of the county to impose a tax under this section.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:
 Shall (insert the name of the county) impose a sales tax at a rate of (insert rate of percent) percent, with half of the revenue from the tax, less one-half the cost of collection, to be used solely to fund senior services provided by the county and half of the revenue from the tax, less one-half the cost of collection, to be used solely to fund youth programs provided by the county?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter immediately following the approval of the tax or notification to the department of revenue if such tax will be administered by the department of revenue. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. [On or after the effective date of any tax authorized under this section, the county which imposed the tax shall enter into an agreement with the director of the department of revenue for the purpose of collecting the tax authorized in this section. On or after the effective date of the tax the director of revenue shall be responsible for the administration, collection, enforcement, and operation of the tax, and] Sections 32.085 [and] to 32.087 shall apply. All revenue collected under this section by the director of the department of revenue on behalf of any county[, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund,] shall be deposited in a special trust fund, which is hereby created and shall be known as the "Senior Services and Youth Programs Sales Tax Trust Fund", and shall be used solely for the designated purposes. [Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state.] The director may make refunds from the amounts in the trust fund and credited to the county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such county. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. [In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing body of the county may authorize the use of a bracket system similar to that authorized in section 144.285 and notwithstanding the provisions of that section, this new bracket

system shall be used where this tax is imposed and shall apply to all taxable transactions.] Beginning with the effective date of the tax, every retailer in the county shall add the sales tax to the sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. For purposes of this section, all retail sales shall be deemed to be consummated at the place of business of the retailer.

5. All applicable provisions in sections 144.010 to 144.525 governing the state sales tax, and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax[, and all exemptions granted to agencies of government, organizations, and persons under sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax. The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax. All discounts allowed the retailer under the state sales tax for the collection of and for payment of taxes are hereby allowed and made applicable to the tax. The penalties for violations provided in section 32.057 and sections 144.010 to 144.525 are hereby made applicable to violations of this section. If any person is delinquent in the payment of the amount required to be paid under this section, or in the event a determination has been made against the person for taxes and penalty under this section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525].

6. The governing body of any county that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the county. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the county) repeal the sales tax imposed at a rate of
(insert rate of percent) percent for the purpose of funding senior services and youth programs provided by the county?
☐ YES ☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of repeal, that repeal shall become effective [on December thirty-first of the calendar year in which such repeal was approved] **as provided by section 32.087**. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

7. Whenever the governing body of any county that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the county voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the county a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective [on December thirty-first of the calendar year in which such repeal was approved] **as provided by section 32.087**. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

8. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the county shall notify the director of the department of revenue of the action at least thirty days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director shall remit the balance in the account to the county and close the account of that county. The director shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

9. Each county imposing the tax authorized in this section shall establish a senior services tax commission to administer the portion of the sales tax revenue dedicated to providing senior services. Such commission shall consist of seven members appointed by the county commission. The county commission shall determine the qualifications, terms of office, compensation, powers, duties, restrictions, procedures, and all other necessary functions of the commission."; and

Further amend said bill, Page 8, Section 67.1020, Line 4, by inserting after all of said line the following:

"67.1300. 1. The governing body of any of the contiguous counties of the third classification without a township form of government enumerated in subdivisions (1) to (5) of this subsection or in any county of the fourth classification acting as a county of the second classification, having a population of at least forty thousand but less than forty-five thousand with a state university, and adjoining a county of the first classification with part of a city with a population of three hundred fifty thousand or more inhabitants or a county of the third classification with a township form of government and with a population of at least eight thousand but less than eight thousand four hundred inhabitants or a county of the third classification with more than fifteen townships having a population of at least twenty-one thousand inhabitants or a county of the third classification without a township form of government and with a population of at least seven thousand four hundred but less than eight thousand inhabitants or any county of the third classification with a population greater than three thousand but less than four thousand or any county of the third classification with a population greater than six thousand one hundred but less than six thousand four hundred or any county of the third classification with a population greater than six thousand eight hundred but less than seven thousand or any county of the third classification with a population greater than seven thousand eight hundred but less than seven thousand nine hundred or any county of the third classification with a population greater than eight thousand four hundred sixty but less than eight thousand five hundred or any county of the third classification with a population greater than nine thousand but less than nine thousand two hundred or any county of the third classification with a population greater than ten thousand five hundred but less than ten thousand six hundred or any county of the third classification with a population greater than twenty-three thousand five hundred but less than twenty-three thousand seven hundred or a county of the third classification with a population greater than thirty-three thousand but less than thirty-four thousand or a county of the third classification with a population greater than twenty thousand eight hundred but less than twenty-one thousand or a county of the third classification with a population greater than fourteen thousand one hundred but less than fourteen thousand five hundred or a county of the third classification with a population greater than twenty thousand eight hundred fifty but less than twenty-two thousand or a county of the third classification with a population greater than thirty-nine thousand but less than forty thousand or a county of the third classification with a township form of organization and a population greater than twenty-eight thousand but less than twenty-nine thousand or a county of the third classification with a population greater than fifteen thousand but less than fifteen thousand five hundred or a county of the third classification with a population greater than eighteen thousand but less than nineteen thousand seventy or a county of the third classification with a population greater than thirteen thousand nine hundred but less than fourteen thousand four hundred or a county of the third classification with a population greater than twenty-seven thousand but less than twenty-seven thousand five hundred or a county of the first classification without a charter form of government and a population of at least eighty thousand but not greater than eighty-three thousand or a county of the third classification with a population greater than fifteen thousand but less than fifteen thousand nine hundred without a township form of government which does not adjoin any county of the first, second or fourth classification or a county of the third classification with a population greater than twenty-three thousand but less than twenty-five thousand without a township form of government which does not adjoin any county of the second or fourth classification and does adjoin a county of the first classification with a population greater than one hundred twenty thousand but less than one hundred fifty thousand or in any county of the fourth classification acting as a county of the second classification, having a population of at least forty-eight thousand or any governing body of a municipality located in any of such counties may impose, by ordinance or order, a sales tax on all retail sales made in such county or municipality which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525:

- (1) A county with a population of at least four thousand two hundred inhabitants but not more than four thousand five hundred inhabitants;
- (2) A county with a population of at least four thousand seven hundred inhabitants but not more than four thousand nine hundred inhabitants;
- (3) A county with a population of at least seven thousand three hundred inhabitants but not more than seven thousand six hundred inhabitants;
- (4) A county with a population of at least ten thousand one hundred inhabitants but not more than ten thousand three hundred inhabitants; and
- (5) A county with a population of at least four thousand three hundred inhabitants but not more than four thousand five hundred inhabitants.

2. The maximum rate for a sales tax pursuant to this section shall be one percent for municipalities and one-half of one percent for counties.

3. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to the provisions of this section shall be effective unless the

governing body of the county or municipality submits to the voters of the county or municipality, at a regularly scheduled county, municipal or state general or primary election, a proposal to authorize the governing body of the county or municipality to impose a tax. Any sales tax imposed pursuant to this section shall not be authorized for a period of more than five years.

4. Such proposal shall be submitted in substantially the following form:

Shall the (city, town, village or county) of impose a sales tax of (insert amount) for the purpose of economic development in the (city, town, village or county)?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter after the director of revenue receives notice of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county or municipality shall not impose the sales tax authorized in this section until the governing body of the county or municipality resubmits another proposal to authorize the governing body of the county or municipality to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon; however no such proposal shall be resubmitted to the voters sooner than twelve months from the date of the submission of the last such proposal.

5. All revenue received by a county or municipality from the tax authorized pursuant to the provisions of this section shall be deposited in a special trust fund and shall be used solely for economic development purposes within such county or municipality for so long as the tax shall remain in effect.

6. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for economic development purposes within the county or municipality. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county or municipal funds.

7. All sales taxes collected by the director of revenue pursuant to this section on behalf of any county or municipality[, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited in a special trust fund, which is hereby created, to be known as the "Local Economic Development Sales Tax Trust Fund".

8. [The moneys in the local economic development sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund and which was collected in each county or municipality imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the county or municipality and the public.

9. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county or municipality which levied the tax. Such funds shall be deposited with the county treasurer of each such county or the appropriate municipal officer in the case of a municipal tax, and all expenditures of funds arising from the local economic development sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county or municipality. Expenditures may be made from the fund for any economic development purposes authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.

10. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county or municipality for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties and municipalities.

11. If any county or municipality abolishes the tax, the county or municipality shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county or municipality, the director of revenue shall remit the balance in the account to the county or municipality and close the account of that county or municipality. The director of revenue shall notify each county or municipality of each instance of any amount refunded or any check redeemed from receipts due the county or municipality.

12. Except as modified in this section, all provisions of sections 32.085 [and] to 32.087 shall apply to the tax imposed pursuant to this section.

13. For purposes of this section, the term "economic development" is limited to the following:

(1) Operations of economic development or community development offices, including the salaries of employees;

- (2) Provision of training for job creation or retention;
- (3) Provision of infrastructure and sites for industrial development or for public infrastructure projects; and
- (4) Refurbishing of existing structures and property relating to community development.

67.1303. 1. The governing body of any home rule city with more than one hundred fifty-one thousand five hundred but less than one hundred fifty-one thousand six hundred inhabitants, any home rule city with more than forty-five thousand five hundred but less than forty-five thousand nine hundred inhabitants and the governing body of any city within any county of the first classification with more than one hundred four thousand six hundred but less than one hundred four thousand seven hundred inhabitants and the governing body of any county of the third classification without a township form of government and with more than forty thousand eight hundred but less than forty thousand nine hundred inhabitants or any city within such county may impose, by order or ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax under chapter 144. In addition, the governing body of any county of the first classification with more than eighty-five thousand nine hundred but less than eighty-six thousand inhabitants or the governing body of any home rule city with more than seventy-three thousand but less than seventy-five thousand inhabitants may impose, by order or ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax under chapter 144. The tax authorized in this section shall not be more than one-half of one percent. The order or ordinance imposing the tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general or primary election a proposal to authorize the governing body to impose a tax under this section. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city or county) impose a sales tax at a rate of (insert rate of percent) percent for economic development purposes?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective [on the first day of the second calendar quarter following the calendar quarter in which the election was held] **as provided by section 32.087**. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question, provided that no proposal shall be resubmitted to the voters sooner than twelve months from the date of the submission of the last proposal.

3. No revenue generated by the tax authorized in this section shall be used for any retail development project. At least twenty percent of the revenue generated by the tax authorized in this section shall be used solely for projects directly related to long-term economic development preparation, including, but not limited to, the following:

- (1) Acquisition of land;
- (2) Installation of infrastructure for industrial or business parks;
- (3) Improvement of water and wastewater treatment capacity;
- (4) Extension of streets;
- (5) Providing matching dollars for state or federal grants;
- (6) Marketing;
- (7) Construction and operation of job training and educational facilities; and
- (8) Providing grants and low-interest loans to companies for job training, equipment acquisition, site development, and infrastructure. Not more than twenty-five percent of the revenue generated may be used annually for administrative purposes, including staff and facility costs.

4. All revenue generated by the tax shall be deposited in a special trust fund and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city or county funds.

5. **The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city or county for erroneous payments in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any city or county abolishes the tax authorized under this section, the repeal of such tax shall become effective December thirty-first of the calendar year in which such abolishment was approved. Each city or county shall notify the director of revenue at least ninety days prior to the effective**

date of the expiration of the sales tax authorized by this section and the repeal shall be effective as provided by section 32.087. The director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the date of expiration of the tax authorized by this section in such city or county, the director of revenue shall remit the balance in the account to the city or county and close the account of that city or county. The director of revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county.

6. Any city or county imposing the tax authorized in this section shall establish an economic development tax board. The board shall consist of eleven members, to be appointed as follows:

(1) Two members shall be appointed by the school boards whose districts are included within any economic development plan or area funded by the sales tax authorized in this section. Such members shall be appointed in any manner agreed upon by the affected districts;

(2) One member shall be appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for an economic development project or area funded by the sales tax authorized in this section, excluding representatives of the governing body of the city or county;

(3) One member shall be appointed by the largest public school district in the city or county;

(4) In each city or county, five members shall be appointed by the chief elected officer of the city or county with the consent of the majority of the governing body of the city or county;

(5) In each city, two members shall be appointed by the governing body of the county in which the city is located. In each county, two members shall be appointed by the governing body of the county. At the option of the members appointed by a city or county the members who are appointed by the school boards and other taxing districts may serve on the board for a term to coincide with the length of time an economic development project, plan, or designation of an economic development area is considered for approval by the board, or for the definite terms as provided in this subsection. If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time an economic development project, plan, or area is approved, such term shall terminate upon final approval of the project, plan, or designation of the area by the governing body of the city or county. If any school district or other taxing jurisdiction fails to appoint members of the board within thirty days of receipt of written notice of a proposed economic development plan, economic development project, or designation of an economic development area, the remaining members may proceed to exercise the power of the board. Of the members first appointed by the city or county, three shall be designated to serve for terms of two years, three shall be designated to serve for a term of three years, and the remaining members shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the city or county shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

[6.] **7.** The board, subject to approval of the governing body of the city or county, shall develop economic development plans, economic development projects, or designations of an economic development area, and shall hold public hearings and provide notice of any such hearings. The board shall vote on all proposed economic development plans, economic development projects, or designations of an economic development area, and amendments thereto, within thirty days following completion of the hearing on any such plan, project, or designation, and shall make recommendations to the governing body within ninety days of the hearing concerning the adoption of or amendment to economic development plans, economic development projects, or designations of an economic development area.

[7.] **8.** The board shall report at least annually to the governing body of the city or county on the use of the funds provided under this section and on the progress of any plan, project, or designation adopted under this section.

[8.] **9.** The governing body of any city or county that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city or county. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city or county) repeal the sales tax imposed at a rate of (insert rate of percent) percent for economic development purposes?

☐ YES

☐ NO

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters of the city or county, and the repeal is approved by a majority of the qualified voters voting on the question.

[9.] **10.** Whenever the governing body of any city or county that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city or county voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective [on December thirty-first of the calendar year in which such repeal was approved] **as provided by section 32.087.** If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question. **If the city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least one hundred twenty days prior to the effective date of the repeal.**

11. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

12. Except as provided in this section, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under this section.

67.1305. 1. As used in this section, the term "city" shall mean any incorporated city, town, or village.

2. In lieu of the sales taxes authorized under sections 67.1300 and 67.1303, the governing body of any city or county may impose, by order or ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax under chapter 144. The tax authorized in this section shall not be more than one-half of one percent. The order or ordinance imposing the tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at any citywide, county or state general, primary or special election a proposal to authorize the governing body to impose a tax under this section. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The tax authorized in this section shall not be imposed by any city or county that has imposed a tax under section 67.1300 or 67.1303 unless the tax imposed under those sections has expired or been repealed.

3. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city or county) impose a sales tax at a rate of (insert rate of percent) percent for economic development purposes?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question, provided that no proposal shall be resubmitted to the voters sooner than twelve months from the date of the submission of the last proposal.

4. All sales taxes collected by the director of revenue under this section on behalf of any county or municipality[, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited in a special trust fund, which is hereby created, to be known as the "Local Option Economic Development Sales Tax Trust Fund".

5. [The moneys in the local option economic development sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund and which was collected in each city or county imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the city or county and the public.

6. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city or county which levied the tax. Such funds shall be deposited with the county treasurer of each such county or the appropriate municipal officer in the case of a municipal tax, and all expenditures of funds arising from the local economic development sales tax trust fund shall be in accordance with this section.

7. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities and counties.

8. If any county or municipality abolishes the tax, the city or county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city or county, the director of revenue shall remit the balance in the account to the city or county and close the account of that city or county. The director of revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county.

9. Except as modified in this section, all provisions of sections 32.085 [and] **to 32.087** shall apply to the tax imposed pursuant to this section.

10. (1) No revenue generated by the tax authorized in this section shall be used for any retail development project, except for the redevelopment of downtown areas and historic districts. Not more than twenty-five percent of the revenue generated shall be used annually for administrative purposes, including staff and facility costs.

(2) At least twenty percent of the revenue generated by the tax authorized in this section shall be used solely for projects directly related to long-term economic development preparation, including, but not limited to, the following:

- (a) Acquisition of land;
- (b) Installation of infrastructure for industrial or business parks;
- (c) Improvement of water and wastewater treatment capacity;
- (d) Extension of streets;
- (e) Public facilities directly related to economic development and job creation; and
- (f) Providing matching dollars for state or federal grants relating to such long-term projects.

(3) The remaining revenue generated by the tax authorized in this section may be used for, but shall not be limited to, the following:

- (a) Marketing;
- (b) Providing grants and loans to companies for job training, equipment acquisition, site development, and infrastructures;
- (c) Training programs to prepare workers for advanced technologies and high skill jobs;
- (d) Legal and accounting expenses directly associated with the economic development planning and preparation process;
- (e) Developing value-added and export opportunities for Missouri agricultural products.

11. All revenue generated by the tax shall be deposited in a special trust fund and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city or county funds.

12. (1) Any city or county imposing the tax authorized in this section shall establish an economic development tax board. The volunteer board shall receive no compensation or operating budget.

(2) The economic development tax board established by a city shall consist of at least five members, but may be increased to nine members. Either a five-member or nine-member board shall be designated in the order or ordinance imposing the sales tax authorized by this section, and the members are to be appointed as follows:

(a) One member of a five-member board, or two members of a nine-member board, shall be appointed by the school districts included within any economic development plan or area funded by the sales tax authorized in this section. Such member or members shall be appointed in any manner agreed upon by the affected districts;

(b) Three members of a five-member board, or five members of a nine-member board, shall be appointed by the chief elected officer of the city with the consent of the majority of the governing body of the city;

(c) One member of a five-member board, or two members of a nine-member board, shall be appointed by the governing body of the county in which the city is located.

(3) The economic development tax board established by a county shall consist of seven members, to be appointed as follows:

(a) One member shall be appointed by the school districts included within any economic development plan or area funded by the sales tax authorized in this section. Such member shall be appointed in any manner agreed upon by the affected districts;

(b) Four members shall be appointed by the governing body of the county; and

(c) Two members from the cities, towns, or villages within the county appointed in any manner agreed upon by the chief elected officers of the cities or villages.

Of the members initially appointed, three shall be designated to serve for terms of two years, except that when a nine-member board is designated, seven of the members initially appointed shall be designated to serve for terms of two years, and the remaining members shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

(4) If an economic development tax board established by a city is already in existence on August 28, 2012, any increase in the number of members of the board shall be designated in an order or ordinance. The four board members added to the board shall be appointed to a term with an expiration coinciding with the expiration of the terms of the three board member positions that were originally appointed to terms of two years. Thereafter, the additional members appointed shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the additional appointments.

13. The board, subject to approval of the governing body of the city or county, shall consider economic development plans, economic development projects, or designations of an economic development area, and shall hold public hearings and provide notice of any such hearings. The board shall vote on all proposed economic development plans, economic development projects, or designations of an economic development area, and amendments thereto, within thirty days following completion of the hearing on any such plan, project, or designation, and shall make recommendations to the governing body within ninety days of the hearing concerning the adoption of or amendment to economic development plans, economic development projects, or designations of an economic development area. The governing body of the city or county shall have the final determination on use and expenditure of any funds received from the tax imposed under this section.

14. The board may consider and recommend using funds received from the tax imposed under this section for plans, projects or area designations outside the boundaries of the city or county imposing the tax if, and only if:

(1) The city or county imposing the tax or the state receives significant economic benefit from the plan, project or area designation; and

(2) The board establishes an agreement with the governing bodies of all cities and counties in which the plan, project or area designation is located detailing the authority and responsibilities of each governing body with regard to the plan, project or area designation.

15. Notwithstanding any other provision of law to the contrary, the economic development sales tax imposed under this section when imposed within a special taxing district, including but not limited to a tax increment financing district, neighborhood improvement district, or community improvement district, shall be excluded from the calculation of revenues available to such districts, and no revenues from any sales tax imposed under this section shall be used for the purposes of any such district unless recommended by the economic development tax board established under this section and approved by the governing body imposing the tax.

16. The board and the governing body of the city or county imposing the tax shall report at least annually to the governing body of the city or county on the use of the funds provided under this section and on the progress of any plan, project, or designation adopted under this section and shall make such report available to the public.

17. Not later than the first day of March each year the board shall submit to the joint committee on economic development a report, not exceeding one page in length, which must include the following information for each project using the tax authorized under this section:

(1) A statement of its primary economic development goals;

(2) A statement of the total economic development sales tax revenues received during the immediately preceding calendar year;

(3) A statement of total expenditures during the preceding calendar year in each of the following categories:

(a) Infrastructure improvements;

(b) Land and/or buildings;

(c) Machinery and equipment;

(d) Job training investments;

(e) Direct business incentives;

(f) Marketing;

(g) Administration and legal expenses; and

(h) Other expenditures.

18. The governing body of any city or county that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city or county. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city or county) repeal the sales tax imposed at a rate of (insert rate of percent) percent for economic development purposes?

☐ YES

☐ NO

If a majority of the votes cast on the proposal are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters of the city or county, and the repeal is approved by a majority of the qualified voters voting on the question.

19. Whenever the governing body of any city or county that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city or county voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

20. If any provision of this section or section 67.1303 or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of this section or section 67.1303 which can be given effect without the invalid provision or application, and to this end the provisions of this section and section 67.1303 are declared severable.

67.1545. 1. Any district formed as a political subdivision may impose by resolution a district sales and use tax on all retail sales made in such district which are subject to taxation pursuant to sections 144.010 to 144.525, except sales of [motor vehicles, trailers, boats or outboard motors and sales to or by public utilities and providers of communications, cable, or video services] **fuel used to power motor vehicles, aircraft, locomotives, or watercraft, or sales of electricity, piped natural or artificial gas, or other fuels delivered by the seller, and the retail sale or transfer of motor vehicles, aircraft, watercraft, modular homes, manufactured homes, or mobile homes.** Any sales and use tax imposed pursuant to this section may be imposed in increments of one-eighth of one percent, up to a maximum of one percent. Such district sales and use tax may be imposed for any district purpose designated by the district in its ballot of submission to its qualified voters; except that, no resolution adopted pursuant to this section shall become effective unless the board of directors of the district submits to the qualified voters of the district, by mail-in ballot, a proposal to authorize a sales and use tax pursuant to this section. If a majority of the votes cast by the qualified voters on the proposed sales tax are in favor of the sales tax, then the resolution is adopted. If a majority of the votes cast by the qualified voters are opposed to the sales tax, then the resolution is void.

2. The ballot shall be substantially in the following form:

Shall the (insert name of district) Community Improvement District impose a community improvement districtwide sales and use tax at the maximum rate of (insert amount) for a period of (insert number) years from the date on which such tax is first imposed for the purpose of providing revenue for (insert general description of the purpose)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

3. Within ten days after the qualified voters have approved the imposition of the sales and use tax, the district shall, in accordance with section 32.087, notify the director of the department of revenue. The sales and use tax authorized by this section shall become effective on the first day of the second calendar quarter after the director of the department of revenue receives notice of the adoption of such tax.

4. [The director of the department of revenue shall collect any tax adopted pursuant to this section pursuant to section 32.087] **After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the**

state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

5. In each district in which a sales and use tax is imposed pursuant to this section, every retailer shall add such additional tax imposed by the district to such retailer's sale price, and when so added such tax shall constitute a part of the purchase price, shall be a debt of the purchaser to the retailer until paid and shall be recoverable at law in the same manner as the purchase price.

6. [In order to allow retailers to collect and report the sales and use tax authorized by this section as well as all other sales and use taxes required by law in the simplest and most efficient manner possible, a district may establish appropriate brackets to be used in the district imposing a tax pursuant to this section in lieu of the brackets provided in section 144.285. 7.] The penalties provided in sections 144.010 to 144.525 shall apply to violations of this section.

[8.] 7. All revenue received by the district from a sales and use tax imposed pursuant to this section which is designated for a specific purpose shall be deposited into a special trust fund and expended solely for such purpose. Upon the expiration of any sales and use tax adopted pursuant to this section, all funds remaining in the special trust fund shall continue to be used solely for the specific purpose designated in the resolution adopted by the qualified voters. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors pursuant to applicable laws relating to the investment of other district funds.

[9.] 8. A district may repeal by resolution any sales and use tax imposed pursuant to this section before the expiration date of such sales and use tax unless the repeal of such sales and use tax will impair the district's ability to repay any liabilities the district has incurred, moneys the district has borrowed or obligation the district has issued to finance any improvements or services rendered for the district.

[10.] 9. Notwithstanding the provisions of chapter 115, an election for a district sales and use tax under this section shall be conducted in accordance with the provisions of this section.

10. Except as provided in this section, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under this section.

67.1712. 1. The governing body of any county located within the proposed metropolitan district is hereby authorized to impose by ordinance a one-tenth of one cent sales tax on all retail sales subject to taxation pursuant to sections 144.010 to 144.525 for the purpose of funding the creation, operation and maintenance of a metropolitan park and recreation district.

2. In addition to the tax authorized in subsection 1 of this section, the governing body of any county located within the metropolitan district as of January 1, 2012, is authorized to impose by ordinance an incremental sales tax of up to three-sixteenths of one cent on all retail sales subject to taxation under sections 144.010 to 144.525 for the purpose of funding the operation and maintenance of the metropolitan park and recreation district. Such incremental sales tax shall not be implemented unless approved by the voters of the county with the largest population within the district and at least one other such county under subsection 2 of section 67.1715.

3. The taxes authorized by sections 67.1700 to 67.1769 shall be in addition to all other sales taxes allowed by law. The governing body of any county within the metropolitan district enacting such an ordinance shall submit to the voters of such county a proposal to approve its ordinance imposing or increasing the tax. Such ordinance shall become effective only after the majority of the voters voting on such ordinance approve such ordinance. The provisions of sections 32.085 [and] to 32.087 shall apply to any tax and increase in tax approved pursuant to this section and sections 67.1715 to 67.1721.

67.1775. 1. The governing body of a city not within a county, or any county of this state may, after voter approval under this section, levy a sales tax not to exceed one-quarter of a cent in the county or city, or city not within a county, for the purpose of providing services described in section 210.861, including counseling, family support, and temporary residential services to persons nineteen years of age or less. The question shall be submitted to the qualified voters of the county or city, or city not within a county, at a county or city or state general, primary or special election upon the motion of the governing body of the county or city, or city not within a county or upon the petition of eight percent of the qualified voters of the county or city, or city not within a county, determined on the basis of the number of votes cast for governor in such county at the last gubernatorial election held prior to the filing of the petition. The election officials of the county or city, or city not within a county, shall give legal notice as provided in chapter 115. The question shall be submitted in substantially the following form:

Shall County or City, solely for the purpose of establishing a community children's services fund for the purpose of providing services to protect the well-being and safety of children and youth nineteen years of age or less and to strengthen families, be authorized to levy a sales tax of (not to exceed one-quarter of a cent) in the city or county?

☐ YES☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second calendar quarter after the director receives notification of the local sales tax. If a question receives less than the required majority, then the governing authority of the city or county, or city not within a county, shall have no power to impose the sales tax unless and until the governing authority of the city or county, or city not within a county, has submitted another question to authorize the imposition of the sales tax authorized by this section and such question is approved by the required majority of the qualified voters voting thereon. However, in no event shall a question under this section be submitted to the voters sooner than twelve months from the date of the last question under this section.

2. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and the director of revenue shall collect in addition to the sales tax for the state of Missouri the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

3. All sales taxes collected by the director of revenue under this section on behalf of any city or county, or city not within a county[, less one percent for the cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a special fund, which is hereby created, to be known as the "Community Children's Services Fund". [The moneys in the city or county, or city not within a county, community children's services fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the fund which was collected in each city or county, or city not within a county, imposing a sales tax under this section, and the records shall be open to the inspection of officers of each city or county, or city not within a county, and the general public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the fund during the preceding month by distributing to the city or county treasurer, or the treasurer of a city not within a county, or such other officer as may be designated by a city or county ordinance or order, or ordinance or order of a city not within a county, of each city or county, or city not within a county, imposing the tax authorized by this section, the sum, as certified by the director of revenue, due the city or county.

4. The director of revenue may authorize the state treasurer to make refunds from the amounts in the fund and credited to any city or county, or city not within a county, for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. Each city or county, or city not within a county, shall notify the director of revenue at least ninety days prior to the effective date of the expiration of the sales tax authorized by this section and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the date of expiration of the tax authorized by this section in such city not within a county or such city or county, the director of revenue shall remit the balance in the account to the city or county, or city not within a county, and close the account of that city or county, or city not within a county. The director of revenue shall notify each city or county, or city not within a county, of each instance of any amount refunded or any check redeemed from receipts due the city or county.

5. Except as modified in this section, all provisions of sections 32.085 [and] **to 32.087** shall apply to the tax imposed under this section.

6. All revenues generated by the tax prescribed in this section shall be deposited in the county treasury or, in a city not within a county, to the board established by law to administer such fund to the credit of a special community children's services fund to accomplish the purposes set out herein and in section 210.861, and shall be used for no other purpose. Such fund shall be administered by a board of directors, established under section 210.861.

67.1959. 1. The board, by a majority vote, may submit to the residents of such district a tax of not more than one percent on all retail sales, except sales of [food as defined in section 144.014, sales of] new or used motor vehicles, trailers, boats, or other outboard motors, [all utilities, telephone and wireless services,] and sales of funeral services, made **on or after January 1, 2014**, within the district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525. Upon the written request of the board to the election authority of the county in which a majority of the area of the district is situated, such election authority shall submit a proposition to the residents of such district at a municipal or statewide primary or general election, or at a special election called for that purpose. Such election authority shall give legal notice as provided in chapter 115.

2. Such proposition shall be submitted to the voters of the district in substantially the following form at such election:

Shall the Tourism Community Enhancement District impose a sales tax of (insert amount) for the purpose of promoting tourism in the district?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters of the proposed district voting thereon are in favor of the proposal, then the order shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the tax. If the proposal receives less than the required majority, then the board shall have no power to impose the sales tax authorized pursuant to this section unless and until the board shall again have submitted another proposal to authorize the board to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters of the district.

67.2000. 1. This section shall be known as the "Exhibition Center and Recreational Facility District Act".

2. An exhibition center and recreational facility district may be created under this section in the following counties:

(1) Any county of the first classification with more than seventy-one thousand three hundred but less than seventy-one thousand four hundred inhabitants;

(2) Any county of the first classification with more than one hundred ninety-eight thousand but less than one hundred ninety-nine thousand two hundred inhabitants;

(3) Any county of the first classification with more than eighty-five thousand nine hundred but less than eighty-six thousand inhabitants;

(4) Any county of the second classification with more than fifty-two thousand six hundred but less than fifty-two thousand seven hundred inhabitants;

(5) Any county of the first classification with more than one hundred four thousand six hundred but less than one hundred four thousand seven hundred inhabitants;

(6) Any county of the third classification without a township form of government and with more than seventeen thousand nine hundred but less than eighteen thousand inhabitants;

(7) Any county of the first classification with more than thirty-seven thousand but less than thirty-seven thousand one hundred inhabitants;

(8) Any county of the third classification without a township form of government and with more than twenty-three thousand five hundred but less than twenty-three thousand six hundred inhabitants;

(9) Any county of the third classification without a township form of government and with more than nineteen thousand three hundred but less than nineteen thousand four hundred inhabitants;

(10) Any county of the first classification with more than two hundred forty thousand three hundred but less than two hundred forty thousand four hundred inhabitants;

(11) Any county of the third classification with a township form of government and with more than eight thousand nine hundred but fewer than nine thousand inhabitants;

(12) Any county of the third classification without a township form of government and with more than eighteen thousand nine hundred but fewer than nineteen thousand inhabitants;

(13) Any county of the third classification with a township form of government and with more than eight thousand but fewer than eight thousand one hundred inhabitants;

(14) Any county of the third classification with a township form of government and with more than eleven thousand five hundred but fewer than eleven thousand six hundred inhabitants.

3. Whenever not less than fifty owners of real property located within any county listed in subsection 2 of this section desire to create an exhibition center and recreational facility district, the property owners shall file a petition with the governing body of each county located within the boundaries of the proposed district requesting the creation of the district. The district boundaries may include all or part of the counties described in this section. The petition shall contain the following information:

(1) The name and residence of each petitioner and the location of the real property owned by the petitioner;

(2) A specific description of the proposed district boundaries, including a map illustrating the boundaries; and

(3) The name of the proposed district.

4. Upon the filing of a petition pursuant to this section, the governing body of any county described in this section may, by resolution, approve the creation of a district. Any resolution to establish such a district shall be adopted by the governing body of each county located within the proposed district, and shall contain the following information:

- (1) A description of the boundaries of the proposed district;
- (2) The time and place of a hearing to be held to consider establishment of the proposed district;
- (3) The proposed sales tax rate to be voted on within the proposed district; and
- (4) The proposed uses for the revenue generated by the new sales tax.

5. Whenever a hearing is held as provided by this section, the governing body of each county located within the proposed district shall:

- (1) Publish notice of the hearing on two separate occasions in at least one newspaper of general circulation in each county located within the proposed district, with the first publication to occur not more than thirty days before the hearing, and the second publication to occur not more than fifteen days or less than ten days before the hearing;
- (2) Hear all protests and receive evidence for or against the establishment of the proposed district; and
- (3) Rule upon all protests, which determinations shall be final.

6. Following the hearing, if the governing body of each county located within the proposed district decides to establish the proposed district, it shall adopt an order to that effect; if the governing body of any county located within the proposed district decides to not establish the proposed district, the boundaries of the proposed district shall not include that county. The order shall contain the following:

- (1) The description of the boundaries of the district;
- (2) A statement that an exhibition center and recreational facility district has been established;
- (3) The name of the district;
- (4) The uses for any revenue generated by a sales tax imposed pursuant to this section; and
- (5) A declaration that the district is a political subdivision of the state.

7. A district established pursuant to this section may, at a general, primary, or special election, submit to the qualified voters within the district boundaries a sales tax of one-fourth of one percent, for a period not to exceed twenty-five years, on all retail sales within the district, which are subject to taxation pursuant to sections 144.010 to 144.525, to fund the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition center and recreational facilities. The ballot of submission shall be in substantially the following form:

Shall the (name of district) impose a sales tax of one-fourth of one percent to fund the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition center and recreational facilities, for a period of (insert number of years)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast in the portion of any county that is part of the proposed district favor the proposal, then the sales tax shall become effective in that portion of the county [that is part of the proposed district on the first day of the first calendar quarter immediately following the election] **as provided by section 32.087**. If a majority of the votes cast in the portion of a county that is a part of the proposed district oppose the proposal, then that portion of such county shall not impose the sales tax authorized in this section until after the county governing body has submitted another such sales tax proposal and the proposal is approved by a majority of the qualified voters voting thereon. However, if a sales tax proposal is not approved, the governing body of the county shall not resubmit a proposal to the voters pursuant to this section sooner than twelve months from the date of the last proposal submitted pursuant to this section. If the qualified voters in two or more counties that have contiguous districts approve the sales tax proposal, the districts shall combine to become one district.

8. There is hereby created a board of trustees to administer any district created and the expenditure of revenue generated pursuant to this section consisting of four individuals to represent each county approving the district, as provided in this subsection. The governing body of each county located within the district, upon approval of that county's sales tax proposal, shall appoint four members to the board of trustees; at least one shall be an owner of a nonlodging business located within the taxing district, or their designee, at least one shall be an owner of a lodging facility located within the district, or their designee, and all members shall reside in the district except that one nonlodging business owner, or their designee, and one lodging facility owner, or their designee, may reside outside the district. Each trustee shall be at least twenty-five years of age and a resident of this state. Of the initial trustees appointed from each county, two shall hold office for two years, and two shall hold office for four years. Trustees appointed after expiration of the initial terms shall be appointed to a four-year term by the governing body of the county

the trustee represents, with the initially appointed trustee to remain in office until a successor is appointed, and shall take office upon being appointed. Each trustee may be reappointed. Vacancies shall be filled in the same manner in which the trustee vacating the office was originally appointed. The trustees shall not receive compensation for their services, but may be reimbursed for their actual and necessary expenses. The board shall elect a chair and other officers necessary for its membership. Trustees may be removed if:

(1) By a two-thirds vote, the board moves for the member's removal and submits such motion to the governing body of the county from which the trustee was appointed; and

(2) The governing body of the county from which the trustee was appointed, by a majority vote, adopts the motion for removal.

9. The board of trustees shall have the following powers, authority, and privileges:

(1) To have and use a corporate seal;

(2) To sue and be sued, and be a party to suits, actions, and proceedings;

(3) To enter into contracts, franchises, and agreements with any person or entity, public or private, affecting the affairs of the district, including contracts with any municipality, district, or state, or the United States, and any of their agencies, political subdivisions, or instrumentalities, for the funding, including without limitation interest rate exchange or swap agreements, planning, development, construction, acquisition, maintenance, or operation of a single exhibition center and recreational facilities or to assist in such activity. "Recreational facilities" means locations explicitly designated for public use where the primary use of the facility involves participation in hobbies or athletic activities;

(4) To borrow money and incur indebtedness and evidence the same by certificates, notes, or debentures, to issue bonds and use any one or more lawful funding methods the district may obtain for its purposes at such rates of interest as the district may determine. Any bonds, notes, and other obligations issued or delivered by the district may be secured by mortgage, pledge, or deed of trust of any or all of the property and income of the district. Every issue of such bonds, notes, or other obligations shall be payable out of property and revenues of the district and may be further secured by other property of the district, which may be pledged, assigned, mortgaged, or a security interest granted for such payment, without preference or priority of the first bonds issued, subject to any agreement with the holders of any other bonds pledging any specified property or revenues. Such bonds, notes, or other obligations shall be authorized by resolution of the district board, and shall bear such date or dates, and shall mature at such time or times, but not in excess of thirty years, as the resolution shall specify. Such bonds, notes, or other obligations shall be in such denomination, bear interest at such rate or rates, be in such form, either coupon or registered, be issued as current interest bonds, compound interest bonds, variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such manner, be payable in such place or places, and be subject to redemption as such resolution may provide, notwithstanding section 108.170. The bonds, notes, or other obligations may be sold at either public or private sale, at such interest rates, and at such price or prices as the district shall determine;

(5) To acquire, transfer, donate, lease, exchange, mortgage, and encumber real and personal property in furtherance of district purposes;

(6) To refund any bonds, notes, or other obligations of the district without an election. The terms and conditions of refunding obligations shall be substantially the same as those of the original issue, and the board shall provide for the payment of interest at not to exceed the legal rate, and the principal of such refunding obligations in the same manner as is provided for the payment of interest and principal of obligations refunded;

(7) To have the management, control, and supervision of all the business and affairs of the district, and the construction, installation, operation, and maintenance of district improvements therein; to collect rentals, fees, and other charges in connection with its services or for the use of any of its facilities;

(8) To hire and retain agents, employees, engineers, and attorneys;

(9) To receive and accept by bequest, gift, or donation any kind of property;

(10) To adopt and amend bylaws and any other rules and regulations not in conflict with the constitution and laws of this state, necessary for the carrying on of the business, objects, and affairs of the board and of the district; and

(11) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted by this section.

10. There is hereby created the "Exhibition Center and Recreational Facility District Sales Tax Trust Fund", which shall consist of all sales tax revenue collected pursuant to this section. The director of revenue shall be custodian of the trust fund, and moneys in the trust fund shall be used solely for the purposes authorized in this section. [Moneys in the trust fund shall be considered nonstate funds pursuant to section 15, article IV, Constitution of Missouri.] The director of revenue shall invest moneys in the trust fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the trust fund. All sales taxes collected by the director of revenue pursuant to this section on behalf of the district, less one percent for the cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,

shall be deposited in the trust fund. The director of revenue shall keep accurate records of the amount of moneys in the trust fund which was collected in the district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of the officers of each district and the general public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the district. The director of revenue may authorize refunds from the amounts in the trust fund and credited to the district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of the district.

11. The sales tax authorized by this section is in addition to all other sales taxes allowed by law. **After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.**

12. Except as modified in this section, all provisions of sections 32.085 [and] to 32.087 apply to the sales tax imposed pursuant to this section.

[12.] 13. Any sales tax imposed pursuant to this section shall not extend past the initial term approved by the voters unless an extension of the sales tax is submitted to and approved by the qualified voters in each county in the manner provided in this section. Each extension of the sales tax shall be for a period not to exceed twenty years. The ballot of submission for the extension shall be in substantially the following form:

Shall the (name of district) extend the sales tax of one-fourth of one percent for a period of (insert number of years) years to fund the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition center and recreational facilities?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast favor the extension, then the sales tax shall remain in effect at the rate and for the time period approved by the voters. If a sales tax extension is not approved, the district may submit another sales tax proposal as authorized in this section, but the district shall not submit such a proposal to the voters sooner than twelve months from the date of the last extension submitted.

[13.] 14. Once the sales tax authorized by this section is abolished or terminated by any means, all funds remaining in the trust fund shall be used solely for the purposes approved in the ballot question authorizing the sales tax. The sales tax shall not be abolished or terminated while the district has any financing or other obligations outstanding; provided that any new financing, debt, or other obligation or any restructuring or refinancing of an existing debt or obligation incurred more than ten years after voter approval of the sales tax provided in this section or more than ten years after any voter-approved extension thereof shall not cause the extension of the sales tax provided in this section or cause the final maturity of any financing or other obligations outstanding to be extended. Any funds in the trust fund which are not needed for current expenditures may be invested by the district in the securities described in subdivisions (1) to (12) of subsection 1 of section 30.270 or repurchase agreements secured by such securities. If the district abolishes the sales tax, the district shall notify the director of revenue of the action at least ninety days before the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the sales tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the sales tax in the district, the director of revenue shall remit the balance in the account to the district and close the account of the district. The director of revenue shall notify the district of each instance of any amount refunded or any check redeemed from receipts due the district.

[14.] 15. In the event that the district is dissolved or terminated by any means, the governing bodies of the counties in the district shall appoint a person to act as trustee for the district so dissolved or terminated. Before beginning the discharge of duties, the trustee shall take and subscribe an oath to faithfully discharge the duties of the office, and shall give bond with sufficient security, approved by the governing bodies of the counties, to the use of the dissolved or terminated district, for the faithful discharge of duties. The trustee shall have and exercise all powers necessary to liquidate the district, and upon satisfaction of all remaining obligations of the district, shall pay over to the county treasurer of each county in the district and take receipt for all remaining moneys in amounts based on the ratio the levy of each county bears to the total levy for the district in the previous three years or since the establishment of the district,

whichever time period is shorter. Upon payment to the county treasurers, the trustee shall deliver to the clerk of the governing body of any county in the district all books, papers, records, and deeds belonging to the dissolved district.

67.2030. 1. The governing authority of any city of the fourth classification with more than one thousand six hundred but less than one thousand seven hundred inhabitants and located in any county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants is hereby authorized to impose, by ordinance or order, a sales tax in the amount not to exceed one-half of one percent on all retail sales made in such city which are subject to taxation pursuant to sections 144.010 to 144.525 for the promotion of tourism in such city. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to this section shall be effective unless the governing authority of the city submits to the qualified voters of the city, at any municipal or state general, primary, or special election, a proposal to authorize the governing authority of the city to impose a tax.

2. The ballot of submission shall be in substantially the following form:

Shall the city of (city's name) impose a citywide sales tax of (insert amount) for the purpose of promoting tourism in the city?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect [on the first day of the first calendar quarter immediately following notification to the director of the department of revenue of the election approving the proposal] **as provided by section 32.087.** If a proposal receives less than the required majority, then the governing authority of the city shall have no power to impose the sales tax unless and until the governing authority of the city has submitted another proposal to authorize the imposition of the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. [On and after the effective date of any tax authorized in this section, the city may adopt one of the two following provisions for the collection and administration of the tax:

(1) The city may adopt rules and regulations for the internal collection of such tax by the city officers usually responsible for collection and administration of city taxes; or

(2) The city may enter into an agreement with the director of revenue of the state of Missouri for the purpose of collecting the tax authorized in this section. In the event any city enters into an agreement with the director of revenue of the state of Missouri for the collection of the tax authorized in this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of such tax, and the director of revenue shall collect the additional tax authorized in this section. The tax authorized in this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue, and the director of revenue shall retain an amount not to exceed one percent for cost of collection.

4. If a tax is imposed by a city pursuant to this section, the city may collect a penalty of one percent and interest not to exceed two percent per month on unpaid taxes which shall be considered delinquent thirty days after the last day of each quarter] **After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.**

[5.] 4. (1) The governing authority of any city that has adopted any sales tax pursuant to this section shall, upon filing of a petition calling for the repeal of such sales tax signed by at least ten percent of the qualified voters in the city, submit the question of repeal of the sales tax to the qualified voters at any primary or general election. The ballot of submission shall be in substantially the following form:

Shall (insert name of city) repeal the sales tax of (insert rate of percent) percent for tourism purposes now in effect in (insert name of city)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. **If the city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least one hundred twenty days prior to the effective date of the repeal.**

(2) Once the tax is repealed as provided in this section, all funds remaining in any trust fund or account established to receive revenues generated by the tax shall be used solely for the original stated purpose of the tax. Any funds which are not needed for current expenditures may be invested by the governing authority in accordance with applicable laws relating to the investment of other city funds.

(3) The governing authority of a city repealing a tax pursuant to this section shall notify the director of revenue of the action at least forty-five days before the effective date of the repeal and the director of revenue may order retention in any trust fund created in the state treasury associated with the tax, for a period of one year, of two percent of the amount collected after receipt of such notice to cover refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of repeal of the tax in the city, the director of revenue shall remit the balance in the trust fund to the city and close the account of that city. The director of revenue shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

(4) In the event that the repeal of a sales tax pursuant to this section dissolves or terminates a taxing district, the governing authority of the city shall appoint a person to act as trustee for the district so dissolved or terminated. Before beginning the discharge of duties, the trustee shall take and subscribe an oath to faithfully discharge the duties of the office, and shall give bond with sufficient security, approved by the governing authority of the city, to the use of the dissolved or terminated district, for the faithful discharge of duties. The trustee shall have and exercise all powers necessary to liquidate the district, and upon satisfaction of all remaining obligations of the district, shall pay over to the city treasurer or the equivalent official and take receipt for all remaining moneys. Upon payment to the city treasurer, the trustee shall deliver to the clerk of the governing authority of the city all books, papers, records, and deeds belonging to the dissolved district.

[6.] 5. Except as modified in this section, all provisions of sections 32.085 [and] to 32.087 shall apply to the tax imposed pursuant to this section."; and

Further amend said bill, Page 10, Section 67.2050, Line 73, by inserting after all of said line the following:

"67.2525. 1. Each member of the board of directors shall have the following qualifications:

(1) As to those subdistricts in which there are registered voters, a resident registered voter in the subdistrict that he or she represents, or be a property owner or, as to those subdistricts in which there are not registered voters who are residents, a property owner or representative of a property owner in the subdistrict he or she represents;

(2) Be at least twenty-one years of age and a registered voter in the district.

2. The district shall be subdivided into at least five but not more than fifteen subdistricts, which shall be represented by one representative on the district board of directors. All board members shall have terms of four years, including the initial board of directors. All members shall take office upon being appointed and shall remain in office until a successor is appointed by the mayor or chairman of the municipality in which the district is located, or elected by the property owners in those subdistricts without registered voters.

3. For those subdistricts which contain one or more registered voters, the mayor or chairman of the city, town, or village shall, with the consent of the governing body, appoint a registered voter residing in the subdistrict to the board of directors.

4. For those subdistricts which contain no registered voters, the property owners who collectively own one or more parcels of real estate comprising more than half of the land situated in each subdistrict shall meet and shall elect a representative to serve upon the board of directors. The clerk of the city, town, or village in which the petition was filed shall, unless waived in writing by all property owners in the subdistrict, give notice by causing publication to be made once a week for two consecutive weeks in a newspaper of general circulation in the county, the last publication of which shall be at least ten days before the day of the meeting required by this section, to call a meeting of the owners of real property within the subdistrict at a day and hour specified in a public place in the city, town, or village in which the petition was filed for the purpose of electing members of the board of directors.

5. The property owners, when assembled, shall organize by the election of a temporary chairman and secretary of the meeting who shall conduct the election. An election shall be conducted for each subdistrict, with the eligible

property owners voting in that subdistrict. At the election, each acre of real property within the subdistrict shall represent one share, and each owner, including corporations and other entities, may have one vote in person or for every acre of real property owned by such person within the subdistrict. Each voter which is not an individual shall determine how to cast its vote as provided for in its articles of incorporation, articles of organization, articles of partnership, bylaws, or other document which sets forth an appropriate mechanism for the determination of the entity's vote. If a voter has no such mechanism, then its vote shall be cast as determined by a majority of the persons who run the day-to-day affairs of the voter. The results of the meeting shall be certified by the temporary chairman and secretary to the municipal clerk if the district is established by a municipality described in this section, or to the circuit clerk if the district is established by a circuit court.

6. Successor boards shall be appointed or elected, depending upon the presence or absence of resident registered voters, by the mayor or chairman of a city, town, or village described in this section, or the property owners as set forth above; provided, however, that elections held by the property owners after the initial board is elected shall be certified to the municipal clerk of the city, town, or village where the district is located and the board of directors of the district.

7. Should a vacancy occur on the board of directors, the mayor or chairman of the city, town, or village if there are registered voters within the subdistrict, or a majority of the owners of real property in a subdistrict if there are not registered voters in the subdistrict, shall have the authority to appoint or elect, as set forth in this section, an interim director to complete any unexpired term of a director caused by resignation or disqualification.

8. The board shall possess and exercise all of the district's legislative and executive powers, including:

(1) The power to fund, promote and provide educational, civic, musical, theatrical, cultural, concerts, lecture series, and related or similar entertainment events or activities, and fund, promote, plan, design, construct, improve, maintain, and operate public improvements, transportation projects, and related facilities within the district;

(2) The power to accept and disburse tax or other revenue collected in the district; and

(3) The power to receive property by gift or otherwise.

9. Within thirty days after the selection of the initial directors, the board shall meet. At its first meeting and annually thereafter the board shall elect a chairman from its members.

10. The board shall appoint an executive director, district secretary, treasurer, and such other officers or employees as it deems necessary.

11. At the first meeting, the board, by resolution, shall define the first and subsequent fiscal years of the district, and shall adopt a corporate seal.

12. A simple majority of the board shall constitute a quorum. If a quorum exists, a majority of those voting shall have the authority to act in the name of the board, and approve any board resolution.

13. At the first meeting, the board, by resolution, shall receive the certification of the election regarding the sales tax, and may impose the sales tax in all subdistricts approving the imposing sales tax. In those subdistricts that approve the sales tax, the sales tax shall become effective [on the first day of the first calendar quarter immediately following the action by the district board of directors imposing the tax] **as provided by section 32.087.**

14. Each director shall devote such time to the duties of the office as the faithful discharge thereof may require and be reimbursed for his or her actual expenditures in the performance of his or her duties on behalf of the district. Directors may be compensated, but such compensation shall not exceed one hundred dollars per month.

15. In addition to all other powers granted by sections 67.2500 to 67.2530, the district shall have the following general powers:

(1) To sue and be sued in its own name, and to receive service of process, which shall be served upon the district secretary;

(2) To fix compensation of its employees and contractors;

(3) To enter into contracts, franchises, and agreements with any person or entity, public or private, affecting the affairs of the district, including contracts with any municipality, district, or state, or the United States, and any of their agencies, political subdivisions, or instrumentalities, for the funding, including without limitation, interest rate exchange or swap agreements, planning, development, construction, acquisition, maintenance, or operation of a district facility or to assist in such activity;

(4) To acquire, develop, construct, equip, transfer, donate, lease, exchange, mortgage, and encumber real and personal property in furtherance of district purposes;

(5) To collect and disburse funds for its activities;

(6) To collect taxes and other revenues;

(7) To borrow money and incur indebtedness and evidence the same by certificates, notes, bonds, debentures, or refunding of any such obligations for the purpose of paying all or any part of the cost of land, construction, development, or equipping of any facilities or operations of the district;

(8) To own or lease real or personal property for use in connection with the exercise of powers pursuant to this subsection;

(9) To provide for the election or appointment of officers, including a chairman, treasurer, and secretary. Officers shall not be required to be residents of the district, and one officer may hold more than one office;

(10) To hire and retain agents, employees, engineers, and attorneys;

(11) To enter into entertainment contracts binding the district and artists, agencies, or performers, management contracts, contracts relating to the booking of entertainment and the sale of tickets, and all other contracts which relate to the purposes of the district;

(12) To contract with a local government, a corporation, partnership, or individual regarding funding, promotion, planning, designing, constructing, improving, maintaining, or operating a project or to assist in such activity;

(13) To contract for transfer to a city, town, or village such district facilities and improvements free of cost or encumbrance on such terms set forth by contract;

(14) To exercise such other powers necessary or convenient for the district to accomplish its purposes which are not inconsistent with its express powers.

16. A district may at any time authorize or issue notes, bonds, or other obligations for any of its powers or purposes. Such notes, bonds, or other obligations:

(1) Shall be in such amounts as deemed necessary by the district, including costs of issuance thereof;

(2) Shall be payable out of all or any portion of the revenues or other assets of the district;

(3) May be secured by any property of the district which may be pledged, assigned, mortgaged, or otherwise encumbered for payment;

(4) Shall be authorized by resolution of the district, and if issued by the district, shall bear such date or dates, and shall mature at such time or times, but not in excess of forty years, as the resolution shall specify;

(5) Shall be in such denomination, bear interest at such rates, be in such form, be issued as current interest bonds, compound interest bonds, variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such manner, be payable in such place or places and subject to redemption as such resolution may provide; and

(6) May be sold at either public or private sale, at such interest rates, and at such price or prices as the district shall determine.

The provisions of this subsection are applicable to the district notwithstanding the provisions of section 108.170.

67.2530. 1. Any note, bond, or other indebtedness of the district may be refunded at any time by the district by issuing refunding bonds in such amount as the district may deem necessary. Such bonds shall be subject to and shall have the benefit of the foregoing provisions regarding notes, bonds, and other obligations. Without limiting the generality of the foregoing, refunding bonds may include amounts necessary to finance any premium, unpaid interest, and costs of issuance in connection with the refunding bonds. Any such refunding may be effected whether the bonds to be refunded then shall have matured or thereafter shall mature, either by sale of the refunding bonds and the application of the proceeds thereof to the payment of the obligations being refunded or the exchange of the refunding bonds for the obligations being refunded with the consent of the holders of the obligations being refunded.

2. Notes, bonds, or other indebtedness of the district shall be exclusively the responsibility of the district payable solely out of the district funds and property and shall not constitute a debt or liability of the state of Missouri or any agency or political subdivision of the state. Any notes, bonds, or other indebtedness of the district shall state on their face that they are not obligations of the state of Missouri or any agency or political subdivision thereof other than the district.

3. Any district may by resolution impose a district sales tax of up to one-half of one percent on all retail sales made in such district that are subject to taxation pursuant to the provisions of sections 144.010 to 144.525. Upon voter approval, and receiving the necessary certifications from the governing body of the municipality in which the district is located, or from the circuit court if the district was formed by the circuit court, the board of directors shall have the power to impose a sales tax at its first meeting, or any meeting thereafter. Voter approval of the question of the imposing sales tax shall be in accordance with section 67.2520. [The sales tax shall become effective in those subdistricts that approve the sales tax on the first day of the first calendar quarter immediately following the passage of a resolution by the board of directors imposing the sales tax.

4. In each district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the district pursuant to this section to the retailer's sale price, and when so added, such tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

5. In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the district may establish appropriate brackets which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided in section 144.285.

6.] 4. All revenue received by a district from the sales tax authorized by this section shall be deposited in a special trust fund and shall be used solely for the purposes of the district. Any funds in such special trust fund which are not needed for the district's current expenditures may be invested by the district board of directors in accordance with applicable laws relating to the investment of other district funds.

[7.] 5. The sales tax may be imposed at a rate of up to one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525. Any district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the subdistricts approving the sales tax.

[8. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525 and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax and the tax shall be reported and returned to and collected by the district.

9. (1) On and after the effective date of any sales tax imposed pursuant to this section, the district shall perform all functions incident to the administration, collection, enforcement, and operation of the tax. The sales tax imposed pursuant to this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the district.

(2)] 6. **After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.**

7. All [such] sales taxes [collected by the district] shall be deposited by the district in a special fund to be expended for the purposes authorized in this section. The district shall keep accurate records of the amount of money which was collected pursuant to this section, and the records shall be open to the inspection of officers of each district and the general public.

[(3) The district may contract with the municipality that the district is within for the municipality to collect any revenue received by the district and, after deducting the cost of such collection, but not to exceed one percent of the total amount collected, deposit such revenue in a special trust account. Such revenue and interest may be applied by the municipality to expenses, costs, or debt service of the district at the direction of the district as set forth in a contract between the municipality and the district.

10. (1) All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax, sections 32.085 and 32.087, and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section.

(2) All exemptions granted to agencies of government, organizations, persons, and to the sale of certain articles and items of tangible personal property and taxable services pursuant to the provisions of sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax imposed by this section.

(3) The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

(4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws for the collection of and for payment of taxes pursuant to such laws are hereby allowed and made applicable to any taxes collected pursuant to the provisions of this section.

(5) The penalties provided in section 32.057 and sections 144.010 to 144.525 for violation of those sections are hereby made applicable to violations of this section.

(6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the

sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment, or billing.

A sale by a retailer's employee shall be deemed to be consummated at the place of business from which the employee works.

(7)] **8.** Subsequent to the initial approval by the voters and implementation of a sales tax in the district, the rate of the sales tax may be increased, but not to exceed a rate of one-half of one percent on retail sales as provided in this subsection. The election shall be conducted in accordance with section 67.2520; provided, however, that the district board of directors may place the question of the increase of the sales tax before the voters of the district by resolution, and the municipal clerk of the city, town, or village which originally conducted the incorporation of the district, or the circuit clerk of the court which originally conducted the incorporation of the district, shall conduct the subsequent election. In subsequent elections, the election judges shall certify the election results to the district board of directors. The ballot of submission shall be in substantially the following form:

Shall (name of district) increase the (insert amount) percent district sales tax now in effect to..... (insert amount) in the (name of district)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon are in favor of the increase, the increase shall become effective [December thirty-first of the calendar year in which such increase was approved] **as provided by section 32.087.**

[11.] **9.** (1) There shall not be any election as provided for in this section while the district has any financing or other obligations outstanding.

(2) The board, when presented with a petition signed by at least one-third of the registered voters in a district that voted in the last gubernatorial election, or signed by at least two-thirds of property owners of the district, calling for an election to dissolve and repeal the tax shall submit the question to the voters using the same procedure by which the imposing tax was voted. The ballot of submission shall be in substantially the following form:

Shall (name of district) dissolve and repeal the (insert amount) percent district sales tax now in effect in the (name of district)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

Such subsequent elections for the repeal of the sales tax shall be conducted in accordance with section 67.2520; provided, however, that the district board of directors may place the question of the repeal of the sales tax before the voters of the district, and the municipal clerk of the city, town, or village which originally conducted the incorporation of the district, or the circuit clerk of the court which originally conducted the incorporation of the district, shall conduct the subsequent election. In subsequent elections the election judges shall certify the election results to the district board of directors.

(3) If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon are in favor of repeal, that repeal shall become effective December thirty-first of the calendar year in which such repeal was approved or after the repayment of the district's indebtedness, whichever occurs later. **If the district abolishes the tax, the district shall notify the director of revenue of the action at least one hundred twenty days prior to the effective date of the repeal.**

[12.] **10.** (1) At such time as the board of directors of the district determines that further operation of the district is not in the best interests of the inhabitants of the district, and that the district should dissolve, the board shall submit for a vote in an election held throughout the district the question of whether the district should be abolished. The question shall be submitted in substantially the following form:

Shall the theater, cultural arts, and entertainment district be abolished?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(2) The district board shall not propose the question to abolish the district while there are outstanding claims or causes of action pending against the district, while the district liabilities exceed its assets, while indebtedness of the district is outstanding, or while the district is insolvent, in receivership or under the jurisdiction of the bankruptcy court. Prior to submitting the question to abolish the district to a vote of the entire district, the state auditor shall audit the district to determine the financial status of the district, and whether the district may be abolished pursuant to law. The vote on the abolition of the district shall be conducted by the municipal clerk of the city, town, or village in which the district is located. The procedure shall be the same as in section 67.2520, except that the question shall be determined by the qualified voters of the entire district. No individual subdistrict may be abolished, except at such time as the district is abolished.

(3) While the district still exists, it shall continue to accrue all revenues to which it is entitled at law.

(4) Upon receipt by the board of directors of the district of the certification by the city, town, or village in which the district is located that the majority of those voting within the entire district have voted to abolish the district, and if the state auditor has determined that the district's financial condition is such that it may be abolished pursuant to law, then the board of directors of the district shall:

(a) Sell any remaining district real or personal property it wishes, and then transfer the proceeds and any other real or personal property owned by the district to the city, town, or village in which the district is located, including revenues due and owing the district, for its further use and disposition;

(b) Terminate the employment of any remaining district employees, and otherwise conclude its affairs;

(c) At a public meeting of the district, declare by a resolution of the board of directors passed by a majority vote that the district has been abolished effective that date;

(d) Cause copies of that resolution under seal to be filed with the secretary of state and the city, town, or village in which the district is located. Upon the completion of the final act specified in this subsection, the legal existence of the district shall cease.

(5) The legal existence of the district shall not cease for a period of two years after voter approval of the abolition.

11. Except as provided in this section, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under this section."; and

Further amend said bill, Page 10, Section 92.387, Line 2, by inserting after all of said line the following:

"94.578. 1. In addition to the sales tax authorized in section 94.577, the governing body of any home rule city with more than one hundred fifty-one thousand five hundred but less than one hundred fifty-one thousand six hundred inhabitants is hereby authorized to impose, by order or ordinance, a sales tax on all retail sales made within the city which are subject to sales tax under chapter 144. The tax authorized in this section may be imposed at a rate of one-eighth, one-fourth, three-eighths, or one-half of one percent, but shall not exceed one-half of one percent, shall not be imposed for longer than three years, and shall be imposed solely for the purpose of funding the construction, operation, and maintenance of capital improvements in the city's center city. The governing body may issue bonds for the funding of such capital improvements, which will be retired by the revenues received from the sales tax authorized by this section. The order or ordinance shall not become effective unless the governing body of the city submits to the voters residing within the city at a state or municipal general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. The ballot submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city) impose a sales tax at a rate of(insert rate of percent) percent for [a] capital improvements purposes in the city's center city for a period of (insert number of years, not to exceed three) years?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of the sales tax. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question. In no case shall a tax be resubmitted to the qualified voters of the city sooner than twelve months from the date of the proposal under this section.

3. Any sales tax imposed under this section shall be administered, collected, enforced, and operated as required in [section] **sections 32.085 to 32.087**. All revenue generated by the tax shall be deposited in a special trust fund and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes the tax, the city shall notify the director of revenue of the action at least ninety days before the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director of revenue shall remit the balance in the account to the city and close the account of that city. The director of revenue shall notify each city of each instance of any amount refunded.

5. The governing body of any city that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city) repeal the sales tax imposed at a rate of (insert rate of percent) percent for capital improvements purposes in the city's center city?

☐ YES

☐ NO

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters, and the repeal is approved by a majority of the qualified voters voting on the question. **If the city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least one hundred twenty days prior to the effective date of the repeal.**

6. Whenever the governing body of any city that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

7. Except as provided in this section, all provisions of sections 32.085 to 32.087 apply to the sales tax imposed under this section.

94.605. 1. Any city as defined in section 94.600 may by a majority vote of its governing body impose a sales tax for transportation purposes enumerated in sections 94.600 to 94.655.

2. The sales tax may be imposed at a rate not to exceed one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any city adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525.

3. With respect to any tax increment financing plan originally approved by ordinance of the city council after March 31, 2009, in any home rule city with more than four hundred thousand inhabitants and located in more than one county, any three-eighths of one cent sales tax imposed under sections 94.600 to 94.655 shall not be considered economic activity taxes as such term is defined under sections 99.805 and 99.918, and tax revenues derived from such taxes shall not be subject to allocation under the provisions of subsection 3 of section 99.845 or subsection 4 of section 99.957. Any one-eighth of one cent sales tax imposed in such city under sections 94.600 to 94.655 for constructing and operating a light-rail transit system shall not be considered economic activity taxes as such term is defined under sections 99.805 and 99.918, and tax revenues derived from such tax shall not be subject to allocation under the provisions of subsection 3 of section 99.845 or subsection 4 of section 99.957.

[4. If the boundaries of a city in which such sales tax has been imposed shall thereafter be changed or altered, the city or county clerk shall forward to the director of revenue by United States registered mail or certified mail a

certified copy of the ordinance adding or detaching territory from the city. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the city clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by sections 94.600 to 94.655 shall be effective in the added territory or abolished in the detached territory on the effective date of the change of the city boundary.]

94.660. 1. The governing body of any city not within a county and any county of the first classification having a charter form of government with a population of over nine hundred thousand inhabitants may propose, by ordinance or order, a transportation sales tax of up to one percent for submission to the voters of that city or county at an authorized election date selected by the governing body.

2. Any sales tax approved under this section shall be imposed on the receipts from the sale at retail of all tangible personal property or taxable services within the city or county adopting the tax, if such property and services are subject to taxation by the state of Missouri under sections 144.010 to 144.525.

3. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the county/city of (county's or city's name) impose a county/citywide sales tax of percent for the purpose of providing a source of funds for public transportation purposes?

☐ YES

☐ NO

Except as provided in subsection 4 of this section, if a majority of the votes cast in that county or city not within a county on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall go into effect [on the first day of the next calendar quarter beginning after its adoption and notice to the director of revenue, but no sooner than thirty days after such adoption and notice] **as provided by section 32.087**. If a majority of the votes cast in that county or city not within a county by the qualified voters voting are opposed to the proposal, then the additional sales tax shall not be imposed in that county or city not within a county unless and until the governing body of that county or city not within a county shall have submitted another proposal to authorize the local option transportation sales tax authorized in this section, and such proposal is approved by a majority of the qualified voters voting on it. In no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal.

4. No tax shall go into effect under this section in any city not within a county or any county of the first classification having a charter form of government with a population over nine hundred thousand inhabitants unless and until both such city and such county approve the tax.

5. The provisions of subsection 4 of this section requiring both the city and county to approve a transportation sales tax before a transportation sales tax may go into effect in either jurisdiction shall not apply to any transportation sales tax submitted to and approved by the voters in such city or such county on or after August 28, 2007.

6. All sales taxes collected by the director of revenue under this section on behalf of any city or county, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds, shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Public Transit Sales Tax Trust Fund". The sales taxes shall be collected as provided in section 32.087. The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each city or county approving a sales tax under this section, and the records shall be open to inspection by officers of the city or county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city or county which levied the tax, and such funds shall be deposited with the treasurer of each such city or county and all expenditures of funds arising from the county public transit sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county or city not within a county.

7. The revenues derived from any transportation sales tax under this section shall be used only for the planning, development, acquisition, construction, maintenance and operation of public transit facilities and systems other than highways.

8. The director of revenue may authorize the state treasurer to make refunds from the amount in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities or counties. If any city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city or county, the director of revenue shall authorize the state treasurer to remit the balance in the account to

the city or county and close the account of that city or county. The director of revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county.

94.705. 1. Any city may by a majority vote of its governing body impose a sales tax for transportation purposes enumerated in sections 94.700 to 94.755, and issue bonds for transportation purposes which shall be retired by the revenues received from the sales tax authorized by this section. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law. No ordinance imposing a sales tax pursuant to the provisions of this section shall become effective unless the council or other governing body submits to the voters of the city, at a city or state general, primary, or special election, a proposal to authorize the council or other governing body of the city to impose such a sales tax and, if such tax is to be used to retire bonds authorized pursuant to this section, to authorize such bonds and their retirement by such tax; except that no vote shall be required in any city that imposed and collected such tax under sections 94.600 to 94.655, before January 5, 1984. The ballot of the submission shall contain, but is not limited to, the following language:

(1) If the proposal submitted involves only authorization to impose the tax authorized by this section, the following language:

Shall the city of (city's name) impose a sales tax of (insert amount) for transportation purposes?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No";

(2) If the proposal submitted involves authorization to issue bonds and repay such bonds with revenues from the tax authorized by this section, the following language:

Shall the city of (city's name) issue bonds in the amount of (insert amount) for transportation purposes and impose a sales tax of (insert amount) to repay such bonds?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal, provided in subdivision (1) of this subsection, by the qualified voters voting thereon are in favor of the proposal, then the ordinance and any amendments thereto shall be in effect. If the four-sevenths majority of the votes, as required by the Missouri Constitution, article VI, section 26, cast on the proposal, provided in subdivision (2) of this subsection to issue bonds and impose a sales tax to retire such bonds, by the qualified voters voting thereon are in favor of the proposal, then the ordinance and any amendments thereto shall be in effect. If a majority of the votes cast on the proposal, as provided in subdivision (1) of this subsection, by the qualified voters voting thereon are opposed to the proposal, then the council or other governing body of the city shall have no power to impose the tax authorized in subdivision (1) of this subsection unless and until the council or other governing body of the city submits another proposal to authorize the council or other governing body of the city to impose the tax and such proposal is approved by a majority of the qualified voters voting thereon. If more than three-sevenths of the votes cast by the qualified voters voting thereon are opposed to the proposal, as provided in subdivision (2) of this subsection to issue bonds and impose a sales tax to retire such bonds, then the council or other governing body of the city shall have no power to issue any bonds or to impose the tax authorized in subdivision (2) of this subsection unless and until the council or other governing body of the city submits another proposal to authorize the council or other governing body of the city to issue such bonds or impose the tax to retire such bonds and such proposal is approved by four-sevenths of the qualified voters voting thereon.

2. No incorporated municipality located wholly or partially within any first class county operating under a charter form of government and having a population of over nine hundred thousand inhabitants shall impose such a sales tax for that part of the city, town or village that is located within such first class county, in the event such a first class county imposes a sales tax under the provisions of sections 94.600 to 94.655.

3. The sales tax may be imposed at a rate not to exceed one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any city adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525.

4. [If the boundaries of a city in which such sales tax has been imposed shall thereafter be changed or altered, the city clerk shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the city. The ordinance shall reflect the effective date thereof, and

shall be accompanied by a map of the city clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by sections 94.700 to 94.755 shall be effective in the added territory or abolished in the detached territory on the effective date of the change of the city boundary.

5.] No tax imposed pursuant to this section for the purpose of retiring bonds issued pursuant to this section may be terminated until all of such bonds have been retired."; and

Further amend said bill, Pages 12 to 15, Section 144.010, by deleting all of said section and inserting in lieu thereof the following:

"144.010. 1. The following words, terms, and phrases when used in [sections 144.010 to 144.525] **this chapter shall** have the meanings ascribed to them in this section, except when the context indicates a different meaning:

(1) "Admission" includes seats and tables, reserved or otherwise, and other similar accommodations and charges made therefor and amount paid for admission, exclusive of any admission tax imposed by the federal government or by sections 144.010 to 144.525;

(2) "Advertising and promotional direct mail", printed material that meets the definition of direct mail, the primary purpose of which is to attract public attention to a product, person, business, or organization, or to attempt to sell, popularize, or secure financial support for a product, person, business, or organization. As used in this subdivision, the word "product" means tangible personal property, a product transferred electronically or a service;

(3) "Agreement", the streamlined sales and use tax agreement, as amended from time to time;

(4) "Air-to-ground radiotelephone service", a radio service, as that term is defined in 47 CFR 22.99, in which common carriers are authorized to offer and provide radio telecommunications service for hire to subscribers in aircraft;

(5) "Alcoholic beverages", beverages that are suitable for human consumption and contain one-half of one percent or more of alcohol by volume;

(6) "Ancillary services", services that are associated with or incidental to the provisions of telecommunications services, including but not limited to, detailed telecommunications billing, directory assistance, vertical service, and voice mail services. Ancillary services shall not include specified digital products, digital audio-visual works, digital audio works, or digital books;

(7) "Appliance", clothes washer and dryer, water heater, trash compactor, dishwasher, conventional oven, range, stove, air conditioner, furnace, refrigerator and freezer;

(8) "Bottled water", water that is placed in a safety sealed container or package for human consumption. Bottled water is calorie free and does not contain sweeteners or other additives except that it may contain:

(a) Antimicrobial agents;

(b) Fluoride;

(c) Carbonation;

(d) Vitamins, minerals, and electrolytes;

(e) Oxygen;

(f) Preservatives; and

(g) Only those flavors, extracts, or essences derived from a spice or fruit.

Bottled water includes water that is delivered to the buyer in a reusable container that is not sold with the water;

(9) "Bundled transaction":

(a) The retail sale of two or more products, except real property and services to real property, where the products are otherwise distinct and identifiable, and the products are sold for one nonitemized price. A bundled transaction shall not include the sale of any products in which the sales price varies, or is negotiable, based on the selection by the purchaser of the products included in the transaction;

(b) As used in this paragraph, the term "distinct and identifiable products" shall not include:

a. Packaging, such as containers, boxes, sacks, bags, and bottles, or other materials, such as wrapping, labels, tags, and instruction guides, that accompany the retail sale of the products and are incidental or immaterial to the retail sale thereof;

b. A product provided free of charge with the required purchase of another product. A product is provided free of charge if the sales price of the product purchased does not vary depending on the inclusion of the product provided free of charge;

c. Items included in the definition of the term sales price;

(c) As used in this paragraph, the term "one nonitemized price" shall not include a price that is separately identified by product on binding sales or other supporting sales-related documentation made available to the customer in paper or electronic form, including but not limited to an invoice, bill of sale, receipt, contract, service agreement, lease agreement, periodic notice of rates and services, rate card, or price list;

(d) a. A transaction that otherwise meets the definition of a bundled transaction as defined in this subdivision shall not constitute a bundled transaction if it is:

(i) A retail sale of tangible personal property and a service where the tangible personal property is essential to the use of the service, and is provided exclusively in connection with the service, and the true object of the transaction is the service; or

(ii) A retail sale of services where one service is provided that is essential to the use or receipt of a second service and the first service is provided exclusively in connection with the second service and the true object of the transaction is the second service; or

(iii) A transaction that includes taxable products and nontaxable products and the sales price of the taxable products is de minimis.

b. "De minimis" means the sales price of the taxable product is ten percent or less of the total sales price of the bundled products.

c. Sellers shall use the sales price of the products to determine if the taxable products are de minimis.

d. (i) Sellers shall use the full term of a service contract to determine if the taxable products are de minimis; or

(ii) A retail sale of exempt tangible personal property and taxable tangible personal property where:

i. The transaction includes food and food ingredients, drugs, durable medical equipment, mobility enhancing equipment, over-the-counter drugs, prosthetic devices, or medical supplies; and

ii. The seller's purchase price or sales price of the taxable tangible personal property is fifty percent or less of the total sales price of the bundled tangible personal property. Sellers shall not use a combination of the purchase price and sales price of the tangible personal property when making the fifty percent determination for a transaction;

(10) "Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either direct or indirect, and the classification of which business is of such character as to be subject to the terms of sections 144.010 to 144.525. A person is "engaging in business" in this state for purposes of sections 144.010 to 144.525 if such person "engages in business in this state" or "maintains a place of business in this state" under section 144.605. The isolated or occasional sale of tangible personal property, service, substance, or thing, by a person not engaged in such business, does not constitute engaging in business within the meaning of sections 144.010 to 144.525 unless the total amount of the gross receipts from such sales, exclusive of receipts from the sale of tangible personal property by persons which property is sold in the course of the partial or complete liquidation of a household, farm or nonbusiness enterprise, exceeds three thousand dollars in any calendar year. The provisions of this subdivision shall not be construed to make any sale of property which is exempt from sales tax or use tax on June 1, 1977, subject to that tax thereafter;

[(3)] (11) "Calendar quarter", the period of three consecutive calendar months ending on March thirty-first, June thirtieth, September thirtieth or December thirty-first;

(12) "Call-by-call basis", any method of charging for telecommunications services where the price is measured by individual calls;

(13) "Candy", a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts or other ingredients or flavorings in the form of bars, drops, or pieces. Candy shall not include any preparation containing flour and shall require no refrigeration;

(14) "Captive wildlife", includes but is not limited to exotic partridges, gray partridge, northern bobwhite quail, ring-necked pheasant, captive waterfowl, captive white-tailed deer, captive elk, and captive furbearers held under permit issued by the Missouri department of conservation for hunting purposes. The provisions of this subdivision shall not apply to sales tax on a harvested animal;

(15) "Certified automated system" or "CAS", software certified under the streamlined sales and use tax agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state, and maintain a record of the transaction;

(16) "Certified service provider" or "CSP", an agent certified under the streamlined sales and use tax agreement to perform all the seller's sales and use tax functions, other than the seller's obligation to remit tax on its own purchases;

(17) "Clothing":

(a) All human wearing apparel suitable for general use;

(b) Clothing shall include:

- a. Aprons, household and shop;
- b. Athletic supporters;
- c. Baby receiving blankets;
- d. Bathing suits and caps;
- e. Beach capes and coats;
- f. Belts and suspenders;
- g. Boots;
- h. Coats and jackets;
- i. Costumes;
- j. Diapers, children and adult, including disposable diapers;
- k. Ear muffs;
- l. Footlets;
- m. Formal wear;
- n. Garters and garter belts;
- o. Girdles;
- p. Gloves and mittens for general use;
- q. Hats and caps;
- r. Hosiery;
- s. Insoles for shoes;
- t. Lab coats;
- u. Neckties;
- v. Overshoes;
- w. Pantyhose;
- x. Rainwear;
- y. Rubber pants;
- z. Sandals;
- aa. Scarves;
- bb. Shoes and shoelaces;
- cc. Slippers;
- dd. Sneakers;
- ee. Socks and stockings;
- ff. Steel toed-shoes;
- gg. Underwear;
- hh. Uniforms, athletic and nonathletic; and
- ii. Wedding apparel;

(c) Clothing shall not include:

- a. Belt buckles sold separately;
- b. Costume masks sold separately;
- c. Patches and emblems sold separately;
- d. Sewing equipment and supplies, including but not limited to, knitting needles, patterns, pins, scissors, sewing machines, sewing needles, tape measures, and thimbles; and
- e. Sewing materials that become part of clothing, including but not limited to buttons, fabric, lace, thread, yarn, and zippers;

(18) "Clothing accessories and equipment", incidental items worn on the person or in conjunction with clothing. Clothing accessories and equipment are mutually exclusive of clothing, sport or recreational equipment, and protective equipment;

(19) "Coin-operated telephone service", a telecommunications service paid for by inserting money into a telephone accepting direct deposits of money to operate;

(20) "Communications channel", a physical or virtual path of communications over which signals are transmitted between or among customer channel termination points;

(21) "Computer", an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions;

(22) "Computer software", a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task. Computer software shall not include specified digital products, digital audio-visual works, digital audio works, or digital books;

(23) "Conference bridging service", an ancillary service that links two or more participants of an audio or video conference call and may include the provision of a telephone number. Conference bridging service does not include the telecommunications services used to reach the conference bridge;

(24) "Customer", the person or entity that contracts with the seller of telecommunications services. If the end user of telecommunications services is not the contracting party, the end user of the telecommunications service is the customer of the telecommunication service, but this definition only applies to the purpose of sourcing sales of telecommunications services under section 144.043. Customer shall not include a reseller of telecommunications service or for mobile telecommunications service of a serving carrier under an agreement to serve the customer outside the home service provider's licensed service area;

(25) "Customer channel termination point", the location where the customer either inputs or receives the communication;

(26) "Delivered electronically", delivered to the purchaser by means other than tangible storage media;

(27) "Delivery charges", charges by the seller of personal property or services for preparation and delivery to a location designated by the purchaser of personal property or services, including but not limited to transportation, shipping, postage, handling, crating, and packing;

(28) "Detailed telecommunications billing service", an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement;

(29) "Dietary supplement", any product, other than tobacco, intended to supplement the diet that contains one or more of the following dietary ingredients: a vitamin; a mineral; an herb or other botanical; an amino acid; a dietary substance for use by humans to supplement the diet by increasing the total dietary intake; or a concentrate, metabolite, constituent, extract, or combination of any ingredient described above; and that is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or if not intended for ingestion in such a form, is not represented as a conventional food and is not represented for use as a sole item of a meal or of the diet; and that is required to be labeled as a dietary supplement, identifiable by the supplemental facts box found on the label and as required under 21 CFR Section 101.36;

(30) "Digital audio works", works that result from the fixation of a series of musical, spoken, or other sounds, including ringtones;

(31) "Digital audio-visual works", a series of related images which, when shown in succession, impart an impression of motion, together with accompanying sounds, if any;

(32) "Digital books", works that are generally recognized in the ordinary and usual sense as books;

(33) "Direct mail", printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addressees on a mailing list provided by the purchaser or at the direction of the purchaser when the cost of the items is not billed directly to the recipients. Direct mail shall include tangible personal property supplied directly or indirectly by the purchaser to the direct mail seller for inclusion in the package containing the printed material. Direct mail shall not include multiple items of printed material delivered to a single address;

(34) "Directory assistance", an ancillary service of providing telephone number information, or address information;

(35) "Drug":

(a) A compound, substance, or preparation, and any component of a compound, substance, or preparation, other than food and food ingredients, dietary supplements, alcoholic beverages, or grooming and hygiene products:

a. Recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or supplement to any of them;

b. Intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or

c. Intended to affect the structure or any function of the body;

(b) Drug shall include insulin and medical oxygen;

(36) "Durable medical equipment", equipment including repair and replacement parts for same, excluding mobility enhancing equipment. Durable medical equipment:

(a) Can withstand repeated use;

(b) Is primarily and customarily used to serve a medical purpose;

(c) Generally is not useful to a person in the absence of illness or injury;

(d) Is not worn in or on the body;

(e) Is for home use;

(f) Is within the classification of devices eligible for MO HealthNet and Medicare reimbursement;

(g) Shall not include:

- a. Kidney dialysis equipment not worn in or on the body, including repair and replacement parts; and
- b. Enteral feeding systems not worn in or on the body, including repair and replacement parts.

As used in this subdivision, repair and replacement parts shall include all components or attachments used in conjunction with the durable medical equipment;

(37) "Electronic", relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;

(38) "End user", the person who utilizes the telecommunication service. In case of an entity, "end user" means the individual who utilizes the service on behalf of the entity;

(39) "Energy star qualified product", a product that meets the energy efficient guidelines set by the United States Environmental Protection Agency and the United States Department of Energy that is authorized to carry the Energy Star label. Covered products are those listed at www.energystar.gov or successor address;

(40) "Engages in business activities within this state", includes:

(a) Purposefully or systematically exploiting the market provided by this state by any media-assisted, media-facilitated, or media-solicited means, including but not limited to direct mail advertising, distribution of catalogs, computer-assisted shopping, telephone, television, radio, or other electronic media, or magazine or newspaper advertisements, or other media; or

(b) Being owned or controlled by the same interests which own or control any seller engaged in the same or similar line of business in this state; or

(c) Maintaining or having a franchisee or licensee operating under the seller's trade name in this state if the franchisee or licensee is required to collect sales tax under sections 144.010 to 144.525; or

(d) Soliciting sales or taking orders by sales agents or traveling representatives;

(41) "Food and food ingredients", substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. Food and food ingredients shall not include alcoholic beverages, tobacco, or dietary supplements;

(42) "Food sold through a vending machine", food dispensed from a machine or other mechanical device that accepts payment;

(43) "Grooming and hygiene products", soaps and cleaning solutions, shampoo, toothpaste, mouthwash, antiperspirants, and suntan lotions and screens, regardless of whether the items meet the definition of over-the-counter drugs;

[(44) "Gross receipts" [,] or "sales price":

(a) Except as provided in section 144.012, [means the total amount of the sale price of the sales at retail including any services other than charges incident to the extension of credit that are a part of such sales made by the businesses herein referred to, capable of being valued in money, whether received in money or otherwise; except that, the term "gross receipts" shall not include the sale price of property returned by customers when the full sale price thereof is refunded either in cash or by credit. In determining any tax due under sections 144.010 to 144.525 on the gross receipts, charges incident to the extension of credit shall be specifically exempted. For the purposes of sections 144.010 to 144.525 the total amount of the sale price above mentioned shall be deemed to be the amount received. It shall also include the lease or rental consideration where the right to continuous possession or use of any article of tangible personal property is granted under a lease or contract and such transfer of possession would be taxable if outright sale were made and, in such cases, the same shall be taxable as if outright sale were made and considered as a sale of such article, and the tax shall be computed and paid by the lessee upon the rentals paid;] **applies to the measure subject to sales tax and means the total amount of consideration, including cash, credit, property, and services, for which personal property or services are sold, leased, or rented, valued in money, whether received in money or otherwise, without any deduction for the following:**

- a. The seller's cost of the property sold;
- b. The cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller;
- c. Charges by the seller for any services necessary to complete the sale, other than delivery and installation charges;
- d. Delivery charges; and
- e. Credit for any trade-in;
- (b) Shall not include:

a. Discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a seller and taken by a purchaser on a sale;

b. Interest, financing, and carrying charges from credit extended on the sale of personal property or services, if the amount is separately stated on the invoice, bill of sale or similar document given to the purchaser; and

c. Any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale or similar document given to the purchaser;

(c) Shall include consideration received by the seller from third parties if:

a. The seller actually receives consideration from a party other than the purchaser and the consideration is directly related to a price reduction or discount on the sale;

b. The seller has an obligation to pass the price reduction or discount through to the purchaser;

c. The amount of the consideration attributable to the sale is fixed and determinable by the seller at the time of the sale of the item to the purchaser; and

d. One of the following criteria is met:

(i) The purchaser presents a coupon, certificate or other documentation to the seller to claim a price reduction or discount where the coupon, certificate or documentation is authorized, distributed, or granted by a third party with the understanding that the third party will reimburse any seller to whom the coupon, certificate or documentation is presented;

(ii) The purchaser identifies himself or herself to the seller as a member of a group or organization entitled to a price reduction or discount (a preferred customer card that is available to any patron does not constitute membership in such a group); or

(iii) The price reduction or discount is identified as a third-party price reduction or discount on the invoice received by the purchaser or on a coupon, certificate or other documentation presented by the purchaser;

(45) "Home service provider", the same as such term is defined in Section 124(5) of Public Law 106-252, Mobile Telecommunications Sourcing Act;

(46) "Lease or rental":

(a) Any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration. A lease or rental may include future options to purchase or extend;

(b) Lease or rental shall not include:

a. A transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments;

b. A transfer of possession or control of property under an agreement that requires the transfer of title upon completion of required payments and where any payment of an option price does not exceed the greater of one hundred dollars or one percent of the total required payments;

c. Providing tangible personal property along with an operator for a fixed or indeterminate period of time provided that the operator is necessary for the equipment to perform as designed and the operator does more than maintain, inspect, or set up the tangible personal property;

(c) Lease or rental includes agreements covering motor vehicles and trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon sale or disposition of the property as defined in 26 U.S.C. Section 7701(h)(1), as amended;

(47) "Light aircraft", a light airplane that seats no more than four persons, with a gross weight of three thousand pounds or less, which is primarily used for recreational flying or flight training;

(48) "Light aircraft kit", factory manufactured light aircraft parts and components, including engine, propeller, instruments, wheels, brakes, and air frame parts which make up a complete aircraft kit or partial kit designed to be assembled into a light aircraft and then operated by a qualified light aircraft purchaser for recreational and educational purposes;

(49) "Light aircraft parts and components", manufactured light aircraft parts, including air frame and engine parts, that are required by the qualified light aircraft purchaser to complete a light aircraft kit, or spare or replacement parts for an already completed light aircraft;

[(5)] (50) "Livestock", cattle, calves, sheep, swine, ratite birds, including but not limited to, ostrich and emu, aquatic products as defined in section 277.024, llamas, alpaca, buffalo, elk documented as obtained from a legal source and not from the wild, goats, horses, other equine, or rabbits raised in confinement for human consumption;

[(6)] (51) "Load and leave", delivery to the purchaser by use of a tangible storage media where the tangible storage media is not physically transferred to the purchaser;

(52) "Maintains a place of business in this state", includes maintaining, occupying, or using, permanently or temporarily, directly or indirectly, or through a subsidiary, or agent, by whatever name called, an office, place of distribution, sales or sample room or place, warehouse or storage place, or other place of business;

(53) "Mobile telecommunications service", the same as such term is defined in Section 124(7) of Public Law 106-252, Mobile Telecommunications Sourcing Act;

(54) "Mobility enhancing equipment", equipment, including repair and replacement parts to same, which:

- (a) Is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either in a home or a motor vehicle; and
- (b) Is not generally used by persons with normal mobility; and
- (c) Is within the classification of devices eligible for MO HealthNet and Medicare reimbursement.

Mobility enhancement equipment shall not include durable medical equipment or any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer;

(55) "Model 1 seller", a seller registered under the agreement that has selected a certified service provider as its agent to perform all the seller's sales and use tax functions, other than the seller's obligation to remit tax on its own purchases;

(56) "Model 2 seller", a seller that has selected a certified automated system (CAS) to perform part of its sales and use tax functions, but retains responsibility for remitting the tax;

(57) "Model 3 seller", a seller registered under the agreement that has sales in at least five member states, has total annual sales revenue of at least five hundred million dollars, has a proprietary system that calculates the amount of tax due each jurisdiction, and has entered into a performance agreement with the member states that establishes a tax performance standard for the seller. As used in this subdivision, a seller shall include an affiliated group of sellers using the same proprietary system;

(58) "Model 4 seller", a seller that is registered under the agreement and is not a Model 1 Seller, a Model 2 Seller or a Model 3 Seller;

(59) "Motor vehicle leasing company" [shall be], a company obtaining a permit from the director of revenue to operate as a motor vehicle leasing company. Not all persons renting or leasing trailers or motor vehicles need to obtain such a permit; however, no person failing to obtain such a permit may avail itself of the optional tax provisions of subsection 5 of section 144.070, as hereinafter provided;

[(7)] (60) "Other direct mail", any direct mail that is not advertising and promotional direct mail regardless of whether advertising and promotional direct mail is included in the same mailing. Other direct mail includes, but is not limited to:

- (a) Transactional direct mail that contains personal information specific to the one addressee including, but not limited to, invoices, bills, statements of account, and payroll advices;
- (b) Any legally required mailings including, but not limited to, privacy notices, tax reports, and stockholder reports; and
- (c) Other nonpromotional direct mail delivered to existing or former shareholders, customers, employees, or agents including, but not limited to, newsletters and informational pieces.

Other direct mail shall not include the development of billing information or the provision of any data processing service that is more than incidental;

(61) "Over-the-counter drug", a drug, excluding grooming and hygiene products, that contains a label that identifies the product as a drug as required by 21 CFR Section 201.66 and includes:

- (a) A drug facts panel; or
- (b) A statement of the active ingredients with a list of those ingredients contained in the compound, substance, or preparation;

(62) "Person" includes any individual, firm, copartnership, joint adventure, association, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or agency, [except the state transportation department,] estate, trust, business trust, receiver or trustee appointed by the state or federal court, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number, or any other legal entity;

[(8)] (63) "Place of primary use", the street address representative of where the customer's use of the telecommunications service primarily occurs, which shall be the residential street address or the primary business street address of the customer. In the case of mobile telecommunications services, place of primary use shall be within the licensed service area of the home service provider;

(64) "Post-paid calling service", the telecommunications service obtained by making a payment on a call-by-call basis either through the use of a credit card or payment mechanism such as a bank card, travel card, credit card, or debit card, or by charge made to a telephone number which is not associated with the origination

or termination of the telecommunications service. A post-paid calling service includes a telecommunications service, except a prepaid wireless calling service, that would be a prepaid calling service except it is not exclusively a telecommunications service;

(65) "Prepaid calling service", the right to access exclusively telecommunications services, which must be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount;

(66) "Prepaid wireless calling service", a telecommunications service that provides the right to utilize mobile wireless services as well as other nontelecommunications services, including the download of digital products delivered electronically, content and ancillary services, which must be paid for in advance and that is sold in predetermined units or dollars of which the number declines with use in a known amount;

(67) "Prepared food", food sold in a heated state or heated by the seller; two or more food ingredients mixed or combined by the seller for sale as a single item; or food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws. A plate shall not include a container or packaging used to transport the food. Prepared food shall not include food that is only cut, repackaged, or pasteurized by the seller and eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the Food and Drug Administration in Chapter 3, Part 401.11 of the Food Code so as to prevent food borne illnesses;

(68) "Prescription", an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized by the laws of the state;

(69) "Prewritten computer software", computer software, including prewritten upgrades, which is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten portions thereof shall not cause the combination to be other than prewritten computer software. Prewritten computer software shall include software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the specific purchaser. Where a person modifies or enhances computer software of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person's modifications or enhancements. Prewritten computer software or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains prewritten computer software; provided, however, that where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for such modification or enhancement, such modification or enhancement shall not constitute prewritten computer software;

(70) "Private communication service", a telecommunications service that entitles the customer to exclusive or priority use of a communications channel or group of channels between or among termination points, regardless of the manner in which such channel or channels are connected, and includes switching capacity, extension lines, stations, and any other associated services that are provided in connection with the use of such channel or channels;

(71) "Product-based exemption", an exemption based on the description of the product and not based on who purchases the product or how the purchaser intends to use the product;

(72) "Product which is intended to be sold ultimately for final use or consumption", tangible personal property, or any service that is subject to state or local sales or use taxes, or any tax that is substantially equivalent to these taxes, in this state or any other state;

(73) "Prosthetic device", a replacement, corrective, or supportive device including repair and replacement parts for same worn on or in the body to artificially replace a missing portion of the body, prevent or correct physical deformity or malfunction, or support a weak or deformed portion of the body. The term "prosthetic device" shall not include corrective eyeglasses or contact lenses and shall be limited to the classification of devices eligible for MO HealthNet and Medicare reimbursement;

(74) "Protective equipment", items for human wear and designed as protection of the wearer against injury or disease or as protection against damage or injury of other persons or property but not suitable for general use. Protective equipment is mutually exclusive of clothing, clothing accessories or equipment, and sport or recreational equipment;

(75) "Purchase", the acquisition of the ownership of, or title to, tangible personal property, through a sale, as defined herein, for the purpose of storage, use or consumption in this state;

(76) "Purchase price", applies to the measure subject to use tax and has the same meaning as sales price;

(77) "Purchaser" [means], a person [who purchases tangible] **to whom a sale of personal property is made or to whom [are rendered services, receipts from which are taxable under sections 144.010 to 144.525] a service is furnished;**

[(9)] (78) **"Qualified light aircraft purchaser", a purchaser of a light aircraft, light aircraft kit, light aircraft parts or components who is a nonresident of this state, who will transport the light aircraft, light aircraft kit, light aircraft parts or components outside this state within ten days after the date of purchase, and who will register any light aircraft so purchased in another state or country. Such purchaser shall not base such aircraft in this state and such purchaser shall not be a resident of the state unless such purchaser has paid sales or use tax on such aircraft in another state;**

(79) **"Receive" or "receipt", taking possession of tangible personal property; making first use of services; or taking possession or making first use of digital goods, whichever comes first. Receive and receipt shall not include possession by a shipping company on behalf of the purchaser;**

(80) **"Registered under the agreement", registration by a seller with the member states under the central registration system provided in Article IV of the agreement;**

(81) **"Research or experimentation activities" are the development of an experimental or pilot model, plant process, formula, invention or similar property, and the improvement of existing property of such type. Research or experimentation activities do not include activities such as ordinary testing or inspection of materials or products for quality control, efficiency surveys, advertising promotions or research in connection with literary, historical or similar projects;**

[(10)] **"Sale" or "sales" includes installment and credit sales, and the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale, and means any transfer, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for valuable consideration and the rendering, furnishing or selling for a valuable consideration any of the substances, things and services herein designated and defined as taxable under the terms of sections 144.010 to 144.525;**

[(11)] (82) **"Sale at retail" [means any transfer made by any person engaged in business as defined herein of the ownership of, or title to, tangible personal property to the purchaser, for use or consumption and not for resale in any form as tangible personal property, for a valuable consideration; except that, for the purposes of sections 144.010 to 144.525 and the tax imposed thereby: (i) purchases of tangible personal property made by duly licensed physicians, dentists, optometrists and veterinarians and used in the practice of their professions shall be deemed to be purchases for use or consumption and not for resale; and (ii) the selling of computer printouts, computer output or microfilm or microfiche and computer-assisted photo compositions to a purchaser to enable the purchaser to obtain for his or her own use the desired information contained in such computer printouts, computer output on microfilm or microfiche and computer-assisted photo compositions shall be considered as the sale of a service and not as the sale of tangible personal property] or "retail sale", any sale, lease, or rental for any purpose other than for resale, sublease, or subrent. Purchases of tangible personal property made by duly licensed physicians, dentists, optometrists, and veterinarians and used in the practice of their professions shall be deemed to be purchases for use or consumption and not for resale. Where necessary to conform to the context of sections 144.010 to 144.525 and the tax imposed thereby, the term "sale at retail" shall be construed to embrace:**

(a) Sales of admission tickets, cash admissions, charges and fees to or in places of amusement, entertainment and recreation, games and athletic events;

(b) Sales of electricity, electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(c) Sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations, and the sale, rental or leasing of all equipment or services pertaining or incidental thereto;

(d) Sales of service for transmission of messages by telegraph companies;

(e) Sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist camp, tourist cabin, or other place in which rooms, meals or drinks are regularly served to the public;

(f) Sales of tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane, and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(83) **"School art supply":**

(a) **An item commonly used by a student in a course of study for artwork. The term is mutually exclusive of the terms school supply, school instructional material, and school computer supply;**

(b) **The following is an all-inclusive list:**

- a. Clay and glazes;
- b. Paints, acrylic, tempora, and oil;
- c. Paintbrushes for artwork;
- d. Sketch and drawing pads; and
- e. Watercolors;

(84) "School computer supply":

(a) An item commonly used by a student in a course of study in which a computer is used. The term is mutually exclusive of the terms school supply, school art supply, and school instructional material.

(b) The following is an all-inclusive list:

- a. Computer storage media, diskettes, compact disks;
- b. Handheld electronic schedulers, except devices that are cellular phones;
- c. Personal digital assistants, except devices that are cellular phones; and
- d. Computer printers and printer supplies for computers, printer paper, and printer ink;

(85) "School instructional material":

(a) Written material commonly used by a student in a course of study as a reference and to learn the subject being taught. The term is mutually exclusive of the terms school supply, school art supply, and school computer supply;

(b) The following is an all-inclusive list:

- a. Reference books;
- b. Reference maps and globes;
- c. Textbooks; and
- d. Workbooks;

(86) "School supply":

(a) An item commonly used by a student in a course of study. The term is mutually exclusive of the terms school art supply, school instructional material, and school computer supply;

(b) The following is an all-inclusive list:

- a. Binders;
- b. Book bags;
- c. Calculators;
- d. Cellophane tape;
- e. Blackboard chalk;
- f. Compasses;
- g. Composition books;
- h. Crayons;
- i. Erasers;
- j. Folders, expandable, pocket, plastic, and manila;
- k. Glue, paste, and paste sticks;
- l. Highlighters;
- m. Index cards;
- n. Index card boxes;
- o. Legal pads;
- p. Lunch boxes;
- q. Markers;
- r. Notebooks;
- s. Paper, loose leaf notebook paper, copy paper, graph paper, tracing paper, manila paper, colored paper, poster board, and construction paper;
- t. Pencil boxes and other school supply boxes;
- u. Pencil sharpeners;
- v. Pencils;
- w. Pens;
- x. Protractors;
- y. Rulers;
- z. Scissors; and
- aa. Writing tablets;

[(12)] (87) "Seller" means a person [selling or furnishing tangible] **making sales, leases, or rentals of personal property or [rendering services, on the receipts from which a tax is imposed pursuant to section 144.020] services;**

(88) "Selling agent", every person acting as a representative of a principal, when such principal is not registered with the director of revenue of the state of Missouri for the collection of the taxes imposed under this chapter and who receives compensation by reason of the sale of tangible personal property of the principal, if such property is to be stored, used, or consumed in this state;

(89) "Service address":

(a) The location of the telecommunications equipment to which a customer's call is charged and from which the call originates or terminates, regardless of where the call is billed or paid;

(b) If the location in paragraph (a) of this subdivision is not known, "service address" means the origination point of the signal of the telecommunications services first identified by either the seller's telecommunications system or in information received by the seller from its service provider, where the system used to transport such signals is not that of the seller;

(c) If the location in paragraphs (a) and (b) of this subdivision are not known, the service address shall be the location of the customer's place of primary use;

(90) "Specified digital products", electronically transferred digital audio-visual works, digital audio works, and digital books;

(91) "Sport or recreational equipment", items designed for human use and worn in conjunction with an athletic or recreational activity that are not suitable for general use. Sport or recreational equipment are mutually exclusive of clothing, clothing accessories or equipment, and protective equipment;

(92) "State", any state of the United States, the District of Columbia, and the Commonwealth of Puerto Rico;

(93) "Storage", any keeping or retention in this state of tangible personal property purchased from a vendor, except property for sale or property that is temporarily kept or retained in this state for subsequent use outside the state;

(94) "Tangible personal property", personal property that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses. Tangible personal property shall include electricity, water, gas, steam, and prewritten computer software. Tangible personal property shall not include specified digital products, digital audio-visual works, digital audio works, or digital books;

[(13)] (95) "Tax" [means], either the tax payable by the purchaser of a commodity or service subject to tax, or the aggregate amount of taxes due from the vendor of such commodities or services during the period for which he or she is required to report his or her collections, as the context may require;

(96) "Taxpayer", any person remitting the tax or who should remit the tax levied by this chapter;

(97) "Telecommunications nonrecurring charges", an amount billed for the installation, connection, change or initiation of telecommunications service received by the customer;

[(14)] (98) "Telecommunications service"[, for the purpose of this chapter, the transmission of information by wire, radio, optical cable, coaxial cable, electronic impulses, or other similar means. As used in this definition, "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. Telecommunications service does not include the following if such services are separately stated on the customer's bill or on records of the seller maintained in the ordinary course of business:

(a) Access to the internet, access to interactive computer services or electronic publishing services, except the amount paid for the telecommunications service used to provide such access;

(b) Answering services and one-way paging services;

(c) Private mobile radio services which are not two-way commercial mobile radio services such as wireless telephone, personal communications services or enhanced specialized mobile radio services as defined pursuant to federal law; or

(d) Cable or satellite television or music services; and

(15) "Product which is intended to be sold ultimately for final use or consumption" means tangible personal property, or any service that is subject to state or local sales or use taxes, or any tax that is substantially equivalent thereto, in this state or any other state.];

(a) The electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points;

(b) Telecommunications service shall include such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether such service is referred to as voice over internet protocol services or is classified by the Federal Communications Commission as enhanced or value added;

(c) Telecommunications service shall include air-to-ground radiotelephone service, mobile telecommunications service, post-paid calling service, prepaid calling service, prepaid wireless calling service, and private communication service;

(d) Telecommunications service shall not include:

a. Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a purchaser where such purchaser's primary purpose for the underlying transaction is the processed data or information;

b. Installation or maintenance of wiring or equipment on a customer's premises;

c. Tangible personal property;

d. Advertising, including but not limited to directory advertising;

e. Billing and collection services provided to third parties;

f. Internet access service;

g. Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services shall include but not be limited to cable service, as defined in 47 U.S.C. Section 522(6), as amended, and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 CFR 20.3;

h. Ancillary services; or

i. Digital products delivered electronically, including, but not limited to, software, music, video, reading materials, or ring tones;

(99) "Transportation equipment", any of the following:

(a) Locomotives and railcars that are utilized for the carriage of persons or property in interstate commerce;

(b) Trucks and truck-tractors with a gross vehicle weight rating (GVWR) of ten thousand one pounds or greater, trailers, semitrailers, or passenger buses that are:

a. Registered through the International Registration Plan; and

b. Operated under authority of a carrier authorized and certificated by the United States Department of Transportation or another federal authority to engage in the carriage of persons or property in interstate commerce;

(c) Aircraft that are operated by air carriers authorized and certificated by the United States Department of Transportation or another federal or a foreign authority to engage in the carriage of persons or property in interstate or foreign commerce;

(d) Containers designed for use on and component parts attached or secured on the items set forth in paragraphs (a) to (c) of this subdivision;

(100) "Tobacco", cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco;

(101) "Use", the exercise of any right or power over tangible personal property incident to the ownership or control of that property, except that it does not include the temporary storage of property in this state for subsequent use outside the state, or the sale of the property in the regular course of business;

(102) "Use-based exemption", an exemption based on a specified use of the product by the purchaser;

(103) "Vendor", every person engaged in making sales of tangible personal property by mail order, by advertising, by agent or peddling tangible personal property, soliciting or taking orders for sales of tangible personal property, for storage, use or consumption in this state, all salesmen, solicitors, hawkers, representatives, consignees, peddlers or canvassers, as agents of the dealers, distributors, consignors, supervisors, principals or employers under whom they operate or from whom they obtain the tangible personal property sold by them, and every person who maintains a place of business in this state, maintains a stock of goods in this state, or engages in business activities within this state and every person who engages in this state in the business of acting as a selling agent for persons not otherwise vendors as defined in this subdivision. Irrespective of whether they are making sales on their own behalf or on behalf of the dealers, distributors, consignors, supervisors, principals or employers, they shall be regarded as vendors and the dealers, distributors, consignors, supervisors, principals or employers shall be regarded as vendors for the purposes of sections 144.600 to 144.745. A person shall not be considered a vendor for the purposes of sections 144.600 to 144.745 if all of the following apply:

(a) The person's total gross receipts did not exceed five hundred thousand dollars in this state, or twelve and one-half million dollars in the entire United States, in the immediately preceding calendar year;

(b) The person maintains no place of business in this state; and

(c) The person has no selling agents in this state.

2. For purposes of the taxes imposed under sections 144.010 to 144.525, and any other provisions of law pertaining to sales or use taxes which incorporate the provisions of sections 144.010 to 144.525 by reference, the term "manufactured homes" shall have the same meaning given it in section 700.010.

3. Sections 144.010 to 144.525 may be known and quoted as the "Sales Tax Law".

144.014. 1. Notwithstanding other provisions of law to the contrary, beginning October 1, 1997, the tax levied and imposed pursuant to sections 144.010 to 144.525 and sections 144.600 to 144.746 on all retail sales of food **and food ingredients** shall be at the rate of one percent. The revenue derived from the one percent rate pursuant to this section shall be deposited by the state treasurer in the school district trust fund and shall be distributed as provided in section 144.701.

2. [For the purposes of this section, the term "food" shall include only those products and types of food for which food stamps may be redeemed pursuant to the provisions of the Federal Food Stamp Program as contained in 7 U.S.C. Section 2012, as that section now reads or as it may be amended hereafter, and shall include food dispensed by or through vending machines. For the purpose of this section,] Except for **food sold through** vending [machine sales, the term "food"] **machines, subsection 1 of this section** shall not [include] **apply to** food or drink sold by any establishment where the gross receipts derived from the sale of food prepared by such establishment for immediate consumption on or off the premises of the establishment constitutes more than eighty percent of the total gross receipts of that establishment, regardless of whether such prepared food is consumed on the premises of that establishment, including, but not limited to, sales of food by any restaurant, fast food restaurant, delicatessen, eating house, or café."; and

Further amend said bill, Page 17, Section 144.021, Line 13, by inserting after all of said line the following:

"144.022. 1. In the case of a bundled transaction that includes any of the following: telecommunication service, ancillary service, internet access, or audio or video programming service:

(1) If the price is attributable to products that are taxable and products that are nontaxable, the portion of the price attributable to the nontaxable products may be subject to tax unless the provider can identify by reasonable and verifiable standards such portion from its books and records that are kept in the regular course of business for other purposes, including, but not limited to, nontax purposes;

(2) If the price is attributable to products that are subject to tax at different tax rates, the total price shall be treated as attributable to the products subject to tax at the highest tax rate unless the provider can identify by reasonable and verifiable standards the portion of the price attributable to the products subject to tax at the lower rate from its books and records that are kept in the regular course of business for other purposes, including, but not limited to, nontax purposes;

(3) The provisions of this section shall apply unless otherwise provided by federal law.

2. In the case of a transaction that includes an optional computer software maintenance contract for prewritten computer software, the following provisions apply:

(1) If an optional computer software maintenance contract only obligates the vendor to provide upgrades and updates, it shall be characterized as a sale of prewritten computer software;

(2) If an optional computer software maintenance contract only obligates the vendor to provide support services, it shall be characterized as a sale of services and not a sale of tangible personal property;

(3) If an optional computer software maintenance contract is a bundled transaction in which both taxable and nontaxable or exempt products that are not separately itemized on the invoice or similar billing document, the purchase price under the contract shall be taxable."; and

Further amend said bill, Pages 17 to 26, Section 144.030, Lines 1 to 300, by deleting all of said section and inserting in lieu thereof the following:

"144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761 and from the computation of the tax

levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.824; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Motor vehicles registered in excess of fifty-four thousand pounds, and the trailers pulled by such motor vehicles, that are actually used in the normal course of business to haul property on the public highways of the state, and that are capable of hauling loads commensurate with the motor vehicle's registered weight; and the materials, replacement parts, and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of such vehicles. For purposes of this subdivision "motor vehicle" and "public highway" shall have the meaning as ascribed in section 390.020;

(5) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant" means a facility that has as its primary purpose the recovery of materials into a usable product or a different form which is used in producing a new product and shall include a facility or equipment which are used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms motor vehicle and highway shall have the same meaning pursuant to section 301.010. Material recovery is not the reuse of materials within a manufacturing process or the use of a product previously recovered. The material recovery processing plant shall qualify under the provisions of this section regardless of ownership of the material being recovered;

(6) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

(7) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(8) Animals or poultry used for breeding or feeding purposes, or captive wildlife;

(9) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public;

(10) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(11) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(12) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, in the transportation of persons or property;

(13) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (5) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200. There shall be a rebuttable presumption that the raw materials used in the primary manufacture of automobiles contain at least twenty-five percent recovered materials. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(14) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(16) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(17) Tangible personal property purchased by a rural water district;

(18) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation;

(19) All sales of [insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales or rental of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and ambulatory aids, all sales or rental of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales or rental of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of] over-the-counter [or nonprescription] drugs to individuals with disabilities, **all sales of kidney dialysis equipment and enteral feeding systems, all sales of durable medical equipment, prosthetic devices, and mobility enhancing equipment**, and [drugs required by the Food and Drug Administration to meet the] **all sales of** over-the-counter [drug product labeling requirements in 21 CFR 201.66, or its successor,] **drugs** as prescribed by a health care practitioner licensed to prescribe;

(20) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(21) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (20) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(22) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to

the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530;

(23) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as defined in section 142.028, natural gas, propane, and electricity used by an eligible new generation cooperative or an eligible new generation processing entity as defined in section 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and trailers, and any freight charges on any exempt item. As used in this subdivision, the term "feed additives" means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term "farm machinery and equipment" means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon and any accessories for and upgrades to such farm machinery and equipment, rotary mowers used exclusively for agricultural purposes, and supplies and lubricants used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and one-half of each purchaser's purchase of diesel fuel therefor which is:

- (a) Used exclusively for agricultural purposes;
- (b) Used on land owned or leased for the purpose of producing farm products; and
- (c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(24) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, [electrical current, natural, artificial or propane gas, wood, coal or home heating oil] **pipd natural or artificial gas, or other fuels delivered by the seller** for domestic use [and in any city not within a county, all sales of metered or unmetered water service for domestic use]:

(a) "Domestic use" means that portion of metered water service, electricity, [electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service,] **pipd natural or artificial gas, or other fuels delivered by the seller** which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of [services or property] **electricity, pipd natural or artificial gas, or other fuels delivered by the seller** and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of [services or property] **electricity, pipd natural or artificial gas, or other fuels delivered by the seller** and who uses any portion of the [services or property] **electricity, pipd natural or artificial gas, or other fuels delivered by the seller** so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use

portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(25) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(26) Excise taxes, collected on sales at retail, imposed by Sections 4041, [4061,] 4071, 4081, [4091,] 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local sales taxes on such excise taxes;

(27) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(28) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(29) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(30) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(31) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

(32) Electrical energy or gas, whether natural, artificial or propane, water, or other utilities which are ultimately consumed in connection with the manufacturing of cellular glass products or in any material recovery processing plant as defined in subdivision (5) of this subsection;

(33) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

(34) Tangible personal property and utilities purchased for use or consumption directly or exclusively in the research and development of agricultural/biotechnology and plant genomics products and prescription pharmaceuticals consumed by humans or animals;

(35) All sales of grain bins for storage of grain for resale;

(36) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, and licensed pursuant to sections 273.325 to 273.357;

(37) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

(38) All sales or other transfers of tangible personal property to a lessor who leases the property under a lease of one year or longer executed or in effect at the time of the sale or other transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100;

(39) Sales of tickets to any collegiate athletic championship event that is held in a facility owned or operated by a governmental authority or commission, a quasi-governmental agency, a state university or college or by the state or any political subdivision thereof, including a municipality, and that is played on a neutral site and may reasonably

be played at a site located outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that is not located on the campus of a conference member institution participating in the event;

(40) All purchases by a sports complex authority created under section 64.920, and all sales of utilities by such authority at the authority's cost that are consumed in connection with the operation of a sports complex leased to a professional sports team;

(41) Beginning January 1, 2009, but not after January 1, 2015, materials, replacement parts, and equipment purchased for use directly upon, and for the modification, replacement, repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

(42) Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or similar places of business for use in the normal course of business and money received by a shooting range or similar places of business from patrons and held by a shooting range or similar place of business for redistribution to patrons at the conclusion of a shooting event;

(43) **All sales of new light aircraft, light aircraft kits, light aircraft parts or components manufactured or substantially completed within this state, when such new light aircraft, light aircraft kits, light aircraft parts or components are sold by the manufacturer to a qualified purchaser. The director of revenue shall prescribe the manner for a purchaser of a light aircraft, light aircraft kit, parts or components to establish that such person is a qualified purchaser and is eligible for the exemption established in this section;**

(44) **All sales of computer printouts, computer output or microfilm or microfiche and computer-assisted photo compositions to a purchaser to enable the purchaser to obtain for his or her own use the desired information contained in such computer printouts, computer output on microfilm or microfiche and computer-assisted photo compositions;**

(45) **Sales made to any person where payment is being made by a nongovernmental agency as part of a disaster relief service.**

3. Any ruling, agreement, or contract, whether written or oral, express or implied, between a person and this state's executive branch, or any other state agency or department, stating, agreeing, or ruling that such person is not required to collect sales and use tax in this state despite the presence of a warehouse, distribution center, or fulfillment center in this state that is owned or operated by the person or an affiliated person shall be null and void unless it is specifically approved by a majority vote of each of the houses of the general assembly. For purposes of this subsection, an "affiliated person" means any person that is a member of the same "controlled group of corporations" as defined in Section 1563(a) of the Internal Revenue Code of 1986, as amended, as the vendor or any other entity that, notwithstanding its form of organization, bears the same ownership relationship to the vendor as a corporation that is a member of the same "controlled group of corporations" as defined in Section 1563(a) of the Internal Revenue Code, as amended.

144.032. The provisions of section 144.030 to the contrary notwithstanding, any city imposing a sales tax under the provisions of sections 94.500 to 94.570, or any county imposing a sales tax under the provisions of sections 66.600 to 66.635, or any county imposing a sales tax under the provisions of sections 67.500 to 67.729, or any hospital district imposing a sales tax under the provisions of section 205.205 may by ordinance impose a sales tax upon all sales of [metered water services,] electricity, [electrical current and natural, artificial or propane gas, wood, coal, or home heating oil] **pipd natural or artificial gas, or other fuels delivered by the seller** for domestic use only. Such tax shall be administered by the department of revenue and assessed by the retailer in the same manner as any other city, county, or hospital district sales tax. Domestic use shall be determined in the same manner as the determination of domestic use for exemption of such sales from the state sales tax under the provisions of section 144.030.

144.040. 1. (1) All retail sales in Missouri, excluding leases and rentals, of tangible personal property or digital goods shall be sourced to the location where the order is received by the seller.

(2) This subsection shall apply only if:

(a) The location where receipt of the product by the purchaser occurs is determined in accordance with subsection 2 of this section; and

(b) At the time the order is received, the record keeping system of the seller used to calculate the proper amount of sales or use tax to be imposed captures the location where the order is received.

(3) When the sale is sourced under this section to the location where the order is received by the seller, only the sales tax for the location where the order is received by the seller may be levied. No additional sales or use tax based on the location where the product is delivered to the purchaser may be levied on that sale. The purchaser shall not be entitled to any refund if the combined state and local rate or rates at the location where the product is received by the purchaser is lower than the rate where the order is received by the seller.

(4) A purchaser shall have no additional liability to the state for tax, penalty or interest on a sale for which the purchaser remits tax to the seller in the amount invoiced by the seller if such invoice amount is calculated at either the rate applicable to the location where receipt by the purchaser occurs or at the rate applicable to the location where the order is received by the seller. A purchaser may rely on a written representation by the seller as to the location where the order for such sale was received by the seller. When the purchaser does not have a written representation by the seller as to the location where the order for such sale was received by the seller, the purchaser may use a location indicated by a business address for the seller that is available from the business records of the purchaser that are maintained in the ordinary course of the purchaser's business to determine the rate applicable to the location where the order was received.

(5) The location where the order is received by or on behalf of the seller means the physical location of a seller or third party such as an established outlet, office location or automated order receipt system operated by or on behalf of the seller where an order is initially received by or on behalf of the seller and not where the order may be subsequently accepted, completed or fulfilled. An order is received when all of the information from the purchaser necessary to the determination whether the order can be accepted has been received by or on behalf of the seller. The location from which a product is shipped shall not be used in determining the location where the order is received by the seller.

(6) When taxable services are sold with tangible personal property or digital products pursuant to a single contract or in the same transaction, are billed on the same billing statement or statements, and, because of the application of this section, would be sourced to different jurisdictions, this subsection shall apply to determine the source for tax.

2. Except as provided in subsection 7 of this section, when the location where the order is received by the seller and the location where the receipt of the product by the purchaser (or the purchaser's donee, designated as such by the purchaser) occurs are in different states, the retail sale, excluding lease or rental, of a product shall be sourced as follows:

(1) When the product is received by the purchaser at a business location of the seller, the sale shall be sourced to such business location;

(2) When the product is not received by the purchaser at a business location of the seller, the sale shall be sourced to the location where receipt by the purchaser (or the purchaser's donee, designated as such by the purchaser) occurs, including the location indicated by instructions for delivery to the purchaser or donee, known to the seller;

(3) When subdivisions (1) and (2) of this subsection do not apply, the sale shall be sourced to the location indicated by an address for the purchaser that is available from the business records of the seller that are maintained in the ordinary course of the seller's business when use of this address does not constitute bad faith;

(4) When subdivisions (1), (2), and (3) of this subsection do not apply, the sale shall be sourced to the location indicated by an address for the purchaser obtained during the consummation of the sale, including the address of a purchaser's payment instrument, if no other address is available, when use of this address does not constitute bad faith;

(5) When none of the previous rules of subdivisions (1), (2), (3), and (4) of this subsection do not apply, including the circumstances in which the seller is without sufficient information to apply the previous rules, then the location will be determined by the address from which tangible personal property was shipped, from which the digital good or computer software delivered electronically was first available for transmission from the seller, or from which the service was provided (disregarding for these purposes any location that merely provided the digital transfer of the product sold).

3. Notwithstanding subsections 1 and 2 of this section, all sales of motor vehicles, trailers, semitrailers, watercraft and aircraft that do not qualify as transportation equipment shall be sourced to the address of the owner thereof.

4. The lease or rental of tangible personal property, other than property identified in subsection 2 or 3 of this section or transactions regulated under sections 407.660 to 407.665, shall be sourced as follows:

(1) For a lease or rental that requires recurring periodic payments, the first periodic payment is sourced the same as a retail sale in accordance with the provisions of subsection 1 of this section. Periodic payments made subsequent to the first payment are sourced to the primary property location for each period covered by the payment. The primary property location shall be as indicated by an address for the property provided by the lessee that is available to the lessor from its records maintained in the ordinary course of business, when use of this address does not constitute bad faith. The property location shall not be altered by intermittent use at different locations, such as use of business property that accompanies employees on business trips and service calls;

(2) For a lease or rental that does not require recurring periodic payments, the payment is sourced the same as a retail sale in accordance with the provisions of subsection 1 of this section;

(3) This subsection does not affect the imposition or computation of sales or use tax on leases or rentals based on a lump sum or accelerated basis, or on the acquisition of property for lease.

5. The lease or rental of motor vehicles, trailers, semitrailers, or aircraft that do not qualify as transportation equipment, as defined in section 144.010, shall be sourced as follows:

(1) For a lease or rental that requires recurring periodic payments, each periodic payment is sourced to the primary property location. The primary property location shall be as indicated by an address for the property provided by the lessee that is available to the lessor from its records maintained in the ordinary course of business, when use of such address does not constitute bad faith. Such location shall not be altered by intermittent use at different locations;

(2) For a lease or rental that does not require recurring periodic payments, the payment is sourced the same as a retail sale in accordance with the provisions of subsection 1 of this section;

(3) This subsection does not affect the imposition or computation of sales or use tax on leases or rentals based on a lump sum or accelerated basis, or on the acquisition of property for lease.

6. The retail sale, including lease or rental, of transportation equipment shall be sourced the same as a retail sale in accordance with the provisions of subsection 1 of this section, notwithstanding the exclusion of lease or rental in subsection 1 of this section.

7. (1) The retail sale of a product shall be sourced in accordance with this section. The provisions of this section shall apply regardless of the characterization of a product as tangible personal property, a digital good, or a service. The provisions of this section shall only apply to determine a seller's obligation to pay or collect and remit sales or use tax with respect to the seller's retail sale of a product. The provisions of this subsection shall not affect the obligation of a purchaser or lessee to remit tax on the use of the product to the taxing jurisdictions of that use.

(2) This section shall not apply to sales or use taxes levied on the following:

- (a) Retail sales or transfers of watercraft, modular homes, manufactured homes, or mobile homes; and
- (b) Telecommunications services and ancillary services.

144.042. 1. (1) A purchaser of advertising and promotional direct mail may provide the seller with either:

- (a) A direct pay permit;
- (b) An agreement certificate of exemption claiming direct mail (or other written statement approved, authorized or accepted by the state); or
- (c) Information showing the jurisdictions to which the advertising and promotional direct mail is to be delivered to recipients.

(2) If the purchaser provides the permit, certificate or statement referred to in paragraph (a) or (b) of subdivision (1) of subsection 1 of this section, the seller, in the absence of bad faith, is relieved of all obligations to collect, pay, or remit any tax on any transaction involving advertising and promotional direct mail to which the permit, certificate or statement applies. The purchaser shall source the sale to the jurisdictions to which the advertising and promotional direct mail is to be delivered to the recipients and shall report and pay any applicable tax due.

(3) If the purchaser provides the seller information showing the jurisdictions to which the advertising and promotional direct mail is to be delivered to recipients, the seller shall source the sale to the jurisdictions to which the advertising and promotional direct mail is to be delivered and shall collect and remit the applicable tax. In the absence of bad faith, the seller is relieved of any further obligation to collect any additional tax on the sale of advertising and promotional direct mail where the seller has sourced the sale according to the delivery information provided by the purchaser.

(4) If the purchaser does not provide the seller with any of the items listed in paragraph (a), (b) or (c) of subdivision (1) of subsection 1 of this section, the sale shall be sourced according to subdivision (5) of subsection 2 of section 144.040. The state to which the advertising and promotional direct mail is delivered may disallow credit for tax paid on sales sourced under this subdivision.

(5) Notwithstanding section 144.040, this subsection shall apply to sales of advertising and promotional direct mail.

2. (1) Except as otherwise provided in this subsection, sales of other direct mail are sourced in accordance with subdivision (3) of subsection 2 of section 144.040.

(2) A purchaser of other direct mail may provide the seller with either:

- (a) A direct pay permit; or
- (b) An agreement certificate of exemption claiming direct mail (or other written statement approved, authorized or accepted by the state).

(3) If the purchaser provides the permit, certificate or statement referred to in paragraph (a) or (b) of subdivision (2) of this subsection, the seller, in the absence of bad faith, is relieved of all obligations to collect, pay or remit any tax on any transaction involving other direct mail to which the permit, certificate or statement apply. Notwithstanding subdivision (1) of this subsection, the sale shall be sourced to the jurisdictions to which the other direct mail is to be delivered to the recipients and the purchaser shall report and pay applicable tax due.

(4) Notwithstanding section 144.040, this subsection shall apply to sales of other direct mail.

3. (1) (a) This section applies to a transaction characterized under state law as the sale of services only if the service is an integral part of the production and distribution of printed material that meets the definition of direct mail.

(b) This section does not apply to any transaction that includes the development of billing information or the provision of any data processing service that is more than incidental regardless of whether advertising and promotional direct mail is included in the same mailing.

(2) If a transaction is a bundled transaction that includes advertising and promotion direct mail, this section applies only if the primary purpose of the transaction is the sale of products or services that meet the definition of advertising and promotional direct mail.

(3) Nothing in this section shall limit any purchaser's:

- (a) Obligation for sales or use tax to any state to which the direct mail is delivered;
- (b) Right under local, state, federal or constitutional law, to a credit for sales or use taxes legally due and paid to other jurisdictions; or

(c) Right to a refund of sales or use taxes overpaid to any jurisdiction.

(4) This section applies for purposes of uniformly sourcing direct mail transactions and does not impose requirements on states regarding the taxation of products that meet the definition of direct mail or to the application of sales for resale or other exemptions.

144.043. 1. [As used in this section, the following terms mean:

(1) "Light aircraft", a light airplane that seats no more than four persons, with a gross weight of three thousand pounds or less, which is primarily used for recreational flying or flight training;

(2) "Light aircraft kit", factory manufactured parts and components, including engine, propeller, instruments, wheels, brakes, and air frame parts which make up a complete aircraft kit or partial kit designed to be assembled into a light aircraft and then operated by a qualified purchaser for recreational and educational purposes;

(3) "Parts and components", manufactured light aircraft parts, including air frame and engine parts, that are required by the qualified purchaser to complete a light aircraft kit, or spare or replacement parts for an already completed light aircraft;

(4) "Qualified purchaser", a purchaser of a light aircraft, light aircraft kit, parts or components who is nonresident of this state, who will transport the light aircraft, light aircraft kit, parts or components outside this state within ten days after the date of purchase, and who will register any light aircraft so purchased in another state or country. Such purchaser shall not base such aircraft in this state and such purchaser shall not be a resident of the state unless such purchaser has paid sales or use tax on such aircraft in another state.

2. In addition to the exemptions granted under the provisions of section 144.030, there shall also be specifically exempted from the provisions of sections 144.010 to 144.525, sections 144.600 to 144.748, section 238.235, and from the provisions of any local sales tax law, as defined in section 32.085, and from the computation of the tax levied, assessed or payable under sections 144.010 to 144.525, sections 144.600 to 144.748, section 238.235, and under any local sales tax law, as defined in section 32.085, all sales of new light aircraft, light aircraft kits, parts or components manufactured or substantially completed within this state, when such new light aircraft, light aircraft kits, parts or components are sold by the manufacturer to a qualified purchaser. The director of revenue shall prescribe the manner for a purchaser of a light aircraft, light aircraft kit, parts or components to establish that such person is a qualified purchaser and is eligible for the exemption established in this section] **Except for the defined telecommunication services in subsection 3 of this section, the sale of telecommunication service sold on a call-by-call basis shall be sourced to:**

- (1) Each level of taxing jurisdiction where the call originates and terminates in that jurisdiction; or
- (2) Each level of taxing jurisdiction where the call either originates or terminates and in which the service address is also located.

2. Except for the defined telecommunication services in subsection 3 of this section, a sale of telecommunications services sold on a basis other than a call-by-call basis is sourced to the customer's place of primary use.

3. The sale of the following telecommunication services shall be sourced to each level of taxing jurisdiction as follows:

(1) A sale of mobile telecommunications services other than air-to-ground radiotelephone service and prepaid calling service is sourced to the customer's place of primary use as required by the Mobile Telecommunications Sourcing Act;

(2) A sale of post-paid calling service is sourced to the origination point of the telecommunications signal as first identified by either:

(a) The seller's telecommunications system; or

(b) Information received by the seller from its service provider, where the system used to transport such signals is not that of the seller;

(3) A sale of prepaid calling service or a sale of a prepaid wireless calling service is sourced in accordance with section 144.040, provided however, in the case of a sale of prepaid wireless calling service, the rule provided in subdivision (5) of subsection 2 of section 144.040 shall include as an option the location associated with the mobile telephone number;

(4) A sale of a private communication service is sourced as follows:

(a) Service for a separate charge related to a customer channel termination point is sourced to each level of jurisdiction in which such customer channel termination point is located;

(b) Service where all customer termination points are located entirely within one jurisdiction or levels of jurisdiction is sourced in such jurisdiction in which the customer channel termination points are located;

(c) Service for segments of a channel between two customer channel termination points located in different jurisdictions and which segment of channel are separately charged is sourced fifty percent in each level of jurisdiction in which the customer channel termination points are located; and

(d) Service for segments of a channel located in more than one jurisdiction or levels of jurisdiction and which segments are not separately billed is sourced in each jurisdiction based on the percentage determined by dividing the number of customer channel termination points in such jurisdiction by the total number of customer channel termination points.

4. The sale of internet access service is sourced to the customer's place of primary use.

5. The sale of an ancillary service is sourced to the customer's place of primary use.

144.049. 1. [For purposes of this section, the following terms mean:

(1) "Clothing", any article of wearing apparel, including footwear, intended to be worn on or about the human body. The term shall include but not be limited to cloth and other material used to make school uniforms or other school clothing. Items normally sold in pairs shall not be separated to qualify for the exemption. The term shall not include watches, watchbands, jewelry, handbags, handkerchiefs, umbrellas, scarves, ties, headbands, or belt buckles; and

(2) "Personal computers", a laptop, desktop, or tower computer system which consists of a central processing unit, random access memory, a storage drive, a display monitor, and a keyboard and devices designed for use in conjunction with a personal computer, such as a disk drive, memory module, compact disk drive, daughterboard, digitalizer, microphone, modem, motherboard, mouse, multimedia speaker, printer, scanner, single-user hardware, single-user operating system, soundcard, or video card;

(3) "School supplies", any item normally used by students in a standard classroom for educational purposes, including but not limited to textbooks, notebooks, paper, writing instruments, crayons, art supplies, rulers, book bags, backpacks, handheld calculators, chalk, maps, and globes. The term shall not include watches, radios, CD players, headphones, sporting equipment, portable or desktop telephones, copiers or other office equipment, furniture, or fixtures. School supplies shall also include computer software having a taxable value of three hundred fifty dollars or less.

2.] In each year beginning on or after January 1, 2005, there is hereby specifically exempted from state sales tax law all retail sales of any article of clothing having a taxable value of one hundred dollars or less[.]; all retail sales of school supplies, **school art supplies, and school instructional materials** not to exceed fifty dollars per purchase[.]; all **prewritten** computer software with a taxable value of three hundred fifty dollars or less[.]; and all retail sales of [personal] computers [or computer peripheral devices] **and school computer supplies** not to exceed three thousand five hundred dollars, during a three-day period beginning at 12:01 a.m. on the first Friday in August and ending at midnight on the Sunday following.

[3. If the governing body of any political subdivision adopted an ordinance that applied to the 2004 sales tax holiday to prohibit the provisions of this section from allowing the sales tax holiday to apply to such political

subdivision's local sales tax, then, notwithstanding any provision of a local ordinance to the contrary, the 2005 sales tax holiday shall not apply to such political subdivision's local sales tax. However, any such political subdivision may enact an ordinance to allow the 2005 sales tax holiday to apply to its local sales taxes. A political subdivision must notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any ordinance or order rescinding an ordinance or order to opt out.

4.] 2. This section shall not apply to any sales which take place within the Missouri state fairgrounds.

[5.] 3. This section applies to sales of items bought for personal use only.

[6. After the 2005 sales tax holiday, any political subdivision may, by adopting an ordinance or order, choose to prohibit future annual sales tax holidays from applying to its local sales tax. After opting out, the political subdivision may rescind the ordinance or order. The political subdivision must notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any ordinance or order rescinding an ordinance or order to opt out.

7.] 4. This section may not apply to any retailer when less than two percent of the retailer's merchandise offered for sale qualifies for the sales tax holiday. The retailer shall offer a sales tax refund in lieu of the sales tax holiday.

144.054. 1. As used in this section, the following terms mean:

(1) "Processing", any mode of treatment, act, or series of acts performed upon materials to transform or reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(2) "Recovered materials", those materials which have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not they require subsequent separation and processing.

2. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of [sections 144.010 to 144.525 and 144.600 to 144.761, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761,] **this chapter and from the computation of the tax levied, assessed, or payable under this chapter** electrical energy and gas, whether natural, artificial, or propane, water, coal, and energy sources, chemicals, machinery, equipment, and materials used or consumed in the manufacturing, processing, compounding, mining, or producing of any product, or used or consumed in the processing of recovered materials, or used in research and development related to manufacturing, processing, compounding, mining, or producing any product. [The exemptions granted in this subsection shall not apply to local sales taxes as defined in section 32.085 and the provisions of this subsection shall be in addition to any state and local sales tax exemption provided in section 144.030.] **This section shall not apply to local sales or use taxes levied on electricity, piped natural or artificial gas, or other fuels delivered by the seller.**

3. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of [sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085] **this chapter and from the computation of the tax levied, assessed, and payable under this chapter**, all utilities, machinery, and equipment used or consumed directly in television or radio broadcasting and all sales and purchases of tangible personal property, utilities, services, or any other transaction that would otherwise be subject to the state or local sales or use tax when such sales are made to or purchases are made by a contractor for use in fulfillment of any obligation under a defense contract with the United States government, and all sales and leases of tangible personal property by any county, city, incorporated town, or village, provided such sale or lease is authorized under chapter 100, and such transaction is certified for sales tax exemption by the department of economic development, and tangible personal property used for railroad infrastructure brought into this state for processing, fabrication, or other modification for use outside the state in the regular course of business.

4. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of [sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085] **this chapter and from the computation of the tax levied, assessed, and payable under this chapter**, all sales and purchases of tangible personal property, utilities, services, or any other transaction that would otherwise be subject to the state or local sales or use tax when such sales are made to or purchases are made by a private partner for use in completing a project under sections 227.600 to 227.669."; and

Further amend said bill, Page 26, Section 144.069, Line 10, by inserting after all of said line the following:

"144.070. 1. At the time the owner of any new or used motor vehicle, trailer, boat, or outboard motor which was acquired in a transaction subject to sales tax under the Missouri sales tax law makes application to the director of revenue for an official certificate of title and the registration of the motor vehicle, trailer, boat, or outboard motor as otherwise provided by law, the owner shall present to the director of revenue evidence satisfactory to the director of revenue showing the purchase price exclusive of any charge incident to the extension of credit paid by or charged to the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, or that no sales tax was incurred in its acquisition, and if sales tax was incurred in its acquisition, the applicant shall pay or cause to be paid to the director of revenue the sales tax provided by the Missouri sales tax law in addition to the registration fees now or hereafter required according to law, and the director of revenue shall not issue a certificate of title for any new or used motor vehicle, trailer, boat, or outboard motor subject to sales tax as provided in the Missouri sales tax law until the tax levied for the sale of the same under sections 144.010 to 144.510 has been paid as provided in this section or is registered under the provisions of subsection 5 of this section.

2. [As used in subsection 1 of this section, the term "purchase price" shall mean the total amount of the contract price agreed upon between the seller and the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, regardless of the medium of payment therefor.

3.] In the event that the purchase price is unknown or undisclosed, or that the evidence thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisal by the director.

[4.] 3. The director of the department of revenue shall endorse upon the official certificate of title issued by the director upon such application an entry showing that such sales tax has been paid or that the motor vehicle, trailer, boat, or outboard motor represented by such certificate is exempt from sales tax and state the ground for such exemption.

[5.] 4. Any person, company, or corporation engaged in the business of renting or leasing motor vehicles, trailers, boats, or outboard motors, which are to be used exclusively for rental or lease purposes, and not for resale, may apply to the director of revenue for authority to operate as a leasing company. Any company approved by the director of revenue may pay the tax due on any motor vehicle, trailer, boat, or outboard motor as required in section 144.020 at the time of registration thereof or in lieu thereof may pay a sales tax as provided in sections 144.010, 144.020, 144.070 and 144.440. A sales tax shall be charged to and paid by a leasing company which does not exercise the option of paying in accordance with section 144.020, on the amount charged for each rental or lease agreement while the motor vehicle, trailer, boat, or outboard motor is domiciled in this state. Any motor vehicle, trailer, boat, or outboard motor which is leased as the result of a contract executed in this state shall be presumed to be domiciled in this state.

[6.] 5. Any corporation may have one or more of its divisions separately apply to the director of revenue for authorization to operate as a leasing company, provided that the corporation:

- (1) Has filed a written consent with the director authorizing any of its divisions to apply for such authority;
- (2) Is authorized to do business in Missouri;
- (3) Has agreed to treat any sale of a motor vehicle, trailer, boat, or outboard motor from one of its divisions to another of its divisions as a sale at retail;
- (4) Has registered under the fictitious name provisions of sections 417.200 to 417.230 each of its divisions doing business in Missouri as a leasing company; and

(5) Operates each of its divisions on a basis separate from each of its other divisions. However, when the transfer of a motor vehicle, trailer, boat or outboard motor occurs within a corporation which holds a license to operate as a motor vehicle or boat dealer pursuant to sections 301.550 to 301.573 the provisions in subdivision (3) of this subsection shall not apply.

[7.] 6. If the owner of any motor vehicle, trailer, boat, or outboard motor desires to charge and collect sales tax as provided in this section, the owner shall make application to the director of revenue for a permit to operate as a motor vehicle, trailer, boat, or outboard motor leasing company. The director of revenue shall promulgate rules and regulations determining the qualifications of such a company, and the method of collection and reporting of sales tax charged and collected. Such regulations shall apply only to owners of motor vehicles, trailers, boats, or outboard motors, electing to qualify as motor vehicle, trailer, boat, or outboard motor leasing companies under the provisions of subsection 5 of this section, and no motor vehicle renting or leasing, trailer renting or leasing, or boat or outboard motor renting or leasing company can come under sections 144.010, 144.020, 144.070 and 144.440 unless all motor vehicles, trailers, boats, and outboard motors held for renting and leasing are included.

[8.] 7. Beginning July 1, 2010, any motor vehicle dealer licensed under section 301.560 engaged in the business of selling motor vehicles or trailers may apply to the director of revenue for authority to collect and remit the sales tax required under this section on all motor vehicles sold by the motor vehicle dealer. A motor vehicle dealer receiving authority to collect and remit the tax is subject to all provisions under sections 144.010 to 144.525. Any motor vehicle

dealer authorized to collect and remit sales taxes on motor vehicles under this subsection shall be entitled to deduct and retain an amount equal to two percent of the motor vehicle sales tax pursuant to section 144.140. Any amount of the tax collected under this subsection that is retained by a motor vehicle dealer pursuant to section 144.140 shall not constitute state revenue. In no event shall revenues from the general revenue fund or any other state fund be utilized to compensate motor vehicle dealers for their role in collecting and remitting sales taxes on motor vehicles. In the event this subsection or any portion thereof is held to violate article IV, section 30(b) of the Missouri Constitution, no motor vehicle dealer shall be authorized to collect and remit sales taxes on motor vehicles under this section. No motor vehicle dealer shall seek compensation from the state of Missouri or its agencies if a court of competent jurisdiction declares that the retention of two percent of the motor vehicle sales tax is unconstitutional and orders the return of such revenues."; and

Further amend said bill, Page 26, Section 144.071, Line 17, by inserting after all of said line the following:

"144.080. 1. Every person receiving any payment or consideration upon the sale of property or rendering of service, subject to the tax imposed by the provisions of sections 144.010 to 144.525, is exercising the taxable privilege of selling the property or rendering the service at retail and is subject to the tax levied in section 144.020. The person shall be responsible not only for the collection of the amount of the tax imposed on the sale or service to the extent possible under the provisions of section 144.285, but shall, on or before the last day of the month following each calendar quarterly period of three months, file a return with the director of revenue showing the person's gross receipts and the amount of tax levied in section 144.020 for the preceding quarter, and shall remit to the director of revenue, with the return, the taxes levied in section 144.020, except as provided in subsections 2 and 3 of this section. The director of revenue may promulgate rules or regulations changing the filing and payment requirements of sellers, but shall not require any seller to file and pay more frequently than required in this section.

2. [Where the aggregate amount levied and imposed upon a seller by section 144.020 is in excess of two hundred and fifty dollars for either the first or second month of a calendar quarter, the seller shall file a return and pay such aggregate amount for such months to the director of revenue by the twentieth day of the succeeding month.

3.] Where the aggregate amount levied and imposed upon a seller by section 144.020 is less than forty-five dollars in a calendar quarter, the director of revenue shall by regulation permit the seller to file a return for a calendar year. The return shall be filed and the taxes paid on or before January thirty-first of the succeeding year.

[4.] 3. The seller of any property or person rendering any service, subject to the tax imposed by sections 144.010 to 144.525, shall collect the tax from the purchaser of such property or the recipient of the service to the extent possible under the provisions of section 144.285, but the seller's inability to collect any part or all of the tax does not relieve the seller of the obligation to pay to the state the tax imposed by section 144.020; except that the collection of the tax imposed by sections 144.010 to 144.525 on motor vehicles and trailers shall be made as provided in sections 144.070 and 144.440.

[5.] 4. It shall be unlawful for any person to advertise or hold out or state to the public or to any customer directly or indirectly that the tax or any part thereof imposed by sections 144.010 to 144.525, and required to be collected by the person, will be assumed or absorbed by the person, or that it will not be separately stated and added to the selling price of the property sold or service rendered, or if added, that it or any part thereof will be refunded. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

144.082. 1. The director shall participate in an online registration system that will allow sellers to register in this state and other member states.

2. By registering, the seller agrees to collect and remit sales and use taxes for all taxable sales into this state as well as the other member states, including member states joining after the seller's registration. Withdrawal or revocation of this state from the agreement shall not relieve a seller of its responsibility to remit taxes previously or subsequently collected on behalf of this state.

3. If the seller has a requirement to register prior to registering under the agreement, such seller shall obtain a retail sales license under section 144.083 and register under section 144.650.

4. Registration with the central registration system and the collection of sales and use taxes in this state shall not be used as a factor in determining whether the seller has nexus with this state for any tax at any time.

144.083. 1. The director of revenue shall require all persons who are responsible for the collection of taxes under the provisions of section 144.080 to procure a retail sales license at no cost to the licensee which shall be prominently displayed at the licensee's place of business, and the license is valid until revoked by the director or surrendered by the person to whom issued when sales are discontinued. The director shall issue the retail sales license

within ten working days following the receipt of a properly completed application. Any person applying for a retail sales license or reinstatement of a revoked sales tax license who owes any tax under sections 144.010 to 144.510 or sections 143.191 to 143.261 must pay the amount due plus interest and penalties before the department may issue the applicant a license or reinstate the revoked license. All persons beginning business subsequent to August 13, 1986, and who are required to collect the sales tax shall secure a retail sales license prior to making sales at retail. Such license may, after ten days' notice, be revoked by the director of revenue only in the event the licensee shall be in default for a period of sixty days in the payment of any taxes levied under section 144.020 or sections 143.191 to 143.261. Notwithstanding the provisions of section 32.057 in the event of revocation, the director of revenue may publish the status of the business account including the date of revocation in a manner as determined by the director.

2. The possession of a retail sales license and a statement from the department of revenue that the licensee owes no tax due under sections 144.010 to 144.510 or sections 143.191 to 143.261 shall be a prerequisite to the issuance or renewal of any city or county occupation license or any state license which is required for conducting any business where goods are sold at retail. The date of issuance on the statement that the licensee owes no tax due shall be no more than ninety days before the date of submission for application or renewal of the local license. The revocation of a retailer's license by the director shall render the occupational license or the state license null and void.

3. No person responsible for the collection of taxes under section 144.080 shall make sales at retail unless such person is the holder of a valid retail sales license. After all appeals have been exhausted, the director of revenue may notify the county or city law enforcement agency representing the area in which the former licensee's business is located that the retail sales license of such person has been revoked, and that any county or city occupation license of such person is also revoked. The county or city may enforce the provisions of this section, and may prohibit further sales at retail by such person.

4. In addition to the provisions of subsection 2 of this section, beginning January 1, 2009, the possession of a statement from the department of revenue stating no tax is due under sections 143.191 to 143.265 or sections 144.010 to 144.510 shall also be a prerequisite to the issuance or renewal of any city or county occupation license or any state license required for conducting any business where goods are sold at retail. The statement of no tax due shall be dated no longer than ninety days before the date of submission for application or renewal of the city or county license.

[5. Notwithstanding any law or rule to the contrary, sales tax shall only apply to the sale price paid by the final purchaser and not to any off-invoice discounts or other pricing discounts or mechanisms negotiated between manufacturers, wholesalers, and retailers.]

144.084. 1. The director shall promulgate rules and regulations for remittance of returns. Such rules shall:

- (1) Allow for electronic payments by all remitters by both ACH credit and ACH debit;**
- (2) Provide an alternative method for making "same day" payments if an electronic funds transfer fails;**
- (3) Provide that if a due date falls on a legal banking holiday in the state, the taxes shall be due on the next succeeding business day; and**
- (4) Require that any data that accompanies a remittance be formatted using uniform tax type and payment type codes approved by the streamlined sales and use tax governing board.**

2. All model 1, model 2, and model 3 sellers shall file returns electronically. Any model 1, model 2, or model 3 seller shall submit its sales and use tax returns in a simplified format approved by the director at such times as may be prescribed by the director.

144.100. 1. Every person making any taxable sales of property or service, except transactions provided for in sections 144.070 and 144.440, individually or by duly authorized officer or agent, shall make and file a written return with the director of revenue in such manner as he may prescribe.

2. The returns shall be on blanks designed and furnished by the director of the department of revenue and shall be filed at the times provided in sections 144.080 and 144.090. The returns shall [show the amount of gross receipts from sales of taxable property and services by the person and the amount of tax due thereon by that person during and for the period covered by the return] **state:**

- (1) The name and address of the retailer;**
- (2) The total amount of gross sales of all tangible personal property and taxable services rendered by the retailer during the period for which the return is made;**
- (3) The total amount received during the period for which the return is made on charge and time sales of tangible personal property made and taxable services rendered prior to the period for which the return is made;**

(4) Deductions allowed by law from such total amount of gross sales and from total amount received during the period for which the return is made on such charge and time sales;

(5) Receipts during the period for which the return is made from the total amount of sales of tangible personal property and taxable services rendered during such period in the course of such business, after deductions allowed by law have been made;

(6) Receipts during the period for which the return is made from charge and time sales of tangible personal property made and taxable services rendered prior to such period in the course of such business, after deductions allowed by law have been made;

(7) Gross receipts during the period for which the return is made from sales of tangible personal property and taxable services rendered in the course of such business upon the basis of which the tax is imposed; and

(8) Such other pertinent information as the director may require.

3. In making such return, the retailer shall determine the market value of any consideration, other than money, received in connection with the sale of any tangible personal property in the course of the business and shall include such value in the return. Such value shall be subject to review and revision by the director as hereinafter provided. Refunds made by a retailer during the period for which the return is made on account of tangible personal property returned to the retailer shall be allowed as a deduction under subdivision (4) of subsection 2 of this section in case the retailer has included the receipts from such sale in a return made by such retailer and paid taxes on such sale. The retailer shall, at the time of making such return, pay to the director the amount of tax owed, except as otherwise provided in this section. The director may extend the time for making returns and paying the tax required by this section for any period not to exceed sixty days under such rules and regulations as the director of revenue may prescribe.

4. The director shall only require a single tax return for each taxing period and such return shall include only the taxing jurisdictions in which the seller makes sales within the state. With each return, the person shall remit to the director of revenue the full amount of the tax due.

[3.] 5. In case of charge and time sales the gross receipts thereof shall be included as sales in the returns as and when payments are received by the person, without any deduction therefrom whatsoever.

[4.] 6. If an error or omission is discovered in a return or a change be necessary to show the true facts, the error may be corrected, the omission supplied, or the change made in the return next filed with the director for the filing period immediately following the filing period in which the error was made or the omission occurred, as prescribed by law, except that no refund under this chapter shall be allowed for any amount of tax paid by a seller which is based upon charges incident to credit card discounts. Any other omission or error must be corrected by filing an amended return for the erroneously reported period if the amount of tax is less than that originally reported, or an additional return if the amount of tax is greater than that originally reported. An additional return shall be deemed filed on the date the envelope in which it is mailed is postmarked or the date it is received by the director, whichever is earlier. Any payment of tax, interest, penalty or additions to tax shall be deemed filed on the date the envelope containing the payment is postmarked or the date the payment is received by the director, whichever is earlier. If a refund or credit results from the filing of an amended return, no refund or credit shall be allowed unless an application for refund or credit is properly completed and submitted to the director pursuant to section 144.190.

[5.] 7. The amount of gross receipts from sales and the amount of tax due returned by the person, as well as all matters contained in the return, is subject to review and revision in the manner herein provided for the correction of the returns.

144.104. 1. A seller shall be allowed a deduction from taxable sales for bad debts attributable to taxable sales of such seller that have become uncollectable. Any deduction taken that is attributed to bad debts shall not include interest.

2. The amount of the bad debt deduction shall be calculated pursuant to 26 U.S.C. Section 166(b), as amended, except that such amount shall be adjusted to exclude financing charges or interest, sales, or use taxes charged on the purchase price, uncollectable amounts on property that remain in the possession of the seller until the full purchase price is paid, and expenses incurred in attempting to collect any debt or repossessed property.

3. Bad debts may be deducted on the return for the period during which the bad debt is written off as uncollectable in the seller's books and records and is eligible to be deducted for federal income tax purposes. For purposes of this subsection, a seller who is not required to file federal income tax returns may deduct a bad debt on a return filed for the period in which the bad debt is written off as uncollectable in the seller's books and records and would be eligible for a bad debt deduction for federal income tax purposes if the seller was required to file a federal income tax return.

4. If a deduction is taken for a bad debt and the debt is subsequently collected in whole or in part, the tax on the amount so collected shall be paid and reported on the return filed for the period in which the collection is made.

5. When the amount of bad debt exceeds the amount of taxable sales for the period during which the bad debt is written off, a refund claim may be filed by the seller within the applicable statute of limitations for refund claim; however, the statute of limitations shall be measured from the due date of the return on which the bad debt could first be claimed.

6. Where filing responsibilities have been assumed by a certified service provider, such service provider may claim, on behalf of the seller, any bad debt allowance provided by this section. The certified service provider shall credit or refund the full amount of any bad debt allowance or refund received to the seller.

7. For the purposes of reporting a payment received on a previously claimed bad debt, any payments made on a debt or account shall first be applied proportionally to the taxable price of the property or service and the sales tax thereon, and secondly to interest, service charges, and any other charges.

8. In situations where the books and records of the seller, or certified service provider on behalf of the seller, claiming the bad debt allowance support an allocation of the bad debts among the member states, such an allocation shall be permitted.

144.105. 1. The state shall review software submitted to the streamlined sales and use tax governing board for certification as a certified automated system (CAS) under Section 501 of the streamlined sales and use tax agreement. Such review shall include a review to determine that the program adequately classifies the state's product-based exemptions. Upon completion of the review, the state shall certify to the governing board its acceptance of the classifications made by the system. The state shall relieve a certified service provider (CSP) or model 2 seller from liability to this state and its local jurisdictions for failure to collect sales or use taxes resulting from the CSP or model 2 seller's reliance on the certification provided by the state.

2. The streamlined sales and use tax governing board and this state shall not be responsible for classification of an item or transaction with the product-based exemptions. The relief from liability provided in this section shall not be available for a CSP or model 2 seller that has incorrectly classified an item or transaction into a product-based exemption certified by this state. This subsection shall apply to the individual listing of items or transactions within a product definition approved by the governing board or the state.

3. If the state determines that an item or transaction is incorrectly classified as to its taxability, it shall notify the CSP or model 2 seller of the incorrect classification. The CSP or model 2 seller shall have ten days to revise the classification after receipt of notice from the state of the determination. Upon expiration of the ten days, such CSP or model 2 seller shall be liable for failure to collect the correct amount of sales or use taxes due and owing to the state.

144.123. 1. The director shall provide and maintain a database that describes boundary changes for all taxing jurisdictions and the effective dates of such changes for sales and use tax purposes.

2. The director shall provide and maintain a database of all sales and use tax rates for all taxing jurisdictions. For the identification of counties and cities, codes corresponding to the rates shall be provided according to Federal Information Processing Standards (FIPS) as developed by the National Institute of Standards and Technology. For the identification of all other jurisdictions, codes corresponding to the rates shall be in a format determined by the director.

3. The director shall provide and maintain a database that assigns each five- and nine-digit zip code to the proper rates and taxing jurisdictions. The lowest combined tax rate imposed in the zip code area shall apply if the area includes more than one tax rate in any level of taxing jurisdiction. If a nine-digit zip code designation is not available for a street address, or if a seller or a certified service provider (CSP) is unable to determine the nine-digit zip code designation applicable to a purchase after exercising due diligence to determine the designation, the seller or CSP may apply the rate for the five-digit zip code area. For purposes of this section, there shall be a rebuttable presumption that a seller or CSP has exercised due diligence if the seller has attempted to determine the nine-digit zip code designation by utilizing software approved by the secretary that makes this designation from the street address and the five-digit zip code applicable to a purchase.

4. The director may provide address-based boundary database records for assigning taxing jurisdictions and associated rates which shall be in addition to the requirements of subsection 3 of this section. The database records shall be in the same approved format as the database records required under subsection 3 of this section and shall meet the requirements developed under the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. Section 119(a), as amended. If the director develops address-based assignment database records under the

agreement, sellers that register under the agreement shall be required to use such database. A seller or CSP shall use such database records in place of the five- and nine-digit zip code database records provided for in subsection 3 of this section. If a seller or CSP is unable to determine the applicable rate and jurisdiction using an address-based database record after exercising due diligence, the seller or CSP may apply the nine-digit zip code designation applicable to a purchase. If a nine-digit zip code designation is not available for a street address or if a seller or CSP is unable to determine the nine-digit zip code designation applicable to a purchase after exercising due diligence to determine the designation, the seller or CSP may apply the rate for the five-digit zip code area. For the purposes of this section, there shall be a rebuttable presumption that a seller or CSP has exercised due diligence if the seller or CSP has attempted to determine the tax rate and jurisdiction by utilizing software approved by the director and makes the assignment from the address and zip code information applicable to the purchase. If the director has met the requirements of subsection 3 of this section, the director may also elect to certify vendor provided address-based databases for assigning tax rates and jurisdictions. The databases shall be in the same approved format as the database records under this section and meet the requirements developed under the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. Section 119(a), as amended. If the director certifies a vendor address-based database, a seller or CSP may use such database in place of the database provided for in this subsection.

5. The electronic databases provided for in subsections 1, 2, 3, and 4 of this section shall be in downloadable format as determined by the director. The databases may be directly provided by the director or provided by a vendor as designated by the director. A database provided by a vendor as designated by the director shall be applicable and subject to the provisions of section 144.1031 and this section. The databases shall be provided at no cost to the user of the database. The provisions of subsections 3 and 4 of this section shall not apply when the purchased product is received by the purchaser at the business location of the seller.

6. No seller or CSP shall be liable for reliance upon erroneous data provided by the director on tax rates, boundaries, or taxing jurisdiction assignments.

144.124. 1. The director shall complete a taxability matrix. The state's entries in the matrix shall be provided and maintained by the director in a database that is in a downloadable format.

2. The director shall provide reasonable notice of changes in the taxability of the products or services listed in the taxability matrix.

3. A seller or certified service provider (CSP) shall be relieved from liability to this state or any local taxing jurisdiction for having charged and collected the incorrect amount of state or local sales or use tax resulting from such seller's or CSP's reliance upon erroneous data provided by the director in the taxability matrix.

144.125. 1. (1) Amnesty shall be granted for uncollected or unpaid sales or use tax to a seller who registers to pay or to collect and remit applicable sales or use tax on sales made to purchasers in this state in accordance with the terms of the agreement, provided that the seller was not so registered in this state in the twelve-month period preceding the effective date of this state's participation in the agreement.

(2) Amnesty shall preclude assessment for uncollected or unpaid sales or use tax together with penalty or interest for sales made during the period the seller was not registered in this state, provided registration occurs within twelve months of the effective date of this state's participation in the agreement.

(3) Amnesty shall be provided if this state joins the agreement after the seller has registered.

2. Amnesty shall not be available to a seller with respect to any matter or matters for which the seller received notice of the commencement of an audit and which audit is not yet finally resolved including any related administrative and judicial processes. The amnesty shall not be available for sales or use taxes already paid or remitted to this state or to taxes collected by the seller.

3. Amnesty provided under this section shall be fully effective, absent the seller's fraud or intentional misrepresentation of a material fact, as long as the seller continues registration and payment or collection and remittance of applicable sales or use taxes for a period of at least thirty-six months. The statute of limitations applicable to asserting a tax liability during this thirty-six month period shall be tolled.

4. Amnesty provided under this section shall be applicable only to sales or use taxes due from a seller in its capacity as a seller and not to sales or use taxes due from a seller in its capacity as a purchaser.

5. The provisions of this section shall become effective as of the date that the state joins and becomes a member state of the agreement.

144.140. 1. From every remittance to the director of revenue made on or before the date when the same becomes due, the person required to remit the same shall be entitled to deduct and retain an amount equal to two percent thereof.

2. If the director of the department of revenue enters into the streamlined sales and use tax agreement under section 32.070, the director shall provide a monetary allowance from the taxes collected to each of the following:

(1) A certified service provider, in accordance with the agreement and under the terms of the contract signed with the provider, provided that such allowance shall not exceed two percent of the amount collected;

(2) Any vendor registered under the agreement that selects a certified automated system to perform part of its sales or use tax functions;

(3) Any vendor registered under the agreement that uses a proprietary system to calculate taxes due and has entered into a performance agreement with states that are members to the streamlined sales and use tax agreement.

3. The monetary allowance provided for vendors in subdivision (2) or (3) of subsection 2 of this section shall be in an amount equal to two percent of the taxes collected.

4. Any vendor receiving an allowance under subsection 2 of this section shall not be entitled simultaneously to deduct the allowance provided for in subsection 1 of this section.

144.210. 1. The burden of proving that a sale of tangible personal property, services, substances or things was not a sale at retail shall be upon the person who made the sale, except that with respect to sales, services, or transactions provided for in section 144.070. [The seller shall obtain and maintain exemption certificates signed by the purchaser or his agent as evidence for any exempt sales claimed; provided, however, that before any administrative tribunal of this state, a seller may prove that sale is exempt from tax under this chapter in accordance with proof admissible under the applicable rules of evidence; except that when a purchaser has purchased tangible personal property or services sales tax free under a claim of exemption which is found to be improper, the director of revenue may collect the proper amount of tax, interest, additions to tax and penalty from the purchaser directly. Any tax, interest, additions to tax or penalty collected by the director from the purchaser shall be credited against the amount otherwise due from the seller on the purchases or sales where the exemption was claimed.]

2. If the director of revenue is not satisfied with the return and payment of the tax made by any person, he is hereby authorized and empowered to make an additional assessment of tax due from such person, based upon the facts contained in the return or upon any information within his possession or that shall come into his possession.

3. The director of revenue shall give to the person written notice of such additional or revised assessment by certified or registered mail to the person at his or its last known address.

144.212. 1. In addition to all other provisions of law provided for exemptions, when an exemption is claimed by a purchaser:

(1) The seller shall obtain identifying information of the purchaser and the reason for claiming a tax exemption at the time of the purchase;

(2) A purchaser shall not be required to provide a signature to claim an exemption from tax unless a paper exemption certificate is used;

(3) The seller shall use the standard form for claiming an exemption electronically prescribed by the director of the department of revenue and acceptable to the streamlined sales and use tax governing board;

(4) The seller shall obtain the same information for proof of a claimed exemption regardless of the medium in which the transaction occurred;

(5) The seller shall maintain proper records of exempt transactions and provide such records to the director of the department of revenue or the director's designee upon request;

(6) In the case of drop shipment sales, a third-party vendor, such as a drop shipper, may claim a resale exemption based on an exemption certificate provided by its customer or any other acceptable information available to the third-party vendor evidencing qualification for a resale exemption, regardless of whether the customer is registered to collect and remit sales and use tax in the state where the sale is sourced.

2. Sellers that comply with the requirements of this section shall be relieved from collecting and remitting tax otherwise applicable if it is determined that the purchaser improperly claimed an exemption and such purchaser shall be liable for the nonpayment of tax. Relief from liability provided under this section shall not apply to a seller who fraudulently fails to collect tax; to a seller who solicits purchasers to participate in the unlawful claim of an exemption; to a seller who accepts an exemption certificate when the purchaser claims an entity-based exemption when the subject of the transaction sought to be covered by the exemption certificate is

actually received by the purchaser at a location operated by the seller and the state in which that location resides provides an exemption certificate that clearly and affirmatively indicates that the claimed exemption is not available in such state; or to a seller who accepts an exemption certificate claiming multiple points of use for tangible personal property other than computer software for which an exemption claiming multiple points of use not available in such state.

(1) A seller shall be relieved from collecting and remitting tax otherwise applicable if the seller obtains a fully completed exemption certificate or captures the relevant data elements required under the agreement within ninety days subsequent to the date of sale.

(2) If a seller fails to obtain an exemption certificate or all relevant data elements as provided in this section, the seller may, within one hundred twenty days subsequent to a request for substantiation by the director of the department of revenue or the director's designee, either prove that the transaction was not subject to tax by other means or obtain a fully completed exemption certificate from the purchaser, taken in good faith.

3. Nothing in this section shall affect the ability of the director of the department of revenue or the director's designee to require purchasers to update exemption certificate information or to reapply with the state to claim certain exemptions.

4. Notwithstanding the provisions of subsection 2 of this section to the contrary, the director shall relieve a seller of the tax otherwise applicable if the seller obtains a blanket exemption certificate for a purchaser with which the seller has a recurring business relationship. The director shall not request from the seller renewal of blanket certificates or updates of exemption certificate information or data elements when there is a recurring business relationship between the buyer and seller. For purposes of this section, a recurring business relationship exists when a period of no more than twelve months elapses between sales transactions.

144.285. 1. [In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the director of revenue shall establish brackets, showing the amounts of tax to be collected on sales of specified amounts, which shall be applicable to all taxable transactions] **When the seller is computing the amount of tax owed by the purchaser and remitted to the state:**

(1) Tax computation shall be carried to the third decimal place; and

(2) The tax shall be rounded to a whole cent using a method that rounds up to the next cent whenever the third decimal place is greater than four.

2. [In all instances where statements covering taxable purchases are rendered to the taxpayer on a monthly or other periodic basis, the amount of tax shall be determined by applying the applicable tax rate to the taxable purchases represented on the statement, rounded to the nearest whole cent, or by application of the brackets established by the director of revenue, at the option of the retail vendor] **Sellers may elect to compute the tax due on a transaction on an item or an invoice basis. The provision of this subsection may be applied to the aggregated state and local taxes.**

3. No vendor or seller shall knowingly charge or receive from a purchaser as a sales tax any sum in excess of the sums provided for in this section.

4. [A vendor may, at his option, determine the amount charged to and received from each purchaser by use of a formula which applies the applicable tax rate to each taxable purchase, rounded to the nearest whole cent. The formula shall be uniformly and consistently applied to all purchases similarly situated.

5.] Amounts which a vendor charges to and receives from the purchaser in accordance with this section shall not be includable in his gross receipts if the amounts are separately charged or stated.

[6.] 5. If sales tax for one or more local political subdivisions is owed by a taxpayer pursuant to chapter 66, 67, 92, or 94 and that taxpayer remits less than all sales tax due for a filing period specified in section 144.080, the director of revenue shall deposit the tax remitted proportionately to each taxing jurisdiction in accordance with the percentage that each such jurisdiction's share of the tax due for the filing period bears to the total tax due from such taxpayer for such period. The unpaid balance due along with penalties and interest shall be similarly prorated among the state and all local jurisdictions for which tax was due during the filing period for which an underpayment occurs. The provisions of this subsection shall apply to all returns or remittances relating to sales made on or after January 1, 1984."; and

Further amend said bill, Page 29, Section 144.525, Line 9, by inserting after all of said line the following:

"144.526. 1. This section shall be known and may be cited as the "Show Me Green Sales Tax Holiday".

2. [For purposes of this section, the following terms mean:

(1) "Appliance", clothes washers and dryers, water heaters, trash compactors, dishwashers, conventional ovens, ranges, stoves, air conditioners, furnaces, refrigerators and freezers; and

(2) "Energy star certified", any appliance approved by both the United States Environmental Protection Agency and the United States Department of Energy as eligible to display the energy star label, as amended from time to time.

3.] In each year beginning on or after January 1, 2009, there is hereby specifically exempted from state sales tax law all retail sales of any [energy star certified] new appliance **that is an energy star qualified product**, up to one thousand five hundred dollars per appliance, during a seven-day period beginning at 12:01 a.m. on April nineteenth and ending at midnight on April twenty-fifth.

[4. A political subdivision may allow the sales tax holiday under this section to apply to its local sales taxes by enacting an ordinance to that effect. Any such political subdivision shall notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any such ordinance or order.

5. This section may not apply to any retailer when less than two percent of the retailer's merchandise offered for sale qualifies for the sales tax holiday. The retailer shall offer a sales tax refund in lieu of the sales tax holiday.]; and

Further amend said bill, Page 34, Section 144.615, Line 21, by inserting after all of said line the following:

"144.655. 1. Every vendor, on or before the last day of the month following each calendar quarterly period of three months, shall file with the director of revenue a return of all taxes collected for the preceding quarter in the form prescribed by the director of revenue, showing the total sales price of the tangible personal property sold by the vendor, the storage, use or consumption of which is subject to the tax levied by this law, and other information the director of revenue deems necessary. The return shall be accompanied by a remittance of the amount of the tax required to be collected by the vendor during the period covered by the return. Returns shall be signed by the vendor or the vendor's authorized agent. The director of revenue may promulgate rules or regulations changing the filing and payment requirements of vendors, but shall not require any vendor to file and pay more frequently than required in this section.

2. Where the aggregate amount of tax required to be collected by a vendor is in excess of two hundred and fifty dollars for either the first or second month of a calendar quarter, the vendor shall pay such aggregate amount for such months to the director of revenue by the twentieth day of the succeeding month. The amount so paid shall be allowed as a credit against the liability shown on the vendor's quarterly return required by this section.

3. Where the aggregate amount of tax required to be collected by a vendor is less than forty-five dollars in a calendar quarter, the director of revenue shall by regulation permit the vendor to file a return for a calendar year. The return shall be filed and the taxes paid on or before January thirty-first of the succeeding year.

4. Except as provided in subsection 5 of this section, every person purchasing tangible personal property, the storage, use or consumption of which is subject to the tax levied by sections 144.600 to 144.748, who has not paid the tax due to a vendor registered in accordance with the provisions of section 144.650, shall file with the director of revenue a return for the preceding reporting period in the form and manner that the director of revenue prescribes, showing the total sales price of the tangible property purchased during the preceding reporting period and any other information that the director of revenue deems necessary for the proper administration of sections 144.600 to 144.748. The return shall be accompanied by a remittance of the amount of the tax required by sections 144.600 to 144.748 to be paid by the person. Returns shall be signed by the person liable for the tax or such person's duly authorized agent. For purposes of this subsection, the reporting period shall be determined by the director of revenue and may be a calendar quarter or a calendar year. Annual returns and payments required by the director pursuant to this subsection shall be due on or before April fifteenth of the year for the preceding calendar year and quarterly returns and payments shall be due on or before the last day of the month following each calendar period of three months. Upon the taxpayer's request, the director may allow the filing of such returns and payments on a monthly basis. If a taxpayer elects to file a monthly return and payment, such return and payment shall be due on or before the twentieth day of the succeeding month.

5. Any person purchasing tangible personal property subject to the taxes imposed by sections 144.600 to 144.748 shall not be required to file a use tax return with the director of revenue if such purchases on which such taxes were not paid do not exceed in the aggregate two thousand dollars in any calendar year.

6. Nothing in subsection 5 of this section shall relieve a vendor of liability to collect the tax imposed pursuant to sections 144.600 to 144.748 on the total gross receipts of all sales of tangible personal property used, stored or consumed in this state and to remit all taxes collected to the director of revenue in accordance with the provisions of this section nor shall it relieve a purchaser from paying such taxes to a vendor registered in accordance with the provisions of section 144.650.

7. Any out-of-state seller which is not legally required to register for use tax in this state but chooses to collect and remit use tax under sections 144.600 to 144.761 shall file a return for the calendar year. The return

shall be filed and the taxes paid on or before January thirty-first of the succeeding year. In the event that any out-of-state seller which is not legally required to register for use tax in this state but chooses to collect and remit use tax under sections 144.600 to 144.761 has accumulated state and local use tax funds in an amount equal to one thousand dollars or more, such vendor shall file a return and remit the amount due for the month in which the accumulated state and local use tax funds equal or exceed one thousand dollars.

144.710. [From every remittance made by a vendor as required by sections 144.600 to 144.745 to the director of revenue on or before the date when the remittance becomes due, the vendor may deduct and retain an amount equal to two percent thereof.] **Sections 144.210 and 144.212, pertaining to the allowance for timely remittance of payment, are applicable to the tax levied by this law.**"; and

Further amend said bill, Pages 44 to 46, Section 184.845, by deleting all of said section and inserting in lieu thereof the following:

"184.845. 1. The board of the district may impose a museum **and cultural** district sales tax by resolution on all retail sales made in such museum **and cultural** district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525. Such museum **and cultural** district sales tax may be imposed for any museum **or cultural** purpose designated by the board of the museum **and cultural** district. If the resolution is adopted the board of the district may submit the question of whether to impose a sales tax authorized by this section to [either the legal voters of the district and/or to the owners of real property within the district] **the qualified voters**, who shall have the same voting interests as with the election of members of the board of the district.

2. The sales tax authorized by this section shall become effective on the first day of the second calendar quarter [following adoption of the tax by the qualified voters] **after the director of revenue receives notification of the adoption of the local sales tax.**

3. In each museum **and cultural** district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the museum **and cultural** district pursuant to this section to the retailer's sale price, and when so added such tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

4. In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the museum **and cultural** district may establish appropriate brackets which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided in section [144.825] **144.285.**

5. All revenue received by a museum **and cultural** district from the tax authorized by this section which has been designated for a certain museum **or cultural** purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. All funds remaining in the special trust fund shall continue to be used solely for such designated museum **or cultural** purpose. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other museum **or cultural** district funds.

6. The sales tax may be imposed at a rate of one-half of one percent, three-fourths of one percent or one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the museum **and cultural** district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525. Any museum **and cultural** district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.

7. On and after the effective date of any tax imposed pursuant to this section, the [museum district] **director of revenue** shall perform all functions incident to the administration, collection, enforcement, and operation of the tax. The tax imposed pursuant to this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the [museum district] **director.**

8. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax, sections 32.085 [and] **to 32.087**, and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section[, except as modified in this section].

9. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services pursuant to the provisions of sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax imposed by this section.

10. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no

additional permit or exemption certificate or retail certificate shall be required; except that the museum **and cultural** district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

11. The penalties provided in section 32.057 and sections 144.010 to 144.525 for violation of those sections are hereby made applicable to violations of this section.

12. For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order shall be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which the employee works.

13. All sales taxes collected by the museum **and cultural** district shall be deposited by the museum **and cultural** district in a special fund to be expended for the purposes authorized in this section. The museum **and cultural** district shall keep accurate records of the amount of money which was collected pursuant to this section, and the records shall be open to the inspection by the officers and directors of each museum **and cultural** district and the Missouri department of revenue. Tax returns filed by businesses within the district shall otherwise be considered as confidential in the same manner as sales tax returns filed with the Missouri department of revenue.

14. No museum **and cultural** district imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued to finance any project or projects."; and

Further amend said bill, Page 48, Section 184.865, Line 7, by inserting after all of said line the following:

"21.407. 1. The commission of any regional jail district may impose, by order, a sales tax in the amount of one-eighth of one percent, one-fourth of one percent, three-eighths of one percent, or one-half of one percent on all retail sales made in such region which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525 for the purpose of providing jail services and court facilities and equipment for such region. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no order imposing a sales tax pursuant to this section shall be effective unless the commission submits to the voters of the district, on any election date authorized in chapter 115, a proposal to authorize the commission to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the regional jail district of (counties' names) impose a region-wide sales tax of
(insert amount) for the purpose of providing jail services and court facilities and equipment for the region?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon are in favor of the proposal, then the order and any amendment to such order shall be in effect on the first day of the second **calendar** quarter [immediately following the election approving the proposal] **after the director of revenue receives notification of adoption of the local sales tax**. If the proposal receives less than the required majority, the commission shall have no power to impose the sales tax authorized pursuant to this section unless and until the commission shall again have submitted another proposal to authorize the commission to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters of the district voting on such proposal; however, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last submission of a proposal pursuant to this section.

3. All revenue received by a district from the tax authorized pursuant to this section shall be deposited in a special trust fund and shall be used solely for providing jail services and court facilities and equipment for such district for so long as the tax shall remain in effect.

4. Once the tax authorized by this section is abolished or terminated by any means, all funds remaining in the special trust fund shall be used solely for providing jail services and court facilities and equipment for the district. Any funds in such special trust fund which are not needed for current expenditures may be invested by the commission in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue pursuant to this section on behalf of any district, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created, to be known as the "Regional Jail District Sales Tax Trust Fund". The moneys in the regional jail district sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of each member county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the district which levied the tax. Such funds shall be deposited with the treasurer of each such district, and all expenditures of funds arising from the regional jail district sales tax trust fund shall be paid pursuant to an appropriation adopted by the commission and shall be approved by the commission. Expenditures may be made from the fund for any function authorized in the order adopted by the commission submitting the regional jail district tax to the voters.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such districts. If any district abolishes the tax, the commission shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such district, the director of revenue shall remit the balance in the account to the district and close the account of that district. The director of revenue shall notify each district in each instance of any amount refunded or any check redeemed from receipts due the district.

7. Except as provided in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed pursuant to this section.

8. The provisions of this section shall expire September 30, 2015.

238.235. 1. (1) Any transportation development district may by resolution impose a transportation development district sales tax on all retail sales made in such transportation development district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, except such transportation development district sales tax shall not apply to the sale or use of [motor vehicles, trailers, boats or outboard motors nor to all sales of electricity or electrical current, water and gas, natural or artificial, nor to sales of service to telephone subscribers, either local or long distance] **fuel used to power motor vehicles, aircraft, locomotives, or watercraft, or to electricity, piped natural or artificial gas, or other fuels delivered by the seller, and the retail sale or transfer of motor vehicles, aircraft, watercraft, modular homes, manufactured homes, or mobile homes.** Such transportation development district sales tax may be imposed for any transportation development purpose designated by the transportation development district in its ballot of submission to its qualified voters, except that no resolution enacted pursuant to the authority granted by this section shall be effective unless:

(a) The board of directors of the transportation development district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of this section; or

(b) The voters approved the question certified by the petition filed pursuant to subsection 5 of section 238.207.

(2) If the transportation district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of paragraph (a) of subdivision (1) of this subsection, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the transportation development district of (transportation development district's name) impose a transportation development district-wide sales tax at the rate of (insert amount) for a period of (insert number) years from the date on which such tax is first imposed for the purpose of (insert transportation development purpose)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors of the transportation development district shall have no power to impose the sales tax authorized by this section unless and until the board of directors of the transportation development district shall again have submitted another proposal to authorize it to impose the sales tax pursuant to the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon.

(3) [The sales tax authorized by this section shall become effective on the first day of the second calendar quarter after the department of revenue receives notification of the tax.

(4) In each transportation development district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the transportation development district pursuant to this section to the retailer's sale price, and when so added such tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

(5) In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the transportation development district may establish appropriate brackets which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided in section 144.285.

(6)] All revenue received by a transportation development district from the tax authorized by this section which has been designated for a certain transportation development purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. Upon the expiration of the period of years approved by the qualified voters pursuant to subdivision (2) of this subsection or if the tax authorized by this section is repealed pursuant to subsection 6 of this section, all funds remaining in the special trust fund shall continue to be used solely for such designated transportation development purpose. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other transportation development district funds.

[(7)] (4) The sales tax may be imposed in increments of one-eighth of one percent, up to a maximum of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the transportation development district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to public utilities. Any transportation development district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.

2. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax and the tax shall be reported and returned to and collected by the transportation development district.

3. [On and after the effective date of any tax imposed pursuant to this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect, in addition to all other sales taxes imposed by law, the additional tax authorized pursuant to this section. The tax imposed pursuant to this section and the taxes imposed pursuant to all other laws of the state of Missouri shall be collected together and reported upon such forms and pursuant to such administrative rules and regulations as may be prescribed by the director of revenue.

4. (1) All applicable provisions contained in sections 144.010 to 144.525, governing the state sales tax, sections 32.085 and 32.087 and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section.

(2) All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services pursuant to the provisions of sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax imposed by this section.

(3) The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the transportation development district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

(4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws for the collection of and for payment of taxes pursuant to such laws are hereby allowed and made applicable to any taxes collected pursuant to the provisions of this section.

(5) The penalties provided in section 32.057 and sections 144.010 to 144.525 for violation of those sections are hereby made applicable to violations of this section.

(6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which the employee works.

5.] All sales taxes received by the transportation development district shall be deposited by the director of revenue in a special fund to be expended for the purposes authorized in this section. The director of revenue shall keep accurate records of the amount of money which was collected pursuant to this section, and the records shall be open to the inspection of officers of each transportation development district and the general public.

[6.] 4. (1) No transportation development district imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects.

(2) Whenever the board of directors of any transportation development district in which a transportation development sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the qualified voters calling for an election to repeal such transportation development sales tax, the board of directors shall, if such repeal will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects, submit to the qualified voters of such transportation development district a proposal to repeal the transportation development sales tax imposed pursuant to the provisions of this section. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal to repeal the transportation development sales tax, then the resolution imposing the transportation development sales tax, along with any amendments thereto, is repealed. If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal to repeal the transportation development sales tax, then the ordinance or resolution imposing the transportation development sales tax, along with any amendments thereto, shall remain in effect.

[7.] 5. Notwithstanding any provision of sections 99.800 to 99.865 and this section to the contrary, the sales tax imposed by a district whose project is a public mass transportation system shall not be considered economic activity taxes as such term is defined under sections 99.805 and 99.918 and shall not be subject to allocation under the provisions of subsection 3 of section 99.845, or subsection 4 of section 99.957.

6. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

7. Except as provided in this section, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under this section.

238.410. 1. Any county transit authority established pursuant to section 238.400 may impose a sales tax of up to one percent on all retail sales made in such county which are subject to taxation under the provisions of sections 144.010 to 144.525. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax imposed under the provisions of this section shall be effective unless the governing body of the county, on behalf of the transit authority, submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the transit authority to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the Transit Authority impose a countywide sales tax of (insert amount) in order to provide revenues for the operation of transportation facilities operated by the transit authority?

☐ YES☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO". If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall become effective on the first day of the second calendar quarter following notification to the department of revenue of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the transit authority shall have no power to impose the sales tax authorized by this section unless and until another proposal to authorize the transit authority to impose the sales tax authorized by this section has been submitted and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by the transit authority from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely by the transit authority for construction, purchase, lease, maintenance and operation of transportation facilities located within the county for so long as the tax shall remain in effect. Any funds in such special trust fund which are not needed for current expenditures may be invested by the transit authority in accordance with applicable laws relating to the investment of county funds.

4. No transit authority imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment is submitted to and approved by the voters of the county in the same manner as provided in subsection 1 of this section for approval of such tax. Whenever the governing body of any county in which a sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the registered voters of such county voting in the last gubernatorial election, calling for an election to repeal such sales tax, the governing body shall submit to the voters of such county a proposal to repeal the sales tax imposed under the provisions of this section. If a majority of the votes cast on the proposal by the registered voters voting thereon are in favor of the proposal to repeal the sales tax, then such sales tax is repealed. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal the sales tax, then such sales tax shall remain in effect.

5. The sales tax imposed under the provisions of this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525 and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate approved pursuant to this section. The amount reported and returned to the director of revenue by the seller shall be computed on the basis of the combined rate of the tax imposed by sections 144.010 to 144.525 and the tax imposed by this section, plus any amounts imposed under other provisions of law.

6. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue. In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the applicable provisions of section 144.285 shall apply to all taxable transactions.

7. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax imposed by this section. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from the tax imposed by this section. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under chapter 144 are hereby allowed and made applicable to any taxes collected under the provisions of this section. The penalties provided in section 32.057 and sections 144.010 to 144.525 for a violation of those sections are hereby made applicable to violations of this section.

8. [For the purposes of a sales tax imposed pursuant to this section, all retail sales shall be deemed to be consummated at the place of business of the retailer, except for tangible personal property sold which is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination and except for the sale of motor vehicles, trailers, boats and outboard motors, which is provided for in subsection 12 of this section. In the event a retailer has more than one place of business in this state which participates in the sale, the

sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which he works.

9.] All sales taxes collected by the director of revenue under this section on behalf of any transit authority, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in this section, shall be deposited in the state treasury in a special trust fund, which is hereby created, to be known as the "County Transit Authority Sales Tax Trust Fund". The moneys in the county transit authority sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each transit authority imposing a sales tax under this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the transit authority which levied the tax.

[10.] 9. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any transit authority for erroneous payments and overpayments made, and may authorize the state treasurer to redeem dishonored checks and drafts deposited to the credit of such transit authorities. If any transit authority abolishes the tax, the transit authority shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such transit authority, the director of revenue shall authorize the state treasurer to remit the balance in the account to the transit authority and close the account of that transit authority. The director of revenue shall notify each transit authority of each instance of any amount refunded or any check redeemed from receipts due the transit authority. The director of revenue shall annually report on his management of the trust fund and administration of the sales taxes authorized by this section. He shall provide each transit authority imposing the tax authorized by this section with a detailed accounting of the source of all funds received by him for the transit authority.

[11.] 10. The director of revenue and any of his deputies, assistants and employees who shall have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of this section shall enter a surety bond or bonds payable to any and all transit authorities in whose behalf such funds have been collected under this section in the amount of one hundred thousand dollars; but the director of revenue may enter into a blanket bond or bonds covering himself and all such deputies, assistants and employees. The cost of the premium or premiums for the surety bond or bonds shall be paid by the director of revenue from the share of the collection retained by the director of revenue for the benefit of the state.

[12.] 11. Sales taxes imposed pursuant to this section and use taxes on the purchase and sale of motor vehicles, trailers, boats, and outboard motors shall not be collected and remitted by the seller, but shall be collected by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a county where a sales tax is imposed under this section. The amounts so collected, less the one percent collection cost, shall be deposited in the county transit authority sales tax trust fund. The purchase or sale of motor vehicles, trailers, boats, and outboard motors shall be deemed to be consummated at the address of the applicant. As used in this subsection, the term "boat" shall only include motorboats and vessels as the terms "motorboat" and "vessel" are defined in section 306.010.

[13.] 12. In any county where the transit authority sales tax has been imposed, if any person is delinquent in the payment of the amount required to be paid by him under this section or in the event a determination has been made against him for taxes and penalty under this section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under this section, the director of revenue shall notify the transit authority to which delinquent taxes are due under this section by United States registered mail or certified mail at least ten days before turning the case over to the attorney general. The transit authority, acting through its attorney, may join in such suit as a party plaintiff to seek a judgment for the delinquent taxes and penalty due such transit authority. In the event any person fails or refuses to pay the amount of any sales tax due under this section, the director of revenue shall promptly notify the transit authority to which the tax would be due so that appropriate action may be taken by the transit authority.

[14.] 13. Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by this section, the director of revenue shall permit

the transit authority to join in any sale of property to pay the delinquent taxes and penalties due the state and to the transit authority under this section. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such transit authority under this section.

[15. The transit authority created under the provisions of sections 238.400 to 238.412 shall notify any and all affected businesses of the change in tax rate caused by the imposition of the tax authorized by sections 238.400 to 238.412.

16.] 14. In the event that any transit authority in any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants submits a proposal in any election to increase the sales tax under this section, and such proposal is approved by the voters, the county shall be reimbursed for the costs of submitting such proposal from the funds derived from the tax levied under this section.

15. Except as provided in sections 238.400 to 238.412, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under sections 238.410 to 238.412."; and

Further amend said bill, Page 93, Section 577.041, Line 138, by inserting after all of said line the following:

"44.032. 1. The governing body of any municipality or county may impose, by ordinance or order, a sales tax in an amount not to exceed one-half of one percent on all retail sales made in such municipality or county which are subject to taxation under the provisions of sections 144.010 to 144.525. The tax authorized by this section and section 644.033 shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax under the provisions of this section and section 644.033 shall be effective unless the governing body of the municipality or county submits to the voters of the municipality or county, at a municipal, county or state general, primary or special election, a proposal to authorize the governing body of the municipality or county to impose a tax[, provided, that the tax authorized by this section shall not be imposed on the sales of food, as defined in section 144.014, when imposed by any county with a charter form of government and with more than one million inhabitants].

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the municipality (county) of impose a sales tax of (insert amount) for the purpose of providing funding for (insert either storm water control, or local parks, or storm water control and local parks) for the municipality (county)?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter after the director of revenue receives notice of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the municipality or county shall not impose the sales tax authorized in this section and section 644.033 until the governing body of the municipality or county resubmits another proposal to authorize the governing body of the municipality or county to impose the sales tax authorized by this section and section 644.033 and such proposal is approved by a majority of the qualified voters voting thereon; however, in no event shall a proposal pursuant to this section and section 644.033 be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section and section 644.033.

3. All revenue received by a municipality or county from the tax authorized under the provisions of this section and section 644.033 shall be deposited in a special trust fund and shall be used to provide funding for storm water control or for local parks, or both, within such municipality or county, provided that such revenue may be used for local parks outside such municipality or county if the municipality or county is engaged in a cooperative agreement pursuant to section 70.220.

4. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other municipal or county funds.

[66.601. The duties of the director of revenue with respect to the allocation, division and distribution of sales and use tax proceeds determined to be due any county of the first classification having a charter form of government and having a population of nine hundred thousand or more inhabitants and all municipalities within such county, resulting from taxes levied or imposed under the authority of sections 66.600 to 66.630, section 144.748, and sections 94.850 to 94.857, may be delegated to the county levying the county sales tax under sections 66.600 to 66.630, at the discretion of the director of revenue and with the consent of the county. Notwithstanding the provisions of section 32.057 to the contrary, if such duties are so assigned, the director of revenue shall furnish the county with sufficient information to perform such duties in such form as may be agreed upon by the

director and the county at no cost to the county. The county shall be bound by the provisions of section 32.057, and shall use any information provided by the director of revenue under the provisions of this section solely for the purpose of allocating, dividing and distributing such sales and use tax revenues. The county shall exercise all of the director's powers and duties with respect to such allocation, division and distribution, and shall receive no fee for carrying out such powers and duties.]

[67.1713. Beginning January 1, 2002, there is hereby specifically exempted from the tax imposed pursuant to section 67.1712 all sales of food as defined by section 144.014.]

[67.1971. All entities remitting the sales tax authorized pursuant to section 67.1959 shall have their liability reduced by an amount equal to twenty-five percent of any taxes collected and remitted pursuant to sections 94.802 to 94.805.]

[144.069. All sales of motor vehicles, trailers, boats and outboard motors shall be deemed to be consummated at the address of the owner thereof, and all leases of over sixty-day duration of motor vehicles, trailers, boats and outboard motors subject to sales taxes under this chapter shall be deemed to be consummated unless the vehicle, trailer, boat or motor has been registered and sales taxes have been paid prior to the consummation of the lease agreement at the address of the lessee thereof on the date the lease is consummated, and all applicable sales taxes levied by any political subdivision shall be collected on such sales by the state department of revenue on that basis.]

[144.517. In addition to the exemptions granted pursuant to section 144.030, there shall also be exempted from state sales and use taxes all sales of textbooks, as defined by section 170.051, when such textbook is purchased by a student who possesses proof of current enrollment at any Missouri public or private university, college or other postsecondary institution of higher learning offering a course of study leading to a degree in the liberal arts, humanities or sciences or in a professional, vocational or technical field, provided that the books which are exempt from state sales tax are those required or recommended for a class. Upon request the institution or department must provide at least one list of textbooks to the bookstore each semester. Alternately, the student may provide to the bookstore a list from the instructor, department or institution of his or her required or recommended textbooks. This exemption shall not apply to any locally imposed sales or use tax.]

[144.605. The following words and phrases as used in sections 144.600 to 144.745 mean and include:

- (1) "Calendar quarter", the period of three consecutive calendar months ending on March thirty-first, June thirtieth, September thirtieth or December thirty-first;
- (2) "Engages in business activities within this state" includes:
 - (a) Purposefully or systematically exploiting the market provided by this state by any media-assisted, media-facilitated, or media-solicited means, including, but not limited to, direct mail advertising, distribution of catalogs, computer-assisted shopping, telephone, television, radio, or other electronic media, or magazine or newspaper advertisements, or other media; or
 - (b) Being owned or controlled by the same interests which own or control any seller engaged in the same or similar line of business in this state; or
 - (c) Maintaining or having a franchisee or licensee operating under the seller's trade name in this state if the franchisee or licensee is required to collect sales tax pursuant to sections 144.010 to 144.525; or
 - (d) Soliciting sales or taking orders by sales agents or traveling representatives;
- (3) "Maintains a place of business in this state" includes maintaining, occupying, or using, permanently or temporarily, directly or indirectly, or through a subsidiary, or agent, by whatever name called, an office, place of distribution, sales or sample room or place, warehouse or storage place, or other place of business;
- (4) "Person", any individual, firm, copartnership, joint venture, association, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or agency, except the state transportation department, estate, trust, business trust, receiver or trustee appointed by the state or federal court, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number;

(5) "Purchase", the acquisition of the ownership of, or title to, tangible personal property, through a sale, as defined herein, for the purpose of storage, use or consumption in this state;

(6) "Purchaser", any person who is the recipient for a valuable consideration of any sale of tangible personal property acquired for use, storage or consumption in this state;

(7) "Sale", any transfer, barter or exchange of the title or ownership of tangible personal property, or the right to use, store or consume the same, for a consideration paid or to be paid, and any transaction whether called leases, rentals, bailments, loans, conditional sales or otherwise, and notwithstanding that the title or possession of the property or both is retained for security. For the purpose of this law the place of delivery of the property to the purchaser, user, storer or consumer is deemed to be the place of sale, whether the delivery be by the vendor or by common carriers, private contractors, mails, express, agents, salesmen, solicitors, hawkers, representatives, consignors, peddlers, canvassers or otherwise;

(8) "Sales price", the consideration including the charges for services, except charges incident to the extension of credit, paid or given, or contracted to be paid or given, by the purchaser to the vendor for the tangible personal property, including any services that are a part of the sale, valued in money, whether paid in money or otherwise, and any amount for which credit is given to the purchaser by the vendor, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service cost, losses or any other expenses whatsoever, except that cash discounts allowed and taken on sales shall not be included and "sales price" shall not include the amount charged for property returned by customers upon rescission of the contract of sales when the entire amount charged therefor is refunded either in cash or credit or the amount charged for labor or services rendered in installing or applying the property sold, the use, storage or consumption of which is taxable pursuant to sections 144.600 to 144.745. In determining the amount of tax due pursuant to sections 144.600 to 144.745, any charge incident to the extension of credit shall be specifically exempted;

(9) "Selling agent", every person acting as a representative of a principal, when such principal is not registered with the director of revenue of the state of Missouri for the collection of the taxes imposed pursuant to sections 144.010 to 144.525 or sections 144.600 to 144.745 and who receives compensation by reason of the sale of tangible personal property of the principal, if such property is to be stored, used, or consumed in this state;

(10) "Storage", any keeping or retention in this state of tangible personal property purchased from a vendor, except property for sale or property that is temporarily kept or retained in this state for subsequent use outside the state;

(11) "Tangible personal property", all items subject to the Missouri sales tax as provided in subdivisions (1) and (3) of section 144.020;

(12) "Taxpayer", any person remitting the tax or who should remit the tax levied by sections 144.600 to 144.745;

(13) "Use", the exercise of any right or power over tangible personal property incident to the ownership or control of that property, except that it does not include the temporary storage of property in this state for subsequent use outside the state, or the sale of the property in the regular course of business;

(14) "Vendor", every person engaged in making sales of tangible personal property by mail order, by advertising, by agent or peddling tangible personal property, soliciting or taking orders for sales of tangible personal property, for storage, use or consumption in this state, all salesmen, solicitors, hawkers, representatives, consignees, peddlers or canvassers, as agents of the dealers, distributors, consignors, supervisors, principals or employers under whom they operate or from whom they obtain the tangible personal property sold by them, and every person who maintains a place of business in this state, maintains a stock of goods in this state, or engages in business activities within this state and every person who engages in this state in the business of acting as a selling agent for persons not otherwise vendors as defined in this subdivision. Irrespective of whether they are making sales on their own behalf or on behalf of the dealers, distributors, consignors, supervisors, principals or employers, they must be regarded as vendors and the dealers, distributors, consignors, supervisors, principals or employers must be regarded as vendors for the purposes of sections 144.600 to 144.745. A person shall not be considered a vendor for the purposes of sections 144.600 to 144.745 if all of the following apply:

(a) The person's total gross receipts did not exceed five hundred thousand dollars in this state, or twelve and one-half million dollars in the entire United States, in the immediately preceding calendar year;

(b) The person maintains no place of business in this state; and

(c) The person has no selling agents in this state.]

[144.1000. Sections 144.1000 to 144.1015 shall be known as and referred to as the "Simplified Sales and Use Tax Administration Act".]

[144.1003. As used in sections 144.1000 to 144.1015, the following terms shall mean:

(1) "Agreement", the streamlined sales and use tax agreement;

(2) "Certified automated system", software certified jointly by the states that are signatories to the agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state and maintain a record of the transaction;

(3) "Certified service provider", an agent certified jointly by the states that are signatories to the agreement to perform all of the seller's sales tax functions;

(4) "Person", an individual, trust, estate, fiduciary, partnership, limited liability company, limited liability partnership, corporation or any other legal entity;

(5) "Sales tax", any sales tax levied pursuant to this chapter, section 32.085, or any other sales tax authorized by statute and levied by this state or its political subdivisions;

(6) "Seller", any person making sales, leases or rentals of personal property or services;

(7) "State", any state of the United States and the District of Columbia;

(8) "Use tax", the use tax levied pursuant to this chapter.]

[144.1006. For the purposes of reviewing and, if necessary, amending the agreement embodying the simplification recommendations contained in section 144.1015, the state may enter into multistate discussions. For purposes of such discussions, the state shall be represented by seven delegates, one of whom shall be appointed by the governor, two members appointed by the speaker of the house of representatives, one member appointed by the minority leader of the house of representatives, two members appointed by the president pro tempore of the senate and one member appointed by the minority leader of the senate. The delegates need not be members of the general assembly and at least one of the delegates appointed by the speaker of the house of representatives and one member appointed by the president pro tempore of the senate shall be from the private sector and represent the interests of Missouri businesses. The delegates shall recommend to the committees responsible for reviewing tax issues in the senate and the house of representatives each year any amendment of state statutes required to be substantially in compliance with the agreement. Such delegates shall make a written report by the fifteenth day of January each year regarding the status of the multistate discussions and upon final adoption of the terms of the sales and use tax agreement by the multistate body.]

[144.1009. No provision of the agreement authorized by sections 144.1000 to 144.1015 in whole or in part invalidates or amends any provision of the law of this state. Implementation of any condition of this agreement in this state, whether adopted before, at, or after membership of this state in the agreement, must be by action of the general assembly. Such report shall be delivered to the governor, the secretary of state, the president pro tempore of the senate and the speaker of the house of representatives and shall simultaneously be made publicly available by the secretary of state to any person requesting a copy.]

[144.1012. Unless five of the seven delegates agree, the delegates shall not enter into or vote for any streamlined sales and use tax agreement that:

(1) Requires adoption of a definition of any term that would cause any item or transaction that is now excluded or exempted from sales or use tax to become subject to sales or use tax;

(2) Requires the state of Missouri to fully exempt or fully apply sales taxes to the sale of food or any other item;

(3) Restricts the ability of local governments under statutes in effect on August 28, 2002, to enact one or more local taxes on one or more items without application of the tax to all sales within

the taxing jurisdiction, however, restriction of any such taxes allowed by statutes effective after August 28, 2002, may be supported;

- (4) Provides for adoption of any uniform rate structure that would result in a tax increase for any Missouri taxpayer;
- (5) Affects the sourcing of sales tax transactions; or
- (6) Prohibits limitations or thresholds on the application of sales and use tax rates or prohibits any current sales or use tax exemption in the state of Missouri, including exemptions that are based on the value of the transaction or item.]

[144.1015. In addition to the requirements of section 144.1012, the delegates should consider the following features when deciding whether or not to enter into any streamlined sales and use tax agreement:

- (1) The agreement should address the limitation of the number of state rates over time;
- (2) The agreement should establish uniform standards for administration of exempt sales and the form used for filing sales and use tax returns and remittances;
- (3) The agreement should require the state to provide a central, electronic registration system that allows a seller to register to collect and remit sales and use taxes for all signatory states;
- (4) The agreement should provide that registration with the central registration system and the collection of sales and use taxes in the signatory states will not be used as a factor in determining whether the seller has nexus with a state for any tax;
- (5) The agreement should provide for reduction of the burdens of complying with local sales and use taxes through the following so long as they do not conflict with the provisions of section 144.1012:
 - (a) Restricting variances between the state and local tax bases;
 - (b) Requiring states to administer any sales and use taxes levied by local jurisdictions within the state so that sellers collecting and remitting these taxes will not have to register or file returns with, remit funds to, or be subject to independent audits from local taxing jurisdictions;
 - (c) Restricting the frequency of changes in the local sales and use tax rates and setting effective dates for the application of local jurisdictional boundary changes to local sales and use taxes; and
 - (d) Providing notice of changes in local sales and use tax rates and of changes in the boundaries of local taxing jurisdictions;
- (6) The agreement should outline any monetary allowances that are to be provided by the states to sellers or certified service providers. The agreement must allow for a joint public and private sector study of the compliance cost on sellers and certified service providers to collect sales and use taxes for state and local governments under various levels of complexity to be completed by July 1, 2003;
- (7) The agreement should require each state to certify compliance with the terms of the agreement prior to joining and to maintain compliance, under the laws of the member state, with all provisions of the agreement while a member, only if the agreement and any amendment thereto complies with the provisions of section 144.1012;
- (8) The agreement should require each state to adopt a uniform policy for certified service providers that protects the privacy of consumers and maintains the confidentiality of tax information; and
- (9) The agreement should provide for the appointment of an advisory council of private sector representatives and an advisory council of nonmember state representatives to consult with in the administration of the agreement.]"; and

Further amend said bill, Page 94, Section D, Line 3, by inserting after all of said line the following:

"Section E. The provisions of the streamlined sales and use tax agreement act shall become effective January 1, 2015."; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Keeney assumed the Chair.

On motion of Representative Funderburk, **House Amendment No. 19** was adopted.

Representative Redmon offered **House Amendment No. 20**.

House Amendment No. 20

AMEND House Committee Substitute for Senate Bill No. 23, Page 8, Section 32.087, Line 191, by inserting after all of said line the following:

"64.196. **1.** After August 28, 2001, any county seeking to adopt a building code in a manner set forth in section 64.180 shall, in creating or amending such code, adopt a current, calendar year 1999 or later edition, nationally recognized building code, as amended.

2. No county building ordinance so adopted shall conflict with liquefied petroleum gas installations governed by section 323.020."; and

Further amend said bill, Page 77, Section 302.525, Line 60, by inserting after all of said line the following:

"323.100. The director of the department of agriculture shall annually inspect and test all liquid meters used for the measurement and retail sale of liquefied petroleum gas and shall condemn all meters which are found to be inaccurate. All meters shall meet the tolerances and specifications of the National Institute of Standards and Technology Handbook 44, 1994 edition and supplements thereto. It is unlawful to use a meter for retail measurement and sale which has been condemned. All condemned meters shall be conspicuously marked "inaccurate", and the mark shall not be removed or defaced except upon authorization of the director of the department of agriculture or his authorized representative. It is the duty of each person owning or in possession of a meter to pay to the director of the department of agriculture at the time of each test a testing fee of ten dollars, except that the testing fee herein provided for shall not be applied more than once in a calendar year to each meter tested. **As of January 1, 2014, the testing fee shall be forty dollars per meter. As of January 1, 2015, and each year thereafter, the director shall ascertain the total expenses for administering this section and shall set the testing fee per meter at a rate to cover the expenses for the ensuing year, except that the testing fee shall not exceed one hundred twenty dollars per meter."**; and

Further amend said bill, Page 87, Section 348.274, Line 140, by inserting after all of said line the following:

"413.225. **1.** There is established a fee for registration, inspection and calibration services performed by the division of weights and measures. The fees are due at the time the service is rendered and shall be paid to the director by the person receiving the service. The director shall collect fees according to the following schedule and shall deposit them with the state treasurer into general revenue for the use of the state of Missouri:

(1) From August 28, 1994, until the next January first, laboratory fees for metrology calibrations shall be at the rate of twenty-five dollars per hour for tolerance testing and thirty-five dollars per hour for precision calibration. Time periods over one hour shall be computed to the nearest **one-quarter (1/4)** hour. On the first day of January, 1995, and each year thereafter, the director of agriculture shall ascertain the total receipts and expenses for the metrology calibrations during the preceding year and shall fix a fee schedule for the ensuing year at a rate per hour [which shall not exceed sixty dollars per hour for either method but shall not be less than twenty-five dollars per hour] for tolerance testing and [thirty-five dollars per hour] for precision calibration, as will yield revenue not more than the total cost of operating the metrology laboratory during the ensuing year;

(2) From August 28, 1994, until the next January first, all scale test fees shall be charged as follows:

(a) Small scales shall be five dollars for each counter scale, ten dollars for platform scales up to one thousand-pound capacity, and twenty dollars for each platform scale over one thousand-pound capacity;

(b) Vehicle scales shall be fifty dollars each for the initial test and seventy-five dollars for each subsequent test within the same calendar year;

(c) Livestock scales shall be seventy-five dollars each for the initial test, and one hundred dollars for each subsequent test within the same calendar year;

(d) Hopper scales with a capacity of one thousand pounds or less shall be ten dollars each; for each hopper scale with a capacity of more than one thousand pounds up to and including two thousand pounds, the fee shall be twenty dollars; for each hopper scale with a capacity of more than two thousand pounds up to and including ten thousand

pounds, the fee shall be fifty dollars; and for those hopper scales with a capacity of more than ten thousand pounds, the test fee shall be seventy-five dollars each;

(e) Railroad scales shall be fifty dollars each;

(f) Monorail scales shall be twenty-five dollars each for the initial test and fifty dollars for each subsequent test in the same calendar year;

(g) Participation in on-site field evaluations of devices for National Type Evaluation Program certification and all tests of in-motion scales including but not limited to vehicle, railroad and belt conveyor scales will be charged at the rate of thirty dollars per hour, plus mileage from the inspector's official domicile to and from the inspection site. The time shall begin when the state inspector performing the inspection arrives at the site to be inspected and shall end when the final report is signed by the owner/operator and the inspector departs;

(3) From August 28, 1994, until the next January first, certification of taximeters shall be five dollars per meter; timing devices, five dollars per device; fabric-measuring devices, wire- and cordage-measuring devices, five dollars per device; milk for quantity determination, twenty-five dollars per plant inspected;

(4) From August 28, 1994, until the next January first, certification of vehicle tank meters shall be twenty-five dollars each for the initial test and fifty dollars for each subsequent test in the same calendar year;

(5) Every person shall register each location of such person's place of business where devices or instruments are used to ascertain the moisture content of grains and seeds offered for sale, processing or storage in this state with the director and shall pay a registration fee of ten dollars for each location so registered and a fee of five dollars for each additional device or instrument at such location. Thereafter, by January thirty-first of each year, each person who is required to register pursuant to this subdivision shall pay an annual fee of ten dollars for each location so registered and an additional five dollars for each additional machine at each location. The fee on newly purchased devices shall be paid within thirty days after the date of purchase. Application for registration of a place of business shall be made on forms provided by the director and shall require information concerning the make, model and serial number of the device and such other information as the director shall deem necessary. Provided, however, this subsection shall not apply to moisture-measuring devices used exclusively for the purpose of obtaining information necessary to manufacturing processes involving plant products. In addition to fees required by this subdivision, a fee of ten dollars shall be charged for each device subject to retest.

2. On the first day of January, 1995, and each year thereafter, the director of agriculture shall ascertain the total receipts and expenses for the testing of weighing and measuring devices referred to in subdivisions (2), (3), (4) and (5) of subsection 1 of this section and shall fix the fees or rate per hour for such weighing and measuring devices to derive revenue not more than the total cost of the operation, but such fees shall not be fixed in amounts less than the amounts contained in subdivisions (2), (3), (4) and (5) of subsection 1 of this section.

3. Except as indicated in paragraphs (b), (c), and (f) of subdivision (2) and subdivisions (4) and (5) of subsection 1, retests for any device within the same calendar year will be charged at the same rate as the initial test. Devices being retested in the same calendar year as a result of rejection and repair are exempt from the requirements of this subsection.

4. All device inspection fees shall be paid within thirty days of the issuance of the original invoice. Any fee not paid within ninety days after the date of the original invoice will be cause for the director to deem the device as incorrect and it may be condemned and taken out of service, and may be seized by the director until all fees are paid.

5. No fee provided for by this section shall be required of any person owning or operating a moisture-measuring device or instrument who uses such device or instrument solely in agricultural or horticultural operations on such person's own land, and not in performing services, whether with or without compensation, for another person."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Houghton offered **House Substitute Amendment No. 1 for House Amendment No. 20.**

House Substitute Amendment No. 1
for
House Amendment No. 20

AMEND House Committee Substitute for Senate Bill No. 23, Page 8, Section 32.087, Line 191, by inserting after all of said line the following:

"64.196. **1.** After August 28, 2001, any county seeking to adopt a building code in a manner set forth in section 64.180 shall, in creating or amending such code, adopt a current, calendar year 1999 or later edition, nationally recognized building code, as amended.

2. No county building ordinance so adopted shall conflict with liquefied petroleum gas installations governed by section 323.020."; and

Further amend said bill, Page 77, Section 302.525, Line 60, by inserting after all of said line the following:

"323.100. **1.** The director of the department of agriculture shall annually inspect and test all liquid meters used for the measurement and retail sale of liquefied petroleum gas and shall condemn all meters which are found to be inaccurate. All meters shall meet the tolerances and specifications of the National Institute of Standards and Technology Handbook 44, 1994 edition and supplements thereto. It is unlawful to use a meter for retail measurement and sale which has been condemned. All condemned meters shall be conspicuously marked "inaccurate", and the mark shall not be removed or defaced except upon authorization of the director of the department of agriculture or his authorized representative. It is the duty of each person owning or in possession of a meter to pay to the director of the department of agriculture at the time of each test a testing fee of ten dollars[, except that the testing fee herein provided for shall not be applied more than once in a calendar year to each meter tested]. **On January 1, 2014, the testing fee shall be twenty-five dollars. On January 1, 2015, the testing fee shall be set at fifty dollars. On January 1, 2016, and annually thereafter, the director shall ascertain the total expenses for administering this section and shall set the testing fee at a rate to cover the expenses for the ensuing year but not to exceed seventy-five dollars.**

2. On the first day of October 2014, and each year thereafter, the director of the department of agriculture shall submit a report to the general assembly that states the current testing fee, the expenses for administering this section for the previous calendar year, any proposed change to the testing fee, and estimated expenses for administering this section during the ensuing year. The proposed change to the testing fee shall not yield revenue greater than the total cost of administering this section during the ensuing year.

3. Beginning August 28, 2013, and each year thereafter, the director of the department of agriculture shall publish the testing fee schedule on the departmental website. The website shall be updated within thirty days of a change in the testing fee schedule set forth in this section."; and

Further amend said bill, Page 87, Section 348.274, Line 140, by inserting after all of said line the following:

"413.225. **1.** There is established a fee for registration, inspection and calibration services performed by the division of weights and measures. The fees are due at the time the service is rendered and shall be paid to the director by the person receiving the service. The director shall collect fees according to the following schedule and shall deposit them with the state treasurer into [general revenue for the use of the state of Missouri] **the agriculture protection fund as set forth in section 261.200:**

(1) From August 28, [1994] **2013**, until the next January first, laboratory fees for metrology calibrations shall be at the rate of [twenty-five] **sixty** dollars per hour for tolerance testing [and thirty-five dollars per hour for] **or** precision calibration. Time periods over one hour shall be computed to the nearest **one quarter** hour. On the first day of January, [1995] **2014**, and each year thereafter, the director of agriculture shall ascertain the total receipts and expenses for the metrology calibrations during the preceding year and shall fix a fee schedule for the ensuing year at a rate per hour [which shall not exceed sixty dollars per hour for either method but shall not be less than twenty-five dollars per hour for tolerance testing and thirty-five dollars per hour for precision calibration,] as will yield revenue not more than the total cost of operating the metrology laboratory during the ensuing year, **but not to exceed one hundred twenty-five dollars;**

(2) [From August 28, 1994, until the next January first,] All [scale] **device** test fees [shall be] charged [as follows] **shall include, but not be limited to, the following devices:**

(a) Small scales [shall be five dollars for each counter scale, ten dollars for platform scales up to one thousand-pound capacity, and twenty dollars for each platform scale over one thousand-pound capacity];

(b) Vehicle scales [shall be fifty dollars each for the initial test and seventy-five dollars for each subsequent test within the same calendar year];

(c) Livestock scales [shall be seventy-five dollars each for the initial test, and one hundred dollars for each subsequent test within the same calendar year];

(d) Hopper scales [with a capacity of one thousand pounds or less shall be ten dollars each; for each hopper scale with a capacity of more than one thousand pounds up to and including two thousand pounds, the fee shall be twenty dollars; for each hopper scale with a capacity of more than two thousand pounds up to and including ten thousand pounds, the fee shall be fifty dollars; and for those hopper scales with a capacity of more than ten thousand pounds, the test fee shall be seventy-five dollars each];

(e) Railroad scales [shall be fifty dollars each];

(f) Monorail scales [shall be twenty-five dollars each for the initial test and fifty dollars for each subsequent test in the same calendar year];

(g) [Participation in on-site field evaluations of devices for National Type Evaluation Program certification and all tests of] In-motion scales including but not limited to vehicle, railroad and belt conveyor scales [will be charged at the rate of thirty dollars per hour, plus mileage from the inspector's official domicile to and from the inspection site. The time shall begin when the state inspector performing the inspection arrives at the site to be inspected and shall end when the final report is signed by the owner/operator and the inspector departs];

[(3) From August 28, 1994, until the next January first, certification of]

(h) Taximeters [shall be five dollars per meter];

(i) Timing devices[, five dollars per device];

(j) Fabric-measuring devices[,];

(k) Wire- and cordage-measuring devices[, five dollars per device];

(l) Milk for quantity determination[, twenty-five dollars per plant inspected]; **and**

[(4) From August 28, 1994, until the next January first, certification of]

(m) Vehicle tank meters [shall be twenty-five dollars each for the initial test and fifty dollars for each subsequent test in the same calendar year];

(3) Devices that require participation in on-site field evaluations for National Type Evaluation Program Certification and all tests of in-motion scales shall be charged a fee, plus mileage from the inspector's official domicile to and from the inspection site. The time shall begin when the state inspector performing the inspection arrives at the site to be inspected and shall end when the final report is signed by the owner/operator and the inspector departs;

[(5)] (4) Every person shall register each location of such person's place of business where devices or instruments are used to ascertain the moisture content of grains and seeds offered for sale, processing or storage in this state with the director and shall pay a registration fee [of ten dollars] for each location so registered and a fee [of five dollars] for each additional device or instrument at such location. Thereafter, by January thirty-first of each year, each person who is required to register pursuant to this subdivision shall pay an annual fee [of ten dollars] for each location so registered and an additional [five dollars] fee for each additional machine at each location. The fee on newly purchased devices shall be paid within thirty days after the date of purchase. Application for registration of a place of business shall be made on forms provided by the director and shall require information concerning the make, model and serial number of the device and such other information as the director shall deem necessary. Provided, however, this subsection shall not apply to moisture-measuring devices used exclusively for the purpose of obtaining information necessary to manufacturing processes involving plant products. In addition to fees required by this subdivision, a fee [of ten dollars] shall be charged for each device subject to retest.

2. On the first day of January, 1995, and each year thereafter, the director of agriculture shall ascertain the total receipts and expenses for the testing of weighing and measuring devices referred to in subdivisions (2), (3), **and** (4) [and (5)] of subsection 1 of this section and shall fix the fees or rate per hour for such weighing and measuring devices to derive revenue not more than the total cost of the operation[, but such fees shall not be fixed in amounts less than the amounts contained in subdivisions (2), (3), (4) and (5) of subsection 1 of this section].

3. [Except as indicated in paragraphs (b), (c), and (f) of subdivision (2) and subdivisions (4) and (5) of subsection 1,] **On the first day of October 2014, and each year thereafter, the director of the department of agriculture shall submit a report to the general assembly that states the current laboratory fees for metrology calibration, the expenses for administering this section for the previous calendar year, any proposed change to the laboratory fee structure, and estimated expenses for administering this section during the ensuing year. The proposed change to the laboratory fee structure shall not yield revenue greater than the total cost of administering this section during the ensuing year.**

4. Beginning August 28, 2013, and each year thereafter, the director of the department of agriculture shall publish the laboratory fee schedule on the departmental website. The website shall be updated within thirty days of a change in the laboratory fee schedule set forth in this section.

5. Retests for any device within the same calendar year will be charged at the same rate as the initial test. Devices being retested in the same calendar year as a result of rejection and repair are exempt from the requirements of this subsection.

[4.] **6.** All device inspection fees shall be paid within thirty days of the issuance of the original invoice. Any fee not paid within ninety days after the date of the original invoice will be cause for the director to deem the device as incorrect and it may be condemned and taken out of service, and may be seized by the director until all fees are paid.

[5.] **7.** No fee provided for by this section shall be required of any person owning or operating a moisture-measuring device or instrument who uses such device or instrument solely in agricultural or horticultural operations on such person's own land, and not in performing services, whether with or without compensation, for another person."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Fitzwater offered **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 20.**

House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 20 was withdrawn.

HCS SB 23, as amended, with House Substitute Amendment No. 1 for House Amendment No. 20 and House Amendment No. 20, pending, was laid over.

On motion of Representative Diehl, the House recessed until 2:15 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Jones.

THIRD READING OF SENATE BILLS

SB 197, relating to tuberculosis testing, was taken up by Representative Frederick.

Representative Wright offered **House Amendment No. 1.**

House Amendment No. 1

AMEND Senate Bill No. 197, Page 1, Line 4 in the Title, by deleting the phrase "tuberculosis testing" and inserting in lieu thereof the phrase "disease management"; and

Further amend said bill and page, Section A, Line 5, by inserting after all of said section and line the following:

"167.638. 1. The department of health and senior services shall develop an informational brochure relating to meningococcal disease that states that an immunization against meningococcal disease is available. The department shall make the brochure available on its website and shall notify every public institution of higher education in this state of the availability of the brochure. Each public institution of higher education shall provide a copy of the brochure to all students and if the student is under eighteen years of age, to the student's parent or guardian. Such information in the brochure shall include:

(1) The risk factors for and symptoms of meningococcal disease, how it may be diagnosed, and its possible consequences if untreated;

(2) How meningococcal disease is transmitted;

(3) The latest scientific information on meningococcal disease immunization and its effectiveness; and
 (4) A statement that any questions or concerns regarding immunization against meningococcal disease may be answered by contacting the individuals's health care provider."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Wright, **House Amendment No. 1** was adopted.

On motion of Representative Frederick, **SB 197, as amended**, was read the third time and passed by the following vote:

AYES: 148

Allen	Anders	Anderson	Austin	Bahr
Barnes	Berry	Black	Brattin	Brown
Burns	Butler	Carpenter	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Curtis	Davis	Diehl	Dohrman
Dugger	Dunn	Ellinger	Ellington	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hurst	Johnson	Jones 50	Justus	Keeney
Kelly 45	Kirkton	Koenig	Kolkmeier	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Moon
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Parkinson
Peters	Pfautsch	Phillips	Pierson	Pike
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 003

Burlison	Marshall	Pogue
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PRESENT: 000

ABSENT WITH LEAVE: 012

Bernskoetter	Cross	Curtman	Funderburk	Gardner
Hummel	Kelley 127	May	Morgan	Scharnhorst
Smith 85	Smith 120			

Speaker Jones declared the bill passed.

HCS SB 23, as amended, with House Substitute Amendment No. 1 for House Amendment No. 20 and House Amendment No. 20, pending, relating to political subdivisions, was again taken up by Representative Jones (50).

On motion of Representative Houghton, **House Substitute Amendment No. 1 for House Amendment No. 20** was adopted by the following vote:

AYES: 081

Allen	Bahr	Barnes	Black	Brattin
Cookson	Cornejo	Cox	Crawford	Cross
Davis	Diehl	Elmer	Fitzwater	Flanigan
Fowler	Fraker	Franklin	Frederick	Gannon
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Hicks	Hinson
Hoskins	Hough	Houghton	Hubbard	Hurst
Jones 50	Keeney	Kelley 127	Kolkmeyer	Lair
Lant	Leara	Lichtenegger	Love	Lynch
Marshall	Messenger	Miller	Molendorp	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Roorda
Ross	Rowland	Schatz	Schieffer	Shull
Shumake	Sommer	Spencer	Stream	Swan
Thomson	Walker	White	Wilson	Wood
Zerr				

NOES: 072

Anders	Anderson	Austin	Brown	Burlison
Burns	Butler	Carpenter	Cierpiot	Colona
Conway 10	Conway 104	Curtis	Curtman	Dohrman
Dugger	Dunn	Ellinger	Ellington	Engler
English	Englund	Entlicher	Fitzpatrick	Frame
Harris	Higdon	Hodges	Johnson	Justus
Kelly 45	Kirkton	Koenig	Kratky	LaFaver
Lauer	May	Mayfield	McCaherty	McCann Beatty
McGaugh	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Moon	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Pogue	Rizzo	Rowden
Runions	Schieber	Schupp	Solon	Swearingen
Torpey	Walton Gray	Webb	Webber	Wieland
Wright	Mr Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 010

Bernskoetter	Berry	Funderburk	Gardner	Hummel
Korman	McDonald	Scharnhorst	Smith 85	Smith 120

Representative Hinson offered **House Amendment No. 21**.

House Amendment No. 21

AMEND House Committee Substitute for Senate Bill No. 23, Page 10, Section 92.387, Line 2, by inserting after all of said section the following:

"137.090. 1. All tangible personal property of whatever nature and character situate in a county other than the one in which the owner resides shall be assessed in the county where the owner resides; except that, houseboats, cabin cruisers, floating boat docks, and manufactured homes, as defined in section 700.010, used for lodging shall be assessed in the county where they are located, and tangible personal property belonging to estates shall be assessed in the county in which the probate division of the circuit court has jurisdiction. Tangible personal property, other than motor vehicles as the term is defined in section 301.010, used exclusively in connection with farm operations of the owner and kept on the farmland, shall not be assessed by a city, town or village unless the farmland is totally within the boundaries of the city, town or village. No tangible personal property shall be simultaneously assessed in more than one county.

2. The assessed valuation of any tractor or trailer as defined in section 301.010 owned by an individual, partner, or member and used in interstate commerce must be apportioned to Missouri based on the ratio of miles traveled in this state to miles traveled in the United States in interstate commerce during the preceding tax year or on the basis of the most recent annual mileage figures available."; and

Further amend said bill, Page 10, Section 92.387, Line 2, by inserting after all of said section the following:

"137.095. 1. The real and tangible personal property of all corporations operating in any county in the state of Missouri and in the city of St. Louis, and subject to assessment by county or township assessors, shall be assessed and taxed in the county in which the property is situated on the first day of January of the year for which the taxes are assessed, and every general or business corporation having or owning tangible personal property on the first day of January in each year, which is situated in any other county than the one in which the corporation is located, shall make return to the assessor of the county or township where the property is situated, in the same manner as other tangible personal property is required by law to be returned, except that all motor vehicles which are the property of the corporation and which are subject to regulation under chapter 390 shall be assessed for tax purposes in the county in which the motor vehicles are based.

2. For the purposes of subsection 1 of this section, the term "based" means the place where the vehicle is most frequently dispatched, garaged, serviced, maintained, operated or otherwise controlled, except that leased passenger vehicles shall be assessed at the residence of the driver or, if the residence of the driver is unknown, at the location of the lessee.

3. The assessed valuation of any tractor or trailer as defined in section 301.010 owned by a corporation and used in interstate commerce must be apportioned to Missouri based on the ratio of miles traveled in this state to miles traveled in the United States in interstate commerce during the preceding tax year or on the basis of the most recent annual mileage figures available."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hinson, **House Amendment No. 21** was adopted.

Representative Dohrman offered **House Amendment No. 22**.

House Amendment No. 22

AMEND House Committee Substitute for Senate Bill No. 23, Page 10, Section 92.387, Line 2, by inserting after all of said section the following:

"137.720. 1. A percentage of all ad valorem property tax collections allocable to each taxing authority within the county and the county shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required pursuant to section 137.750. The percentage shall be one-half of one percent for all counties of the first and second classification and cities not within a county and one percent for counties of the third and fourth classification.

2. Prior to July 1, 2009, for counties of the first classification, counties with a charter form of government, and any city not within a county, an additional one-eighth of one percent of all ad valorem property tax collections shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required pursuant to section 137.750, and for counties of the second, third, and fourth classification, an additional one-quarter of one percent of all ad valorem property tax collections shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required pursuant to section 137.750, provided that such additional amounts shall not exceed one hundred thousand dollars in any year for any county of the first classification and any county with a charter form of government and fifty thousand dollars in any year for any county of the second, third, or fourth classification.

3. Effective July 1, 2009, for counties of the first classification, counties with a charter form of government, and any city not within a county, an additional one-eighth of one percent of all ad valorem property tax collections shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required pursuant to section 137.750, and for counties of the second, third, and fourth classification, an additional one-half of one percent of all ad valorem property tax collections shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required pursuant to section 137.750, provided that such additional amounts shall not exceed one hundred twenty-five thousand dollars in any year for any county of the first classification and any county with a charter form of government and seventy-five thousand dollars in any year for any county of the second, third, or fourth classification.

4. The county shall bill any taxing authority collecting its own taxes. The county may also provide additional moneys for the fund. To be eligible for state cost-share funds provided pursuant to section 137.750, every county shall provide from the county general revenue fund an amount equal to an average of the three most recent years of the amount provided from general revenue to the assessment fund; provided, however, that capital expenditures and equipment expenses identified in a memorandum of understanding signed by the county's governing body and the county assessor prior to transfer of county general revenue funds to the assessment fund shall be deducted from a year's contribution before computing the three-year average, except that a lesser amount shall be acceptable if unanimously agreed upon by the county assessor, the county governing body, and the state tax commission. The county shall deposit the county general revenue funds in the assessment fund as agreed to in its original or amended maintenance plan, state reimbursement funds shall be withheld until the amount due is properly deposited in such fund.

5. For all years beginning on or after January 1, 2010, any property tax collections deposited into the county assessment funds provided for in subsection 2 of this section shall be disallowed in any year in which the state tax commission notifies the county that state assessment reimbursement funds have been withheld from the county for three consecutive quarters due to noncompliance by the assessor or county commission with the county's assessment maintenance plan.

[6. The provisions of subsections 2, 3, and 5 of this section shall expire on December 31, 2015.]"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Dohrman, **House Amendment No. 22** was adopted.

Representative Lauer offered **House Amendment No. 23**.

House Amendment No. 23

AMEND House Committee Substitute for Senate Bill No. 23, Section 144.810, Page 40, Line 242, by inserting after all of said line the following:

"160.261. 1. The local board of education of each school district shall clearly establish a written policy of discipline, including the district's determination on the use of corporal punishment and the procedures in which punishment will be applied. A written copy of the district's discipline policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning of each school year and also made available in the office of the superintendent of such district, during normal business hours, for public inspection. All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties, including but not limited to approved methods of dealing with acts of school violence, disciplining students with disabilities and instruction in the necessity and requirements for confidentiality.

2. The policy shall require school administrators to report acts of school violence to all teachers at the attendance center and, in addition, to other school district employees with a need to know. For the purposes of this chapter or chapter 167, "need to know" is defined as school personnel who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties. As used in this section, the phrase "act of school violence" or "violent behavior" means the exertion of physical force by a student with the intent to do serious physical injury as defined in subdivision (6) of section 565.002 to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. The policy shall at a minimum require school administrators to report, as soon as reasonably practical, to the appropriate law enforcement agency any of the following crimes, or any act which if committed by an adult would be one of the following crimes:

- (1) First degree murder under section 565.020;
- (2) Second degree murder under section 565.021;
- (3) Kidnapping under section 565.110;
- (4) First degree assault under section 565.050;
- (5) Forcible rape under section 566.030;
- (6) Forcible sodomy under section 566.060;
- (7) Burglary in the first degree under section 569.160;
- (8) Burglary in the second degree under section 569.170;
- (9) Robbery in the first degree under section 569.020;
- (10) Distribution of drugs under section 195.211;
- (11) Distribution of drugs to a minor under section 195.212;
- (12) Arson in the first degree under section 569.040;
- (13) Voluntary manslaughter under section 565.023;
- (14) Involuntary manslaughter under section 565.024;
- (15) Second degree assault under section 565.060;
- (16) Sexual assault under section 566.040;
- (17) Felonious restraint under section 565.120;
- (18) Property damage in the first degree under section 569.100;
- (19) The possession of a weapon under chapter 571;
- (20) Child molestation in the first degree pursuant to section 566.067;
- (21) Deviate sexual assault pursuant to section 566.070;
- (22) Sexual misconduct involving a child pursuant to section 566.083;
- (23) Sexual abuse pursuant to section 566.100;
- (24) Harassment under section 565.090; [or]
- (25) Stalking under section 565.225; **or**
- (26) Making a terrorist threat under section 574.115;**

committed on school property, including but not limited to actions on any school bus in service on behalf of the district or while involved in school activities. The policy shall require that any portion of a student's individualized education program that is related to demonstrated or potentially violent behavior shall be provided to any teacher and other school district employees who are directly responsible for the student's education or who otherwise interact with the student on an educational basis while acting within the scope of their assigned duties. The policy shall also contain the consequences of failure to obey standards of conduct set by the local board of education, and the importance of the standards to the maintenance of an atmosphere where orderly learning is possible and encouraged.

3. The policy shall provide that any student who is on suspension for any of the offenses listed in subsection 2 of this section or any act of violence or drug-related activity defined by school district policy as a serious violation of school discipline pursuant to subsection 9 of this section shall have as a condition of his or her suspension the requirement that such student is not allowed, while on such suspension, to be within one thousand feet of any school property in the school district where such student attended school or any activity of that district, regardless of whether or not the activity takes place on district property unless:

- (1) Such student is under the direct supervision of the student's parent, legal guardian, or custodian and the superintendent or the superintendent's designee has authorized the student to be on school property;
- (2) Such student is under the direct supervision of another adult designated by the student's parent, legal guardian, or custodian, in advance, in writing, to the principal of the school which suspended the student and the superintendent or the superintendent's designee has authorized the student to be on school property;

(3) Such student is enrolled in and attending an alternative school that is located within one thousand feet of a public school in the school district where such student attended school; or

(4) Such student resides within one thousand feet of any public school in the school district where such student attended school in which case such student may be on the property of his or her residence without direct adult supervision.

4. Any student who violates the condition of suspension required pursuant to subsection 3 of this section may be subject to expulsion or further suspension pursuant to the provisions of sections 167.161, 167.164, and 167.171. In making this determination consideration shall be given to whether the student poses a threat to the safety of any child or school employee and whether such student's unsupervised presence within one thousand feet of the school is disruptive to the educational process or undermines the effectiveness of the school's disciplinary policy. Removal of any pupil who is a student with a disability is subject to state and federal procedural rights. This section shall not limit a school district's ability to:

(1) Prohibit all students who are suspended from being on school property or attending an activity while on suspension;

(2) Discipline students for off-campus conduct that negatively affects the educational environment to the extent allowed by law.

5. The policy shall provide for a suspension for a period of not less than one year, or expulsion, for a student who is determined to have brought a weapon to school, including but not limited to the school playground or the school parking lot, brought a weapon on a school bus or brought a weapon to a school activity whether on or off of the school property in violation of district policy, except that:

(1) The superintendent or, in a school district with no high school, the principal of the school which such child attends may modify such suspension on a case-by-case basis; and

(2) This section shall not prevent the school district from providing educational services in an alternative setting to a student suspended under the provisions of this section.

6. For the purpose of this section, the term "weapon" shall mean a firearm as defined under 18 U.S.C. 921 and the following items, as defined in section 571.010: a blackjack, a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except that this section shall not be construed to prohibit a school board from adopting a policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for educational purposes so long as the firearm is unloaded. The local board of education shall define weapon in the discipline policy. Such definition shall include the weapons defined in this subsection but may also include other weapons.

7. All school district personnel responsible for the care and supervision of students are authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any property of the school, on any school bus going to or returning from school, during school-sponsored activities, or during intermission or recess periods.

8. Teachers and other authorized district personnel in public schools responsible for the care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by the school district, shall not be civilly liable when acting in conformity with the established policies developed by each board, including but not limited to policies of student discipline or when reporting to his or her supervisor or other person as mandated by state law acts of school violence or threatened acts of school violence, within the course and scope of the duties of the teacher, authorized district personnel or volunteer, when such individual is acting in conformity with the established policies developed by the board. Nothing in this section shall be construed to create a new cause of action against such school district, or to relieve the school district from liability for the negligent acts of such persons.

9. Each school board shall define in its discipline policy acts of violence and any other acts that constitute a serious violation of that policy. "Acts of violence" as defined by school boards shall include but not be limited to exertion of physical force by a student with the intent to do serious bodily harm to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. School districts shall for each student enrolled in the school district compile and maintain records of any serious violation of the district's discipline policy. Such records shall be made available to teachers and other school district employees with a need to know while acting within the scope of their assigned duties, and shall be provided as required in section 167.020 to any school district in which the student subsequently attempts to enroll.

10. Spanking, when administered by certificated personnel and in the presence of a witness who is an employee of the school district, or the use of reasonable force to protect persons or property, when administered by personnel of a school district in a reasonable manner in accordance with the local board of education's written policy of discipline, is not abuse within the meaning of chapter 210. The provisions of sections 210.110 to 210.165 notwithstanding, the children's division shall not have jurisdiction over or investigate any report of alleged child abuse arising out of or related to the use of reasonable force to protect persons or property when administered by personnel of a school district or any

spanking administered in a reasonable manner by any certificated school personnel in the presence of a witness who is an employee of the school district pursuant to a written policy of discipline established by the board of education of the school district, as long as no allegation of sexual misconduct arises from the spanking or use of force.

11. If a student reports alleged sexual misconduct on the part of a teacher or other school employee to a person employed in a school facility who is required to report such misconduct to the children's division under section 210.115, such person and the superintendent of the school district shall forward the allegation to the children's division within twenty-four hours of receiving the information. Reports made to the children's division under this subsection shall be investigated by the division in accordance with the provisions of sections 210.145 to 210.153 and shall not be investigated by the school district under subsections 12 to 20 of this section for purposes of determining whether the allegations should or should not be substantiated. The district may investigate the allegations for the purpose of making any decision regarding the employment of the accused employee.

12. Upon receipt of any reports of child abuse by the children's division other than reports provided under subsection 11 of this section, pursuant to sections 210.110 to 210.165 which allegedly involve personnel of a school district, the children's division shall notify the superintendent of schools of the district or, if the person named in the alleged incident is the superintendent of schools, the president of the school board of the school district where the alleged incident occurred.

13. If, after an initial investigation, the superintendent of schools or the president of the school board finds that the report involves an alleged incident of child abuse other than the administration of a spanking by certificated school personnel or the use of reasonable force to protect persons or property when administered by school personnel pursuant to a written policy of discipline or that the report was made for the sole purpose of harassing a public school employee, the superintendent of schools or the president of the school board shall immediately refer the matter back to the children's division and take no further action. In all matters referred back to the children's division, the division shall treat the report in the same manner as other reports of alleged child abuse received by the division.

14. If the report pertains to an alleged incident which arose out of or is related to a spanking administered by certificated personnel or the use of reasonable force to protect persons or property when administered by personnel of a school district pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, a notification of the reported child abuse shall be sent by the superintendent of schools or the president of the school board to the law enforcement in the county in which the alleged incident occurred.

15. The report shall be jointly investigated by the law enforcement officer and the superintendent of schools or, if the subject of the report is the superintendent of schools, by a law enforcement officer and the president of the school board or such president's designee.

16. The investigation shall begin no later than forty-eight hours after notification from the children's division is received, and shall consist of, but need not be limited to, interviewing and recording statements of the child and the child's parents or guardian within two working days after the start of the investigation, of the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident.

17. The law enforcement officer and the investigating school district personnel shall issue separate reports of their findings and recommendations after the conclusion of the investigation to the school board of the school district within seven days after receiving notice from the children's division.

18. The reports shall contain a statement of conclusion as to whether the report of alleged child abuse is substantiated or is unsubstantiated.

19. The school board shall consider the separate reports referred to in subsection 17 of this section and shall issue its findings and conclusions and the action to be taken, if any, within seven days after receiving the last of the two reports. The findings and conclusions shall be made in substantially the following form:

(1) The report of the alleged child abuse is unsubstantiated. The law enforcement officer and the investigating school board personnel agree that there was not a preponderance of evidence to substantiate that abuse occurred;

(2) The report of the alleged child abuse is substantiated. The law enforcement officer and the investigating school district personnel agree that the preponderance of evidence is sufficient to support a finding that the alleged incident of child abuse did occur;

(3) The issue involved in the alleged incident of child abuse is unresolved. The law enforcement officer and the investigating school personnel are unable to agree on their findings and conclusions on the alleged incident.

20. The findings and conclusions of the school board under subsection 19 of this section shall be sent to the children's division. If the findings and conclusions of the school board are that the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the case closed, and no record shall be entered in the children's division central registry. If the findings and conclusions of the school board are that the report of the alleged child abuse is substantiated, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school district and shall include the information in the division's central

registry. If the findings and conclusions of the school board are that the issue involved in the alleged incident of child abuse is unresolved, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school board, however, the incident and the names of the parties allegedly involved shall not be entered into the central registry of the children's division unless and until the alleged child abuse is substantiated by a court of competent jurisdiction.

21. Any superintendent of schools, president of a school board or such person's designee or law enforcement officer who knowingly falsifies any report of any matter pursuant to this section or who knowingly withholds any information relative to any investigation or report pursuant to this section is guilty of a class A misdemeanor.

22. In order to ensure the safety of all students, should a student be expelled for bringing a weapon to school, violent behavior, or for an act of school violence, that student shall not, for the purposes of the accreditation process of the Missouri school improvement plan, be considered a dropout or be included in the calculation of that district's educational persistence ratio."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Lauer, **House Amendment No. 23** was adopted.

Representative Gatschenberger offered **House Amendment No. 24**.

House Amendment No. 24

AMEND House Committee Substitute for Senate Bill No. 23, Section 67.2050, Page 10, Line 73, by inserting after all of said line the following:

"71.012. 1. Notwithstanding the provisions of sections 71.015 and 71.860 to 71.920, the governing body of any city, town or village may annex unincorporated areas which are contiguous and compact to the existing corporate limits of the city, town or village pursuant to this section. The term "contiguous and compact" does not include a situation whereby the unincorporated area proposed to be annexed is contiguous to the annexing city, town or village only by a railroad line, trail, pipeline or other strip of real property less than one-quarter mile in width within the city, town or village so that the boundaries of the city, town or village after annexation would leave unincorporated areas between the annexed area and the prior boundaries of the city, town or village connected only by such railroad line, trail, pipeline or other such strip of real property. The term "contiguous and compact" does not prohibit voluntary annexations pursuant to this section merely because such voluntary annexation would create an island of unincorporated area within the city, town or village, so long as the owners of the unincorporated island were also given the opportunity to voluntarily annex into the city, town or village. Notwithstanding the provisions of this section, the governing body of any city, town or village in any county of the third classification which borders a county of the fourth classification, a county of the second classification and ~~the~~ Mississippi River may annex areas along a road or highway up to two miles from existing boundaries of the city, town or village or the governing body in any city, town or village in any county of the third classification without a township form of government with a population of at least twenty-four thousand inhabitants but not more than thirty thousand inhabitants and such county contains a state correctional center may voluntarily annex such correctional center pursuant to the provisions of this section if the correctional center is along a road or highway within two miles from the existing boundaries of the city, town or village.

2. (1) When a [verified] **notarized** petition, requesting annexation and signed by the owners of all fee interests of record in all tracts of real property located within the area proposed to be annexed, or a request for annexation signed under the authority of the governing body of any common interest community and approved by a majority vote of unit owners located within the area proposed to be annexed is presented to the governing body of the city, town or village, the governing body shall hold a public hearing concerning the matter not less than fourteen nor more than sixty days after the petition is received, and the hearing shall be held not less than seven days after notice of the hearing is published in a newspaper of general circulation qualified to publish legal matters and located within the boundary of the petitioned city, town or village. If no such newspaper exists within the boundary of such city, town or village, then the notice shall be published in the qualified newspaper nearest the petitioned city, town or village. For the purposes of this subdivision, the term "common-interest community" shall mean a condominium as said term is used in chapter 448, or a common-interest community, a cooperative, or a planned community.

(a) A "common-interest community" shall be defined as real property with respect to which a person, by virtue of such person's ownership of a unit, is obliged to pay for real property taxes, insurance premiums, maintenance or

improvement of other real property described in a declaration. "Ownership of a unit" does not include a leasehold interest of less than twenty years in a unit, including renewal options;

(b) A "cooperative" shall be defined as a common-interest community in which the real property is owned by an association, each of whose members is entitled by virtue of such member's ownership interest in the association to exclusive possession of a unit;

(c) A "planned community" shall be defined as a common-interest community that is not a condominium or a cooperative. A condominium or cooperative may be part of a planned community.

(2) At the public hearing any interested person, corporation or political subdivision may present evidence regarding the proposed annexation.

If, after holding the hearing, the governing body of the city, town or village determines that the annexation is reasonable and necessary to the proper development of the city, town or village, and the city, town or village has the ability to furnish normal municipal services to the area to be annexed within a reasonable time, it may, subject to the provisions of subdivision (3) of this subsection, annex the territory by ordinance without further action.

(3) If a written objection to the proposed annexation is filed with the governing body of the city, town or village not later than fourteen days after the public hearing by at least five percent of the qualified voters of the city, town or village, or two qualified voters of the area sought to be annexed if the same contains two qualified voters, the provisions of sections 71.015 and 71.860 to 71.920, shall be followed.

3. If no objection is filed, the city, town or village shall extend its limits by ordinance to include such territory, specifying with accuracy the new boundary lines to which the city's, town's or village's limits are extended. Upon duly enacting such annexation ordinance, the city, town or village shall cause three certified copies of the same to be filed with the county assessor and the clerk of the county wherein the city, town or village is located, and one certified copy to be filed with the election authority, if different from the clerk of the county which has jurisdiction over the area being annexed, whereupon the annexation shall be complete and final and thereafter all courts of this state shall take judicial notice of the limits of that city, town or village as so extended.

4. That a petition requesting annexation is not or was not verified or notarized shall not affect the validity of an annexation heretofore or hereafter undertaken in accordance with this section.

5. Any action of any kind seeking to deannex from any city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within three years of the date of adoption of the annexation ordinance.

71.014. 1. Notwithstanding the provisions of section 71.015, the governing body of any city, town, or village which is located within a county which borders a county of the first classification with a charter form of government with a population in excess of six hundred fifty thousand, proceeding as otherwise authorized by law or charter, may annex unincorporated areas which are contiguous and compact to the existing corporate limits upon [verified] **notarized** petition requesting such annexation signed by the owners of all fee interests of record in all tracts located within the area to be annexed. **That a petition requesting annexation is not or was not verified or notarized shall not affect the validity of an annexation heretofore or hereafter undertaken in accordance with this section.**

2. Any action of any kind seeking to deannex from any city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within three years of the date of adoption of the annexation ordinance.

71.015. 1. Should any city, town, or village, not located in any county of the first classification which has adopted a constitutional charter for its own local government, seek to annex an area to which objection is made, the following shall be satisfied:

(1) Before the governing body of any city, town, or village has adopted a resolution to annex any unincorporated area of land, such city, town, or village shall first as a condition precedent determine that the land to be annexed is contiguous to the existing city, town, or village limits and that the length of the contiguous boundary common to the existing city, town, or village limit and the proposed area to be annexed is at least fifteen percent of the length of the perimeter of the area proposed for annexation.

(2) The governing body of any city, town, or village shall propose an ordinance setting forth the following:

(a) The area to be annexed and affirmatively stating that the boundaries comply with the condition precedent referred to in subdivision (1) above;

(b) That such annexation is reasonable and necessary to the proper development of the city, town, or village;

- (c) That the city has developed a plan of intent to provide services to the area proposed for annexation;
- (d) That a public hearing shall be held prior to the adoption of the ordinance;
- (e) When the annexation is proposed to be effective, the effective date being up to thirty-six months from the date of any election held in conjunction thereto.

(3) The city, town, or village shall fix a date for a public hearing on the ordinance and make a good faith effort to notify all fee owners of record within the area proposed to be annexed by certified mail, not less than thirty nor more than sixty days before the hearing, and notify all residents of the area by publication of notice in a newspaper of general circulation qualified to publish legal matters in the county or counties where the proposed area is located, at least once a week for three consecutive weeks prior to the hearing, with at least one such notice being not more than twenty days and not less than ten days before the hearing.

(4) At the hearing referred to in subdivision (3), the city, town, or village shall present the plan of intent and evidence in support thereof to include:

- (a) A list of major services presently provided by the city, town, or village including, but not limited to, police and fire protection, water and sewer systems, street maintenance, parks and recreation, **and** refuse collection[, etc.];

- (b) A proposed time schedule whereby the city, town, or village plans to provide such services to the residents of the proposed area to be annexed within three years from the date the annexation is to become effective;

- (c) The level at which the city, town, or village assesses property and the rate at which it taxes that property;

- (d) How the city, town, or village proposes to zone the area to be annexed;

- (e) When the proposed annexation shall become effective.

(5) Following the hearing, and either before or after the election held in subdivision (6) of this subsection, should the governing body of the city, town, or village vote favorably by ordinance to annex the area, the governing body of the city, town or village shall file an action in the circuit court of the county in which such unincorporated area is situated, under the provisions of chapter 527, praying for a declaratory judgment authorizing such annexation. The petition in such action shall state facts showing:

- (a) The area to be annexed and its conformity with the condition precedent referred to in subdivision (1) of this subsection;

- (b) That such annexation is reasonable and necessary to the proper development of the city, town, or village; and

- (c) The ability of the city, town, or village to furnish normal municipal services of the city, town, or village to the unincorporated area within a reasonable time not to exceed three years after the annexation is to become effective. Such action shall be a class action against the inhabitants of such unincorporated area under the provisions of section 507.070.

(6) Except as provided in subsection 3 of this section, if the court authorizes the city, town, or village to make an annexation, the legislative body of such city, town, or village shall not have the power to extend the limits of the city, town, or village by such annexation until an election is held at which the proposition for annexation is approved by a majority of the total votes cast in the city, town, or village and by a separate majority of the total votes cast in the unincorporated territory sought to be annexed. However, should less than a majority of the total votes cast in the area proposed to be annexed vote in favor of the proposal, but at least a majority of the total votes cast in the city, town, or village vote in favor of the proposal, then the proposal shall again be voted upon in not more than one hundred twenty days by both the registered voters of the city, town, or village and the registered voters of the area proposed to be annexed. If at least two-thirds of the qualified electors voting thereon are in favor of the annexation, then the city, town, or village may proceed to annex the territory. If the proposal fails to receive the necessary majority, no part of the area sought to be annexed may be the subject of another proposal to annex for a period of two years from the date of the election, except that, during the two-year period, the owners of all fee interests of record in the area or any portion of the area may petition the city, town, or village for the annexation of the land owned by them pursuant to the procedures in section 71.012. The elections shall if authorized be held, except as herein otherwise provided, in accordance with the general state law governing special elections, and the entire cost of the election or elections shall be paid by the city, town, or village proposing to annex the territory.

(7) Failure to comply in providing services to the said area or to zone in compliance with the plan of intent within three years after the effective date of the annexation, unless compliance is made unreasonable by an act of God, shall give rise to a cause of action for deannexation which may be filed in the circuit court by any resident of the area who was residing in the area at the time the annexation became effective.

(8) No city, town, or village which has filed an action under this section as this section read prior to May 13, 1980, which action is part of an annexation proceeding pending on May 13, 1980, shall be required to comply with subdivision (5) of this subsection in regard to such annexation proceeding.

(9) If the area proposed for annexation includes a public road or highway but does not include all of the land adjoining such road or highway, then such fee owners of record, of the lands adjoining said highway shall be permitted to intervene in the declaratory judgment action described in subdivision (5) of this subsection.

2. Notwithstanding any provision of subsection 1 of this section, for any annexation by any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county that becomes effective after August 28, 1994, if such city has not provided water and sewer service to such annexed area within three years of the effective date of the annexation, a cause of action shall lie for deannexation, unless the failure to provide such water and sewer service to the annexed area is made unreasonable by an act of God. The cause of action for deannexation may be filed in the circuit court by any resident of the annexed area who is presently residing in the area at the time of the filing of the suit and was a resident of the annexed area at the time the annexation became effective. If the suit for deannexation is successful, the city shall be liable for all court costs and attorney fees.

3. Notwithstanding the provisions of subdivision (6) of subsection 1 of this section, all cities, towns, and villages located in any county of the first classification with a charter form of government with a population of two hundred thousand or more inhabitants which adjoins a county with a population of nine hundred thousand or more inhabitants shall comply with the provisions of this subsection. If the court authorizes any city, town, or village subject to this subsection to make an annexation, the legislative body of such city, town or village shall not have the power to extend the limits of such city, town, or village by such annexation until an election is held at which the proposition for annexation is approved by a majority of the total votes cast in such city, town, or village and by a separate majority of the total votes cast in the unincorporated territory sought to be annexed; except that:

(1) In the case of a proposed annexation in any area which is contiguous to the existing city, town or village and which is within an area designated as flood plain by the Federal Emergency Management Agency and which is inhabited by no more than thirty registered voters and for which a final declaratory judgment has been granted prior to January 1, 1993, approving such annexation and where notarized affidavits expressing approval of the proposed annexation are obtained from a majority of the registered voters residing in the area to be annexed, the area may be annexed by an ordinance duly enacted by the governing body and no elections shall be required; and

(2) In the case of a proposed annexation of unincorporated territory in which no qualified electors reside, if at least a majority of the qualified electors voting on the proposition are in favor of the annexation, the city, town or village may proceed to annex the territory and no subsequent election shall be required. If the proposal fails to receive the necessary separate majorities, no part of the area sought to be annexed may be the subject of any other proposal to annex for a period of two years from the date of such election, except that, during the two-year period, the owners of all fee interests of record in the area or any portion of the area may petition the city, town, or village for the annexation of the land owned by them pursuant to the procedures in section 71.012 **or 71.014**. The election shall, if authorized, be held, except as otherwise provided in this section, in accordance with the general state laws governing special elections, and the entire cost of the election or elections shall be paid by the city, town, or village proposing to annex the territory. Failure of the city, town or village to comply in providing services to the area or to zone in compliance with the plan of intent within three years after the effective date of the annexation, unless compliance is made unreasonable by an act of God, shall give rise to a cause of action for deannexation which may be filed in the circuit court **not later than four years after the effective date of the annexation** by any resident of the area who was residing in such area at the time the annexation became effective or by any nonresident owner of real property in such area. **Except for a cause of action for deannexation under this subdivision (2) of this subsection, any action of any kind seeking to deannex from any city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within three years of the date of the adoption of the annexation ordinance.**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Gatschenberger, **House Amendment No. 24** was adopted.

On motion of Representative Jones (50), **HCS SB 23, as amended**, was adopted.

On motion of Representative Jones (50), **HCS SB 23, as amended**, was read the third time and passed by the following vote:

AYES: 088

Allen	Anders	Austin	Barnes	Black
Cierpiot	Conway 10	Cookson	Cornejo	Crawford
Cross	Curtis	Davis	Diehl	Dohrman
Dugger	Ellinger	Elmer	Engler	Entlicher
Fitzwater	Flanigan	Fraker	Frederick	Gannon
Gardner	Gatschenberger	Gosen	Grisamore	Haahr
Haefner	Hampton	Hansen	Hinson	Hoskins
Hough	Houghton	Hubbard	Jones 50	Justus
Kelley 127	Kelly 45	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Lichtenegger
Love	Lynch	Mayfield	McCaherty	McCann Beatty
McGaugh	McManus	McNeil	Muntzel	Neely
Neth	Pfautsch	Phillips	Pike	Redmon
Reiboldt	Richardson	Riddle	Rizzo	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schupp
Shull	Shumake	Sommer	Spencer	Stream
Swearingen	Thomson	Torpey	Walker	Webb
Wilson	Zerr	Mr Speaker		

NOES: 065

Anderson	Bahr	Berry	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Colona
Cox	Curtman	Dunn	Ellington	English
Englund	Fitzpatrick	Fowler	Frame	Franklin
Guernsey	Harris	Hicks	Higdon	Hodges
Hurst	Johnson	Keeney	Kirkton	Koenig
Marshall	May	McKenna	Meredith	Messenger
Miller	Mims	Mitten	Montecillo	Moon
Morgan	Morris	Newman	Nichols	Norr
Otto	Pace	Parkinson	Peters	Pierson
Pogue	Rehder	Remole	Rhoads	Roorda
Ross	Schieber	Schieffer	Solon	Swan
Walton Gray	Webber	Wieland	Wood	Wright

PRESENT: 000

ABSENT WITH LEAVE: 010

Bernskoetter	Conway 104	Funderburk	Hummel	Leara
McDonald	Molendorp	Smith 85	Smith 120	White

Speaker Jones declared the bill passed.

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The emergency clause was adopted by the following vote:

AYES: 139

Allen	Anders	Anderson	Austin	Bahr
Barnes	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Cookson	Cornejo	Cox
Crawford	Cross	Davis	Diehl	Dohrman
Dugger	Dunn	Ellinger	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Mayfield	McCaherty
McCann Beatty	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Montecillo	Moon	Morgan	Muntzel	Neely
Newman	Nichols	Norr	Otto	Peters
Pfausch	Phillips	Pierson	Pike	Redmon
Rehder	Reiboldt	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Schatz	Schieber	Schieffer	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Webb	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 011

Curtis	Curtman	Ellington	Marshall	May
Pace	Parkinson	Pogue	Remole	Schupp
Walton Gray				

PRESENT: 000

ABSENT WITH LEAVE: 013

Bernskoetter	Conway 104	Flanigan	Gardner	Gatschenberger
Hummel	McDonald	Molendorp	Morris	Neth
Scharnhorst	Smith 85	Smith 120		

SCS SB 106, relating to educational credits for veterans, was taken up by Representative Davis.

Representative Davis offered **House Amendment No. 1**.

House Amendment No. 1

AMEND Senate Committee Substitute for Senate Bill No. 106, Page 3, Section 324.007, Line 23, by inserting immediately after said line the following:

"452.413. 1. As used in this section, the following terms shall mean:

(1) **"Deploying parent", a parent of a child less than eighteen years of age whose parental rights have not been terminated by a court of competent jurisdiction or a guardian of a child less than eighteen years of age who is deployed or who has received written orders to deploy with the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or any other reserve component thereof;**

(2) **"Deployment", military service in compliance with military orders received by a member of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or any other reserve component thereof to report for combat operations, contingency operations, peacekeeping operations, temporary duty (TDY), a remote tour of duty, or other service for which the deploying parent is required to report unaccompanied by any family member. Military service includes a period during which a military parent remains subject to deployment orders and remains deployed on account of sickness, wounds, leave, or other lawful cause;**

(3) **"Military parent", a parent of a child less than eighteen years of age whose parental rights have not been terminated by a court of competent jurisdiction or a guardian of a child less than eighteen years of age who is a service member of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or any other reserve component thereof;**

(4) **"Nondeploying parent", a parent or guardian not subject to deployment.**

2. If a military parent is required to be separated from a child due to deployment, a court shall not enter a final order modifying the terms establishing custody or visitation contained in an existing order until ninety days after the deployment ends unless there is a written agreement by both parties.

3. In accordance with section 452.412, deployment or the potential for future deployment shall not be the sole factor supporting a change in circumstances or grounds sufficient to support a permanent modification of the custody or visitation terms established in an existing order.

4. (1) An existing order establishing the terms of custody or visitation in place at the time a military parent is deployed may be temporarily modified to make reasonable accommodation for the parties due to the deployment.

(2) A temporary modification order issued under this section shall provide that the deploying parent shall have custody of the child or reasonable visitation, whichever is applicable under the original order, during a period of leave granted to the deploying parent, unless it is not in the best interest of the child.

(3) Any court order modifying a previously ordered custody or visitation due to deployment shall specify that the deployment is the basis for the order and shall be entered by the court as a temporary order.

(4) Any such temporary custody or visitation order shall require the nondeploying parent to provide the court and the deploying parent with written notice of the nondeploying parent's address and telephone number, and update such information within seven days of any change. However, if a valid order of protection under chapter 455 from this or another jurisdiction is in effect that requires that the address or contact information of the parent who is not deployed be kept confidential, the notification shall be made to the court only, and a copy of the order shall be included in the notification. Nothing in this subdivision shall be construed to eliminate the requirements under section 452.377.

(5) Upon motion of a deploying parent, with reasonable advance notice and for good cause shown, the court shall hold an expedited hearing in any custody or visitation matters instituted under this section when the military duties of the deploying parent have a material effect on his or her ability or anticipated ability to appear in person at a regularly scheduled hearing.

5. (1) A temporary modification of such an order automatically ends no later than thirty days after the return of the deploying parent and the original terms of the custody or visitation order in place at the time of deployment are automatically reinstated.

(2) Nothing in this section shall limit the power of the court to conduct an expedited or emergency hearing regarding custody or visitation upon return of the deploying parent, and the court shall do so within ten days of the filing of a motion alleging an immediate danger or irreparable harm to the child.

(3) The nondeploying parent shall bear the burden of showing that reentry of the custody or visitation order in effect before the deployment is no longer in the child's best interests. The court shall set any nonemergency motion by the nondeploying parent for hearing within thirty days of the filing of the motion.

6. (1) Upon motion of the deploying parent or upon motion of a family member of the deploying parent with his or her consent, the court may delegate his or her visitation rights, or a portion of such rights, to a family member with a close and substantial relationship to the minor child or children for the duration of the deployment if it is in the best interest of the child.

(2) Such delegated visitation time or access does not create an entitlement or standing to assert separate rights to parent time or access for any person other than a parent, and shall terminate by operation of law upon the end of the deployment, as set forth in this section.

(3) Such delegated visitation time shall not exceed the visitation time granted to the deploying parent under the existing order; except that, the court may take into consideration the travel time necessary to transport the child for such delegated visitation time.

(4) In addition, there is a rebuttable presumption that a deployed parent's visitation rights shall not be delegated to a family member who has a history of perpetrating domestic violence as defined under section 455.010 against another family or household member, or delegated to a family member with an individual in the family member's household who has a history of perpetrating domestic violence against another family or household member.

(5) The person or persons to whom delegated visitation time has been granted shall have full legal standing to enforce such rights.

7. Upon motion of a deploying parent and upon reasonable advance notice and for good cause shown, the court shall permit such parent to present testimony and evidence by affidavit or electronic means in support, custody, and visitation matters instituted under this section when the military duties of such parent have a material effect on his or her ability to appear in person at a regularly scheduled hearing. Electronic means includes communication by telephone, video conference, or the internet.

8. Any order entered under this section shall require that the nondeploying parent:

(1) Make the child or children reasonably available to the deploying parent when the deploying parent has leave;

(2) Facilitate opportunities for telephonic and electronic mail contact between the deploying parent and the child or children during deployment; and

(3) Receive timely information regarding the deploying parent's leave schedule.

9. (1) If there is no existing order establishing the terms of custody and visitation and it appears that deployment is imminent, upon the filing of initial pleadings and motion by either parent, the court shall expedite a hearing to establish temporary custody or visitation to ensure the deploying parent has access to the child, to ensure disclosure of information, to grant other rights and duties set forth in this section, and to provide other appropriate relief.

(2) Any initial pleading filed to establish custody or visitation for a child of a deploying parent shall be so identified at the time of filing by stating in the text of the pleading the specific facts related to deployment.

10. (1) Since military necessity may preclude court adjudication before deployment, the parties shall cooperate with each other in an effort to reach a mutually agreeable resolution of custody, visitation, and child support.

(2) A deploying parent shall provide a copy of his or her orders to the nondeploying parent promptly and without delay prior to deployment. Notification shall be made within ten days of receipt of deployment orders. If less than ten days notice is received by the deploying parent, notice shall be given immediately upon receipt of military orders. If all or part of the orders are classified or restricted as to release, the deploying parent shall provide, under the terms of this subdivision, all such nonclassified or nonrestricted information to the nondeploying parent.

11. In an action brought under this chapter, whenever the court declines to grant or extend a stay of proceedings under the Servicemembers Civil Relief Act, 50 U.S.C. Appendix Sections 521-522, and decides to proceed in the absence of the deployed parent, the court shall appoint a guardian ad litem to represent the minor child's interests.

12. Service of process on a nondeploying parent whose whereabouts are unknown may be accomplished in accordance with the provisions of section 506.160.

13. In determining whether a parent has failed to exercise visitation rights, the court shall not count any time periods during which the parent did not exercise visitation due to the material effect of such parent's military duties on visitation time.

14. Once an order for custody has been entered in Missouri, any absence of a child from this state during deployment shall be denominated a temporary absence for the purposes of application of the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA). For the duration of the deployment, Missouri shall retain exclusive jurisdiction under the UCCJEA and deployment shall not be used as a basis to assert inconvenience of the forum under the UCCJEA.

15. In making determinations under this section, the court may award attorney's fees and costs based on the court's consideration of:

(1) The failure of either party to reasonably accommodate the other party in custody or visitation matters related to a military parent's service;

(2) Unreasonable delay caused by either party in resolving custody or visitation related to a military parent's service;

(3) Failure of either party to timely provide military orders, income, earnings, or payment information, housing or education information, or physical location of the child to the other party; and

(4) Other factors as the court may consider appropriate and as may be required by law."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Davis, **House Amendment No. 1** was adopted.

Representative Solon offered **House Amendment No. 2**.

House Amendment No. 2

AMEND Senate Committee Substitute for Senate Bill No. 106, Page 3, Section 324.007, Line 23, by inserting after all of said line the following:

"478.1100. 1. Sections 478.1100 to 478.1120 shall be known and may be cited as the "Veterans Treatment Intervention Act".

2. For purposes of sections 478.1100 to 478.1120, the following terms shall mean:

(1) "Servicemember", any person serving as a member of the United States Armed Forces on active duty or state active duty and all members of the Missouri National Guard and United States Reserve Forces;

(2) "Veteran", any person defined as a veteran by the United States Department of Veterans Affairs or its successor agency.

478.1105. The presiding judge of any judicial circuit or a combination of circuit courts, upon agreement of the presiding judges of such circuit courts, in this state may establish a "Military Veterans and Servicemembers Court Program" under which veterans and servicemembers who suffer from a military-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem may be sentenced in a manner that appropriately addresses the severity of the mental illness, traumatic brain injury, substance abuse disorder, or psychological problem through services tailored to the individual needs of the participant. Entry into any military veterans and servicemembers court program shall be based upon the sentencing court's assessment of the defendant's criminal history, military service, substance abuse treatment needs, mental health treatment needs, amenability to the services of the program, the recommendation of the prosecuting attorney and the victim, if any, and the defendant's agreement to enter the program.

478.1110. 1. Any person who is charged with a felony, other than a felony listed in subsection 2 of this section, identified as a veteran or servicemember who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem is eligible for admission into a veterans' treatment intervention program approved by the presiding judge of the circuit upon motion of either party or the court's own motion, except:

(1) If a defendant was previously offered admission to a veterans' treatment intervention program at any time before trial and the defendant rejected such offer on the record, the court may deny the defendant's admission to such a program;

(2) If a defendant previously entered a court-ordered veterans' treatment program, the court may deny the defendant's admission into the veterans' treatment program.

In order to maintain compliance with federal law, nothing in sections 478.1100 to 478.1120 shall apply to any offense committed by a holder of a commercial driver's license or any person operating a commercial motor vehicle when the offense was committed, if the provisions of sections 478.1100 to 478.1120 as applied to such offenses results in this state's failure to comply with applicable federal laws and regulations.

2. Any person charged with the following felonies, including attempt of such felonies, shall not be eligible for admission into a veterans' treatment intervention program under sections 478.1100 to 478.1120:

(1) Murder or manslaughter under chapter 565;

(2) Kidnapping or false imprisonment under chapter 565;

(3) Aggravated assault under chapter 565;

(4) Stalking under chapter 565;

(5) Elder abuse under chapter 565;

(6) Sexual offenses under chapter 566;

(7) Offenses against the family under chapter 568;

(8) Robbery or burglary under chapter 569;

(9) Arson under chapter 569;

(10) Water contamination under chapter 569;

(11) Child pornography under chapter 573;

(12) Treason; and

(13) Any offense committed in another jurisdiction which would be a felony offense listed in this subsection if committed in this state.

3. (1) While enrolled in an intervention program authorized by this section, the participant shall be subject to a coordinated strategy developed by a veterans' treatment intervention team. The coordinated strategy shall be modeled after the therapeutic jurisprudence principles and key components listed in subdivision (2) of this subsection, with treatment specific to the needs of veterans and servicemembers. The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but not be limited to, placement in a treatment program offered by a licensed service provider or in a jail-based treatment program. The coordinated strategy shall be provided in writing to the participant before the participant agrees to enter into a veterans' treatment intervention program or other intervention program. Any person whose charges are dismissed after successful completion of the veterans' treatment intervention program, if otherwise eligible, may have his or her arrest record of the dismissed charges expunged under chapter 610.

(2) The treatment program shall include:

(a) Integrate alcohol and other drug treatment services with justice system case processing;

(b) Use a nonadversarial approach in which prosecution and defense counsel promote public safety while protecting participants' due process rights;

(c) Eligible participants are identified early and promptly placed in the treatment program;

(d) The treatment program provides access to a continuum of alcohol, drug, and other related treatment and rehabilitation services;

(e) Abstinence is monitored by frequent and random testing for alcohol and other drugs;

(f) A coordinated strategy governs treatment program responses to participants' compliance;

(g) Ongoing judicial interaction with each treatment program participant is essential;

(h) Monitoring and evaluation measure the achievement of program goals and gauge treatment program effectiveness;

(i) Continuing interdisciplinary education promotes effective treatment program planning, implementation, and operations;

(j) Forging partnerships among treatment programs, public agencies, and community-based organizations generates local support and enhances treatment program effectiveness.

4. At the end of the intervention period, the court shall consider the recommendation of the treatment program and the recommendation of the prosecuting attorney as to disposition of the pending charges. The court shall determine, by written finding, whether the defendant has successfully completed

the intervention program. If the court finds that the defendant has not successfully completed the intervention program, the court may order the person to continue in education and treatment, which may include treatment programs offered by licensed service providers or jail-based treatment programs, or order that the charges revert to normal channels for prosecution. The court shall dismiss the charges upon a finding that the defendant has successfully completed the intervention program.

478.1115. 1. Any veteran or servicemember who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, and who is charged with a misdemeanor is eligible for admission into a veterans' treatment intervention program approved by the presiding judge of the circuit for a period based on the program's requirements and the treatment plan for the offender, upon motion of either party or the court's own motion. However, the court may deny the defendant admission into a veterans' treatment intervention program if the defendant has previously entered a court-ordered veterans' treatment program.

2. While enrolled in an intervention program authorized by this section, the participant shall be subject to a coordinated strategy developed by a veterans' treatment intervention team. The coordinated strategy shall be modeled after the therapeutic jurisprudence principles and key components in subdivision (2) of subsection 3 of section 478.1110, with treatment specific to the needs of veterans and servicemembers. The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but not be limited to, placement in a treatment program offered by a licensed service provider or in a jail-based treatment program. The coordinated strategy shall be provided in writing to the participant before the participant agrees to enter into a veterans' treatment intervention program. Any person whose charges are dismissed after successful completion of the veterans' treatment intervention program, if otherwise eligible, may have his or her arrest record of the dismissed charges expunged under chapter 610.

3. At the end of the intervention period, the court shall consider the recommendation of the treatment program and the recommendation of the prosecuting attorney as to disposition of the pending charges. The court shall determine, by written finding, whether the defendant successfully completed the intervention program. Notwithstanding the coordinated strategy developed by a team under subdivision (2) of subsection 2 of section 478.1110 or by the veterans' treatment intervention team, if the court finds that the defendant has not successfully completed the intervention program, the court may order the person to continue in education and treatment or return the charges to the criminal docket for prosecution. The court shall dismiss the charges upon finding that the defendant has successfully completed the intervention program.

4. Any public or private entity providing a substance abuse education and treatment program under this section shall contract with the county or appropriate governmental entity. Except for services provided by the United States Department of Veterans Affairs, the terms of the contract shall include, but not be limited to, the following requirements:

- (1) The extent of the services to be rendered by the entity providing supervision or rehabilitation;
- (2) Staff qualifications and criminal record checks of staff in accordance with essential standards established by the American Correctional Association;
- (3) Staffing levels;
- (4) The number of face-to-face contacts with the offender;
- (5) Procedures for handling the collection of all offender fees and restitution;
- (6) Procedures for handling indigent offenders which ensure placement irrespective of ability to pay;
- (7) Circumstances under which revocation of an offender's probation may be recommended;
- (8) Reporting and record-keeping requirements;
- (9) Default and contract termination procedures;
- (10) Procedures that aid offenders with job assistance; and
- (11) Procedures for accessing criminal history records of probationers. In addition, the entity shall supply the presiding judge's office with a quarterly report summarizing the number of offenders supervised by the private entity, payment of the required contribution under supervision or rehabilitation, and the number of offenders for whom supervision or rehabilitation will be terminated. All records of the entity shall be open to inspection upon the request of the county, the court, the state auditor, and the office of administration, or agents thereof.

478.1120. For a person on probation who is a veteran or servicemember who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, the court may, in addition to any other conditions imposed, impose a condition requiring the probationer to participate in a treatment program capable of treating the probationer's mental illness, traumatic brain injury, substance abuse disorder, or psychological problem. The court shall give preference to treatment programs for which the probationer is eligible through the United States Department of Veterans Affairs. The department of corrections is not required to spend state funds to implement this subsection."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Solon, **House Amendment No. 2** was adopted by the following vote:

AYES: 155

Allen	Anders	Anderson	Austin	Bahr
Barnes	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Guernsey	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hodges	Hoskins
Hough	Houghton	Hubbard	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Montecillo	Moon
Morgan	Morris	Muntzel	Neely	Newman
Nichols	Norr	Otto	Pace	Parkinson
Peters	Pfautsch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webb	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Bernskoetter	Haahr	Hinson	Hummel	Molendorp
Neth	Smith 85	Smith 120		

Representative Funderburk offered **House Amendment No. 3.**

House Amendment No. 3

AMEND Senate Committee Substitute for Senate Bill No. 106, Page 1, Section A, Line 3, by inserting after said line the following:

"168.021. 1. Certificates of license to teach in the public schools of the state shall be granted as follows:

(1) By the state board, under rules and regulations prescribed by it:

(a) Upon the basis of college credit;

(b) Upon the basis of examination;

(2) By the state board, under rules and regulations prescribed by the state board with advice from the advisory council established by section 168.015 to any individual who presents to the state board a valid doctoral degree from an accredited institution of higher education accredited by a regional accrediting association such as North Central Association. Such certificate shall be limited to the major area of postgraduate study of the holder, shall be issued only after successful completion of the examination required for graduation pursuant to rules adopted by the state board of education, and shall be restricted to those certificates established pursuant to subdivision (1) of subsection 3 of this section;

(3) By the state board, which shall issue the professional certificate classification in both the general and specialized areas most closely aligned with the current areas of certification approved by the state board, commensurate with the years of teaching experience of the applicant, and based upon the following criteria:

(a) Recommendation of a state-approved baccalaureate-level teacher preparation program;

(b) Successful attainment of the Missouri qualifying score on the exit assessment for teachers or administrators designated by the state board of education. Applicants who have not successfully achieved a qualifying score on the designated examinations will be issued a two-year nonrenewable provisional certificate; and

(c) Upon completion of a background check as prescribed in section 168.133 and possession of a valid teaching certificate in the state from which the applicant's teacher preparation program was completed;

(4) By the state board, under rules prescribed by it, on the basis of a relevant bachelor's degree, or higher degree, and a passing score for the designated exit examination, for individuals whose academic degree and professional experience are suitable to provide a basis for instruction solely in the subject matter of banking or financial responsibility, at the discretion of the state board. Such certificate shall be limited to the major area of study of the holder and shall be restricted to those certificates established under subdivision (1) of subsection 3 of this section. Holders of certificates granted under this subdivision shall be exempt from the teacher tenure act under sections 168.102 to 168.130 and each school district shall have the decision-making authority on whether to hire the holders of such certificates; or

(5) By the state board, under rules and regulations prescribed by it, on the basis of certification by the American Board for Certification of Teacher Excellence (ABCTE) and verification of ability to work with children as demonstrated by sixty contact hours in any one of the following areas as validated by the school principal: sixty contact hours in the classroom, of which at least forty-five must be teaching; sixty contact hours as a substitute teacher, with at least thirty consecutive hours in the same classroom; sixty contact hours of teaching in a private school; or sixty contact hours of teaching as a paraprofessional, for an initial four-year ABCTE certificate of license to teach, except that such certificate shall not be granted for the areas of early childhood education, elementary education, or special education. Upon the completion of the requirements listed in paragraphs (a), (b), (c), and (d) of this subdivision, an applicant shall be eligible to apply for a career continuous professional certificate under subdivision (2) of subsection 3 of this section:

(a) Completion of thirty contact hours of professional development within four years, which may include hours spent in class in an appropriate college curriculum;

(b) Validated completion of two years of the mentoring program of the American Board for Certification of Teacher Excellence or a district mentoring program approved by the state board of education;

(c) Attainment of a successful performance-based teacher evaluation; and

(d) Participate in a beginning teacher assistance program.

2. All valid teaching certificates issued pursuant to law or state board policies and regulations prior to September 1, 1988, shall be exempt from the professional development requirements of this section and shall continue in effect until they expire, are revoked or suspended, as provided by law. When such certificates are required to be renewed, the state board or its designee shall grant to each holder of such a certificate the certificate most nearly equivalent to the one so held. Anyone who holds, as of August 28, 2003, a valid PC-I, PC-II, or

continuous professional certificate shall, upon expiration of his or her current certificate, be issued the appropriate level of certificate based upon the classification system established pursuant to subsection 3 of this section.

3. Certificates of license to teach in the public schools of the state shall be based upon minimum requirements prescribed by the state board of education which shall include completion of a background check as prescribed in section 168.133. The state board shall provide for the following levels of professional certification: an initial professional certificate and a career continuous professional certificate.

(1) The initial professional certificate shall be issued upon completion of requirements established by the state board of education and shall be valid based upon verification of actual teaching within a specified time period established by the state board of education. The state board shall require holders of the four-year initial professional certificate to:

- (a) Participate in a mentoring program approved and provided by the district for a minimum of two years;
- (b) Complete thirty contact hours of professional development, which may include hours spent in class in an appropriate college curriculum, or for holders of a certificate under subdivision (4) of subsection 1 of this section, an amount of professional development in proportion to the certificate holder's hours in the classroom, if the certificate holder is employed less than full time; and

(c) Participate in a beginning teacher assistance program;

(2) (a) The career continuous professional certificate shall be issued upon verification of completion of four years of teaching under the initial professional certificate and upon verification of the completion of the requirements articulated in paragraphs (a), (b), and (c) of subdivision (1) of this subsection or paragraphs (a), (b), (c), and (d) of subdivision (5) of subsection 1 of this section.

(b) The career continuous professional certificate shall be continuous based upon verification of actual employment in an educational position as provided for in state board guidelines and completion of fifteen contact hours of professional development per year which may include hours spent in class in an appropriate college curriculum. Should the possessor of a valid career continuous professional certificate fail, in any given year, to meet the fifteen-hour professional development requirement, the possessor may, within two years, make up the missing hours. In order to make up for missing hours, the possessor shall first complete the fifteen-hour requirement for the current year and then may count hours in excess of the current year requirement as make-up hours. Should the possessor fail to make up the missing hours within two years, the certificate shall become inactive. In order to reactivate the certificate, the possessor shall complete twenty-four contact hours of professional development which may include hours spent in the classroom in an appropriate college curriculum within the six months prior to or after reactivating his or her certificate. The requirements of this paragraph shall be monitored and verified by the local school district which employs the holder of the career continuous professional certificate.

(c) A holder of a career continuous professional certificate shall be exempt from the professional development contact hour requirements of paragraph (b) of this subdivision if such teacher has a local professional development plan in place within such teacher's school district and meets two of the three following criteria:

- a. Has ten years of teaching experience as defined by the state board of education;
- b. Possesses a master's degree; or
- c. Obtains a rigorous national certification as approved by the state board of education.

4. Policies and procedures shall be established by which a teacher who was not retained due to a reduction in force may retain the current level of certification. There shall also be established policies and procedures allowing a teacher who has not been employed in an educational position for three years or more to reactivate his or her last level of certification by completing twenty-four contact hours of professional development which may include hours spent in the classroom in an appropriate college curriculum within the six months prior to or after reactivating his or her certificate.

5. The state board shall, upon completion of a background check as prescribed in section 168.133, issue a professional certificate classification in the areas most closely aligned with an applicant's current areas of certification, commensurate with the years of teaching experience of the applicant, to any person who is hired to teach in a public school in this state and who possesses a valid teaching certificate from another state or certification under subdivision (4) of subsection 1 of this section, provided that the certificate holder shall annually complete the state board's requirements for such level of certification, and shall establish policies by which residents of states other than the state of Missouri may be assessed a fee for a certificate license to teach in the public schools of Missouri. Such fee shall be in an amount sufficient to recover any or all costs associated with the issuing of a certificate of license to teach. The board shall promulgate rules to authorize the issuance of a provisional certificate of license, which shall allow the holder to assume classroom duties pending the completion of a criminal background check under section 168.133, for any applicant who:

- (1) Is the spouse of a member of the Armed Forces stationed in Missouri;

(2) Relocated from another state within one year of the date of application;
(3) Underwent a criminal background check in order to be issued a teaching certificate of license from another state; and

(4) Otherwise qualifies under this section.

6. The state board may assess to holders of an initial professional certificate a fee, to be deposited into the excellence in education revolving fund established pursuant to section 160.268, for the issuance of the career continuous professional certificate. However, such fee shall not exceed the combined costs of issuance and any criminal background check required as a condition of issuance. Applicants for the initial ABCTE certificate shall be responsible for any fees associated with the program leading to the issuance of the certificate, but nothing in this section shall prohibit a district from developing a policy that permits fee reimbursement.

7. Any member of the public school retirement system of Missouri who entered covered employment with ten or more years of educational experience in another state or states and held a certificate issued by another state and subsequently worked in a school district covered by the public school retirement system of Missouri for ten or more years who later became certificated in Missouri shall have that certificate dated back to his or her original date of employment in a Missouri public school.

[8. The provisions of subdivision (5) of subsection 1 of this section, as well as any other provision of this section relating to the American Board for Certification of Teacher Excellence, shall terminate on August 28, 2014.]"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Funderburk, **House Amendment No. 3** was adopted.

Representative Roorda offered **House Amendment No. 4**.

House Amendment No. 4

AMEND Senate Committee Substitute for Senate Bill No. 106, Page 3, Section 324.007, Line 23, by inserting after all of said section the following:

"347.179. 1. The secretary shall charge and collect:

(1) For filing the original articles of organization, a fee of one hundred dollars;

(2) For filing the original articles of organization online, in an electronic format prescribed by the secretary of state, a fee of forty-five dollars;

(3) Applications for registration of foreign limited liability companies and issuance of a certificate of registration to transact business in this state, a fee of one hundred dollars;

(4) Amendments to and restatements of articles of limited liability companies to application for registration of a foreign limited liability company or any other filing otherwise provided for, a fee of twenty dollars;

(5) Articles of termination of limited liability companies or cancellation of registration of foreign limited liability companies, a fee of twenty dollars;

(6) For filing notice of merger or consolidation, a fee of twenty dollars;

(7) For filing a notice of winding up, a fee of twenty dollars;

(8) For issuing a certificate of good standing, a fee of five dollars;

(9) For a notice of the abandonment of merger or consolidation, a fee of twenty dollars;

(10) For furnishing a copy of any document or instrument, a fee of fifty cents per page;

(11) For accepting an application for reservation of a name, or for filing a notice of the transfer or cancellation of any name reservation, a fee of twenty dollars;

(12) For filing a statement of change of address of registered office or registered agent, or both, a fee of five dollars;

(13) For any service of notice, demand, or process upon the secretary as resident agent of a limited liability company, a fee of twenty dollars, which amount may be recovered as taxable costs by the party instituting such suit, action, or proceeding causing such service to be made if such party prevails therein;

(14) For filing an amended certificate of registration a fee of twenty dollars; and

(15) For filing a statement of correction a fee of five dollars.

2. Fees mandated in subdivisions (1) and (2) of subsection 1 of this section and for application of a reservation of a name in subdivision (11) of subsection 1 of this section shall be waived when an organizer is listed as a member in the operating agreement of the limited liability company and such organizer is a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and verifiable proof is shown to the secretary of state of such service.

351.065. 1. No corporation shall be organized under the general and business corporation law of Missouri unless the persons named as incorporators shall at or before the filing of the articles of incorporation pay to the director of revenue three dollars for the issuance of the certificate and fifty dollars for the first thirty thousand dollars or less of the authorized shares of the corporation and a further sum of five dollars for each additional ten thousand dollars of its authorized shares, and no increase in the authorized shares of the corporation shall be valid or effectual unless the corporation has paid the director of revenue five dollars for each ten thousand dollars or less of the increase in the authorized shares of the corporation, and the corporation shall file a duplicate receipt issued by the director of revenue for the payments required by this section to be made with the secretary of state as is provided by this chapter for the filing of articles of incorporation; except that the requirements of this section to pay incorporation taxes and fees shall not apply to foreign railroad corporations which built their lines of railway into or through this state prior to November 21, 1943.

2. For the purpose of this section, the dollar amount of authorized shares is the par value thereof in the case of shares with par value and is one dollar per share in the case of shares without par value.

3. Fees mandated in subsection 1 of this section shall be waived when a majority shareholder, officer, or director of the organizing corporation is a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and verifiable proof is shown to the secretary of state of such service.

354.150. 1. Every health services corporation subject to the provisions of sections 354.010 to 354.380 shall pay the following fees to the director for the administration and enforcement of the provisions of this chapter:

- (1) For filing the declaration required on organization of each domestic company, two hundred fifty dollars;
- (2) For filing statement and certified copy of charter required of foreign companies, two hundred fifty dollars;
- (3) For filing application to renew certificate of authority, along with all required annual reports, including the annual statement, actuarial statement, risk-based capital report, report of valuation of policies or other obligations of assurance, and audited financial report of any company doing business in this state, one thousand five hundred dollars;
- (4) For filing any paper, document, or report not filed under subdivision (1), (2), or (3) of this section but required to be filed in the office of the director, fifty dollars each;
- (5) For affixing the seal of office of the director, ten dollars;
- (6) For accepting each service of process upon the company, ten dollars.

2. Fees mandated in subdivision (1) of subsection 1 of this section shall be waived when a majority shareholder, officer, or director of the organizing corporation is a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and verifiable proof is shown to the secretary of state of such service.

355.021. 1. The secretary of state shall collect the following fees when the documents described in this subsection are delivered for filing:

- (1) Articles of incorporation, twenty dollars;
- (2) Application for reserved name, twenty dollars;
- (3) Notice of transfer of reserved name, two dollars;
- (4) Application for renewal of reserved name, twenty dollars;
- (5) Corporation's statement of change of registered agent or registered office or both, five dollars;
- (6) Agent's statement of change of registered office for each affected corporation, five dollars;
- (7) Agent's statement of resignation, five dollars;
- (8) Amendment of articles of incorporation, five dollars;
- (9) Restatement of articles of incorporation with amendments, five dollars;
- (10) Articles of merger, five dollars;
- (11) Articles of dissolution, five dollars;

- (12) Articles of revocation of dissolution, five dollars;
- (13) Application for reinstatement following administrative dissolution, twenty dollars;
- (14) Application for certificate of authority, twenty dollars;
- (15) Application for amended certificate of authority, five dollars;
- (16) Application for certificate of withdrawal, five dollars;
- (17) Corporate registration report filed annually, ten dollars if filed in a written format or five dollars if filed electronically in a format prescribed by the secretary of state;
- (18) Corporate registration report filed biennially, twenty dollars if filed in a written format or ten dollars if filed electronically in a format prescribed by the secretary of state;
- (19) Articles of correction, five dollars;
- (20) Certificate of existence or authorization, five dollars;
- (21) Any other document required or permitted to be filed by this chapter, five dollars.

2. The secretary of state shall collect a fee of ten dollars upon being served with process under this chapter. The party to a proceeding causing service of process is entitled to recover the fee paid the secretary of state as costs if the party prevails in the proceeding.

3. The secretary of state shall collect the following fees for copying and certifying the copy of any filed document relating to a domestic or foreign corporation: in a written format fifty cents per page plus five dollars for certification, or in an electronic format five dollars for certification and copies.

4. Fees mandated in subdivisions (1) and (2) of subsection 1 of this section shall be waived when an initial officer or director of the nonprofit corporation includes a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and verifiable proof is shown to the secretary of state of such service.

357.060. 1. For incorporation under this chapter as herein provided, there shall be paid to and collected by the state director of revenue a fee of fifty dollars for the first fifty thousand dollars or less of capital stock, and the further sum of five dollars for each additional ten thousand dollars of its capital stock. The limitation upon the aggregate amount of capital stock shall be the same as in respect to other corporations.

2. Fees mandated in subsection 1 of this section shall be waived when the association of persons signing the written articles of association and agreement includes a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and verifiable proof is shown to the secretary of state of such service.

358.440. 1. To register as a limited liability partnership pursuant to this section, a written application shall be filed with the office of the secretary of state. The application shall set forth:

- (1) The name of the partnership;
- (2) The address of a registered office and the name and address of a registered agent for service of process required to be maintained by section 358.470;
- (3) The number of partners in the partnership at the date of application;
- (4) A brief statement of the principal business in which the partnership engages;
- (5) That the partnership thereby applies for registration as a registered limited liability partnership; and
- (6) Any other information the partnership determines to include in the application.

2. The application shall be signed on behalf of the partnership by a majority of the partners or by one or more partners authorized by a majority in interest of the partners to sign the application on behalf of the partnership.

3. The application shall be accompanied by a fee payable to the secretary of state of twenty-five dollars for each partner of the partnership, but the fee shall not exceed one hundred dollars. All moneys from the payment of this fee shall be deposited into the general revenue fund.

4. A person who files a document according to this section as an agent or fiduciary need not exhibit evidence of the partner's authority as a prerequisite to filing. Any signature on such document may be a facsimile. If the secretary of state finds that the filing conforms to law, the secretary of state shall:

- (1) Endorse on the copy the word "Filed" and the month, day and year of the filing;
- (2) File the original in the secretary of state's office; and
- (3) Return the copy to the person who filed it or to the person's representative.

5. A partnership becomes a registered limited liability partnership on the date of the filing in the office of the secretary of state of an application that, as to form, meets the requirements of subsections 1 and 2 of this section and that is accompanied by the fee specified in subsection 3 of this section, or at any later time specified in the application.

6. An initial application filed under subsection 1 of this section by a partnership registered by the secretary of state as a limited liability partnership expires one year after the date of registration unless earlier withdrawn or revoked or unless renewed in accordance with subsection 9 of this section.

7. If a person is included in the number of partners of a registered limited liability partnership set forth in an application, a renewal application or a certificate of amendment of an application or a renewal application, the inclusion of such person shall not be admissible as evidence in any action, suit or proceeding, whether civil, criminal, administrative or investigative, for the purpose of determining whether such person is liable as a partner of such registered limited liability partnership. The status of a partnership as a registered limited liability partnership and the liability of a partner of such registered limited liability partnership shall not be adversely affected if the number of partners stated in an application, a renewal application or a certificate of amendment of an application or a renewal application is erroneously stated provided that the application, renewal application or certificate of amendment of an application or a renewal application was filed in good faith.

8. Any person who files an application or a renewal application in the office of the secretary of state pursuant to this section shall not be required to file any other documents pursuant to chapter 417 which requires filing for fictitious names.

9. An effective registration may be renewed before its expiration by filing in duplicate with the secretary of state an application containing current information of the kind required in an initial application, including the registration number as assigned by the secretary of state. The renewal application shall be accompanied by a fee of one hundred dollars on the date of renewal plus, if the renewal increases the number of partners, fifty dollars for each partner added, but the fee shall not exceed two hundred dollars. All moneys from such fees shall be deposited into the general revenue fund. A renewal application filed under this section continues an effective registration for one year after the date the effective registration would otherwise expire.

10. A registration may be withdrawn by filing with the secretary of state a written withdrawal notice signed on behalf of the partnership by a majority of the partners or by one or more partners authorized by a majority of the partners to sign the notice on behalf of the partnership. A withdrawal notice shall include the name of the partnership, the date of registration of the partnership's last application under this section, and a current street address of the partnership's principal office in this state or outside the state, as applicable. A withdrawal notice terminates the registration of the partnership as a limited liability partnership as of the date of filing the notice in the office of the secretary of state. The withdrawal notice shall be accompanied by a filing fee of twenty dollars.

11. If a partnership that has registered pursuant to this section ceases to be registered as provided in subsection 6 or 10 of this section, that fact shall not affect the status of the partnership as a registered limited liability partnership prior to the date the partnership ceased to be registered pursuant to this section.

12. A document filed under this section may be amended or corrected by filing with the secretary of state articles of amendment, signed by a majority of the partners or by one or more partners authorized by a majority of the partners. The articles of amendment shall contain:

- (1) The name of the partnership;
- (2) The identity of the document being amended;
- (3) The part of the document being amended; and
- (4) The amendment or correction.

The articles of amendment shall be accompanied by a filing fee of twenty dollars plus, if the amendment increases the number of partners, fifty dollars for each partner added, but the fee shall not exceed two hundred dollars; provided that no amendment of an application or a renewal application is required as a result of a change after the application or renewal application is filed in the number of partners of the registered limited liability partnership or in the business in which the registered limited liability partnership engages. All moneys from such fees shall be deposited into the general revenue fund. The status of a partnership as a registered limited liability partnership shall not be affected by changes after the filing of an application or a renewal application in the information stated in the application or renewal application.

13. No later than ninety days after the happening of any of the following events, an amendment to an application or a renewal application reflecting the occurrence of the event or events shall be executed and filed by a majority in interest of the partners or by one or more partners authorized by a majority of the partners to execute an amendment to the application or renewal application:

- (1) A change in the name of the registered limited liability partnership;
- (2) Except as provided in subsections 2 and 3 of section 358.470, a change in the address of the registered office or a change in the name or address of the registered agent of the registered limited liability partnership.

14. Unless otherwise provided in this chapter or in the certificate of amendment of an application or a renewal application, a certificate of amendment of an application or a renewal application or a withdrawal notice of an application or a renewal application shall be effective at the time of its filing with the secretary of state.

15. The secretary of state may provide forms for the application specified in subsection 1 of this section, the renewal application specified in subsection 9 of this section, the withdrawal notice specified in subsection 10 of this section, and the amendment or correction specified in subsection 12 of this section.

16. The secretary of state may remove from its active records the registration of a partnership whose registration has been withdrawn, revoked or has expired.

17. The secretary of state may revoke the filing of a document filed under this section if the secretary of state determines that the filing fee for the document was paid by an instrument that was dishonored when presented by the state for payment. The secretary of state shall return the document and give notice of revocation to the filing party by regular mail. Failure to give or receive notice does not invalidate the revocation. A revocation of a filing does not affect an earlier filing.

18. If any person signs a document required or permitted to be filed pursuant to sections 358.440 to 358.500 which the person knows is false in any material respect with the intent that the document be delivered on behalf of a partnership to the secretary of state for filing, such person shall be guilty of a class A misdemeanor. Unintentional errors in the information set forth in an application filed pursuant to subsection 1 of this section, or changes in the information after the filing of the application, shall not affect the status of a partnership as a registered limited liability partnership.

19. Before transacting business in this state, a foreign registered limited liability partnership shall:

(1) Comply with any statutory or administrative registration or filing requirements governing the specific type of business in which the partnership is engaged; and

(2) Register as a limited liability partnership as provided in this section by filing an application which shall, in addition to the other matters required to be set forth in such application, include a statement:

(a) That the secretary is irrevocably appointed the agent of the foreign limited liability partnership for service of process if the limited liability partnership fails to maintain a registered agent in this state or if the agent cannot be found or served with the exercise of reasonable diligence; and

(b) Of the address of the office required to be maintained in the jurisdiction of its organization by the laws of that jurisdiction or, if not so required, of the principal office of the foreign limited liability partnership.

20. A partnership that registers as a limited liability partnership shall not be deemed to have dissolved as a result thereof and is for all purposes the same partnership that existed before the registration and continues to be a partnership under the laws of this state. If a registered limited liability partnership dissolves, a partnership which is a successor to such registered limited liability partnership and which intends to be a registered limited liability partnership shall not be required to file a new registration and shall be deemed to have filed any documents required or permitted under this chapter which were filed by the predecessor partnership.

21. Fees mandated in subsection 3 of this section shall be waived when a general partner of the partnership is a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and verifiable proof is shown to the secretary of state of such service.

359.651. 1. The secretary of state shall charge the fee specified for filing the following:

(1) Certificates of limited partnership: One hundred dollars;

(2) Applications for registration of foreign limited partnerships and issuance of a certificate of registration to transact business in this state:
One hundred dollars;

(3) Amendments to and restatements of certificates of limited partnerships or to applications for registration of foreign limited partnerships or any other filing not otherwise provided for: Twenty dollars;

(4) Cancellations of certificates of limited partnerships or of registration of foreign limited partnerships:
Twenty dollars;

(5) A consent required to be filed under this chapter: Twenty dollars;

(6) A change of address of registered agent, or change of registered agent, or both: Five dollars;

(7) A partner list: One dollar each page;

(8) Reservation of name: Twenty dollars;

(9) Rescission fee: One hundred dollars.

2. Fees mandated in subdivision (1) of subsection 1 of this section shall be waived when a general partner of the partnership is a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and verifiable proof is shown to the secretary of state of such service.

394.250. 1. There shall be charged and collected for:

- (1) Filing articles of incorporation, ten dollars;
- (2) Filing articles of amendment, one dollar;
- (3) Filing articles of consolidation or merger, ten dollars;
- (4) Filing articles of conversion, ten dollars;
- (5) Filing certificate of election to dissolve, one dollar;
- (6) Filing articles of dissolution, two dollars; and
- (7) Filing certificate of change of principal office, two dollars.

2. All fees shall be made payable to and collected by the state director of revenue.

3. Fees mandated in subdivision (1) of subsection 1 of this section shall be waived when an initial member of the cooperative includes a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and verifiable proof is shown to the secretary of state of such service.

417.220. 1. For the registration or renewal of each fictitious name under sections 417.200 to 417.230 there shall be paid to the state director of revenue a fee of two dollars if filed electronically in a format prescribed by the secretary of state or if filed in a written format prescribed by the secretary of state.

2. Fees mandated in subsection 1 of this section shall be waived when a party owning any interest or part in the business is a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and verifiable proof is shown to the secretary of state of such service."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative McGaugh offered **House Amendment No. 1 to House Amendment No. 4.**

*House Amendment No. 1
to
House Amendment No. 4*

AMEND House Amendment No. 4 to Senate Committee Substitute for Senate Bill No. 106, Page 2, Line 1, by inserting after the word "**military**"; the words "**or such organizer resides in a third or fourth class county**"; and

Further amend said page, Line 20, by inserting after the word "**military**"; the words "**or such organizer resides in a third or fourth class county**"; and

Further amend said page, Line 39, by inserting after the word "**military**"; the words "**or such organizer resides in a third or fourth class county**"; and

Further amend said amendment, Page 3, Line 36, by inserting after the word "**military**"; the words "**or such organizer resides in a third or fourth class county**"; and

Further amend said amendment, Page 4, Line 4, by inserting after the word "**military**"; the words "**or such organizer resides in a third or fourth class county**"; and

Further amend said amendment, Page 7, Line 19, by inserting after the word "**military**"; the words "**or such organizer resides in a third or fourth class county**"; and

Further amend said page, Line 39, by inserting after the word "**military**"; the words "**or such organizer resides in a third or fourth class county**"; and

Further amend said amendment, Page 8, Line 11, by inserting after the word "**military**"; the words "**or such organizer resides in a third or fourth class county**"; and

Further amend said page, Line 19, by inserting after the word "**military**"; the words "**or such organizer resides in a third or fourth class county**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative McGaugh, **House Amendment No. 1 to House Amendment No. 4** was adopted.

On motion of Representative Roorda, **House Amendment No. 4, as amended**, was adopted.

Representative McKenna offered **House Amendment No. 5**.

House Amendment No. 5

AMEND Senate Committee Substitute for Senate Bill No. 106, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

"8.012. At all state buildings and upon the grounds thereof, the board of public buildings may accompany the display of the flag of the United States and the flag of this state with the display of the POW/MIA flag, which is designed to commemorate the service and sacrifice of the members of the Armed Forces of the United States who were prisoners of war or missing in action **and with the display of the Honor and Remember flag as an official recognition and in honor of fallen members of the Armed Forces of the United States.**"; and

Further amend said bill, Page 2, Section 192.360, Line 27, by inserting after all of said section and line the following:

"253.048. Within the state parks, the department may accompany the display of the flag of the United States and the flag of this state with the display of the MIA/POW flag, which is designed to commemorate the service and sacrifice of members of the Armed Forces of the United States who were prisoners of war or missing in action **and with the display of the Honor and Remember flag as an official recognition and in honor of fallen members of the Armed Forces of the United States.**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative McKenna, **House Amendment No. 5** was adopted.

On motion of Representative Davis, **SCS SB 106, as amended**, was read the third time and passed by the following vote:

AYES: 160

Allen	Anders	Anderson	Austin	Bahr
Barnes	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelly 127	Kelly 45	Kirkton	Koenig

Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Molendorp	Montecillo	Moon	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Parkinson
Peters	Pfautsch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webb	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 003

Bernskoetter Smith 85 Smith 120

Speaker Jones declared the bill passed.

HCS SCS SB 117, relating to military affairs, was taken up by Representative Davis.

Representative Davis offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 117, Page 2, Section 253.048, Line 6, by inserting immediately after said line the following:

"452.413. 1. As used in this section, the following terms shall mean:

(1) "Deploying parent", a parent of a child less than eighteen years of age whose parental rights have not been terminated by a court of competent jurisdiction or a guardian of a child less than eighteen years of age who is deployed or who has received written orders to deploy with the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or any other reserve component thereof;

(2) "Deployment", military service in compliance with military orders received by a member of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or any other reserve component thereof to report for combat operations, contingency operations, peacekeeping operations, temporary duty (TDY), a remote tour of duty, or other service for which the deploying parent is required to report unaccompanied by any family member. Military service includes a period during which a military parent remains subject to deployment orders and remains deployed on account of sickness, wounds, leave, or other lawful cause;

(3) "Military parent", a parent of a child less than eighteen years of age whose parental rights have not been terminated by a court of competent jurisdiction or a guardian of a child less than eighteen years of age who is a service member of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or any other reserve component thereof;

(4) "Nondeploying parent", a parent or guardian not subject to deployment.

2. If a military parent is required to be separated from a child due to deployment, a court shall not enter a final order modifying the terms establishing custody or visitation contained in an existing order until ninety days after the deployment ends unless there is a written agreement by both parties.

3. In accordance with section 452.412, deployment or the potential for future deployment shall not be the sole factor supporting a change in circumstances or grounds sufficient to support a permanent modification of the custody or visitation terms established in an existing order.

4. (1) An existing order establishing the terms of custody or visitation in place at the time a military parent is deployed may be temporarily modified to make reasonable accommodation for the parties due to the deployment.

(2) A temporary modification order issued under this section shall provide that the deploying parent shall have custody of the child or reasonable visitation, whichever is applicable under the original order, during a period of leave granted to the deploying parent, unless it is not in the best interest of the child.

(3) Any court order modifying a previously ordered custody or visitation due to deployment shall specify that the deployment is the basis for the order and shall be entered by the court as a temporary order.

(4) Any such temporary custody or visitation order shall require the nondeploying parent to provide the court and the deploying parent with written notice of the nondeploying parent's address and telephone number, and update such information within seven days of any change. However, if a valid order of protection under chapter 455 from this or another jurisdiction is in effect that requires that the address or contact information of the parent who is not deployed be kept confidential, the notification shall be made to the court only, and a copy of the order shall be included in the notification. Nothing in this subdivision shall be construed to eliminate the requirements under section 452.377.

(5) Upon motion of a deploying parent, with reasonable advance notice and for good cause shown, the court shall hold an expedited hearing in any custody or visitation matters instituted under this section when the military duties of the deploying parent have a material effect on his or her ability or anticipated ability to appear in person at a regularly scheduled hearing.

5. (1) A temporary modification of such an order automatically ends no later than thirty days after the return of the deploying parent and the original terms of the custody or visitation order in place at the time of deployment are automatically reinstated.

(2) Nothing in this section shall limit the power of the court to conduct an expedited or emergency hearing regarding custody or visitation upon return of the deploying parent, and the court shall do so within ten days of the filing of a motion alleging an immediate danger or irreparable harm to the child.

(3) The nondeploying parent shall bear the burden of showing that reentry of the custody or visitation order in effect before the deployment is no longer in the child's best interests. The court shall set any nonemergency motion by the nondeploying parent for hearing within thirty days of the filing of the motion.

6. (1) Upon motion of the deploying parent or upon motion of a family member of the deploying parent with his or her consent, the court may delegate his or her visitation rights, or a portion of such rights, to a family member with a close and substantial relationship to the minor child or children for the duration of the deployment if it is in the best interest of the child.

(2) Such delegated visitation time or access does not create an entitlement or standing to assert separate rights to parent time or access for any person other than a parent, and shall terminate by operation of law upon the end of the deployment, as set forth in this section.

(3) Such delegated visitation time shall not exceed the visitation time granted to the deploying parent under the existing order; except that, the court may take into consideration the travel time necessary to transport the child for such delegated visitation time.

(4) In addition, there is a rebuttable presumption that a deployed parent's visitation rights shall not be delegated to a family member who has a history of perpetrating domestic violence as defined under section 455.010 against another family or household member, or delegated to a family member with an individual in the family member's household who has a history of perpetrating domestic violence against another family or household member.

(5) The person or persons to whom delegated visitation time has been granted shall have full legal standing to enforce such rights.

7. Upon motion of a deploying parent and upon reasonable advance notice and for good cause shown, the court shall permit such parent to present testimony and evidence by affidavit or electronic means in support, custody, and visitation matters instituted under this section when the military duties of such

parent have a material effect on his or her ability to appear in person at a regularly scheduled hearing. Electronic means includes communication by telephone, video conference, or the internet.

8. Any order entered under this section shall require that the nondeploying parent:

(1) Make the child or children reasonably available to the deploying parent when the deploying parent has leave;

(2) Facilitate opportunities for telephonic and electronic mail contact between the deploying parent and the child or children during deployment; and

(3) Receive timely information regarding the deploying parent's leave schedule.

9. (1) If there is no existing order establishing the terms of custody and visitation and it appears that deployment is imminent, upon the filing of initial pleadings and motion by either parent, the court shall expedite a hearing to establish temporary custody or visitation to ensure the deploying parent has access to the child, to ensure disclosure of information, to grant other rights and duties set forth in this section, and to provide other appropriate relief.

(2) Any initial pleading filed to establish custody or visitation for a child of a deploying parent shall be so identified at the time of filing by stating in the text of the pleading the specific facts related to deployment.

10. (1) Since military necessity may preclude court adjudication before deployment, the parties shall cooperate with each other in an effort to reach a mutually agreeable resolution of custody, visitation, and child support.

(2) A deploying parent shall provide a copy of his or her orders to the nondeploying parent promptly and without delay prior to deployment. Notification shall be made within ten days of receipt of deployment orders. If less than ten days notice is received by the deploying parent, notice shall be given immediately upon receipt of military orders. If all or part of the orders are classified or restricted as to release, the deploying parent shall provide, under the terms of this subdivision, all such nonclassified or nonrestricted information to the nondeploying parent.

11. In an action brought under this chapter, whenever the court declines to grant or extend a stay of proceedings under the Servicemembers Civil Relief Act, 50 U.S.C. Appendix Sections 521-522, and decides to proceed in the absence of the deployed parent, the court shall appoint a guardian ad litem to represent the minor child's interests.

12. Service of process on a nondeploying parent whose whereabouts are unknown may be accomplished in accordance with the provisions of section 506.160.

13. In determining whether a parent has failed to exercise visitation rights, the court shall not count any time periods during which the parent did not exercise visitation due to the material effect of such parent's military duties on visitation time.

14. Once an order for custody has been entered in Missouri, any absence of a child from this state during deployment shall be denominated a temporary absence for the purposes of application of the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA). For the duration of the deployment, Missouri shall retain exclusive jurisdiction under the UCCJEA and deployment shall not be used as a basis to assert inconvenience of the forum under the UCCJEA.

15. In making determinations under this section, the court may award attorney's fees and costs based on the court's consideration of:

(1) The failure of either party to reasonably accommodate the other party in custody or visitation matters related to a military parent's service;

(2) Unreasonable delay caused by either party in resolving custody or visitation related to a military parent's service;

(3) Failure of either party to timely provide military orders, income, earnings, or payment information, housing or education information, or physical location of the child to the other party; and

(4) Other factors as the court may consider appropriate and as may be required by law."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Davis, **House Amendment No. 1** was adopted.

Representative Solon offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 117, Page 2, Section 253.048, Line 6, by inserting after all of said line the following:

"478.1100. 1. Sections 478.1100 to 478.1120 shall be known and may be cited as the "Veterans Treatment Intervention Act".

2. For purposes of sections 478.1100 to 478.1120, the following terms shall mean:

(1) "Servicemember", any person serving as a member of the United States Armed Forces on active duty or state active duty and all members of the Missouri National Guard and United States Reserve Forces;

(2) "Veteran", any person defined as a veteran by the United States Department of Veterans Affairs or its successor agency.

478.1105. The presiding judge of any judicial circuit or a combination of circuit courts, upon agreement of the presiding judges of such circuit courts, in this state may establish a "Military Veterans and Servicemembers Court Program" under which veterans and servicemembers who suffer from a military-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem may be sentenced in a manner that appropriately addresses the severity of the mental illness, traumatic brain injury, substance abuse disorder, or psychological problem through services tailored to the individual needs of the participant. Entry into any military veterans and servicemembers court program shall be based upon the sentencing court's assessment of the defendant's criminal history, military service, substance abuse treatment needs, mental health treatment needs, amenability to the services of the program, the recommendation of the prosecuting attorney and the victim, if any, and the defendant's agreement to enter the program.

478.1110. 1. Any person who is charged with a felony, other than a felony listed in subsection 2 of this section, identified as a veteran or servicemember who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem is eligible for admission into a veterans' treatment intervention program approved by the presiding judge of the circuit upon motion of either party or the court's own motion, except:

(1) If a defendant was previously offered admission to a veterans' treatment intervention program at any time before trial and the defendant rejected such offer on the record, the court may deny the defendant's admission to such a program;

(2) If a defendant previously entered a court-ordered veterans' treatment program, the court may deny the defendant's admission into the veterans' treatment program.

In order to maintain compliance with federal law, nothing in sections 478.1100 to 478.1120 shall apply to any offense committed by a holder of a commercial driver's license or any person operating a commercial motor vehicle when the offense was committed, if the provisions of sections 478.1100 to 478.1120 as applied to such offenses results in this state's failure to comply with applicable federal laws and regulations.

2. Any person charged with the following felonies, including attempt of such felonies, shall not be eligible for admission into a veterans' treatment intervention program under sections 478.1100 to 478.1120:

(1) Murder or manslaughter under chapter 565;

(2) Kidnapping or false imprisonment under chapter 565;

(3) Aggravated assault under chapter 565;

(4) Stalking under chapter 565;

(5) Elder abuse under chapter 565;

(6) Sexual offenses under chapter 566;

(7) Offenses against the family under chapter 568;

(8) Robbery or burglary under chapter 569;

(9) Arson under chapter 569;

(10) Water contamination under chapter 569;

(11) Child pornography under chapter 573;

(12) Treason; and

(13) Any offense committed in another jurisdiction which would be a felony offense listed in this subsection if committed in this state.

3. (1) While enrolled in an intervention program authorized by this section, the participant shall be subject to a coordinated strategy developed by a veterans' treatment intervention team. The coordinated strategy shall be modeled after the therapeutic jurisprudence principles and key components listed in subdivision (2) of this subsection, with treatment specific to the needs of veterans and servicemembers. The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but not be limited to, placement in a treatment program offered by a licensed service provider or in a jail-based treatment program. The coordinated strategy shall be provided in writing to the participant before the participant agrees to enter into a veterans' treatment intervention program or other intervention program. Any person whose charges are dismissed after successful completion of the veterans' treatment intervention program, if otherwise eligible, may have his or her arrest record of the dismissed charges expunged under chapter 610.

(2) The treatment program shall include:

- (a) Integrate alcohol and other drug treatment services with justice system case processing;
- (b) Use a nonadversarial approach in which prosecution and defense counsel promote public safety while protecting participants' due process rights;
- (c) Eligible participants are identified early and promptly placed in the treatment program;
- (d) The treatment program provides access to a continuum of alcohol, drug, and other related treatment and rehabilitation services;
- (e) Abstinence is monitored by frequent and random testing for alcohol and other drugs;
- (f) A coordinated strategy governs treatment program responses to participants' compliance;
- (g) Ongoing judicial interaction with each treatment program participant is essential;
- (h) Monitoring and evaluation measure the achievement of program goals and gauge treatment program effectiveness;
- (i) Continuing interdisciplinary education promotes effective treatment program planning, implementation, and operations;
- (j) Forging partnerships among treatment programs, public agencies, and community-based organizations generates local support and enhances treatment program effectiveness.

4. At the end of the intervention period, the court shall consider the recommendation of the treatment program and the recommendation of the prosecuting attorney as to disposition of the pending charges. The court shall determine, by written finding, whether the defendant has successfully completed the intervention program. If the court finds that the defendant has not successfully completed the intervention program, the court may order the person to continue in education and treatment, which may include treatment programs offered by licensed service providers or jail-based treatment programs, or order that the charges revert to normal channels for prosecution. The court shall dismiss the charges upon a finding that the defendant has successfully completed the intervention program.

478.1115. 1. Any veteran or servicemember who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, and who is charged with a misdemeanor is eligible for admission into a veterans' treatment intervention program approved by the presiding judge of the circuit for a period based on the program's requirements and the treatment plan for the offender, upon motion of either party or the court's own motion. However, the court may deny the defendant admission into a veterans' treatment intervention program if the defendant has previously entered a court-ordered veterans' treatment program.

2. While enrolled in an intervention program authorized by this section, the participant shall be subject to a coordinated strategy developed by a veterans' treatment intervention team. The coordinated strategy shall be modeled after the therapeutic jurisprudence principles and key components in subdivision (2) of subsection 3 of section 478.1110, with treatment specific to the needs of veterans and servicemembers. The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but not be limited to, placement in a treatment program offered by a licensed service provider or in a jail-based treatment program. The coordinated strategy shall be provided in writing to the participant before the participant agrees to enter into a veterans' treatment intervention program. Any person whose charges are dismissed after successful completion of the veterans' treatment intervention program, if otherwise eligible, may have his or her arrest record of the dismissed charges expunged under chapter 610.

3. At the end of the intervention period, the court shall consider the recommendation of the treatment program and the recommendation of the prosecuting attorney as to disposition of the pending

charges. The court shall determine, by written finding, whether the defendant successfully completed the intervention program. Notwithstanding the coordinated strategy developed by a team under subdivision (2) of subsection 2 of section 478.1110 or by the veterans' treatment intervention team, if the court finds that the defendant has not successfully completed the intervention program, the court may order the person to continue in education and treatment or return the charges to the criminal docket for prosecution. The court shall dismiss the charges upon finding that the defendant has successfully completed the intervention program.

4. Any public or private entity providing a substance abuse education and treatment program under this section shall contract with the county or appropriate governmental entity. Except for services provided by the United States Department of Veterans Affairs, the terms of the contract shall include, but not be limited to, the following requirements:

- (1) The extent of the services to be rendered by the entity providing supervision or rehabilitation;
- (2) Staff qualifications and criminal record checks of staff in accordance with essential standards established by the American Correctional Association;
- (3) Staffing levels;
- (4) The number of face-to-face contacts with the offender;
- (5) Procedures for handling the collection of all offender fees and restitution;
- (6) Procedures for handling indigent offenders which ensure placement irrespective of ability to pay;
- (7) Circumstances under which revocation of an offender's probation may be recommended;
- (8) Reporting and record-keeping requirements;
- (9) Default and contract termination procedures;
- (10) Procedures that aid offenders with job assistance; and
- (11) Procedures for accessing criminal history records of probationers. In addition, the entity shall supply the presiding judge's office with a quarterly report summarizing the number of offenders supervised by the private entity, payment of the required contribution under supervision or rehabilitation, and the number of offenders for whom supervision or rehabilitation will be terminated. All records of the entity shall be open to inspection upon the request of the county, the court, the state auditor, and the office of administration, or agents thereof.

478.1120. For a person on probation who is a veteran or servicemember who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, the court may, in addition to any other conditions imposed, impose a condition requiring the probationer to participate in a treatment program capable of treating the probationer's mental illness, traumatic brain injury, substance abuse disorder, or psychological problem. The court shall give preference to treatment programs for which the probationer is eligible through the United States Department of Veterans Affairs. The department of corrections is not required to spend state funds to implement this subsection."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Solon, **House Amendment No. 2** was adopted.

Representative Webber offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 117, Page 2, Section 253.048, Line 6, by inserting after of said section and line the following:

"Section 1. 1. This section shall be known as "Clark's Law."

2. No public institution of higher education shall require a member of the national guard to take any test or assessment within twenty-four hours of such member returning from active duty or national guard training."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Fitzpatrick offered **House Amendment No. 1 to House Amendment No. 3.**

*House Amendment No. 1
to
House Amendment No. 3*

AMEND House Amendment No. 3 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 117, Page 1, Line 4, by inserting immediately after the word "**guard**" the following:

"or reserve component of the United States Armed Forces"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Fitzpatrick, **House Amendment No. 1 to House Amendment No. 3** was adopted.

On motion of Representative Webber, **House Amendment No. 3, as amended**, was adopted.

Representative Roorda offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 117, Page 2, Section 253.048, Line 6, by inserting after all of said section and line the following:

"347.179. **1.** The secretary shall charge and collect:

- (1) For filing the original articles of organization, a fee of one hundred dollars;
- (2) For filing the original articles of organization online, in an electronic format prescribed by the secretary of state, a fee of forty-five dollars;
- (3) Applications for registration of foreign limited liability companies and issuance of a certificate of registration to transact business in this state, a fee of one hundred dollars;
- (4) Amendments to and restatements of articles of limited liability companies to application for registration of a foreign limited liability company or any other filing otherwise provided for, a fee of twenty dollars;
- (5) Articles of termination of limited liability companies or cancellation of registration of foreign limited liability companies, a fee of twenty dollars;
- (6) For filing notice of merger or consolidation, a fee of twenty dollars;
- (7) For filing a notice of winding up, a fee of twenty dollars;
- (8) For issuing a certificate of good standing, a fee of five dollars;
- (9) For a notice of the abandonment of merger or consolidation, a fee of twenty dollars;
- (10) For furnishing a copy of any document or instrument, a fee of fifty cents per page;
- (11) For accepting an application for reservation of a name, or for filing a notice of the transfer or cancellation of any name reservation, a fee of twenty dollars;
- (12) For filing a statement of change of address of registered office or registered agent, or both, a fee of five dollars;
- (13) For any service of notice, demand, or process upon the secretary as resident agent of a limited liability company, a fee of twenty dollars, which amount may be recovered as taxable costs by the party instituting such suit, action, or proceeding causing such service to be made if such party prevails therein;
- (14) For filing an amended certificate of registration a fee of twenty dollars; and
- (15) For filing a statement of correction a fee of five dollars.

2. Fees mandated in subdivisions (1) and (2) of subsection 1 of this section and for application of a reservation of a name in subdivision (11) of subsection 1 of this section shall be waived when an organizer is listed as a member in the operating agreement of the limited liability company and such organizer is a

member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and verifiable proof is shown to the secretary of state of such service.

351.065. 1. No corporation shall be organized under the general and business corporation law of Missouri unless the persons named as incorporators shall at or before the filing of the articles of incorporation pay to the director of revenue three dollars for the issuance of the certificate and fifty dollars for the first thirty thousand dollars or less of the authorized shares of the corporation and a further sum of five dollars for each additional ten thousand dollars of its authorized shares, and no increase in the authorized shares of the corporation shall be valid or effectual unless the corporation has paid the director of revenue five dollars for each ten thousand dollars or less of the increase in the authorized shares of the corporation, and the corporation shall file a duplicate receipt issued by the director of revenue for the payments required by this section to be made with the secretary of state as is provided by this chapter for the filing of articles of incorporation; except that the requirements of this section to pay incorporation taxes and fees shall not apply to foreign railroad corporations which built their lines of railway into or through this state prior to November 21, 1943.

2. For the purpose of this section, the dollar amount of authorized shares is the par value thereof in the case of shares with par value and is one dollar per share in the case of shares without par value.

3. Fees mandated in subsection 1 of this section shall be waived when a majority shareholder, officer, or director of the organizing corporation is a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and verifiable proof is shown to the secretary of state of such service.

354.150. 1. Every health services corporation subject to the provisions of sections 354.010 to 354.380 shall pay the following fees to the director for the administration and enforcement of the provisions of this chapter:

(1) For filing the declaration required on organization of each domestic company, two hundred fifty dollars;

(2) For filing statement and certified copy of charter required of foreign companies, two hundred fifty dollars;

(3) For filing application to renew certificate of authority, along with all required annual reports, including the annual statement, actuarial statement, risk-based capital report, report of valuation of policies or other obligations of assurance, and audited financial report of any company doing business in this state, one thousand five hundred dollars;

(4) For filing any paper, document, or report not filed under subdivision (1), (2), or (3) of this section but required to be filed in the office of the director, fifty dollars each;

(5) For affixing the seal of office of the director, ten dollars;

(6) For accepting each service of process upon the company, ten dollars.

2. Fees mandated in subdivision (1) of subsection 1 of this section shall be waived when a majority shareholder, officer, or director of the organizing corporation is a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and verifiable proof is shown to the secretary of state of such service.

355.021. 1. The secretary of state shall collect the following fees when the documents described in this subsection are delivered for filing:

(1) Articles of incorporation, twenty dollars;

(2) Application for reserved name, twenty dollars;

(3) Notice of transfer of reserved name, two dollars;

(4) Application for renewal of reserved name, twenty dollars;

(5) Corporation's statement of change of registered agent or registered office or both, five dollars;

(6) Agent's statement of change of registered office for each affected corporation, five dollars;

(7) Agent's statement of resignation, five dollars;

(8) Amendment of articles of incorporation, five dollars;

(9) Restatement of articles of incorporation with amendments, five dollars;

(10) Articles of merger, five dollars;

(11) Articles of dissolution, five dollars;

(12) Articles of revocation of dissolution, five dollars;

(13) Application for reinstatement following administrative dissolution, twenty dollars;

(14) Application for certificate of authority, twenty dollars;

- (15) Application for amended certificate of authority, five dollars;
- (16) Application for certificate of withdrawal, five dollars;
- (17) Corporate registration report filed annually, ten dollars if filed in a written format or five dollars if filed electronically in a format prescribed by the secretary of state;
- (18) Corporate registration report filed biennially, twenty dollars if filed in a written format or ten dollars if filed electronically in a format prescribed by the secretary of state;
- (19) Articles of correction, five dollars;
- (20) Certificate of existence or authorization, five dollars;
- (21) Any other document required or permitted to be filed by this chapter, five dollars.

2. The secretary of state shall collect a fee of ten dollars upon being served with process under this chapter. The party to a proceeding causing service of process is entitled to recover the fee paid the secretary of state as costs if the party prevails in the proceeding.

3. The secretary of state shall collect the following fees for copying and certifying the copy of any filed document relating to a domestic or foreign corporation: in a written format fifty cents per page plus five dollars for certification, or in an electronic format five dollars for certification and copies.

4. Fees mandated in subdivisions (1) and (2) of subsection 1 of this section shall be waived when an initial officer or director of the nonprofit corporation includes a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and verifiable proof is shown to the secretary of state of such service.

357.060. 1. For incorporation under this chapter as herein provided, there shall be paid to and collected by the state director of revenue a fee of fifty dollars for the first fifty thousand dollars or less of capital stock, and the further sum of five dollars for each additional ten thousand dollars of its capital stock. The limitation upon the aggregate amount of capital stock shall be the same as in respect to other corporations.

2. Fees mandated in subsection 1 of this section shall be waived when the association of persons signing the written articles of association and agreement includes a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and verifiable proof is shown to the secretary of state of such service.

358.440. 1. To register as a limited liability partnership pursuant to this section, a written application shall be filed with the office of the secretary of state. The application shall set forth:

- (1) The name of the partnership;
- (2) The address of a registered office and the name and address of a registered agent for service of process required to be maintained by section 358.470;
- (3) The number of partners in the partnership at the date of application;
- (4) A brief statement of the principal business in which the partnership engages;
- (5) That the partnership thereby applies for registration as a registered limited liability partnership; and
- (6) Any other information the partnership determines to include in the application.

2. The application shall be signed on behalf of the partnership by a majority of the partners or by one or more partners authorized by a majority in interest of the partners to sign the application on behalf of the partnership.

3. The application shall be accompanied by a fee payable to the secretary of state of twenty-five dollars for each partner of the partnership, but the fee shall not exceed one hundred dollars. All moneys from the payment of this fee shall be deposited into the general revenue fund.

4. A person who files a document according to this section as an agent or fiduciary need not exhibit evidence of the partner's authority as a prerequisite to filing. Any signature on such document may be a facsimile. If the secretary of state finds that the filing conforms to law, the secretary of state shall:

- (1) Endorse on the copy the word "Filed" and the month, day and year of the filing;
- (2) File the original in the secretary of state's office; and
- (3) Return the copy to the person who filed it or to the person's representative.

5. A partnership becomes a registered limited liability partnership on the date of the filing in the office of the secretary of state of an application that, as to form, meets the requirements of subsections 1 and 2 of this section and that is accompanied by the fee specified in subsection 3 of this section, or at any later time specified in the application.

6. An initial application filed under subsection 1 of this section by a partnership registered by the secretary of state as a limited liability partnership expires one year after the date of registration unless earlier withdrawn or revoked or unless renewed in accordance with subsection 9 of this section.

7. If a person is included in the number of partners of a registered limited liability partnership set forth in an application, a renewal application or a certificate of amendment of an application or a renewal application, the inclusion of such person shall not be admissible as evidence in any action, suit or proceeding, whether civil, criminal, administrative or investigative, for the purpose of determining whether such person is liable as a partner of such registered limited liability partnership. The status of a partnership as a registered limited liability partnership and the liability of a partner of such registered limited liability partnership shall not be adversely affected if the number of partners stated in an application, a renewal application or a certificate of amendment of an application or a renewal application is erroneously stated provided that the application, renewal application or certificate of amendment of an application or a renewal application was filed in good faith.

8. Any person who files an application or a renewal application in the office of the secretary of state pursuant to this section shall not be required to file any other documents pursuant to chapter 417 which requires filing for fictitious names.

9. An effective registration may be renewed before its expiration by filing in duplicate with the secretary of state an application containing current information of the kind required in an initial application, including the registration number as assigned by the secretary of state. The renewal application shall be accompanied by a fee of one hundred dollars on the date of renewal plus, if the renewal increases the number of partners, fifty dollars for each partner added, but the fee shall not exceed two hundred dollars. All moneys from such fees shall be deposited into the general revenue fund. A renewal application filed under this section continues an effective registration for one year after the date the effective registration would otherwise expire.

10. A registration may be withdrawn by filing with the secretary of state a written withdrawal notice signed on behalf of the partnership by a majority of the partners or by one or more partners authorized by a majority of the partners to sign the notice on behalf of the partnership. A withdrawal notice shall include the name of the partnership, the date of registration of the partnership's last application under this section, and a current street address of the partnership's principal office in this state or outside the state, as applicable. A withdrawal notice terminates the registration of the partnership as a limited liability partnership as of the date of filing the notice in the office of the secretary of state. The withdrawal notice shall be accompanied by a filing fee of twenty dollars.

11. If a partnership that has registered pursuant to this section ceases to be registered as provided in subsection 6 or 10 of this section, that fact shall not affect the status of the partnership as a registered limited liability partnership prior to the date the partnership ceased to be registered pursuant to this section.

12. A document filed under this section may be amended or corrected by filing with the secretary of state articles of amendment, signed by a majority of the partners or by one or more partners authorized by a majority of the partners. The articles of amendment shall contain:

- (1) The name of the partnership;
- (2) The identity of the document being amended;
- (3) The part of the document being amended; and
- (4) The amendment or correction.

The articles of amendment shall be accompanied by a filing fee of twenty dollars plus, if the amendment increases the number of partners, fifty dollars for each partner added, but the fee shall not exceed two hundred dollars; provided that no amendment of an application or a renewal application is required as a result of a change after the application or renewal application is filed in the number of partners of the registered limited liability partnership or in the business in which the registered limited liability partnership engages. All moneys from such fees shall be deposited into the general revenue fund. The status of a partnership as a registered limited liability partnership shall not be affected by changes after the filing of an application or a renewal application in the information stated in the application or renewal application.

13. No later than ninety days after the happening of any of the following events, an amendment to an application or a renewal application reflecting the occurrence of the event or events shall be executed and filed by a majority in interest of the partners or by one or more partners authorized by a majority of the partners to execute an amendment to the application or renewal application:

- (1) A change in the name of the registered limited liability partnership;
- (2) Except as provided in subsections 2 and 3 of section 358.470, a change in the address of the registered office or a change in the name or address of the registered agent of the registered limited liability partnership.

14. Unless otherwise provided in this chapter or in the certificate of amendment of an application or a renewal application, a certificate of amendment of an application or a renewal application or a withdrawal notice of an application or a renewal application shall be effective at the time of its filing with the secretary of state.

15. The secretary of state may provide forms for the application specified in subsection 1 of this section, the renewal application specified in subsection 9 of this section, the withdrawal notice specified in subsection 10 of this section, and the amendment or correction specified in subsection 12 of this section.

16. The secretary of state may remove from its active records the registration of a partnership whose registration has been withdrawn, revoked or has expired.

17. The secretary of state may revoke the filing of a document filed under this section if the secretary of state determines that the filing fee for the document was paid by an instrument that was dishonored when presented by the state for payment. The secretary of state shall return the document and give notice of revocation to the filing party by regular mail. Failure to give or receive notice does not invalidate the revocation. A revocation of a filing does not affect an earlier filing.

18. If any person signs a document required or permitted to be filed pursuant to sections 358.440 to 358.500 which the person knows is false in any material respect with the intent that the document be delivered on behalf of a partnership to the secretary of state for filing, such person shall be guilty of a class A misdemeanor. Unintentional errors in the information set forth in an application filed pursuant to subsection 1 of this section, or changes in the information after the filing of the application, shall not affect the status of a partnership as a registered limited liability partnership.

19. Before transacting business in this state, a foreign registered limited liability partnership shall:

(1) Comply with any statutory or administrative registration or filing requirements governing the specific type of business in which the partnership is engaged; and

(2) Register as a limited liability partnership as provided in this section by filing an application which shall, in addition to the other matters required to be set forth in such application, include a statement:

(a) That the secretary is irrevocably appointed the agent of the foreign limited liability partnership for service of process if the limited liability partnership fails to maintain a registered agent in this state or if the agent cannot be found or served with the exercise of reasonable diligence; and

(b) Of the address of the office required to be maintained in the jurisdiction of its organization by the laws of that jurisdiction or, if not so required, of the principal office of the foreign limited liability partnership.

20. A partnership that registers as a limited liability partnership shall not be deemed to have dissolved as a result thereof and is for all purposes the same partnership that existed before the registration and continues to be a partnership under the laws of this state. If a registered limited liability partnership dissolves, a partnership which is a successor to such registered limited liability partnership and which intends to be a registered limited liability partnership shall not be required to file a new registration and shall be deemed to have filed any documents required or permitted under this chapter which were filed by the predecessor partnership.

21. Fees mandated in subsection 3 of this section shall be waived when a general partner of the partnership is a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and verifiable proof is shown to the secretary of state of such service.

359.651. 1. The secretary of state shall charge the fee specified for filing the following:

(1) Certificates of limited partnership: One hundred dollars;

(2) Applications for registration of foreign limited partnerships and issuance of a certificate of registration to transact business in this state:

One hundred dollars;

(3) Amendments to and restatements of certificates of limited partnerships or to applications for registration of foreign limited partnerships or any other filing not otherwise provided for: Twenty dollars;

(4) Cancellations of certificates of limited partnerships or of registration of foreign limited partnerships: Twenty dollars;

(5) A consent required to be filed under this chapter: Twenty dollars;

(6) A change of address of registered agent, or change of registered agent, or both: Five dollars;

(7) A partner list: One dollar each page;

(8) Reservation of name: Twenty dollars;

(9) Rescission fee: One hundred dollars.

2. Fees mandated in subdivision (1) of subsection 1 of this section shall be waived when a general partner of the partnership is a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and verifiable proof is shown to the secretary of state of such service.

394.250. 1. There shall be charged and collected for:

(1) Filing articles of incorporation, ten dollars;

- (2) Filing articles of amendment, one dollar;
 - (3) Filing articles of consolidation or merger, ten dollars;
 - (4) Filing articles of conversion, ten dollars;
 - (5) Filing certificate of election to dissolve, one dollar;
 - (6) Filing articles of dissolution, two dollars; and
 - (7) Filing certificate of change of principal office, two dollars.
2. All fees shall be made payable to and collected by the state director of revenue.

3. Fees mandated in subdivision (1) of subsection 1 of this section shall be waived when an initial member of the cooperative includes a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and verifiable proof is shown to the secretary of state of such service.

417.220. 1. For the registration or renewal of each fictitious name under sections 417.200 to 417.230 there shall be paid to the state director of revenue a fee of two dollars if filed electronically in a format prescribed by the secretary of state or if filed in a written format prescribed by the secretary of state.

2. Fees mandated in subsection 1 of this section shall be waived when a party owning any interest or part in the business is a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and verifiable proof is shown to the secretary of state of such service."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative McGaugh offered **House Amendment No. 1 to House Amendment No. 4.**

*House Amendment No. 1
to
House Amendment No. 4*

AMEND House Amendment No. 4 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 117, Page 2, Line 2, by inserting after the word "**military**"; the words "**or such organizer resides in a third or fourth class county**"; and

Further amend said page, Line 21, by inserting after the word "**military**"; the words "**or such organizer resides in a third or fourth class county**"; and

Further amend said page, Line 40, by inserting after the word "**military**"; the words "**or such organizer resides in a third or fourth class county**"; and

Further amend said amendment, Page 3, Line 37, by inserting after the word "**military**"; the words "**or such organizer resides in a third or fourth class county**"; and

Further amend said amendment, Page 4, Line 5, by inserting after the word "**military**"; the words "**or such organizer resides in a third or fourth class county**"; and

Further amend said amendment, Page 7, Line 20, by inserting after the word "**military**"; the words "**or such organizer resides in a third or fourth class county**"; and

Further amend said page, Line 40, by inserting after the word "**military**"; the words "**or such organizer resides in a third or fourth class county**"; and

Further amend said amendment, Page 8, Line 12, by inserting after the word "**military**"; the words "**or such organizer resides in a third or fourth class county**"; and

Further amend said page, Line 20, by inserting after the word "**military**"; the words "**or such organizer resides in a third or fourth class county**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative McGaugh, **House Amendment No. 1 to House Amendment No. 4** was adopted.

On motion of Representative Roorda, **House Amendment No. 4, as amended**, was adopted.

On motion of Representative Davis, **HCS SCS SB 117, as amended**, was adopted.

On motion of Representative Davis, **HCS SCS SB 117, as amended**, was read the third time and passed by the following vote:

AYES: 157

Allen	Anders	Anderson	Austin	Bahr
Barnes	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Frederick	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Grisamore	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Parkinson	Peters	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webb	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Bernskoetter
Smith 120

Cierpiot

Franklin

Guernsey

Smith 85

Speaker Jones declared the bill passed.

HCS SCS SB 186, relating to unclaimed remains of veterans, was taken up by Representative Davis.

Representative Englund offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 186, Page 6, Section 194.360, Line 75, by inserting after all of said line the following:

"447.559. All abandoned tangible personal property delivered to the treasurer pursuant to subdivision (4) of section 447.505 that has possible historical significance shall be reviewed as follows:

(1) The treasurer at the treasurer's discretion shall screen such property to determine if the property indicates a need for further review;

(2) In the event it is determined that such property needs further review, the treasurer shall make available such property to the state historical society of Missouri for historical review. The state historical society shall issue to the treasurer its report and recommend to the treasurer the appropriate state department or agency to act as custodian of any property deemed to be of such historical significance as to be retained;

(3) The state historical society shall receive a reasonable fee for its services. If the treasurer and the state historical society cannot agree on the amount of the fee, the commissioner of administration shall determine the fee. The fee shall be paid out of appropriations made from the abandoned fund account;

(4) The [state treasurer's office] **treasurer** upon receiving military medals shall hold and maintain such military medals until the original owner or [their] **such owner's** respective heirs or beneficiaries can be identified and the military medal returned. **The treasurer is authorized to make the information described in subsection 4 of section 447.560 available to the public in order to facilitate the identification of the original owner or such owner's respective heirs or beneficiaries.** The [state] treasurer may designate a [veteran's] **veterans'** organization or other appropriate organization as custodian of **military** medals until the original owner or their respective heirs or beneficiaries are located **and to assist the treasurer in identifying the original owner or such owner's respective heirs or beneficiaries; except that, no person or entity entering into an agreement under section 447.581 shall be designated by the treasurer as custodian or military medals, and any agreement to pay compensation to recover or assist in the recovery of military medals delivered to the treasurer is unenforceable.**

447.560. 1. The treasurer shall retain a record of the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned moneys and property and of the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of a life insurance corporation, its number, the name of the corporation, and the amount due. The record shall be available for public inspection at all reasonable business hours.

2. Except as specifically provided by this section, no information furnished to the treasurer in the holder reports, including Social Security numbers or other identifying information, shall be open to public inspection or made public. Any officer, employee or agent of the treasurer who, in violation of the provisions of this section, divulges, discloses or permits the inspection of such information shall be guilty of a misdemeanor.

3. If an amount is turned over to the state that is less than fifty dollars, the amount reported may be made available as public information, along with the name and last known address of the person appearing from the holder report to be entitled to the abandoned moneys; except that, no additional information other than provided for in this section may be released, and any individual other than the person appearing from the holder report to be entitled to the abandoned moneys shall be governed by sections 447.500 to 447.595 and other applicable Missouri law in his or her use or dissemination of such information.

4. If the abandoned property is a military medal, the treasurer is authorized to make any information, other than Social Security numbers, contained in the holder report and record under subsection 1 of this section, and any photograph or other visual depiction of the military medal available to the public in order to facilitate the identification of the original owner or such owner's respective heirs or beneficiaries as described under subdivision (4) of section 447.559."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Englund, **House Amendment No. 1** was adopted.

On motion of Representative Davis, **HCS SCS SB 186, as amended**, was adopted.

On motion of Representative Davis, **HCS SCS SB 186, as amended**, was read the third time and passed by the following vote:

AYES: 158

Allen	Anders	Anderson	Austin	Bahr
Barnes	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeier
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Molendorp	Montecillo	Moon	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Pace	Parkinson	Peters
Pfautsch	Phillips	Pierson	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Bernskoetter Cross Smith 85 Smith 120 Swearingen

Speaker Jones declared the bill passed.

SS SB 28, relating to unemployment benefits, was taken up by Representative Cierpiot.

Representative Cox assumed the Chair.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 102

Allen	Anderson	Austin	Bahr	Barnes
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Fowler	Fraker	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Haahr
Haefner	Hampton	Hansen	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Parkinson
Pfausch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Roorda	Runions
Schieffer	Schupp	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

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ABSENT WITH LEAVE: 009

Bernskoetter	Curtman	Flanigan	Guernsey	Koenig
Lichtenegger	Smith 85	Smith 120	Stream	

On motion of Representative Cierpiot, **SS SB 28** was truly agreed to and finally passed by the following vote:

AYES: 098

Allen	Anderson	Austin	Bahr	Barnes
Berry	Brattin	Brown	Burlison	Cierpiot
Cookson	Cornejo	Cox	Crawford	Cross
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Haahr
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kolkmeier	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	McCaherty	McGaugh	Messenger
Miller	Molendorp	Moon	Morris	Muntzel
Neely	Neth	Parkinson	Pfausch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Shull
Shumake	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Mr Speaker		

NOES: 057

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Conway 104	Curtis	Dunn
Ellinger	Ellington	English	Englund	Frame
Gardner	Haefner	Harris	Hodges	Hough
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
Marshall	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Runions	Schieber	Schieffer	Schupp
Solon	Swearingen	Walton Gray	Webb	Webber
Wright	Zerr			

PRESENT: 000

ABSENT WITH LEAVE: 008

Bernskoetter	Curtman	Guernsey	Koenig	LaFaver
Roorda	Smith 85	Smith 120		

Representative Cox declared the bill passed.

SCS SB 254, relating to fees on small loans, was taken up by Representative Crawford.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 099

Allen	Anderson	Austin	Bahr	Barnes
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kolkmeier	Korman	Lair	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McGaugh	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Roorda	Runions
Schieffer	Schupp	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 012

Bernskoetter	Curtman	Guernsey	Koenig	Lant
McCaherty	Neely	Neth	Reiboldt	Smith 85
Smith 120	Stream			

On motion of Representative Crawford, **SCS SB 254** was truly agreed to and finally passed by the following vote:

AYES: 145

Allen	Anders	Anderson	Austin	Bahr
Barnes	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gosen
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hummel	Hurst	Jones 50
Keeney	Kelley 127	Kelly 45	Kirkton	Kolkmeier
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	May	Mayfield	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Montecillo	Moon	Morgan	Morris	Muntzel
Neely	Newman	Nichols	Norr	Otto
Pace	Peters	Pfautsch	Phillips	Pierson
Pike	Pogue	Redmon	Rehder	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webb	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 006

Ellington	Frame	Gardner	Hubbard	Johnson
Justus				

PRESENT: 000

ABSENT WITH LEAVE: 012

Bernskoetter	Curtman	Gatschenberger	Grisamore	Guernsey
Koenig	McCaherty	Neth	Parkinson	Reiboldt
Smith 85	Smith 120			

Representative Cox declared the bill passed.

HCS SS SB 34, relating to a workers' compensation claims database, was taken up by Representative Fraker.

Representative Schatz offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 34, Page 1, Section 287.980, Line 8, by inserting the following after all of said line:

"287.957. The experience rating plan shall contain reasonable eligibility standards, provide adequate incentives for loss prevention, and shall provide for sufficient premium differentials so as to encourage safety. The uniform experience rating plan shall be the exclusive means of providing prospective premium adjustment based upon measurement of the loss-producing characteristics of an individual insured. An insurer may submit a rating plan or plans providing for retrospective premium adjustments based upon an insured's past experience. Such system shall provide for retrospective adjustment of an experience modification and premiums paid pursuant to such experience modification where a prior reserved claim produced an experience modification that varied by greater than fifty percent from the experience modification that would have been established based on the settlement amount of that claim. The rating plan shall prohibit an adjustment to the experience modification of an employer if the total medical cost does not exceed [one thousand dollars] **twenty percent of the current split point of primary and excess losses under the uniform experience rating plan** and the employer pays all of the total medical costs and there is no lost time from the employment, other than the first three days or less of disability under subsection 1 of section 287.160, and no claim is filed. An employer opting to utilize this provision maintains an obligation to report the injury under subsection 1 of section 287.380.

287.975. 1. The advisory organization shall file with the director every pure premium rate, every manual of rating rules, every rating schedule and every change or amendment, or modification of any of the foregoing, proposed for use in this state no more than thirty days after it is distributed to members, subscribers or others.

2. The advisory organization which makes a uniform classification system for use in setting rates in this state shall collect data for two years after January 1, 1994, on the payroll differential between employers within the construction group of code classifications, including, but not limited to, payroll costs of the employer and number of hours worked by all employees of the employer engaged in construction work. Such data shall be transferred to the department of insurance, financial institutions and professional registration in a form prescribed by the director of the department of insurance, financial institutions and professional registration, and the department shall compile the data and develop a formula to equalize premium rates for employers within the construction group of code classifications based on such payroll differential within three years after the data is submitted by the advisory organization.

3. The formula to equalize premium rates for employers within the construction group of code classifications established under subsection 2 of this section shall be the formula in effect on January 1, 1999. This subsection shall be effective on January 1, 2014.

4. For purposes of calculating the premium credit under the Missouri contracting classification premium adjustment program, an employer within the construction group of code classifications may submit to the advisory organization the required payroll record information for the first, second, third, or fourth calendar quarter of the year prior to the workers' compensation policy beginning or renewal date, provided that the employer clearly indicates for which quarter the payroll information is being submitted."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Schatz, **House Amendment No. 1** was adopted.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 105

Allen	Anderson	Austin	Bahr	Barnes
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller
Molendorp	Moon	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Eglund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 007

Bernskoetter	Curtman	Guernsey	Koenig	Mitten
Smith 85	Smith 120			

On motion of Representative Fraker, **HCS SS SB 34, as amended**, was adopted by the following vote:

AYES: 091

Allen	Anderson	Austin	Bahr	Berry
Brattin	Brown	Burlison	Cierpiot	Cookson
Cornejo	Cox	Crawford	Cross	Davis
Diehl	Dohrman	Dugger	Elmer	Engler
Entlicher	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kolkmeier	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	McGaugh	Messenger	Miller	Morris
Muntzel	Neely	Parkinson	Pfautsch	Phillips
Pike	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Schatz	Shull	Shumake	Sommer
Spencer	Stream	Swan	Thomson	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 065

Anders	Barnes	Black	Burns	Butler
Carpenter	Colona	Conway 10	Conway 104	Curtis
Dunn	Ellinger	Ellington	English	Englund
Fitzpatrick	Frame	Gardner	Harris	Hodges
Hubbard	Hummel	Kelly 45	Kirkton	Korman
Kratky	LaFaver	Marshall	May	Mayfield
McCaherty	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Molendorp
Montecillo	Moon	Morgan	Neth	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Pogue	Rizzo	Roorda	Runions
Schieber	Schieffer	Schupp	Solon	Swearingen
Torpey	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 007

Bernskoetter	Curtman	Guernsey	Koenig	Scharnhorst
Smith 85	Smith 120			

On motion of Representative Fraker, **HCS SS SB 34, as amended**, was read the third time and passed by the following vote:

AYES: 090

Allen	Anderson	Austin	Bahr	Berry
Brattin	Brown	Burlison	Cierpiot	Cookson
Cornejo	Cox	Crawford	Cross	Davis
Diehl	Dohrman	Dugger	Elmer	Engler
Entlicher	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kolkmeyer	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	McGaugh	Messenger	Miller	Morris
Muntzel	Neely	Parkinson	Pfautsch	Phillips
Pike	Redmon	Rehder	Reiboldt	Rhoads
Richardson	Riddle	Ross	Rowland	Scharnhorst
Schatz	Shull	Shumake	Sommer	Spencer
Stream	Swan	Thomson	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 067

Anders	Barnes	Black	Burns	Butler
Carpenter	Colona	Conway 10	Conway 104	Curtis
Dunn	Ellinger	Ellington	English	Englund
Fitzpatrick	Frame	Gardner	Harris	Hodges
Hubbard	Hummel	Kelly 45	Kirkton	Korman
Kratky	LaFaver	Marshall	May	Mayfield
McCaherty	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Molendorp
Montecillo	Moon	Morgan	Neth	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Pogue	Remole	Rizzo	Roorda
Rowden	Runions	Schieber	Schieffer	Schupp
Solon	Swearingen	Torpey	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 006

Bernskoetter	Curtman	Guernsey	Koenig	Smith 85
Smith 120				

Representative Cox declared the bill passed.

HCS SS#2 SCS SB 1, relating to workers' compensation, was taken up by Representative Richardson.

Representative Richardson offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1, Section 287.150, Pages 11-13, Lines 1-90, by deleting all of said section from the bill; and

Further amend said bill, Section 287.200, Page 15, Lines 54-68, by deleting all of said lines and inserting in lieu thereof the following:

"(1) Notwithstanding any provision of law to the contrary, such amount as due to the employee during said employee's life as provided for under this chapter for an award of permanent total disability and death, except such amount shall begin only when the benefits payable under subdivisions (2) and (3) of this subsection have been exhausted;

(2) An amount equal to one hundred percent of the state's average weekly wage as of the date of diagnosis for seventy-five weeks shall be paid by the employer; or

(3) In cases where occupational diseases due to toxic exposure are found to be mesothelioma, an additional amount of two hundred percent of the state's average weekly wage for one hundred fifty weeks shall be paid by the employer; and"; and

Further amend said bill, Section 287.213, Pages 18-19, Lines 1-45, by deleting all of said section from the bill; and

Further amend said bill, Section 287.220, Page 19, Lines 12-15, by deleting all of said lines and inserting in lieu thereof the following:

"2. All cases of permanent disability where there has been previous disability due to injuries occurring prior to the effective date of this section shall be compensated as [herein] provided in this subsection. Compensation shall be computed on the basis of the average earnings at the time of"; and

Further amend said section, Page 21, Line 73, by inserting "**or conditions**" after "**injuries**"; and

Further amend said bill, Section 287.610, Pages 24-26, Lines 1-77, by deleting all of said section from the bill; and

Further amend said bill, Section 287.690, Page 27, Lines 18-19, by deleting all of said lines and inserting in lieu thereof the following:

"estimated to be on hand on December thirty-first of the year each tax rate determination is made is less than one hundred ten percent of the"; and

Further amend said section and page, Line 21, by deleting "**division**"; and

Further amend said bill, Section 287.715, Pages 29-30, Lines 55-71, by deleting all of said lines and inserting in lieu thereof the following:

"6. Notwithstanding subsection 2 of this section to the contrary, the director of the division of workers compensation shall collect a supplemental surcharge not to exceed three percent for calendar years 2014 to 2020. All policyholders and self-insurers shall be notified by the division of the supplemental surcharge percentage to be imposed for such period of time as part of the notice provided in subsection 2 of this section. The provisions of this subsection shall expire on December 31, 2020."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Richardson, **House Amendment No. 1** was adopted by the following vote:

AYES: 099

Allen	Anderson	Austin	Bahr	Barnes
Brattin	Brown	Burlison	Cierpiot	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Franklin	Frederick	Funderburk
Gannon	Gosen	Grisamore	Haahr	Haefner
Hampton	Hansen	Hicks	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfausch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Torpey	Walker	White
Wieland	Wilson	Zerr	Mr Speaker	

NOES: 054

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Higdon	Hodges	Hubbard	Hummel
Kelly 45	Kirkton	Kratky	LaFaver	May
Mayfield	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Roorda
Runions	Schieber	Schieffer	Schupp	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 010

Bernskoetter	Berry	Curtman	Gatschenberger	Guernsey
Koenig	Smith 85	Smith 120	Thomson	Wood

Representative Molendorp offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1, Page 24, Section 287.220, Line 192, by inserting after all of said section and line, the following:

"287.280. 1. Every employer subject to the provisions of this chapter shall, on either an individual or group basis, insure his **or her** entire liability [thereunder] **including workers' compensation and employer**

liability, except as hereafter provided, with some insurance carrier authorized to insure such liability in this state, except that an employer or group of employers may themselves carry the whole or any part of the liability without insurance upon satisfying the division of their ability so to do. If an employer or group of employers have qualified to self-insure their liability under this chapter, the division of workers' compensation may, if it finds after a hearing that the employer or group of employers are willfully and intentionally violating the provisions of this chapter with intent to defraud their employees of their right to compensation, suspend or revoke the right of the employer or group of employers to self-insure their liability. If the employer or group of employers fail to comply with this section, an injured employee or his dependents may elect after the injury either to bring an action against such employer or group of employers to recover damages for personal injury or death and it shall not be a defense that the injury or death was caused by the negligence of a fellow servant, or that the employee had assumed the risk of the injury or death, or that the injury or death was caused to any degree by the negligence of the employee; or to recover under this chapter with the compensation payments commuted and immediately payable; or, if the employee elects to do so, he or she may file a request with the division for payment to be made for medical expenses out of the second injury fund as provided in subsection 5 of section 287.220. If the employer or group of employers are carrying their own insurance, on the application of any person entitled to compensation and on proof of default in the payment of any installment, the division shall require the employer or group of employers to furnish security for the payment of the compensation, and if not given, all other compensation shall be commuted and become immediately payable; provided, that employers engaged in the mining business shall be required to insure only their liability hereunder to the extent of the equivalent of the maximum liability under this chapter for ten deaths in any one accident, but the employer or group of employers may carry their own risk for any excess liability. When a group of employers enter into an agreement to pool their liabilities under this chapter, individual members will not be required to qualify as individual self-insurers.

2. Groups of employers qualified to insure their liability pursuant to chapter 537 or this chapter, shall utilize a uniform experience rating plan promulgated by an approved advisory organization. Such groups shall develop experience ratings for their members based on the plan. Nothing in this section shall relieve an employer from remitting, without any charge to the employer, the employer's claims history to an approved advisory organization.

3. For every entity qualified to group self-insure their liability pursuant to this chapter or chapter 537, each entity shall not authorize total discounts for any individual member exceeding twenty-five percent beginning January 1, 1999. All discounts shall be based on objective quantitative factors and applied uniformly to all trust members.

4. Any group of employers that have qualified to self-insure their liability pursuant to this chapter shall file with the division premium rates, based on pure premium rate data, adjusted for loss development and loss trending as filed by the advisory organization with the department of insurance, financial institutions and professional registration pursuant to section 287.975, plus any estimated expenses and other factors or based on average rate classifications calculated by the department of insurance, financial institutions and professional registration as taken from the premium rates filed by the twenty insurance companies providing the greatest volume of workers' compensation insurance coverage in this state. The rate is inadequate if funds equal to the full ultimate cost of anticipated losses and loss adjustment expenses are not produced when the prospective loss costs are applied to anticipated payrolls. The provisions of this subsection shall not apply to those political subdivisions of this state that have qualified to self-insure their liability pursuant to this chapter as authorized by section 537.620 on an assessment plan. Any such group may file with the division a composite rate for all coverages provided under that section.

5. Any finding or determination made by the division under this section may be reviewed as provided in sections 287.470 and 287.480.

6. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

7. Any records submitted pursuant to this section, and pursuant to any rule promulgated by the division pursuant to this section, shall be considered confidential and not subject to chapter 610. Any party to a workers' compensation case involving the party that submitted the records shall be able to subpoena the records for use in a workers' compensation case, if the information is otherwise relevant."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Molendorp, **House Amendment No. 2** was adopted.

Representative White offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1, Section 287.020, Page 2, Line 14, by inserting after the word "subagencies." the following:

"The word "employee" also shall not include any person performing services for board, lodging, aid, or sustenance received from any religious, charitable, or relief organization."; and

Further amend said bill, Page 8, Section 287.140, Lines 48 to 51, by deleting all of said lines and inserting in lieu thereof the following:

"(1) Two years from the date the notice of dispute of the medical charge was received by the health care provider if such services were rendered before July 1, 2013; and

(2) One year from the date the notice of dispute of the medical charge was received by the health care provider if such services were rendered on or after July 1, 2013."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative White, **House Amendment No. 3** was adopted.

Representative Conway (104) offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1, Page 4-5, Section 287.067, Lines 1-45, by deleting all of said section and lines from the bill and insert in lieu thereof the following:

"287.067. 1. In this chapter the term "occupational disease" is hereby defined to mean, unless a different meaning is clearly indicated by the context, an identifiable disease arising with or without human fault out of and in the course of the employment. Ordinary diseases of life to which the general public is exposed outside of the employment shall not be compensable, except where the diseases follow as an incident of an occupational disease as defined in this section. The disease need not to have been foreseen or expected but after its contraction it must appear to have had its origin in a risk connected with the employment and to have flowed from that source as a rational consequence.

2. An injury by occupational disease is compensable only if the occupational exposure was the prevailing factor in causing both the resulting medical condition and disability. The "prevailing factor" is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability. Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or by the normal activities of day-to-day living shall not be compensable.

3. An injury due to repetitive motion is recognized as an occupational disease for purposes of this chapter. An occupational disease due to repetitive motion is compensable only if the occupational exposure was the prevailing factor in causing both the resulting medical condition and disability. The "prevailing factor" is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability. Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or by the normal activities of day-to-day living shall not be compensable.

4. "Loss of hearing due to industrial noise" is recognized as an occupational disease for purposes of this chapter and is hereby defined to be a loss of hearing in one or both ears due to prolonged exposure to harmful noise in employment. "Harmful noise" means sound capable of producing occupational deafness.

5. "Radiation disability" is recognized as an occupational disease for purposes of this chapter and is hereby defined to be that disability due to radioactive properties or substances or to Roentgen rays (X-rays) or exposure to ionizing radiation caused by any process involving the use of or direct contact with radium or radioactive properties or substances or the use of or direct exposure to Roentgen rays (X-rays) or ionizing radiation.

6. Disease of the lungs or respiratory tract, hypotension, hypertension, or disease of the heart or cardiovascular system, including carcinoma, may be recognized as occupational diseases for the purposes of this chapter and are defined to be disability due to exposure to smoke, gases, carcinogens, inadequate oxygen, of paid firefighters of a paid fire department or paid police officers of a paid police department certified under chapter 590 if a direct causal relationship is established, or psychological stress of firefighters of a paid fire department **or paid peace officers of a police department who are certified under chapter 590** if a direct causal relationship is established.

7. Any employee who is exposed to and contracts any contagious or communicable disease arising out of and in the course of his or her employment shall be eligible for benefits under this chapter as an occupational disease.

8. With regard to occupational disease due to repetitive motion, if the exposure to the repetitive motion which is found to be the cause of the injury is for a period of less than three months and the evidence demonstrates that the exposure to the repetitive motion with the immediate prior employer was the prevailing factor in causing the injury, the prior employer shall be liable for such occupational disease."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Conway (104), **House Amendment No. 4** was adopted.

Representative Hinson offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1, Page 5, Section 287.067, Line 36, by inserting after the word "department" on said line, the following:

"or paid peace officers of a police department who are certified under chapter 590"; and

Further amend said bill, Page 24, Section 287.220, Line 192, by inserting after all of said section and line, the following:

"287.243. 1. This section shall be known and may be cited as the "Line of Duty Compensation Act".

2. As used in this section, unless otherwise provided, the following words shall mean:

(1) "Air ambulance pilot", a person certified as an air ambulance pilot in accordance with sections 190.001 to 190.245 and corresponding regulations applicable to air ambulances adopted by the department of health and senior services, division of regulation and licensure, 19 CSR 30-40.005, et seq.;

(2) "Air ambulance registered professional nurse", a person licensed as a registered professional nurse in accordance with sections 335.011 to 335.096 and corresponding regulations adopted by the state board of nursing, 20 CSR 2200-4, et seq., who provides registered professional nursing services as a flight nurse in conjunction with an air ambulance program that is certified in accordance with sections 190.001 to 190.245 and the corresponding regulations applicable to such programs;

(3) "Emergency medical technician", a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to 190.245 and by rules adopted by the department of health and senior services under sections 190.001 to 190.245;

(4) "Firefighter", any person, including a volunteer firefighter, employed by the state or a local governmental entity as an employer defined under subsection 1 of section 287.030, or otherwise serving as a member or officer of a fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims;

(5) "Killed in the line of duty", when [a person defined in this section] **any law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, paramedic, or firefighter** loses [one's] **his or her** life as a result of an injury received in the active performance of [his or her duties within the ordinary scope of] **duties in** his or her respective profession [while the individual is on duty and but for the individual's performance, death would have not occurred], **if the death occurs as a natural and probable consequence of the injury or disease caused by the accident or violence of another within three hundred weeks from the date the injury was received and if that injury arose from violence of another or**

accidental cause subject to the provisions of this subdivision. The term excludes death resulting from the willful misconduct or intoxication of the law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, **paramedic**, or firefighter. The division of workers' compensation shall have the burden of proving such willful misconduct or intoxication. **For law enforcement officers, emergency medical technicians, air ambulance pilots, air ambulance registered professional nurses, paramedics, and firefighters, the term shall include the death caused as a result of a willful act of violence committed by a person other than the officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, paramedic, or firefighter, and a relationship exists between the commission of such act and the individual's performance of his or her duties as a law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, paramedic, or firefighter, regardless of whether the injury is received while the individual is on duty; or the injury is received by a law enforcement officer while he or she is attempting to prevent the commission of a criminal act of another person or attempting to apprehend an individual suspected of committing a crime, regardless of whether the injury is received while the individual is on duty as a law enforcement officer; or the injury is received by the individual while traveling to or from his or her employment or during any meal break, or other break, which takes place during the period in which the law enforcement officer, air ambulance pilot, air ambulance registered professional nurse, emergency medical technician, paramedic, or firefighter, is on duty;**

(6) "Law enforcement officer", any person employed by the state or a local governmental entity as a police officer, peace officer certified under chapter 590, or serving as an auxiliary police officer or in some like position involving the enforcement of the law and protection of the public interest at the risk of that person's life;

(7) "Local governmental entity", includes counties, municipalities, townships, board or other political subdivision, cities under special charter, or under the commission form of government, fire protection districts, ambulance districts, and municipal corporations;

(8) "State", the state of Missouri and its departments, divisions, boards, bureaus, commissions, authorities, and colleges and universities;

(9) "Volunteer firefighter", a person having principal employment other than as a firefighter, but who is carried on the rolls of a regularly constituted fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims, the members of which are under the jurisdiction of the corporate authorities of a city, village, incorporated town, or fire protection district. Volunteer firefighter shall not mean an individual who volunteers assistance without being regularly enrolled as a firefighter.

3. (1) A claim for compensation under this section shall be filed by the estate of the deceased with the division of workers' compensation not later than one year from the date of death of a law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter. If a claim is made within one year of the date of death of a law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter killed in the line of duty, compensation shall be paid, if the division finds that the claimant is entitled to compensation under this section.

(2) The amount of compensation paid to the claimant shall be twenty-five thousand dollars, subject to appropriation, for death occurring on or after June 19, 2009.

4. Notwithstanding subsection 3 of this section, no compensation is payable under this section unless a claim is filed within the time specified under this section setting forth:

(1) The name, address, and title or designation of the position in which the law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter was serving at the time of his or her death;

(2) The name and address of the claimant;

(3) A full, factual account of the circumstances resulting in or the course of events causing the death at issue; and

(4) Such other information that is reasonably required by the division.

When a claim is filed, the division of workers' compensation shall make an investigation for substantiation of matters set forth in the application.

5. The compensation provided for under this section is in addition to, and not exclusive of, any pension rights, death benefits, or other compensation the claimant may otherwise be entitled to by law.

6. Neither employers nor workers' compensation insurers shall have subrogation rights against any compensation awarded for claims under this section. Such compensation shall not be assignable, shall be exempt from attachment, garnishment, and execution, and shall not be subject to setoff or counterclaim, or be in any way liable for any debt, except that the division or commission may allow as lien on the compensation, reasonable

attorney's fees for services in connection with the proceedings for compensation if the services are found to be necessary. Such fees are subject to regulation as set forth in section 287.260.

7. Any person seeking compensation under this section who is aggrieved by the decision of the division of workers' compensation regarding his or her compensation claim, may make application for a hearing as provided in section 287.450. The procedures applicable to the processing of such hearings and determinations shall be those established by this chapter. Decisions of the administrative law judge under this section shall be binding, subject to review by either party under the provisions of section 287.480.

8. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after June 19, 2009, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

9. The provisions of this section, unless specified, shall not be subject to other provisions of this chapter.

10. There is hereby created in the state treasury the "Line of Duty Compensation Fund", which shall consist of moneys appropriated to the fund and any voluntary contributions, gifts, or bequests to the fund. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for paying claims under this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

11. The division shall promulgate rules to administer this section, including but not limited to the appointment of claims to multiple claimants, record retention, and procedures for information requests. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after June 19, 2009, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hinson, **House Amendment No. 5** was adopted.

Representative Schatz offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1, Section 287.955, Pages 30-31, Lines 1-26, by deleting all of said lines and inserting in lieu thereof the following:

"287.955. 1. Every workers' compensation insurer shall adhere to a uniform classification system and uniform experience rating plan filed with the director by the advisory organization designated by the director and subject to his disapproval. **Every workers compensation insurer shall report its workers compensation experience in accordance with the statistical plans and other reporting requirements in use by an advisory organization designated by the director.** An insurer may develop subclassifications of the uniform classification system [upon which a rate may be made], except that such subclassifications shall be filed with the director thirty days prior to their use. **A workers compensation insurer may develop other rating plans which reflect additional risk characteristics, and such rating plans and their filing shall be filed with the director thirty days prior to their use.** The director shall disapprove subclassifications, **rating plans, or other variations from manual rules filed by an insurer** if the insurer fails to demonstrate that the data thereby produced can be reported

consistent with the uniform statistical plan, [and] classification system, **and experience rating systems and is in such a fashion so as to allow for the application of experience rating filed by the advisory organization.**

2. The director shall designate an advisory organization to assist him in gathering, compiling and reporting relevant statistical information. Every workers' compensation insurer shall record and report its workers' compensation experience to the designated advisory organization as set forth in the uniform statistical plan approved by the director.

3. The designated advisory organization shall develop and file manual rules, subject to the approval of the director, reasonably related to the recording and reporting of data pursuant to the uniform statistical plan, uniform experience rating plan, and the uniform classification system. Every workers' compensation insurer shall adhere to the approved manual rules and experience rating plan in writing and reporting its business. No insurer shall agree with any other insurer or with the advisory organization to adhere to manual rules which are not reasonably related to the recording and reporting of data pursuant to the uniform classification system of the uniform statistical plan."; and

Further amend said bill, Section 287.957, Page 31, Lines 3-8, by deleting all of said lines and inserting in lieu thereof the following:

"differentials so as to encourage safety. The uniform experience rating plan shall be the exclusive means of providing prospective premium adjustment based upon measurement of the loss-producing characteristics of an individual insured. An insurer may submit a rating plan or plans providing for retrospective"; and

Further amend said section and page, Line 15, by deleting all of said line and inserting in lieu thereof the following:

"exceed [one thousand dollars] **twenty percent of the current split point of primary and excess losses under the uniform experience rating plan** and the employer pays all of the total medical costs and there is no"; and

Further amend said section and page, Line 18, by inserting the following after all of said line:

"287.975. 1. The advisory organization shall file with the director every pure premium rate, every manual of rating rules, every rating schedule and every change or amendment, or modification of any of the foregoing, proposed for use in this state no more than thirty days after it is distributed to members, subscribers or others.

2. The advisory organization which makes a uniform classification system for use in setting rates in this state shall collect data for two years after January 1, 1994, on the payroll differential between employers within the construction group of code classifications, including, but not limited to, payroll costs of the employer and number of hours worked by all employees of the employer engaged in construction work. Such data shall be transferred to the department of insurance, financial institutions and professional registration in a form prescribed by the director of the department of insurance, financial institutions and professional registration, and the department shall compile the data and develop a formula to equalize premium rates for employers within the construction group of code classifications based on such payroll differential within three years after the data is submitted by the advisory organization.

3. The formula to equalize premium rates for employers within the construction group of code classifications established under subsection 2 of this section shall be the formula in effect on January 1, 1999.

4. For purposes of calculating the premium credit under the Missouri contracting classification premium adjustment program, an employer within the construction group of code classifications may submit to the advisory organization the required payroll record information for the first, second, third, or fourth calendar quarter of the year prior to the workers' compensation policy beginning or renewal date, provided that the employer clearly indicates for which quarter the payroll information is being submitted."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Schatz, **House Amendment No. 6** was adopted.

Representative Kelly (45) offered **House Amendment No. 7.**

House Amendment No. 7

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1, Page 24, Section 287.220, Line 192, by inserting after all of said line the following:

"17. The provisions of this section shall expire on January 1, 2014. Any claims filed prior to January 1, 2014, shall continue to be compensated as provided in this section."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Kelly (45) moved that **House Amendment No. 7** be adopted.

Which motion was defeated.

Representative Haahr offered **House Amendment No. 8**.

House Amendment No. 8

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1, Page 24, Section 287.220, Line 169, by deleting the phrase "**elects to pursue compensation**" and insert in lieu thereof the following:

"files a claim for compensation"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Haahr, **House Amendment No. 8** was adopted.

HCS SS#2 SCS SB 1, as amended, was laid over.

Speaker Jones resumed the Chair.

MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 23, as amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

BILLS CARRYING REQUEST MESSAGES

HCS SB 23, as amended, relating to political subdivisions, was again taken up by Representative Jones (50).

Representative Jones (50) moved that the House refuse to recede from its position on **HCS SB 23, as amended**, and grant the Senate a conference.

Which motion was adopted.

APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

HCS SB 23: Representatives Jones (50), Hough and Rizzo

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HCS HB 630 - Fiscal Review

HCS HB 781 - Fiscal Review

COMMITTEE REPORTS

Committee on Children, Families, and Persons with Disabilities, Chairman Grisamore reporting:

Mr. Speaker: Your Committee on Children, Families, and Persons with Disabilities, to which was referred **SB 205**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Children, Families, and Persons with Disabilities, to which was referred **SCS SB 229**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Economic Development, Chairman Zerr reporting:

Mr. Speaker: Your Committee on Economic Development, to which was referred **HB 827**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Fiscal Review, Chairman Flanigan reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 771**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SB 43**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SCS SB 45**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **SCS SB 47**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on General Laws, Chairman Jones (50) reporting:

Mr. Speaker: Your Committee on General Laws, to which was referred **SCS SB 42**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on General Laws, to which was referred **SB 57**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on General Laws, to which was referred **SS SCS SB 83**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on General Laws, to which was referred **SS SB 357**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Government Oversight and Accountability, Chairman Barnes reporting:

Mr. Speaker: Your Committee on Government Oversight and Accountability, to which was referred **SS SB 252**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Local Government, Chairman Gatschenberger reporting:

Mr. Speaker: Your Committee on Local Government, to which was referred **HB 284**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Professional Registration and Licensing, Chairman Burlison reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **SCS SB 101**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Special Standing Committee on Emerging Issues in Health Care, Chairman Richardson reporting:

Mr. Speaker: Your Special Standing Committee on Emerging Issues in Health Care, to which was referred **HB 925**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Utilities, Chairman Funderburk reporting:

Mr. Speaker: Your Committee on Utilities, to which was referred **HCR 32**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Utilities, to which was referred **SB 294**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Ways and Means, Chairman Koenig reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 149** and **HB 536**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Riddle reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS#2 HB 927**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 930**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 12**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 35**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 41**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 110**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SS SCS SB 129**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 178**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 248**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 257**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 327**, begs leave to report it has examined the same and recommends that it **Do Pass**.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 329**, entitled:

An act to repeal sections 361.160, 408.140, 408.590, 408.592, and 408.600, RSMo, and to enact in lieu thereof four new sections relating to financial institutions.

With Senate Amendment No. 1 and Senate Amendment No. 2.

Senate Amendment No. 1

AMEND Senate Committee Substitute for House Bill No. 329, Page 8, Section 408.600, Line 43, by inserting after all of said line the following:

"513.430. 1. The following property shall be exempt from attachment and execution to the extent of any person's interest therein:

(1) Household furnishings, household goods, wearing apparel, appliances, books, animals, crops or musical instruments that are held primarily for personal, family or household use of such person or a dependent of such person, not to exceed three thousand dollars in value in the aggregate;

(2) A wedding ring not to exceed one thousand five hundred dollars in value and other jewelry held primarily for the personal, family or household use of such person or a dependent of such person, not to exceed five hundred dollars in value in the aggregate;

(3) Any other property of any kind, not to exceed in value six hundred dollars in the aggregate;

(4) Any implements or professional books or tools of the trade of such person or the trade of a dependent of such person not to exceed three thousand dollars in value in the aggregate;

(5) Any motor vehicles, not to exceed three thousand dollars in value in the aggregate;

(6) Any mobile home used as the principal residence but not attached to real property in which the debtor has a fee interest, not to exceed five thousand dollars in value;

(7) Any one or more unmatured life insurance contracts owned by such person, other than a credit life insurance contract;

(8) The amount of any accrued dividend or interest under, or loan value of, any one or more unmatured life insurance contracts owned by such person under which the insured is such person or an individual of whom such person is a dependent; provided, however, that if proceedings under Title 11 of the United States Code are commenced by or against such person, the amount exempt in such proceedings shall not exceed in value one hundred fifty thousand dollars in the aggregate less any amount of property of such person transferred by the life insurance company or fraternal benefit society to itself in good faith if such transfer is to pay a premium or to carry out a nonforfeiture insurance option and is required to be so transferred automatically under a life insurance contract with such company or society that was entered into before commencement of such proceedings. No amount of any accrued dividend or interest under, or loan value of, any such life insurance contracts shall be exempt from any

claim for child support. Notwithstanding anything to the contrary, no such amount shall be exempt in such proceedings under any such insurance contract which was purchased by such person within one year prior to the commencement of such proceedings;

(9) Professionally prescribed health aids for such person or a dependent of such person;

(10) Such person's right to receive:

(a) A Social Security benefit, unemployment compensation or a public assistance benefit;

(b) A veteran's benefit;

(c) A disability, illness or unemployment benefit;

(d) Alimony, support or separate maintenance, not to exceed seven hundred fifty dollars a month;

(e) Any payment under a stock bonus plan, pension plan, disability or death benefit plan, profit-sharing plan, nonpublic retirement plan or any plan described, defined, or established pursuant to section 456.072, the person's right to a participant account in any deferred compensation program offered by the state of Missouri or any of its political subdivisions, or annuity or similar plan or contract on account of illness, disability, death, age or length of service, to the extent reasonably necessary for the support of such person and any dependent of such person unless:

a. Such plan or contract was established by or under the auspices of an insider that employed such person at the time such person's rights under such plan or contract arose;

b. Such payment is on account of age or length of service; and

c. Such plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, (26 U.S.C. 401(a), 403(a), 403(b), 408, 408A or 409); except that any such payment to any person shall be subject to attachment or execution pursuant to a qualified domestic relations order, as defined by Section 414(p) of the Internal Revenue Code of 1986, as amended, issued by a court in any proceeding for dissolution of marriage or legal separation or a proceeding for disposition of property following dissolution of marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of marital property at the time of the original judgment of dissolution;

(f) Any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan [or], profit-sharing plan, **health savings plan, or similar plan, including an inherited account or plan**, that is qualified under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, **whether such participant's or beneficiary's interest arises by inheritance, designation, appointment, or otherwise**, except as provided in this paragraph. Any plan or arrangement described in this paragraph shall not be exempt from the claim of an alternate payee under a qualified domestic relations order; however, the interest of any and all alternate payees under a qualified domestic relations order shall be exempt from any and all claims of any creditor, other than the state of Missouri through its division of family services. As used in this paragraph, the terms "alternate payee" and "qualified domestic relations order" have the meaning given to them in Section 414(p) of the Internal Revenue Code of 1986, as amended.

If proceedings under Title 11 of the United States Code are commenced by or against such person, no amount of funds shall be exempt in such proceedings under any such plan, contract, or trust which is fraudulent as defined in subsection 2 of section 428.024 and for the period such person participated within three years prior to the commencement of such proceedings. For the purposes of this section, when the fraudulently conveyed funds are recovered and after, such funds shall be deducted and then treated as though the funds had never been contributed to the plan, contract, or trust;

(11) The debtor's right to receive, or property that is traceable to, a payment on account of the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.

2. Nothing in this section shall be interpreted to exempt from attachment or execution for a valid judicial or administrative order for the payment of child support or maintenance any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan which is qualified pursuant to Section 408A of the Internal Revenue Code of 1986, as amended."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND Senate Committee Substitute for House Bill No. 329, Page 1, Section A, Line 3, by inserting after all of said line the following:

"208.010. 1. In determining the eligibility of a claimant for public assistance pursuant to this law, it shall be the duty of the **family support** division [of family services] to consider and take into account all facts and circumstances surrounding the claimant, including his or her living conditions, earning capacity, income and resources, from whatever source received, and if from all the facts and circumstances the claimant is not found to be in need, assistance shall be denied. In determining the need of a claimant, the costs of providing medical treatment which may be furnished pursuant to sections 208.151 to 208.158 [and 208.162] shall be disregarded. The amount of benefits, when added to all other income, resources, support, and maintenance shall provide such persons with reasonable subsistence compatible with decency and health in accordance with the standards developed by the **family support** division [of family services]; provided, when a husband and wife are living together, the combined income and resources of both shall be considered in determining the eligibility of either or both. "Living together" for the purpose of this chapter is defined as including a husband and wife separated for the purpose of obtaining medical care or nursing home care, except that the income of a husband or wife separated for such purpose shall be considered in determining the eligibility of his or her spouse, only to the extent that such income exceeds the amount necessary to meet the needs (as defined by rule or regulation of the division) of such husband or wife living separately. In determining the need of a claimant in federally aided programs there shall be disregarded such amounts per month of earned income in making such determination as shall be required for federal participation by the provisions of the federal Social Security Act (42 U.S.C.A. 301 et seq.), or any amendments thereto. When federal law or regulations require the exemption of other income or resources, the **family support** division [of family services] may provide by rule or regulation the amount of income or resources to be disregarded.

2. Benefits shall not be payable to any claimant who:

(1) Has or whose spouse with whom he or she is living has, prior to July 1, 1989, given away or sold a resource within the time and in the manner specified in this subdivision. In determining the resources of an individual, unless prohibited by federal statutes or regulations, there shall be included (but subject to the exclusions pursuant to subdivisions (4) and (5) of this subsection, and subsection 5 of this section) any resource or interest therein owned by such individual or spouse within the twenty-four months preceding the initial investigation, or at any time during which benefits are being drawn, if such individual or spouse gave away or sold such resource or interest within such period of time at less than fair market value of such resource or interest for the purpose of establishing eligibility for benefits, including but not limited to benefits based on December, 1973, eligibility requirements, as follows:

(a) Any transaction described in this subdivision shall be presumed to have been for the purpose of establishing eligibility for benefits or assistance pursuant to this chapter unless such individual furnishes convincing evidence to establish that the transaction was exclusively for some other purpose;

(b) The resource shall be considered in determining eligibility from the date of the transfer for the number of months the uncompensated value of the disposed of resource is divisible by the average monthly grant paid or average Medicaid payment in the state at the time of the investigation to an individual or on his or her behalf under the program for which benefits are claimed, provided that:

a. When the uncompensated value is twelve thousand dollars or less, the resource shall not be used in determining eligibility for more than twenty-four months; or

b. When the uncompensated value exceeds twelve thousand dollars, the resource shall not be used in determining eligibility for more than sixty months;

(2) The provisions of subdivision (1) of this subsection shall not apply to a transfer, other than a transfer to claimant's spouse, made prior to March 26, 1981, when the claimant furnishes convincing evidence that the uncompensated value of the disposed of resource or any part thereof is no longer possessed or owned by the person to whom the resource was transferred;

(3) Has received, or whose spouse with whom he or she is living has received, benefits to which he or she was not entitled through misrepresentation or nondisclosure of material facts or failure to report any change in status or correct information with respect to property or income as required by section 208.210. A claimant ineligible pursuant to this subsection shall be ineligible for such period of time from the date of discovery as the **family support** division [of family services] may deem proper; or in the case of overpayment of benefits, future benefits may be decreased, suspended or entirely withdrawn for such period of time as the division may deem proper;

(4) Owns or possesses resources in the sum of one thousand dollars or more; provided, however, that if such person is married and living with spouse, he or she, or they, individually or jointly, may own resources not to exceed two thousand dollars; and provided further, that in the case of a temporary assistance for needy families claimant, the provision of this subsection shall not apply;

(5) Prior to October 1, 1989, owns or possesses property of any kind or character, excluding amounts placed in an irrevocable prearranged funeral or burial contract under chapter 436, or has an interest in property, of which he or she is the record or beneficial owner, the value of such property, as determined by the **family support** division [of family services], less encumbrances of record, exceeds twenty-nine thousand dollars, or if married and actually living together with husband or wife, if the value of his or her property, or the value of his or her interest in property, together with that of such husband and wife, exceeds such amount;

(6) In the case of temporary assistance for needy families, if the parent, stepparent, and child or children in the home owns or possesses property of any kind or character, or has an interest in property for which he or she is a record or beneficial owner, the value of such property, as determined by the **family support** division [of family services] and as allowed by federal law or regulation, less encumbrances of record, exceeds one thousand dollars, excluding the home occupied by the claimant, amounts placed in an irrevocable prearranged funeral or burial contract under chapter 436, one automobile which shall not exceed a value set forth by federal law or regulation and for a period not to exceed six months, such other real property which the family is making a good-faith effort to sell, if the family agrees in writing with the **family support** division [of family services] to sell such property and from the net proceeds of the sale repay the amount of assistance received during such period. If the property has not been sold within six months, or if eligibility terminates for any other reason, the entire amount of assistance paid during such period shall be a debt due the state;

(7) Is an inmate of a public institution, except as a patient in a public medical institution.

3. In determining eligibility and the amount of benefits to be granted pursuant to federally aided programs, the income and resources of a relative or other person living in the home shall be taken into account to the extent the income, resources, support and maintenance are allowed by federal law or regulation to be considered.

4. In determining eligibility and the amount of benefits to be granted pursuant to federally aided programs, the value of burial lots or any amounts placed in an irrevocable prearranged funeral or burial contract under chapter 436 shall not be taken into account or considered an asset of the burial lot owner or the beneficiary of an irrevocable prearranged funeral or funeral contract. For purposes of this section, "burial lots" means any burial space as defined in section 214.270 and any memorial, monument, marker, tombstone or letter marking a burial space. If the beneficiary, as defined in chapter 436, of an irrevocable prearranged funeral or burial contract receives any public assistance benefits pursuant to this chapter and if the purchaser of such contract or his or her successors in interest transfer, amend, or take any other such actions regarding the contract so that any person will be entitled to a refund, such refund shall be paid to the state of Missouri with any amount in excess of the public assistance benefits provided under this chapter to be refunded by the state of Missouri to the purchaser or his or her successors. In determining eligibility and the amount of benefits to be granted under federally aided programs, the value of any life insurance policy where a seller or provider is made the beneficiary or where the life insurance policy is assigned to a seller or provider, either being in consideration for an irrevocable prearranged funeral contract under chapter 436, shall not be taken into account or considered an asset of the beneficiary of the irrevocable prearranged funeral contract. **In addition, the value of any funds, up to nine thousand nine hundred ninety-nine dollars, placed into an irrevocable personal funeral trust account, where the trustee of the irrevocable personal funeral trust account is a state or federally chartered financial institution authorized to exercise trust powers in the state of Missouri, shall not be taken into account or considered an asset of the person whose funds are so deposited if such funds are restricted to be used only for the burial, funeral, preparation of the body, or other final disposition of the person whose funds were deposited into said personal funeral trust account. No person or entity shall charge more than ten percent of the total amount deposited into a personal funeral trust in order to create or set up said personal funeral trust, and any fees charged for the maintenance of such a personal funeral trust shall not exceed three percent of the trust assets annually. Trustees may commingle funds from two or more such personal funeral trust accounts so long as accurate books and records are kept as to the value, deposits, and disbursements of each individual depositor's funds and trustees are to use the prudent investor standard as to the investment of any funds placed into a personal funeral trust. If the person whose funds are deposited into the personal funeral trust account receives any public assistance benefits pursuant to this chapter and any funds in the personal funeral trust account are, for any reason, not spent on the burial, funeral, preparation of the body, or other final disposition of the person whose funds were deposited into the trust account, such funds shall be paid to the state of Missouri with any amount in excess of the public assistance benefits provided under this chapter to be refunded by the state of Missouri to the person who**

received public assistance benefits or his or her successors. No contract with any cemetery, funeral establishment, or any provider or seller shall be required in regards to funds placed into a personal funeral trust account as set out in this subsection.

5. In determining the total property owned pursuant to subdivision (5) of subsection 2 of this section, or resources, of any person claiming or for whom public assistance is claimed, there shall be disregarded any life insurance policy, or prearranged funeral or burial contract, or any two or more policies or contracts, or any combination of policies and contracts, which provides for the payment of one thousand five hundred dollars or less upon the death of any of the following:

(1) A claimant or person for whom benefits are claimed; or

(2) The spouse of a claimant or person for whom benefits are claimed with whom he or she is living. If the value of such policies exceeds one thousand five hundred dollars, then the total value of such policies may be considered in determining resources; except that, in the case of temporary assistance for needy families, there shall be disregarded any prearranged funeral or burial contract, or any two or more contracts, which provides for the payment of one thousand five hundred dollars or less per family member.

6. Beginning September 30, 1989, when determining the eligibility of institutionalized spouses, as defined in 42 U.S.C. Section 1396r-5, for medical assistance benefits as provided for in section 208.151 and 42 U.S.C. Sections 1396a, et seq., the **family support** division [of family services] shall comply with the provisions of the federal statutes and regulations. As necessary, the division shall by rule or regulation implement the federal law and regulations which shall include but not be limited to the establishment of income and resource standards and limitations. The division shall require:

(1) That at the beginning of a period of continuous institutionalization that is expected to last for thirty days or more, the institutionalized spouse, or the community spouse, may request an assessment by the **family support** division [of family services] of total countable resources owned by either or both spouses;

(2) That the assessed resources of the institutionalized spouse and the community spouse may be allocated so that each receives an equal share;

(3) That upon an initial eligibility determination, if the community spouse's share does not equal at least twelve thousand dollars, the institutionalized spouse may transfer to the community spouse a resource allowance to increase the community spouse's share to twelve thousand dollars;

(4) That in the determination of initial eligibility of the institutionalized spouse, no resources attributed to the community spouse shall be used in determining the eligibility of the institutionalized spouse, except to the extent that the resources attributed to the community spouse do exceed the community spouse's resource allowance as defined in 42 U.S.C. Section 1396r-5;

(5) That beginning in January, 1990, the amount specified in subdivision (3) of this subsection shall be increased by the percentage increase in the Consumer Price Index for All Urban Consumers between September, 1988, and the September before the calendar year involved; and

(6) That beginning the month after initial eligibility for the institutionalized spouse is determined, the resources of the community spouse shall not be considered available to the institutionalized spouse during that continuous period of institutionalization.

7. Beginning July 1, 1989, institutionalized individuals shall be ineligible for the periods required and for the reasons specified in 42 U.S.C. Section 1396p.

8. The hearings required by 42 U.S.C. Section 1396r-5 shall be conducted pursuant to the provisions of section 208.080.

9. Beginning October 1, 1989, when determining eligibility for assistance pursuant to this chapter there shall be disregarded unless otherwise provided by federal or state statutes the home of the applicant or recipient when the home is providing shelter to the applicant or recipient, or his or her spouse or dependent child. The **family support** division [of family services] shall establish by rule or regulation in conformance with applicable federal statutes and regulations a definition of the home and when the home shall be considered a resource that shall be considered in determining eligibility.

10. Reimbursement for services provided by an enrolled Medicaid provider to a recipient who is duly entitled to Title XIX Medicaid and Title XVIII Medicare Part B, Supplementary Medical Insurance (SMI) shall include payment in full of deductible and coinsurance amounts as determined due pursuant to the applicable provisions of federal regulations pertaining to Title XVIII Medicare Part B, except for hospital outpatient services or the applicable Title XIX cost sharing.

11. A "community spouse" is defined as being the noninstitutionalized spouse.

12. An institutionalized spouse applying for Medicaid and having a spouse living in the community shall be required, to the maximum extent permitted by law, to divert income to such community spouse to raise the

community spouse's income to the level of the minimum monthly needs allowance, as described in 42 U.S.C. Section 1396r-5. Such diversion of income shall occur before the community spouse is allowed to retain assets in excess of the community spouse protected amount described in 42 U.S.C. Section 1396r-5."; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS HB 331**, entitled:

An act to repeal sections 67.1830, 67.1836, 67.1838, 67.1842, 392.415, 392.420, and 392.461, RSMo, and to enact in lieu thereof twenty-two new sections relating to telecommunications.

In which the concurrence of the House is respectfully requested.

COMMITTEE APPOINTMENT

May 1, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol, Room 317-A
Jefferson City, Missouri 65101

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby appoint Representative Josh Peters to the committee on Downsizing State Government.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

/s/ Jacob Hummel
House Minority Leader
District 81

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Thursday, May 2, 2013.

COMMITTEE HEARINGS

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Tuesday, May 7, 2013, 8:00 AM, House Hearing Room 3.

Committee will review information regarding fee funding for the Department of Agriculture and Department of Natural Resources.

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Thursday, May 2, 2013, 8:00 AM, House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Budget overview pertaining to hospitals and medicaid

CORRECTED

CONFERENCE COMMITTEE

Thursday, May 2, 2013, 7:30 AM, House Hearing Room 4.

SS HCS HJR 11 & 7

CONFERENCE COMMITTEE

Monday, May 6, 2013, 10:00 AM, House Lounge.

SCS HCS HB 1 through SCS HCS HB 13

CONFERENCE COMMITTEE

Tuesday, May 7, 2013, 8:30 AM, House Lounge.

SCS HCS HB 1 through SCS HCS HB 13

CONFERENCE COMMITTEE

Wednesday, May 8, 2013, 8:30 AM, House Lounge.

SCS HCS HB 1 through SCS HCS HB 13

CRIME PREVENTION AND PUBLIC SAFETY

Thursday, May 2, 2013, 8:00 AM, House Hearing Room 7.

Public hearing will be held: SCS SB 256

Executive session will be held: SCS SB 256

Executive session may be held on any matter referred to the committee.

DOWNSIZING STATE GOVERNMENT

Thursday, May 2, 2013, 8:00 AM, House Hearing Room 4.

Executive session may be held on any matter referred to the committee.

CANCELLED

FISCAL REVIEW

Thursday, May 2, 2013, 8:30 AM, South Gallery.

Executive session may be held on any matter referred to the committee.

INSURANCE POLICY

Thursday, May 2, 2013, 8:00 AM, House Hearing Room 6.

Public hearing will be held: SCS SBs 317 & 319

Executive session will be held: SCS SBs 317 & 319

Executive session may be held on any matter referred to the committee.

ISSUE DEVELOPMENT STANDING COMMITTEE ON MISSOURI HEALTH CARE

Monday, May 6, 2013, 1:00 PM, House Hearing Room 5.

Presentation by Missouri Association of Health Plans

JOINT COMMITTEE ON EDUCATION

Tuesday, May 7, 2013, 8:30 AM, Senate Lounge.

Executive session may be held on any matter referred to the committee.

Election of chair and vice-chair; Discussion of interim projects; Information on charter sponsor reports to the committee per SB 576 (2012); and an update on SB 437.

JOINT COMMITTEE ON LEGISLATIVE RESEARCH - REVISIONS SUBCOMMITTEE

Thursday, May 2, 2013, 8:00 AM, Room 117A, State Capitol Building.

On-line and print versions of the Revised Statutes

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, May 2, 2013, 8:00 AM, House Hearing Room 1.

Second quarter meeting

JUDICIARY

Monday, May 6, 2013, 6:30 PM, 516 S. Country Club Drive, Jefferson City.

House Judiciary Committee dinner

LEADERSHIP FOR MISSOURI ISSUE DEVELOPMENT

Monday, May 6, 2013, 2:00 PM, Room 308.

Executive session may be held on any matter referred to the committee.

RULES

Thursday, May 2, 2013, Upon Morning Adjournment, South Gallery.

Executive session will be held: HB 411, HCS HB 608, HCS HB 685, HCS HB 783,

HCS HB 814, HCS HB 830, HB 863, HR 222, HCS SB 18, SCS SB 33, SB 72, SCS SB 87,

HCS SB 127, SS SCS SB 159, SB 265, SS SB 267, HB 745, HCS SCS SB 42, SS SB 357,

HCS SS SB 252

Executive session may be held on any matter referred to the committee.

AMENDED

VETERANS

Thursday, May 2, 2013, 8:00 AM, House Hearing Room 5.

Public hearing will be held: SCR 13

Executive session may be held on any matter referred to the committee.

CORRECTED

HOUSE CALENDAR

SIXTY-SECOND DAY, THURSDAY, MAY 2, 2013

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HJR 19 - Bahr
- 2 HCS HJR 15 - Brattin
- 3 HCS HJR 35 - Jones (50)
- 4 HCS#2 HJR 14 - Kelly (45)
- 5 HJR 17 - Burlison

HOUSE BILLS FOR PERFECTION - APPROPRIATIONS

- 1 HCS HB 17 - Stream
- 2 HB 18 - Stream
- 3 HCS HB 19 - Stream

HOUSE BILLS FOR PERFECTION

- 1 HB 227 - Zerr
- 2 HB 423 - Zerr
- 3 HB 578, as amended - Funderburk
- 4 HCS HB 221 - Leara
- 5 HCS HB 701 - Molendorp
- 6 HB 255 - Torpey
- 7 HCS HB 458 - Scharnhorst
- 8 HB 242 - Ellington
- 9 HB 503, as amended, HA 1 HA 3, and HA 3, pending - McCaherty
- 10 HB 448 - Webb
- 11 HCS HB 234 - Gatschenberger
- 12 HB 616 - Bahr
- 13 HB 185 - Kirkton
- 14 HCS HB 641 - Korman
- 15 HCS HB 402 - Shumake
- 16 HCS HB 717 - Grisamore
- 17 HCS HB 727 - Grisamore
- 18 HCS HB 83 - Reiboldt
- 19 HCS HB 132 - Stream
- 20 HCS HB 1041 - Swan

HOUSE BILLS FOR THIRD READING

- 1 HB 201 - Torpey
- 2 HCS HBs 521 & 579, (Fiscal Review 3/27/13) - Koenig
- 3 HCS HB 470 - Barnes
- 4 HCS#2 HB 178 - Koenig

- 5 HCS HB 210, (Fiscal Review 4/30/13) - Cox
- 6 HCS HB 630, (Fiscal Review 5/1/13) - McCaherty
- 7 HB 162 - Sommer
- 8 HB 555 - Burlison
- 9 HCS HB 781, (Fiscal Review 5/1/13) - Hough
- 10 HCS HB 936 - Swan
- 11 HCS HB 371 - Cox
- 12 HB 427 - Schatz
- 13 HCS HB 430 - Schatz
- 14 HCS HB 513 - Bahr
- 15 HB 336 - Hinson

HOUSE BILLS FOR THIRD READING - FEDERAL MANDATE

- 1 HB 635 - Fitzwater
- 2 HCS HB 611 - Lant
- 3 HCS HB 771 - Schatz

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 11 - Walton Gray
- 2 HCR 21 - Black
- 3 HCS HCR 17 - Frederick
- 4 HCR 34 - Houghton

SENATE JOINT RESOLUTIONS FOR THIRD READING

HCS SS#2 SCS SJR 16 - Hinson

SENATE BILLS FOR THIRD READING

- 1 HCS SCS SB 157 and SB 102 - Phillips
- 2 SB 230 - Brattin
- 3 HCS SS SCS SB 125 - Barnes
- 4 HCS SCS SB 17 - Thomson
- 5 HCS SS SCS SB 116 - Davis
- 6 HCS SS#2 SCS SB 1, as amended, E.C. - Richardson
- 7 SCS SB 36 - Hicks
- 8 HCS SCS SB 88 - Frederick
- 9 HCS SB 90 - Dugger
- 10 HCS SCS SB 126 - Morris
- 11 HCS SCS SB 9 - Guernsey
- 12 SB 77 - Allen
- 13 HCS SB 222 - Kelly (45)
- 14 SCS SB 224 - Rizzo
- 15 HCS SS SB 262 - Molendorp
- 16 HCS SB 330 - Burlison

- 17 HCS SB 51 - Guernsey
- 18 HCS SB 148 - Schatz
- 19 HCS SB 43 - Kolkmeier
- 20 HCS SCS SB 45 - Hough
- 21 SCS SB 47 - Grisamore
- 22 SB 216 - Hinson
- 23 HCS SS SCS SB 241 - Cierpiot
- 24 SCS SB 302 - Elmer

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 HB 68, SA 1 - Kelley (127)
- 2 SCS HCS HBs 303 & 304, as amended - Scharnhorst
- 3 SS#2 HB 34 - Guernsey
- 4 SCS HB 498 - Jones (50)
- 5 SCS HCS HB 233 - Leara
- 6 SS HB 331 - Miller
- 7 SCS HB 329, as amended - Dugger

BILLS IN CONFERENCE

- 1 SS HCS HJR 11 & 7, as amended - Reiboldt
- 2 SCS HCS HB 1 - Stream
- 3 SCS HCS HB 2 - Stream
- 4 SCS HCS HB 3 - Stream
- 5 SCS HCS HB 4 - Stream
- 6 SCS HCS HB 5 - Stream
- 7 SCS HCS HB 6, as amended - Stream
- 8 SCS HCS HB 7, as amended - Stream
- 9 SCS HCS HB 8 - Stream
- 10 SCS HCS HB 9 - Stream
- 11 SCS HCS HB 10 - Stream
- 12 SCS HCS HB 11, as amended - Stream
- 13 SCS HCS HB 12 - Stream
- 14 SCS HCS HB 13 - Stream
- 15 HCS SB 23, as amended - Jones (50)

SENATE CONCURRENT RESOLUTIONS

SCS SCR 5 - Frederick

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

SIXTY-SECOND DAY, THURSDAY, MAY 2, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

Trust in Him at all times ye people; pour out your heart before Him; God is a refuge for us. (Psalm 62:8)

Eternal God, without Whose blessing all our labor is in vain, we pray that our lives may be built not upon the sands which shift with the tide but upon the rock of eternal truth and love on this National Day of Prayer. As we worship You, reveal to us Your presence; give us wisdom. Awaken within us a greater desire for goodness, truth and love. To You, we bring our reactions to be purified, our ambitions to be refined, our minds to be cleansed, and our hearts to be responsive to Your spirit.

We ask Your blessing upon our Speaker and the members of this body. May the fires of Your spirit burn brightly within them. May they ever be friendly in spirit, clear in purpose, strong in integrity - men and women of high principles, great faith, and never failing good will. Protect them from all evil and may public office be to them a public trust which will issue in a public service unexcelled in the history of our beloved Missouri.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Kyle Osia, Lucien Bequette, Jake Page, Wasana Janwong, Sheyla Astete, Lucy Waruru Mahianyu, Yi Mei Pan, Michaela Schweiger and Lay Upadhyay.

The Journal of the sixty-first day was approved as printed.

HOUSE RESOLUTION

Representative Bernskoetter offered House Resolution No. 2658

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2625 through House Resolution No. 2657

House Resolution No. 2659 through House Resolution No. 2699

COMMITTEE REPORTS

Committee on Fiscal Review, Chairman Flanigan reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 210**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 630**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 781**, begs leave to report it has examined the same and recommends that it **Do Pass**.

PERFECTION OF HOUSE BILLS - APPROPRIATIONS

HCS HB 17 was taken up by Representative Stream.

On motion of Representative Stream, **HCS HB 17** was adopted.

On motion of Representative Stream, **HCS HB 17** was ordered perfected and printed.

HB 18 was taken up by Representative Stream.

On motion of Representative Stream, **HB 18** was ordered perfected and printed.

THIRD READING OF HOUSE BILLS

HCS HB 630, relating to economic development incentives, was taken up by Representative McCaherty.

On motion of Representative McCaherty, **HCS HB 630** was read the third time and passed by the following vote:

AYES: 117

Allen	Anders	Austin	Barnes	Bernskoetter
Berry	Black	Burns	Butler	Cierpiot
Conway 10	Cookson	Cornejo	Cox	Crawford
Cross	Curtis	Davis	Diehl	Dohrman
Dugger	Dunn	Elmer	Engler	English
Entlicher	Fitzwater	Flanigan	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Kelley 127	Kolkmeier	Korman
Kratky	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	Messenger	Miller	Mims	Molendorp

Morris	Muntzel	Neely	Neth	Nichols
Norr	Otto	Pfausch	Phillips	Pike
Redmon	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieffer
Schupp	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	White	Wieland	Wilson
Zerr	Mr Speaker			

NOES: 039

Anderson	Bahr	Brattin	Burlison	Conway 104
Curtman	Ellinger	Ellington	Englund	Fitzpatrick
Fowler	Gardner	Guernsey	Haahr	Keeney
Kelly 45	Kirkton	Koenig	LaFaver	Marshall
McNeil	Meredith	Mitten	Montecillo	Moon
Morgan	Newman	Pace	Parkinson	Peters
Pierson	Pogue	Rehder	Schieber	Smith 120
Walton Gray	Webb	Webber	Wood	

PRESENT: 000

ABSENT WITH LEAVE: 007

Brown	Carpenter	Colona	Frame	Grisamore
Smith 85	Wright			

Speaker Jones declared the bill passed.

HCS HB 210, relating to the Missouri Criminal Code, was taken up by Representative Cox.

On motion of Representative Cox, **HCS HB 210** was read the third time and passed by the following vote:

AYES: 150

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Burlison	Burns	Cierpiot	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Koenig	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo

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Moon	Morgan	Morris	Muntzel	Neely
Neth	Nichols	Norr	Otto	Pace
Parkinson	Peters	Pfautsch	Phillips	Pierson
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Webb	Webber	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 007

Butler	Curtis	Ellington	Gardner	Kirkton
Newman	Walton Gray			

PRESENT: 000

ABSENT WITH LEAVE: 006

Brown	Carpenter	Colona	Grisamore	Smith 85
Wright				

Speaker Jones declared the bill passed.

HCS HB 371, relating to judicial procedures, was taken up by Representative Cox.

On motion of Representative Cox, **HCS HB 371** was read the third time and passed by the following vote:

AYES: 144

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Burlison
Burns	Carpenter	Cierpiot	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Molendorp	Montecillo	Moon
Morris	Muntzel	Neely	Nichols	Norr
Otto	Pace	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo

Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 012

Butler	Curtis	Ellington	Gardner	Mitten
Morgan	Newman	Peters	Pierson	Schupp
Walton Gray	Webb			

PRESENT: 000

ABSENT WITH LEAVE: 007

Brattin	Brown	Colona	Curtman	Grisamore
Neth	Smith 85			

Speaker Jones declared the bill passed.

THIRD READING OF SENATE BILL

HCS SS#2 SCS SB 1, as amended, relating to workers' compensation, was taken up by Representative Richardson.

Representative Hummel offered **House Amendment No. 9**.

House Amendment No. 9

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1, Section 287.020, Pages 1-3, Lines 1-80, by deleting all of said section from the bill; and

Further amend said bill, Section 287.067, Pages 4-5, Lines 1-45, by deleting all of said section from the bill; and

Further amend said bill, Section 287.120, Pages 5-7, Lines 1-68, by deleting all of said section from the bill; and

Further amend said bill, Section 287.200, Pages 13-15, Lines 1-76, by deleting all of said section from the bill; and

Further amend said bill, Section 287.220, Pages 20-21, Lines 58-60, by deleting all of said lines and inserting in lieu thereof the following:

"date of this section shall be compensated as provided in this subsection."; and

Further amend said bill and section, Page 24, Line 170, by deleting **"or occupational disease"**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Hummel moved that **House Amendment No. 9** be adopted.

Which motion was defeated.

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Representative Diehl assumed the Chair.

Speaker Jones resumed the Chair.

On motion of Representative Richardson, **HCS SS#2 SCS SB 1, as amended**, was adopted.

On motion of Representative Richardson, **HCS SS#2 SCS SB 1, as amended**, was read the third time and passed by the following vote:

AYES: 109

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 003

Colona	Grisamore	Smith 85
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Speaker Jones declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 133

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Cierpiot	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Ellinger	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeier	Korman	Kratky	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	May	McCaherty	McGaugh
McManus	McNeil	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Nichols
Pace	Parkinson	Peters	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 026

Burns	Butler	Carpenter	Curtis	Dunn
Ellington	Gardner	Hummel	LaFaver	Mayfield
McCann Beatty	McDonald	McKenna	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Norr
Otto	Pierson	Rizzo	Roorda	Runions
Webb				

PRESENT: 000

ABSENT WITH LEAVE: 004

Colona	Grisamore	Messenger	Smith 85
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THIRD READING OF HOUSE BILL

HB 555, relating to the operation of motorcycles, was taken up by Representative Burlison.

HB 555 was laid over.

On motion of Representative Diehl, the House recessed until 1:00 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Representative Barnes.

HOUSE BILLS WITH SENATE AMENDMENTS

SS HB 331, relating to telecommunication price cap waivers, was taken up by Representative Miller.

On motion of Representative Miller, **SS HB 331** was adopted by the following vote:

AYES: 136

Anders	Anderson	Austin	Bahr	Barnes
Berry	Brown	Burlison	Burns	Butler
Carpenter	Cierpiot	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Davis
Diehl	Dohrman	Dugger	Dunn	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Koenig	Kolkmeyer	Kratky	Lair
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Molendorp	Montecillo	Moon	Morgan	Morris
Muntzel	Neely	Neth	Nichols	Norr
Otto	Pace	Parkinson	Peters	Pfautsch
Phillips	Pierson	Pike	Pogue	Rehder
Reiboldt	Rhoads	Richardson	Riddle	Rizzo
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schupp	Shull	Shumake
Solon	Sommer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 007

Curtis	Ellinger	Gardner	Kelly 45	Kirkton
Korman	Newman			

PRESENT: 000

ABSENT WITH LEAVE: 020

Allen	Bernskoetter	Black	Brattin	Colona
Curtman	Ellington	Hicks	Kelley 127	LaFaver
Lant	Redmon	Remole	Roorda	Schieffer
Smith 85	Smith 120	Spencer	Webb	Webber

On motion of Representative Miller, **SS HB 331** was truly agreed to and finally passed by the following vote:

AYES: 139

Anders	Anderson	Austin	Bahr	Barnes
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Conway 10	Conway 104	Cornejo	Cox
Crawford	Cross	Davis	Diehl	Dohrman
Dugger	Dunn	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McNeil	Meredith	Messenger	Miller	Mims
Molendorp	Montecillo	Moon	Morgan	Morris
Muntzel	Neely	Neth	Nichols	Norr
Otto	Pace	Parkinson	Peters	Pfautsch
Phillips	Pierson	Pike	Pogue	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schupp	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webb	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 007

Curtis	Ellinger	Gardner	Kirkton	Korman
Mitten	Newman			

PRESENT: 000

ABSENT WITH LEAVE: 017

Allen	Bernskoetter	Berry	Black	Brattin
Colona	Cookson	Curtman	Funderburk	Kelly 45
McManus	Redmon	Roorda	Schieffer	Smith 85
Smith 120	Webber			

Representative Barnes declared the bill passed.

THIRD READING OF HOUSE BILL

HB 555, relating to the operation of motorcycles, was again taken up by Representative Burlison.

Representative Diehl resumed the Chair.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 105

Anderson	Austin	Bahr	Barnes	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Haahr
Haefner	Hampton	Hansen	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller
Molendorp	Moon	Morris	Muntzel	Neely
Neth	Parkinson	Pfausch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 009

Allen	Colona	Dugger	Franklin	Guernsey
Hummel	McManus	Smith 85	Smith 120	

On motion of Representative Burlison, **HB 555** was read the third time and passed by the following vote:

AYES: 094

Anderson	Bahr	Barnes	Bernskoetter	Berry
Black	Brattin	Brown	Burlison	Butler
Carpenter	Cierpiot	Conway 10	Conway 104	Cookson
Cornejo	Cox	Curtman	Davis	Diehl
Dohrman	Ellington	Elmer	Engler	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Funderburk	Gosen	Haahr	Haefner	Hansen
Harris	Hicks	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Leara	Lichtenegger	Love
Lynch	Marshall	Mayfield	McCaherty	McGaugh
Miller	Molendorp	Moon	Muntzel	Neth
Otto	Parkinson	Pike	Pogue	Redmon
Rehder	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Schieffer
Solon	Sommer	Spencer	Swearingen	Thomson
Torpey	Walker	Webb	Webber	Wieland
Wilson	Wright	Zerr	Mr Speaker	

NOES: 063

Anders	Austin	Burns	Crawford	Cross
Curtis	Dunn	Ellinger	English	Englund
Entlicher	Franklin	Frederick	Gannon	Gardner
Gatschenberger	Grisamore	Hampton	Higdon	Hodges
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	Lauer	May	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Messenger
Mims	Mitten	Montecillo	Morgan	Morris
Neely	Newman	Nichols	Norr	Pace
Peters	Pfausch	Phillips	Pierson	Reiboldt
Remole	Rhoads	Rizzo	Roorda	Runions
Schupp	Shull	Shumake	Stream	Swan
Walton Gray	White	Wood		

PRESENT: 000

ABSENT WITH LEAVE: 006

Allen	Colona	Dugger	Guernsey	Smith 85
Smith 120				

Representative Diehl declared the bill passed.

PERFECTION OF HOUSE BILL - APPROPRIATIONS

HCS HB 19 was taken up by Representative Stream.

Representative Stream offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 19, Page 1, Section 19.006, Line 4, by inserting immediately thereafter the following:

"19.007. To the Office of Administration
For planning, design, and construction of a state office building including space for and
renovation of the Missouri Department of Transportation Central Office
From General Revenue Fund. \$38,000,000

19.008. To the Office of Administration
For stonework, window repair and other structural repair for the State Capitol Complex
From General Revenue Fund. \$50,000,000

19.009. To the Office of Administration
For planning and design for the replacement of the Fulton State Hospital
From General Revenue Fund. \$13,000,000"; and

Further amend said bill, Page 2, Section 19.017, Line 4, by inserting immediately thereafter the following:

"19.018. To the Department of Natural Resources
For the Division of State Parks
For state park and historic site maintenance, repair, renovation, and construction
From General Revenue Fund. \$20,000,000"; and

Further amend said bill by adjusting section and bill totals accordingly.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 101

Anderson	Austin	Bahr	Barnes	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Elmer
Engler	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McGaugh	Messenger
Miller	Molendorp	Moon	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross

Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 012

Allen	Colona	Cookson	Dugger	Franklin
Frederick	Funderburk	Jones 50	McCaherty	McManus
Smith 85	Smith 120			

On motion of Representative Stream, **House Amendment No. 1** was adopted by the following vote:

AYES: 131

Anderson	Austin	Bahr	Barnes	Bernskoetter
Berry	Black	Brattin	Brown	Burlison
Burns	Butler	Cierpiot	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dunn
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	McCaherty
McCann Beatty	McDonald	McGaugh	McManus	McNeil
Messenger	Miller	Mims	Molendorp	Montecillo
Moon	Morris	Muntzel	Neely	Neth
Norr	Otto	Pace	Parkinson	Peters
Pfautsch	Phillips	Pierson	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Schieffer
Shull	Shumake	Solon	Sommer	Spencer

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Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 026

Anders	Carpenter	Curtis	Ellinger	Ellington
English	Englund	Frame	Gardner	Hummel
Marshall	May	Mayfield	McKenna	Meredith
Mitten	Morgan	Newman	Nichols	Roorda
Runions	Schupp	Swearingen	Walton Gray	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 006

Allen	Colona	Dugger	Smith 85	Smith 120
Webb				

Representative Flanigan offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 19, Page 4, Section 19.057, Lines 1-5, by deleting the section in its entirety; and

Further amend said bill, Section 19.060, Line 8, by deleting "15,000,000" and inserting "14,000,000"; and

Further amend said bill by adjusting section and bill totals accordingly.

On motion of Representative Flanigan, **House Amendment No. 2** was adopted.

On motion of Representative Stream, **HCS HB 19, as amended**, was adopted.

On motion of Representative Stream, **HCS HB 19, as amended**, was ordered perfected and printed.

THIRD READING OF HOUSE BILLS

HCS HB 781, relating to MO HealthNet-funded home- and community-based care, was taken up by Representative Hough.

On motion of Representative Hough, **HCS HB 781** was read the third time and passed by the following vote:

AYES: 149

Anders	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis

Diehl	Dohrman	Dunn	Ellinger	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kirkton	Koenig
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Molendorp
Montecillo	Moon	Morgan	Morris	Muntzel
Neely	Neth	Nichols	Norr	Otto
Pace	Parkinson	Peters	Pfautsch	Phillips
Pierson	Pike	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 004

Gardner	Mitten	Newman	Pogue
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PRESENT: 000

ABSENT WITH LEAVE: 010

Allen	Colona	Dugger	Funderburk	Kelly 45
Kolkmeyer	Scharnhorst	Smith 85	Smith 120	Swearingen

Representative Diehl declared the bill passed.

HCS HB 936, relating to the provision of health care services, was taken up by Representative Swan.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Anderson	Austin	Bahr	Bernskoetter	Berry
Brattin	Brown	Cierpiot	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Elmer	Engler
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Franklin	Frederick	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner

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Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth
Pfautsch	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Riddle	Ross
Rowden	Rowland	Schatz	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Conway 10	Curtis	Dunn	Ellington	English
Englund	Frame	Gardner	Harris	Hodges
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 013

Allen	Barnes	Burlison	Colona	Dugger
Ellinger	Funderburk	Parkinson	Phillips	Richardson
Scharnhorst	Smith 85	Smith 120		

On motion of Representative Swan, **HCS HB 936** was read the third time and passed by the following vote:

AYES: 116

Anderson	Austin	Bahr	Barnes	Bernskoetter
Berry	Black	Brattin	Brown	Burlison
Cierpiot	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Elmer	Engler	English
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Frederick	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Kratky
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	Mayfield	McCaherty
McGaugh	McKenna	McManus	Messenger	Miller
Molendorp	Moon	Morris	Muntzel	Neely
Neth	Pfautsch	Pike	Redmon	Rehder

Reiboldt	Remole	Rhoads	Richardson	Riddle
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 039

Anders	Burns	Butler	Carpenter	Curtis
Dunn	Ellinger	Ellington	Englund	Franklin
Gardner	Hubbard	Hummel	Kelly 45	Kirkton
LaFaver	May	McCann Beatty	McDonald	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Pogue	Rizzo	Schupp
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 008

Allen	Colona	Dugger	Funderburk	Parkinson
Phillips	Smith 85	Smith 120		

Representative Diehl declared the bill passed.

PERFECTION OF HOUSE JOINT RESOLUTION

HCS#2 HJR 14, relating to the fifth state building fund, was taken up by Representative Jones (110).

Representative McCann Beatty offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute No. 2 for House Joint Resolution No. 14, Page 5, Section 37(i), Line 128, by inserting after all of said line the following:

"11. The governor or his or her designated representative shall develop in consultation with the state board of fund commissioners a percentage plan for application by African Americans, women, and other minority businesses in all state bond programs. The governor or his or her designated representative shall develop, in consultation with the state board of fund commissioners, a percentage plan for application by African Americans, women, and other minority businesses, for employment opportunity in the state construction building plan. Such minority business and employment plans shall be filed with the Missouri minority business advocacy commission."; and

Further amend said bill, page, section, Line 129, by deleting the number, **"11"** and inserting in lieu thereof the number **"12"**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative McCann Beatty, **House Amendment No. 1** was adopted.

On motion of Representative Jones (110), **HCS#2 HJR 14, as amended**, was adopted.

On motion of Representative Jones (110), **HCS#2 HJR 14, as amended**, was ordered perfected and printed.

THIRD READING OF HOUSE BILLS

HB 427, relating to mechanics' liens, was taken up by Representative Schatz.

On motion of Representative Schatz, **HB 427** was read the third time and passed by the following vote:

AYES: 133

Anders	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dunn	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Gannon	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	May
Mayfield	McCaherty	McCann Beatty	McGaugh	McKenna
McNeil	Meredith	Messenger	Miller	Mitten
Molendorp	Moon	Morgan	Morris	Muntzel
Neely	Neth	Nichols	Norr	Otto
Pace	Peters	Pfautsch	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Solon	Sommer	Spencer	Thomson	Torpey
Walker	Webber	White	Wieland	Wilson
Wood	Wright	Zerr		

NOES: 013

Curtis	Ellinger	Ellington	Gardner	Kratky
LaFaver	McDonald	Mims	Montecillo	Newman
Pierson	Walton Gray	Webb		

PRESENT: 000

ABSENT WITH LEAVE: 017

Allen	Colona	Dugger	Elmer	Engler
Funderburk	Grisamore	Hough	McManus	Parkinson
Phillips	Smith 85	Smith 120	Stream	Swan
Swearingen	Mr Speaker			

Representative Diehl declared the bill passed.

HCS HB 430, relating to workers' compensation insurance, was taken up by Representative Schatz.

On motion of Representative Schatz, **HCS HB 430** was read the third time and passed by the following vote:

AYES: 141

Anders	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dunn	Ellinger	Elmer	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Gannon	Gardner	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Houghton	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Moon	Morgan	Morris	Muntzel	Neely
Neth	Nichols	Norr	Otto	Pace
Peters	Pfautsch	Pierson	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 006

Curtis	Ellington	McNeil	Montecillo	Newman
Webb				

PRESENT: 000

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ABSENT WITH LEAVE: 016

Allen	Colona	Dugger	Engler	Funderburk
Gatschenberger	Hough	Hubbard	Marshall	McManus
Parkinson	Phillips	Scharnhorst	Smith 85	Smith 120
Swan				

Representative Diehl declared the bill passed.

HCS HB 513, relating to the protection of parental rights, was taken up by Representative Bahr.

Representative Richardson moved the previous question.

Which motion was adopted by the following vote:

AYES: 098

Anderson	Austin	Bahr	Barnes	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Elmer
Entlicher	Fitzpatrick	Fitzwater	Fowler	Fraker
Franklin	Frederick	Gannon	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaughey
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Pfausch	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 047

Anders	Black	Burns	Butler	Carpenter
Conway 10	Dunn	Ellinger	Ellington	English
Englund	Frame	Harris	Hodges	Hubbard
Hummel	Kelly 45	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Walton Gray
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 018

Allen	Colona	Cox	Curtis	Dugger
Engler	Flanigan	Funderburk	Gardner	Gatschenberger
Parkinson	Phillips	Smith 85	Smith 120	Stream
Swan	Swearingen	Webb		

On motion of Representative Bahr, **HCS HB 513** was read the third time and passed by the following vote:

AYES: 122

Anders	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Conway 10	Conway 104	Cookson
Cornejo	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Ellinger	Ellington	Elmer
English	Entlicher	Fitzpatrick	Fitzwater	Fowler
Fraker	Frame	Franklin	Frederick	Gannon
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Kratky	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	May
Mayfield	McCaherty	McCann Beatty	McGaugh	McKenna
McManus	Messenger	Miller	Molendorp	Moon
Muntzel	Neely	Neth	Otto	Pace
Peters	Pfautsch	Pierson	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Shull	Shumake	Solon
Sommer	Spencer	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 022

Butler	Carpenter	Curtis	Dunn	Englund
Gardner	Hummel	Kirkton	LaFaver	McDonald
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Schupp
Walton Gray	Webber			

PRESENT: 000

ABSENT WITH LEAVE: 019

Allen	Cierpiot	Colona	Cox	Dugger
Engler	Flanigan	Funderburk	Gatschenberger	Kelly 45
Morris	Parkinson	Phillips	Smith 85	Smith 120
Stream	Swan	Swearingen	Webb	

Representative Diehl declared the bill passed.

HB 336, relating to first responder political activity, was taken up by Representative Hinson.

On motion of Representative Hinson, **HB 336** was read the third time and passed by the following vote:

AYES: 148

Anders	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Conway 10	Conway 104	Cookson	Cornejo	Crawford
Cross	Curtis	Curtman	Davis	Diehl
Dohrman	Dunn	Ellinger	Ellington	Elmer
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Fowler	Fraker	Frame	Franklin	Frederick
Gannon	Gardner	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Peters	Pfautsch	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 001

May

PRESENT: 000

ABSENT WITH LEAVE: 014

Allen	Colona	Cox	Dugger	Engler
Flanigan	Funderburk	Gatschenberger	Parkinson	Phillips
Smith 85	Smith 120	Swan	Webb	

Representative Diehl declared the bill passed.

SUPPLEMENTAL CALENDAR

May 2, 2013

HOUSE BILLS FOR THIRD READING - APPROPRIATIONS

- 1 HCS HB 17 - Stream
 - 2 HB 18 - Stream
 - 3 HCS HB 19 - Stream
-

THIRD READING OF HOUSE BILL - APPROPRIATIONS

HCS HB 17 was again taken up by Representative Stream.

On motion of Representative Stream, **HCS HB 17** was read the third time and passed by the following vote:

AYES: 148

Anders	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Conway 10	Conway 104	Cookson	Cornejo	Crawford
Cross	Curtis	Curtman	Diehl	Dohrman
Dunn	Ellinger	Ellington	Elmer	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Gannon	Gardner	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Moon
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Peters	Pfautsch	Pierson	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swearingen

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Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 001

Marshall

PRESENT: 000

ABSENT WITH LEAVE: 014

Allen	Colona	Cox	Davis	Dugger
Engler	Funderburk	Gatschenberger	Hubbard	Parkinson
Phillips	Smith 85	Smith 120	Swan	

Representative Diehl declared the bill passed.

Speaker Jones resumed the Chair.

SIGNING OF SENATE BILLS

All other business of the House was suspended while **SB 16, SB 59, SB 60, SB 80, SCS SB 191, SB 234, SB 235, SB 237, SCS SB 287, SB 306, SCS SB 324, SB 329** and **SCS SB 376** were read at length and, there being no objection, were signed by the Speaker to the end that the same may become law.

THIRD READING OF HOUSE BILLS - APPROPRIATIONS

HB 18 was again taken up by Representative Stream.

On motion of Representative Stream, **HB 18** was read the third time and passed by the following vote:

AYES: 147

Anders	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Conway 10	Conway 104	Cookson	Cornejo	Crawford
Cross	Curtis	Curtman	Davis	Diehl
Dohrman	Dunn	Ellinger	Elmer	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Fowler
Fraker	Frame	Franklin	Frederick	Gannon
Gardner	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna

McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Moon
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Peters	Pfausch	Pierson	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webb	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 002

Ellington	Marshall
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PRESENT: 000

ABSENT WITH LEAVE: 014

Allen	Colona	Cox	Dugger	Engler
Flanigan	Funderburk	Gatschenberger	Parkinson	Phillips
Scharnhorst	Smith 85	Smith 120	Swan	

Speaker Jones declared the bill passed.

HCS HB 19 was again taken up by Representative Stream.

On motion of Representative Stream, **HCS HB 19** was read the third time and passed by the following vote:

AYES: 120

Anders	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Butler	Cierpiot	Conway 10	Conway 104	Cookson
Cornejo	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dunn	Elmer	Entlicher
Fitzpatrick	Fitzwater	Fowler	Fraker	Franklin
Frederick	Gannon	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeyer	Korman	Kratky
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	McCaherty	McCann Beatty	McDonald
McGaugh	McNeil	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth
Nichols	Norr	Otto	Pfausch	Pierson
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Shull	Shumake	Solon

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Sommer	Spencer	Stream	Swearingen	Thomson
Torpey	Walker	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 030

Black	Burns	Carpenter	Curtis	Ellinger
Ellington	English	Englund	Frame	Gardner
Hummel	LaFaver	Marshall	May	Mayfield
McKenna	McManus	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Pace	Peters
Rizzo	Roorda	Schupp	Walton Gray	Webb

PRESENT: 000

ABSENT WITH LEAVE: 013

Allen	Colona	Cox	Dugger	Engler
Flanigan	Funderburk	Gatschenberger	Parkinson	Phillips
Smith 85	Smith 120	Swan		

Speaker Jones declared the bill passed.

COMMITTEE REPORTS

Committee on Crime Prevention and Public Safety, Chairman Hinson reporting:

Mr. Speaker: Your Committee on Crime Prevention and Public Safety, to which was referred **SCS SB 256**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on General Laws, Chairman Jones (50) reporting:

Mr. Speaker: Your Committee on General Laws, to which was referred **HB 92**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on General Laws, to which was referred **HB 424**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on General Laws, to which was referred **HB 915**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on General Laws, to which was referred **SB 75**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Insurance Policy, Chairman Gosen reporting:

Mr. Speaker: Your Committee on Insurance Policy, to which was referred **SCS SBs 317 & 319**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Judiciary, Chairman Cox reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **SCS SB 118**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Judiciary, to which was referred **SS SB 245**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Tourism and Natural Resources, Chairman Phillips reporting:

Mr. Speaker: Your Committee on Tourism and Natural Resources, to which was referred **HB 467**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Riddle reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HR 222**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 411**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 608**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 685**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 745**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 783**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 814**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 830**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 863**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 18**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 33**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 42**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 72**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 87**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SS SCS SB 114**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SS SCS SB 121**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 127**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SS SCS SB 159**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SS SB 252**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 265**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SS SB 267**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SS SB 357**, begs leave to report it has examined the same and recommends that it **Do Pass**.

REFERRAL OF HOUSE JOINT RESOLUTION

The following House Joint Resolution was referred to the Committee indicated:

HCS#2 HJR 14 - Fiscal Review

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

HCS SCS SB 42 - Fiscal Review

HCS SS SB 252 - Fiscal Review

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HBs 256, 33 & 305**, entitled:

An act to repeal section 610.021, RSMo, and to enact in lieu thereof two new sections relating to public safety, with an emergency clause.

With Senate Amendment No. 2 and Senate Amendment No. 3.

Senate Amendment No. 2

AMEND House Committee Substitute for House Bill Nos. 256, 33 & 305, Page 5, Section 1, Line 3, by inserting at the end of said line the following:

"The provisions of this section shall only apply to a flight on a state-owned plane."

Senate Amendment No. 3

AMEND House Committee Substitute for House Bill Nos. 256, 33 & 305, Page 5, Section 610.021, Line 125, by inserting after all of said line the following:

"610.150. Except as provided by this section, any information acquired by a law enforcement agency **or a first responder agency** by way of a complaint or report of a crime made by telephone contact using the emergency number, "911", shall be inaccessible to the general public. However, information consisting of the date, time, specific location and immediate facts and circumstances surrounding the initial report of the crime or incident shall be considered to be an incident report and subject to section 610.100. Any closed records pursuant to this section shall be available upon request by law enforcement agencies or the division of workers' compensation or pursuant to a valid court order authorizing disclosure upon motion and good cause shown."; and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HB 307**, entitled:

An act to repeal sections 77.046, 78.340, 79.240, 80.420, 84.120, 84.430, 84.490, 84.830, 85.551, 99.845, 106.010, 106.270, 190.100, 321.015, 321.210, 321.322, and 590.080, RSMo, and to enact in lieu thereof nineteen new sections relating to emergency service providers, with existing penalty provisions.

With Senate Amendment No. 1 and Senate Amendment No. 2.

Senate Amendment No. 1

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 307, Page 28, Section 106.273, Line 26, by inserting after all of said line the following:

"174.700. The board of regents or board of governors of any state college or university may appoint and employ as many college or university police officers as it may deem necessary to **enforce regulations established under section 174.709 and general motor vehicle laws of this state in accordance with section 174.712**, protect persons, property, and to preserve peace and good order only in the public buildings, properties, grounds, and other facilities and locations over which it has charge or control and to respond to emergencies or natural disasters outside of the boundaries of university property and provide services if requested by the law enforcement agency with jurisdiction.

174.703. **1.** The college or university police officers, before they enter upon their duties, shall take and subscribe an oath of office before some officer authorized to administer oaths, to faithfully and impartially discharge the duties thereof, which oath shall be filed in the office of the board, and the secretary of the board shall give each college police officer so appointed and qualified a certificate of appointment, under the seal of the board, which certificate shall empower him or her with the same authority to maintain order, preserve peace and make arrests as is now held by peace officers.

2. The college or university police officers shall have the authority to enforce the regulations established in section 174.709 and general motor vehicle laws in accordance with section 174.712 on the campus as prescribed in chapter 304. The college or university police officer may in addition expel from the public buildings, campuses, and grounds, persons violating the rules and regulations that may be prescribed by the board or others under the authority of the board.

3. Such officer or employee of the state college or university as may be designated by the board shall have immediate charge, control and supervision of police officers appointed by authority of this section. Such college or university police officers shall have satisfactorily completed before appointment a training course for police officers as prescribed by chapter 590 for state peace officers or, by virtue of previous experience or training, have met the requirements of chapter 590, **and have been certified under that chapter.**

174.706. Nothing in sections 174.700 to 174.706 shall be construed as denying the board the right to appoint guards or watchmen who shall not be given the authority and powers authorized by sections 174.700 to [174.706] **174.712.**

174.709. 1. For the purpose of promoting public safety, health, and general welfare and to protect life and property, the board of regents or board of governors of any state college or university may establish regulations to control vehicular traffic, including speed regulations, on any thoroughfare owned or maintained by the state college or university and located within any of its campuses. Such regulations shall be consistent with the provisions of the general motor vehicle laws of this state. Upon adoption of such regulations, the state college or university shall have the authority to place official traffic control signals, as defined in section 300.010, on campus property.

2. The regulations established by the board of regents or board of governors of any state college or university under subsection 1 of this section shall be codified, printed, and distributed for public use. Adequate signs displaying the speed limit shall be posted along such thoroughfares.

3. Violations of any regulation established under this section shall have the same effect as a violation of municipal ordinances adopted under section 304.120, with penalty provisions as provided in section 304.570.

Points assessed against any person under section 302.302, for a violation of this section shall be the same as provided for a violation of a county or municipal ordinance.

4. The provisions of this section shall apply only to moving violations.

174.712. All motor vehicles operated upon any thoroughfare owned or maintained by the state college or university and located within any of its campuses shall be subject to the provisions of the general motor vehicle laws of this state, including chapters 301, 302, 303, 304, 307, and 577. Violations shall have the same effect as though such had occurred on public roads, streets, or highways of this state."; and

Further amend said bill, Page 44, Section 321.322, Line 21, by inserting after all of said line the following:

"544.157. 1. Any law enforcement officer certified pursuant to chapter 590 of any political subdivision of this state, any authorized agent of the department of conservation, any commissioned member of the Missouri capitol police, **any college or university police officer**, and any commissioned member of the Missouri state park rangers in fresh pursuit of a person who is reasonably believed by such officer to have committed a felony in this state or who has committed, or attempted to commit, in the presence of such officer or agent, any criminal offense or violation of a municipal or county ordinance, or for whom such officer holds a warrant of arrest for a criminal offense, shall have the authority to arrest and hold in custody such person anywhere in this state. Fresh pursuit may only be initiated from within the pursuing peace officer's, conservation agent's, capitol police officer's, **college or university police officer's**, or state park ranger's jurisdiction and shall be terminated once the pursuing peace officer is outside of such officer's jurisdiction and has lost contact with the person being pursued. If the offense is a traffic violation, the uniform traffic ticket shall be used as if the violator had been apprehended in the municipality or county in which the offense occurred.

2. If such an arrest is made in obedience to a warrant, the disposition of the prisoner shall be made as in other cases of arrest under a warrant; if the violator is served with a uniform traffic ticket, the violator shall be directed to appear before a court having jurisdiction to try the offense; if the arrest is without a warrant, the prisoner shall be taken forthwith before a judge of a court with original criminal jurisdiction in the county wherein such arrest was made or before a municipal judge thereof having original jurisdiction to try such offense, who may release the person as provided in section 544.455, conditioned upon such person's appearance before the court having jurisdiction to try the offense. The person so arrested need not be taken before a judge as herein set out if given a summons by the arresting officer.

3. The term "fresh pursuit", as used in this section, shall include hot or fresh pursuit as defined by the common law and also the pursuit of a person who has committed a felony or is reasonably suspected of having committed a felony in this state, or who has committed or attempted to commit in this state a criminal offense or violation of municipal or county ordinance in the presence of the arresting officer referred to in subsection 1 of this section or for whom such officer holds a warrant of arrest for a criminal offense. It shall include also the pursuit of a person suspected of having committed a supposed felony in this state, though no felony has actually been committed, if there is reasonable ground for so believing. "Fresh pursuit" as used herein shall imply instant pursuit.

4. A public agency electing to institute vehicular pursuits shall adopt a policy for the safe conduct of vehicular pursuits by peace officers. Such policy shall meet the following minimum standards:

- (1) There shall be supervisory control of the pursuit;
 - (2) There shall be procedures for designating the primary pursuit vehicle and for determining the total number of vehicles to be permitted to participate at one time in the pursuit;
 - (3) There shall be procedures for coordinating operation with other jurisdictions; and
 - (4) There shall be guidelines for determining when the interests of public safety and effective law enforcement justify a vehicular pursuit and when a vehicular pursuit should not be initiated or should be terminated.";
- and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 307, Page 29, Section 190.098, Line 14, by inserting after "nurse" the following:

"through a collaborative practice arrangement with a physician"; and

Further amend Line 15, by inserting after "assistant" the following:

"through a collaborative practice arrangement with a physician".

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 436**, entitled:

An act to repeal sections 21.750, 571.030, 571.101, 571.107, 571.117 and 590.010, RSMo, and to enact in lieu thereof thirteen new sections relating to firearms, with a penalty provision.

With Senate Amendment No. 1 and Senate Amendment No. 2.

Senate Amendment No. 1

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 436, Section 1.320, Page 3, Lines 72, by striking all of said line and inserting in lieu thereof, the following:

"and the Missouri Constitution;

(9) The General Assembly of the state of Missouri strongly promotes responsible gun ownership, including parental supervision of minors in the proper use, storage and ownership of all firearms, the prompt reporting of stolen firearms, and the proper enforcement of all state gun laws;

(10) The General Assembly of the state of Missouri hereby condemns any unlawful transfer of firearms and the use of any firearm in any criminal or unlawful activity."

Senate Amendment No. 2

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 436, Page 13, Section 571.030, Line 176, by inserting immediately after all of said line the following:

"571.067. No county, municipality, or other governmental body, or an agent of a county, municipality, or other governmental body, may participate in any program in which individuals are given a thing of value in exchange for surrendering a firearm to the county, municipality, or other governmental body unless:

(1) The county, municipality, or governmental body has adopted a resolution, ordinance, or rule authorizing the participation of the county, municipality, or governmental body, or participation by an agent of the county, municipality, or governmental body, in such a program; and

(2) The resolution, ordinance, or rule enacted pursuant to this section provides that any firearm received shall be offered for sale or trade to a licensed firearms dealer. The proceeds from any sale or gains from trade shall be the property of the county, municipality, or governmental body. Any proceeds collected under this subdivision shall be deposited with the municipality, county, or governmental body unless the proceeds are collected by a sheriff, in which case the proceeds shall be deposited in the county sheriff's revolving fund under section 50.535. Any firearm remaining in the possession of the county, municipality, or governmental body after the firearm has been offered for sale or trade to at least two licensed firearms dealers may be destroyed."; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SS#2 SCS SB 1, as amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SB 23, as amended**: Senators Parson, Kehoe, Cunningham, Justus and Curls.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SS SB 34, as amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **SCS SB 106, with House Amendment No. 1, House Amendment No. 2, House Amendment No. 3, House Amendment No. 1 to House Amendment No. 4, House Amendment No. 4, as amended, and House Amendment No. 5**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SCS SB 117, as amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SCS SB 186, as amended**, and has taken up and passed **HCS SCS SB 186, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **House Amendment No. 1 to SB 197** and has taken up and passed **SB 197, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 401**, entitled:

An act to amend chapter 376, RSMo, by adding thereto ten new sections relating to health insurance exchanges, with penalty provisions and an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

COMMITTEE CHANGE

May 2, 2013

The Honorable Timothy Jones, Speaker
Missouri House of Representatives
201 W. Capitol Ave., RM 308
Jefferson City, MO 65101

Dear Mr. Speaker:

I would like to notify you of the following changes to the current Issue Development Standing Committees:

- Rep. Holly Rehder removed from the Freshman Bipartisan Issue Development Standing Committee

Sincerely,

/s/ Representative Dwight Scharnhorst
Administration and Accounts, Chair
District 98

**CONFERENCE COMMITTEE REPORT
ON
SENATE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE JOINT RESOLUTION NOS. 11 & 7**

The Conference Committee appointed on Senate Substitute for House Committee Substitute for House Joint Resolution Nos. 11 & 7, with Senate Amendment No. 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for House Committee Substitute for House Joint Resolution Nos. 11 & 7, as amended;
2. That the House recede from its position on House Committee Substitute for House Joint Resolution Nos. 11 & 7;
3. That the attached Conference Committee Substitute for Senate Substitute for House Committee Substitute for House Joint Resolution Nos. 11 & 7, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Jason Smith
/s/ Bill Reiboldt
/s/ Linda Black

FOR THE SENATE:

/s/ Mike Parson
/s/ Brian Munzlinger
/s/ Dan Brown

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 4:00 p.m., Monday, May 6, 2013.

COMMITTEE HEARINGS

AGRI-BUSINESS

Tuesday, May 7, 2013, 8:00 AM, House Hearing Room 4.
Executive session may be held on any matter referred to the committee.

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Tuesday, May 7, 2013, 8:00 AM, House Hearing Room 3.
Committee will review information regarding Department of Agriculture and Department of Natural Resources' fee funds.

CONFERENCE COMMITTEE

Monday, May 6, 2013, 10:00 AM, House Lounge.
SCS HCS HB 1 through SCS HCS HB 13

CONFERENCE COMMITTEE

Tuesday, May 7, 2013, 8:30 AM, House Lounge.
SCS HCS HB 1 through SCS HCS HB 13

CONFERENCE COMMITTEE

Wednesday, May 8, 2013, 8:30 AM, House Lounge.
SCS HCS HB 1 through SCS HCS HB 13

FISCAL REVIEW

Monday, May 6, 2013, 3:30 PM, South Gallery.
Executive session may be held on any matter referred to the committee.

ISSUE DEVELOPMENT STANDING COMMITTEE ON MISSOURI HEALTH CARE

Monday, May 6, 2013, 1:00 PM, House Hearing Room 5.
Presentation by Missouri Association of Health Plans

JOINT COMMITTEE ON EDUCATION

Tuesday, May 7, 2013, 8:30 AM, Senate Lounge.
Executive session may be held on any matter referred to the committee.
Election of chair and vice-chair; Discussion of interim projects; Information on charter sponsor reports to the committee per SB 576 (2012); and an update on SB 437.

JUDICIARY

Monday, May 6, 2013, 6:30 PM, 516 S. Country Club Drive, Jefferson City.

LEADERSHIP FOR MISSOURI ISSUE DEVELOPMENT

Monday, May 6, 2013, 2:00 PM, Room 308.

Executive session may be held on any matter referred to the committee.

RULES

Monday, May 6, 2013, Upon Afternoon Adjournment, South Gallery.

Executive session will be held: SCS SB 69, HCS SB 99, HCS SB 100, SB 208, HCS SS SB 282, SCS SB 381

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

SIXTY-THIRD DAY, MONDAY, MAY 6, 2013

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HJR 19 - Bahr
- 2 HCS HJR 15 - Brattin
- 3 HCS HJR 35 - Jones (50)
- 4 HJR 17 - Burlison

HOUSE BILLS FOR PERFECTION

- 1 HB 227 - Zerr
- 2 HB 423 - Zerr
- 3 HB 578, as amended - Funderburk
- 4 HCS HB 221 - Leara
- 5 HCS HB 701 - Molendorp
- 6 HB 255 - Torpey
- 7 HCS HB 458 - Scharnhorst
- 8 HB 242 - Ellington
- 9 HB 503, as amended, HA 1 HA 3, and HA 3, pending - McCaherty
- 10 HB 448 - Webb
- 11 HCS HB 234 - Gatschenberger
- 12 HB 616 - Bahr
- 13 HB 185 - Kirkton
- 14 HCS HB 641 - Korman
- 15 HCS HB 402 - Shumake
- 16 HCS HB 717 - Grisamore
- 17 HCS HB 727 - Grisamore
- 18 HCS HB 83 - Reiboldt
- 19 HCS HB 132 - Stream
- 20 HCS HB 1041 - Swan
- 21 HCS HBs 309 & 73 - Solon
- 22 HCS HB 350 - Frederick
- 23 HCS HB 464 - Higdon
- 24 HCS HB 484 - Lauer

- 25 HCS HB 564 - McGaugh
- 26 HCS HB 604 - Phillips
- 27 HCS HB 608 - Frederick
- 28 HCS HB 685 - Burlison
- 29 HB 745 - Thomson
- 30 HCS HB 783 - Diehl
- 31 HCS HB 814 - Fraker
- 32 HCS HB 830 - Jones (50)
- 33 HB 863 - Allen
- 34 HCS HB 930 - Flanigan

HOUSE JOINT RESOLUTIONS FOR THIRD READING

HCS#2 HJR 14, (Fiscal Review 5/2/13) - Jones (110)

HOUSE BILLS FOR THIRD READING

- 1 HB 201 - Torpey
- 2 HCS HBs 521 & 579, (Fiscal Review 3/27/13) - Koenig
- 3 HCS HB 470 - Barnes
- 4 HCS#2 HB 178 - Koenig
- 5 HB 162 - Sommer

HOUSE BILLS FOR THIRD READING - FEDERAL MANDATE

- 1 HB 635 - Fitzwater
- 2 HCS HB 611 - Lant
- 3 HCS HB 771 - Schatz

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 11 - Walton Gray
- 2 HCR 21 - Black
- 3 HCS HCR 17 - Frederick
- 4 HCR 34 - Houghton

SENATE JOINT RESOLUTIONS FOR THIRD READING

HCS SS#2 SCS SJR 16 - Hinson

SENATE BILLS FOR THIRD READING

- 1 HCS SCS SB 157 and SB 102 - Phillips
- 2 SB 230 - Brattin
- 3 HCS SS SCS SB 125 - Barnes
- 4 HCS SCS SB 17 - Thomson
- 5 HCS SS SCS SB 116 - Davis

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- 6 SCS SB 36 - Hicks
- 7 HCS SCS SB 88 - Frederick
- 8 HCS SB 90 - Dugger
- 9 HCS SCS SB 126 - Morris
- 10 HCS SCS SB 9 - Guernsey
- 11 SB 77 - Allen
- 12 HCS SB 222 - Kelly (45)
- 13 SCS SB 224 - Rizzo
- 14 HCS SS SB 262 - Molendorp
- 15 HCS SB 330 - Burlison
- 16 HCS SB 51 - Guernsey
- 17 HCS SB 148 - Schatz
- 18 HCS SB 43 - Kolkmeier
- 19 HCS SCS SB 45 - Hough
- 20 SCS SB 47 - Grisamore
- 21 SB 216 - Hinson
- 22 HCS SS SCS SB 241 - Cierpiot
- 23 SCS SB 302 - Elmer
- 24 HCS SB 18, E.C. - Cox
- 25 SCS SB 33 - Grisamore
- 26 SB 35 - Engler
- 27 HCS SB 41 - Hough
- 28 HCS SCS SB 42, (Fiscal Review 5/2/13) - Riddle
- 29 SCS SB 87 - Bahr
- 30 HCS SB 110 - Davis
- 31 SS SCS SB 114 - Jones (50)
- 32 SS SCS SB 129 - Burlison
- 33 SS SCS SB 159 - Scharnhorst
- 34 SCS SB 178 - Kirkton
- 35 SCS SB 248 - Fraker
- 36 HCS SS SB 252, (Fiscal Review 5/2/13), E.C. - Richardson
- 37 SB 257 - Berry
- 38 SB 265 - Rowland
- 39 SS SB 267 - Curtman
- 40 SB 327 - Haahr
- 41 SB 350 - Diehl
- 42 SS SB 357 - Schatz

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 HB 68, SA 1 - Kelley (127)
- 2 SCS HCS HBs 303 & 304, as amended - Scharnhorst
- 3 SS#2 HB 34 - Guernsey
- 4 SCS HB 498 - Jones (50)
- 5 SCS HCS HB 233 - Leara
- 6 SCS HB 329, as amended - Dugger

BILLS CARRYING REQUEST MESSAGES

- 1 SCS SB 106, HA1, HA2, HA3, HA1 to HA4, HA4 a.a., HA5
(request House recede/grant conf.) - Davis
- 2 HCS SCS SB 117, as amended (request House recede/grant conference) - Davis
- 3 HCS SS SB 34, as amended (request House recede/grant conference) - Fraker
- 4 HCS SS#2 SCS SB 1, as amended (request House recede/grant conference) - Richardson

BILLS IN CONFERENCE

- 1 CCR SS HCS HJR 11 & 7, as amended - Reiboldt
- 2 SCS HCS HB 1 - Stream
- 3 SCS HCS HB 2 - Stream
- 4 SCS HCS HB 3 - Stream
- 5 SCS HCS HB 4 - Stream
- 6 SCS HCS HB 5 - Stream
- 7 SCS HCS HB 6, as amended - Stream
- 8 SCS HCS HB 7, as amended - Stream
- 9 SCS HCS HB 8 - Stream
- 10 SCS HCS HB 9 - Stream
- 11 SCS HCS HB 10 - Stream
- 12 SCS HCS HB 11, as amended - Stream
- 13 SCS HCS HB 12 - Stream
- 14 SCS HCS HB 13 - Stream
- 15 HCS SB 23, as amended - Jones (50)

SENATE CONCURRENT RESOLUTIONS

SCS SCR 5 - Frederick

HOUSE RESOLUTIONS

HR 222 - Scharnhorst

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

SIXTY-THIRD DAY, MONDAY, MAY 6, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Representative Gary Cross.

Lord, we pause to say "Thank You" for the opportunity to be a part of this Body and to serve the residents in the State of Missouri. With the last two weeks in session, guide and protect us as we make decisions that impact the citizens of this great state.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Journal of the sixty-second day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2700 through House Resolution No. 2809

SECOND READING OF SENATE BILL

SS SB 401 was read the second time.

HOUSE BILLS WITH SENATE AMENDMENTS

SCS HCS#2 HB 698, as amended, relating to tax incentives, was taken up by Representative Zerr.

Representative Zerr moved that the House refuse to adopt **SCS HCS#2 HB 698, as amended**, and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

HB 68, with Senate Amendment No. 1, relating to the designation of Pancreatic Cancer Awareness month, was taken up by Representative Kelley (127).

On motion of Representative Kelley (127), the House concurred in **Senate Amendment No. 1** by the following vote:

AYES: 153

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Black	Brown	Burlison
Burns	Butler	Carpenter	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeier	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Lynch
Marshall	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Montecillo	Moon	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Parkinson	Peters	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 85
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Walker	Walton Gray	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Berry	Brattin	Fitzpatrick	Gardner	Grisamore
Hough	Love	Molendorp	Smith 120	Torpey

On motion of Representative Kelley (127), **HB 68, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 147

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dugger	Dunn	Ellinger	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hodges	Houghton
Hubbard	Hummel	Hurst	Johnson	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Lynch
Marshall	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Montecillo	Moon	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Parkinson	Peters	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 85	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Walker	Walton Gray	Webb	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 016

Brattin	Conway 104	Dohrman	Fitzpatrick	Gardner
Gatschenberger	Grisamore	Hinson	Hoskins	Hough
Jones 50	Love	Molendorp	Roorda	Smith 120
Torpey				

Speaker Jones declared the bill passed.

SCS HCS HBs 303 & 304, as amended, relating to the designation of the “Stan Musial Memorial Bridge,” was taken up by Representative Scharnhorst.

On motion of Representative Scharnhorst, **SCS HCS HBs 303 & 304, as amended**, was adopted by the following vote:

AYES: 152

Allen	Anders	Anderson	Austin	Bahr
Barnes	Berry	Black	Brown	Burlison
Burns	Butler	Carpenter	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeier	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Lynch	Marshall	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McNeil
Meredith	Messenger	Miller	Mims	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Parkinson	Peters	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 85	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Walker	Walton Gray	Webb	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 001

Bernskoetter

PRESENT: 001

Ellington

ABSENT WITH LEAVE: 009

Brattin	Grisamore	Hinson	Love	McManus
Mitten	Molendorp	Smith 120	Torpey	

On motion of Representative Scharnhorst, **SCS HCS HBs 303 & 304, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 149

Allen	Anders	Anderson	Austin	Bahr
Barnes	Berry	Black	Brown	Burlison
Burns	Butler	Carpenter	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Lynch	Marshall	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Montecillo	Moon	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Parkinson	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schieber	Schieffer	Schupp	Shull
Smith 85	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Walker	Walton Gray
Webb	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 001

Bernskoetter

PRESENT: 001

Ellington

ABSENT WITH LEAVE: 012

Brattin	Grisamore	Hinson	Love	Mitten
Molendorp	Peters	Rehder	Schatz	Shumake
Smith 120	Torpey			

Speaker Jones declared the bill passed.

SS#2 HB 34, relating to the establishment of the School Construction Act, was taken up by Representative Guernsey.

Representative Keeney assumed the Chair.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 103

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeier	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Lynch
McCaherty	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfausch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 052

Anders	Black	Burns	Butler	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 008

Brattin	Carpenter	Curtman	Gatschenberger	Love
Marshall	Smith 120	Stream		

On motion of Representative Guernsey, **SS#2 HB 34** was adopted by the following vote:

AYES: 093

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Brown	Burlison	Cierpiot	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Hicks	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeier	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Lynch	Marshall	McGaugh
Messenger	Miller	Moon	Morris	Muntzel
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Spencer	Swan	Thomson	Walker	White
Wilson	Wood	Mr Speaker		

NOES: 065

Anders	Berry	Black	Burns	Butler
Carpenter	Colona	Conway 10	Curtis	Dunn
Ellinger	Ellington	English	Englund	Frame
Gannon	Gardner	Harris	Higdon	Hodges
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCaherty	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Molendorp	Montecillo	Morgan
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Solon	Sommer	Swearingen	Torpey	Walton Gray
Webb	Webber	Wieland	Wright	Zerr

PRESENT: 000

ABSENT WITH LEAVE: 005

Brattin	Gatschenberger	Love	Smith 120	Stream
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On motion of Representative Guernsey, **SS#2 HB 34** was truly agreed to and finally passed by the following vote:

AYES: 093

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Brown	Burlison	Cierpiot	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Hicks	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeier	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Lynch	Marshall	McGaugh
Messenger	Miller	Moon	Morris	Muntzel
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Spencer	Swan	Thomson	Walker	White
Wilson	Wood	Mr Speaker		

NOES: 064

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gannon
Gardner	Harris	Higdon	Hodges	Hubbard
Hummel	Kelly 45	Kirkton	Kratky	LaFaver
May	Mayfield	McCaherty	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Molendorp	Montecillo	Morgan	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Solon
Sommer	Swearingen	Torpey	Walton Gray	Webb
Webber	Wieland	Wright	Zerr	

PRESENT: 000

ABSENT WITH LEAVE: 006

Berry	Brattin	Gatschenberger	Love	Smith 120
Stream				

Representative Keeney declared the bill passed.

SCS HB 498, relating to paid-in surplus distributions, was taken up by Representative Jones (50).

On motion of Representative Jones (50), **SCS HB 498** was adopted by the following vote:

AYES: 158

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Franklin	Frederick	Gannon
Gardner	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Lynch	Marshall	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Parkinson	Peters	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 85	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 001

Ellington

PRESENT: 000

ABSENT WITH LEAVE: 004

Frame	Funderburk	Love	Smith 120
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1940 *Journal of the House*

On motion of Representative Jones (50), **SCS HB 498** was truly agreed to and finally passed by the following vote:

AYES: 153

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Franklin
Frederick	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Lynch	Marshall
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Montecillo	Moon	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Parkinson	Peters	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 85
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 002

Ellington	Webb
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PRESENT: 000

ABSENT WITH LEAVE: 008

Berry	Conway 104	Fraker	Frame	Funderburk
Hansen	Love	Smith 120		

Representative Keeney declared the bill passed.

SCS HCS HB 233, relating to state employee benefits, was taken up by Representative Leara.

On motion of Representative Leara, **SCS HCS HB 233** was adopted by the following vote:

AYES: 157

Allen	Anders	Anderson	Austin	Bahr
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Frederick	Gannon
Gardner	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Lynch	Marshall	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Moon
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Parkinson	Peters	Pfautsch	Phillips	Pierson
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 85	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webb	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 001

Barnes

PRESENT: 000

ABSENT WITH LEAVE: 005

Franklin	Funderburk	Higdon	Love	Smith 120
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On motion of Representative Leara, **SCS HCS HB 233** was truly agreed to and finally passed by the following vote:

AYES: 157

Allen	Anders	Anderson	Austin	Bahr
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Gannon	Gardner	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Lynch	Marshall	May
Mayfield	McCaherty	McCann Beatty	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Moon
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Parkinson	Peters	Pfautsch	Phillips	Pierson
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 85	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webb	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 001

Barnes

PRESENT: 000

ABSENT WITH LEAVE: 005

Funderburk	Higdon	Love	McDonald	Smith 120
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Representative Keeney declared the bill passed.

SCS HB 329, as amended, relating to real estate loan violation reporting, was taken up by Representative Dugger.

On motion of Representative Dugger, **SCS HB 329, as amended**, was adopted by the following vote:

AYES: 141

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Carpenter	Cierpiot
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeyer	Korman
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Lynch	Marshall	May	Mayfield
McCaherty	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mitten	Molendorp
Moon	Morgan	Morris	Muntzel	Neely
Neth	Nichols	Norr	Pace	Parkinson
Peters	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 85
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Webber
White	Wieland	Wilson	Wood	Wright
Mr Speaker				

NOES: 017

Butler	Colona	Curtis	Dunn	Ellinger
Ellington	Gardner	Kratky	McCann Beatty	McDonald
Mims	Montecillo	Newman	Otto	Pierson
Walton Gray	Webb			

PRESENT: 000

ABSENT WITH LEAVE: 005

Jones 50	Love	Scharnhorst	Smith 120	Zerr
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1944 *Journal of the House*

On motion of Representative Dugger, **SCS HB 329, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 143

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Carpenter	Cierpiot
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeier	Korman
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Lynch	Marshall	May	Mayfield
McCaherty	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mitten	Molendorp
Moon	Morgan	Morris	Muntzel	Neely
Neth	Nichols	Norr	Pace	Parkinson
Peters	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Smith 85	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 017

Butler	Colona	Curtis	Dunn	Ellinger
Ellington	Gardner	Kratky	McCann Beatty	McDonald
Mims	Montecillo	Newman	Otto	Pierson
Walton Gray	Webb			

PRESENT: 000

ABSENT WITH LEAVE: 003

Jones 50	Love	Smith 120
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Representative Keeney declared the bill passed.

BILLS CARRYING REQUEST MESSAGES

SCS SB 106, with House Amendment No. 1, House Amendment No. 2, House Amendment No. 3, House Amendment No. 1 to House Amendment No. 4, House Amendment No. 4, as amended, and House Amendment No. 5, relating to sex offender registry requirements, was taken up by Representative Davis.

Representative Davis moved that the House refuse to recede from its position on **House Amendment No. 1, House Amendment No. 2, House Amendment No. 3, House Amendment No. 1 to House Amendment No. 4, House Amendment No. 4, as amended, and House Amendment No. 5** to **SCS SB 106** and grant the Senate a conference.

Which motion was adopted.

HCS SCS SB 117, as amended, relating to military affairs, was taken up by Representative Davis.

Representative Davis moved that the House refuse to recede from its position on **HCS SCS SB 117, as amended,** and grant the Senate a conference.

Which motion was adopted.

THIRD READING OF SENATE BILLS

SS SCS SB 159, relating to physical therapy insurance coverage, was taken up by Representative Scharnhorst.

Representative Hummel raised a point of order that **SS SCS SB 159** was not eligible for consideration pursuant to Rule 62.

Representative Keeney requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

On motion of Representative Scharnhorst, **SS SCS SB 159** was truly agreed to and finally passed by the following vote:

AYES: 136

Allen	Anders	Anderson	Austin	Barnes
Berry	Black	Brattin	Brown	Burns
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Crawford	Cross	Davis	Diehl
Dohrman	Dunn	Ellinger	Ellington	Elmer
Engler	English	Englund	Entlicher	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges

1946 *Journal of the House*

Hoskins	Hough	Houghton	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Lynch	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Montecillo	Morgan	Morris	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Peters	Pfausch	Phillips	Pierson
Pike	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieffer	Schupp	Shull	Shumake	Smith 85
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wood	Wright
Zerr				

NOES: 022

Bahr	Bernskoetter	Burlison	Butler	Carpenter
Cox	Curtis	Curtman	Dugger	Fitzpatrick
Gardner	Haahr	Hubbard	Koenig	Marshall
Molendorp	Moon	Parkinson	Pogue	Schieber
Wilson	Mr Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 005

Love	Muntzel	Riddle	Smith 120	Swearingen
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Representative Keeney declared the bill passed.

HCS SS SB 262, relating to health insurance, was taken up by Representative Molendorp.

Representative Solon offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 262, Page 2, Section 334.108, Line 26, by inserting after all of said section and line the following:

"338.321. 1. The "Missouri Oral Chemotherapy Parity Interim Committee" is hereby created to study the disparity in patient co-payments between orally and intravenously administered chemotherapies, the reasons for the disparity, and the patient benefits in establishing co-payment parity between oral and infused chemotherapy agents. The committee shall consider information on the costs or actuarial analysis associated with the delivery of patient oncology treatments. The conclusions of this study shall satisfy any statutorily required actuarial analysis.

2. The Missouri oral chemotherapy parity interim committee shall consist of the following members:

(1) Two members of the senate, appointed by the president pro tempore of the senate;

(2) Two members of the house of representatives, appointed by the speaker of the house of representatives;

(3) One member who is an oncologist or physician with expertise in the practice of oncology licensed in this state under chapter 334;

- (4) One member who is an oncology nurse licensed in this state under chapter 335;
- (5) One member who is a representative of a Missouri pharmacy benefit management company;
- (6) One member from an organization representing licensed pharmacists in this state;
- (7) One member from the business community representing businesses on health insurance issues;
- (8) One member from an organization representing the leading research-based pharmaceutical and biotechnology companies;
- (9) One patient advocate;
- (10) One member from the organization representing a majority of hospitals in this state;
- (11) One member from a health carrier as such term is defined under section 376.1350;
- (12) One member from the organization representing a majority of health carriers in this state, as such term is defined under section 376.1350; and
- (13) One member from the Leukemia and Lymphoma Society.

3. All members, except for the members from the general assembly, shall be appointed by the governor no later than September 1, 2013. The department of insurance, financial institutions and professional registration shall provide assistance to the committee.

4. No later than January 1, 2014, the committee shall submit a report to the governor, the speaker of the house of representatives, the president pro tempore of the senate, and the appropriate legislative committee of the general assembly regarding the results of the study and any legislative recommendations."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Solon, **House Amendment No. 1** was adopted.

Representative Burlison offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 262, Page 38, Section 376.1900, Line 3, by deleting the word "**website**" and inserting in lieu thereof the phrase "**web-based or similar electronic-based communications network**"; and

Further amend said bill and section, Page 39, Line 56, by inserting after all of said section and line the following:

"376.2000. 1. Sections 376.2000 to 376.2014 shall be known and may be cited as the "Health Insurance Marketplace Innovation Act of 2013".

2. As used in sections 376.2000 to 376.2014, the following terms mean:

- (1) "Department", the department of insurance, financial institutions and professional registration;**
- (2) "Director", the director of the department of insurance, financial institutions and professional registration;**
- (3) "Exchange", any health benefit exchange established or operating in this state, including any exchange established or operated by the United States Department of Health and Human Services.**
- (4) "Navigator", a person that, for compensation, provides information or services in connection with eligibility, enrollment, or program specifications of any health benefit exchange operating in this state, including any person that is selected to perform the activities and duties identified in 42 U.S.C. 18031(i) in this state, any person who receives funds from the United States Department of Health and Human Services to perform any of the activities and duties identified in 42 U.S.C. 18031(i), or any other person certified by the United States Department of Health and Human Services, or a health benefit exchange operating in this state, to perform such defined or related duties irrespective of whether such person is identified as a navigator, certified application counselor, in-person assister, or other title.**

376.2002. 1. No individual or entity shall perform, offer to perform, or advertise any service as a navigator in this state, or receive navigator funding from the state or an exchange unless licensed as a navigator by the department under sections 376.2000 to 376.2014.

2. A navigator may:

(1) Provide fair and impartial information and services in connection with eligibility, enrollment, and program specifications of any health benefit exchange operating in this state, including information about the costs of coverage, advance payments of premium tax credits, and cost sharing reductions;

(2) Facilitate the selection of a qualified health plan;

(3) Initiate the enrollment process;

(4) Provide referrals to any applicable office of health insurance consumer assistance, ombudsman, or other agency for any enrollee with a grievance, complaint, or question regarding their health plan, coverage, or determination under the plan; and

(5) Use culturally and linguistically appropriate language to communicate the information authorized in this subsection.

3. Unless also properly licensed as an insurance producer in this state with authority for health under section 375.014, a navigator shall not:

(1) Sell, solicit, or negotiate health insurance;

(2) Engage in any activity that would require an insurance producer license;

(3) Provide advice concerning the benefits, terms, and features of a particular health plan or offer advice about which exchange health plan is better or worse for a particular individual or employer;

(4) Recommend or endorse a particular health plan or advise consumers about which health plan to choose; or

(5) Provide any information or services related to health benefit plans or other products not offered in the exchange.

4. The following entities or persons are exempt from the requirement to be licensed as a navigator:

(1) An entity or person licensed as an insurance producer in this state with authority for health under section 375.014;

(2) A law firm or licensed attorney in this state; and

(3) A "health care provider" as defined in section 376.1350 provided that:

(a) The health care provider does not receive any funds from the United States Department of Health and Human Services or a health exchange operating in this state to act as a navigator; and

(b) The activities or functions performed are related to advising, assisting, or counseling patients regarding private or public coverage or financial matters related to medical treatments or government assistance programs.

However, nothing in this section shall prohibit a health care provider from voluntarily becoming licensed as a navigator.

376.2004. 1. An individual applying for a navigator license shall make application to the department on a form developed by the director and declare under penalty of refusal, suspension, or revocation of the license that the statements made in the application are true, correct, and complete to the best of the individual's knowledge and belief. Before approving the application, the director shall find that the individual:

(1) Is eighteen years of age or older;

(2) Resides in this state or maintains his or her principal place of business in the state;

(3) Is not disqualified for having committed any act that would be grounds for refusal to issue, renew, suspend, or revoke an insurance producer license under section 375.141;

(4) Has successfully passed the written examination prescribed by the director;

(5) When applicable, has the written consent of the director under 18 U.S.C. 1033 or any successor statute regulating crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce;

(6) Has identified the entity with which he or she is affiliated and supervised; and

(7) Has paid the fees prescribed by the director.

2. An entity that acts as a navigator, supervises the activities of individual navigators, or receives funding to perform such activities shall obtain a navigator entity license. An entity applying for an entity navigator license shall make application on a form containing the information prescribed by the director.

3. The director may require any documents deemed necessary to verify the information contained in an application submitted in accordance with subsections 1 and 2 of this section.

4. Entities licensed as navigators shall, in a manner prescribed by the director, provide a list of all individual navigators that are employed by or in any manner affiliated with the navigator entity and shall report any changes in employment or affiliation within twenty days of such change.

5. The director shall require that each navigator obtain a surety bond in an amount acceptable to the director or otherwise demonstrate a level of financial responsibility capable of protecting all persons against the wrongful acts, misrepresentations, errors, omissions, or negligence of the navigator. The director may ask for a copy of the bond or other evidence of financial responsibility at any time.

6. Prior to any exchange becoming operational in this state, the director shall prescribe initial training, continuing education, and written examination standards and requirements for navigators.

376.2006. 1. A navigator license shall be valid for two years.

2. A navigator may file an application for renewal of a license and pay the renewal fee as prescribed by the director. Any navigator who fails to timely file for license renewal shall be charged a late fee in an amount prescribed by the director.

3. Prior to the filing date for an application for renewal of a license, an individual licensee shall comply with any ongoing training and continuing education requirements established by the director. Such navigator shall file with the director, by a method prescribed by the director, proof of satisfactory certification of completion of the continuing education requirements. Any failure to fulfill the ongoing training and continuing education requirements shall result in the expiration of the license.

376.2008. Upon contact with a person who acknowledges having existing health insurance coverage obtained through an insurance producer, a navigator shall advise the person to consult with a licensed insurance producer regarding coverage in the private market.

376.2010. 1. The director may place on probation, suspend, revoke, or refuse to issue, renew, or reinstate a navigator license or may levy a fine not to exceed one thousand dollars for each violation, or any combination of actions, for any one or more of the causes listed in section 375.141, 375.936 or for other good cause. In the event that the action by the director is not to renew or to deny an application for a license, the director shall notify the applicant or licensee in writing and shall advise the applicant or licensee of the reason for the denial or nonrenewal. Appeal of the nonrenewal or denial of the application for a navigator license shall be made under the provisions of chapter 621.

2. In addition to imposing the penalties authorized by subsection 1 of this section, the director may require that restitution be made to any person who has suffered financial injury because of a violation of this section.

3. The director shall have the power to examine and investigate the business affairs and records of any navigator to determine whether the individual or entity has engaged or is engaging in any violation of this section.

4. The navigator license held by an entity may be suspended or revoked, renewal or reinstatement thereof may be refused, or a fine may be levied, with or without a suspension, revocation, or refusal to renew a license, if the director finds that an individual licensee's violation was known or should have been known by the employing or supervising entity and the violation was not reported to the director and no corrective action was undertaken on a timely basis.

376.2011. 1. If the director determines that a person has engaged, is engaging, or has taken a substantial step toward engaging in an act, practice, omission, or course of business constituting a violation of sections 376.2000 to 376.2014 or a rule adopted or order issued pursuant thereto, or a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation in sections 376.2000 to 376.2014 or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046.

2. If the director believes that a person has engaged, is engaging, or has taken a substantial step toward engaging in an act, practice, omission, or course of business constituting a violation of sections 376.2000 to 376.2014 or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation in sections 376.2000 to 376.2014 or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048.

3. A violation of sections 376.2000 to 376.2014 is a level two violation under section 374.049.

376.2012. 1. Each licensed navigator shall report to the director within thirty calendar days of the final disposition of the matter of any administrative action taken against him or her in another jurisdiction or by

another governmental agency in this state. This report shall include a copy of the order, consent to order, or other relevant legal documents.

2. Within thirty days of the initial pretrial hearing date, a navigator shall report to the director any criminal prosecution of the navigator in any jurisdiction. The report shall include a copy of the initial complaint filed, the order resulting from the hearing, and any other relevant legal documents.

3. An entity that acts as a navigator that terminates the employment, engagement, affiliation, or other relationship with an individual navigator shall notify the director within twenty days following the effective date of the termination, using a format prescribed by the director if the reason for termination is one of the reasons set forth in section 375.141 or 375.936 or if the entity has knowledge that the navigator was found by a court or governmental body to have engaged in any such activities. Upon the written request of the director, the entity shall provide additional information, documents, records, or other data pertaining to the termination or activity of the individual.

376.2014. 1. The requirements of sections 379.930 to 379.952 and chapters 375, 376, 407 and any related rules shall apply to navigators. The activities and duties of a navigator shall be deemed to constitute transacting the business of insurance.

2. If any provision of sections 376.2000 to 376.2014 or its application to any person or circumstance is held invalid by a court of competent jurisdiction or by federal law, the invalidity does not affect other provisions or applications of sections 376.2000 to 376.2014 that can be given effect without the invalid provision or application. The provisions of sections 376.2000 to 376.2014 are severable, and the valid provisions or applications shall remain in full force and effect.

3. The director may promulgate rules and regulations to implement and administer the provisions of sections 376.2000 to 376.2014. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 376.2000 to 376.2014 shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. Sections 376.2000 to 376.2014 and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

Section 1. Notwithstanding any other provision of law to the contrary, the department of insurance, financial institutions and professional registration shall exercise its authority and responsibility over health insurance product form filings, consumer complaints, and investigations into compliance with state law, regardless as to how a health insurance product may be sold or marketed in this state or to residents of this state."; and

Further amend said bill and page, Section B, Line 1, by inserting after all of said section the following:

"Section C. Because of the need to ensure that navigators are adequately trained to provide essential health insurance information to the public, Sections 376.2000, 376.2002, 376.2004, 376.2006, 376.2008, 376.2010, 376.2011, 376.2012, 376.2014, and Section 1 of Section A of this act are deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and Sections 376.2000, 376.2002, 376.2004, 376.2006, 376.2008, 376.2010, 376.2011, 376.2012, 376.2014, and Section 1 of Section A of this act shall be in full force and effect upon its passage and approval."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Burlison, **House Amendment No. 2** was adopted.

Representative Frederick offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 262, Pages 1 through 2, Section 334.108, Lines 1 through 26, by deleting said section from the bill; and

Further amend said bill, Page 37, Section 376.1575, Line 5, by deleting the word "**or**" and inserting in lieu thereof the word "**and**"; and

Further amend said bill and page, Section 376.1578, Line 1, by deleting the words "**forty-eight hours**" and inserting in lieu thereof the words "**two working days**"; and

Further amend said bill, section, and page, Lines 2 through 4, by deleting all of said lines and inserting in lieu thereof the following:

"completed application, the health carrier shall send an electronic notice of receipt to the practitioner."; and

Further amend said bill, section, and page, Line 7, by deleting the word "**ninety**" and inserting in lieu thereof the word "**sixty**"; and

Further amend said bill, section, and page, Line 8, by deleting the words "**ninety-day**" and inserting in lieu thereof the words "**sixty-day**"; and

Further amend said bill, Page 38, Section 376.1900, Lines 22 through 24, by deleting all of said lines and inserting in lieu thereof the following:

"consultation or contact between a health care provider and a patient."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Frederick, **House Amendment No. 3** was adopted.

Representative Molendorp offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 262, Page 3, Section 354.410, Line 33, by inserting after the semicolon on said line the word "**and**"; and

Further amend said bill, Page 10, Section 376.405, Lines 9 through 29, by deleting all of said lines and inserting in lieu thereof the following:

"filing and submission of such policy forms as are necessary, proper or advisable. Such rules and regulations shall provide, among other things, that if a policy form is disapproved, [the reasons therefor] all specific reasons for nonconformance shall be stated in writing within forty-five days from the date of filing; that a hearing shall be granted upon such disapproval, if so requested; and that the failure of the director of the department of insurance, financial institutions and professional registration, to take action approving or disapproving a submitted policy form within [a stipulated time, not to exceed sixty] forty-five days from the date of filing, shall be deemed an approval thereof [until such time as the director of the department of insurance, financial institutions and professional registration shall notify the submitting company, in writing, of his disapproval thereof]. If at any time after a policy form is approved or deemed approved, the director determines that any provision of the filing is contrary to state law, the director shall notify the health carrier of the specific provision that is contrary to state law and any specific statute to which the provision is contrary and request that the health carrier file, within thirty days of the notification, an amendment form that modifies the provision to conform to state law. Upon approval of the amendment form by the director, the health carrier shall issue a copy of the amendment to each individual and entity to which the

deemed filing was previously issued and shall attach a copy of the amendment to the deemed filing when it is subsequently issued. Such amendment shall have the force and effect as if the amendment was in the original filing or policy. Notwithstanding any provision of law to the contrary, when a policy form is approved or deemed approved and subsequently amended at the request of the director pursuant to this section, the health carrier issuing the policy form shall be considered to have committed a level one violation under section 374.049."; and

Further amend said bill, Pages 24 through 25, Section 376.777, Lines 336 through 354, by deleting all of said lines and inserting in lieu thereof the following:

"therefor] **all specific reasons for nonconformance** shall be stated in writing **within forty-five days from the date of filing**; that a hearing shall be granted upon such disapproval, if so requested; and that the failure of the director of the department of insurance, financial institutions and professional registration, to take action approving or disapproving a submitted policy form within [a stipulated time, not to exceed sixty] **forty-five** days from the date of filing, shall be deemed an approval thereof [until such time as the director of the department of insurance, financial institutions and professional registration shall notify the submitting company, in writing, of his disapproval thereof]. **If at any time after a policy form is approved or deemed approved, the director determines that any provision of the filing is contrary to state law, the director shall notify the health carrier of the specific provision that is contrary to state law and any specific statute to which the provision is contrary and request that the health carrier file, within thirty days of the notification, an amendment form that modifies the provision to conform to state law. Upon approval of the amendment form by the director, the health carrier shall issue a copy of the amendment to each individual and entity to which the deemed filing was previously issued and shall attach a copy of the amendment to the deemed filing when it is subsequently issued. Such amendment shall have the force and effect as if the amendment was in the original filing or policy. Notwithstanding any provision of law to the contrary, when a policy form is approved or deemed approved and subsequently amended at the request of the director pursuant to this section, the health carrier issuing the policy form shall be considered to have committed a level one violation under section 374.049.**"; and

Further amend said bill, Page 38, Section 376.1900, Line 5, by deleting the word "HIPAA" and inserting in lieu thereof the phrase "**federal Health Insurance Portability and Accountability Act (HIPAA)**"; and

Further amend said bill and section, Page 39, Line 42, by deleting the phrase "**care service**;" and inserting in lieu thereof the phrase "**care service**;" and

Further amend said bill, Page 39, Section B, Line 1, by deleting all of said line and inserting in lieu thereof the following:

"Section B. The enactment of sections 376.1226, 376.1237, 376.1575, 376.1578, and 376.1900 shall become effective January 1, 2014."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Molendorp, **House Amendment No. 4** was adopted.

Representative Miller offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 262, Page 39, Section 376.1900, Line 56, by inserting after all of said section and line the following:

"452.317. From the date of filing of the petition for dissolution of marriage or legal separation, no party shall terminate coverage during the pendency of the proceeding for any other party or any minor child of the marriage under any existing policy of health, dental or vision insurance. **The policyholder of such insurance may petition the court for reimbursement of insurance costs as they occur during the pendency of the dissolution of marriage or legal separation.**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Hough offered **House Amendment No. 1 to House Amendment No. 5.**

House Amendment No. 1
to
House Amendment No. 5

AMEND House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Bill No. 262, Page 39, Line 56, by inserting after all of said line the following:

‘Further amend said bill, Page 1, Section A, Line 6, by inserting after all of said line the following:

"208.895. 1. Upon **the** receipt of a [properly completed] referral **for service** for MO HealthNet-funded home- and community-based care [containing a nurse assessment] **or a** physician's order, the department of health and senior services [may] **shall:**

(1) [Review the recommendations regarding services and] Process the referral within fifteen business days;
(2) [Issue a prior-authorization for home and community-based services when information contained in the referral is sufficient to establish eligibility for MO HealthNet-funded long-term care and determine the level of service need as required under state and federal regulations;

(3)] Arrange for the provision of services by [an in-home] **a home- and community-based** provider;

[(4) Reimburse the in-home provider for one nurse visit to conduct an assessment and recommendation for a care plan and, where necessary based on case circumstances, a second nurse visit may be authorized to gather additional information or documentation necessary to constitute a completed referral;

(5) Notify the referring entity upon the authorization of MO HealthNet eligibility and provide MO HealthNet reimbursement for personal care benefits effective the date of the assessment or physician's order, and MO HealthNet reimbursement for waiver services effective the date the state reviews and approves the care plan;

(6)] (3) Notify the referring entity within five business days of receiving the referral if additional information is required to process the referral; [and

(7) Inform the provider and contact the individual when information is insufficient or the proposed care plan requires additional evaluation by state staff that is not obtained from the referring entity to schedule an in-home assessment to be conducted by the state staff within thirty days]

(4) **Inform the applicant of:**

(a) **The full range of available MO HealthNet home- and community-based services, including, but not limited to, adult day care services, home-delivered meals, and the benefits of self-direction and agency model services;**

(b) **The choice of home- and community-based service providers in the applicant's area, and that some providers conduct their own assessments, but that choosing a provider who does not conduct assessments will not delay delivery of services; and**

(c) **The option to choose more than one home- and community-based service provider to deliver or facilitate the services the applicant is qualified to receive;**

(5) **Prioritize the referrals received, giving the highest priority to referrals for high-risk individuals, followed by individuals who are alleged to be victims of abuse or neglect as a result of an investigation initiated from the elder abuse and neglect hotline, and then followed by individuals who have not selected a provider or who have selected a provider that does not conduct assessments; and**

(6) **Notify the referring entity and the applicant within ten business days of receiving the referral if it has not scheduled the assessment.**

2. **If the department of health and senior services [may contract for initial home- and community-based assessments, including a care plan, through an independent third-party assessor. The contract] has not complied with subsection 1 of this section, a provider has the option of completing an assessment and care plan recommendation. At such time that the department approves or modifies the assessment and care plan, the care plan shall become effective; such approval or modification shall occur within five business days after receipt of the assessment and care plan from the provider. If such approval, modification, or denial by the department does not occur within five business days, the provider's care plan shall be approved and payment shall begin no later than five business days after receipt of the assessment and care plan from the provider. The department shall [include a requirement that:**

(1) Within fifteen days of receipt of a referral for service, the contractor shall have made a face-to-face assessment of care need and developed a plan of care; and

(2) The contractor] notify the referring entity [within five days] **or individual** of receipt of referral if additional information is needed to process the referral. [The contract shall also include the same requirements for such assessments as of January 1, 2010, related to timeliness of assessments and the beginning of service. The contract shall be bid under chapter 34 and shall not be a risk-based contract.]

3. The two nurse visits authorized by subsection 16 of section 660.300 shall continue to be performed by home- and community-based **service** providers for including, but not limited to, reassessment and level of care recommendations. [These reassessments and care plan changes shall be reviewed and approved by the independent third-party assessor. In the event of dispute over the level of care required, the third-party assessor shall conduct a face-to-face review with the client in question.]

4. [The provisions of this section shall expire August 28, 2013] **At such time that the department approves or modifies the assessment and care plan, the latest approved care plan shall become effective.**

5. The department's auditing of home- and community-based service providers shall include a review of the client plan of care and provider assessments, and choice and communication of home- and community-based service provider service options to individuals seeking MO HealthNet services. Such auditing shall be conducted utilizing a statistically valid sample. The department shall also make publicly available a review of its process for informing participants of service options within MO HealthNet home- and community-based service provider services and information on referrals.

6. For purposes of this section:

(1) "Assessment" means a face-to-face determination that a MO HealthNet participant is eligible for home- and community-based services and:

(a) Is conducted by an assessor trained to perform home- and community-based care assessments;

(b) Uses forms provided by the department;

(c) Includes unbiased descriptions of each available service within home- and community-based services with a clear person-centered explanation of the benefits of each home- and community-based service, whether the applicant qualifies for more than one service and ability to choose more than one provider to deliver or facilitate services; and

(d) Informs the applicant, either by the department or the provider conducting the assessment, that choosing a provider or multiple providers that do not conduct their own assessments will in no way affect the quality of service or the timeliness of the applicant's assessment and authorization process;

(2) A "referral" shall contain basic information adequate for the department to contact the client or person needing service. At a minimum, the referral shall contain:

(a) The stated need for MO HealthNet home- and community-based services;

(b) The name, date of birth, and Social Security number of the client or person needing service, or the client's or person's MO HealthNet number; and

(c) The physical address and phone number of the client or person needing services.

Additional information which may assist the department may also be submitted.

7. The department shall:

(1) Develop an automated electronic assessment care plan tool to be used by providers; and

(2) Make recommendations to the general assembly by January 1, 2014, for the implementation of the automated electronic assessment care plan tool.

8. At the end of the first year of this plan being in effect, the department of health and senior services shall prepare a report for the appropriation committee for health, mental health and social services or a committee appointed by the speaker to review the following:

(1) How well the department is doing on meeting the fifteen-day requirement;

(2) The process the department used to approve the assessors;

(3) Financial data on the cost of the program prior to and after enactment of this section;

(4) Any audit information available on assessments performed outside the department; and

(5) The department's staffing policies implemented to meet the fifteen-day assessment requirement.

208.960. Health care professionals licensed under chapter 331 shall be reimbursed under the MO HealthNet program for providing services currently covered under section 208.152 and within the scope of practice under section 331.010.

660.315. 1. After an investigation and a determination has been made to place a person's name on the employee disqualification list, that person shall be notified in writing mailed to his or her last known address that:

(1) An allegation has been made against the person, the substance of the allegation and that an investigation has been conducted which tends to substantiate the allegation;

(2) The person's name will be included in the employee disqualification list of the department;

(3) The consequences of being so listed including the length of time to be listed; and

(4) The person's rights and the procedure to challenge the allegation.

2. If no reply has been received within thirty days of mailing the notice, the department may include the name of such person on its list. The length of time the person's name shall appear on the employee disqualification list shall be determined by the director or the director's designee, based upon the criteria contained in subsection 9 of this section.

3. If the person so notified wishes to challenge the allegation, such person may file an application for a hearing with the department. The department shall grant the application within thirty days after receipt by the department and set the matter for hearing, or the department shall notify the applicant that, after review, the allegation has been held to be unfounded and the applicant's name will not be listed.

4. If a person's name is included on the employee disqualification list without the department providing notice as required under subsection 1 of this section, such person may file a request with the department for removal of the name or for a hearing. Within thirty days after receipt of the request, the department shall either remove the name from the list or grant a hearing and set a date therefor.

5. Any hearing shall be conducted in the county of the person's residence by the director of the department or the director's designee. The provisions of chapter 536 for a contested case except those provisions or amendments which are in conflict with this section shall apply to and govern the proceedings contained in this section and the rights and duties of the parties involved. The person appealing such an action shall be entitled to present evidence, pursuant to the provisions of chapter 536, relevant to the allegations.

6. Upon the record made at the hearing, the director of the department or the director's designee shall determine all questions presented and shall determine whether the person shall be listed on the employee disqualification list. The director of the department or the director's designee shall clearly state the reasons for his or her decision and shall include a statement of findings of fact and conclusions of law pertinent to the questions in issue.

7. A person aggrieved by the decision following the hearing shall be informed of his or her right to seek judicial review as provided under chapter 536. If the person fails to appeal the director's findings, those findings shall constitute a final determination that the person shall be placed on the employee disqualification list.

8. A decision by the director shall be inadmissible in any civil action brought against a facility or the in-home services provider agency and arising out of the facts and circumstances which brought about the employment disqualification proceeding, unless the civil action is brought against the facility or the in-home services provider agency by the department of health and senior services or one of its divisions.

9. The length of time the person's name shall appear on the employee disqualification list shall be determined by the director of the department of health and senior services or the director's designee, based upon the following:

(1) Whether the person acted recklessly or knowingly, as defined in chapter 562;

(2) The degree of the physical, sexual, or emotional injury or harm; or the degree of the imminent danger to the health, safety or welfare of a resident or in-home services client;

(3) The degree of misappropriation of the property or funds, or falsification of any documents for service delivery of an in-home services client;

(4) Whether the person has previously been listed on the employee disqualification list;

(5) Any mitigating circumstances;

(6) Any aggravating circumstances; and

(7) Whether alternative sanctions resulting in conditions of continued employment are appropriate in lieu of placing a person's name on the employee disqualification list. Such conditions of employment may include, but are not limited to, additional training and employee counseling. Conditional employment shall terminate upon the expiration of the designated length of time and the person's submitting documentation which fulfills the department of health and senior services' requirements.

10. The removal of any person's name from the list under this section shall not prevent the director from keeping records of all acts finally determined to have occurred under this section.

11. The department shall provide the list maintained pursuant to this section to other state departments upon request and to any person, corporation, organization, or association who:

(1) Is licensed as an operator under chapter 198;

(2) Provides in-home services under contract with the department;

(3) Employs nurses and nursing assistants for temporary or intermittent placement in health care facilities;

- (4) Is approved by the department to issue certificates for nursing assistants training;
- (5) Is an entity licensed under chapter 197;
- (6) Is a recognized school of nursing, medicine, or other health profession for the purpose of determining whether students scheduled to participate in clinical rotations with entities described in subdivision (1), (2), or (5) of this subsection are included in the employee disqualification list; or

(7) Is a consumer reporting agency regulated by the federal Fair Credit Reporting Act that conducts employee background checks on behalf of entities listed in subdivisions (1), (2), (5), or (6) of this subsection. Such a consumer reporting agency shall conduct the employee disqualification list check only upon the initiative or request of an entity described in subdivisions (1), (2), (5), or (6) of this subsection when the entity is fulfilling its duties required under this section. The information shall be disclosed only to the requesting entity.

The department shall inform any person listed above who inquires of the department whether or not a particular name is on the list. The department may require that the request be made in writing. No person, corporation, organization, or association who is entitled to access the employee disqualification list may disclose the information to any person, corporation, organization, or association who is not entitled to access the list. Any person, corporation, organization, or association who is entitled to access the employee disqualification list who discloses the information to any person, corporation, organization, or association who is not entitled to access the list shall be guilty of an infraction.

12. No person, corporation, organization, or association who received the employee disqualification list under subdivisions (1) to (7) of subsection 11 of this section shall knowingly employ any person who is on the employee disqualification list. Any person, corporation, organization, or association who received the employee disqualification list under subdivisions (1) to (7) of subsection 11 of this section, or any person responsible for providing health care service, who declines to employ or terminates a person whose name is listed in this section shall be immune from suit by that person or anyone else acting for or in behalf of that person for the failure to employ or for the termination of the person whose name is listed on the employee disqualification list.

13. Any employer [who is] **or vendor as defined in sections 197.250, 197.400, 198.006, 208.900, or 660.250** required to [discharge an employee because the employee was placed on a disqualification list maintained by the department of health and senior services after the date of hire] **deny employment to an applicant or to discharge an employee, provisional or otherwise, as a result of information obtained through any portion of the background screening and employment eligibility determination process under section 210.903, or subsequent, periodic screenings, shall not be liable in any action brought by the applicant or employee relating to discharge where the employer is required by law to terminate the employee, provisional or otherwise, and shall not be charged for unemployment insurance benefits based on wages paid to the employee for work prior to the date of discharge, pursuant to section 288.100[.], if the employer terminated the employee because the employee:**

- (1) Has been found guilty, pled guilty or nolo contendere in this state or any other state of a crime as listed in subsection 6 of section 660.317;**
- (2) Was placed on the employee disqualification list under this section after the date of hire;**
- (3) Was placed on the employee disqualification registry maintained by the department of mental health after the date of hire;**
- (4) Has a disqualifying finding under this section, section 660.317, or is on any of the background check lists in the family care safety registry under sections 210.900 to 210.936; or**
- (5) Was denied a good cause waiver as provided for in subsection 10 of section 660.317.**

The benefits paid to the employee shall not be attributable to service in the employ of the employer required to discharge an employee under the provisions of this subdivision and shall be deemed as such under the unemployment compensation laws of this state.

14. Any person who has been listed on the employee disqualification list may request that the director remove his or her name from the employee disqualification list. The request shall be written and may not be made more than once every twelve months. The request will be granted by the director upon a clear showing, by written submission only, that the person will not commit additional acts of abuse, neglect, misappropriation of the property or funds, or the falsification of any documents of service delivery to an in-home services client. The director may make conditional the removal of a person's name from the list on any terms that the director deems appropriate, and failure to comply with such terms may result in the person's name being relisted. The director's determination of whether to remove the person's name from the list is not subject to appeal."; and"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hough, **House Amendment No. 1 to House Amendment No. 5** was adopted.

On motion of Representative Miller, **House Amendment No. 5, as amended**, was adopted.

Representative Koenig offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 262, Page 2, Section 334.108, Line 26, by inserting after all of said section and lines the following:

"337.114. 1. No physician shall perform or induce an abortion through telemedicine.

2. No abortion facility as defined in section 188.015 or hospital shall permit an abortion to be performed or induced at the abortion facility or hospital through telemedicine.

3. No health carrier or health benefit plan as defined in section 376.1350 shall be required to reimburse a physician, abortion facility, hospital or any other person or entity for an abortion performed or induced through telemedicine.

4. Any physician, other health care provider, abortion facility or hospital who or which violated the provisions of this section shall be subject to all disciplinary or other administrative action by the appropriate state licensing board, agency, or department.

5. As used in this section, "telemedicine" means the delivery of health care services through the use of interactive audio, video, or other electronic media used for the purpose of diagnosis, consultation, or treatment, including home health video conferencing, electronic visits and remote patient monitoring."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Newman raised a point of order that **House Amendment No. 6** goes beyond the scope of the bill.

Representative Keeney requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Higdon	Hoskins	Hough
Hurst	Johnson	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Lair	Lant	Lauer
Leara	Lichtenegger	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Moon

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Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 011

Ellington	Hicks	Hinson	Houghton	Jones 50
Korman	Love	Phillips	Smith 120	Spencer
Stream				

On motion of Representative Koenig, **House Amendment No. 6** was adopted.

Representative Scharnhorst offered **House Amendment No. 7**.

House Amendment No. 7

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 262, Page 35, Section 376.1226, Line 15, by inserting after all of said section and line the following:

"376.1235. 1. No health carrier or health benefit plan, as defined in section 376.1350, shall impose a co-payment or coinsurance percentage charged to the insured for services rendered for each date of service by a physical therapist licensed under chapter 334, for services that require a prescription, that is greater than the co-payment or coinsurance percentage charged to the insured for the services of a primary care physician licensed under chapter 334 for an office visit.

2. A health carrier or health benefit plan shall clearly state the availability of physical therapy coverage under its plan and all related limitations, conditions, and exclusions.

3. Beginning September 1, 2013, the oversight division of the joint committee on legislative research shall perform an actuarial analysis of the cost impact to health carriers, insureds with a health benefit plan, and other private and public payers if the provisions of this section were enacted. By December 31, 2013, the director of the oversight division of the joint committee on legislative research shall submit a report of the actuarial findings prescribed by this section to the speaker of the house, the president pro tem of the senate, and the chairpersons of both the house of representatives and senate standing committees having jurisdiction over health insurance matters. If the fiscal note cost estimation is less than the cost of an actuarial analysis, the actuarial analysis requirement shall be waived."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Scharnhorst, **House Amendment No. 7** was adopted.

On motion of Representative Molendorp, **HCS SS SB 262, as amended**, was adopted.

On motion of Representative Molendorp, **HCS SS SB 262, as amended**, was read the third time and passed by the following vote:

AYES: 118

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Black	Brattin	Brown
Burlison	Cierpiot	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Davis
Diehl	Dohrman	Dugger	Dunn	Elmer
Engler	English	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Haahr	Haefner	Hampton	Hansen
Harris	Higdon	Hodges	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Kratky	Lair	Lant	Lauer	Lichtenegger
Lynch	Mayfield	McCaherty	McCann Beatty	McGaugh
McKenna	McManus	Messenger	Miller	Mims
Molendorp	Moon	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieffer	Shull	Shumake	Solon	Sommer
Stream	Swan	Thomson	Torpey	Walker
Webb	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 038

Berry	Burns	Butler	Carpenter	Colona
Curtis	Curtman	Ellinger	Ellington	Englund
Gardner	Hubbard	Hummel	Kelly 45	Kirkton
LaFaver	Marshall	May	McDonald	McNeil
Meredith	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Pogue	Schieber	Schupp	Smith 85
Swearingen	Walton Gray	Webber		

PRESENT: 000

ABSENT WITH LEAVE: 007

Guernsey	Hicks	Hinson	Leara	Love
Smith 120	Spencer			

Representative Keeney declared the bill passed.

BILLS CARRYING REQUEST MESSAGES

HCS SS SB 34, as amended, relating to a workers' compensation claim database, was taken up by Representative Fraker.

Representative Fraker moved that the House refuse to recede from its position on **HCS SS SB 34, as amended**, and grant the Senate a conference.

Which motion was adopted.

HCS SS#2 SCS SB 1, as amended, relating to workers' compensation, was taken up by Representative Richardson.

Representative Richardson moved that the House refuse to recede from its position on **HCS SS#2 SCS SB 1, as amended**, and grant the Senate a conference.

Which motion was adopted.

SENATE BILL FOR THIRD READING

HCS SS SB 262, as amended, relating to health care, was again taken up by Representative Molendorp.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 102

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Higdon	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Lichtenegger	Lynch	McCaherty	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 053

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Roorda	Runions
Schieffer	Schupp	Smith 85	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 008

Flanigan	Grisamore	Hicks	Hinson	Leara
Love	Marshall	Smith 120		

The emergency clause was adopted by the following vote:

AYES: 129

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Black	Brattin	Brown
Burlison	Burns	Cierpiot	Colona	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haefner	Hampton	Hansen	Harris	Higdon
Hodges	Hoskins	Hough	Houghton	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeyer
Korman	Kratky	Lair	Lant	Lauer
Lichtenegger	Lynch	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Messenger	Miller	Mims	Molendorp	Montecillo
Moon	Morris	Muntzel	Neely	Norr
Parkinson	Pfausch	Phillips	Pike	Redmon
Rehder	Reiboldt	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieffer	Schupp
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
Walton Gray	Webb	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 028

Berry	Butler	Carpenter	Curtis	Curtman
Ellington	Gardner	Haahr	Hubbard	LaFaver
Marshall	May	Meredith	Mitten	Morgan

1962 *Journal of the House*

Neth	Newman	Nichols	Otto	Pace
Peters	Pierson	Pogue	Remole	Schieber
Smith 85	Swearingen	Webber		

PRESENT: 000

ABSENT WITH LEAVE: 006

Flanigan	Hicks	Hinson	Leara	Love
Smith 120				

HOUSE BILLS WITH SENATE AMENDMENTS

SS SCS HB 307, as amended, relating to fire protection district boards, was taken up by Representative Riddle.

Representative Riddle moved that the House refuse to adopt **SS SCS HB 307, as amended**, and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

Speaker Jones resumed the Chair.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS#2 HB 698, as amended**, and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Schmitt, Richard, Kraus, Justus and McKenna.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS SB 106, as amended**: Senators Brown, Pearce, Kraus, Sifton and Holsman.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SCS SB 117, as amended**: Senators Kraus, Brown, Pearce, Justus and Keaveny.

APPOINTMENT OF CONFERENCE COMMITTEES

The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:

HCS SS#2 SCS SB 1: Representatives Richardson, Lant and Webber

HCS SS SB 34: Representatives Fraker, Schatz and McManus

SCS SB 106: Representatives Davis, Solon and McKenna
HCS SCS SB 117: Representatives Davis, Dohrman and Webber

THIRD READING OF HOUSE BILLS - FEDERAL MANDATE

HB 635, relating to correctional treatment programs, was taken up by Representative Fitzwater.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hoskins	Hough
Houghton	Hurst	Johnson	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Lair	Lant
Lauer	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 053

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Roorda	Runions
Schieffer	Schupp	Smith 85	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 010

Flanigan	Hinson	Jones 50	Korman	Leara
Lichtenegger	Love	Neth	Richardson	Smith 120

1964 *Journal of the House*

On motion of Representative Fitzwater, **HB 635** was read the third time and passed by the following vote:

AYES: 150

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hodges	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Lynch
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Montecillo	Moon	Morgan	Morris	Muntzel
Neely	Newman	Nichols	Norr	Otto
Pace	Parkinson	Peters	Pfautsch	Phillips
Pierson	Pike	Redmon	Rehder	Reiboldt
Remole	Rhoads	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Smith 85	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	Webber	White
Wieland	Wood	Wright	Zerr	Mr Speaker

NOES: 003

Curtman	Marshall	Wilson
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PRESENT: 000

ABSENT WITH LEAVE: 010

Flanigan	Hinson	Jones 50	Leara	Lichtenegger
Love	Neth	Pogue	Richardson	Smith 120

Speaker Jones declared the bill passed.

HCS HB 611, relating to unemployment compensation, was taken up by Representative Lant.

On motion of Representative Lant, **HCS HB 611** was read the third time and passed by the following vote:

AYES: 148

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Grisamore	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Lynch	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Montecillo	Morgan
Morris	Muntzel	Neely	Newman	Nichols
Norr	Otto	Pace	Parkinson	Peters
Pfautsch	Phillips	Pierson	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Rizzo	Rorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 85	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 003

Curtis	Curtman	Marshall
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PRESENT: 001

Moon

ABSENT WITH LEAVE: 011

Flanigan	Guernsey	Houghton	Leara	Lichtenegger
Love	Molendorp	Neth	Richardson	Riddle
Smith 120				

Speaker Jones declared the bill passed.

1966 *Journal of the House*

HCS HB 771, relating to commercial drivers' licenses, was taken up by Representative Schatz.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 103

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Lynch
McCaherty	McGaugh	Messenger	Miller	Moon
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 053

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	Marshall	May
Mayfield	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Webber		

PRESENT: 000

ABSENT WITH LEAVE: 007

Flanigan	Leara	Lichtenegger	Love	Molendorp
Smith 120	Wright			

On motion of Representative Schatz, **HCS HB 771** was read the third time and passed by the following vote:

AYES: 127

Allen	Anders	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burns	Cierpiot	Conway 10	Cookson	Cornejo
Cox	Crawford	Cross	Davis	Diehl
Dohrman	Dunn	Elmer	Engler	English
Englund	Entlicher	Fitzwater	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Grisamore	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hurst	Johnson	Jones 50	Keeney	Kelley 127
Kelly 45	Kirkton	Kolkmeyer	Korman	Kratky
Lair	Lant	Lauer	Lynch	Mayfield
McCaherty	McCann Beatty	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Morgan	Morris	Muntzel	Neely
Neth	Nichols	Norr	Otto	Pace
Parkinson	Pfausch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Webb	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 029

Anderson	Burlison	Butler	Carpenter	Colona
Conway 104	Curtis	Curtman	Dugger	Ellinger
Ellington	Fitzpatrick	Gardner	Haahr	Hummel
Justus	Koenig	LaFaver	Marshall	May
McDonald	Montecillo	Moon	Newman	Peters
Pierson	Schupp	Smith 85	Walton Gray	

PRESENT: 000

ABSENT WITH LEAVE: 007

Flanigan	Guernsey	Leara	Lichtenegger	Love
Molendorp	Smith 120			

Speaker Jones declared the bill passed.

COMMITTEE REPORTS

Committee on Fiscal Review, Chairman Flanigan reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS#2 HJR 14**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SCS SB 42**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS SB 252**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on General Laws, Chairman Jones (50) reporting:

Mr. Speaker: Your Committee on General Laws, to which was referred **HB 749**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Riddle reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCR 32**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 57**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 58**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 69**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 99**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 100**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 208**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 240**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SS SB 282**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 381**, begs leave to report it has examined the same and recommends that it **Do Pass**.

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

HCS SB 12 - Fiscal Review
HCS SB 100 - Fiscal Review
HCS SB 127 - Fiscal Review
SCS SB 240 - Fiscal Review
SS SB 401 - Insurance Policy

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Tuesday, May 7, 2013.

COMMITTEE HEARINGS

AGRI-BUSINESS

Tuesday, May 7, 2013, 8:00 AM, House Hearing Room 4.
Executive session may be held on any matter referred to the committee.

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Tuesday, May 7, 2013, 8:00 AM, House Hearing Room 3.
Committee will review information regarding Department of Agriculture and Department of Natural Resources' fee funds.

CONFERENCE COMMITTEE

Tuesday, May 7, 2013, 8:30 AM, House Lounge.
SCS HCS HB 1 through SCS HCS HB 13

CONFERENCE COMMITTEE

Wednesday, May 8, 2013, 8:30 AM, House Lounge.
SCS HCS HB 1 through SCS HCS HB 13

ECONOMIC DEVELOPMENT

Tuesday, May 7, 2013, 5:00 PM or Upon Adjournment, House Hearing Room 3.
Public hearing will be held: SS SB 366, HB 833
Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Tuesday, May 7, 2013, Upon Morning Recess, South Gallery.

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Wednesday, May 8, 2013, 8:30 AM, South Gallery.

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Thursday, May 9, 2013, 8:30 AM, South Gallery.

Executive session may be held on any matter referred to the committee.

GENERAL LAWS

Tuesday, May 7, 2013, 1:00 PM, House Hearing Room 4.

Public hearing will be held: SCS SJR 14, SB 112

Executive session may be held on any matter referred to the committee.

INSURANCE POLICY

Tuesday, May 7, 2013, 6:00 PM or Upon Afternoon Adjournment (whichever is later), House Hearing Room 5.

Public hearing will be held: SS SB 401

Executive session will be held: SS SB 401

Executive session may be held on any matter referred to the committee.

JOINT COMMITTEE ON EDUCATION

Tuesday, May 7, 2013, 8:30 AM, Senate Lounge.

Executive session may be held on any matter referred to the committee.

Election of chair and vice-chair; Discussion of interim projects; Information on charter sponsor reports to the committee per SB 576 (2012); and an update on SB 437.

RULES

Tuesday, May 7, 2013, Upon Evening Adjournment, South Gallery.

Executive session will be held: HCS SB 75, HCS SB 205

Executive session may be held on any matter referred to the committee.

TRANSPORTATION

Tuesday, May 7, 2013, Upon Morning Recess, South Gallery.

Executive session will be held: HB 885

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

SIXTY-FOURTH DAY, TUESDAY, MAY 7, 2013

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HJR 19 - Bahr
- 2 HCS HJR 15 - Brattin
- 3 HCS HJR 35 - Jones (50)
- 4 HJR 17 - Burlison

HOUSE BILLS FOR PERFECTION

- 1 HB 227 - Zerr
- 2 HB 423 - Zerr
- 3 HB 578, as amended - Funderburk
- 4 HCS HB 221 - Leara
- 5 HCS HB 701 - Molendorp
- 6 HB 255 - Torpey
- 7 HCS HB 458 - Scharnhorst
- 8 HB 242 - Ellington
- 9 HB 503, as amended, HA 1 HA 3, and HA 3, pending - McCaherty
- 10 HB 448 - Webb
- 11 HCS HB 234 - Gatschenberger
- 12 HB 616 - Bahr
- 13 HB 185 - Kirkton
- 14 HCS HB 641 - Korman
- 15 HCS HB 402 - Shumake
- 16 HCS HB 717 - Grisamore
- 17 HCS HB 727 - Grisamore
- 18 HCS HB 83 - Reiboldt
- 19 HCS HB 132 - Stream
- 20 HCS HB 1041 - Swan
- 21 HCS HBs 309 & 73 - Solon
- 22 HCS HB 350 - Frederick
- 23 HCS HB 464 - Higdon
- 24 HCS HB 484 - Lauer
- 25 HCS HB 564 - McGaugh
- 26 HCS HB 604 - Phillips
- 27 HCS HB 608 - Frederick
- 28 HCS HB 685 - Burlison
- 29 HB 745 - Thomson
- 30 HCS HB 783 - Diehl
- 31 HCS HB 814 - Fraker
- 32 HCS HB 830 - Jones (50)
- 33 HB 863 - Allen

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34 HCS HB 930 - Flanigan

35 HB 411 - Muntzel

HOUSE JOINT RESOLUTIONS FOR THIRD READING

HCS#2 HJR 14 - Jones (110)

HOUSE BILLS FOR THIRD READING

1 HB 201 - Torpey

2 HCS HBs 521 & 579, (Fiscal Review 3/27/13) - Koenig

3 HCS HB 470 - Barnes

4 HCS#2 HB 178 - Koenig

5 HB 162 - Sommer

HOUSE CONCURRENT RESOLUTIONS

1 HCR 11 - Walton Gray

2 HCR 21 - Black

3 HCS HCR 17 - Frederick

4 HCR 34 - Houghton

5 HCR 32 - Schatz

SENATE JOINT RESOLUTIONS FOR THIRD READING

HCS SS#2 SCS SJR 16 - Hinson

SENATE BILLS FOR THIRD READING

1 HCS SCS SB 157 and SB 102 - Phillips

2 SB 230 - Brattin

3 HCS SS SCS SB 125 - Barnes

4 HCS SCS SB 17 - Thomson

5 HCS SS SCS SB 116 - Davis

6 SCS SB 36 - Hicks

7 HCS SCS SB 88 - Frederick

8 HCS SB 90 - Dugger

9 HCS SCS SB 126 - Morris

10 HCS SCS SB 9 - Guernsey

11 SB 77 - Allen

12 HCS SB 222 - Kelly (45)

13 SCS SB 224 - Rizzo

14 HCS SB 330 - Burlison

15 HCS SB 51 - Guernsey

16 HCS SB 148 - Schatz

17 HCS SB 43 - Kolkmeier

18 HCS SCS SB 45 - Hough

- 19 SCS SB 47 - Grisamore
- 20 SB 216 - Hinson
- 21 HCS SS SCS SB 241 - Cierpiot
- 22 SCS SB 302 - Elmer
- 23 HCS SB 18, E.C. - Cox
- 24 SCS SB 33 - Grisamore
- 25 SB 35 - Engler
- 26 HCS SB 41 - Hough
- 27 HCS SCS SB 42 - Jones (50)
- 28 SCS SB 87 - Bahr
- 29 HCS SB 110 - Davis
- 30 SS SCS SB 114 - Jones (50)
- 31 SS SCS SB 129 - Burlison
- 32 SCS SB 178 - Kirkton
- 33 SCS SB 248 - Fraker
- 34 HCS SS SB 252, E.C. - Richardson
- 35 SB 257 - Berry
- 36 SB 265 - Rowland
- 37 SS SB 267 - Curtman
- 38 SB 327 - Haahr
- 39 SB 350 - Diehl
- 40 SS SB 357 - Schatz
- 41 SCS SB 240, (Fiscal Review 5/6/13) - Funderburk
- 42 HCS SCS SB 89, E.C. - Jones (50)
- 43 HCS SB 12, (Fiscal Review 5/6/13), E.C. - Jones (50)
- 44 HCS SB 127, (Fiscal Review 5/6/13) - Lichtenegger
- 45 SCS SB 69 - Cox
- 46 HCS SB 99 - Dugger
- 47 HCS SB 100, (Fiscal Review 5/6/13), E.C. - Cox
- 48 SB 208 - White
- 49 HCS SS SB 282 - Hough
- 50 HCS SB 57 - Engler
- 51 SB 58 - Engler

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 HCS HBs 256, 33 & 305, SA 2 and SA 3, E.C. - Jones (50)
- 2 SCS HCS HB 436, as amended - Funderburk

BILLS CARRYING REQUEST MESSAGES

SS SCS HB 307, as amended (request Senate recede/grant conference) - Riddle

BILLS IN CONFERENCE

- 1 CCR SS HCS HJR 11 & 7, as amended - Reiboldt
- 2 SCS HCS HB 1 - Stream
- 3 SCS HCS HB 2 - Stream
- 4 SCS HCS HB 3 - Stream
- 5 SCS HCS HB 4 - Stream
- 6 SCS HCS HB 5 - Stream
- 7 SCS HCS HB 6, as amended - Stream
- 8 SCS HCS HB 7, as amended - Stream
- 9 SCS HCS HB 8 - Stream
- 10 SCS HCS HB 9 - Stream
- 11 SCS HCS HB 10 - Stream
- 12 SCS HCS HB 11, as amended - Stream
- 13 SCS HCS HB 12 - Stream
- 14 SCS HCS HB 13 - Stream
- 15 HCS SB 23, as amended, E.C. - Jones (50)
- 16 SCS SB 106, HA1, HA2, HA3, HA1 to HA4, HA4 a.a., HA5 - Davis
- 17 HCS SCS SB 117, as amended - Davis
- 18 SCS HCS#2 HB 698, as amended, E.C. - Zerr
- 19 HCS SS SB 34, as amended - Fraker
- 20 HCS SS#2 SCS SB 1, as amended, E.C. - Richardson

SENATE CONCURRENT RESOLUTIONS

SCS SCR 5 - Frederick

HOUSE RESOLUTIONS

HR 222 - Scharnhorst

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

SIXTY-FOURTH DAY, TUESDAY, MAY 7, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

Thou shalt worship the Lord thy God and Him only shalt thou serve. (Matthew 4:10)

Eternal God, in the quiet of this moment we humbly lift our hearts to You in prayer. We believe in You with all our minds - You make Yourself real to us in all our hearts. Grant to us a song on our lips in the morning, strength for the day, good will for one another, a steadfast loyalty to our state, courage to maintain high ideals in our private life, and a faith in You that gives us confidence and helps us overcome the evil in the world.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Julia Crenshaw and Lauren Hervey.

The Journal of the sixty-third day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2810 through House Resolution No. 2979

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS SCS HB 307, as amended**, and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Schmitt, Dixon, Kehoe, McKenna and Holsman.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 316**, entitled:

An act to repeal section 620.467, RSMo, and to enact in lieu thereof one new section relating to the division of tourism supplemental revenue fund.

With Senate Amendment No. 1.

Senate Amendment No. 1

AMEND House Bill No. 316, Page 1, Section Title, Lines 2-3, by striking the following: "the division of tourism supplemental revenue fund" and inserting in lieu thereof the following:

"statutes with expiration dates"; and

Further amend said bill, Page 3, Section 620.467, Line 66, by inserting after all of said line the following:

"[21.830. 1. There is hereby established a joint committee of the general assembly, which shall be known as the "Joint Committee on Missouri's Energy Future", which shall be composed of five members of the senate, with no more than three members of one party, and five members of the house of representatives, with no more than three members of one party. The senate members of the committee shall be appointed by the president pro tem of the senate and the house members by the speaker of the house of representatives. The committee shall select either a chairperson or co-chairpersons, one of whom shall be a member of the senate and one a member of the house of representatives. A majority of the members shall constitute a quorum. Meetings of the committee may be called at such time and place as the chairperson or chairpersons designate.

2. The committee shall examine Missouri's present and future energy needs to determine the best strategy to ensure a plentiful, affordable and clean supply of electricity that will meet the needs of the people and businesses of Missouri for the next twenty-five years and ensure that Missourians continue to benefit from low rates for residential, commercial, and industrial energy consumers.

3. The joint committee may hold hearings as it deems advisable and may obtain any input or information necessary to fulfill its obligations. The committee may make reasonable requests for staff assistance from the research and appropriations staffs of the house and senate and the committee on legislative research, as well as the department of economic development, department of natural resources, and the public service commission.

4. The joint committee shall prepare a final report, together with its recommendations for any legislative action deemed necessary, for submission to the general assembly by December 31, 2009, at which time the joint committee shall be dissolved.

5. Members of the committee shall receive no compensation but may be reimbursed for reasonable and necessary expenses associated with the performance of their official duties.]

[21.910. 1. There is hereby created the "Joint Committee on the Reduction and Reorganization of Programs within State Government". The committee shall be composed of thirteen members as follows:

(1) Three majority party members and two minority party members of the senate, to be appointed by the president pro tem of the senate;

(2) Three majority party members and two minority party members of the house of representatives, to be appointed by the speaker of the house of representatives;

(3) The commissioner of the office of administration, or his or her designee;

(4) A representative of the governor's office; and

(5) A supreme court judge, or his or her designee, as selected by the Missouri supreme court.

2. The committee shall study programs within every department that should be eliminated, reduced, or combined with another program or programs. As used in this section, the term "program" shall have the same meaning as in section 23.253.

3. In order to assist the committee with its responsibilities under this section, each department shall comply with any request for information made by the committee with regard to any programs administered by such department.

4. The members of the committee shall elect a chairperson and vice chairperson.

5. The committee shall submit a report to the general assembly by December 31, 2010, and such report shall contain any recommendations of the committee for eliminating, reducing, or combining any program with another program or programs in the same or a different department.

6. The provisions of this section shall expire on January 1, 2011.]

[301.129. There is established in this section an advisory committee for the department of revenue, which shall exist solely to develop uniform designs and common colors for motor vehicle license plates issued under this chapter and to determine appropriate license plate parameters for all license plates issued under this chapter. The advisory committee may adopt more than one type of design and color scheme for license plates issued under this chapter; however, each license plate of a distinct type shall be uniform in design and color scheme with all other license plates of that distinct type. The specifications for the fully reflective material used for the plates, as required by section 301.130, shall be determined by the committee. Such plates shall meet any specific requirements prescribed in this chapter. The advisory committee shall consist of the director of revenue, the superintendent of the highway patrol, the correctional enterprises administrator, and the respective chairpersons of both the senate and house of representatives transportation committees. Notwithstanding section 226.200 to the contrary, the general assembly may appropriate state highways and transportation department funds for the requirements of section 301.130 and this section. Prior to January 1, 2007, the committee shall meet, select a chairman from among their members, and develop uniform design and license plate parameters for the motor vehicle license plates issued under this chapter. Prior to determining the final design of the plates, the committee shall hold at least three public meetings in different areas of the state to invite public input on the final design. Members of the committee shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties under this section out of funds appropriated for that purpose. The committee shall direct the director of revenue to implement its final design of the uniform motor vehicle license plates and any specific parameters for all license plates developed by the committee not later than January 1, 2007. The committee shall be dissolved upon completion of its duties under this section.]

[620.602. 1. There is established a permanent joint committee of the general assembly to be known as the "Joint Committee on Economic Development Policy and Planning" to be composed of five members of the senate, appointed by the president pro tem of the senate, and five members of the house, appointed by the speaker of the house. No more than three members of the senate and three members of the house shall be from the same political party. The appointment of members shall continue during their terms of office as members of the general assembly or until successors have been duly appointed to fill their places when their terms of office as members of the general assembly have expired. Members of the joint committee shall receive no compensation in addition to their salary as members of the general assembly, but may receive their necessary expenses for attending the meetings of the committee, to be paid out of the committee's appropriations or the joint contingent fund.

2. The joint committee on economic development policy and planning shall meet within ten days after its establishment and organize by selecting a chairman and a vice chairman, one of whom shall be a member of the senate and the other a member of the house of representatives. These positions shall rotate annually between a member of the senate and a member of the house of representatives. The committee shall regularly meet at least quarterly. A majority of the members of the committee shall constitute a quorum. The committee may, within the limits of its appropriations, employ such persons as it deems necessary to carry out its duties. The compensation of such personnel shall be paid from the committee's appropriations or the joint contingent fund.

3. The joint committee on economic development policy and planning shall, at its regular meetings, confer with representatives from the governor's office, the department of economic development, the University of Missouri extension service, and other interested parties from the private and public sectors. The joint committee shall review the annual report produced by the department of economic development, as required by section 620.607, and plan, develop and evaluate a long-term economic development policy for the state of Missouri to ensure the state's competitive status with other states.

4. The provisions of this section shall expire on July 1, 2010.]

[630.461. 1. There is hereby created in the department of mental health a committee to be known as the "Review Committee for Purchasing" to review the manner in which the department of mental health purchases services for persons with mental health disorders and substance abuse problems. By December 31, 1995, the committee shall recommend to the governor and the general

assembly any changes that should be made in the department of mental health purchasing systems, including whether the department should follow a competitive purchasing model and, if so, the time frame for initiating such change. The recommendation of the committee shall be made in the context of state and national health care reform and with the goal of providing effective services in a coordinated and affordable manner.

2. The review committee on purchasing created in subsection 1 of this section shall be composed of nine members as follows:

- (1) One member of the mental health commission, appointed by the governor;
- (2) One representative of the office of administration, appointed by the governor;
- (3) The governor or his designee;
- (4) Two members appointed at large by the governor, with one member representing the business community and one public member;
- (5) Two members, appointed at large by the governor, with one member being a private provider and one member being affiliated with a hospital;
- (6) Two members, appointed at large by the governor, who are consumers of mental health services or family members of consumers of mental health services.

3. The review committee established in subsection 1 of this section shall be disbanded on January 1, 1996.

4. Notwithstanding any other provision of law to the contrary, beginning July 1, 1997, if the review committee failed to make the recommendations to the governor and the general assembly as required in subsection 1 of this section, the department of mental health may contract directly with vendors operated or funded pursuant to sections 205.975 to 205.990, or operated or funded pursuant to sections 205.968 to 205.973, without competitive bids. All contracts with vendors who are providers of a consortium of treatment services to the clients of the division of comprehensive psychiatric services shall be awarded in accordance with chapter 34.]"; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HBs 446 & 211**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 656**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SS#2 SCS SB 1**: Senators Rupp, Cunningham, Parson, Sifton and Walsh.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SS SB 34, as amended**: Senators Cunningham, Rupp, Parson, McKenna and Walsh.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SS SB 262, as amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEES

The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:

SS SCS HB 307: Representatives Riddle, Hinson and Walton Gray

SCS HCS#2 HB 698: Representatives Zerr, Jones (50) and Kratky

MOTION

Representative Diehl moved that Rule 23 be suspended in order for the Conference Committee on Budget to meet while the House is in session.

Which motion was adopted by the following vote:

AYES: 146

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Black	Brattin	Brown
Burlison	Burns	Butler	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Davis	Diehl	Dohrman
Dugger	Dunn	Ellinger	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gardner	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelly 45	Kirkton	Koenig	Kolkmeier
Korman	Kratky	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
May	Mayfield	McCaherty	McCann Beatty	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Montecillo	Moon
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Pace	Parkinson
Peters	Pfausch	Phillips	Pierson	Pike
Pogue	Redmon	Reiboldt	Remole	Rhoads
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 85
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	White	Wieland	Wilson	Wood
Mr Speaker				

NOES: 002

Ellington	LaFaver
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PRESENT: 000

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ABSENT WITH LEAVE: 015

Berry	Carpenter	Curtis	Curtman	Grisamore
Kelley 127	McDonald	Molendorp	Otto	Rehder
Richardson	Smith 120	Webber	Wright	Zerr

HOUSE CONCURRENT RESOLUTIONS

HCR 34, relating to the Healthy, Hunger-Free Kids Act for 2010, was taken up by Representative Houghton.

Representative Cox moved the previous question.

Which motion was adopted by the following vote:

AYES: 101

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCahtery	McGaugh	Messenger
Miller	Molendorp	Moon	Morris	Muntzel
Neely	Neth	Parkinson	Pfausch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Riddle	Ross	Rowden
Rowland	Schatz	Schieber	Shumake	Solon
Sommer	Spencer	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 049

Anders	Black	Burns	Butler	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Pace	Peters	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webb	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 013

Carpenter	Flanigan	Grisamore	Lant	McDonald
Otto	Richardson	Scharnhorst	Shull	Smith 120
Stream	Swan	Webber		

On motion of Representative Houghton, **HCR 34** was adopted.

HCS HCR 17, relating to Medicaid DSH expenditures, was taken up by Representative Frederick.

On motion of Representative Frederick, **HCS HCR 17** was adopted by the following vote:

AYES: 121

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Black	Brattin	Brown	Burlison
Burns	Butler	Cierpiot	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Ellinger	Elmer	Engler	English	Englund
Entlicher	Fitzwater	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Kratky	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Mayfield	McCaherty
McGaugh	McKenna	Messenger	Miller	Moon
Morris	Muntzel	Neely	Norr	Parkinson
Pfautsch	Phillips	Pike	Pogue	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieffer	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	Webber
White	Wieland	Wilson	Wood	Wright
Mr Speaker				

NOES: 036

Anders	Barnes	Carpenter	Colona	Curtis
Dunn	Ellington	Flanigan	Gardner	Hubbard
Kelly 45	Kirkton	LaFaver	Marshall	May
McCann Beatty	McManus	McNeil	Meredith	Mims
Mitten	Molendorp	Montecillo	Morgan	Newman
Nichols	Otto	Pace	Peters	Pierson
Schieber	Schupp	Smith 85	Swearingen	Walton Gray
Webb				

PRESENT: 000

ABSENT WITH LEAVE: 006

Fitzpatrick
Zerr

McDonald

Neth

Redmon

Smith 120

THIRD READING OF SENATE BILLS

HCS SCS SB 157 and SB 102, relating to scrap metal purchases, was taken up by Representative Phillips.

Representative Jones (50) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 157 and Senate Bill No. 102, Pages 3-5, Section 407.485, Lines 1-54, by deleting all of said section and lines from the bill and inserting in lieu thereof, the following:

"407.485. 1. It shall be an unfair business practice in violation of section 407.020 for a for-profit entity or natural person to collect [donations of] unwanted household items via a public receptacle and resell the [donated] **deposited** items for profit unless the [donation] **deposited item** receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: "[DONATIONS] **DEPOSITED ITEMS ARE NOT FOR CHARITABLE ORGANIZATIONS AND WILL BE RESOLD FOR PROFIT. DEPOSITED ITEMS ARE NOT TAX DEDUCTIBLE**".

2. It shall be an unfair business practice in violation of section 407.020 for a for-profit entity or natural person to collect donations of unwanted household items via a public receptacle and resell the donated items where some or all of the proceeds from the sale are directly given to a not-for-profit entity unless the donation receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: "DONATIONS TO THE FOR-PROFIT COMPANY: (name of the company) ARE SOLD FOR PROFIT AND (% of proceeds donated to the not-for-profit) % OF ALL PROCEEDS ARE DONATED TO (name of the nonprofit beneficiary organization's name)".

3. It shall be an unfair business practice in violation of section 407.020 for a for-profit entity or natural person to collect donations of unwanted household items via a public receptacle and resell the donated items, where such for-profit entity is paid a flat fee, not contingent upon the proceeds generated by the sale of the collected goods, and one hundred percent of the proceeds from the sale of the items are given directly to the not-for-profit, unless the donation receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: "THIS DONATION RECEPTACLE IS OPERATED BY THE FOR-PROFIT ENTITY: (name of the for-profit/individual) ON BEHALF of (name of the nonprofit beneficiary organization's name)".

4. It shall be an unfair business practice in violation of section 407.020 for a not-for-profit entity to collect donations of unwanted household items via a public receptacle and resell the donated items unless the donation receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: "THIS RECEPTACLE IS OWNED AND OPERATED BY THE NOT-FOR-PROFIT ENTITY: (name of the not-for-profit/charity) AND (% of proceeds donated to the not-for-profit) % OF THE PROCEEDS FROM THE SALE OF ANY DONATIONS SHALL BE USED FOR THE CHARITABLE MISSION OF (charity name/charitable cause)".

[4.] **5.** The term "bold letters" as used in subsections 1, 2, and 3 of this section shall mean a primary color on a white background so as to be clearly visible to the public.

[5.] **6.** Nothing in this section shall apply to paper, glass, or aluminum products that are donated for the purpose of being recycled in the manufacture of other products.

[6.] **7.** Any entity which, on or before June 1, 2009, has distributed one hundred or more separate public receptacles within the state of Missouri to which the provisions of subsection 2 or 3 of this section would apply shall be deemed in compliance with the signage requirements imposed by this section for the first six months after August 28, 2009, provided such entity has made or is making good faith efforts to bring all signage in compliance with the provisions of this section and all such signage is in complete compliance no later than six months after August 28, 2009.

8. All donation receptacles described in this section shall conspicuously display the name, address, and telephone number of the owner and operator of the receptacle. For any receptacles covered in this section, the

owner or operator of the receptacle shall maintain permission to place the receptacle on the property from the property owner or agent of the owner of the property where the receptacle is located. Such permission shall be in writing and clearly identify the owner of the receptacle and property owner or his or her agent in addition to the nature of the collections and where proceeds will be accrued. Failure to secure such permission shall constitute an unfair business practice in addition to any other statutory conditions. Unless otherwise agreed to in writing, the property owner or his or her agent may remove the receptacle and any charges incurred in such removal shall be the responsibility of the owner of the receptacle. Unless the receptacle owner pays such charges within thirty calendar days of the sending of a written certified letter from the property owner stating his or her intent to remove the receptacle, the receptacle owner shall relinquish any right to the receptacle. If the receptacle does not conspicuously display the name, address, and telephone number of the owner and operator of the receptacle, the receptacle shall be considered abandoned property and may be destroyed or permanently possessed by the property owner or their agent.

9. Any owner and operator of a receptacle that does not display the address of the owner and operator, but does display the website of the owner and operator, shall make the address easily accessible on such website for the property owner to send the letter specified in subsection 8 of this section. The provisions of this subsection shall expire on September 1, 2014."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Jones (50), **House Amendment No. 1** was adopted.

Representative Dugger offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 157 and Senate Bill No. 102, Page 2, Section 407.302, Line 3, by inserting after the phrase "**cable provider**," on said line, the phrase "**wireless service or other communications-related provider**"; and

Further amend said bill, Page 3, Section 407.302, Lines 6-7 and Line 10, by inserting after the phrase "**cable provider**," on said lines, the phrase "**wireless service or other communications-related provider**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Dugger, **House Amendment No. 2** was adopted.

Representative Miller offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 157 and Senate Bill No. 102, Page 1, Section A, Line 3, by inserting after all of said section and line, the following:

"407.292. 1. As used in this section, the following words and terms have the following meanings, unless the context clearly indicates otherwise:

(1) "Business combination", the same meaning as such term is defined in section 351.459;

(2) "Buyer of gold, silver, or platinum" or "buyer", an individual, partnership, association, corporation, or business entity, who or which purchases gold, silver, or platinum from the general public for resale or refining, or an individual who acts as agent for the individual, partnership, association, corporation, or business entity for the purchases. The term does not include financial institutions licensed under federal or state banking laws, the purchaser of gold, silver, or platinum who purchases from a seller seeking a trade-in or allowance, and the purchaser of gold, silver, or platinum for his or her own use or ownership and not for resale or refining;

(3) "Gold", items containing or being of gold including, but not limited to, jewelry. The term does not include coins, ingots, or bullion or articles containing less than five percent gold by weight;

(4) "Platinum", items containing or being of platinum, but shall only include jewelry. The term does not include coins, ingots, bullion, or catalytic converters or articles containing less than five percent platinum by weight;

(5) "Silver", items containing or being of silver including, but not limited to, jewelry. The term does not include coins, ingots, bullion, or photographic film or articles containing less than five percent silver by weight;

(6) "Weighing device", shall only include a device that is inspected and approved by the weight and measures program within the department of agriculture.

2. The buyer shall completely, accurately, and legibly record every transaction on a form provided by and prepared by the buyer. The record of every transaction shall include the following:

(1) A copy of the driver's license or photo identification issued by the state or by the United States government or agency thereof to the person from whom the material is obtained;

(2) The name, current address, birth date, sex, and a photograph of the person from whom the material is obtained, if not included or are different from the identification required in subdivision (1) of this subsection;

(3) The seller shall be required to sign the form on which is recorded the information required by this section;

(4) An accurate description of the property purchased shall include all names, initials, serial numbers, or other identifying marks or monograms on each item purchased;

(5) The time and date of the transaction shall be recorded at the time of the transaction. Records of transactions shall be maintained by the buyer in gold, silver, or platinum for a period of one year and shall be available for inspection by any law enforcement official of the federal government, state, municipality, or county. No buyer shall accept any premelted gold, silver, or platinum, unless it is part of the design of an item of jewelry. Each item of gold, silver, or platinum purchased by a buyer in gold, silver, or platinum shall be retained in an unaltered condition for five full working days. It shall be the buyer's duty to inform law enforcement if the buyer has any reason to believe an item purchased may have been obtained illegally by a seller.

3. Records of buyer transactions may be made available to law enforcement officials, other governmental entities, and persons who, in the opinion of the custodian of the buyer transaction record, should be permitted access, such as an insurance company.

4. When a purchase is made from a minor, the written authority of the parent, guardian, or person in loco parentis authorizing the sale shall be attached and maintained with the record of transaction described in subsection 2 of this section (relating to records of transactions).

5. (1) When a weighing device is used to purchase gold, silver, or platinum, there shall be posted, on a conspicuous sign located close to the weighing device, a statement of prices for the gold, silver, or platinum being purchased as a result of the weight determination.

(2) The statement of prices shall include, but not be limited to, the following in terms of the price per troy ounce:

(a) The price for twenty-four karat, eighteen karat, fourteen karat, and ten karat gold;

(b) The price for pure silver and sterling silver;

(c) The price for platinum.

(3) When the weight determination is expressed in metric units, a conversion chart to troy ounces shall be prominently displayed so as to facilitate price comparison. The metric equivalent of a troy ounce is 31.10348 grams.

6. A weighing device used in the purchase of gold, silver, or platinum shall be positioned in such a manner that its indications may be accurately read and the weighing operation observed from a position which may be reasonably assumed by the buyer and the seller. A verbal statement of the result of the weighing shall be made by the person operating the device and recorded on the buyer's record of transaction.

7. The purchase of an item of gold, silver, or platinum by a buyer in gold, silver, or platinum not in accordance with section 407.292, shall constitute a violation of this section and the buyer may be subject to a fine not to exceed one thousand dollars.

8. This section shall not apply to a pawnbroker, as defined in section 367.011, or a scrap metal dealer, as provided in sections 407.300 to 407.305."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Nichols offered **House Amendment No. 1 to House Amendment No. 3.**

*House Amendment No. 1
to
House Amendment No. 3*

AMEND House Amendment No. 3 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 157 and Senate Bill No. 102, Page 1, Section 407.292, Line 26, by inserting after the words "**legibly record**" the phrase "**and photograph**"; and

Further amend said amendment, Page 2, Line 5, by deleting the word "**five**" and inserting in lieu thereof the word "**fourteen**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Nichols, **House Amendment No. 1 to House Amendment No. 3** was adopted.

On motion of Representative Miller, **House Amendment No. 3, as amended**, was adopted.

Representative Dugger offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 157 and Senate Bill No. 102, Pages 1-2, Section 407.300, Lines 8-13, by deleting all of said lines and inserting in lieu thereof, the following:

"as farming is defined in section 350.010; whatever may be the condition or length of such metal; **or**
(4) Catalytic converter."; and

Further amend said bill, Page 3, Section 407.303, Line 10, by inserting after the word "**license**" on said line, the phrase "**or nondriver's license**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Dugger, **House Amendment No. 4** was adopted.

On motion of Representative Phillips, **HCS SCS SB 157 and SB 102, as amended**, was adopted.

On motion of Representative Phillips, **HCS SCS SB 157 and SB 102, as amended**, was read the third time and passed by the following vote:

AYES: 148

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Elmer	Engler	English	Englund
Entlicher	Fitzwater	Fowler	Fraker	Frame

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Franklin	Frederick	Funderburk	Gannon	Gardner
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Jones 50	Justus
Keeney	Kelley 127	Kirkton	Koenig	Kolkmeier
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Mayfield	McCaherty	McCann Beatty	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Moon
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Otto	Pace	Parkinson
Peters	Pfausch	Phillips	Pierson	Pike
Pogue	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Schupp	Shull	Smith 85
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	White	Wieland	Wilson
Wood	Wright	Mr Speaker		

NOES: 007

Brattin	Ellington	Fitzpatrick	Higdon	Johnson
Marshall	May			

PRESENT: 001

Shumake

ABSENT WITH LEAVE: 007

Flanigan	Kelly 45	McDonald	Norr	Redmon
Smith 120	Zerr			

Speaker Jones declared the bill passed.

SB 257, relating to the Port Improvement District Act, was taken up by Representative Berry.

On motion of Representative Berry, **SB 257** was truly agreed to and finally passed by the following vote:

AYES: 128

Allen	Anders	Austin	Barnes	Bernskoetter
Berry	Black	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Cornejo	Cox
Crawford	Cross	Curtis	Diehl	Dohrman
Dunn	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzwater	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Grisamore	Guernsey
Haefner	Hansen	Harris	Hicks	Higdon

Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Jones 50	Justus
Kelley 127	Kolkmeier	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	May	Mayfield	McCaherty
McCann Beatty	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Molendorp	Montecillo	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Otto
Pace	Peters	Pfausch	Phillips	Pierson
Pike	Reiboldt	Remole	Rhoads	Riddle
Rizzo	Roorda	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieffer	Schupp	Shull
Shumake	Smith 85	Solon	Sommer	Spencer
Stream	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webb	Webber	White	Wieland
Wright	Zerr	Mr Speaker		

NOES: 026

Anderson	Bahr	Brattin	Brown	Burlison
Conway 104	Cookson	Curtman	Dugger	Fitzpatrick
Fowler	Haahr	Hampton	Johnson	Keeney
Kirkton	Koenig	Marshall	Moon	Parkinson
Pogue	Rehder	Richardson	Schieber	Swan
Wilson				

PRESENT: 000

ABSENT WITH LEAVE: 009

Davis	Flanigan	Kelly 45	McDonald	Norr
Redmon	Ross	Smith 120	Wood	

Speaker Jones declared the bill passed.

PERFECTION OF HOUSE BILL

HCS HB 458, relating to Bryce's Law, was taken up by Representative Scharnhorst.

Representative Scharnhorst offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 458, Page 1, Section 135.1220, Line 10, by inserting immediately after the word "**students**" the following:

"or children"; and

Further amend said bill and section, Page 2, Line 27, by inserting immediately after the word "**the**" the following:

"student or"; and

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Further amend said bill and section, Page 4, Line 110, by deleting the words "**a negative**" and inserting in lieu thereof the following:

"an unsatisfactory"; and

Further amend said bill and section, Page 6, Lines 182 and 193, by inserting immediately after the words "**with a**" the following:

"medical"; and

Further amend said bill, section, and page, Line 187, by deleting the words "**commission on Medicare**" and inserting in lieu thereof the following:

"Centers for Medicare and Medicaid Services"; and

Further amend said bill and section, Page 8, Line 246, by deleting the word "**childrens**" and inserting in lieu thereof the following:

"children's"; and

Further amend said bill, section, and page, Line 262, by deleting the word "**from**" and inserting in lieu thereof the following:

"to"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Fowler	Fraker	Franklin
Frederick	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller
Molendorp	Moon	Morris	Muntzel	Parkinson
Pfausch	Phillips	Pike	Pogue	Rehder
Remole	Rhoads	Richardson	Riddle	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 048

Anders	Black	Burns	Butler	Carpenter
Colona	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hummel	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Roorda	Runions
Schieffer	Schupp	Smith 85	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 015

Conway 10	Flanigan	Funderburk	Hampton	Hubbard
Kelly 45	Love	McDonald	Morgan	Neely
Neth	Redmon	Reiboldt	Ross	Smith 120

On motion of Representative Scharnhorst, **House Amendment No. 1** was adopted.

Representative Scharnhorst offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 458, Page 1, In the Title, Line 3, by deleting the words "tax credit"; and

Further amend said bill, Page 2, Section 135.1220, Line 48, by deleting the word "**taxpayer**" and inserting in lieu thereof the word "**donor**"; and

Further amend said bill and section, Pages 2 and 3, Lines 52 to 79, by deleting all of said lines and inserting in lieu thereof the following:

"3. The department of elementary and secondary education shall develop a master list of resources available to the parents of children with an autism spectrum disorder and shall maintain a web page for the information. The department shall also actively seek financial resources in the form of grants and donations that may be devoted to scholarship funds or to clinical trials for behavioral interventions that may be undertaken by qualified service providers. The department may contract out or delegate these duties to a nonprofit organization. Priority in referral for funding shall be given to children who have not yet entered elementary school."; and

Further amend said bill and section by renumbering subsequent subsections accordingly; and

Further amend said bill, section, and page, Lines 86, 88, and 90, by deleting the word "**taxpayer**" and inserting in lieu thereof the word "**donor**"; and

Further amend said bill and section, Page 4, Lines 91 to 94, by deleting all of said lines and inserting in lieu thereof the following:

"organization."; and

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Further amend said bill and section, Page 5, Lines 127 to 134, by deleting all of said lines and inserting in lieu thereof the following:

"announced the student or child limit has been reached shall be valid."; and

Further amend said bill, section, and page, Line 139, by deleting the word **"taxpayers"** and inserting in lieu thereof the word **"donors"**; and

Further amend said bill, section and page, Lines 146 to 148, by deleting all of said lines and inserting in lieu thereof the following:

"(5) Inform the parent or guardian of the student or child applying for a scholarship that accepting the scholarship is tantamount to a 'parentally placed private school student' pursuant to 34 CFR 300.130 and, thus, neither the department nor any Missouri public school is responsible to provide the student with a free appropriate public education pursuant to the IDEA or Section 504 of the Rehabilitation Act of 1973;"; and

Further amend said bill and section, Page 7, Lines 216 to 218, by deleting all of said lines and inserting in lieu thereof the following:

"by a scholarship granting organization to a donor to indicate the value of a contribution received."; and

Further amend said bill, and section, Page 9, by deleting all of Lines 278 to 284, and inserting in lieu thereof the following:

"section is sunset."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Korman assumed the Chair.

On motion of Representative Scharnhorst, **House Amendment No. 2** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Davis	Diehl	Dohrman
Dugger	Elmer	Entlicher	Fitzpatrick	Fitzwater
Fowler	Fraker	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hansen	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Pike	Pogue	Rehder
Reiboldt	Remole	Rhoads	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull

Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 050

Anders	Burns	Butler	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 013

Black	Curtman	Engler	Flanigan	Hampton
Jones 50	Kelly 45	McDonald	Phillips	Redmon
Richardson	Riddle	Smith 120		

On motion of Representative Scharnhorst, **HCS HB 458, as amended**, was adopted.

On motion of Representative Scharnhorst, **HCS HB 458, as amended**, was ordered perfected and printed by the following vote:

AYES: 154

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kirkton	Koenig	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	May
Mayfield	McCaherty	McCann Beatty	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Moon
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Parkinson	Peters	Pfautsch	Pierson	Pike
Rehder	Reiboldt	Remole	Rhoads	Richardson

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Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 85
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 001

Pogue

PRESENT: 000

ABSENT WITH LEAVE: 008

Black	Flanigan	Hampton	Kelly 45	McDonald
Phillips	Redmon	Smith 120		

THIRD READING OF SENATE BILLS

SB 230, relating to Chloe's Law, was taken up by Representative Brattin.

Representative Frederick offered **House Amendment No. 1**.

House Amendment No. 1

AMEND Senate Bill No. 230, Pages 1 to 3, Section 191.334, Lines 6 to 58, by deleting all of said section and lines and inserting in lieu thereof the following:

"3. Every newborn delivered on or after January 1, 2014, in an ambulatory surgical center, birthing center, hospital, or home shall be screened for critical congenital heart disease with pulse oximetry or in another manner as directed by the department of health and senior services in accordance with the American Academy of Pediatrics and American Heart Association guidelines. Screening shall occur prior to discharge if delivery occurs in a facility. If delivery occurs in a home the individual performing the delivery shall perform the screening within forty-eight hours of birth. Screening results shall be reported to the parents or guardians of the newborn and the department of health and senior services in a manner prescribed by the department for surveillance purposes. The facility or individual shall develop and implement plans to ensure that newborns with positive screens receive appropriate confirmatory procedures and referral for treatment as indicated.

4. The provisions of this section shall not apply if a parent or guardian of the newborn objects to the screening on the grounds that it conflicts with his or her religious tenets and practices. The parent or guardian of any newborn who refuses to have the critical congenital heart disease screening administered after notice of the requirement for screening shall document the refusal in writing. Any refusal of screening shall be reported to the department of health and senior services in a manner prescribed by the department.

5. The department of health and senior services shall provide consultation and administrative technical support to facilities and persons implementing the requirements of this section including, but not limited to, assistance in:

- (1) Developing and implementing critical congenital heart disease newborn screening protocols based on the American Academy of Pediatrics and American Heart Association guidelines;**
- (2) Developing and training facilities and persons on implementation of protocols;**
- (3) Developing and distributing educational materials for families; and**
- (4) Implementing reporting requirements."; and**

Further amend said bill, pages, and section, by renumbering the following subsections accordingly; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Frederick, **House Amendment No. 1** was adopted.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 094

Anderson	Austin	Bahr	Barnes	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Davis	Dohrman	Dugger	Elmer
Engler	Entlicher	Fitzpatrick	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gosen
Grisamore	Haahr	Haefner	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Leara	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Pike	Pogue	Reiboldt
Remole	Rhoads	Richardson	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Mr Speaker	

NOES: 048

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hummel	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McKenna
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Runions
Schieffer	Schupp	Smith 85	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 021

Allen	Curtman	Diehl	Fitzwater	Flanigan
Gatschenberger	Guernsey	Hampton	Hubbard	Kelly 45
Lauer	Lichtenegger	McDonald	McManus	Phillips
Redmon	Rehder	Riddle	Roorda	Smith 120
Zerr				

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On motion of Representative Brattin, **SB 230, as amended**, was read the third time and passed by the following vote:

AYES: 142

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Davis	Dohrman
Dugger	Dunn	Ellinger	Ellington	Elmer
Engler	English	Englund	Entlicher	Fitzwater
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gardner	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Jones 50	Justus	Keeney	Kelley 127	Kirkton
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Love	Lynch
May	Mayfield	McCaherty	McCann Beatty	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Parkinson	Peters	Pfautsch	Pierson	Pike
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 85	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Mr Speaker			

NOES: 008

Burlison	Curtman	Fitzpatrick	Johnson	Koenig
Marshall	Moon	Pogue		

PRESENT: 000

ABSENT WITH LEAVE: 013

Conway 104	Diehl	Flanigan	Gatschenberger	Hampton
Kelly 45	Lichtenegger	McDonald	Phillips	Redmon
Roorda	Smith 120	Zerr		

Representative Korman declared the bill passed.

HCS SCS SB 17, relating to the Career and Technical Education Advisory Board Council, was taken up by Representative Thomson.

Representative Thomson offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 17, Page 2, Section 161.249, Line 24, by inserting after all of said section and line the following:

"169.070. 1. The retirement allowance of a member whose age at retirement is sixty years or more and whose creditable service is five years or more, or whose sum of age and creditable service equals eighty years or more, or who has attained age fifty-five and whose creditable service is twenty-five years or more or whose creditable service is thirty years or more regardless of age, may be the sum of the following items, not to exceed one hundred percent of the member's final average salary:

(1) Two and five-tenths percent of the member's final average salary for each year of membership service;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service not exceeding thirty years.

In lieu of the retirement allowance otherwise provided in subdivisions (1) and (2) of this subsection, a member may elect to receive a retirement allowance of:

(3) [Between July 1, 1998, and July 1, 2013,] Two and four-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-nine years or more but less than thirty years, and the member has not attained age fifty-five;

(4) [Between July 1, 1998, and July 1, 2013,] Two and thirty-five-hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-eight years or more but less than twenty-nine years, and the member has not attained age fifty-five;

(5) [Between July 1, 1998, and July 1, 2013,] Two and three-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-seven years or more but less than twenty-eight years, and the member has not attained age fifty-five;

(6) [Between July 1, 1998, and July 1, 2013,] Two and twenty-five-hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-six years or more but less than twenty-seven years, and the member has not attained age fifty-five;

(7) [Between July 1, 1998, and July 1, 2013,] Two and two-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-five years or more but less than twenty-six years, and the member has not attained age fifty-five;

(8) [Between July 1, 2001, and July 1, 2013,] Two and fifty-five hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is thirty-one years or more regardless of age.

2. In lieu of the retirement allowance provided in subsection 1 of this section, a member whose age is sixty years or more on September 28, 1975, may elect to have the member's retirement allowance calculated as a sum of the following items:

(1) Sixty cents plus one and five-tenths percent of the member's final average salary for each year of membership service;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service not exceeding thirty years;

(3) Three-fourths of one percent of the sum of subdivisions (1) and (2) of this subsection for each month of attained age in excess of sixty years but not in excess of age sixty-five.

3. (1) In lieu of the retirement allowance provided either in subsection 1 or 2 of this section, collectively called "option 1", a member whose creditable service is twenty-five years or more or who has attained the age of fifty-five with five or more years of creditable service may elect in the member's application for retirement to receive the actuarial equivalent of the member's retirement allowance in reduced monthly payments for life during retirement with the provision that:

Option 2. Upon the member's death the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member as the member shall have nominated in the member's election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the retired member elected option 1; OR

Option 3. Upon the death of the member three-fourths of the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the

retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the member elected option 1; OR

Option 4. Upon the death of the member one-half of the reduced retirement allowance shall be continued throughout the life of, and paid to, such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance shall be increased to the amount the retired member would be receiving had the member elected option 1; OR

Option 5. Upon the death of the member prior to the member having received one hundred twenty monthly payments of the member's reduced allowance, the remainder of the one hundred twenty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the one hundred twenty monthly payments, the total of the remainder of such one hundred twenty monthly payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the last person, in that order of precedence, to receive a monthly allowance in a lump sum payment. If the total of the one hundred twenty payments paid to the retired individual and the beneficiary of the retired individual is less than the total of the member's accumulated contributions, the difference shall be paid to the beneficiary in a lump sum; OR

Option 6. Upon the death of the member prior to the member having received sixty monthly payments of the member's reduced allowance, the remainder of the sixty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the sixty monthly payments, the total of the remainder of such sixty monthly payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the last person, in that order of precedence, to receive a monthly allowance in a lump sum payment. If the total of the sixty payments paid to the retired individual and the beneficiary of the retired individual is less than the total of the member's accumulated contributions, the difference shall be paid to the beneficiary in a lump sum.

(2) The election of an option may be made only in the application for retirement and such application must be filed prior to the date on which the retirement of the member is to be effective. If either the member or the person nominated to receive the survivorship payments dies before the effective date of retirement, the option shall not be effective, provided that:

(a) If the member or a person retired on disability retirement dies after acquiring twenty-five or more years of creditable service or after attaining the age of fifty-five years and acquiring five or more years of creditable service and before retirement, except retirement with disability benefits, and the person named by the member as the member's beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either survivorship benefits under option 2 or a payment of the accumulated contributions of the member. If survivorship benefits under option 2 are elected and the member at the time of death would have been eligible to receive an actuarial equivalent of the member's retirement allowance, the designated beneficiary may further elect to defer the option 2 payments until the date the member would have been eligible to receive the retirement allowance provided in subsection 1 or 2 of this section;

(b) If the member or a person retired on disability retirement dies before attaining age fifty-five but after acquiring five but fewer than twenty-five years of creditable service, and the person named as the member's beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either a payment of the member's accumulated contributions, or survivorship benefits under option 2 to begin on the date the member would first have been eligible to receive an actuarial equivalent of the member's retirement allowance, or to begin on the date the member would first have been eligible to receive the retirement allowance provided in subsection 1 or 2 of this section.

4. If the total of the retirement or disability allowance paid to an individual before the death of the individual is less than the accumulated contributions at the time of retirement, the difference shall be paid to the beneficiary of the individual, or to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the individual in that order of precedence. If an optional benefit as provided in option 2, 3 or 4 in subsection 3 of this section had been elected, and the beneficiary dies after receiving the optional benefit, and if the total retirement allowance paid to the retired individual and the beneficiary of the retired individual is less than the total of the contributions, the difference shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the beneficiary, in that order of precedence, unless the retired individual designates a different recipient with the board at or after retirement.

5. If a member dies and his or her financial institution is unable to accept the final payment or payments due to the member, the final payment or payments shall be paid to the beneficiary of the member or, if there is no beneficiary,

to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the member, in that order of precedence, unless otherwise stated. If the beneficiary of a deceased member dies and his or her financial institution is unable to accept the final payment or payments, the final payment or payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the member, in that order of precedence, unless otherwise stated.

6. If a member dies before receiving a retirement allowance, the member's accumulated contributions at the time of the death of the member shall be paid to the beneficiary of the member or, if there is no beneficiary, to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or to the estate of the member, in that order of precedence; except that, no such payment shall be made if the beneficiary elects option 2 in subsection 3 of this section, unless the beneficiary dies before having received benefits pursuant to that subsection equal to the accumulated contributions of the member, in which case the amount of accumulated contributions in excess of the total benefits paid pursuant to that subsection shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the beneficiary, in that order of precedence.

7. If a member ceases to be a public school employee as herein defined and certifies to the board of trustees that such cessation is permanent, or if the membership of the person is otherwise terminated, the member shall be paid the member's accumulated contributions with interest.

8. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, if a member ceases to be a public school employee after acquiring five or more years of membership service in Missouri, the member may at the option of the member leave the member's contributions with the retirement system and claim a retirement allowance any time after reaching the minimum age for voluntary retirement. When the member's claim is presented to the board, the member shall be granted an allowance as provided in sections 169.010 to 169.141 on the basis of the member's age, years of service, and the provisions of the law in effect at the time the member requests the member's retirement to become effective.

9. The retirement allowance of a member retired because of disability shall be nine-tenths of the allowance to which the member's creditable service would entitle the member if the member's age were sixty, or fifty percent of one-twelfth of the annual salary rate used in determining the member's contributions during the last school year for which the member received a year of creditable service immediately prior to the member's disability, whichever is greater, except that no such allowance shall exceed the retirement allowance to which the member would have been entitled upon retirement at age sixty if the member had continued to teach from the date of disability until age sixty at the same salary rate.

10. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, from October 13, 1961, the contribution rate pursuant to sections 169.010 to 169.141 shall be multiplied by the factor of two-thirds for any member of the system for whom federal Old Age and Survivors Insurance tax is paid from state or local tax funds on account of the member's employment entitling the person to membership in the system. The monetary benefits for a member who elected not to exercise an option to pay into the system a retroactive contribution of four percent on that part of the member's annual salary rate which was in excess of four thousand eight hundred dollars but not in excess of eight thousand four hundred dollars for each year of employment in a position covered by this system between July 1, 1957, and July 1, 1961, as provided in subsection 10 of this section as it appears in RSMo, 1969, shall be the sum of:

(1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for years of membership service;

(2) For years of membership service after July 1, 1946, in which the full contribution rate was paid, full benefits under the formula in effect at the time of the member's retirement;

(3) For years of membership service after July 1, 1957, and prior to July 1, 1961, the benefits provided in this section as it appears in RSMo, 1959; except that if the member has at least thirty years of creditable service at retirement the member shall receive the benefit payable pursuant to that section as though the member's age were sixty-five at retirement;

(4) For years of membership service after July 1, 1961, in which the two-thirds contribution rate was paid, two-thirds of the benefits under the formula in effect at the time of the member's retirement.

11. The monetary benefits for each other member for whom federal Old Age and Survivors Insurance tax is or was paid at any time from state or local funds on account of the member's employment entitling the member to membership in the system shall be the sum of:

(1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for years of membership service;

(2) For years of membership service after July 1, 1946, in which the full contribution rate was paid, full benefits under the formula in effect at the time of the member's retirement;

(3) For years of membership service after July 1, 1957, in which the two-thirds contribution rate was paid, two-thirds of the benefits under the formula in effect at the time of the member's retirement.

12. Any retired member of the system who was retired prior to September 1, 1972, or beneficiary receiving payments under option 1 or option 2 of subsection 3 of this section, as such option existed prior to September 1, 1972, will be eligible to receive an increase in the retirement allowance of the member of two percent for each year, or major fraction of more than one-half of a year, which the retired member has been retired prior to July 1, 1975. This increased amount shall be payable commencing with January, 1976, and shall thereafter be referred to as the member's retirement allowance. The increase provided for in this subsection shall not affect the retired member's eligibility for compensation provided for in section 169.580 or 169.585, nor shall the amount being paid pursuant to these sections be reduced because of any increases provided for in this section.

13. If the board of trustees determines that the cost of living, as measured by generally accepted standards, increases two percent or more in the preceding fiscal year, the board shall increase the retirement allowances which the retired members or beneficiaries are receiving by two percent of the amount being received by the retired member or the beneficiary at the time the annual increase is granted by the board with the provision that the increases provided for in this subsection shall not become effective until the fourth January first following the member's retirement or January 1, 1977, whichever later occurs, or in the case of any member retiring on or after July 1, 2000, the increase provided for in this subsection shall not become effective until the third January first following the member's retirement, or in the case of any member retiring on or after July 1, 2001, the increase provided for in this subsection shall not become effective until the second January first following the member's retirement. Commencing with January 1, 1992, if the board of trustees determines that the cost of living has increased five percent or more in the preceding fiscal year, the board shall increase the retirement allowances by five percent. The total of the increases granted to a retired member or the beneficiary after December 31, 1976, may not exceed eighty percent of the retirement allowance established at retirement or as previously adjusted by other subsections. If the cost of living increases less than five percent, the board of trustees may determine the percentage of increase to be made in retirement allowances, but at no time can the increase exceed five percent per year. If the cost of living decreases in a fiscal year, there will be no increase in allowances for retired members on the following January first.

14. The board of trustees may reduce the amounts which have been granted as increases to a member pursuant to subsection 13 of this section if the cost of living, as determined by the board and as measured by generally accepted standards, is less than the cost of living was at the time of the first increase granted to the member; except that, the reductions shall not exceed the amount of increases which have been made to the member's allowance after December 31, 1976.

15. Any application for retirement shall include a sworn statement by the member certifying that the spouse of the member at the time the application was completed was aware of the application and the plan of retirement elected in the application.

16. Notwithstanding any other provision of law, any person retired prior to September 28, 1983, who is receiving a reduced retirement allowance under option 1 or option 2 of subsection 3 of this section, as such option existed prior to September 28, 1983, and whose beneficiary nominated to receive continued retirement allowance payments under the elected option dies or has died, shall upon application to the board of trustees have his or her retirement allowance increased to the amount he or she would have been receiving had the option not been elected, actuarially adjusted to recognize any excessive benefits which would have been paid to him or her up to the time of application.

17. Benefits paid pursuant to the provisions of the public school retirement system of Missouri shall not exceed the limitations of Section 415 of Title 26 of the United States Code except as provided pursuant to this subsection. Notwithstanding any other law to the contrary, the board of trustees may establish a benefit plan pursuant to Section 415(m) of Title 26 of the United States Code. Such plan shall be created solely for the purpose described in Section 415(m)(3)(A) of Title 26 of the United States Code. The board of trustees may promulgate regulations necessary to implement the provisions of this subsection and to create and administer such benefit plan.

18. Notwithstanding any other provision of law to the contrary, any person retired before, on, or after May 26, 1994, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties the person shall receive an amount based on the person's years of service so that the total amount received pursuant to sections 169.010 to 169.141 shall be at least the minimum amounts specified in subdivisions (1) to (4) of this subsection. In determining the minimum amount to be received, the amounts in subdivisions (3) and (4) of this subsection shall be adjusted in accordance with the actuarial adjustment, if any, that was applied to the person's retirement allowance. In determining the minimum amount to be received, beginning September 1, 1996, the amounts in subdivisions (1) and (2) of this subsection shall be adjusted in accordance with the actuarial adjustment, if any, that was applied to the person's retirement allowance due to election of an optional form of retirement

having a continued monthly payment after the person's death. Notwithstanding any other provision of law to the contrary, no person retired before, on, or after May 26, 1994, and no beneficiary of such a person, shall receive a retirement benefit pursuant to sections 169.010 to 169.141 based on the person's years of service less than the following amounts:

- (1) Thirty or more years of service, one thousand two hundred dollars;
- (2) At least twenty-five years but less than thirty years, one thousand dollars;
- (3) At least twenty years but less than twenty-five years, eight hundred dollars;
- (4) At least fifteen years but less than twenty years, six hundred dollars.

19. Notwithstanding any other provisions of law to the contrary, any person retired prior to May 26, 1994, and any designated beneficiary of such a retired member who was deceased prior to July 1, 1999, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement or aging and upon request shall give written or oral opinions to the board in response to such requests. Beginning September 1, 1996, as compensation for such service, the member shall have added, pursuant to this subsection, to the member's monthly annuity as provided by this section a dollar amount equal to the lesser of sixty dollars or the product of two dollars multiplied by the member's number of years of creditable service. Beginning September 1, 1999, the designated beneficiary of the deceased member shall as compensation for such service have added, pursuant to this subsection, to the monthly annuity as provided by this section a dollar amount equal to the lesser of sixty dollars or the product of two dollars multiplied by the member's number of years of creditable service. The total compensation provided by this section including the compensation provided by this subsection shall be used in calculating any future cost-of-living adjustments provided by subsection 13 of this section.

20. Any member who has retired prior to July 1, 1998, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties the person shall receive a payment equivalent to eight and seven-tenths percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 13 and 14 of this section for the purposes of the limit on the total amount of increases which may be received.

21. Any member who has retired shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such request. As compensation for such duties, the beneficiary of the retired member, or, if there is no beneficiary, the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the retired member, in that order of precedence, shall receive as a part of compensation for these duties a death benefit of five thousand dollars.

22. Any member who has retired prior to July 1, 1999, and the designated beneficiary of a retired member who was deceased prior to July 1, 1999, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall have added, pursuant to this subsection, to the monthly annuity as provided by this section a dollar amount equal to five dollars times the member's number of years of creditable service.

23. Any member who has retired prior to July 1, 2000, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall receive a payment equivalent to three and five-tenths percent of the previous month's benefit, which shall be added to the member or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 13 and 14 of this section for the purposes of the limit on the total amount of increases which may be received.

24. Any member who has retired prior to July 1, 2001, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall receive a dollar amount equal to three dollars times the member's number of years of creditable service, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 13 and 14 of this section for the purposes of the limit on the total amount of increases which may be received.

169.670. 1. The retirement allowance of a member whose age at retirement is sixty years or more and whose creditable service is five years or more, or whose sum of age and creditable service equals eighty years or more, or whose creditable service is thirty years or more regardless of age, shall be the sum of the following items:

(1) For each year of membership service, one and sixty-one hundredths percent of the member's final average salary;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service;

(3) Eighty-five one-hundredths of one percent of any amount by which the member's average compensation for services rendered prior to July 1, 1973, exceeds the average monthly compensation on which federal Social Security taxes were paid during the period over which such average compensation was computed, for each year of membership service credit for services rendered prior to July 1, 1973, plus six-tenths of the amount payable for a year of membership service for each year of prior service credit;

(4) In lieu of the retirement allowance otherwise provided by subdivisions (1) to (3) of this subsection, [between July 1, 2001, and July 1, 2013,] a member may elect to receive a retirement allowance of:

(a) One and fifty-nine hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-nine years or more but less than thirty years and the member has not attained the age of fifty-five;

(b) One and fifty-seven hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-eight years or more but less than twenty-nine years, and the member has not attained the age of fifty-five;

(c) One and fifty-five hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-seven years or more but less than twenty-eight years and the member has not attained the age of fifty-five;

(d) One and fifty-three hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-six years or more but less than twenty-seven years and the member has not attained the age of fifty-five;

(e) One and fifty-one hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-five years or more but less than twenty-six years and the member has not attained the age of fifty-five; and

(5) In addition to the retirement allowance provided in subdivisions (1) to (3) of this subsection, a member retiring on or after July 1, 2001, whose creditable service is thirty years or more or whose sum of age and creditable service is eighty years or more, shall receive a temporary retirement allowance equivalent to eight-tenths of one percent of the member's final average salary multiplied by the member's years of service until such time as the member reaches the minimum age for Social Security retirement benefits.

2. If the board of trustees determines that the cost of living, as measured by generally accepted standards, increases five percent or more in the preceding fiscal year, the board shall increase the retirement allowances which the retired members or beneficiaries are receiving by five percent of the amount being received by the retired member or the beneficiary at the time the annual increase is granted by the board; provided that, the increase provided in this subsection shall not become effective until the fourth January first following a member's retirement or January 1, 1982, whichever occurs later, and the total of the increases granted to a retired member or the beneficiary after December 31, 1981, may not exceed eighty percent of the retirement allowance established at retirement or as previously adjusted by other provisions of law. If the cost of living increases less than five percent, the board of trustees may determine the percentage of increase to be made in retirement allowances, but at no time can the increase exceed five percent per year. If the cost of living decreases in a fiscal year, there will be no increase in allowances for retired members on the following January first.

3. The board of trustees may reduce the amounts which have been granted as increases to a member pursuant to subsection 2 of this section if the cost of living, as determined by the board and as measured by generally accepted standards, is less than the cost of living was at the time of the first increase granted to the member; provided that, the reductions shall not exceed the amount of increases which have been made to the member's allowance after December 31, 1981.

4. (1) In lieu of the retirement allowance provided in subsection 1 of this section, called option 1, a member whose creditable service is twenty-five years or more or who has attained age fifty-five with five or more years of creditable service may elect, in the application for retirement, to receive the actuarial equivalent of the member's retirement allowance in reduced monthly payments for life during retirement with the provision that:

Option 2. Upon the member's death, the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member as the member shall have nominated in the member's election of the option, and provided further that if the person so nominated dies before the retired member,

the retirement allowance will be increased to the amount the retired member would be receiving had the member elected option 1; OR

Option 3. Upon the death of the member three-fourths of the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the member elected option 1; OR

Option 4. Upon the death of the member one-half of the reduced retirement allowance shall be continued throughout the life of, and paid to, such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance shall be increased to the amount the retired member would be receiving had the member elected option 1; OR

Option 5. Upon the death of the member prior to the member having received one hundred twenty monthly payments of the member's reduced allowance, the remainder of the one hundred twenty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the one hundred twenty monthly payments, the reserve for the remainder of such one hundred twenty monthly payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the last person, in that order of precedence, to receive a monthly allowance in a lump sum payment. If the total of the one hundred twenty payments paid to the retired individual and the beneficiary of the retired individual is less than the total of the member's accumulated contributions, the difference shall be paid to the beneficiary in a lump sum; OR

Option 6. Upon the death of the member prior to the member having received sixty monthly payments of the member's reduced allowance, the remainder of the sixty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the sixty monthly payments, the reserve for the remainder of such sixty monthly payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the last person, in that order of precedence, to receive a monthly allowance in a lump sum payment. If the total of the sixty payments paid to the retired individual and the beneficiary of the retired individual is less than the total of the member's accumulated contributions, the difference shall be paid to the beneficiary in a lump sum; OR

Option 7. A plan of variable monthly benefit payments which provides, in conjunction with the member's retirement benefits under the federal Social Security laws, level or near-level retirement benefit payments to the member for life during retirement, and if authorized, to an appropriate beneficiary designated by the member. Such a plan shall be actuarially equivalent to the retirement allowance under option 1 and shall be available for election only if established by the board of trustees under duly adopted rules.

(2) The election of an option may be made only in the application for retirement and such application must be filed prior to the date on which the retirement of the member is to be effective. If either the member or the person nominated dies before the effective date of retirement, the option shall not be effective, provided that:

(a) If the member or a person retired on disability retirement dies after attaining age fifty-five and acquiring five or more years of creditable service or after acquiring twenty-five or more years of creditable service and before retirement, except retirement with disability benefits, and the person named by the member as the member's beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either survivorship payments under option 2 or a payment of the member's accumulated contributions. If survivorship benefits under option 2 are elected and the member at the time of death would have been eligible to receive an actuarial equivalent of the member's retirement allowance, the designated beneficiary may further elect to defer the option 2 payments until the date the member would have been eligible to receive the retirement allowance provided in subsection 1 of this section.

(b) If the member or a person retired on disability retirement dies before attaining age fifty-five but after acquiring five but fewer than twenty-five years of creditable service, and the person named as the beneficiary has an insurable interest in the life of the deceased member or disability retiree, the designated beneficiary may elect to receive either a payment of the person's accumulated contributions or survivorship benefits under option 2 to begin on the date the member would first have been eligible to receive an actuarial equivalent of the person's retirement allowance, or to begin on the date the member would first have been eligible to receive the retirement allowance provided in subsection 1 of this section.

5. If the total of the retirement or disability allowances paid to an individual before the person's death is less than the person's accumulated contributions at the time of the person's retirement, the difference shall be paid to the

person's beneficiary or, if there is no beneficiary, to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or person's estate, in that order of precedence; provided, however, that if an optional benefit, as provided in option 2, 3 or 4 in subsection 4 of this section, had been elected and the beneficiary dies after receiving the optional benefit, then, if the total retirement allowances paid to the retired individual and the individual's beneficiary are less than the total of the contributions, the difference shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the beneficiary, in that order of precedence, unless the retired individual designates a different recipient with the board at or after retirement.

6. If a member dies and his or her financial institution is unable to accept the final payment or payments due to the member, the final payment or payments shall be paid to the beneficiary of the member or, if there is no beneficiary, to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the member, in that order of precedence, unless otherwise stated. If the beneficiary of a deceased member dies and his or her financial institution is unable to accept the final payment or payments, the final payment or payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the member, in that order of precedence, unless otherwise stated.

7. If a member dies before receiving a retirement allowance, the member's accumulated contributions at the time of the member's death shall be paid to the member's beneficiary or, if there is no beneficiary, to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or to the member's estate; provided, however, that no such payment shall be made if the beneficiary elects option 2 in subsection 4 of this section, unless the beneficiary dies before having received benefits pursuant to that subsection equal to the accumulated contributions of the member, in which case the amount of accumulated contributions in excess of the total benefits paid pursuant to that subsection shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the beneficiary, in that order of precedence.

8. If a member ceases to be an employee as defined in section 169.600 and certifies to the board of trustees that such cessation is permanent or if the person's membership is otherwise terminated, the person shall be paid the person's accumulated contributions with interest.

9. Notwithstanding any provisions of sections 169.600 to 169.715 to the contrary, if a member ceases to be an employee as defined in section 169.600 after acquiring five or more years of creditable service, the member may, at the option of the member, leave the member's contributions with the retirement system and claim a retirement allowance any time after the member reaches the minimum age for voluntary retirement. When the member's claim is presented to the board, the member shall be granted an allowance as provided in sections 169.600 to 169.715 on the basis of the member's age and years of service.

10. The retirement allowance of a member retired because of disability shall be nine-tenths of the allowance to which the member's creditable service would entitle the member if the member's age were sixty.

11. Notwithstanding any provisions of sections 169.600 to 169.715 to the contrary, any member who is a member prior to October 13, 1969, may elect to have the member's retirement allowance computed in accordance with sections 169.600 to 169.715 as they existed prior to October 13, 1969.

12. Any application for retirement shall include a sworn statement by the member certifying that the spouse of the member at the time the application was completed was aware of the application and the plan of retirement elected in the application.

13. Notwithstanding any other provision of law, any person retired prior to August 14, 1984, who is receiving a reduced retirement allowance under option 1 or 2 of subsection 4 of this section, as the option existed prior to August 14, 1984, and whose beneficiary nominated to receive continued retirement allowance payments under the elected option dies or has died, shall upon application to the board of trustees have the person's retirement allowance increased to the amount the person would have been receiving had the person not elected the option actuarially adjusted to recognize any excessive benefits which would have been paid to the person up to the time of the application.

14. Benefits paid pursuant to the provisions of the public education employee retirement system of Missouri shall not exceed the limitations of Section 415 of Title 26 of the United States Code, except as provided under this subsection. Notwithstanding any other law, the board of trustees may establish a benefit plan under Section 415(m) of Title 26 of the United States Code. Such plan shall be credited solely for the purpose described in Section 415(m)(3)(A) of Title 26 of the United States Code. The board of trustees may promulgate regulations necessary to implement the provisions of this subsection and to create and administer such benefit plan.

15. Any member who has retired prior to July 1, 1999, and the designated beneficiary of a deceased retired member upon request shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging. As compensation for such duties the person shall receive a payment equivalent to seven and four-tenths percent of the previous month's benefit, which shall be added to the member's or

beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 2 and 3 of this section for the purposes of the limit on the total amount of increases which may be received.

16. Any member who has retired prior to July 1, 2000, and the designated beneficiary of a deceased retired member upon request shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging. As compensation for such duties the person shall receive a payment equivalent to three and four-tenths percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 2 and 3 of this section for the purposes of the limit on the total amount of increases which may be received.

17. Any member who has retired prior to July 1, 2001, and the designated beneficiary of a deceased retired member upon request shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging. As compensation for such duties the person shall receive a payment equivalent to seven and one-tenth percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 2 and 3 of this section for the purposes of the limit on the total amount of increases which may be received."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Thomson, **House Amendment No. 1** was adopted.

Representative Shumake offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 17, Page 1, In the Title, Line 3, by deleting from said line the phrase: "advisory councils in"; and

Further amend said bill, Section 161.249, Page 2, Line 24, by inserting after all of said line the following:

"170.340. Books of a religious nature may be used in the classroom as part of instruction in elective courses in literature and history, so long as such books are not used in a manner so as to violate the establishment clause of the United States Constitution."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 097

Anderson	Austin	Bahr	Barnes	Bernskoetter
Berry	Brattin	Burlison	Cierpiot	Conway 104
Cookson	Cornejo	Crawford	Cross	Curtman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fowler	Fraker	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller
Molendorp	Moon	Morris	Muntzel	Neely
Neth	Pfautsch	Pike	Pogue	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle

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Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Runions	Schieffer	Schupp	Smith 85
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 017

Allen	Brown	Cox	Davis	Diehl
Dohrman	Fitzwater	Flanigan	Franklin	Kelly 45
McDonald	Parkinson	Phillips	Redmon	Roorda
Smith 120	Swearingen			

On motion of Representative Shumake, **House Amendment No. 2** was adopted.

Representative Funderburk offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 17, Page 2, Section 161.249, Line 24, by inserting after said line the following:

"168.021. 1. Certificates of license to teach in the public schools of the state shall be granted as follows:

(1) By the state board, under rules and regulations prescribed by it:

(a) Upon the basis of college credit;

(b) Upon the basis of examination;

(2) By the state board, under rules and regulations prescribed by the state board with advice from the advisory council established by section 168.015 to any individual who presents to the state board a valid doctoral degree from an accredited institution of higher education accredited by a regional accrediting association such as North Central Association. Such certificate shall be limited to the major area of postgraduate study of the holder, shall be issued only after successful completion of the examination required for graduation pursuant to rules adopted by the state board of education, and shall be restricted to those certificates established pursuant to subdivision (1) of subsection 3 of this section;

(3) By the state board, which shall issue the professional certificate classification in both the general and specialized areas most closely aligned with the current areas of certification approved by the state board, commensurate with the years of teaching experience of the applicant, and based upon the following criteria:

(a) Recommendation of a state-approved baccalaureate-level teacher preparation program;

(b) Successful attainment of the Missouri qualifying score on the exit assessment for teachers or administrators designated by the state board of education. Applicants who have not successfully achieved a qualifying score on the designated examinations will be issued a two-year nonrenewable provisional certificate; and

(c) Upon completion of a background check as prescribed in section 168.133 and possession of a valid teaching certificate in the state from which the applicant's teacher preparation program was completed;

(4) By the state board, under rules prescribed by it, on the basis of a relevant bachelor's degree, or higher degree, and a passing score for the designated exit examination, for individuals whose academic degree and professional experience are suitable to provide a basis for instruction solely in the subject matter of banking or financial responsibility, at the discretion of the state board. Such certificate shall be limited to the major area of study of the holder and shall be restricted to those certificates established under subdivision (1) of subsection 3 of this section. Holders of certificates granted under this subdivision shall be exempt from the teacher tenure act under sections 168.102 to 168.130 and each school district shall have the decision-making authority on whether to hire the holders of such certificates; or

(5) By the state board, under rules and regulations prescribed by it, on the basis of certification by the American Board for Certification of Teacher Excellence (ABCTE) and verification of ability to work with children as demonstrated by sixty contact hours in any one of the following areas as validated by the school principal: sixty contact hours in the classroom, of which at least forty-five must be teaching; sixty contact hours as a substitute teacher, with at least thirty consecutive hours in the same classroom; sixty contact hours of teaching in a private school; or sixty contact hours of teaching as a paraprofessional, for an initial four-year ABCTE certificate of license to teach[, except that such certificate shall not be granted for the areas of early childhood education, elementary education, or special education]. Upon the completion of the requirements listed in paragraphs (a), (b), (c), and (d) of this subdivision, an applicant shall be eligible to apply for a career continuous professional certificate under subdivision (2) of subsection 3 of this section:

(a) Completion of thirty contact hours of professional development within four years, which may include hours spent in class in an appropriate college curriculum;

(b) Validated completion of two years of the mentoring program of the American Board for Certification of Teacher Excellence or a district mentoring program approved by the state board of education;

(c) Attainment of a successful performance-based teacher evaluation; and

(d) Participate in a beginning teacher assistance program.

2. All valid teaching certificates issued pursuant to law or state board policies and regulations prior to September 1, 1988, shall be exempt from the professional development requirements of this section and shall continue in effect until they expire, are revoked or suspended, as provided by law. When such certificates are required to be renewed, the state board or its designee shall grant to each holder of such a certificate the certificate most nearly equivalent to the one so held. Anyone who holds, as of August 28, 2003, a valid PC-I, PC-II, or continuous professional certificate shall, upon expiration of his or her current certificate, be issued the appropriate level of certificate based upon the classification system established pursuant to subsection 3 of this section.

3. Certificates of license to teach in the public schools of the state shall be based upon minimum requirements prescribed by the state board of education which shall include completion of a background check as prescribed in section 168.133. The state board shall provide for the following levels of professional certification: an initial professional certificate and a career continuous professional certificate.

(1) The initial professional certificate shall be issued upon completion of requirements established by the state board of education and shall be valid based upon verification of actual teaching within a specified time period established by the state board of education. The state board shall require holders of the four-year initial professional certificate to:

(a) Participate in a mentoring program approved and provided by the district for a minimum of two years;

(b) Complete thirty contact hours of professional development, which may include hours spent in class in an appropriate college curriculum, or for holders of a certificate under subdivision (4) of subsection 1 of this section, an amount of professional development in proportion to the certificate holder's hours in the classroom, if the certificate holder is employed less than full time; and

(c) Participate in a beginning teacher assistance program;

(2) (a) The career continuous professional certificate shall be issued upon verification of completion of four years of teaching under the initial professional certificate and upon verification of the completion of the requirements articulated in paragraphs (a), (b), and (c) of subdivision (1) of this subsection or paragraphs (a), (b), (c), and (d) of subdivision (5) of subsection 1 of this section.

(b) The career continuous professional certificate shall be continuous based upon verification of actual employment in an educational position as provided for in state board guidelines and completion of fifteen contact hours of professional development per year which may include hours spent in class in an appropriate college curriculum. Should the possessor of a valid career continuous professional certificate fail, in any given year, to meet the fifteen-hour professional development requirement, the possessor may, within two years, make up the missing hours. In order to make up for missing hours, the possessor shall first complete the fifteen-hour requirement for the current year and then may count hours in excess of the current year requirement as make-up hours. Should the possessor fail to make up the missing hours within two years, the certificate shall become inactive. In order to reactivate the certificate, the possessor

shall complete twenty-four contact hours of professional development which may include hours spent in the classroom in an appropriate college curriculum within the six months prior to or after reactivating his or her certificate. The requirements of this paragraph shall be monitored and verified by the local school district which employs the holder of the career continuous professional certificate.

(c) A holder of a career continuous professional certificate shall be exempt from the professional development contact hour requirements of paragraph (b) of this subdivision if such teacher has a local professional development plan in place within such teacher's school district and meets two of the three following criteria:

- a. Has ten years of teaching experience as defined by the state board of education;
- b. Possesses a master's degree; or
- c. Obtains a rigorous national certification as approved by the state board of education.

4. Policies and procedures shall be established by which a teacher who was not retained due to a reduction in force may retain the current level of certification. There shall also be established policies and procedures allowing a teacher who has not been employed in an educational position for three years or more to reactivate his or her last level of certification by completing twenty-four contact hours of professional development which may include hours spent in the classroom in an appropriate college curriculum within the six months prior to or after reactivating his or her certificate.

5. The state board shall, upon completion of a background check as prescribed in section 168.133, issue a professional certificate classification in the areas most closely aligned with an applicant's current areas of certification, commensurate with the years of teaching experience of the applicant, to any person who is hired to teach in a public school in this state and who possesses a valid teaching certificate from another state or certification under subdivision (4) of subsection 1 of this section, provided that the certificate holder shall annually complete the state board's requirements for such level of certification, and shall establish policies by which residents of states other than the state of Missouri may be assessed a fee for a certificate license to teach in the public schools of Missouri. Such fee shall be in an amount sufficient to recover any or all costs associated with the issuing of a certificate of license to teach. The board shall promulgate rules to authorize the issuance of a provisional certificate of license, which shall allow the holder to assume classroom duties pending the completion of a criminal background check under section 168.133, for any applicant who:

- (1) Is the spouse of a member of the Armed Forces stationed in Missouri;
- (2) Relocated from another state within one year of the date of application;
- (3) Underwent a criminal background check in order to be issued a teaching certificate of license from another state; and
- (4) Otherwise qualifies under this section.

6. The state board may assess to holders of an initial professional certificate a fee, to be deposited into the excellence in education revolving fund established pursuant to section 160.268, for the issuance of the career continuous professional certificate. However, such fee shall not exceed the combined costs of issuance and any criminal background check required as a condition of issuance. Applicants for the initial ABCTE certificate shall be responsible for any fees associated with the program leading to the issuance of the certificate, but nothing in this section shall prohibit a district from developing a policy that permits fee reimbursement.

7. Any member of the public school retirement system of Missouri who entered covered employment with ten or more years of educational experience in another state or states and held a certificate issued by another state and subsequently worked in a school district covered by the public school retirement system of Missouri for ten or more years who later became certificated in Missouri shall have that certificate dated back to his or her original date of employment in a Missouri public school.

[8. The provisions of subdivision (5) of subsection 1 of this section, as well as any other provision of this section relating to the American Board for Certification of Teacher Excellence, shall terminate on August 28, 2014.]"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Funderburk, **House Amendment No. 3** was adopted.

Representative Neth offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 17, Page 1, In the title, Line 3, by deleting the words, "advisory councils in"; and

Further amend said bill, Page 2, Section 161.249, Line 24, by inserting after all of said line the following:

"169.270. Unless a different meaning is clearly required by the context, the following words and phrases as used in sections 169.270 to 169.400 shall have the following meanings:

(1) "Accumulated contributions", the sum of all amounts deducted from the compensation of a member or paid on behalf of the member by the employer and credited to the member's individual account together with interest thereon in the employees' contribution fund. The board of trustees shall determine the rate of interest allowed thereon as provided for in section 169.295;

(2) "Actuarial equivalent", a benefit of equal value when computed upon the basis of formulas and/or tables which have been approved by the board of trustees. The formulas and tables in effect at any time shall be set forth in a written document which shall be maintained at the offices of the retirement system and treated for all purposes as part of the documents governing the retirement system established by section 169.280. The formulas and tables may be changed from time to time if recommended by the retirement system's actuary and approved by the board of trustees;

(3) "Average final compensation", the highest average annual compensation received for any four consecutive years of service. In determining whether years of service are "consecutive", only periods for which creditable service is earned shall be considered, and all other periods shall be disregarded;

(4) "Beneficiary", any person designated by a member for a retirement allowance or other benefit as provided by sections 169.270 to 169.400;

(5) "Board of education", the board of directors or corresponding board, by whatever name, having charge of the public schools of the school district in which the retirement system is established;

(6) "Board of trustees", the board provided for in section 169.291 to administer the retirement system;

(7) "Break in service", an occurrence when a regular employee ceases to be a regular employee for any reason other than retirement (including termination of employment, resignation, or furlough but not including vacation, sick leave, excused absence or leave of absence granted by an employer) and such person does not again become a regular employee until after sixty consecutive calendar days have elapsed, or after fifteen consecutive school or work days have elapsed, whichever occurs later. A break in service also occurs when a regular employee retires under the retirement system established by section 169.280 and does not again become a regular employee until after fifteen consecutive school or work days have elapsed. A "school or work day" is a day on which the employee's employer requires (or if the position no longer exists, would require, based on past practice) employees having the former employee's last job description to report to their place of employment for any reason;

(8) "Charter school", any charter school established pursuant to sections 160.400 to 160.420 and located, at the time it is established, within the school district;

(9) "Compensation", the regular compensation as shown on the salary and wage schedules of the employer, including any amounts paid by the employer on a member's behalf pursuant to subdivision (5) of subsection 1 of section 169.350, but such term is not to include extra pay, overtime pay, consideration for entering into early retirement, or any other payments not included on salary and wage schedules. For any year beginning after December 31, 1988, the annual compensation of each member taken into account under the retirement system shall not exceed the limitation set forth in Section 401(a)(17) of the Internal Revenue Code of 1986, as amended;

(10) "Creditable service", the amount of time that a regular employee is a member of the retirement system and makes contributions thereto in accordance with the provisions of sections 169.270 to 169.400;

(11) "Employee", any person who is classified by the school district, a charter school, the library district or the retirement system established by section 169.280 as an employee of such employer and is reported contemporaneously for federal and state tax purposes as an employee of such employer. A person is not considered to be an employee for purposes of such retirement system with respect to any service for which the person was not reported contemporaneously for federal and state tax purposes as an employee of such employer, regardless of whether the person is or may later be determined to be or to have been a common law employee of such employer, including but not limited to a person classified by the employer as independent contractors and persons employed by other entities which contract to provide staff and services to the employer. In no event shall a person reported for federal tax purposes as an employee of a private, for-profit entity be deemed to be an employee eligible to participate in the retirement system established by section 169.280 with respect to such employment;

(12) "Employer", the school district, any charter school, the library district, or the retirement system established by section 169.280, or any combination thereof, as required by the context to identify the employer of any member, or, for purposes only of subsection 2 of section 169.324, of any retirant;

(13) "Employer's board", the board of education, the governing board of any charter school, the board of trustees of the library district, the board of trustees, or any combination thereof, as required by the context to identify the governing body of an employer;

(14) "Library district", any urban public library district created from or within a school district under the provisions of section 182.703;

(15) "Medical board", the board of physicians provided for in section 169.291;

(16) "Member", any person who is a regular employee after the retirement system has been established hereunder ("active member"), and any person who (i) was an active member, (ii) has vested retirement benefits hereunder, and (iii) is not receiving a retirement allowance hereunder ("inactive member"). **A person shall cease to be a member if the person has a break in service before earning any vested retirement benefits or if the person withdraws his or her accumulated contributions from the retirement system;**

(17) "Minimum normal retirement age", **for any member who retires before January 1, 2014, or who is a member of the retirement system on December 31, 2013, and remains a member continuously to retirement,** the earlier of the date the member attains the age of sixty or the date the member has a total of at least seventy-five credits, with each year of creditable service and each year of age equal to one credit[,] **and with both years of creditable service and years of age prorated for fractional years; for any person who becomes a member of the retirement system on or after January 1, 2014, including any person who was previously a member of the retirement system before January 1, 2014, but ceased to be a member for any reason other than retirement, the earlier of the date the member attains the age of sixty-two or the date the member has a total of at least eighty credits, with each year of creditable service and each year of age equal to one credit and with both years of creditable service and years of age prorated for fractional years;**

(18) "Prior service", service prior to the date the system becomes operative which is creditable in accordance with the provisions of section 169.311. Prior service in excess of thirty-eight years shall be considered thirty-eight years;

(19) "Regular employee", any employee who is assigned to an established position which requires service of not less than twenty-five hours per week, and not less than nine calendar months a year. Any regular employee who is subsequently assigned without break in service to a position demanding less service than is required of a regular employee shall continue the employee's status as a regular employee. Except as stated in the preceding sentence, a temporary, part-time, or furloughed employee is not a regular employee;

(20) "Retirant", a former member receiving a retirement allowance hereunder;

(21) "Retirement allowance", annuity payments to a retirant or to such beneficiary as is entitled to same;

(22) "School district", any school district in which a retirement system shall be established under section 169.280.

169.291. 1. The general administration and the responsibility for the proper operation of the retirement system are hereby vested in a board of trustees of twelve persons who shall be resident taxpayers of the school district, as follows:

(1) Four trustees to be appointed for terms of four years by the board of education; provided, however, that the terms of office of the first four trustees so appointed shall begin immediately upon their appointment and shall expire one, two, three and four years from the date the retirement system becomes operative, respectively;

(2) Four trustees to be elected for terms of four years by and from the members of the retirement system; provided, however, that the terms of office of the first four trustees so elected shall begin immediately upon their election and shall expire one, two, three and four years from the date the retirement system becomes operative, respectively;

(3) The ninth trustee shall be the superintendent of schools of the school district;

(4) The tenth trustee shall be one retirant of the retirement system elected for a term of four years beginning the first day of January immediately following August 13, 1986, by the retirants of the retirement system;

(5) The eleventh trustee shall be appointed for a term of four years beginning the first day of January immediately following August 13, 1990, by the board of trustees described in subdivision (3) of section 182.701;

(6) The twelfth trustee shall be a retirant of the retirement system elected for a term of four years beginning the first day of January immediately following August 28, 1992, by the retirants of the retirement system.

2. If a vacancy occurs in the office of a trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled, except that the board of trustees may appoint a qualified person to fill the vacancy in the office of an elected member until the next regular election at which time a member shall be elected for

the unexpired term. No vacancy or vacancies on the board of trustees shall impair the power of the remaining trustees to administer the retirement system pending the filling of such vacancy or vacancies.

3. In the event of a lapse of the school district's corporate organization as described in subsections 1 and 4 of section 162.081, the general administration and responsibility for the proper operation of the retirement system shall continue to be vested in a twelve-person board of trustees, all of whom shall be resident taxpayers of a city, other than a city not within a county, of four hundred thousand or more. In such event, if vacancies occur in the offices of the four trustees appointed, prior to the lapse, by the board of education, or in the offices of the four trustees elected, prior to the lapse, by the members of the retirement system, or in the office of trustee held, prior to the lapse, by the superintendent of schools in the school district, as provided in subdivisions (1), (2) and (3) of subsection 1 of this section, the board of trustees shall appoint a qualified person to fill each vacancy and subsequent vacancies in the office of trustee for terms of up to four years, as determined by the board of trustees.

4. Each trustee shall, before assuming the duties of a trustee, take the oath of office before the court of the judicial circuit or one of the courts of the judicial circuit in which the school district is located that so far as it devolves upon the trustee, such trustee shall diligently and honestly administer the affairs of the board of trustees and that the trustee will not knowingly violate or willingly permit to be violated any of the provisions of the law applicable to the retirement system. Such oath shall be subscribed to by the trustee making it and filed in the office of the clerk of the circuit court.

5. Each trustee shall be entitled to one vote in the board of trustees. Seven trustees shall constitute a quorum at any meeting of the board of trustees. At any meeting of the board of trustees where a quorum is present, the vote of at least seven of the trustees in support of a motion, resolution or other matter is necessary to be the decision of the board; provided, however, that in the event of a lapse in the school district's corporate organization as described in subsections 1 and 4 of section 162.081, a majority of the trustees then in office shall constitute a quorum at any meeting of the board of trustees, and the vote of a majority of the trustees then in office in support of a motion, resolution or other matter shall be necessary to be the decision of the board.

6. The board of trustees shall have exclusive original jurisdiction in all matters relating to or affecting the funds herein provided for, including, in addition to all other matters, all claims for benefits or refunds, and its action, decision or determination in any matter shall be reviewable in accordance with chapter 536 or chapter 621. Subject to the limitations of sections 169.270 to 169.400, the board of trustees shall, from time to time, establish rules and regulations for the administration of funds of the retirement system, for the transaction of its business, and for the limitation of the time within which claims may be filed.

7. The trustees shall serve without compensation. The board of trustees shall elect from its membership a chairman and a vice chairman. The board of trustees shall appoint an executive director who shall serve as the administrative officer of the retirement system and as secretary to the board of trustees. It shall employ one or more persons, firms or corporations experienced in the investment of moneys to serve as investment counsel to the board of trustees. The compensation of all persons engaged by the board of trustees and all other expenses of the board necessary for the operation of the retirement system shall be paid at such rates and in such amounts as the board of trustees shall approve, and shall be paid from the investment income.

8. The board of trustees shall keep in convenient form such data as shall be necessary for actuarial valuations of the various funds of the retirement system and for checking the experience of the system.

9. The board of trustees shall keep a record of all its proceedings which shall be open to public inspection. It shall prepare annually and furnish to the board of education and to each member of the retirement system who so requests a report showing the fiscal transactions of the retirement system for the preceding fiscal year, the amount of accumulated cash and securities of the system, and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the retirement system.

10. The board of trustees shall have, in its own name, power to sue and to be sued, to enter into contracts, to own property, real and personal, and to convey the same; but the members of such board of trustees shall not be personally liable for obligations or liabilities of the board of trustees or of the retirement system.

11. The board of trustees shall arrange for necessary legal advice for the operation of the retirement system.

12. The board of trustees shall designate a medical board to be composed of three or more physicians who shall not be eligible for membership in the system and who shall pass upon all medical examinations required under the provisions of sections 169.270 to 169.400, shall investigate all essential statements and certificates made by or on behalf of a member in connection with an application for disability retirement and shall report in writing to the board of trustees its conclusions and recommendations upon all matters referred to it.

13. The board of trustees shall designate an actuary who shall be the technical advisor of the board of trustees on matters regarding the operation of the retirement system and shall perform such other duties as are required in

connection therewith. Such person shall be qualified as an actuary by membership as a Fellow of the Society of Actuaries or by similar objective standards.

14. At least once in each five-year period the actuary shall make an investigation into the actuarial experience of the members, retirants and beneficiaries of the retirement system and, taking into account the results of such investigation, the board of trustees shall adopt for the retirement system such actuarial assumptions as the board of trustees deems necessary for the financial soundness of the retirement system.

15. On the basis of such actuarial assumptions as the board of trustees adopts, the actuary shall make annual valuations of the assets and liabilities of the funds of the retirement system.

16. The rate of contribution payable by the [employer] **employers** shall equal one and ninety-nine one-hundredths percent, effective July 1, 1993; three and ninety-nine one-hundredths percent, effective July 1, 1995; five and ninety-nine one-hundredths percent, effective July 1, 1996; seven and one-half percent effective January 1, 1999, and for [all] subsequent **calendar** years **through 2013. For calendar year 2014 and each subsequent year, the rate of contribution payable by the employers for each year shall be determined by the actuary for the retirement system in the manner provided in subsection 4 of section 169.350 and shall be certified by the board of trustees to the employers at least six months prior to the date such rate is to be effective.**

17. In the event of a lapse of a school district's corporate organization as described in subsections 1 and 4 of section 162.081, no retirement system, nor any of the assets of any retirement system, shall be transferred to or merged with another retirement system without prior approval of such transfer or merge by the board of trustees of the retirement system.

169.301. 1. Any active member who has completed five or more years of actual (not purchased) creditable service shall be entitled to a vested retirement benefit equal to the annual service retirement allowance provided in sections 169.270 to 169.400 payable after attaining the minimum normal retirement age and calculated in accordance with the law in effect on the last date such person was a regular employee; provided, that such member does not withdraw such person's accumulated contributions pursuant to section 169.328 prior to attaining the minimum normal retirement age.

2. Any member who elected on October 13, 1961, or within thirty days thereafter, to continue to contribute and to receive benefits under sections 169.270 to 169.400 may continue to be a member of the retirement system under the terms and conditions of the plan in effect immediately prior to October 13, 1961, or may, upon written request to the board of trustees, transfer to the present plan, provided that the member pays into the system any additional contributions with interest the member would have credited to the member's account if such person had been a member of the current plan since its inception or, if the person's contributions and interest are in excess of what the person would have paid, such person will receive a refund of such excess. The board of trustees shall adopt appropriate rules and regulations governing the operation of the plan in effect immediately prior to October 13, 1961.

3. Should a retirant again become an active member, such person's retirement allowance payments shall cease during such membership and shall be recalculated upon subsequent retirement to include any creditable service earned during the person's latest period of active membership in accordance with subsection 2 of section 169.324.

4. In the event of the complete termination of the retirement system established by section 169.280 or the complete discontinuance of contributions to such retirement system, the rights of all members to benefits accrued to the date of such termination or discontinuance, to the extent then funded, shall be fully vested and nonforfeitable.

5. If a member leaves employment with an employer to perform qualified military service, as defined in Section 414(u) of the Internal Revenue Code of 1986, as amended, and dies while in such service, the member's survivors shall be entitled to any additional benefits (other than benefit accruals relating to the period of qualified military service) that would have been provided had the member resumed employment with the employer and then terminated on account of death in accordance with the requirements of Sections [407(a)(37)] **401(a)(37)** and 414(u) of the Internal Revenue Code of 1986, as amended. In such event, the member's period of qualified military [services] **service** shall be counted as creditable service for purposes of vesting but not for purposes of determining the amount of the member's retirement allowance.

169.324. 1. The annual service retirement allowance payable pursuant to section 169.320 [in equal monthly installments for life shall be the retirant's number of years of creditable service multiplied by one and three-fourths percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation. For any member who retires as an active member on or after June 30, 1999, the annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life shall be the retirant's number of years of creditable service multiplied by two percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation. Any member whose number of years of creditable service

is greater than thirty-four and one-quarter on August 28, 1993, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service as of August 28, 1993, multiplied by one and three-fourths percent of the person's average final compensation but shall not receive a greater annual service retirement allowance based on additional years of creditable service after August 28, 1993. Provided, however, that,] **shall be the retirant's number of years of creditable service multiplied by a percentage of the retirant's average final compensation, determined as follows:**

(1) **A retirant whose last employment as a regular employee ended prior to June 30, 1999, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service multiplied by one and three-fourths percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation;**

(2) **A retirant whose number of years of creditable service is greater than thirty-four and one-quarter on August 28, 1993, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service as of August 28, 1993, multiplied by one and three-fourths percent of the person's average final compensation but shall not receive a greater annual service retirement allowance based on additional years of creditable service after August 28, 1993;**

(3) **A retirant who was an active member of the retirement system at any time on or after June 30, 1999, and who either retires before January 1, 2014, or is a member of the retirement system on December 31, 2013, and remains a member continuously to retirement shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service multiplied by two percent of the person's average final compensation, subject to a maximum of sixty percent of the person's final compensation;**

(4) **A retirant who becomes a member of the retirement system on or after January 1, 2014, including any retirant who was a member of the retirement system before January 1, 2014, but ceased to be a member for any reason other than retirement, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service multiplied by one and three-fourths percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation;**

(5) **Notwithstanding the provisions of subdivisions (1) to (4) of this subsection, effective January 1, 1996, any [retiree] retirant who retired on, before or after January 1, 1996, with at least twenty years of creditable service shall receive at least three hundred dollars each month as a retirement allowance, or the actuarial equivalent thereof if the [retiree] retirant elected any of the options available under section 169.326. [Provided, further, any retiree] Any retirant who retired with at least ten years of creditable service shall receive at least one hundred fifty dollars each month as a retirement allowance, plus fifteen dollars for each additional full year of creditable service greater than ten years but less than twenty years (or the actuarial equivalent thereof if the [retiree] retirant elected any of the options available under section 169.326). Any beneficiary of a deceased [retiree] retirant who retired with at least ten years of creditable service and elected one of the options available under section 169.326 shall also be entitled to the actuarial equivalent of the minimum benefit provided by this subsection, determined from the option chosen.**

2. Except as otherwise provided in sections 169.331, 169.580 and 169.585, payment of a retirant's retirement allowance will be suspended for any month for which such person receives remuneration from the person's employer or from any other employer in the retirement system established by section 169.280 for the performance of services except any such person other than a person receiving a disability retirement allowance under section 169.322 may serve as a nonregular substitute, part-time or temporary employee for not more than six hundred hours in any school year without becoming a member and without having the person's retirement allowance discontinued, provided that through such substitute, part-time, or temporary employment, the person may earn no more than fifty percent of the annual salary or wages the person was last paid by the employer before the person retired and commenced receiving a retirement allowance, adjusted for inflation. If a person exceeds such hours limit or such compensation limit, payment of the person's retirement allowance shall be suspended for the month in which such limit was exceeded and each subsequent month in the school year for which the person receives remuneration from any employer in the retirement system. If a retirant is reemployed by any employer in any capacity, whether pursuant to this section, or section 169.331, 169.580, or 169.585, or as a regular employee, the amount of such person's retirement allowance attributable to service prior to the person's first retirement date shall not be changed by the reemployment. If the person again becomes an active member and earns additional creditable service, upon the person's second retirement the person's retirement allowance shall be the sum of:

(1) The retirement allowance the person was receiving at the time the person's retirement allowance was suspended, pursuant to the payment option elected as of the first retirement date, plus the amount of any increase in such retirement allowance the person would have received pursuant to subsection 3 of this section had payments not been suspended during the person's reemployment; and

(2) An additional retirement allowance computed using the benefit formula in effect on the person's second retirement date, the person's creditable service following reemployment, and the person's average final annual compensation as of the second retirement date. The sum calculated pursuant to this subsection shall not exceed the greater of sixty percent of the person's average final compensation as of the second retirement date or the amount determined pursuant to subdivision (1) of this subsection. Compensation earned prior to the person's first retirement date shall be considered in determining the person's average final compensation as of the second retirement date if such compensation would otherwise be included in determining the person's average final compensation.

3. The board of trustees shall determine annually whether the investment return on funds of the system can provide for an increase in benefits for retirants eligible for such increase. A retirant shall and will be eligible for an increase awarded pursuant to this section as of the second January following the date the retirant commenced receiving retirement benefits. Any such increase shall also apply to any monthly joint and survivor retirement allowance payable to such retirant's beneficiaries, regardless of age. The board shall make such determination as follows:

(1) After determination by the actuary of the investment return for the preceding year as of December thirty-first (the "valuation year"), the actuary shall recommend to the board of trustees what portion of the investment return is available to provide such benefits increase, if any, and shall recommend the amount of such benefits increase, if any, to be implemented as of the first day of the thirteenth month following the end of the valuation year, and [the] first payable on or about the first day of the fourteenth month following the end of the valuation year. The actuary shall make such recommendations so as not to affect the financial soundness of the retirement system, recognizing the following safeguards:

(a) The retirement system's funded ratio as of January first of the year preceding the year of a proposed increase shall be at least one hundred percent after adjusting for the effect of the proposed increase. The funded ratio is the ratio of assets to the pension benefit obligation;

(b) The actuarially required contribution rate, after adjusting for the effect of the proposed increase, may not exceed the [statutory] **then applicable employer and member contribution rate as determined under subsection 4 of section 169.350;**

(c) The actuary shall certify to the board of trustees that the proposed increase will not impair the actuarial soundness of the retirement system;

(d) A benefit increase, under this section, once awarded, cannot be reduced in succeeding years;

(2) The board of trustees shall review the actuary's recommendation and report and shall, in their discretion, determine if any increase is prudent and, if so, shall determine the amount of increase to be awarded.

4. This section does not guarantee an annual increase to any retirant.

5. If an inactive member becomes an active member after June 30, 2001, and after a break in service, unless the person earns at least four additional years of creditable service without another break in service, upon retirement the person's retirement allowance shall be calculated separately for each separate period of service ending in a break in service. The retirement allowance shall be the sum of the separate retirement allowances computed for each such period of service using the benefit formula in effect, the person's average final compensation as of the last day of such period of service and the creditable service the person earned during such period of service; provided, however, if the person earns at least four additional years of creditable service without another break in service, all of the person's creditable service prior to and including such service shall be aggregated and, upon retirement, the retirement allowance shall be computed using the benefit formula in effect and the person's average final compensation as of the last day of such period of four or more years and all of the creditable service the person earned prior to and during such period.

6. Notwithstanding anything contained in this section to the contrary, the amount of the annual service retirement allowance payable to any retirant pursuant to the provisions of sections 169.270 to 169.400, including any adjustments made pursuant to subsection 3 of this section, shall at all times comply with the provisions and limitations of Section 415 of the Internal Revenue Code of 1986, as amended, and the regulations thereunder, the terms of which are specifically incorporated herein by reference.

7. All retirement systems established by the laws of the state of Missouri shall develop a procurement action plan for utilization of minority and women money managers, brokers and investment counselors. Such retirement systems shall report their progress annually to the joint committee on public employee retirement and the governor's minority advocacy commission.

169.350. 1. All of the assets of the retirement system (other than tangible real or personal property owned by the retirement system for use in carrying out its duties, such as office supplies and furniture) shall be credited, according to the purpose for which they are held, in either the employees' contribution fund or the general reserve fund.

(1) The employees' contribution fund shall be the fund in which shall be accumulated the contributions of the members. The employer shall, except as provided in subdivision (5) of this subsection, cause to be deducted from the compensation of each member on each and every payroll, for each and every payroll period, the pro rata portion of five and nine-tenths percent of his annualized compensation. Effective January 1, 1999, **through December 31, 2013**, the employer shall deduct an additional one and six-tenths percent of the member's annualized compensation. **For 2014 and for each subsequent year, the employer shall deduct from each member's annualized compensation the rate of contribution determined for such year by the actuary for the retirement system in the manner provided in subsection 4 of this section.**

(2) The employer shall pay all such deductions and any amount it may elect to pay pursuant to subdivision (5) of this subsection to the retirement system at once. The retirement system shall credit such deductions and such amounts to the individual account of each member from whose compensation the deduction was made or with respect to whose compensation the amount was paid pursuant to subdivision (5) of this subsection. In determining the deduction for a member in any payroll period, the board of trustees may consider the rate of compensation payable to such member on the first day of the payroll period as continuing throughout such period.

(3) The deductions provided for herein are declared to be a part of the compensation of the member and the making of such deductions shall constitute payments by the member out of the person's compensation and such deductions shall be made notwithstanding that the amount actually paid to the member after such deductions is less than the minimum compensation provided by law for any member. Every member shall be deemed to consent to the deductions made and provided for herein, and shall receipt for the person's full compensation, and the making of the deduction and the payment of compensation less the deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for services rendered during the period covered by the payment except as to benefits provided by sections 169.270 to 169.400.

(4) The accumulated contributions with interest of a member withdrawn by the person or paid to the person's estate or designated beneficiary in the event of the person's death before retirement shall be paid from the employees' contribution fund. Upon retirement of a member the member's accumulated contributions with interest shall be transferred from the employees' contribution fund to the general reserve fund.

(5) The employer may elect to pay on behalf of all members all or part of the amount that the members would otherwise be required to contribute to the employees' contribution fund pursuant to subdivision (1) of this subsection. Such amounts paid by the employer shall be in lieu of members' contributions and shall be treated for all purposes of sections 169.270 to 169.400 as contributions made by members. Notwithstanding any other provision of this chapter to the contrary, no member shall be entitled to receive such amounts directly. The election shall be made by a duly adopted resolution of the employer's board and shall remain in effect for at least one year from the effective date thereof. The election may be thereafter terminated only by an affirmative act of the employer's board notwithstanding any limitation in the term thereof in the adopting resolution. Any such termination resolution shall be adopted at least sixty days prior to the effective date thereof, and the effective date thereof shall coincide with a fiscal year-end of the employer. In the absence of such a termination resolution, the election shall remain in effect from fiscal year to fiscal year.

2. The general reserve fund shall be the fund in which shall be accumulated all reserves for the payment of all benefit expenses and other demands whatsoever upon the retirement system except those items heretofore allocated to the employees' contribution fund.

(1) All contributions by the employer, except those the employer elects to make on behalf of the members pursuant to subdivision (5) of subsection 1 of this section, shall be credited to the general reserve fund.

(2) Should a retirant be restored to active service and again become a member of the retirement system, the excess, if any, of the person's accumulated contributions over benefits received by the retirant shall be transferred from the general reserve fund to the employees' contribution fund and credited to the person's account.

3. Gifts, devises, bequests and legacies may be accepted by the board of trustees and deposited in the general reserve fund to be held, invested and used at its discretion for the benefit of the retirement system except where specific direction for the use of a gift is made by a donor.

4. Beginning in 2013, the actuary for the retirement system shall annually calculate the rate of employer contributions and member contributions for 2014 and for each subsequent calendar year, expressed as a level percentage of the annualized compensation of the members, subject to the following:

(1) The rate of contribution for any calendar year shall be determined based on an actuarial valuation of the retirement system as of the first day of the prior calendar year. Such actuarial valuation shall be performed

using the actuarial cost method and actuarial assumptions adopted by the board of trustees and in accordance with accepted actuarial standards of practice in effect at the time the valuation is performed, as promulgated by the actuarial standards board or its successor;

(2) The target combined employer and member contribution rate shall be the amount actuarially required to cover the normal cost and amortize any unfunded accrued actuarial liability over a period that shall not exceed thirty years from the date of the valuation;

(3) The target combined rate as so determined shall be allocated equally between the employer contribution rate and the member contribution rate, provided, however, that the level rate of contributions to be paid by the employers and the level rate of contributions to be deducted from the compensation of members for any calendar year shall each be limited as follows:

(a) The contribution rate shall not be less than seven and one-half percent;

(b) The contribution rate shall not exceed nine percent; and

(c) Changes in the contribution rate from year to year shall be in increments of one-half percent such that the contribution rate for any year shall not be greater than or less than the rate in effect for the prior year by more than one-half percent;

(4) The board of trustees shall certify to the employers the contribution rate for the following calendar year no later than six months prior to the date such rate is to be effective.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Neth, **House Amendment No. 4** was adopted.

Representative Stream offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 17, Page 2, Section 161.249, Line 24, by inserting after all of said line the following:

"168.221. 1. The first five years of employment of all teachers entering the employment of the metropolitan school district shall be deemed a period of probation during which period all appointments of teachers shall expire at the end of each school year. During the probationary period any probationary teacher whose work is unsatisfactory shall be furnished by the superintendent of schools with a written statement setting forth the nature of his **or her** incompetency. If improvement satisfactory to the superintendent is not made within one semester after the receipt of the statement, the probationary teacher shall be dismissed. The semester granted the probationary teacher in which to improve shall not in any case be a means of prolonging the probationary period beyond five years and six months from the date on which the teacher entered the employ of the board of education. The superintendent of schools on or before the fifteenth day of April in each year shall notify probationary teachers who will not be retained by the school district of the termination of their services. Any probationary teacher who is not so notified shall be deemed to have been appointed for the next school year. Any principal who prior to becoming a principal had attained permanent employee status as a teacher shall upon ceasing to be a principal have a right to resume his or her permanent teacher position with the time served as a principal being treated as if such time had been served as a teacher for the purpose of calculating seniority and pay scale. The rights and duties and remuneration of a teacher who was formerly a principal shall be the same as any other teacher with the same level of qualifications and time of service.

2. After completion of satisfactory probationary services, appointments of teachers shall become permanent, subject to removal for any one or more causes herein described and to the right of the board to terminate the services of all who attain the age of compulsory retirement fixed by the retirement system. In determining the duration of the probationary period of employment in this section specified, the time of service rendered as a substitute teacher shall not be included.

3. No teacher whose appointment has become permanent may be removed except for one or more of the following causes: immorality, **incompetency**, or inefficiency in line of duty, violation of the published regulations of the school district, violation of the laws of Missouri governing the public schools of the state, or physical or mental condition which incapacitates him for instructing or associating with children, and then only by a vote of not less than a majority of all the members of the board, upon written charges presented by the superintendent of schools, to be heard by the board after thirty days' notice, with copy of the charges served upon the person against whom they are preferred,

who shall have the privilege of being present at the hearing, together with counsel, offering evidence and making defense thereto. [Notifications received by an employee during a vacation period shall be considered as received on the first day of the school term following.] At the request of any person so charged the hearing shall be public. During any time in which powers granted to the district's board of education are vested in a special administrative board, the special administrative board may appoint a hearing officer to conduct the hearing. The hearing officer shall conduct the hearing as a contested case under chapter 536 and shall issue a written recommendation to the board rendering the charges against the teacher. The board shall render a decision on the charges upon the review of the hearing officer's recommendations and the record from the hearing. The action and decision of the board upon the charges shall be final. Pending the hearing of the charges, the person charged may be suspended if the rules of the board so prescribe, but in the event the board does not by a majority vote of all the members remove the teacher upon charges presented by the superintendent, the person shall not suffer any loss of salary by reason of the suspension. **Incompetency or** inefficiency in line of duty is cause for dismissal only after the teacher has been notified in writing at least [one semester] **thirty days** prior to the presentment of charges against him by the superintendent. The notification shall specify the nature of the **incompetency or** inefficiency with such particularity as to enable the teacher to be informed of the nature of his **or her incompetency or** inefficiency.

4. No teacher whose appointment has become permanent shall be demoted nor shall his **or her** salary be reduced unless the same procedure is followed as herein stated for the removal of the teacher because of inefficiency in line of duty, and any teacher whose salary is reduced or who is demoted may waive the presentment of charges against him by the superintendent and a hearing thereon by the board. The foregoing provision shall apply only to permanent teachers prior to the compulsory retirement age under the retirement system. Nothing herein contained shall in any way restrict or limit the power of the board of education to make reductions in the number of teachers or principals, or both, because of insufficient funds, decrease in pupil enrollment, or abolition of particular subjects or courses of instruction, except that the abolition of particular subjects or courses of instruction shall not cause those teachers who have been teaching the subjects or giving the courses of instruction to be placed on leave of absence as herein provided who are qualified to teach other subjects or courses of instruction, if positions are available for the teachers in the other subjects or courses of instruction.

5. Whenever it is necessary to decrease the number of teachers because of insufficient funds or a substantial decrease of pupil population within the school district, the board of education upon recommendation of the superintendent of schools may cause the necessary number of teachers beginning with those serving probationary periods to be placed on leave of absence without pay, but only in the inverse order of their appointment. Nothing herein stated shall prevent a readjustment by the board of education of existing salary schedules. No teacher placed on a leave of absence shall be precluded from securing other employment during the period of the leave of absence. Each teacher placed on leave of absence shall be reinstated in inverse order of his **or her** placement on leave of absence. Such reemployment shall not result in a loss of status or credit for previous years of service. [No new appointments shall be made while there are available teachers on leave of absence who are seventy years of age or less and who are adequately qualified to fill the vacancy unless the teachers fail to advise the superintendent of schools within thirty days from the date of notification by the superintendent of schools that positions are available to them that they will return to employment and will assume the duties of the position to which appointed not later than the beginning of the school year next following the date of the notice by the superintendent of schools] **No appointment of new teachers shall be made while there are available teachers on unrequested leave of absence who are properly qualified to fill such vacancies. Such leave of absence shall not impair the tenure of a teacher. The leave of absence shall continue for a period of not more than three years unless extended by the board.**

6. If any regulation which deals with the promotion of teachers is amended by increasing the qualifications necessary to be met before a teacher is eligible for promotion, the amendment shall fix an effective date which shall allow a reasonable length of time within which teachers may become qualified for promotion under the regulations.

7. A teacher whose appointment has become permanent may give up the right to a permanent appointment to participate in the teacher choice compensation package under sections 168.745 to 168.750."; and

Further amend said bill, Page 4, Section 178.550, Line 95, by inserting after all of said line the following:

"[168.291. Whenever it is necessary to decrease the number of employees because of insufficient funds or decrease in pupil enrollment or lack of work the board of education may cause the necessary number of employees, beginning with those serving probationary periods, to be placed on leave of absence without pay, but only in the inverse order of their appointment. Each employee placed on leave of absence shall be reinstated in inverse order of his placement on leave of absence. Such reemployment shall not result in a loss of status or credit for previous periods of service. No

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new appointments shall be made while there are available employees on leave of absence who have not attained the age of seventy years and who are adequately qualified to fill the vacancy in the particular department unless the employees fail to advise the board within thirty days from date of notification by the board that positions are available to them, that they will return to employment, and will assume the duties of the position to which they are appointed not later than the beginning of the month following the date of the notice by the board.]" ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Stream, **House Amendment No. 5** was adopted by the following vote:

AYES: 107

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Crawford
Cross	Curtman	Davis	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hubbard	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McCann Beatty	McGaugh	Messenger	Miller	Moon
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Pike	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
Webb	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 047

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hummel	Kirkton	LaFaver
May	Mayfield	McDonald	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Peters	Pierson	Pogue	Rizzo	Runions
Schieffer	Schupp	Smith 85	Swearingen	Walton Gray
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 009

Cox	Diehl	Kelly 45	Kratky	Molendorp
Pace	Phillips	Roorda	Smith 120	

HCS SCS SB 17, as amended, was laid over.

Speaker Jones resumed the Chair.

On motion of Representative Cierpiot, the House recessed until 1:30 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Jones.

THIRD READING OF SENATE BILLS

HCS SCS SB 17, as amended, relating to the Career and Technical Advisory Board Council, was again taken up by Representative Thomson.

Representative Scharnhorst offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 17, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

- "135.1220. 1. This section shall be known and may be cited as "Bryce's Law".
2. As used in this section, the following terms mean:
- (1) "Autism spectrum disorder", pervasive developmental disorder; Asperger syndrome; childhood disintegrative disorder; Rett syndrome; and autism;
 - (2) "Contribution", a donation of cash, stock, bonds, or other marketable securities, or real property;
 - (3) "Department", the department of elementary and secondary education;
 - (4) "Director", the commissioner of the department of elementary and secondary education;
 - (5) "Educational scholarships", grants to students to cover all or part of the tuition and fees at a qualified nonpublic school, a qualified public school, or a qualified service provider, including transportation;
 - (6) "Eligible child", any child from birth to age five living in Missouri who has an individualized family services program under the First Steps program, sections 160.900 to 160.933, and whose parent or guardian has completed the complaint procedure under the Individuals with Disabilities Education Act, Part C, and has received an unsatisfactory response; or any child from birth to age five who has been evaluated for special needs as defined in this section by a person qualified to perform evaluations under the First Steps program and has been determined to have special needs but who falls below the threshold for eligibility by no less than twenty-five percent;
 - (7) "Eligible student", any elementary or secondary student who attended public school in Missouri the preceding semester, or who will be attending school in Missouri for the first time, who has an individualized education program based on a special needs condition or who has a medical diagnosis by a qualified health professional of a special needs condition;
 - (8) "Parent", includes a guardian, custodian, or other person with authority to act on behalf of the child;
 - (9) "Program", the program established in this section;
 - (10) "Qualified health professional", a person licensed under chapter 334 or 337 who possesses credentials as described in rules promulgated jointly by the department of elementary and secondary education and the department of mental health to make a diagnosis of a student's special needs for this program;
 - (11) "Qualified school", either an accredited public elementary or secondary school in a district that is accredited without provision outside of the district in which a student resides or an accredited nonpublic elementary or secondary school in Missouri that complies with all of the requirements of the program and complies with all state laws that apply to nonpublic schools regarding criminal background checks for employees and excludes from employment any person not permitted by state law to work in a nonpublic school;

(12) "Qualified service provider", a person or agency authorized by the department to provide services under the First Steps program, sections 160.900 to 160.933;

(13) "Scholarship granting organization", a charitable organization that:

(a) Is exempt from federal income tax;

(b) Complies with the requirements of this program;

(c) Provides education scholarships to students attending qualified schools of their parents' choice or to children receiving services from qualified service providers; and

(d) Does not accept contributions on behalf of any eligible student or eligible child from any donor with any obligation to provide any support for the eligible student or eligible child;

(14) "Special needs", an autism spectrum disorder, Down syndrome, Angelman syndrome, or cerebral palsy.

3. The department of elementary and secondary education shall develop a master list of resources available to the parents of children with an autism spectrum disorder and shall maintain a web page for the information. The department shall also actively seek financial resources in the form of grants and donations that may be devoted to scholarship funds or to clinical trials for behavioral interventions that may be undertaken by qualified service providers. The department may contract out or delegate these duties to a nonprofit organization. Priority in referral for funding shall be given to children who have not yet entered elementary school.

4. The director shall determine, at least annually, which organizations in this state may be classified as scholarship granting organizations. The director may require of an organization seeking to be classified as a scholarship granting organization whatever information which is reasonably necessary to make such a determination. The director shall classify an organization as a scholarship granting organization if such organization meets the definition set forth in this section.

5. The director shall establish a procedure by which a donor can determine if an organization has been classified as a scholarship granting organization. Scholarship granting organizations shall be permitted to decline a contribution from a donor.

6. Each scholarship granting organization shall provide information to the director concerning the identity of each donor making a contribution to the scholarship granting organization.

7. (1) The director shall annually make a determination on the number of students in Missouri with an individualized education program based upon special needs as defined in this section. The director shall use ten percent of this number to determine the maximum number of students to receive scholarships from a scholarship granting organization in that year for students with special needs who have at the time of application an individualized education program, plus a number calculated by the commissioner by applying the state's latest available autism, cerebral palsy, Down syndrome, and Angelman syndrome incidence rates to the state's population of children from age five to nineteen who are not enrolled in public schools and taking ten percent of that number. The total of these two calculations shall constitute the maximum number of scholarships available to students.

(2) The director shall also annually make a determination on the number of children in Missouri whose parent or guardian has enrolled the child in First Steps, received an individualized family services program based on special needs, and filed a complaint through the Individuals with Disabilities Education Act, Part C, and received a negative response. In addition to this number, the director shall apply the latest available autism, cerebral palsy, Down syndrome, and Angelman syndrome incidence rates to the latest available census information for children from birth to age five and determine ten percent of that number for the maximum number of scholarships for children.

(3) The director shall publicly announce the number of each category of scholarship opportunities available each year. Once a scholarship granting organization has decided to provide a student or child with a scholarship, it shall promptly notify the director. The director shall keep a running tally of the number of scholarships granted in the order in which they were reported. Once the tally reaches the annual limit of scholarships for eligible students or children, the director shall notify all of the participating scholarship granting organizations that they shall not issue any more scholarships and any more receipts for contributions. If the scholarship granting organizations have not expended all of their available scholarship funds in that year at the time when the limit is reached, the available scholarship funds may be carried over into the next year. These unexpended funds shall not be counted as part of the requirement in subdivision (3) of subsection 10 of this section for that year. Any receipt for a scholarship contribution issued by a scholarship granting organization before the director has publicly announced the student or child limit has been reached shall be valid.

8. Each scholarship granting organization participating in the program shall:

- (1) Notify the department of its intent to provide educational scholarships to students attending qualified schools or children receiving services from qualified service providers;
 - (2) Provide a department-approved receipt to donors for contributions made to the organization;
 - (3) Ensure that at least ninety percent of its revenue from donations is spent on educational scholarships, and that all revenue from interest or investments is spent on educational scholarships;
 - (4) Ensure that the scholarships provided do not exceed an average of twenty thousand dollars per eligible child or fifty thousand dollars per eligible student;
 - (5) Inform the parent or guardian of the student or child applying for a scholarship that accepting the scholarship is tantamount to a 'parentally placed private school student' pursuant to 34 CFR 300.130 and, thus, neither the department nor any Missouri public school is responsible to provide the student with a free appropriate public education pursuant to the IDEA or Section 504 of the Rehabilitation Act of 1973;
 - (6) Distribute periodic scholarship payments as checks made out to a student's or child's parent and mailed to the qualified school where the student is enrolled or qualified service provider used by the child. The parent or guardian shall endorse the check before it can be deposited;
 - (7) Cooperate with the department to conduct criminal background checks on all of its employees and board members and exclude from employment or governance any individual who might reasonably pose a risk to the appropriate use of contributed funds;
 - (8) Ensure that scholarships are portable during the school year and can be used at any qualified school that accepts the eligible student or at a different qualified service provider for an eligible child according to a parent's wishes. If a student moves to a new qualified school during a school year or to a different qualified service provider for an eligible child, the scholarship amount may be prorated;
 - (9) Demonstrate its financial accountability by:
 - (a) Submitting a financial information report for the organization that complies with uniform financial accounting standards established by the department and conducted by a certified public accountant; and
 - (b) Having the auditor certify that the report is free of material misstatements;
 - (10) Demonstrate its financial viability, if the organization is to receive donations of fifty thousand dollars or more during the school year, by filing with the department before the start of the school year:
 - (a) A surety bond payable to the state in an amount equal to the aggregate amount of contributions expected to be received during the school year; or
 - (b) Financial information that demonstrates the financial viability of the scholarship granting organization.
9. Each scholarship granting organization shall ensure that each participating school or service provider that accepts its scholarship students or children shall:
- (1) Comply with all health and safety laws or codes that apply to nonpublic schools or service providers;
 - (2) Hold a valid occupancy permit if required by its municipality;
 - (3) Certify that it will comply with 42 U.S.C. Section 1981, as amended;
 - (4) Provide academic accountability to parents of the students or children in the program by regularly reporting to the parent on the student's or child's progress;
 - (5) Certify that in providing any educational services or behavior strategies to a scholarship recipient with a diagnosis of or an individualized education program based upon autism spectrum disorder it will:
 - (a) Adhere to the best practices recommendations of the Missouri Autism Guidelines Initiative or document why it is varying from the guidelines;
 - (b) Not use any evidence-based interventions that have been found ineffective by the commission on Medicare as described in the Missouri Autism Guidelines Initiative Guide to Evidence-based Interventions; and
 - (c) Provide documentation in the student's or child's record of the rationale for the use of any intervention that is categorized as unestablished, insufficient evidence, or level 3 by the Missouri Autism Guidelines Initiative Guide to Evidence-based Interventions; and
 - (6) Certify that in providing any educational services or behavior strategies to a scholarship recipient with a diagnosis of, or an individualized family services program based upon Down syndrome, Angelman syndrome, or cerebral palsy, it will use student, teacher, teaching, and school influences that rank in the zone of desired effects in the meta-analysis of John Hattie, or equivalent analyses as determined by the department, or document why it is using a method that has not been determined by analysis to rank in the zone of desired effects.
10. Scholarship granting organizations shall not provide educational scholarships for students to attend any school or children to receive services from any qualified service provider with paid staff or board members who are relatives within the first degree of consanguinity or affinity.

11. A scholarship granting organization shall publicly report to the department, by June first of each year, the following information prepared by a certified public accountant regarding its grants in the previous calendar year:

- (1) The name and address of the scholarship granting organization;
- (2) The total number and total dollar amount of contributions received during the previous calendar year; and
- (3) The total number and total dollar amount of educational scholarships awarded during the previous calendar year, including the category of each scholarship, and the total number and total dollar amount of educational scholarships awarded during the previous year to students eligible for free and reduced lunch.

12. The department shall adopt rules and regulations consistent with this section as necessary to implement the program.

13. The department shall provide a standardized format for a receipt to be issued by a scholarship granting organization to a donor to indicate the value of a contribution received.

14. The department shall provide a standardized format for scholarship granting organizations to report the information in this section.

15. The department may conduct either a financial review or audit of a scholarship granting organization.

16. If the department believes that a scholarship granting organization has intentionally and substantially failed to comply with the requirements of this section, the department may hold a hearing before the director or the director's designee to bar a scholarship granting organization from participating in the program. The director or the director's designee shall issue a decision within thirty days. A scholarship granting organization may appeal the director's decision to the administrative hearing commission for a hearing in accordance with the provisions of chapter 621.

17. If the scholarship granting organization is barred from participating in the program, the department shall notify affected scholarship students or children and their parents of this decision within fifteen days.

18. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

19. The department shall conduct a study of the program with funds other than state funds. The department may contract with one or more qualified researchers who have previous experience evaluating similar programs. The department may accept grants to assist in funding this study.

21. The study shall assess:

- (1) The level of participating students' and childrens' satisfaction with the program in a manner suitable to the student or child;
- (2) The level of parental satisfaction with the program;
- (3) The percentage of participating students who were bullied or harassed because of their special needs status at their resident school district compared to the percentage so bullied or harassed at their qualified school;
- (4) The percentage of participating students who exhibited behavioral problems at their resident school district compared to the percentage exhibiting behavioral problems at their qualified school;
- (5) The class size experienced by participating students at their resident school district and at their qualified school; and
- (6) The fiscal impact to the state and resident school districts of the program.

20. The study shall be completed using appropriate analytical and behavioral sciences methodologies to ensure public confidence in the study.

21. The department shall provide the general assembly with a final copy of the evaluation of the program by December 31, 2016.

22. The public and nonpublic participating schools and service providers from which students transfer to participate in the program shall cooperate with the research effort by providing student or child assessment instrument scores and any other data necessary to complete this study.

23. The general assembly may require periodic updates on the status of the study from the department. The individuals completing the study shall make their data and methodology available for public review while complying with the requirements of the Family Educational Rights and Privacy Act, as amended.

24. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall sunset automatically on December 31, 2019, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically on December 31, 2031; and

(3) This section shall terminate on December thirty-first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Scharnhorst, **House Amendment No. 6** was adopted.

On motion of Representative Thomson, **HCS SCS SB 17, as amended**, was adopted.

On motion of Representative Thomson, **HCS SCS SB 17, as amended**, was read the third time and passed by the following vote:

AYES: 104

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Burlison
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Curtman	Davis	Diehl	Dohrman
Dugger	Dunn	Engler	English	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Haahr	Haefner	Hampton
Hansen	Hicks	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeier	Lair	Lant	Lauer	Lichtenegger
Love	Lynch	May	McCaherty	McCann Beatty
McGaugh	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Parkinson
Peters	Pfautsch	Pike	Pogue	Rehder
Reiboldt	Remole	Rhoads	Richardson	Rowden
Rowland	Runions	Scharnhorst	Schieber	Shumake
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 031

Burns	Butler	Ellinger	Ellington	Englund
Frame	Gardner	Harris	Hummel	Kirkton
Kratky	LaFaver	Marshall	Mayfield	McKenna
McNeil	Meredith	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Pierson
Rizzo	Roorda	Schieffer	Smith 85	Walton Gray
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 028

Brattin	Brown	Carpenter	Cierpiot	Colona
Cross	Curtis	Elmer	Guernsey	Higdon
Kelly 45	Korman	Leara	McDonald	McManus
Mims	Mitten	Phillips	Redmon	Riddle
Ross	Schatz	Schupp	Shull	Smith 120
Torpey	Webb	Webber		

Speaker Jones declared the bill passed.

SCS SB 36, relating to juvenile offenders, was taken up by Representative Hicks.

Representative Ellington offered **House Amendment No. 1**.

House Amendment No. 1

AMEND Senate Committee Substitute for Senate Bill No. 36, Page 5, Section 211.073, Line 53, by inserting immediately after said line the following:

"217.870. In an effort to reduce the recidivism rate of offenders who are incarcerated in the state of Missouri the department of corrections shall, prior to the release of any inmate, do the following:

(1) Subject to appropriation, participate in the Federal Bonding Program so that all inmates are bonded prior to release;

(2) Review the types of jobs available for inmates while incarcerated to determine which jobs would be eligible for certification and ensure that any inmate who has completed the necessary requirements for certification in a particular field does receive certification;

(3) Issue a worker certificate to any inmate who has worked in one or more jobs while incarcerated which were the type of jobs that are not eligible for certification. This worker certificate shall indicate the number of hours the inmate has worked or training the inmate has received in each job which the inmate held. It shall also specify the duties required for each job and list the skills acquired or demonstrated on the job."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Ellington, **House Amendment No. 1** was adopted.

Representative White assumed the Chair.

Representative Hough offered **House Amendment No. 2**.

Representative Hummel raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

Representative White requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

On motion of Representative Hicks, **SCS SB 36, as amended**, was read the third time and passed by the following vote:

AYES: 143

Anders	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeier	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
May	Mayfield	McCaherty	McCann Beatty	McGaugh
McKenna	McNeil	Meredith	Messenger	Miller
Mitten	Molendorp	Montecillo	Moon	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Parkinson
Peters	Pfautsch	Pierson	Pike	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Rowden	Rowland
Runions	Schatz	Schieber	Schieffer	Shull
Shumake	Smith 85	Solon	Sommer	Spencer
Swan	Swearingen	Thomson	Walker	Walton Gray
Webb	Webber	White	Wieland	Wilson
Wright	Zerr	Mr Speaker		

NOES: 002

Fowler Pogue

PRESENT: 000

ABSENT WITH LEAVE: 018

Allen	Flanigan	Grisamore	Guernsey	Higdon
Kelly 45	Kirkton	McDonald	McManus	Mims
Phillips	Ross	Scharnhorst	Schupp	Smith 120
Stream	Torpey	Wood		

Representative White declared the bill passed.

HCS SCS SB 126, relating to the provision of health care services, was taken up by Representative Morris.

Representative Morris moved that **HCS SCS SB 126** be adopted.

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Which motion was defeated.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 098

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cox	Crawford
Cross	Curtman	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Gannon	Gatschenberger	Gosen	Guernsey	Haahr
Haefner	Hampton	Hansen	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Justus	Keeney	Kelley 127	Koenig
Kolkmeier	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Parkinson
Pfautsch	Pike	Pogue	Rehder	Reiboldt
Remole	Rhoads	Richardson	Ross	Rowden
Rowland	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Mr Speaker		

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 013

Cornejo	Davis	Funderburk	Grisamore	Jones 50
Kelly 45	Neth	Phillips	Redmon	Riddle
Scharnhorst	Smith 120	Zerr		

On motion of Representative Morris, **SCS SB 126** was truly agreed to and finally passed by the following vote:

AYES: 115

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Cierpiot	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Gannon	Gatschenberger	Gosen	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hurst	Johnson	Justus
Keeney	Kelley 127	Kirkton	Koenig	Kolkmeier
Korman	Kratky	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
Mayfield	McCaherty	McGaugh	McKenna	Messenger
Miller	Molendorp	Moon	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Pike
Pogue	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Roorda	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Schieffer
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Mr Speaker

NOES: 039

Anders	Burns	Butler	Carpenter	Colona
Curtis	Dunn	Ellinger	Ellington	Frame
Gardner	Hubbard	Hummel	LaFaver	May
McCann Beatty	McDonald	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Runions	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 009

Funderburk	Grisamore	Jones 50	Kelly 45	McManus
Phillips	Redmon	Smith 120	Zerr	

Representative White declared the bill passed.

Speaker Jones resumed the Chair.

HCS SS SCS SB 116, relating to uniformed military and overseas voters, was taken up by Representative Davis.

Representative McGaugh offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 116, Page 11, Section 115.291, Line 35, by inserting after all of said section and line the following:

"115.850. 1. This section shall be known and may be cited as the "Political Accountability in Campaigning Act".

2. For purposes of this section, the term "knowingly" shall mean that a candidate knows that a proposition is false and intends to publicize it, and the term "material fact" shall mean a proposition that is verifiable as either true or false with near certainty during de novo review by an appellate court, and that is not embedded within a context where the overall content of the message is a matter of opinion. The use of interjections including name calling or profane language shall not be deemed to be matters of material fact.

3. A candidate campaigning for office in this state commits a violation of this section if he or she knowingly publicizes a false statement of material fact in a political advertisement released to the public through any print or broadcast medium that refers to a clearly identified candidate for statewide office or the general assembly that is made after the candidate making the communication has filed for office.

4. A violation of this section shall be proven by clear and compelling evidence by a court or jury.

5. A violation of this section shall be punishable by damages limited to the lesser of the amount it would cost to adequately inform the public of the false material fact at issue or a damage award of not more than twenty thousand dollars for each violation. Courts may enforce the provisions of this section by granting injunctive relief to prevent the future dissemination of false material statements in violation of this section.

6. A candidate who has violated the provisions of this section may avoid the penalty imposed in subsection 5 of this section by retracting his or her false statement of material fact through the same print or broadcast medium used to communicate the false statement of material fact. Such retraction shall be made not later than fourteen days after the false statement of material fact was made and shall be made not later than fourteen days prior to a general or special election for statewide office or the general assembly.

7. In addition to prosecutors or the office of the attorney general, any eligible voter may bring suit to enforce the provisions of this section. Damages obtained by state officials shall be considered as substantially similar to penalties and shall be payable to the schools in accordance with article IX, section 7 of the Constitution of Missouri, otherwise such damages shall be payable to any eligible voter bringing suit under this section.

8. This section shall not be held to modify or supercede any cause of action for defamation and the penalties herein shall be in addition to any damages or penalties imposed for defamation by statute or common law."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Roorda raised a point of order that **House Amendment No. 1** is not germane and goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

House Amendment No. 1 was withdrawn.

Representative Conway (10) offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 116, Page 3, Section 115.275, Line 23, by inserting after the phrase: "(6)" on said line the following:

"J (5)"; and

Further amend said section, Page 3, Line 34 by deleting the bracket: "]" on said line; and

Further amend said bill, Section 115.904, Page 12, Line 5, by deleting the word: "**and**" on said line and inserting in lieu thereof the word:

"or"; and

Further amend said bill, Section 115.910, Page 14, Line 22, by deleting the word: "**and**" on said line and inserting in lieu thereof the word:

"or"; and

Further amend said bill, Section 115.936, Page 17, Line 5, by inserting after all of said section and line the following:

"Section 1. Notwithstanding any other provision of law, a person in the federal service as defined under section 115.275 may vote in the same manner, using the same technology and requirements, as an overseas voter under sections 115.900 to 115.936.

Section B. The repeal and reenactment of Section A of this act shall be effective on July 1, 2014."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 096

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	McCaherty
McGaugh	Messenger	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Pfausch	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Ross	Rowden	Rowland
Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Mr Speaker				

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kratky

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LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 017

Cross	Flanigan	Grisamore	Jones 50	Kelly 45
Kirkton	Lair	Marshall	McManus	Miller
Parkinson	Phillips	Riddle	Scharnhorst	Smith 120
Stream	Zerr			

On motion of Representative Conway (10), **House Amendment No. 2** was adopted.

Representative Davis offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 116, Page 15, Section 115.920, Lines 2-4, by deleting all of said lines and inserting in lieu thereof the following:

"shall be counted if it is received before noon on the friday after election day so that certification under section 1 may commence."; and

Further amend said bill, Section 115.936, Page 17, Line 5, by inserting after all of said section and line the following:

"Section 1. Notwithstanding any other provision of law to the contrary, no election authority or verification board shall certify election results, as required under section 115.507, before noon on the friday after election day."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Davis, **House Amendment No. 3** was adopted.

On motion of Representative Davis, **HCS SS SCS SB 116, as amended**, was adopted.

On motion of Representative Davis, **HCS SS SCS SB 116, as amended**, was read the third time and passed by the following vote:

AYES: 152

Allen	Anders	Anderson	Austin	Bahr
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk

Gannon	Gardner	Gatschenberger	Gosen	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Justus	Keeney	Kelley 127	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Mims
Mitten	Molendorp	Montecillo	Moon	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Parkinson
Peters	Pfausch	Pierson	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 85
Solon	Sommer	Spencer	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Mr Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Barnes	Flanigan	Grisamore	Jones 50	Kelly 45
Miller	Phillips	Scharnhorst	Smith 120	Stream
Zerr				

Speaker Jones declared the bill passed.

Representative Neth assumed the Chair.

SB 77, relating to neighborhood youth programs, was taken up by Representative Allen.

Representative Allen offered **House Amendment No. 1**.

House Amendment No. 1

AMEND Senate Bill No. 77, Page 1, Line 3 in the Title, by deleting all of said line and inserting in lieu thereof "to children."; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"160.775. 1. Every district shall adopt an antibullying policy by September 1, 2007.

2. "Bullying" means intimidation or harassment that causes a reasonable student to fear for his or her physical safety or property; **substantially interferes with the educational performance, opportunities, or benefits of any student without exception; or substantially disrupts the orderly operation of the school.** Bullying may consist of **but is not limited to** physical actions, including gestures, or oral, cyberbullying, electronic, or written communication, and any threat of retaliation for reporting of such acts. **Bullying is prohibited by students on school property, at any school function, or on a school bus. "Cyberbullying" is bullying as defined in this subsection through the**

transmission of a communication, including, but not limited to, a message, text, sound, or image by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager.

3. Each district's antibullying policy shall be founded on the assumption that all students need a safe learning environment. Policies shall treat **all** students equally and shall not contain specific lists of protected classes of students who are to receive special treatment. Policies may include age-appropriate differences for schools based on the grade levels at the school. Each such policy shall contain a statement of the consequences of bullying.

4. Each district's antibullying policy shall require, **at a minimum, the following components:**

(1) A statement prohibiting bullying, defined no less inclusive than that in subsection 1 of this section;

(2) A statement requiring district employees to report any instance of bullying of which the employee has firsthand knowledge[. The district policy shall address training of employees in the requirements of the district policy.], **has reasonable cause to suspect that a student has been subject to bullying, or has received a report of bullying from a student. The policy shall be included in the student handbook. The school district administration shall notify the parents or legal guardians of the individual alleged in the report to be responsible for the bullying incident and the parents or legal guardians of the target of the bullying incident;**

(3) A procedure for reporting an act of bullying, including a provision that permits a person to report an act of harassment, intimidation, or bullying anonymously. However, this shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report;

(4) A procedure for prompt investigation of reports of serious violations and complaints, identifying either the principal or the principal's certified staff designee as the person responsible for the investigation;

(5) The range of ways in which a school will respond once an incident of bullying is confirmed;

(6) A statement that prohibits reprisal or retaliation against any person who reports an act of bullying and the consequence and appropriate remedial action for a person who engages in reprisal or retaliation;

(7) A statement of how the policy is to be publicized;

(8) A process for discussing the district's antibullying policy with students and training school employees and volunteers who have significant contact with students in the requirements of the policy, including at a minimum the following statements:

(a) The policy shall be conspicuously posted throughout each school building in areas accessible to students and staff members;

(b) The school district annually shall provide information and any appropriate training to the school district staff regarding the policy;

(c) The school district shall give annual notice of the policy to students, parents or guardians, and staff;

(d) The school district shall provide education and information to students regarding bullying, including information regarding the school district policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying;

(e) The administration of the school district shall implement programs and other initiatives to prevent bullying, to respond to such conduct in a manner that does not stigmatize the victim, and to make resources or referrals available to victims of bullying;

(f) The policy shall be reviewed at least annually for compliance with state and federal law.

5. Any student alleging to be the target of an incident of bullying who has completed all procedures required by the district's reporting policy and continues to be subjected to bullying shall be informed by the district that he or she may seek other remedies. The information may include but not be limited to informing the target or the target's parents or legal guardians of the possibility of civil action against the individual alleged to be responsible for the bullying and against the parents or legal guardians of that individual. The target and his or her parents shall also be informed that they may request intervention by any other county, state, or federal agency or office that is empowered to act on behalf of the target.

6. The state board of education is authorized to promulgate rules and regulations to implement this section and shall develop model policies to assist local school districts in developing policies for the prevention of bullying no later than September 1, 2014. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Roorda raised a point of order that **House Amendment No. 1** is not germane and goes beyond the scope of the bill.

Representative Neth requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

On motion of Representative Allen, **House Amendment No. 1** was adopted.

Representative Torpey offered **House Amendment No. 2**.

Representative Roorda raised points of order that **House Amendment No. 2** is not germane to the bill and amends previously amended material in the title.

Representative Neth requested a parliamentary ruling.

The Parliamentary Committee ruled the second point of order was well taken.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 099

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Fowler	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller
Molendorp	Moon	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Riddle
Ross	Rowden	Rowland	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Mr Speaker	

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims

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Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 013

Colona	Flanigan	Fraker	Grisamore	Kelly 45
Leara	Phillips	Rhoads	Richardson	Scharnhorst
Smith 120	Wood	Zerr		

On motion of Representative Allen, **SB 77, as amended**, was read the third time and passed by the following vote:

AYES: 105

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Black	Brown	Cierpiot	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Davis	Diehl	Dohrman	Ellinger
Elmer	Engler	Entlicher	Fitzwater	Flanigan
Fowler	Frame	Franklin	Funderburk	Gannon
Gatschenberger	Gosen	Grisamore	Guernsey	Haefner
Hampton	Hansen	Harris	Hicks	Hinson
Hodges	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Mayfield
McCaherty	McCann Beatty	McGaugh	McKenna	McNeil
Messenger	Miller	Molendorp	Montecillo	Morris
Muntzel	Neely	Neth	Norr	Pace
Pfautsch	Pike	Redmon	Rehder	Reiboldt
Rhoads	Richardson	Riddle	Rizzo	Roorda
Rowden	Rowland	Schatz	Schieffer	Shull
Shumake	Solon	Sommer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Webb
White	Wieland	Wilson	Wright	Mr Speaker

NOES: 049

Anders	Berry	Brattin	Burlison	Burns
Butler	Carpenter	Colona	Curtis	Curtman
Dugger	Dunn	Ellington	English	Englund
Fitzpatrick	Frederick	Gardner	Haahr	Higdon
Hubbard	Hummel	Kirkton	Kratky	LaFaver
Marshall	May	McDonald	McManus	Meredith
Mims	Mitten	Moon	Morgan	Newman
Nichols	Otto	Parkinson	Pierson	Pogue
Remole	Ross	Runions	Schieber	Schupp
Smith 85	Spencer	Walton Gray	Webber	

PRESENT: 000

ABSENT WITH LEAVE: 009

Fraker	Kelly 45	Kolkmeier	Peters	Phillips
Scharnhorst	Smith 120	Wood	Zerr	

Representative Neth declared the bill passed.

HCS SB 330, relating to professional registration, was taken up by Representative Burlison.

Representative Cornejo offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 330, Page 19, Section 334.735, Line 213, by inserting after said line the following:

"337.500. As used in sections 337.500 to 337.540, unless the context clearly requires otherwise, the following words and phrases mean:

- (1) "Committee or board", the committee for professional counselors;
- (2) "Department", the Missouri department of insurance, financial institutions and professional registration;
- (3) "Director", the director of the division of professional registration;
- (4) "Division", the division of professional registration;
- (5) "Licensed professional counselor", any person who offers to render professional counseling services to individuals, groups, organizations, institutions, corporations, government agencies or the general public for a fee, monetary or otherwise, implying that the person is trained, experienced, and licensed in counseling, and who holds a current, valid license to practice counseling;
- (6) "Practice of professional counseling", rendering, offering to render, or supervising those who render to individuals, couples, groups, organizations, institutions, corporations, schools, government agencies, or the general public any counseling service involving the application of counseling procedures, and the principles and methods thereof, to assist in achieving more effective intrapersonal or interpersonal, marital, decisional, social, educational, vocational, developmental, or rehabilitative adjustments;
- (7) "Professional counseling", includes, but is not limited to:
 - (a) The use of verbal or nonverbal counseling or both techniques, methods, or procedures based on principles for assessing, **diagnosis**, understanding, or influencing behavior (such as principles of learning, conditioning, perception, motivation, thinking, emotions, or social systems);
 - (b) Appraisal or assessment, which means selecting, administering, scoring, or interpreting instruments designed to assess a person's or group's aptitudes, intelligence, attitudes, abilities, achievement, interests, and personal characteristics;
 - (c) The use of referral or placement techniques or both which serve to further the goals of counseling;
 - (d) Therapeutic vocational or personal or both rehabilitation in relation to coping with or adapting to physical disability, emotional disability, or intellectual disability or any combination of the three;
 - (e) Designing, conducting, and interpreting research;
 - (f) The use of group methods or techniques to promote the goals of counseling;
 - (g) The use of informational and community resources for career, personal, or social development;
 - (h) Consultation on any item in paragraphs (a) through (g) above; and
 - (i) No provision of sections 337.500 to 337.540, or of chapter 354 or 375, shall be construed to mandate benefits or third-party reimbursement for services of professional counselors in the policies or contracts of any insurance company, health services corporation or other third-party payer;
- (8) "Provisional licensed professional counselor", any person who is a graduate of an acceptable educational institution, as defined by division rules, with at least a master's degree with a major in counseling, or its equivalent, and meets all requirements of a licensed professional counselor, other than the supervised counseling experience prescribed by subdivision (1) of **subsection 1** of section 337.510, and who is supervised by a person who is qualified for the practice of professional counseling."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Cornejo moved that **House Amendment No. 1** be adopted.

Which motion was defeated.

Representative Burlison offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for Senate Bill No. 330, Page 10, Section 334.104, Line 45, by inserting immediately after the first occurrence of the word "**clinics**" the following:

", provider-based rural health clinics where the provider is a critical access hospital as provided in 42 U.S.C. 1395i-4,"; and

Further amend said bill, Page 14, Section 334.735, Line 24, by deleting all of said line and inserting in lieu thereof the following:

"facility as the] **with a** supervising physician [sixty-six percent of the time a physician assistant"; and

Further amend said bill, page, and section, Line 32, by deleting the word "**supervision**" and inserting in lieu thereof the word "**supervising**"; and

Further amend said bill, Page 15, Section 334.735, Line 86, by deleting the phrase "**(2) A**" and inserting in lieu thereof the phrase "**(2) For a**"; and

Further amend said bill, Page 16, Section 334.735, Lines 91-92, by deleting all of said lines and inserting in lieu thereof the following:

"to the minimum federal law shall be required [for the physician-physician assistant team in a rural health clinic if a waiver has been granted by the board. However, the board shall be able to void"; and

Further amend said bill, page, and section, Line 114, by deleting the word "**and**"; and

Further amend said bill, page, and section, Line 116, by inserting immediately after the word "perform;" the word "**and**"; and

Further amend said bill, Page 18, Section 334.735, Line 185, by deleting the first instance of the word "**a**" and inserting in lieu thereof the word "**the**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Burlison, **House Amendment No. 2** was adopted.

Representative Frederick offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Committee Substitute for Senate Bill No. 330, Page 19, Section 337.503, Line 4, by deleting all of said line and inserting in lieu thereof the following:

"under this chapter when promulgating regulations or when"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Frederick, **House Amendment No. 3** was adopted by the following vote:

AYES: 086

Allen	Austin	Barnes	Berry	Brattin
Brown	Cierpiot	Cookson	Cox	Crawford
Cross	Diehl	Dohrman	Elmer	Engler
Entlicher	Fitzwater	Fraker	Franklin	Frederick
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haefner	Hampton	Hansen	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Jones 50	Justus	Keeney	Kelley 127	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	McCaherty	McGaugh
Messenger	Molendorp	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Pike	Redmon
Rehder	Reiboldt	Rhoads	Richardson	Riddle
Ross	Rowland	Scharnhorst	Schatz	Schieffer
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 069

Anders	Anderson	Bahr	Black	Burlison
Burns	Butler	Carpenter	Colona	Conway 104
Cornejo	Curtis	Curtman	Dugger	Dunn
Ellinger	Ellington	English	Englund	Fitzpatrick
Fowler	Frame	Gardner	Haahr	Harris
Hubbard	Hummel	Hurst	Johnson	Kirkton
Koenig	Kratky	LaFaver	Marshall	May
Mayfield	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Miller	Mims	Mitten
Montecillo	Moon	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Pogue	Remole	Rizzo	Roorda	Rowden
Runions	Schieber	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 008

Bernskoetter	Conway 10	Davis	Flanigan	Funderburk
Kelly 45	Phillips	Smith 120		

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Fowler	Fraker	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Parkinson
Pfausch	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Torpey	Walker
White	Wieland	Wilson	Wood	Mr Speaker

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 012

Conway 10	Curtman	Davis	Flanigan	Grisamore
Guernsey	Hoskins	Kelly 45	Phillips	Smith 120
Thomson	Zerr			

On motion of Representative Burlison, **HCS SB 330, as amended**, was adopted.

On motion of Representative Burlison, **HCS SB 330, as amended**, was read the third time and passed by the following vote:

AYES: 097

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Cierpiot	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	McGaugh	Messenger	Miller
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Pike	Redmon	Rehder
Reiboldt	Remole	Rhoads	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Walker	Wieland	Wilson
Wood	Mr Speaker			

NOES: 060

Anders	Burns	Butler	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hinson	Hodges	Hubbard	Hummel	Kirkton
Kratky	LaFaver	Marshall	May	Mayfield
McCaherty	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Molendorp
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Pierson	Pogue
Richardson	Rizzo	Roorda	Runions	Schieber
Schieffer	Schupp	Smith 85	Swearingen	Torpey
Walton Gray	Webb	Webber	White	Wright

PRESENT: 000

ABSENT WITH LEAVE: 006

Davis	Flanigan	Kelly 45	Phillips	Smith 120
Zerr				

Representative Neth declared the bill passed.

HCS SCS SB 9, relating to agriculture, was taken up by Representative Guernsey.

Representative Schatz offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 9, Page 20, Section 578.012, Line 13, by inserting after all of said section and line the following:

"644.029. The department shall allow an appropriate schedule of compliance for a permittee to make upgrades or changes to its facilities that are necessary to meet new water quality requirements. For publicly owned treatment works, schedules of compliance shall be consistent with affordability findings made under section 644.145. For privately owned treatment works, schedules of compliance shall be negotiated with the facilities recognizing their financial capabilities and shall reflect statewide performance expectations. The department shall incorporate new water quality requirements into existing permits at the time of permit renewal unless there are compelling reasons to implement these requirements earlier through permit modifications. All new permit applicants may be required to meet any new water quality standards or classifications prescribed by the commission.

Section 1. The provisions of section 444.771 shall not apply to any business entity located in any county of the first classification with more than seventy thousand but fewer than eighty-three thousand inhabitants and with a city of the fourth classification with more than thirteen thousand five hundred but fewer than sixteen thousand inhabitants as the county seat."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Schatz, **House Amendment No. 1** was adopted.

Representative Johnson offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 9, Page 10, Section 262.795, Line 13, by inserting after all of said section and line, the following:

"262.975. 1. The department of agriculture may contract with an internet website development company to build and maintain the "Missouri International Agricultural Exchange" website. Such website shall contain content approved by the department to promote Missouri agricultural products and services to international agricultural buyers.

2. The exchange shall allow Missouri-based agricultural sellers to post their products produced in this state on the website at no charge to assist in marketing such products to international buyers. All sellers shall be required to register through the website and show proof of Missouri residency and other information as required by the department. Except for advertising under subdivision (2) of subsection 3 of this section, only agricultural products and services produced in this state shall be allowed on the exchange website.

3. The state of Missouri shall have exclusive rights of ownership of all website content produced on the Missouri international agricultural exchange website, including but not limited to all creative materials, copyrights, photographs, or illustrations contained on the website. Subject to department approval, the website developer is authorized to:

(1) Use all informational content provided by the department of agriculture, add to such content, and apply search engine optimization to the website content to achieve a high search engine ranking;

(2) Sell advertising on the exchange website to any entity that will benefit from marketing to international agriculture producers and buyers. The website developer shall be solely responsible for all costs associated with the development, marketing, and maintenance of the exchange website, with the website developer retaining all advertising revenues obtained from such exchange website to provide the financing for such exchange website;

(3) Prohibit the sale of advertising to any entity on the exchange website that is not related to agriculture or furthers the interest of hate content, obscenity and sexual material, bombs, spyware, adult content, political content, antigroup content and violence, discrimination, political campaigns or causes, public advocacy or lobbying, copyrighted works, counterfeit designer goods, drug and drug paraphernalia, fake documents,

gambling, hacking and cracking sites, miracle cures, prostitution, scams, phishing for personal information, tobacco and cigarettes and traffic devices, and other types of advertising deemed not appropriate by the director; and

(4) Ensure that all website content shall be named a ".com" domain to allow for advertisement.

4. The website developer shall:

(1) Have proven experience and expertise in search engine optimization, as determined by the department or the department of economic development;

(2) Provide evidence of prior website development projects produced by the website developer which increased search engine rankings for the client.

5. The department of agriculture, in consultation with the department of economic development, shall review all applications and award one annual contract for the development, design, marketing, and maintenance of the exchange website, with annual renewals for continuing upgrades, marketing, and maintenance of the website. The department of agriculture shall have the authority to terminate any contract under this section at the department's discretion. Any website developer under contract with the department of agriculture may have a contract terminated for failure to operate under the department's guidelines for the exchange website. If a contract is terminated, the department shall immediately assume ownership of all site-related domain names. If a contract is terminated, the department shall award a new contract in accordance with the procedures for awarding the initial contract under this section.

6. The department of agriculture may promulgate rules necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Johnson, **House Amendment No. 2** was adopted.

Representative Fitzwater offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 9, Page 1, Section A, Line 5, by inserting immediately after said line the following:

"135.305. A Missouri wood energy producer shall be eligible for a tax credit on taxes otherwise due under chapter 143, except sections 143.191 to 143.261, as a production incentive to produce processed wood products in a qualified wood-producing facility using Missouri forest product residue. The tax credit to the wood energy producer shall be five dollars per ton of processed material. The credit may be claimed for a period of five years and is to be a tax credit against the tax otherwise due. No new tax credits, provided for under sections 135.300 to 135.311, shall be authorized after June 30, [2013] **2019. In no event shall the aggregate amount of all tax credits allowed under sections 135.300 to 135.311 exceed three million dollars in any given fiscal year.**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Fitzwater, **House Amendment No. 3** was adopted.

Representative Guernsey offered **House Amendment No. 4**.

House Amendment No. 4 was withdrawn.

Representative Guernsey offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 9, Pages 4-5, Section 192.300, Lines 1-35, by deleting all of said section and lines from the bill and inserting in lieu thereof the following:

"192.300. **1.** The county commissions [and], **with approval of** the county health center boards of the several counties, may make and promulgate orders, ordinances, rules or regulations, respectively as will tend to enhance the public health and prevent the entrance of infectious, contagious, communicable or dangerous diseases into such county, but any orders, ordinances, rules or regulations shall not be in conflict with any rules or regulations authorized and made by the department of health and senior services in accordance with this chapter, **or by the department of natural resources under chapters 640, 643, and 644,** or by the department of social services under chapter 198. The county commissions [and] , **with the approval of** the county health center boards of the several counties, may establish reasonable fees to pay for any costs incurred in carrying out such orders, ordinances, rules or regulations, however, the establishment of such fees shall not deny personal health services to those individuals who are unable to pay such fees or impede the prevention or control of communicable disease. Fees generated shall be deposited in the county treasury. All fees generated under the provisions of this section shall be used to support the public health activities for which they were generated. After the promulgation and adoption of such orders, ordinances, rules or regulations by such county commission [or],**with the approval of** the county health board, such commission [or],**with the approval of** the county health board, shall make and enter an order or record declaring such orders, ordinances, rules or regulations to be printed and available for distribution to the public in the office of the county clerk, and shall require a copy of such order to be published in some newspaper in the county in three successive weeks, not later than thirty days after the entry of such order, ordinance, rule or regulation. Any person, firm, corporation or association which violates any of the orders or ordinances adopted, promulgated and published by such county commission is guilty of a misdemeanor and shall be prosecuted, tried and fined as otherwise provided by law. The county commission [or],**with the approval of** the county health board of any such county, has full power and authority to initiate the prosecution of any action under this section.

2. In regards to any orders, ordinances, rules, or regulations pertaining to the production, harvesting, storage, drying or raising of agricultural commodities, including the raising of livestock, the county commission, with approval of the county health center board, shall:

(1) Not assess a fee greater than two hundred dollars to carry out such orders, ordinances, rules, or regulations; or

(2) Not impose requirements on land application that are more stringent than imposed by a permit issued by the department of natural resources.

3. Any orders, ordinances, rules, or regulations pertaining to the production or raising of livestock, adopted by the county commission, with approval of the county health center board, shall be administered by county staff who are certified as concentrated animal feeding operators by the department of natural resources."; and

Further amend said bill, Page 10, Section 262.795, Line 2, by deleting the word "**agricultural**" and inserting in lieu thereof the word "**agriculture**"; and

Further amend said bill and page, Section 267.655, Line 3, by inserting immediately after the first occurrence of the word "**the**" the word "**department**"; and

Further amend said bill, Pages 11-15, Sections 304.180 and 304.184, by deleting all of said sections from the bill; and

Further amend said bill, Page 15, Section 442.571, Line 4, by deleting the words "**one-half of**"; and

Further amend said bill, page, section and line, by inserting after the word "**no**" the word "**such**"; and

Further amend said bill and section, Page 16, Line 13, by inserting after the word "**All**" the word "**such**"; and

Further amend said bill and section, Page 16, Line 16, by deleting the words "**one-half of**"; and

Further amend said bill, Page 18, Section 570.030, Line 37, by placing an opening bracket "[" before the word "Any"; and

Further amend said bill, page and section, Line 38, by placing a closing bracket "]" immediately after "(k)"; and

Further amend said bill, section, and page, by renumbering the paragraphs accordingly; and

Further amend said bill, Page 20, Section 578.012, Line 13, by inserting after all of said section and line the following:

"Section 1. Any cattle initially testing positive for trichomoniasis may be retested within ten days of the laboratory report. If the producer does not have the animal retested within ten days of the laboratory report, the animal shall be considered trichomoniasis positive. If the results of the retest are positive for trichomoniasis, the animal shall be considered trichomoniasis positive. If the results of the retest are negative, the producer must have a third trichomoniasis test conducted. If the results of the third test are negative, the animal shall be considered trichomoniasis negative.

Section 2. A species-specific animal health advisory committee shall be established by the Missouri department of agriculture and utilized during the development and evaluation of all animal health rules, regulations and legislative positions. In addition to meetings during the development and evaluation of such animal health rules, regulations, and legislative positions, a representative of each species-specific committee shall meet with the director or his or her designated representative the first Tuesday of every month."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Guernsey moved that **House Amendment No. 5** be adopted.

Which motion was defeated by the following vote:

AYES: 054

Anderson	Bahr	Bernskoetter	Berry	Brattin
Brown	Burlison	Cierpiot	Cornejo	Cox
Curtman	Davis	Diehl	Dohrman	Elmer
Fitzpatrick	Fitzwater	Frederick	Funderburk	Gatschenberger
Gosen	Grisamore	Guernsey	Hampton	Higdon
Hinson	Hough	Justus	Keeney	Kelley 127
Koenig	Kolkmeier	Korman	Lair	Love
McGaugh	Miller	Moon	Neely	Neth
Pike	Rehder	Richardson	Schatz	Shull
Solon	Sommer	Spencer	Swan	Walker
Wieland	Wilson	Wood	Mr Speaker	

NOES: 100

Anders	Austin	Barnes	Black	Burns
Butler	Carpenter	Colona	Conway 10	Conway 104
Cookson	Crawford	Cross	Curtis	Dugger
Dunn	Ellinger	Ellington	Engler	English
Englund	Entlicher	Fowler	Fraker	Frame
Franklin	Gannon	Gardner	Haefner	Hansen
Harris	Hicks	Hodges	Hoskins	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Kirkton	Kratky	LaFaver	Lant	Lauer
Leara	Lichtenegger	Lynch	Marshall	May
Mayfield	McCaherty	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Messenger	Mims
Mitten	Montecillo	Morgan	Morris	Muntzel
Newman	Nichols	Norr	Otto	Pace

Parkinson	Peters	Pfautsch	Pierson	Pogue
Redmon	Reiboldt	Remole	Rhoads	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Schieber	Schieffer	Schupp	Shumake
Smith 85	Swearingen	Thomson	Torpey	Walton Gray
Webb	Webber	White	Wright	Zerr

PRESENT: 000

ABSENT WITH LEAVE: 009

Allen	Flanigan	Haahr	Kelly 45	Molendorp
Phillips	Scharnhorst	Smith 120	Stream	

Representative Reiboldt offered **House Amendment No. 6.**

House Amendment No. 6

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 9, Page 1, Section A, Line 5, by inserting after all of said section and line the following:

"135.1590. 1. This section shall be known and may be cited as the "Show-Me Milk and Infrastructure Stabilization Act".

2. As used in this section, the following terms mean:

(1) "Authority", the Missouri agricultural and small business development authority established in chapter 348;

(2) "Qualified milk producer", any resident taxpayer actively engaged in business as a producer of grade A milk.

3. For all taxable years beginning on or after January 1, 2013, a qualified milk producer shall be allowed a tax credit against the state tax liability incurred under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, in an amount equal to the total aggregate allowable credit per year divided by the number of qualified grade A dairies as determined by the Missouri state milk board. The maximum credit allowed to a qualified milk producer shall not exceed twenty-five thousand dollars per year.

4. Taxpayers shall apply for the milk production tax credit by submitting an application to the authority, on a form provided by the authority. As part of the application, the taxpayer shall provide his or her producer identification number and documentation as to the amount of milk produced by his or her operation during the tax credit allowance period.

5. On or before January 1, 2016, the authority shall issue a report, and make such report available for public inspection, on the total number of pounds of milk produced by each qualified milk producer in each of the three preceding calendar years.

6. The total aggregate amount of tax credits authorized under this section shall not exceed five million dollars in a calendar year.

7. Any individual or business entity may assign, transfer, or sell tax credits allowed in this section. All tax credits allowed under this section must be used in the year in which they are issued. Tax credits earned by a partnership, limited liability company, S-corporation, or other pass-through entity may be allocated to the partners, members, or shareholders of such entity for their direct use in accordance with the provisions of any agreement among such partners, members, or shareholders.

8. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset three years after January 1, 2013, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset one year after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 094

Anderson	Austin	Bahr	Barnes	Bernskoetter
Berry	Brattin	Burlison	Cierpiot	Conway 104
Cookson	Cox	Crawford	Curtman	Davis
Diehl	Dohrman	Dugger	Elmer	Engler
Entlicher	Fitzpatrick	Fitzwater	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haefner	Hampton
Hansen	Hicks	Higdon	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Swan	Thomson	Walker	White
Wieland	Wilson	Wood	Mr Speaker	

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hummel	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 019

Allen	Brown	Colona	Cornejo	Cross
Flanigan	Haahr	Hinson	Hoskins	Hough
Hubbard	Kelly 45	Molendorp	Phillips	Scharnhorst
Smith 120	Stream	Torpey	Zerr	

On motion of Representative Reiboldt, **House Amendment No. 6** was adopted.

Representative Lichtenegger offered **House Amendment No. 7**.

House Amendment No. 7

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 9, Page 1, Section A, Line 5, by inserting after all of said section and line the following:

"44.080. 1. Each political subdivision of this state shall establish a local organization for disaster planning in accordance with the state emergency operations plan and program. The executive officer of the political subdivision shall appoint a coordinator who shall have direct responsibility for the organization, administration and operation of the local emergency management operations, subject to the direction and control of the executive officer or governing body. Each local organization for emergency management shall be responsible for the performance of emergency management functions within the territorial limits of its political subdivision, and may conduct these functions outside of the territorial limits as may be required pursuant to the provisions of this law.

2. In carrying out the provisions of this law, each political subdivision may:

(1) Appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons; the safety of property; and direct and coordinate the development of disaster plans and programs in accordance with the policies and plans of the federal and state governments; [and]

(2) Appoint, provide, or remove rescue teams, auxiliary fire and police personnel and other emergency operations teams, units or personnel who may serve without compensation[.]; **and**

(3) **Adopt orders or resolutions with penalties as these specifically relate to the actual or impending occurrence of a natural disaster of major proportions within the county when the safety and welfare of the inhabitants of such county are jeopardized. Such orders or resolutions may include the issuance of burn ban orders carrying penalties as specified in subsection 2 of section 44.130 if the U.S. Drought Monitor has designated the county as an area of severe, extreme, or exceptional drought. The political subdivision may consult the state fire marshal regarding the necessity for a burn ban order. The violations of such order or resolution shall be an infraction, except that state agencies responsible for fire management or suppression activities and persons conducting agricultural burning using best management practices shall not be subject to the provisions of this subsection. The ability of an individual, organization, or corporation to sell fireworks shall not be affected by the issuance of a burn ban order.**

49.266. 1. The county commission in all counties of the first, second or fourth classification may by order or ordinance promulgate reasonable regulations concerning the use of county property, the hours, conditions, methods and manner of such use and the regulation of pedestrian and vehicular traffic and parking thereon.

2. **The county commission in all counties may, by order, promulgate reasonable regulations concerning its emergency management functions and operations and conditions controls, as they specifically relate to the actual occurrence of a natural disaster within the county when the safety or welfare of the inhabitants of such county are threatened by actual or impending circumstances. The regulations may include the issuance of burn ban orders carrying penalties as specified in subsection 2 of section 44.130 and monetary fines as established by the county commission, if the U.S. Drought Monitor has designated the county as an area of severe, extreme, or exceptional drought. The political subdivision may consult the state fire marshal regarding the necessity for a burn ban order. State agencies responsible for fire management or suppression activities and persons conducting agricultural burning using best management practices shall not be subject to the provisions of this subsection. The ability of an individual, organization, or corporation to sell fireworks shall not be affected by the issuance of a burn ban order.**

3. Violation of any regulation so adopted is an infraction **or may be as provided in subsection 2 of section 44.130 as specified in the adopted regulation.**

[3.] 4. The regulations so adopted shall be codified, printed and made available for public use and adequate signs concerning smoking, traffic and parking regulations shall be posted."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Guernsey offered **House Amendment No. 1 to House Amendment No. 7.**

House Amendment No. 1
to
House Amendment No. 7

AMEND House Amendment No. 7 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 9, Page 2, Line 17, by inserting after all of said line the following:

‘Further amend said bill, Pages 4-5, Section 192.300, Lines 1-35, by deleting all of said section and lines from the bill and inserting in lieu thereof the following:

"192.300. 1. The county commissions [and], **with approval of** the county health center boards of the several counties, may make and promulgate orders, ordinances, rules or regulations, respectively as will tend to enhance the public health and prevent the entrance of infectious, contagious, communicable or dangerous diseases into such county, but any orders, ordinances, rules or regulations shall not be in conflict with any rules or regulations authorized and made by the department of health and senior services in accordance with this chapter, **or by the department of natural resources under chapters 640, 643, and 644**, or by the department of social services under chapter 198. The county commissions [and] , **with the approval of** the county health center boards of the several counties, may establish reasonable fees to pay for any costs incurred in carrying out such orders, ordinances, rules or regulations, however, the establishment of such fees shall not deny personal health services to those individuals who are unable to pay such fees or impede the prevention or control of communicable disease. Fees generated shall be deposited in the county treasury. All fees generated under the provisions of this section shall be used to support the public health activities for which they were generated. After the promulgation and adoption of such orders, ordinances, rules or regulations by such county commission [or],**with the approval of** the county health board, such commission [or],**with the approval of** the county health board, shall make and enter an order or record declaring such orders, ordinances, rules or regulations to be printed and available for distribution to the public in the office of the county clerk, and shall require a copy of such order to be published in some newspaper in the county in three successive weeks, not later than thirty days after the entry of such order, ordinance, rule or regulation. Any person, firm, corporation or association which violates any of the orders or ordinances adopted, promulgated and published by such county commission is guilty of a misdemeanor and shall be prosecuted, tried and fined as otherwise provided by law. The county commission [or],**with the approval of** the county health board of any such county, has full power and authority to initiate the prosecution of any action under this section.

2. In regards to any orders, ordinances, rules, or regulations pertaining to the production, harvesting, storage, drying or raising of agricultural commodities, including the raising of livestock, the county commission, with approval of the county health center board, shall:

(1) Not assess a fee greater than two hundred dollars to carry out such orders, ordinances, rules, or regulations; or

(2) Not impose requirements on land application that are more stringent than imposed by a permit issued by the department of natural resources.

3. Any orders, ordinances, rules, or regulations pertaining to the production or raising of livestock, adopted by the county commission, with approval of the county health center board, shall be administered by county staff who are certified as concentrated animal feeding operators by the department of natural resources."; and

Further amend said bill, Page 10, Section 262.795, Line 2, by deleting the word "**agricultural**" and inserting in lieu thereof the word "**agriculture**"; and

Further amend said bill and page, Section 267.655, Line 3, by inserting immediately after the first occurrence of the word "**the**" the word "**department**"; and

Further amend said bill, Pages 11-15, Sections 304.180 and 304.184, by deleting all of said sections from the bill; and

Further amend said bill, Page 15, Section 442.571, Line 4, by deleting the words "**one-half of**"; and

Further amend said bill, page, section and line, by inserting after the word "**no**" the word "**such**"; and

Further amend said bill and section, Page 16, Line 13, by inserting after the word "**All**" the word "**such**"; and

Further amend said bill and section, Page 16, Line 16, by deleting the words "**one-half of**"; and

Further amend said bill, Page 18, Section 570.030, Line 37, by placing an opening bracket "[" before the word "Any"; and

Further amend said bill, page and section, Line 38, by placing a closing bracket "]" immediately after "(k)"; and

Further amend said bill, section, and page, by renumbering the paragraphs accordingly; and'; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Guernsey, **House Amendment No. 1 to House Amendment No. 7** was adopted.

On motion of Representative Lichtenegger, **House Amendment No. 7, as amended**, was adopted.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cox	Crawford
Curtman	Davis	Dohrman	Dugger	Elmer
Engler	Entlicher	Fitzpatrick	Fitzwater	Fowler
Fraker	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Grisamore	Guernsey	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth
Pfautsch	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hummel	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr

Otto	Pace	Peters	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 014

Cornejo	Cross	Diehl	Flanigan	Haahr
Hubbard	Kelly 45	Kirkton	Parkinson	Phillips
Scharnhorst	Smith 120	Stream	Swearingen	

On motion of Representative Guernsey, **HCS SCS SB 9, as amended**, was adopted.

On motion of Representative Guernsey, **HCS SCS SB 9, as amended**, was read the third time and passed by the following vote:

AYES: 091

Allen	Anderson	Austin	Barnes	Bernskoetter
Berry	Black	Brattin	Brown	Conway 104
Cookson	Cox	Crawford	Cross	Davis
Diehl	Dohrman	Dugger	Elmer	Engler
Entlicher	Fitzwater	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kolkmeyer
Korman	Lair	Lant	Lauer	Lichtenegger
Love	Lynch	McGaugh	Messenger	Miller
Morris	Muntzel	Neely	Neth	Pfautsch
Pike	Redmon	Rehder	Reiboldt	Rhoads
Richardson	Riddle	Ross	Rowland	Schatz
Schieffer	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 063

Anders	Bahr	Burlison	Burns	Butler
Carpenter	Cierpiot	Colona	Conway 10	Curtis
Curtman	Dunn	Ellinger	Ellington	English
Englund	Fitzpatrick	Frame	Gardner	Hubbard
Hummel	Kirkton	Koenig	Kratky	LaFaver
Leara	Marshall	May	Mayfield	McCaherty
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Molendorp	Montecillo
Moon	Morgan	Newman	Nichols	Norr
Otto	Pace	Parkinson	Peters	Pierson
Pogue	Remole	Rizzo	Rowden	Schieber
Schupp	Smith 85	Swearingen	Torpey	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 009

Cornejo
Roorda

Flanigan
Runions

Haahr
Scharnhorst

Kelly 45
Smith 120

Phillips

Representative Neth declared the bill passed.

HCS SB 148, relating to salvage vehicles, was taken up by Representative Schatz.

Representative Hinson offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 148, Page 1, Section A, Line 11, by inserting immediately after said line the following:

"137.090. 1. All tangible personal property of whatever nature and character situate in a county other than the one in which the owner resides shall be assessed in the county where the owner resides; except that, houseboats, cabin cruisers, floating boat docks, and manufactured homes, as defined in section 700.010, used for lodging shall be assessed in the county where they are located, and tangible personal property belonging to estates shall be assessed in the county in which the probate division of the circuit court has jurisdiction. Tangible personal property, other than motor vehicles as the term is defined in section 301.010, used exclusively in connection with farm operations of the owner and kept on the farmland, shall not be assessed by a city, town or village unless the farmland is totally within the boundaries of the city, town or village. No tangible personal property shall be simultaneously assessed in more than one county.

2. The assessed valuation of any tractor or trailer as defined in section 301.010 owned by an individual, partner, or member and used in interstate commerce must be apportioned to Missouri based on the ratio of miles traveled in this state to miles traveled in the United States in interstate commerce during the preceding tax year or on the basis of the most recent annual mileage figures available.

137.095. 1. The real and tangible personal property of all corporations operating in any county in the state of Missouri and in the city of St. Louis, and subject to assessment by county or township assessors, shall be assessed and taxed in the county in which the property is situated on the first day of January of the year for which the taxes are assessed, and every general or business corporation having or owning tangible personal property on the first day of January in each year, which is situated in any other county than the one in which the corporation is located, shall make return to the assessor of the county or township where the property is situated, in the same manner as other tangible personal property is required by law to be returned, except that all motor vehicles which are the property of the corporation and which are subject to regulation under chapter 390 shall be assessed for tax purposes in the county in which the motor vehicles are based.

2. For the purposes of subsection 1 of this section, the term "based" means the place where the vehicle is most frequently dispatched, garaged, serviced, maintained, operated or otherwise controlled, except that leased passenger vehicles shall be assessed at the residence of the driver or, if the residence of the driver is unknown, at the location of the lessee.

3. The assessed valuation of any tractor or trailer as defined in section 301.010 owned by a corporation and used in interstate commerce must be apportioned to Missouri based on the ratio of miles traveled in this state to miles traveled in the United States in interstate commerce during the preceding tax year or on the basis of the most recent annual mileage figures available."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hinson, **House Amendment No. 1** was adopted.

On motion of Representative Schatz, **HCS SB 148, as amended**, was adopted.

On motion of Representative Schatz, **HCS SB 148, as amended**, was read the third time and passed by the following vote:

AYES: 152

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Grisamore
Guernsey	Haefner	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	May	Mayfield	McCaherty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Molendorp	Montecillo	Moon	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Pace	Parkinson	Peters
Pfautsch	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 85	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Cornejo	Flanigan	Haahr	Hampton	Kelly 45
Kirkton	McCann Beatty	Phillips	Scharnhorst	Smith 120
Webber				

Representative Neth declared the bill passed.

HCS SB 43, relating to commercial motor vehicles, was taken up by Representative Kolkmeyer.

Representative Pace offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 43, Page 23, Section 304.820, Line 59, by inserting after all of said line the following:

"565.087. 1. A person commits the crime of assault of an employee of a mass transit system while in the scope of his or her duties in the first degree if such person attempts to kill or knowingly causes or attempts to cause serious physical injury to an employee of a mass transit system while in the scope of his or her duties.

2. As used in this section, "mass transit system" includes employees of public bus and light rail companies.

3. Assault of an employee of a mass transit system in the first degree is a class B felony.

565.088. 1. A person commits the crime of assault of an employee of a mass transit system while in the scope of his or her duties in the second degree if such person:

(1) Knowingly causes or attempts to cause physical injury to an employee of a mass transit system while in the scope of his or her duties by means of a deadly weapon or dangerous instrument;

(2) Knowingly causes or attempts to cause physical injury to an employee of a mass transit system while in the scope of his or her duties by means other than a deadly weapon or dangerous instrument;

(3) Recklessly causes serious physical injury to an employee of a mass transit system while in the scope of his or her duties;

(4) While in an intoxicated condition or under the influence of controlled substances or drugs, operates a motor vehicle in this state and when so operating, acts with criminal negligence to cause physical injury to an employee of a mass transit system while in the scope of his or her duties;

(5) Acts with criminal negligence to cause physical injury to an employee of a mass transit system while in the scope of his or her duties by means of a deadly weapon or dangerous instrument;

(6) Purposely or recklessly places an employee of a mass transit system while in the scope of his or her duties in apprehension of immediate serious physical injury; or

(7) Acts with criminal negligence to create a substantial risk of death or serious physical injury to an employee of a mass transit system while in the scope of his or her duties.

2. As used in this section, "mass transit system" includes employees of public bus and light rail companies.

3. Assault of an employee of a mass transit system while in the scope of his or her duties in the second degree is a class C felony unless committed under subdivision (2), (5), (6), or (7) of subsection 1 of this section in which case it is a class D felony.

565.089. 1. A person commits the crime of assault of an employee of a mass transit system while in the scope of his or her duties in the third degree if:

(1) Such person recklessly causes physical injury to an employee of a mass transit system while in the scope of his or her duties;

(2) Such person purposely places an employee of a mass transit system while in the scope of his or her duties in apprehension of immediate physical injury;

(3) Such person knowingly causes or attempts to cause physical contact with an employee of a mass transit system while in the scope of his or her duties without the consent of the employee of the mass transit system.

2. As used in this section, "mass transit system" includes employees of public bus and light rail companies.

3. Assault of an employee of a mass transit system while in the scope of his or her duties in the third degree is a class B misdemeanor."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Pace, **House Amendment No. 1** was adopted.

Representative Schatz offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for Senate Bill No. 43, Page 17, Section 302.755, Line 78, by inserting immediately after said line the following:

"302.767. Notwithstanding sections 302.700, 302.720, 302.735, 302.740, 302.755 to the contrary, the department of revenue shall have until July 8, 2015, to comply with the provisions of 49 CFR 383, 384, and 385 pertaining to the commercial driver's license testing and commercial learner's permit standards rule issued by the federal motor carrier safety administration."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Brattin offered **House Amendment No. 1 to House Amendment No. 2.**

House Amendment No. 1 to House Amendment No. 2 was withdrawn.

On motion of Representative Schatz, **House Amendment No. 2** was adopted.

Representative Jones (50) offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Committee Substitute for Senate Bill No. 43, Page 1, Section A, Line 10, by inserting after all of said section and line, the following:

"302.060. 1. The director shall not issue any license and shall immediately deny any driving privilege:

- (1) To any person who is under the age of eighteen years, if such person operates a motor vehicle in the transportation of persons or property as classified in section 302.015;
- (2) To any person who is under the age of sixteen years, except as hereinafter provided;
- (3) To any person whose license has been suspended, during such suspension, or to any person whose license has been revoked, until the expiration of one year after such license was revoked;
- (4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;
- (5) To any person who has previously been adjudged to be incapacitated and who at the time of application has not been restored to partial capacity;
- (6) To any person who, when required by this law to take an examination, has failed to pass such examination;
- (7) To any person who has an unsatisfied judgment against such person, as defined in chapter 303, until such judgment has been satisfied or the financial responsibility of such person, as defined in section 303.120, has been established;
- (8) To any person whose application shows that the person has been convicted within one year prior to such application of violating the laws of this state relating to failure to stop after an accident and to disclose the person's identity or driving a motor vehicle without the owner's consent;
- (9) To any person who has been convicted more than twice of violating state law, or a county or municipal ordinance where the defendant was represented by or waived the right to an attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten years from the date of conviction of the last offense of violating such law or ordinance relating to driving while intoxicated, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction, including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been convicted, pled guilty to or been found guilty of, and has no pending charges for any offense related to alcohol, controlled substances or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during the preceding ten years and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court [may] **shall** order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540. No person may obtain a license pursuant to the provisions of this subdivision through court action more than one time;

(10) To any person who has pled guilty to or been convicted of the crime of involuntary manslaughter while operating a motor vehicle in an intoxicated condition, or to any person who has been convicted twice within a five-year period of violating state law, county or municipal ordinance of driving while intoxicated, or any other intoxication-related traffic offense as defined in section 577.023, except that, after the expiration of five years from the date of conviction of the last offense of violating such law or ordinance, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction, including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been convicted, pled guilty to, or been found guilty of, and has no pending charges for any offense related to alcohol, controlled substances, or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during the preceding five years, and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court [may] **shall** order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540;

(11) To any person who is otherwise disqualified pursuant to the provisions of sections 302.010 to 302.780, chapter 303, or section 544.046;

(12) To any person who is under the age of eighteen years, if such person's parents or legal guardians file a certified document with the department of revenue stating that the director shall not issue such person a driver's license. Each document filed by the person's parents or legal guardians shall be made upon a form furnished by the director and shall include identifying information of the person for whom the parents or legal guardians are denying the driver's license. The document shall also contain identifying information of the person's parents or legal guardians. The document shall be certified by the parents or legal guardians to be true and correct. This provision shall not apply to any person who is legally emancipated. The parents or legal guardians may later file an additional document with the department of revenue which reinstates the person's ability to receive a driver's license.

2. Any person whose license is reinstated under the provisions of [subdivisions (9) and (10)] **subdivision (9) or (10)** of subsection 1 of this section shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device required for reinstatement under this subsection and for obtaining a limited driving privilege under paragraph (a) or (b) of subdivision (8) of subsection 3 of section 302.309 shall have photo identification technology and global positioning system features. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months. If the person fails to maintain such proof with the director, the license shall be suspended for the remainder of the six-month period or until proof as required by this section is filed with the director. Upon the completion of the six-month period, the license shall be shown as reinstated, if the person is otherwise eligible.

3. Any person who petitions the court for reinstatement of his or her license pursuant to subdivision (9) or (10) of subsection 1 of this section shall make application with the Missouri state highway patrol as provided in section 43.540, and shall submit two sets of fingerprints collected pursuant to standards as determined by the highway patrol. One set of fingerprints shall be used by the highway patrol to search the criminal history repository and the second set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files. At the time of application, the applicant shall supply to the highway patrol the court name and case number for the court where he or she has filed his or her petition for reinstatement. The applicant shall pay the fee for the state criminal history check pursuant to section 43.530 and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record. The Missouri highway patrol, upon receipt of the results of the criminal history check, shall forward a copy of the results to the circuit court designated by the applicant and to the department. Notwithstanding the provisions of section 610.120, all records related to any criminal history check shall be accessible and available to the director and the court.

[302.060. 1. The director shall not issue any license and shall immediately deny any driving privilege:

(1) To any person who is under the age of eighteen years, if such person operates a motor vehicle in the transportation of persons or property as classified in section 302.015;

(2) To any person who is under the age of sixteen years, except as hereinafter provided;

(3) To any person whose license has been suspended, during such suspension, or to any person whose license has been revoked, until the expiration of one year after such license was revoked;

(4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;

(5) To any person who has previously been adjudged to be incapacitated and who at the time of application has not been restored to partial capacity;

(6) To any person who, when required by this law to take an examination, has failed to pass such examination;

(7) To any person who has an unsatisfied judgment against such person, as defined in chapter 303, until such judgment has been satisfied or the financial responsibility of such person, as defined in section 303.120, has been established;

(8) To any person whose application shows that the person has been convicted within one year prior to such application of violating the laws of this state relating to failure to stop after an accident and to disclose the person's identity or driving a motor vehicle without the owner's consent;

(9) To any person who has been convicted more than twice of violating state law, or a county or municipal ordinance where the defendant was represented by or waived the right to an attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten years from the date of conviction of the last offense of violating such law or ordinance relating to driving while intoxicated, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction, including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been convicted, pled guilty to or been found guilty of, and has no pending charges for any offense related to alcohol, controlled substances or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during the preceding ten years and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court may order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540. No person may obtain a license pursuant to the provisions of this subdivision through court action more than one time;

(10) To any person who has pled guilty to or been convicted of the crime of involuntary manslaughter while operating a motor vehicle in an intoxicated condition, or to any person who has been convicted twice within a five-year period of violating state law, county or municipal ordinance of driving while intoxicated, or any other intoxication-related traffic offense as defined in section 577.023, except that, after the expiration of five years from the date of conviction of the last offense of violating such law or ordinance, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction, including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been convicted, pled guilty to, or been found guilty of, and has no pending charges for any offense related to alcohol, controlled substances, or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during the preceding five years, and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court may order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540;

(11) To any person who is otherwise disqualified pursuant to the provisions of sections 302.010 to 302.780, chapter 303, or section 544.046;

(12) To any person who is under the age of eighteen years, if such person's parents or legal guardians file a certified document with the department of revenue stating that the director shall not issue such person a driver's license. Each document filed by the person's parents or legal guardians shall be made upon a form furnished by the director and shall include identifying information of the person for whom the parents or legal guardians are denying the driver's license. The document shall also contain identifying information of the person's parents or legal guardians. The document shall be certified by the parents or legal guardians to be true and correct. This provision shall not apply to any person who is legally emancipated. The parents or legal guardians may later file an additional document with the department of revenue which reinstates the person's ability to receive a driver's license.

2. Any person whose license is reinstated under the provisions of subdivisions (9) and (10) of subsection 1 of this section shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the person fails to maintain such proof with the director, the license shall be suspended for the remainder of the six-month period or until proof as required by this section is filed with the director. Upon the completion of the six-month period, the license shall be shown as reinstated, if the person is otherwise eligible.

3. Any person who petitions the court for reinstatement of his or her license pursuant to subdivision (9) or (10) of subsection 1 of this section shall make application with the Missouri state highway patrol as provided in section 43.540, and shall submit two sets of fingerprints collected pursuant to standards as determined by the highway patrol. One set of fingerprints shall be used by the highway patrol to search the criminal history repository and the second set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files. At the time of application, the applicant shall supply to the highway patrol the court name and case number for the court where he or she has filed his or her petition for reinstatement. The applicant shall pay the fee for the state criminal history check pursuant to section 43.530 and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record. The Missouri highway patrol, upon receipt of the results of the criminal history check, shall forward a copy of the results to the circuit court designated by the applicant and to the department. Notwithstanding the provisions of section 610.120, all records related to any criminal history check shall be accessible and available to the director and the court.]"; and

"302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

(1) Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in section 302.303. 2 points
(except any violation of municipal stop sign ordinance where no accident is involved. 1 point)

(2) Speeding
In violation of a state law. 3 points
In violation of a county or municipal ordinance. 2 points

(3) Leaving the scene of an accident in violation of section 577.060. 12 points
In violation of any county or municipal ordinance. 6 points

(4) Careless and imprudent driving in violation of subsection 4 of section 304.016. 4 points
In violation of a county or municipal ordinance. 2 points

(5) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020:
(a) For the first conviction. 2 points
(b) For the second conviction. 4 points
(c) For the third conviction. 6 points
(6) Operating with a suspended or revoked license prior to restoration of operating privileges. . . . 12 points
(7) Obtaining a license by misrepresentation. 12 points
(8) For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs. 8 points

(9) For the second or subsequent conviction of any of the following offenses however combined: driving while in an intoxicated condition, driving under the influence of controlled substances or drugs or driving with a blood alcohol content of eight-hundredths of one percent or more by weight. 12 points

(10) For the first conviction for driving with blood alcohol content eight-hundredths of one percent or more by weight

In violation of state law. 8 points
In violation of a county or municipal ordinance or federal law or regulation. 8 points

(11) Any felony involving the use of a motor vehicle. 12 points
(12) Knowingly permitting unlicensed operator to operate a motor vehicle. 4 points

(13) For a conviction for failure to maintain financial responsibility pursuant to county or municipal ordinance or pursuant to section 303.025. 4 points

- (14) Endangerment of a highway worker in violation of section 304.585. 4 points
- (15) Aggravated endangerment of a highway worker in violation of section 304.585. 12 points
- (16) For a conviction of violating a municipal ordinance that prohibits tow truck operators from stopping at or proceeding to the scene of an accident unless they have been requested to stop or proceed to such scene by a party involved in such accident or by an officer of a public safety agency. 4 points

2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020, when the director issues such operator a license or permit pursuant to the provisions of sections 302.010 to 302.340.

3. An additional two points shall be assessed when personal injury or property damage results from any violation listed in subdivisions (1) to (13) of subsection 1 of this section and if found to be warranted and certified by the reporting court.

4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this section constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for offenses arising out of the same occurrence.

5. The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver-improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle-rider training course approved by the state highways and transportation commission, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700 or a violation committed by an individual who has been issued a commercial driver's license or is required to obtain a commercial driver's license in this state or any other state, shall be accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4) of subsection 1 of this section or pursuant to subsection 3 of this section. **The operator shall be given the option to complete the driver-improvement program through an online or in-person course.** A court using a centralized violation bureau established under section 476.385 may elect to have the bureau order and verify completion of a driver-improvement program or motorcycle-rider training course as prescribed by order of the court. For the purposes of this subsection, the driver-improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the state highways and transportation commission pursuant to sections 302.133 to 302.137. The completion of a driver-improvement program or a motorcycle-rider training course shall not be accepted in lieu of points more than one time in any thirty-six-month period and shall be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days after completion of the driver-improvement program or motorcycle-rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection."; and

"302.304. 1. The director shall notify by ordinary mail any operator of the point value charged against the operator's record when the record shows four or more points have been accumulated in a twelve-month period.

2. In an action to suspend or revoke a license or driving privilege under this section points shall be accumulated on the date of conviction. No case file of any conviction for a driving violation for which points may be assessed pursuant to section 302.302 may be closed until such time as a copy of the record of such conviction is forwarded to the department of revenue.

3. The director shall suspend the license and driving privileges of any person whose driving record shows the driver has accumulated eight points in eighteen months.

4. The license and driving privilege of any person whose license and driving privilege have been suspended under the provisions of sections 302.010 to 302.540 except those persons whose license and driving privilege have been suspended under the provisions of subdivision (8) of subsection 1 of section 302.302 or has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 and who has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible, shall be reinstated as follows:

- (1) In the case of an initial suspension, thirty days after the effective date of the suspension;
- (2) In the case of a second suspension, sixty days after the effective date of the suspension;

(3) In the case of the third and subsequent suspensions, ninety days after the effective date of the suspension. Unless proof of financial responsibility is filed with the department of revenue, a suspension shall continue in effect for two years from its effective date.

5. The period of suspension of the driver's license and driving privilege of any person under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving privilege as defined in section 302.010. Upon completion of such period of restricted driving privilege, upon compliance with other requirements of law and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. If a person, otherwise subject to the provisions of this subsection, files proof of installation with the department of revenue that any vehicle operated by such person is equipped with a functioning, certified ignition interlock device, [then the] **there shall be no** period of suspension [shall be fifteen days, followed by a seventy-five day] . **However, in lieu of a suspension the person shall instead complete a ninety-day** period of restricted driving privilege. If the person fails to maintain such proof of the device with the director of revenue as required, the restricted driving privilege shall be terminated. Upon completion of such [seventy-five day] **ninety-day** period of restricted driving privilege, upon compliance with other requirements of law, and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. However, if the monthly monitoring reports during such [seventy-five day] **ninety-day** period indicate that the ignition interlock device has registered a **confirmed** blood alcohol concentration level above the alcohol setpoint established by the department of transportation or such reports indicate that the ignition interlock device has been tampered with or circumvented, then the license and driving privilege of such person shall not be reinstated until the person completes an additional [seventy-five day] **thirty-day** period of restricted driving privilege [without any such violations].

6. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, or, if applicable, if the person fails to maintain proof that any vehicle operated is equipped with a functioning, certified ignition interlock device installed pursuant to subsection 5 of this section, the person's driving privilege and license shall be resuspended.

7. The director shall revoke the license and driving privilege of any person when the person's driving record shows such person has accumulated twelve points in twelve months or eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation period of any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303 and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's license and driving privilege shall be rerevoked. Any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the revocation from the director, pass the complete driver examination and apply for a new license before again operating a motor vehicle upon the highways of this state.

8. If, prior to conviction for an offense that would require suspension or revocation of a person's license under the provisions of this section, the person's total points accumulated are reduced, pursuant to the provisions of section 302.306, below the number of points required for suspension or revocation pursuant to the provisions of this section, then the person's license shall not be suspended or revoked until the necessary points are again obtained and accumulated.

9. If any person shall neglect or refuse to surrender the person's license, as provided herein, the director shall direct the state highway patrol or any peace or police officer to secure possession thereof and return it to the director.

10. Upon the issuance of a reinstatement or termination notice after a suspension or revocation of any person's license and driving privilege under the provisions of sections 302.010 to 302.540, the accumulated point value shall be reduced to four points, except that the points of any person serving as a member of the Armed Forces of the United States outside the limits of the United States during a period of suspension or revocation shall be reduced to zero upon the date of the reinstatement or termination of notice. It shall be the responsibility of such member of the Armed Forces to submit copies of official orders to the director of revenue to substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four points remaining on the record upon reinstatement or termination shall be the date of the reinstatement or termination notice.

11. No credit toward reduction of points shall be given during periods of suspension or revocation or any period of driving under a limited driving privilege granted by a court or the director of revenue.

12. Any person or nonresident whose license or privilege to operate a motor vehicle in this state has been suspended or revoked under this or any other law shall, before having the license or privilege to operate a motor vehicle

reinstated, pay to the director a reinstatement fee of twenty dollars which shall be in addition to all other fees provided by law.

13. Notwithstanding any other provision of law to the contrary, if after two years from the effective date of any suspension or revocation issued under this chapter, the person or nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate such license or privilege to operate a motor vehicle in this state.

14. No person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (8), (9) or (10) of subsection 1 of section 302.302 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, or a program determined to be comparable by the department of mental health. Assignment recommendations, based upon the needs assessment as described in subdivision [(22)] **(24)** of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.023 or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

15. The fees for the program authorized in subsection 14 of this section, or a portion thereof to be determined by the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee in an amount to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 and section 577.001 or a program determined to be comparable by the department of mental health. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rate established pursuant to the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053.

16. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.

17. Any person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a [violation under subdivision (9) of subsection 1 of section 302.302] **conviction for an intoxication-related traffic offense as defined under section 577.023, and who has a prior alcohol-related enforcement contact as defined under section 302.525**, shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement of the license. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months. If the person fails to maintain such proof with the director, the license shall be resuspended or revoked and the person shall be guilty of a class A misdemeanor.

[302.304. 1. The director shall notify by ordinary mail any operator of the point value charged against the operator's record when the record shows four or more points have been accumulated in a twelve-month period.

2. In an action to suspend or revoke a license or driving privilege under this section points shall be accumulated on the date of conviction. No case file of any conviction for a driving violation for which points may be assessed pursuant to section 302.302 may be closed until such time as a copy of the record of such conviction is forwarded to the department of revenue.

3. The director shall suspend the license and driving privileges of any person whose driving record shows the driver has accumulated eight points in eighteen months.

4. The license and driving privilege of any person whose license and driving privilege have been suspended under the provisions of sections 302.010 to 302.540 except those persons whose license and driving privilege have been suspended under the provisions of subdivision (8) of subsection 1 of section 302.302 or has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 and who has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible, shall be reinstated as follows:

(1) In the case of an initial suspension, thirty days after the effective date of the suspension;

(2) In the case of a second suspension, sixty days after the effective date of the suspension;

(3) In the case of the third and subsequent suspensions, ninety days after the effective date of the suspension.

Unless proof of financial responsibility is filed with the department of revenue, a suspension shall continue in effect for two years from its effective date.

5. The period of suspension of the driver's license and driving privilege of any person under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving privilege as defined in section 302.010. Upon completion of such period of restricted driving privilege, upon compliance with other requirements of law and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated.

6. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's driving privilege and license shall be resuspended.

7. The director shall revoke the license and driving privilege of any person when the person's driving record shows such person has accumulated twelve points in twelve months or eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation period of any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303 and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's license and driving privilege shall be rerevoked. Any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the revocation from the director, pass the complete driver examination and apply for a new license before again operating a motor vehicle upon the highways of this state.

8. If, prior to conviction for an offense that would require suspension or revocation of a person's license under the provisions of this section, the person's total points accumulated are reduced, pursuant to the provisions of section 302.306, below the number of points required for suspension or revocation pursuant to the provisions of this section, then the person's license shall not be suspended or revoked until the necessary points are again obtained and accumulated.

9. If any person shall neglect or refuse to surrender the person's license, as provided herein, the director shall direct the state highway patrol or any peace or police officer to secure possession thereof and return it to the director.

10. Upon the issuance of a reinstatement or termination notice after a suspension or revocation of any person's license and driving privilege under the provisions of sections 302.010 to 302.540, the accumulated point value shall be reduced to four points, except that the points of any

person serving as a member of the Armed Forces of the United States outside the limits of the United States during a period of suspension or revocation shall be reduced to zero upon the date of the reinstatement or termination of notice. It shall be the responsibility of such member of the Armed Forces to submit copies of official orders to the director of revenue to substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four points remaining on the record upon reinstatement or termination shall be the date of the reinstatement or termination notice.

11. No credit toward reduction of points shall be given during periods of suspension or revocation or any period of driving under a limited driving privilege granted by a court or the director of revenue.

12. Any person or nonresident whose license or privilege to operate a motor vehicle in this state has been suspended or revoked under this or any other law shall, before having the license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee of twenty dollars which shall be in addition to all other fees provided by law.

13. Notwithstanding any other provision of law to the contrary, if after two years from the effective date of any suspension or revocation issued under this chapter, the person or nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate such license or privilege to operate a motor vehicle in this state.

14. No person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (8), (9) or (10) of subsection 1 of section 302.302 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, or a program determined to be comparable by the department of mental health. Assignment recommendations, based upon the needs assessment as described in subdivision (22) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.023 or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

15. The fees for the program authorized in subsection 14 of this section, or a portion thereof to be determined by the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee in an amount to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 and section 577.001 or a program determined to be comparable by the department of mental health. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rate established pursuant to the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053.

16. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.

17. Any person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (9) of subsection 1 of section 302.302 shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement of the license. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the person fails to maintain such proof with the director, the license shall be resuspended or revoked and the person shall be guilty of a class A misdemeanor.]" and

"[302.309. 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309, the director of revenue shall return the license to the operator immediately upon the termination of the period of suspension and upon compliance with the requirements of chapter 303.

2. Any operator whose license is revoked pursuant to these sections, upon the termination of the period of revocation, shall apply for a new license in the manner prescribed by law.

3. (1) All circuit courts, the director of revenue, or a commissioner operating under section 478.007 shall have jurisdiction to hear applications and make eligibility determinations granting limited driving privileges. Any application may be made in writing to the director of revenue and the person's reasons for requesting the limited driving privilege shall be made therein.

(2) When any court of record having jurisdiction or the director of revenue finds that an operator is required to operate a motor vehicle in connection with any of the following:

- (a) A business, occupation, or employment;
- (b) Seeking medical treatment for such operator;
- (c) Attending school or other institution of higher education;
- (d) Attending alcohol or drug treatment programs;
- (e) Seeking the required services of a certified ignition interlock device provider; or
- (f) Any other circumstance the court or director finds would create an undue hardship on the operator;

the court or director may grant such limited driving privilege as the circumstances of the case justify if the court or director finds undue hardship would result to the individual, and while so operating a motor vehicle within the restrictions and limitations of the limited driving privilege the driver shall not be guilty of operating a motor vehicle without a valid license.

(3) An operator may make application to the proper court in the county in which such operator resides or in the county in which is located the operator's principal place of business or employment. Any application for a limited driving privilege made to a circuit court shall name the director as a party defendant and shall be served upon the director prior to the grant of any limited privilege, and shall be accompanied by a copy of the applicant's driving record as certified by the director. Any applicant for a limited driving privilege shall have on file with the department of revenue proof of financial responsibility as required by chapter 303. Any application by a person who transports persons or property as classified in section 302.015 may be accompanied by proof of financial responsibility as required by chapter 303, but if proof of financial responsibility does not accompany the application, or if the applicant does not have on file with the department of revenue proof of financial responsibility, the court or the director has discretion to grant the limited driving privilege to the person solely for the purpose of operating a vehicle whose owner has complied with chapter 303 for that vehicle, and the limited driving privilege must state such restriction. When operating such vehicle under such restriction the person shall carry proof that the owner has complied with chapter 303 for that vehicle.

(4) No limited driving privilege shall be issued to any person otherwise eligible under the provisions of paragraph (a) of subdivision (6) of this subsection on a license revocation resulting from a conviction under subdivision (9) of subsection 1 of section 302.302, or a license denial under paragraph (a) or (b) of subdivision (8) of this subsection, until the applicant has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of limited driving privilege.

(5) The court order or the director's grant of the limited or restricted driving privilege shall indicate the termination date of the privilege, which shall be not later than the end of the period of suspension or revocation. A copy of any court order shall be sent by the clerk of the court to the director, and a copy shall be given to the driver which shall be carried by the driver whenever such driver operates a motor vehicle. The director of revenue upon granting a limited driving privilege shall give a copy of the limited driving privilege to the applicant. The applicant shall carry a copy of the limited driving privilege while operating a motor vehicle. A conviction which results in the assessment of points pursuant to section 302.302, other than a violation of a municipal stop sign ordinance where no accident is involved, against a driver who is operating a vehicle pursuant to a limited driving privilege terminates the privilege, as of the date the points are assessed to the person's driving record. If the date of arrest is prior to the issuance of the limited driving privilege, the privilege shall not be terminated. Failure of the driver to maintain proof of financial responsibility, as required by chapter 303, or to maintain proof of installation of a functioning, certified ignition interlock device, as applicable, shall terminate the privilege. The director shall notify by ordinary mail the driver whose privilege is so terminated.

(6) Except as provided in subdivision (8) of this subsection, no person is eligible to receive a limited driving privilege who at the time of application for a limited driving privilege has previously been granted such a privilege within the immediately preceding five years, or whose license has been suspended or revoked for the following reasons:

(a) A conviction of violating the provisions of section 577.010 or 577.012, or any similar provision of any federal or state law, or a municipal or county law where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in writing, until the person has completed the first thirty days of a suspension or revocation imposed pursuant to this chapter;

(b) A conviction of any felony in the commission of which a motor vehicle was used;

(c) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5), (6), (7), (8), (9), (10) or (11) of section 302.060;

(d) Because of operating a motor vehicle under the influence of narcotic drugs, a controlled substance as defined in chapter 195, or having left the scene of an accident as provided in section 577.060;

(e) Due to a revocation for the first time for failure to submit to a chemical test pursuant to section 577.041 or due to a refusal to submit to a chemical test in any other state, if such person has not completed the first ninety days of such revocation;

(f) Violation more than once of the provisions of section 577.041 or a similar implied consent law of any other state; or

(g) Due to a suspension pursuant to subsection 2 of section 302.525 and who has not completed the first thirty days of such suspension, provided the person is not otherwise ineligible for a limited driving privilege; or due to a revocation pursuant to subsection 2 of section 302.525 if such person has not completed such revocation.

(7) No person who possesses a commercial driver's license shall receive a limited driving privilege issued for the purpose of operating a commercial motor vehicle if such person's driving privilege is suspended, revoked, cancelled, denied, or disqualified. Nothing in this section shall prohibit the issuance of a limited driving privilege for the purpose of operating a noncommercial motor vehicle provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege.

(8) (a) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of ten years, as prescribed in subdivision (9) of subsection 1 of section 302.060, to apply for a limited driving privilege pursuant

to this subsection if such person has served at least three years of such disqualification or revocation. Such person shall present evidence satisfactory to the court or the director that such person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding three years and that the person's habits and conduct show that the person no longer poses a threat to the public safety of this state. The court or the director shall review the results of a criminal history check prior to granting any limited privilege under this subdivision. If the court or the director finds that the petitioner has been convicted, pled guilty to, or been found guilty of, or has a pending charge for any offense related to alcohol, controlled substances, or drugs, or has any other alcohol-related enforcement contact as defined in section 302.525 during the preceding three years, the court or the director shall not grant a limited driving privilege to the applicant.

(b) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege or convicted of involuntary manslaughter while operating a motor vehicle in an intoxicated condition, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of five years because of two convictions of driving while intoxicated, as prescribed in subdivision (10) of subsection 1 of section 302.060, to apply for a limited driving privilege pursuant to this subsection if such person has served at least two years of such disqualification or revocation. Such person shall present evidence satisfactory to the court or the director that such person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding two years and that the person's habits and conduct show that the person no longer poses a threat to the public safety of this state. The court or the director shall review the results of a criminal history check prior to granting any limited privilege under this subdivision. If the court or director finds that the petitioner has been convicted, pled guilty to, or been found guilty of, or has a pending charge for any offense related to alcohol, controlled substances, or drugs, or has any other alcohol-related enforcement contact as defined in section 302.525 during the preceding two years, the court or the director shall not grant a limited driving privilege to the applicant. Any person who is denied a license permanently in this state because of an alcohol-related conviction subsequent to a restoration of such person's driving privileges pursuant to subdivision (9) of section 302.060 shall not be eligible for limited driving privilege pursuant to the provisions of this subdivision.

(9) A DWI docket or court established under section 478.007 may grant a limited driving privilege to a participant in or graduate of the program who would otherwise be ineligible for such privilege under another provision of law. The DWI docket or court shall not grant a limited driving privilege to a participant during his or her initial forty-five days of participation.

4. Any person who has received notice of denial of a request of limited driving privilege by the director of revenue may make a request for a review of the director's determination in the circuit court of the county in which the person resides or the county in which is located the person's principal place of business or employment within thirty days of the date of mailing of the notice of denial. Such review shall be based upon the records of the department of revenue and other competent evidence and shall be limited to a review of whether the applicant was statutorily entitled to the limited driving privilege.

5. Any person who petitions a court or makes application with the director for a limited driving privilege pursuant to paragraph (a) or (b) of subdivision (8) of subsection 3 of this section shall make application with the Missouri state highway patrol as provided in section 43.540 and shall submit two sets of fingerprints collected pursuant to standards as determined by the highway patrol. One set of fingerprints shall be used by the highway patrol to search the criminal history repository and the second set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files. At the time of application, the applicant shall supply to the highway patrol the court name and case number for the court where he or she has filed his or her petition for limited driving privileges. The applicant shall pay the fee for the state criminal history record information pursuant to section 43.530 and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record. The Missouri highway patrol, upon receipt of the results of the criminal history check, shall forward the results to the circuit court designated by the applicant and to the department. Notwithstanding the provisions of section 610.120, all records related to any criminal history check shall be accessible and available to the director and the court.

6. The director of revenue shall promulgate rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.]

302.309. 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309, the director of revenue shall return the license to the operator immediately upon the termination of the period of suspension and upon compliance with the requirements of chapter 303.

2. Any operator whose license is revoked pursuant to these sections, upon the termination of the period of revocation, shall apply for a new license in the manner prescribed by law.

3. (1) All circuit courts, the director of revenue, or a commissioner operating under section 478.007 shall have jurisdiction to hear applications and make eligibility determinations granting limited driving privileges, **except as provided under subdivision (8) of this subsection**. Any application may be made in writing to the director of revenue and the person's reasons for requesting the limited driving privilege shall be made therein.

(2) When any court of record having jurisdiction or the director of revenue finds that an operator is required to operate a motor vehicle in connection with any of the following:

- (a) A business, occupation, or employment;
- (b) Seeking medical treatment for such operator;
- (c) Attending school or other institution of higher education;
- (d) Attending alcohol or drug treatment programs;
- (e) Seeking the required services of a certified ignition interlock device provider; or
- (f) Any other circumstance the court or director finds would create an undue hardship on the operator[;] ,

the court or director may grant such limited driving privilege as the circumstances of the case justify if the court or director finds undue hardship would result to the individual, and while so operating a motor vehicle within the restrictions and limitations of the limited driving privilege the driver shall not be guilty of operating a motor vehicle without a valid license.

(3) An operator may make application to the proper court in the county in which such operator resides or in the county in which is located the operator's principal place of business or employment. Any application for a limited driving privilege made to a circuit court shall name the director as a party defendant and shall be served upon the director prior to the grant of any limited privilege, and shall be accompanied by a copy of the applicant's driving record as certified by the director. Any applicant for a limited driving privilege shall have on file with the department of revenue proof of financial responsibility as required by chapter 303. Any application by a person who transports persons or property as classified in section 302.015 may be accompanied by proof of financial responsibility as required by chapter 303, but if proof of financial responsibility does not accompany the application, or if the applicant does not have on file with the department of revenue proof of financial responsibility, the court or the director has discretion to grant the limited driving privilege to the person solely for the purpose of operating a vehicle whose owner has complied with chapter 303 for that vehicle, and the limited driving privilege must state such restriction. When operating such vehicle under such restriction the person shall carry proof that the owner has complied with chapter 303 for that vehicle.

(4) No limited driving privilege shall be issued to any person otherwise eligible under the provisions of paragraph (a) of subdivision (6) of this subsection on a license revocation resulting from a conviction under subdivision (9) of subsection 1 of section 302.302, or a license denial under paragraph (a) or (b) of subdivision (8) of this subsection, or a license revocation under paragraph (h) of subdivision (6) of this subsection, until the applicant has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of limited driving privilege. The ignition interlock device required for obtaining a limited driving privilege under paragraph (a) or (b) of subdivision (8) of this subsection shall have photo identification technology and global positioning system features.

(5) The court order or the director's grant of the limited or restricted driving privilege shall indicate the termination date of the privilege, which shall be not later than the end of the period of suspension or revocation. The court order or the director's grant of the limited or restricted driving privilege shall also indicate whether a functioning, certified ignition interlock device is required as a condition of operating a motor vehicle with the limited driving privilege. A copy of any court order shall be sent by the clerk of the court to the director, and a copy shall be given to

the driver which shall be carried by the driver whenever such driver operates a motor vehicle. The director of revenue upon granting a limited driving privilege shall give a copy of the limited driving privilege to the applicant. The applicant shall carry a copy of the limited driving privilege while operating a motor vehicle. A conviction which results in the assessment of points pursuant to section 302.302, other than a violation of a municipal stop sign ordinance where no accident is involved, against a driver who is operating a vehicle pursuant to a limited driving privilege terminates the privilege, as of the date the points are assessed to the person's driving record. If the date of arrest is prior to the issuance of the limited driving privilege, the privilege shall not be terminated. Failure of the driver to maintain proof of financial responsibility, as required by chapter 303, or to maintain proof of installation of a functioning, certified ignition interlock device, as applicable, shall terminate the privilege. The director shall notify by ordinary mail the driver whose privilege is so terminated.

(6) Except as provided in subdivision (8) of this subsection, no person is eligible to receive a limited driving privilege [who] **whose license** at the time of application [for a limited driving privilege has previously been granted such a privilege within the immediately preceding five years, or whose license] has been suspended or revoked for the following reasons:

(a) A conviction of violating the provisions of section 577.010 or 577.012, or any similar provision of any federal or state law, or a municipal or county law where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in writing, until the person has completed the first thirty days of a suspension or revocation imposed pursuant to this chapter;

(b) A conviction of any felony in the commission of which a motor vehicle was used;

(c) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5), (6), (7), (8), (9), (10) or (11) of **subsection 1 of section 302.060**;

(d) Because of operating a motor vehicle under the influence of narcotic drugs, a controlled substance as defined in chapter 195, or having left the scene of an accident as provided in section 577.060;

(e) Due to a revocation for [the first time for] failure to submit to a chemical test pursuant to section 577.041 or due to a refusal to submit to a chemical test in any other state, [if] **unless** such person has [not] completed the first ninety days of such revocation[;

(f) Violation more than once of the provisions of section 577.041 or a similar implied consent law of any other state] **and files proof of installation with the department of revenue that any vehicle operated by such person is equipped with a functioning, certified ignition interlock device, provided the person is not otherwise ineligible for a limited driving privilege**;

[(g)] **(f)** Due to a suspension pursuant to subsection 2 of section 302.525 and who has not completed the first thirty days of such suspension, provided the person is not otherwise ineligible for a limited driving privilege; or

[(h)] **(g)** Due to a revocation pursuant to subsection 2 of section 302.525 if such person has not completed the first forty-five days of such revocation, provided the person is not otherwise ineligible for a limited driving privilege.

(7) No person who possesses a commercial driver's license shall receive a limited driving privilege issued for the purpose of operating a commercial motor vehicle if such person's driving privilege is suspended, revoked, cancelled, denied, or disqualified. Nothing in this section shall prohibit the issuance of a limited driving privilege for the purpose of operating a noncommercial motor vehicle provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege.

(8) (a) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of ten years, as prescribed in subdivision (9) of **subsection 1 of section 302.060**, to apply for a limited driving privilege pursuant to this subsection [if such person has served at least forty-five days of such disqualification or revocation]. Such person shall present evidence satisfactory to the court or the director that such [person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding forty-five days and that the] person's habits and conduct show that the person no longer poses a threat to the public safety of this state. **A circuit court shall grant a limited driving privilege to any individual who otherwise is eligible to receive a limited driving privilege, has filed proof of installation of a certified ignition interlock device, and has had no alcohol-related enforcement contacts since the alcohol-related enforcement contact that resulted in the person's license denial.**

(b) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege or convicted of involuntary manslaughter while operating a motor vehicle in an intoxicated condition, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of five years because of two convictions of driving while intoxicated, as prescribed in subdivision (10) of **subsection 1 of section 302.060**, to apply for a limited driving privilege pursuant to this subsection [if such person has served at least forty-five

days of such disqualification or revocation]. Such person shall present evidence satisfactory to the court or the director that such [person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding forty-five days and that the] person's habits and conduct show that the person no longer poses a threat to the public safety of this state. Any person who is denied a license permanently in this state because of an alcohol-related conviction subsequent to a restoration of such person's driving privileges pursuant to subdivision (9) of section 302.060 shall not be eligible for limited driving privilege pursuant to the provisions of this subdivision. **A circuit court shall grant a limited driving privilege to any individual who otherwise is eligible to receive a limited driving privilege, has filed proof of installation of a certified ignition interlock device, and has had no alcohol-related enforcement contacts since the alcohol-related enforcement contact that resulted in the person's license denial.**

(9) A DWI docket or court established under section 478.007 may grant a limited driving privilege to a participant in or graduate of the program who would otherwise be ineligible for such privilege under another provision of law. The DWI docket or court shall not grant a limited driving privilege to a participant during his or her initial forty-five days of participation.

4. Any person who has received notice of denial of a request of limited driving privilege by the director of revenue may make a request for a review of the director's determination in the circuit court of the county in which the person resides or the county in which is located the person's principal place of business or employment within thirty days of the date of mailing of the notice of denial. Such review shall be based upon the records of the department of revenue and other competent evidence and shall be limited to a review of whether the applicant was statutorily entitled to the limited driving privilege.

5. The director of revenue shall promulgate rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void."; and

"302.525. 1. The license suspension or revocation shall become effective fifteen days after the subject person has received the notice of suspension or revocation as provided in section 302.520, or is deemed to have received the notice of suspension or revocation by mail as provided in section 302.515. If a request for a hearing is received by or postmarked to the department within that fifteen-day period, the effective date of the suspension or revocation shall be stayed until a final order is issued following the hearing; provided, that any delay in the hearing which is caused or requested by the subject person or counsel representing that person without good cause shown shall not result in a stay of the suspension or revocation during the period of delay.

2. The period of license suspension or revocation under this section shall be as follows:

(1) If the person's driving record shows no prior alcohol-related enforcement contacts during the immediately preceding five years, the period of suspension shall be thirty days after the effective date of suspension, followed by a sixty-day period of restricted driving privilege as defined in section 302.010 and issued by the director of revenue. The restricted driving privilege shall not be issued until he or she has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible. The restricted driving privilege shall indicate whether a functioning, certified ignition interlock device is required as a condition of operating a motor vehicle. A copy of the restricted driving privilege shall be given to the person and such person shall carry a copy of the restricted driving privilege while operating a motor vehicle. In no case shall restricted driving privileges be issued pursuant to this section or section 302.535 until the person has completed the first thirty days of a suspension under this section. If a person otherwise subject to the provisions of this subdivision files proof of installation with the department of revenue that any vehicle [operated] **that he or she operates** is equipped with a functioning, certified ignition interlock device, [then the] **there shall be no** period of suspension [shall be fifteen days, followed by a seventy-five day]. **However, in lieu of a suspension the person shall instead complete a ninety-day** period of restricted driving privilege. Upon completion of such [seventy-five day] **ninety-day** period of restricted driving privilege, [upon] compliance with other requirements of law, and [upon] filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. However, if the monthly monitoring reports during such [seventy-five day] **ninety-day** period indicate that the ignition interlock device has registered a **confirmed** blood alcohol concentration level above the alcohol setpoint established by the department of transportation or such reports indicate that the ignition interlock device has been tampered with or circumvented, then the license and driving privilege of such person shall not be reinstated until the person completes an additional [seventy-five day] **thirty-day** period of

restricted driving privilege [without any such violations]. If the person fails to maintain such proof of the device with the director of revenue as required, the restricted driving privilege shall be terminated;

(2) The period of revocation shall be one year if the person's driving record shows one or more prior alcohol-related enforcement contacts during the immediately preceding five years;

(3) In no case shall restricted driving privileges be issued under this section to any person whose driving record shows one or more prior alcohol-related enforcement contacts until the person has completed the first thirty days of a suspension under this section and has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of the restricted driving privilege. If the person fails to maintain such proof the restricted driving privilege shall be terminated.

3. For purposes of this section, "alcohol-related enforcement contacts" shall include any suspension or revocation under sections 302.500 to 302.540, any suspension or revocation entered in this or any other state for a refusal to submit to chemical testing under an implied consent law, and any conviction in this or any other state for a violation which involves driving while intoxicated, driving while under the influence of drugs or alcohol, or driving a vehicle while having an unlawful alcohol concentration.

4. Where a license is suspended or revoked under this section and the person is also convicted on charges arising out of the same occurrence for a violation of section 577.010 or 577.012 or for a violation of any county or municipal ordinance prohibiting driving while intoxicated or alcohol-related traffic offense, both the suspension or revocation under this section and any other suspension or revocation arising from such convictions shall be imposed, but the period of suspension or revocation under sections 302.500 to 302.540 shall be credited against any other suspension or revocation arising from such convictions, and the total period of suspension or revocation shall not exceed the longer of the two suspension or revocation periods.

5. Any person who has had a license to operate a motor vehicle revoked under this section or suspended under this section with one or more prior alcohol-related enforcement contacts showing on their driver record shall be required to file proof with the director of revenue that any motor vehicle operated by that person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months. If the person fails to maintain such proof with the director, the license shall be resuspended or revoked, as applicable.

[302.525. 1. The license suspension or revocation shall become effective fifteen days after the subject person has received the notice of suspension or revocation as provided in section 302.520, or is deemed to have received the notice of suspension or revocation by mail as provided in section 302.515. If a request for a hearing is received by or postmarked to the department within that fifteen-day period, the effective date of the suspension or revocation shall be stayed until a final order is issued following the hearing; provided, that any delay in the hearing which is caused or requested by the subject person or counsel representing that person without good cause shown shall not result in a stay of the suspension or revocation during the period of delay.

2. The period of license suspension or revocation under this section shall be as follows:

(1) If the person's driving record shows no prior alcohol-related enforcement contacts during the immediately preceding five years, the period of suspension shall be thirty days after the effective date of suspension, followed by a sixty-day period of restricted driving privilege as defined in section 302.010 and issued by the director of revenue. The restricted driving privilege shall not be issued until he or she has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible. In no case shall restricted driving privileges be issued pursuant to this section or section 302.535 until the person has completed the first thirty days of a suspension under this section;

(2) The period of revocation shall be one year if the person's driving record shows one or more prior alcohol-related enforcement contacts during the immediately preceding five years;

(3) In no case shall restricted driving privileges be issued under this section to any person whose driving record shows one or more prior alcohol-related enforcement contacts until the person has completed the first thirty days of a suspension under this section and has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning,

certified ignition interlock device as a required condition of the restricted driving privilege. If the person fails to maintain such proof the restricted driving privilege shall be terminated.

3. For purposes of this section, "alcohol-related enforcement contacts" shall include any suspension or revocation under sections 302.500 to 302.540, any suspension or revocation entered in this or any other state for a refusal to submit to chemical testing under an implied consent law, and any conviction in this or any other state for a violation which involves driving while intoxicated, driving while under the influence of drugs or alcohol, or driving a vehicle while having an unlawful alcohol concentration.

4. Where a license is suspended or revoked under this section and the person is also convicted on charges arising out of the same occurrence for a violation of section 577.010 or 577.012 or for a violation of any county or municipal ordinance prohibiting driving while intoxicated or alcohol-related traffic offense, both the suspension or revocation under this section and any other suspension or revocation arising from such convictions shall be imposed, but the period of suspension or revocation under sections 302.500 to 302.540 shall be credited against any other suspension or revocation arising from such convictions, and the total period of suspension or revocation shall not exceed the longer of the two suspension or revocation periods.

5. Any person who has had a license to operate a motor vehicle revoked under this section or suspended under this section with one or more prior alcohol-related enforcement contacts showing on their driver record shall be required to file proof with the director of revenue that any motor vehicle operated by that person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the person fails to maintain such proof with the director, the license shall be resuspended or revoked, as applicable.]"; and

Further amend said bill, Page 23, Section 304.820, Line 59, by inserting after all of said section and line, the following:

"476.385. 1. The judges of the supreme court may appoint a committee consisting of at least seven associate circuit judges, who shall meet en banc and establish and maintain a schedule of fines to be paid for violations of sections 210.104, 577.070, and 577.073, and chapters 252, 301, 302, 304, 306, 307 and 390, with such fines increasing in proportion to the severity of the violation. The associate circuit judges of each county may meet en banc and adopt the schedule of fines and participation in the centralized bureau pursuant to this section. Notice of such adoption and participation shall be given in the manner provided by supreme court rule. Upon order of the supreme court, the associate circuit judges of each county may meet en banc and establish and maintain a schedule of fines to be paid for violations of municipal ordinances for cities, towns and villages electing to have violations of its municipal ordinances heard by associate circuit judges, pursuant to section 479.040; and for traffic court divisions established pursuant to section 479.500. The schedule of fines adopted for violations of municipal ordinances may be modified from time to time as the associate circuit judges of each county en banc deem advisable. No fine established pursuant to this subsection may exceed the maximum amount specified by statute or ordinance for such violation.

2. In no event shall any schedule of fines adopted pursuant to this section include offenses involving the following:

- (1) Any violation resulting in personal injury or property damage to another person;
- (2) Operating a motor vehicle while intoxicated or under the influence of intoxicants or drugs;
- (3) Operating a vehicle with a counterfeited, altered, suspended or revoked license;
- (4) Fleeing or attempting to elude an officer.

3. There shall be a centralized bureau to be established by supreme court rule in order to accept pleas of not guilty or guilty and payments of fines and court costs for violations of the laws and ordinances described in subsection 1 of this section, made pursuant to a schedule of fines established pursuant to this section. The centralized bureau shall collect, with any plea of guilty and payment of a fine, all court costs which would have been collected by the court of the jurisdiction from which the violation originated.

4. If a person elects not to contest the alleged violation, the person shall send payment in the amount of the fine and any court costs established for the violation to the centralized bureau. Such payment shall be payable to the central violations bureau, shall be made by mail or in any other manner established by the centralized bureau, and shall constitute a plea of guilty, waiver of trial and a conviction for purposes of section 302.302, and for purposes of imposing any collateral consequence of a criminal conviction provided by law. By paying the fine and costs, the person also

consents to attendance **either online or in person** at any driver-improvement program or motorcycle-rider training course ordered by the court and consents to verification of such attendance as directed by the bureau. Notwithstanding any provision of law to the contrary, the prosecutor shall not be required to sign any information, ticket or indictment if disposition is made pursuant to this subsection. In the event that any payment is made pursuant to this section by credit card or similar method, the centralized bureau may charge an additional fee in order to reflect any transaction cost, surcharge or fee imposed on the recipient of the credit card payment by the credit card company.

5. If a person elects to plead not guilty, such person shall send the plea of not guilty to the centralized bureau. The bureau shall send such plea and request for trial to the prosecutor having original jurisdiction over the offense. Any trial shall be conducted at the location designated by the court. The clerk of the court in which the case is to be heard shall notify in writing such person of the date certain for the disposition of such charges. The prosecutor shall not be required to sign any information, ticket or indictment until the commencement of any proceeding by the prosecutor with respect to the notice of violation.

6. In courts adopting a schedule of fines pursuant to this section, any person receiving a notice of violation pursuant to this section shall also receive written notification of the following:

(1) The fine and court costs established pursuant to this section for the violation or information regarding how the person may obtain the amount of the fine and court costs for the violation;

(2) That the person must respond to the notice of violation by paying the prescribed fine and court costs, or pleading not guilty and appearing at trial, and that other legal penalties prescribed by law may attach for failure to appear and dispose of the violation. The supreme court may modify the suggested forms for uniform complaint and summons for use in courts adopting the procedures provided by this section, in order to accommodate such required written notifications.

7. Any moneys received in payment of fines and court costs pursuant to this section shall not be considered to be state funds, but shall be held in trust by the centralized bureau for benefit of those persons or entities entitled to receive such funds pursuant to this subsection. All amounts paid to the centralized bureau shall be maintained by the centralized bureau, invested in the manner required of the state treasurer for state funds by sections 30.240, 30.250, 30.260 and 30.270, and disbursed as provided by the constitution and laws of this state. Any interest earned on such fund shall be payable to the director of the department of revenue for deposit into a revolving fund to be established pursuant to this subsection. The state treasurer shall be the custodian of the revolving fund, and shall make disbursements, as allowed by lawful appropriations, only to the judicial branch of state government for goods and services related to the administration of the judicial system.

8. Any person who receives a notice of violation subject to this section who fails to dispose of such violation as provided by this section shall be guilty of failure to appear provided by section 544.665; and may be subject to suspension of driving privileges in the manner provided by section 302.341. The centralized bureau shall notify the appropriate prosecutor of any person who fails to either pay the prescribed fine and court costs, or plead not guilty and request a trial within the time allotted by this section, for purposes of application of section 544.665. The centralized bureau shall also notify the department of revenue of any failure to appear subject to section 302.341, and the department shall thereupon suspend the license of the driver in the manner provided by section 302.341, as if notified by the court.

9. In addition to the remedies provided by subsection 8 of this section, the centralized bureau and the courts may use the remedies provided by sections 488.010 to 488.020 for the collection of court costs payable to courts, in order to collect fines and court costs for violations subject to this section."; and

"577.041. 1. If a person under arrest, or who has been stopped pursuant to subdivision (2) or (3) of subsection 1 of section 577.020, refuses upon the request of the officer to submit to any test allowed pursuant to section 577.020, then evidence of the refusal shall be admissible in a proceeding pursuant to section 565.024, 565.060, or 565.082, or section 577.010 or 577.012. The request of the officer shall include the reasons of the officer for requesting the person to submit to a test and also shall inform the person that evidence of refusal to take the test may be used against such person and that the person's license shall be immediately revoked upon refusal to take the test. If a person when requested to submit to any test allowed pursuant to section 577.020 requests to speak to an attorney, the person shall be granted twenty minutes in which to attempt to contact an attorney. If upon the completion of the twenty-minute period the person continues to refuse to submit to any test, it shall be deemed a refusal. In this event, the officer shall, on behalf of the director of revenue, serve the notice of license revocation personally upon the person and shall take possession of any license to operate a motor vehicle issued by this state which is held by that person. The officer shall issue a temporary permit, on behalf of the director of revenue, which is valid for fifteen days and shall also give the person a notice of such person's right to file a petition for review to contest the license revocation.

2. The officer shall make a certified report under penalties of perjury for making a false statement to a public official. The report shall be forwarded to the director of revenue and shall include the following:

- (1) That the officer has:
 - (a) Reasonable grounds to believe that the arrested person was driving a motor vehicle while in an intoxicated or drugged condition; or
 - (b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or
 - (c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater;
 - (2) That the person refused to submit to a chemical test;
 - (3) Whether the officer secured the license to operate a motor vehicle of the person;
 - (4) Whether the officer issued a fifteen-day temporary permit;
 - (5) Copies of the notice of revocation, the fifteen-day temporary permit and the notice of the right to file a petition for review, which notices and permit may be combined in one document; and
 - (6) Any license to operate a motor vehicle which the officer has taken into possession.
3. Upon receipt of the officer's report, the director shall revoke the license of the person refusing to take the test for a period of one year; or if the person is a nonresident, such person's operating permit or privilege shall be revoked for one year; or if the person is a resident without a license or permit to operate a motor vehicle in this state, an order shall be issued denying the person the issuance of a license or permit for a period of one year.
4. If a person's license has been revoked because of the person's refusal to submit to a chemical test, such person may petition for a hearing before a circuit division or associate division of the court in the county in which the arrest or stop occurred. The person may request such court to issue an order staying the revocation until such time as the petition for review can be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the director of revenue and shall send a copy of such order to the director. Such order shall serve as proof of the privilege to operate a motor vehicle in this state and the director shall maintain possession of the person's license to operate a motor vehicle until termination of any revocation pursuant to this section. Upon the person's request the clerk of the court shall notify the prosecuting attorney of the county and the prosecutor shall appear at the hearing on behalf of the director of revenue. At the hearing the court shall determine only:
- (1) Whether or not the person was arrested or stopped;
 - (2) Whether or not the officer had:
 - (a) Reasonable grounds to believe that the person was driving a motor vehicle while in an intoxicated or drugged condition; or
 - (b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or
 - (c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer had reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater; and
 - (3) Whether or not the person refused to submit to the test.
5. If the court determines any issue not to be in the affirmative, the court shall order the director to reinstate the license or permit to drive.
6. Requests for review as provided in this section shall go to the head of the docket of the court wherein filed.
7. No person who has had a license to operate a motor vehicle suspended or revoked pursuant to the provisions of this section shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 577.001, or a program determined to be comparable by the department of mental health or the court. Assignment recommendations, based upon the needs assessment as described in subdivision [(23)] **(24)** of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be

a prior or persistent offender as defined in section 577.023, or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

8. The fees for the substance abuse traffic offender program, or a portion thereof to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 and section 577.001. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rates established pursuant to the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053.

9. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.

10. Any person who has had a license to operate a motor vehicle revoked [more than once for violation of the provisions of this section] **under this section and who has a prior alcohol-related enforcement contact, as defined in section 302.525**, shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of license reinstatement. Such ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. **If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months.** If the person fails to maintain such proof with the director as required by this section, the license shall be rerevoked and the person shall be guilty of a class A misdemeanor.

11. The revocation period of any person whose license and driving privilege has been revoked under this section and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303 and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's license and driving privilege shall be rerevoked and the person shall be guilty of a class A misdemeanor."; and

"Section B. Because immediate action is necessary to ensure the safety of the citizens of this state, the repeal and reenactment of section 302.309 of this act, and the repeal of section 302.309 of this act, is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 302.309 of this act, and the repeal of section 302.309 of this act, shall be in full force and effect July 1, 2013, or upon its passage and approval, whichever later occurs.

Section C. The repeal and reenactment of sections 302.060, 302.302, 302.304, 302.525, 476.385, and 577.041, and the repeal of sections 302.060, 302.304, and 302.525 of this act shall become effective on March 3, 2014."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Jones (50), **House Amendment No. 3** was adopted by the following vote:

AYES: 130

Anders	Austin	Bahr	Barnes	Berry
Black	Brattin	Brown	Burns	Carpenter
Cierpiot	Colona	Conway 10	Cookson	Cornejo
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gardner	Gatschenberger
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kirkton	Koenig	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McNeil
Meredith	Messenger	Miller	Mitten	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Parkinson	Peters	Pfautsch
Pierson	Pike	Redmon	Rehder	Reiboldt
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Webber	White
Wieland	Wilson	Wood	Wright	Mr Speaker

NOES: 023

Anderson	Bernskoetter	Burlison	Butler	Conway 104
Cox	Curtis	Ellington	Gosen	Higdon
May	Mims	Molendorp	Montecillo	Moon
Otto	Pace	Pogue	Remole	Runions
Smith 85	Walton Gray	Webb		

PRESENT: 000

ABSENT WITH LEAVE: 010

Allen	Flanigan	Kelley 127	Kelly 45	Marshall
McManus	Phillips	Scharnhorst	Smith 120	Zerr

Representative Bahr offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Committee Substitute for Senate Bill No. 43, Page 23, Section 304.820, Line 59, by inserting after all of said section and line the following:

"Section 1. 1. Any state department or agency that owns or licenses computerized data that includes personal information shall disclose any breach of the security of the system following notification of the breach

in the security of such data to any resident of Missouri whose unencrypted or encrypted personal information was or is reasonably believed to have been acquired by an unauthorized person. Such disclosure shall be made in the most expedient time possible and without unreasonable delay.

2. Any state department or agency that maintains computerized data that includes personal information that the state department or agency does not own shall notify the owner or licensee of such personal information of any breach of the security of the data immediately following discovery, if the personal information was or is reasonably believed to have been acquired by an unauthorized person.

3. For purposes of this section, the following terms shall mean:

(1) "Breach of the security of the system", unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of personal information maintained by the state department or agency. Good faith acquisition of personal information by an employee or agent of the state department or agency for the purposes of the state department or agency is not a breach of the security of the system, provided that the personal information is not used or subject to further unauthorized disclosure;

(2) "Personal information", an individual's first name or first initial and last name, in combination with any one or more of the following data elements:

(a) Social Security number;

(b) Driver's license number or Missouri identification card number;

(c) Account number, credit card number, or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account;

(d) Concealed carry endorsement or permit;

(3) "Unauthorized person", any person or agency who does not have written permission by a Missouri resident to access such resident's personal information.

4. For purposes of this section, a state department or agency includes any entity contracting with a state department or agency.

5. (1) For purposes of this section, notice shall be provided in writing to the Missouri resident within five business days of discovery of the breach.

(2) The provisions of this section include breaches made by any state department or agency prior to the effective date of this section. The notice for any breach which occurred prior to the effective date of this section shall be provided to the Missouri resident within thirty days of the effective date of this section.

6. Notwithstanding any other provision of law, nothing in this section shall be construed as authorizing the disclosure or release of any personal information by any state department or agency."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Otto raised a point of order that **House Amendment No. 4** is not germane and goes beyond the scope of the bill.

Representative Neth requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 099

Anderson	Austin	Bahr	Barnes	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Cookson	Cornejo	Cox	Crawford	Cross
Davis	Diehl	Dohrman	Dugger	Engler
Fitzpatrick	Fitzwater	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Haahr	Haefner	Hampton	Hansen

Hicks	Higdon	Hoskins	Hough	Houghton
Hurst	Johnson	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller
Molendorp	Moon	Morris	Muntzel	Neely
Neth	Parkinson	Pfausch	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 050

Anders	Black	Butler	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 014

Allen	Burns	Conway 104	Curtman	Elmer
Entlicher	Flanigan	Guernsey	Hinson	Jones 50
Kelly 45	McManus	Phillips	Smith 120	

Speaker Jones resumed the Chair.

On motion of Representative Bahr, **House Amendment No. 4** was adopted by the following vote:

AYES: 141

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Davis	Dohrman
Dugger	Dunn	Elmer	Engler	English
Englund	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hodges	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant

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Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McNeil	Meredith
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Pace	Parkinson	Peters
Pfautsch	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 85	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 013

Colona	Curtis	Ellinger	Ellington	Gardner
Kirkton	Mims	Mitten	Montecillo	Morgan
Pierson	Walton Gray	Webb		

PRESENT: 000

ABSENT WITH LEAVE: 009

Curtman	Diehl	Entlicher	Hinson	Jones 50
Kelly 45	McManus	Phillips	Smith 120	

Representative Korman offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Committee Substitute for Senate Bill No. 43, Page 23, Section 304.820, Line 59, by inserting after said line the following:

"Section 1. The portion of interstate highway 70 in Montgomery County between mile marker 165.0 and 166.0 shall be designated the "Graham's Picnic Rock Highway". The department of transportation shall erect and maintain appropriate signs designating such highway. The signs shall not be erected until the next lane widening or pavement replacement project within that portion of the highway."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Korman, **House Amendment No. 5** was adopted.

On motion of Representative Kolkmeier, **HCS SB 43, as amended**, was adopted.

On motion of Representative Kolkmeier, **HCS SB 43, as amended**, was read the third time and passed by the following vote:

AYES: 137

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter

Cierpiot	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Davis	Diehl
Dohrman	Dugger	Dunn	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kirkton	Koenig	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	Meredith	Messenger	Miller
Molendorp	Morris	Muntzel	Neely	Newman
Nichols	Otto	Pace	Parkinson	Peters
Pfautsch	Pierson	Pike	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schieber	Schieffer	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Webber	White	Wieland	Wilson	Wood
Wright	Mr Speaker			

NOES: 019

Colona	Curtis	Ellinger	Ellington	Gardner
Marshall	McNeil	Mims	Mitten	Montecillo
Moon	Morgan	Norr	Pogue	Schatz
Schupp	Smith 85	Walton Gray	Webb	

PRESENT: 000

ABSENT WITH LEAVE: 007

Curtman	Kelly 45	McManus	Neth	Phillips
Smith 120	Zerr			

Speaker Jones declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 144

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brown
Burns	Butler	Carpenter	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks

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Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kirkton
Koenig	Kolkmeier	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	Meredith
Messenger	Miller	Mims	Mitten	Morgan
Morris	Muntzel	Neely	Newman	Nichols
Norr	Otto	Pace	Parkinson	Peters
Pfautsch	Pierson	Pike	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 014

Brattin	Burlison	Ellington	Gardner	Marshall
May	McNeil	Molendorp	Montecillo	Moon
Pogue	Smith 85	Walton Gray	Webb	

PRESENT: 000

ABSENT WITH LEAVE: 005

Kelly 45	Neth	Phillips	Rowden	Smith 120
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SCS SB 47, relating to foster care subsidies, was taken up by Representative Grisamore.

On motion of Representative Grisamore, **SCS SB 47** was truly agreed to and finally passed by the following vote:

AYES: 156

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kirkton	Koenig	Kolkmeier	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh

McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Newman	Nichols	Norr	Otto	Pace
Parkinson	Peters	Pfautsch	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Smith 85	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 001

Marshall

PRESENT: 000

ABSENT WITH LEAVE: 006

Cox	Hough	Kelly 45	Neth	Phillips
Smith 120				

Speaker Jones declared the bill passed.

COMMITTEE REPORTS

Committee on Fiscal Review, Chairman Flanigan reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SB 12**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SB 100**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SB 127**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **SCS SB 240**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Rules, Chairman Riddle reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HB 447**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 467**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 827**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 915**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 975**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 24**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 75**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SS SCS SB 83**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 101**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 205**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 229**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SS SB 245**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 256**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 294**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SBs 317 & 319**, begs leave to report it has examined the same and recommends that it **Do Pass**.

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

HCS SB 24 - Fiscal Review
SS SCS SB 29 - Fiscal Review
HCS SB 75 - Fiscal Review
HCS SS SCS SB 83 - Fiscal Review
HCS SB 161 - Fiscal Review
HCS SCS SB 256 - Fiscal Review

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 400**, entitled:

An act to amend chapter 188, RSMo, by adding thereto one new section relating to administration of abortion-inducing drugs.

With Senate Amendment No. 2.

Senate Amendment No. 2

AMEND House Bill No. 400, Page 1, Section 188.021, Line 2, by inserting after "abortion," the following:

"the initial dose of"; and

Further amend Line 6, by striking "twelve to eighteen days"; and

Further amend Pages 1-2, Lines 7 to 11, by striking said lines and inserting in lieu thereof the following:

"drug or chemical for a follow-up visit unless such termination of the pregnancy has already been confirmed and the patient's medical condition has been assessed by a licensed physician prior to discharge".

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 478**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 1035**, entitled:

An act to repeal sections 67.463, 67.469, 137.073, and 137.720, RSMo, and to enact in lieu thereof four new sections relating to property taxes.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 6, Senate Amendment No. 7, Senate Amendment No. 8 and Senate Amendment No. 9.

Senate Amendment No. 1

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 1035, Page 1, Section Title, Line 3, by striking the words "property taxes" and inserting in lieu thereof the following:

"funds collected by political subdivisions"; and

Further amend said bill, Page 15, Section 137.720, Line 57, by inserting after all of said line the following:

"238.272. The state auditor [shall] **may** audit each district not [less] **more** than once every three years[, and may audit more frequently if the state auditor deems appropriate]. The costs of this audit shall be paid by the district **and shall not exceed three percent of the gross revenues received by the transportation district.**"; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 1035, Page 14, Section 137.073, Line 384, by inserting immediately after said line the following:

"137.090. **1.** All tangible personal property of whatever nature and character situate in a county other than the one in which the owner resides shall be assessed in the county where the owner resides; except that, houseboats, cabin cruisers, floating boat docks, and manufactured homes, as defined in section 700.010, used for lodging shall be assessed in the county where they are located, and tangible personal property belonging to estates shall be assessed in the county in which the probate division of the circuit court has jurisdiction. Tangible personal property, other than motor vehicles as the term is defined in section 301.010, used exclusively in connection with farm operations of the owner and kept on the farmland, shall not be assessed by a city, town or village unless the farmland is totally within the boundaries of the city, town or village. No tangible personal property shall be simultaneously assessed in more than one county.

2. The assessed valuation of any tractor or trailer as defined in section 301.010 owned by an individual, partner, or member and used in interstate commerce must be apportioned to Missouri based on the ratio of miles traveled in this state to miles traveled in the United States in interstate commerce during the preceding tax year or on the basis of the most recent annual mileage figures available.

137.095. **1.** The real and tangible personal property of all corporations operating in any county in the state of Missouri and in the city of St. Louis, and subject to assessment by county or township assessors, shall be assessed and taxed in the county in which the property is situated on the first day of January of the year for which the taxes are assessed, and every general or business corporation having or owning tangible personal property on the first day of January in each year, which is situated in any other county than the one in which the corporation is located, shall make return to the assessor of the county or township where the property is situated, in the same manner as other tangible personal property is required by law to be returned, except that all motor vehicles which are the property of the corporation and which are subject to regulation under chapter 390 shall be assessed for tax purposes in the county in which the motor vehicles are based.

2. For the purposes of subsection 1 of this section, the term "based" means the place where the vehicle is most frequently dispatched, garaged, serviced, maintained, operated or otherwise controlled, except that leased passenger vehicles shall be assessed at the residence of the driver or, if the residence of the driver is unknown, at the location of the lessee.

3. The assessed valuation of any tractor or trailer as defined in section 301.010 owned by a corporation and used in interstate commerce must be apportioned to Missouri based on the ratio of miles traveled in this state to miles traveled in the United States in interstate commerce during the preceding tax year or on the basis of the most recent annual mileage figures available."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 3

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 1035, Page 14, Section 137.073, Line 384, by inserting after all of said line the following:

"137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the city of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in subsection 3 of this section and section 137.078, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The true value in money of any possessory interest in real property in subclass (3), where such real property is on or lies within the ultimate airport boundary as shown by a federal airport layout plan, as defined by 14 CFR 151.5, of a commercial airport having a FAR Part 139 certification and owned by a political subdivision, shall be the otherwise applicable true value in money of any such possessory interest in real property, less the total dollar amount of costs paid by a party, other than the political subdivision, towards any new construction or improvements on such real property completed after January 1, 2008, and which are included in the above-mentioned possessory interest, regardless of the year in which such costs were incurred or whether such costs were considered in any prior year. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

(1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and

(2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this subdivision, the word "comparable" means that:

- (a) Such sale was closed at a date relevant to the property valuation; and
- (b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the city of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percentages of their true value in money:

- (1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;
- (2) Livestock, twelve percent;
- (3) Farm machinery, twelve percent;
- (4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131 and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than fifty hours per year or aircraft that are home built from a kit, five percent;
- (5) Poultry, twelve percent; and
- (6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (6) of section 135.200, twenty-five percent.

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. All subclasses of real property, as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

- (1) For real property in subclass (1), nineteen percent;
- (2) For real property in subclass (2), twelve percent; and
- (3) For real property in subclass (3), thirty-two percent.

6. Manufactured homes, as defined in section 700.010, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. For purposes of this section, a manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. For purposes of this section, a manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home is real estate as defined in subsection 7 of section 442.015 and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home is real estate as defined in subsection 7 of section 442.015, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the **lowest** trade-in value published in the October issue of [the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended] **a single nationally recognized** guide of information for determining the true value of motor vehicles described in such publication. **Such publication shall be approved by the state tax commission in conjunction with the association representing the majority of assessors of this state. The state tax commission shall also approve four additional guides for determining the true value of motor vehicles. If the owner of the motor vehicle presents evidence that any of the four other approved publications has a lower published trade-in value that is applicable to the motor vehicle, the assessor shall use such value in determining the true value of the motor vehicle.** In the absence of a listing for a particular motor vehicle in such [publication] publications, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

10. Before the assessor may increase the assessed valuation of any parcel of subclass (1) real property by more than fifteen percent since the last assessment, excluding increases due to new construction or improvements, the assessor shall conduct a physical inspection of such property.

11. If a physical inspection is required, pursuant to subsection 10 of this section, the assessor shall notify the property owner of that fact in writing and shall provide the owner clear written notice of the owner's rights relating to the physical inspection. If a physical inspection is required, the property owner may request that an interior inspection

be performed during the physical inspection. The owner shall have no less than thirty days to notify the assessor of a request for an interior physical inspection.

12. A physical inspection, as required by subsection 10 of this section, shall include, but not be limited to, an on-site personal observation and review of all exterior portions of the land and any buildings and improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review of the interior of any buildings or improvements on the property upon the timely request of the owner pursuant to subsection 11 of this section. Mere observation of the property via a drive-by inspection or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

13. The provisions of subsections 11 and 12 of this section shall only apply in any county with a charter form of government with more than one million inhabitants.

14. A county or city collector may accept credit cards as proper form of payment of outstanding property tax or license due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank, processor, or issuer for its service. A county or city collector may accept payment by electronic transfers of funds in payment of any tax or license and charge the person making such payment a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic payment.

15. Any county or city not within a county in this state may, by an affirmative vote of the governing body of such county, opt out of the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of the general reassessment, prior to January first of any year. No county or city not within a county shall exercise this opt-out provision after implementing the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, in a year of general reassessment. For the purposes of applying the provisions of this subsection, a political subdivision contained within two or more counties where at least one of such counties has opted out and at least one of such counties has not opted out shall calculate a single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general assembly, second regular session. A governing body of a city not within a county or a county that has opted out under the provisions of this subsection may choose to implement the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of general reassessment, by an affirmative vote of the governing body prior to December thirty-first of any year.

16. The governing body of any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located in any county that has exercised its authority to opt out under subsection 15 of this section may levy separate and differing tax rates for real and personal property only if such city bills and collects its own property taxes or satisfies the entire cost of the billing and collection of such separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax rate ceiling."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 4

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 1035, Page 15, Section 137.720, Line 57, by inserting after all of said line the following:

"138.431. 1. To hear and decide appeals pursuant to section 138.430, the commission shall appoint one or more hearing officers. The hearing officers shall be subject to supervision by the commission. No person shall participate on behalf of the commission in any case in which such person is an interested party.

2. The commission may assign such appeals as it deems fit to a hearing officer for disposition.

(1) The assignment shall be deemed made when [the] **any** scheduling order is first issued by the commission [and signed by the hearing officer assigned, unless another hearing officer is assigned to the case for disposition by other language in said order], **however, if no scheduling order has been issued, then a hearing officer shall be assigned no later than sixty days after the appeal is filed by the taxpayer.**

(2) A change of hearing officer, or a reservation of the appeal for disposition as described in subsection 3 of this section, shall be ordered by the commission in any appeal upon the timely filing of a written application by a party

to disqualify the hearing officer assigned. The application shall be filed within thirty days from the assignment of any appeal to a hearing officer and need not allege or prove any cause for such change and need not be verified. No more than one change of hearing officer shall be allowed for each party in any appeal.

3. The commission may, in its discretion, reserve such appeals as it deems fit to be heard and decided by the full commission, a quorum thereof, or any commissioner, subject to the provisions of section 138.240, and, in such case, the decision shall be final, subject to judicial review in the manner provided in subsection 4 of section 138.470.

4. The manner in which appeals shall be presented and the conduct of hearings shall be made in accordance with rules prescribed by the commission for determining the rights of the parties; provided that, the commission, with the consent of all the parties, may refer an appeal to mediation. The commission shall promulgate regulations for mediation pursuant to this section. No regulation or portion of a regulation promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. There shall be no presumption that the assessor's valuation is correct. A full and complete record shall be kept of all proceedings. All testimony at any hearing shall be recorded but need not be transcribed unless the matter is further appealed.

5. Unless an appeal is voluntarily dismissed, a hearing officer, after affording the parties reasonable opportunity for fair hearing, shall issue a decision and order affirming, modifying, or reversing the determination of the board of equalization, and correcting any assessment which is unlawful, unfair, improper, arbitrary, or capricious. The commission may, prior to the decision being rendered, transfer to another hearing officer the proceedings on an appeal determination before a hearing officer. The complainant, respondent-assessor, or other party shall be duly notified of a hearing officer's decision and order, together with findings of fact and conclusions of law. Appeals from decisions of hearing officers shall be made pursuant to section 138.432.

6. All decisions issued pursuant to this section or section 138.432 by the commission or any of its duly assigned hearing officers shall be issued no later than sixty days after the hearing on the matter to be decided is held or the date on which the last party involved in such matter files his or her brief, whichever event later occurs."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 5

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 1035, Page 1, Section Title, Line 3, by striking the words "property taxes" and inserting in lieu thereof the following:

"funds collected by or assets of political subdivisions"; and

Further amend said bill and page, Section A, Line 3, by inserting immediately after said line the following:

"96.229. 1. Notwithstanding subsection 5 of section 96.150 regarding the lease of substantially all of a hospital where the board of trustees is lessor, a city in which a hospital is located that:

(1) Is organized and operated under this chapter;

(2) Has not accepted appropriated funds from the city during the prior twenty years; and

(3) Is licensed by the department of health and senior services for two hundred beds or more pursuant to sections 197.010 to 197.120,

shall not have authority to sell, lease, or otherwise transfer all or substantially all of the property from a hospital organized under this chapter, both real and personal, except in accordance with this section.

2. Upon filing with the city clerk of a resolution adopted by no less than two-thirds of the incumbent members of the board of trustees to sell, lease, or otherwise transfer all or substantially all of the hospital property, both real and personal, for reasons specified in the resolution, the clerk shall present the resolution to the city council. If a majority of the incumbent members of the city council determine that sale, lease, or other transfer of the hospital property is desirable, the city council shall submit to the voters of the city the question in substantially the following form:

"Shall the city council of, Missouri and the board of trustees of hospital be authorized to sell (or lease or otherwise transfer) the property, real and personal, of hospital as approved by, and in accordance with, the resolution of the board of trustees authorizing such sale (or lease or transfer)?"

A majority of the votes cast on such question shall be required in order to approve and authorize such sale, lease or other transfer. If the question receives less than the required majority, then the city council and the board of trustees shall have no power to sell, lease or otherwise transfer the property, real and personal, of the hospital unless and until the city council has submitted another question to authorize such sale, lease or transfer authorized under this section and such question is approved by the required majority of the qualified voters voting thereon. However, in no event shall a question under this section be submitted to the voters sooner than twelve months from the date of the last question under this section and after the adoption of another resolution by no less than two-thirds of the board of trustees and a subsequent vote by a majority of the city council to again submit the question to the voters.

3. Upon passage of such question by the voters, the board of trustees shall sell and dispose of such property, or lease or transfer such property, in the manner proposed by the board of trustees. The deed of the board of trustees, duly authorized by the board of trustees and duly acknowledged and recorded, shall be sufficient to convey to the purchaser all the rights, title, interest, and estate in the hospital property.

4. No sale, lease, or other transfer of such hospital property shall be authorized or effective unless such transaction provides sufficient proceeds to be available to be applied to the payment of all interest and principal of any outstanding valid indebtedness incurred for purchase of the site or construction of the hospital, or for any repairs, alterations, improvements, or additions thereto, or for operation of the hospital.

5. Assets donated to the hospital pursuant to section 96.210 shall be used to provide health care services in the city and in the geographic region previously served by the hospital, except as otherwise prescribed by the terms of the deed, gift, devise, or bequest.

Section B. Because of the need to ensure local hospitals can continue the purpose of providing the best care and treatment of the sick, disabled, and infirm persons as decided on by the people in the affected community, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 6

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 1035, Page 3, Section 67.469, Line 11, by inserting after all of said line the following:

"99.845. 1. A municipality, either at the time a redevelopment project is approved or, in the event a municipality has undertaken acts establishing a redevelopment plan and redevelopment project and has designated a redevelopment area after the passage and approval of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by passing an ordinance providing that after the total equalized assessed valuation of the taxable real property in a redevelopment project exceeds the certified total initial equalized assessed valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such redevelopment project by taxing districts and tax rates determined in the manner provided in subsection 2 of section 99.855 each year after the effective date of the ordinance until redevelopment costs have been paid shall be divided as follows:

(1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

(2) (a) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived

and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable. The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula provided for in section 163.031 until such time as all redevelopment costs have been paid as provided for in this section and section 99.850;

(b) Notwithstanding any provisions of this section to the contrary, for purposes of determining the limitation on indebtedness of local government pursuant to article VI, section 26(b) of the Missouri Constitution, the current equalized assessed value of the property in an area selected for redevelopment attributable to the increase above the total initial equalized assessed valuation shall be included in the value of taxable tangible property as shown on the last completed assessment for state or county purposes;

(c) The county assessor shall include the current assessed value of all property within the taxing district in the aggregate valuation of assessed property entered upon the assessor's book and verified pursuant to section 137.245, and such value shall be utilized for the purpose of the debt limitation on local government pursuant to article VI, section 26(b) of the Missouri Constitution;

(3) For purposes of this section, "levies upon taxable real property in such redevelopment project by taxing districts" shall not include the blind pension fund tax levied under the authority of article III, section 38(b) of the Missouri Constitution, or the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of section 6 of article X of the Missouri Constitution, except in redevelopment project areas in which tax increment financing has been adopted by ordinance pursuant to a plan approved by vote of the governing body of the municipality taken after August 13, 1982, and before January 1, 1998.

2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing districts, which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section 94.660, for the purpose of public transportation, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Any provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of other municipal revenues to the special allocation fund shall be and remain enforceable.

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, taxes levied for the purpose of public transportation pursuant to section 94.660, **taxes imposed on sales pursuant to subsection 2 of section 67.1712 for the purpose of operating and maintaining a metropolitan park and recreation district**, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, [or] any sales tax imposed by a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, for the purpose of sports stadium improvement or levied by such county under section 238.410 for the purpose of the county transit authority operating transportation facilities, **or for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 28, 2013, taxes imposed on sales pursuant to section 650.399 for the purpose of emergency communication systems**, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund.

4. Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance and which have complied with subsections 4 to 12 of this section, in addition to the payments in lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues, as defined in subsection 8 of this section, estimated for the businesses within the project area and identified by the municipality in the application required by subsection 10 of this section, over and above the amount of such taxes reported by businesses within the project area as identified by the municipality in their application prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, may be available for appropriation by the general assembly as provided in subsection 10 of this section to the department of economic development supplemental tax increment financing fund, from the general revenue fund, for distribution to the treasurer or other designated financial officer of the municipality with approved plans or projects.

5. The treasurer or other designated financial officer of the municipality with approved plans or projects shall deposit such funds in a separate segregated account within the special allocation fund established pursuant to section 99.805.

6. No transfer from the general revenue fund to the Missouri supplemental tax increment financing fund shall be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any state revenues prior to an appropriation being made for that project. For all redevelopment plans or projects adopted or approved after December 23, 1997, appropriations from the new state revenues shall not be distributed from the Missouri supplemental tax increment financing fund into the special allocation fund unless the municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs while tax increment financing remains in effect. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.

7. In order for the redevelopment plan or project to be eligible to receive the revenue described in subsection 4 of this section, the municipality shall comply with the requirements of subsection 10 of this section prior to the time the project or plan is adopted or approved by ordinance. The director of the department of economic development and the commissioner of the office of administration may waive the requirement that the municipality's application be submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or project's approval by ordinance.

8. For purposes of this section, "new state revenues" means:

(1) The incremental increase in the general revenue portion of state sales tax revenues received pursuant to section 144.020, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. In no event shall the incremental increase include any amounts attributable to retail sales unless the municipality or authority has proven to the Missouri development finance board and the department of economic development and such entities have made a finding that the sales tax increment attributable to retail sales is from new sources which did not exist in the state during the baseline year. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10 of this section; or

(2) The state income tax withheld on behalf of new employees by the employer pursuant to section 143.221 at the business located within the project as identified by the municipality. The state income tax withholding allowed by this section shall be the municipality's estimate of the amount of state income tax withheld by the employer within the redevelopment area for new employees who fill new jobs directly created by the tax increment financing project.

9. Subsection 4 of this section shall apply only to blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time of approval of the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old; and

(1) Suffered from generally declining population or property taxes over the twenty-year period immediately preceding the area's designation as a project area by ordinance; or

(2) Was a historic hotel located in a county of the first classification without a charter form of government with a population according to the most recent federal decennial census in excess of one hundred fifty thousand and containing a portion of a city with a population according to the most recent federal decennial census in excess of three hundred fifty thousand.

10. The initial appropriation of up to fifty percent of the new state revenues authorized pursuant to subsections 4 and 5 of this section shall not be made to or distributed by the department of economic development to a municipality until all of the following conditions have been satisfied:

(1) The director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee have approved a tax increment financing application made by the municipality for the appropriation of the new state revenues. The municipality shall include in the application the following items in addition to the items in section 99.810:

(a) The tax increment financing district or redevelopment area, including the businesses identified within the redevelopment area;

(b) The base year of state sales tax revenues or the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the project area prior to approval of the redevelopment project;

(c) The estimate of the incremental increase in the general revenue portion of state sales tax revenue or the estimate for the state income tax withheld by the employer on behalf of new employees expected to fill new jobs created within the redevelopment area after redevelopment;

(d) The official statement of any bond issue pursuant to this subsection after December 23, 1997;

(e) An affidavit that is signed by the developer or developers attesting that the provisions of subdivision (1) of subsection 1 of section 99.810 have been met and specifying that the redevelopment area would not be reasonably anticipated to be developed without the appropriation of the new state revenues;

(f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal impact on the state of Missouri; and

(g) The statement of election between the use of the incremental increase of the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;

(h) The name, street and mailing address, and phone number of the mayor or chief executive officer of the municipality;

(i) The street address of the development site;

(j) The three-digit North American Industry Classification System number or numbers characterizing the development project;

(k) The estimated development project costs;

(l) The anticipated sources of funds to pay such development project costs;

(m) Evidence of the commitments to finance such development project costs;

(n) The anticipated type and term of the sources of funds to pay such development project costs;

(o) The anticipated type and terms of the obligations to be issued;

(p) The most recent equalized assessed valuation of the property within the development project area;

(q) An estimate as to the equalized assessed valuation after the development project area is developed in accordance with a development plan;

(r) The general land uses to apply in the development area;

(s) The total number of individuals employed in the development area, broken down by full-time, part-time, and temporary positions;

(t) The total number of full-time equivalent positions in the development area;

(u) The current gross wages, state income tax withholdings, and federal income tax withholdings for individuals employed in the development area;

(v) The total number of individuals employed in this state by the corporate parent of any business benefitting from public expenditures in the development area, and all subsidiaries thereof, as of December thirty-first of the prior fiscal year, broken down by full-time, part-time, and temporary positions;

(w) The number of new jobs to be created by any business benefitting from public expenditures in the development area, broken down by full-time, part-time, and temporary positions;

(x) The average hourly wage to be paid to all current and new employees at the project site, broken down by full-time, part-time, and temporary positions;

(y) For project sites located in a metropolitan statistical area, as defined by the federal Office of Management and Budget, the average hourly wage paid to nonmanagerial employees in this state for the industries involved at the project, as established by the United States Bureau of Labor Statistics;

(z) For project sites located outside of metropolitan statistical areas, the average weekly wage paid to nonmanagerial employees in the county for industries involved at the project, as established by the United States Department of Commerce;

(aa) A list of other community and economic benefits to result from the project;

(bb) A list of all development subsidies that any business benefitting from public expenditures in the development area has previously received for the project, and the name of any other granting body from which such subsidies are sought;

(cc) A list of all other public investments made or to be made by this state or units of local government to support infrastructure or other needs generated by the project for which the funding pursuant to this section is being sought;

(dd) A statement as to whether the development project may reduce employment at any other site, within or without the state, resulting from automation, merger, acquisition, corporate restructuring, relocation, or other business activity;

(ee) A statement as to whether or not the project involves the relocation of work from another address and if so, the number of jobs to be relocated and the address from which they are to be relocated;

(ff) A list of competing businesses in the county containing the development area and in each contiguous county;

(gg) A market study for the development area;

(hh) A certification by the chief officer of the applicant as to the accuracy of the development plan;

(2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;

(3) The appropriation shall be either a portion of the estimate of the incremental increase in the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the estimate of the state income tax withheld by the employer on behalf of new employees who fill new jobs created in the redevelopment area as indicated in the municipality's application, approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. At no time shall the annual amount of the new state revenues approved for disbursements from the Missouri supplemental tax increment financing fund exceed thirty-two million dollars;

(4) Redevelopment plans and projects receiving new state revenues shall have a duration of up to fifteen years, unless prior approval for a longer term is given by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee; except that, in no case shall the duration exceed twenty-three years.

11. In addition to the areas authorized in subsection 9 of this section, the funding authorized pursuant to subsection 4 of this section shall also be available in a federally approved levee district, where construction of a levee begins after December 23, 1997, and which is contained within a county of the first classification without a charter form of government with a population between fifty thousand and one hundred thousand inhabitants which contains all or part of a city with a population in excess of four hundred thousand or more inhabitants.

12. There is hereby established within the state treasury a special fund to be known as the "Missouri Supplemental Tax Increment Financing Fund", to be administered by the department of economic development. The department shall annually distribute from the Missouri supplemental tax increment financing fund the amount of the new state revenues as appropriated as provided in the provisions of subsections 4 and 5 of this section if and only if the conditions of subsection 10 of this section are met. The fund shall also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. Moneys in the Missouri supplemental tax increment financing fund shall be disbursed per project pursuant to state appropriations.

13. Redevelopment project costs may include, at the prerogative of the state, the portion of salaries and expenses of the department of economic development and the department of revenue reasonably allocable to each redevelopment project approved for disbursements from the Missouri supplemental tax increment financing fund for the ongoing administrative functions associated with such redevelopment project. Such amounts shall be recovered from new state revenues deposited into the Missouri supplemental tax increment financing fund created under this section.

14. For redevelopment plans or projects approved by ordinance that result in net new jobs from the relocation of a national headquarters from another state to the area of the redevelopment project, the economic activity taxes and new state tax revenues shall not be based on a calculation of the incremental increase in taxes as compared to the base year or prior calendar year for such redevelopment project, rather the incremental increase shall be the amount of total taxes generated from the net new jobs brought in by the national headquarters from another state. In no event shall this

subsection be construed to allow a redevelopment project to receive an appropriation in excess of up to fifty percent of the new state revenues."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 7

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 1035, Page 1, Section A, Line 3, by inserting after all of said line the following:

"67.457. 1. To establish a neighborhood improvement district, the governing body of any city or county shall comply with either of the procedures described in subsection 2 or 3 of this section.

2. The governing body of any city or county proposing to create a neighborhood improvement district may by resolution submit the question of creating such district to all qualified voters residing within such district at a general or special election called for that purpose. Such resolution shall set forth the project name for the proposed improvement, the general nature of the proposed improvement, the estimated cost of such improvement, the boundaries of the proposed neighborhood improvement district to be assessed, and the proposed method or methods of assessment of real property within the district, including any provision for the annual assessment of maintenance costs of the improvement in each year during the term of the bonds issued for the original improvement and after such bonds are paid in full. The governing body of the city or county may create a neighborhood improvement district when the question of creating such district has been approved by the vote of the percentage of electors within such district voting thereon that is equal to the percentage of voter approval required for the issuance of general obligation bonds of such city or county under article VI, section 26 of the constitution of this state. The notice of election containing the question of creating a neighborhood improvement district shall contain the project name for the proposed improvement, the general nature of the proposed improvement, the estimated cost of such improvement, the boundaries of the proposed neighborhood improvement district to be assessed, the proposed method or methods of assessment of real property within the district, including any provision for the annual assessment of maintenance costs of the improvement in each year after the bonds issued for the original improvement are paid in full, and a statement that the final cost of such improvement assessed against real property within the district and the amount of general obligation bonds issued therefor shall not exceed the estimated cost of such improvement, as stated in such notice, by more than twenty-five percent, and that the annual assessment for maintenance costs of the improvements shall not exceed the estimated annual maintenance cost, as stated in such notice, by more than twenty-five percent. The ballot upon which the question of creating a neighborhood improvement district is submitted to the qualified voters residing within the proposed district shall contain a question in substantially the following form:

Shall (name of city or county) be authorized to create a neighborhood improvement district proposed for the (project name for the proposed improvement) and incur indebtedness and issue general obligation bonds to pay for all or part of the cost of public improvements within such district, the cost of all indebtedness so incurred to be assessed by the governing body of the (city or county) on the real property benefitted by such improvements for a period of years, and, if included in the resolution, an assessment in each year thereafter with the proceeds thereof used solely for maintenance of the improvement?

3. As an alternative to the procedure described in subsection 2 of this section, the governing body of a city or county may create a neighborhood improvement district when a proper petition has been signed by the owners of record of at least two-thirds by area of all real property located within such proposed district. Each owner of record of real property located in the proposed district is allowed one signature. Any person, corporation, or limited liability partnership owning more than one parcel of land located in such proposed district shall be allowed only one signature on such petition. The petition, in order to become effective, shall be filed with the city clerk or county clerk. A proper petition for the creation of a neighborhood improvement district shall set forth the project name for the proposed improvement, the general nature of the proposed improvement, the estimated cost of such improvement, the boundaries of the proposed neighborhood improvement district to be assessed, the proposed method or methods of assessment of real property within the district, including any provision for the annual assessment of maintenance costs of the improvement in each year during the term of the bonds issued for the original improvement and after such bonds are paid in full, a notice that the names of the signers may not be withdrawn later than seven days after the petition is filed with the city clerk or county clerk, and a notice that the final cost of such improvement assessed against real property within the district and the amount of general obligation bonds issued therefor shall not exceed the estimated cost of such improvement, as stated in such petition, by more than twenty-five percent, and that the annual assessment for

maintenance costs of the improvements shall not exceed the estimated annual maintenance cost, as stated in such petition, by more than twenty-five percent.

4. Upon receiving the requisite voter approval at an election or upon the filing of a proper petition with the city clerk or county clerk, the governing body may by resolution or ordinance determine the advisability of the improvement and may order that the district be established and that preliminary plans and specifications for the improvement be made. Such resolution or ordinance shall state and make findings as to the project name for the proposed improvement, the nature of the improvement, the estimated cost of such improvement, the boundaries of the neighborhood improvement district to be assessed, the proposed method or methods of assessment of real property within the district, including any provision for the annual assessment of maintenance costs of the improvement in each year after the bonds issued for the original improvement are paid in full, and shall also state that the final cost of such improvement assessed against the real property within the neighborhood improvement district and the amount of general obligation bonds issued therefor shall not, without a new election or petition, exceed the estimated cost of such improvement by more than twenty-five percent.

5. The boundaries of the proposed district shall be described by metes and bounds, streets or other sufficiently specific description. The area of the neighborhood improvement district finally determined by the governing body of the city or county to be assessed may be less than, but shall not exceed, the total area comprising such district.

6. In any neighborhood improvement district organized prior to August 28, 1994, an assessment may be levied and collected after the original period approved for assessment of property within the district has expired, with the proceeds thereof used solely for maintenance of the improvement, if the residents of the neighborhood improvement district either vote to assess real property within the district for the maintenance costs in the manner prescribed in subsection 2 of this section or if the owners of two-thirds of the area of all real property located within the district sign a petition for such purpose in the same manner as prescribed in subsection 3 of this section.

7. Prior to any assessment hereafter being levied against any real property within any neighborhood improvement district, and prior to any lien enforceable under either chapter 140 or 141 being imposed after August 28, 2013 against any real property within a neighborhood improvement district, the clerk of the governing body establishing the neighborhood improvement district shall cause to be recorded with the recorder of deeds for the county in which any portion of the neighborhood improvement district is located, a document conforming to the provisions of sections 59.310 and 59.313, and which shall contain at least the following information:

(1) Each owner of record of real property located within the neighborhood improvement district at the time of recording, who shall be identified in the document as grantors and indexed by the recorder pursuant to section 59.440;

(2) The governing body establishing the neighborhood improvement district and the title of any official or agency responsible for collecting or enforcing any assessments, who shall be identified in the document as grantees and so indexed by the recorder pursuant to section 59.440;

(3) The legal description of the property within the neighborhood improvement district which may either be the metes and bounds description authorized in subsection 5 of this section or the legal description of each lot or parcel within the neighborhood improvement district; and

(4) The identifying number of the resolution or ordinance creating the neighborhood improvement district, or a copy of such resolution or ordinance."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 8

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 1035, Page 3, Section 67.469, Line 11, by inserting after all of said line the following:

"71.011. 1. Except as provided in subsection 2 of this section, property of a municipality which abuts another municipality may be concurrently detached from one municipality and annexed by the other municipality by the enactment by the governing bodies of each municipality of an ordinance describing by metes and bounds the property, declaring the property so described to be concurrently detached and annexed, and stating the reasons for and the purposes to be accomplished by the detachment and annexation. One certified copy of each ordinance shall be filed with the county clerk, with the county assessor, with the county recorder of deeds, and with the clerk of the circuit court of the county in which the property is located, whereupon the concurrent detachment and annexation shall be complete and final. Thereafter all courts of this state shall take notice of the limits of both municipalities as changed by the ordinances. No declaratory judgment or election shall be required for any concurrent detachment and annexation permitted by this

section if there are no residents living in the area or if there are residents in the area and they be notified of the annexation and do not object within sixty days.

2. In a county of the first classification with a charter form of government containing all or a portion of a city with a population of at least three hundred thousand inhabitants[,] :

(1) Unimproved property of a municipality which overlaps another municipality may be concurrently detached from one municipality and annexed by the other municipality by the enactment by the governing body of the receiving municipality of an ordinance describing by metes and bounds the property, declaring the property so described to be detached and annexed, and stating the reasons for and the purposes to be accomplished by the detachment and annexation. A copy of said ordinance shall be mailed to the city clerk of the contributing municipality, which shall have thirty days from receipt of said notice to pass an ordinance disapproving the change of boundary. If such ordinance is not passed within thirty days, the change shall be effective and one certified copy of the ordinance shall be filed with the county clerk, with the county assessor, with the county recorder of deeds, and with the clerk of the circuit court of the county in which the property is located, whereupon the concurrent detachment and annexation shall be complete and final. Thereafter all courts of this state shall take notice of the limits of both municipalities as changed by the ordinances. No declaratory judgment or election shall be required for any concurrent detachment and annexation permitted by this section if the landowners in the area are notified and do not object within sixty days; or

(2) An island of unincorporated area within a municipality, which is contiguous to more than one municipality or contiguous to the Missouri River and the Blue River, may be annexed by an abutting municipality by the enactment by the governing body of the municipality of an ordinance describing the metes and bounds of the property, declaring the property so described to be annexed, and stating the reasons for and the purposes to be accomplished by the annexation. All recording shall be accomplished in the same manner as set out in subdivision (1) of this subsection and shall be effective unless the governing body of the county passes an ordinance within thirty days disapproving the annexation. No declaratory judgment or election shall be required for any annexation permitted by this subdivision. Any annexation permitted by this subdivision shall exclude any property within the unincorporated area when such property has been owned by the same family for at least sixty consecutive years and consists of ten acres or more. The line of ownership from the original settler or buyer may be through children, grandchildren, siblings, nephews, or nieces, including through marriage or adoption."; and

Further amend the title and enacting clause accordingly.

House Amendment No. 9

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 1035, Page 1, Section A, Line 3, by inserting after all of said line the following:

"33.080. 1. All fees, funds and moneys from whatsoever source received by any department, board, bureau, commission, institution, official or agency of the state government by virtue of any law or rule or regulation made in accordance with any law, excluding all funds received and disbursed by the state on behalf of counties and cities, towns and villages shall, by the official authorized to receive same, and at stated intervals of not more than thirty days, be placed in the state treasury to the credit of the particular purpose or fund for which collected, and shall be subject to appropriation by the general assembly for the particular purpose or fund for which collected during the biennium in which collected and appropriated. The unexpended balance remaining in all such funds (except such unexpended balance as may remain in any fund authorized, collected and expended by virtue of the provisions of the constitution of this state) shall at the end of the biennium and after all warrants on same have been discharged and the appropriation thereof has lapsed, be transferred and placed to the credit of the [ordinary] **general** revenue fund of the state by the state treasurer. Any official or any person who shall willfully fail to comply with any of the provisions of this section, and any person who shall willfully violate any provision hereof, shall be deemed guilty of a misdemeanor; provided, that all such money received by the curators of the University of Missouri except those funds required by law or by instrument granting the same to be paid into the seminary fund of the state, is excepted herefrom, and in the case of other state educational institutions there is excepted herefrom, gifts or trust funds from whatever source; appropriations; gifts or grants from the federal government, private organizations and individuals; funds for or from student activities; farm or housing activities; and other funds from which the whole or some part thereof may be liable to be repaid to the person contributing the same; and hospital fees. All of the above excepted funds shall be reported in detail quarterly to the governor and biennially to the general assembly.

2. Notwithstanding any provision of law to the contrary concerning the funds listed in subdivisions (1) to (3) of this subsection, the amount specified for each fund listed in subdivisions (1) to (3) of this subsection shall

be transferred and placed to the credit of the rebuild damaged infrastructure fund created in section 33.295 on July 1, 2013. The funds subject to the provisions of this subsection and the amount of the transfer are as follows:

- (1) Insurance dedicated fund established under section 374.150, ten million dollars;
 - (2) Lewis and Clark discovery fund established under section 173.392, the balance in the fund on June 30, 2013;
 - (3) Department of revenue information fund established under section 32.067, one million dollars.
3. Notwithstanding any provision of law to the contrary concerning the department of revenue information fund established in section 32.067, two million dollars of such fund shall be transferred and placed to the credit of the general revenue fund of the state on July 1, 2013.

33.295. 1. There is hereby established the "Rebuild Damaged Infrastructure Program" to provide funding for the reconstruction, replacement, or renovation of, or repair to, any infrastructure damaged by a presidentially declared natural disaster, including, but not limited to, the physical components of interrelated systems providing essential commodities and services to the public which includes transportation, communication, sewage, water, and electric systems as well as public elementary and secondary school buildings.

2. There is hereby created in the state treasury the "Rebuild Damaged Infrastructure Fund", which shall consist of money appropriated or collected under this section. Any amount to be transferred to the fund on July 1, 2013, pursuant to subsection 2 of section 33.080 and subsection 2 of section 360.045, in excess of fifteen million dollars shall instead be transferred to the state general revenue fund. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the purposes of this section. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

3. The provisions of this section shall expire on June 30, 2014."; and

Further amend said bill, Page 15, Section 137.720, Line 57, by inserting after all of said line the following:

"360.045. 1. The authority shall have the following powers together with all powers incidental thereto or necessary for the performance thereof:

- (1) To have perpetual succession as a body politic and corporate;
- (2) To adopt bylaws for the regulation of its affairs and the conduct of its business;
- (3) To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;
- (4) To have and to use a corporate seal and to alter the same at pleasure;
- (5) To maintain an office at such place or places in the state of Missouri as it may designate;
- (6) To determine the location and construction of any facility to be financed under the provisions of sections 360.010 to 360.140, and to construct, reconstruct, repair, alter, improve, extend, maintain, lease, and regulate the same; and to designate a participating health institution or a participating educational institution, as the case may be, as its agent to determine the location and construction of a facility undertaken by such participating health institution or participating educational institution, as the case may be, under the provisions of sections 360.010 to 360.140, to construct, reconstruct, repair, alter, improve, extend, maintain, and regulate the same, and to enter into contracts for any and all of such purposes including contracts for the management and operation of the facility;
- (7) To lease to a participating health institution or a participating educational institution, as the case may be, the particular health or educational facility or facilities, as the case may be, upon such terms and conditions as the authority shall deem proper; to charge and collect rent therefor; to terminate any such lease upon the failure of the lessee to comply with any of the obligations thereof; to include in any such lease, if desired, provisions that the lessee thereof shall have options to renew the term of the lease for such period or periods at such rent as shall be determined by the authority or to purchase any or all of the particular leased facility or facilities; and, upon payment of all of the indebtedness incurred by the authority for the financing of the facility or facilities, to convey any or all of such facility or facilities to the lessee or lessees thereof. Every lease agreement between the authority and an institution must contain a clause obligating the institution not to use the leased land, nor any facility located thereon, for sectarian instruction or study or as a place of religious worship, or in connection with any part of the program of a school or department of divinity of any religious denomination; to insure that this covenant is honored, each lease agreement shall allow the authority to conduct inspections, and every conveyance of title to an institution shall contain a restriction against use for any sectarian purpose;

(8) To issue its bonds, notes, or other obligations for any of its corporate purposes and to refund the same, all as provided in sections 360.010 to 360.140;

(9) **To transfer assets of the authority to the rebuild damaged infrastructure fund created in section 33.295;**

(10) To fix and revise from time to time and make and collect rates, rents, fees, and charges for the use of and services furnished or to be furnished by any facility or facilities or any portion thereof and to contract with any person, firm, or corporation or other body, public or private, in respect thereof; except that the authority shall have no jurisdiction over rates, rents, fees, and charges established by a participating educational institution for its students or established by a participating health institution for its patients other than to require that such rates, rents, fees, and charges by such an institution be sufficient to discharge the institution's obligations to the authority;

[(10)] (11) To establish rules and regulations for review by or on behalf of the authority of the retention or employment by a participating health institution or by a participating educational institution, as the case may be, of consulting engineers, architects, attorneys, accountants, construction and finance experts, superintendents, managers, and such other employees and agents as shall be determined to be necessary in connection with any such facility or facilities and for review by or on behalf of the authority of all reports, studies, or other material prepared in connection with any bond issue of the authority for any such facility or facilities. The costs incurred or to be incurred by a participating health institution or by a participating educational institution in connection with the review shall be deemed, where appropriate, an expense of constructing the facility or facilities or, where appropriate, shall be deemed an annual expense of operation and maintenance of the facility or facilities;

[(11)] (12) To receive and accept from any public agency loans or grants for or in aid of the construction of a facility or facilities, or any portion thereof, or for equipping the same and to receive and accept grants, gifts, or other contributions from any source;

[(12)] (13) To mortgage or pledge all or any portion of any facility or facilities, including any other health or educational facility or facilities conveyed to the authority for such purpose and the site or sites thereof, whether then owned or thereafter acquired, for the benefit of the holders of the bonds of the authority issued to finance such facility or facilities or any portion thereof or issued to refund or refinance outstanding indebtedness of a private health institution or a private institution of higher education as permitted by sections 360.010 to 360.140;

[(13)] (14) To make loans to any participating health institution or participating educational institution, as the case may be, for the cost of any facility or facilities in accordance with an agreement between the authority and such participating health institution or participating educational institution, as the case may be; except that no such loan shall exceed the total cost of such facility or facilities as determined by the participating health institution or participating educational institution, as the case may be, and approved by the authority;

[(14)] (15) To make loans to a participating health institution or participating educational institution, as the case may be, to refund outstanding obligations, mortgages, or advances issued, made, or given by the institution for the cost of its facility or facilities, including the power to issue bonds and make loans to a participating health institution or participating educational institution, as the case may be, to refinance indebtedness incurred for facilities undertaken and completed prior to or after September 28, 1975, whenever the authority finds that the financing is in the public interest, alleviates a financial hardship upon the participating health institution or participating educational institution, as the case may be, and results in a lesser cost of patient care or cost of education and a saving to third parties, including state or federal governments, and to others who must pay for the care or education;

[(15)] (16) To inspect any and all facilities assisted by the authority in any way to enforce the prohibition against sectarian or religious use at any time; and

[(16)] (17) To do all things necessary and convenient to carry out the purposes of sections 360.010 to 360.140.

2. Notwithstanding any provision of law to the contrary, including section 360.115, the authority shall transfer four million dollars of the assets of the authority to the rebuild damaged infrastructure fund created in section 33.295 on July 1, 2013.

Section B. Because of the necessity to provide funding for the reconstruction, replacement, or renovation of, or repair to, any infrastructure damaged by a presidentially declared natural disaster, the enactment of section 33.295 and the repeal and reenactment of sections 33.080 and 360.045 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 33.295 and the repeal and reenactment of sections 33.080 and 360.045 of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SCS SB 157 and SB 102, as amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 106**

The Conference Committee appointed on Senate Committee Substitute for Senate Bill No. 106, with House Amendments Nos. 1, 2, and 3, House Amendment No. 1 to House Amendment No. 4, House Amendment No. 4 as amended, and House Amendment No. 5, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Committee Substitute for Senate Bill No. 106, as amended;
2. The Senate recede from its position on Senate Committee Substitute for Senate Bill No. 106;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 106 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Dan Brown
/s/ David Pearce
/s/ Will Kraus
/s/ Scott Sifton
/s/ Jason Holsman

FOR THE HOUSE:

/s/ Charlie Davis
/s/ Sheila Solon
/s/ T.J. McKenna

**CONFERENCE COMMITTEE REPORT
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 117**

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 117, with House Amendment Nos. 1 & 2, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3, as amended, House Amendment No. 1 to House Amendment No. 4, and House Amendment No. 4, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 117, as amended;
2. The Senate recede from its position on Senate Committee Substitute for Senate Bill No. 117;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 117 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Will Kraus
/s/ Dan Brown
/s/ David Pearce
/s/ Jolie L. Justus
/s/ Joseph P. Keaveny

FOR THE HOUSE:

/s/ Charlie Davis
/s/ Dean Dohrman
/s/ Stephen Webber

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 9:00 a.m., Wednesday, May 8, 2013.

COMMITTEE HEARINGS

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Thursday, May 9, 2013, Upon Morning Adjournment, House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

CONFERENCE COMMITTEE

Wednesday, May 8, 2013, 8:30 AM, House Lounge.

SCS HCS HB 1 through SCS HCS HB 13

FISCAL REVIEW

Wednesday, May 8, 2013, 8:30 AM, South Gallery.

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Thursday, May 9, 2013, 8:30 AM, South Gallery.

Executive session may be held on any matter referred to the committee.

GOVERNMENT OVERSIGHT AND ACCOUNTABILITY

Wednesday, May 8, 2013, Upon Adjournment, House Hearing Room 7.

Executive session will be held: SS SB 251

Executive session may be held on any matter referred to the committee.

HEALTH CARE POLICY

Wednesday, May 8, 2013, Noon or Upon Morning Recess/Adjournment, House Hearing Room 6.

Public hearing will be held: HB 100, HB 613, HB 837

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

SIXTY-FIFTH DAY, WEDNESDAY, MAY 8, 2013

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HJR 19 - Bahr
- 2 HCS HJR 15 - Brattin
- 3 HCS HJR 35 - Jones (50)
- 4 HJR 17 - Burlison

HOUSE BILLS FOR PERFECTION

- 1 HB 227 - Zerr
- 2 HB 423 - Zerr
- 3 HB 578, as amended - Funderburk
- 4 HCS HB 221 - Leara
- 5 HCS HB 701 - Molendorp

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- 6 HB 255 - Torpey
- 7 HB 242 - Ellington
- 8 HB 503, as amended, HA 1 HA 3, and HA 3, pending - McCaherty
- 9 HB 448 - Webb
- 10 HCS HB 234 - Gatschenberger
- 11 HB 616 - Bahr
- 12 HB 185 - Kirkton
- 13 HCS HB 641 - Korman
- 14 HCS HB 402 - Shumake
- 15 HCS HB 717 - Grisamore
- 16 HCS HB 727 - Grisamore
- 17 HCS HB 83 - Reiboldt
- 18 HCS HB 132 - Stream
- 19 HCS HB 1041 - Swan
- 20 HCS HBs 309 & 73 - Solon
- 21 HCS HB 350 - Frederick
- 22 HCS HB 464 - Higdon
- 23 HCS HB 484 - Lauer
- 24 HCS HB 564 - McGaugh
- 25 HCS HB 604 - Phillips
- 26 HCS HB 608 - Frederick
- 27 HCS HB 685 - Burlison
- 28 HB 745 - Thomson
- 29 HCS HB 783 - Diehl
- 30 HCS HB 814 - Fraker
- 31 HCS HB 830 - Jones (50)
- 32 HB 863 - Allen
- 33 HCS HB 930 - Flanigan
- 34 HB 411 - Muntzel
- 35 HB 447 - Diehl
- 36 HB 467 - Lichtenegger
- 37 HB 827 - Redmon
- 38 HB 915 - Bahr
- 39 HCS HB 975 - Richardson

HOUSE JOINT RESOLUTIONS FOR THIRD READING

HCS#2 HJR 14 - Jones (110)

HOUSE BILLS FOR THIRD READING

- 1 HB 201 - Torpey
- 2 HCS HBs 521 & 579, (Fiscal Review 3/27/13) - Koenig
- 3 HCS HB 470 - Barnes
- 4 HCS#2 HB 178 - Koenig
- 5 HB 162 - Sommer

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 11 - Walton Gray
- 2 HCR 21 - Black
- 3 HCR 32 - Schatz

SENATE JOINT RESOLUTIONS FOR THIRD READING

HCS SS#2 SCS SJR 16 - Hinson

SENATE BILLS FOR THIRD READING

- 1 HCS SS SCS SB 125 - Barnes
- 2 HCS SCS SB 88 - Frederick
- 3 HCS SB 90 - Dugger
- 4 HCS SB 222 - Kelly (45)
- 5 SCS SB 224 - Rizzo
- 6 HCS SB 51 - Guernsey
- 7 HCS SCS SB 45 - Hough
- 8 SB 216 - Hinson
- 9 HCS SS SCS SB 241 - Cierpiot
- 10 SCS SB 302 - Elmer
- 11 HCS SB 18, E.C. - Cox
- 12 SCS SB 33 - Grisamore
- 13 SB 35 - Engler
- 14 HCS SB 41 - Hough
- 15 HCS SCS SB 42 - Jones (50)
- 16 SCS SB 87 - Bahr
- 17 HCS SB 110 - Davis
- 18 SS SCS SB 114 - Jones (50)
- 19 SS SCS SB 129 - Burlison
- 20 SCS SB 178 - Kirkton
- 21 SCS SB 248 - Fraker
- 22 HCS SS SB 252, E.C. - Richardson
- 23 SB 265 - Rowland
- 24 SS SB 267 - Curtman
- 25 SB 327 - Haahr
- 26 SB 350 - Diehl
- 27 SS SB 357 - Schatz
- 28 SCS SB 240 - Funderburk
- 29 HCS SCS SB 89, E.C. - Jones (50)
- 30 HCS SB 12, E.C. - Jones (50)
- 31 HCS SB 127 - Lichtenegger
- 32 SCS SB 69 - Cox
- 33 HCS SB 99 - Dugger
- 34 HCS SB 100, E.C. - Cox

- 35 SB 208 - White
- 36 HCS SS SB 282 - Hough
- 37 HCS SB 57 - Engler
- 38 SB 58 - Engler
- 39 SS SCS SB 29, (Fiscal Review 5/7/13) - Burlison
- 40 HCS SB 161, (Fiscal Review 5/7/13) - Stream
- 41 HCS SB 75, (Fiscal Review 5/7/13) - Burlison
- 42 HCS SB 205 - Burlison
- 43 HCS SS SB 245 - Cox
- 44 HCS SCS SB 256, (Fiscal Review 5/7/13) - Torpey
- 45 HCS SCS SBs 317 & 319 - Gosen
- 46 HCS SCS SB 229 - Grisamore
- 47 HCS SB 24, (Fiscal Review 5/7/13), E.C. - Hinson
- 48 HCS SS SCS SB 83, (Fiscal Review 5/7/13), E.C. - Crawford

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 HCS HBs 256, 33 & 305, SA 2 and SA 3, E.C. - Jones (50)
- 2 SCS HCS HB 436, as amended - Funderburk
- 3 HB 400, SA 2 - Riddle

BILLS CARRYING REQUEST MESSAGES

- 1 HCS SS SB 262, as amended
(request House recede/grant conference), E.C. - Molendorp
- 2 HCS SCS SB 157 and SB 102, as amended
(request House recede/grant conference) - Phillips

BILLS IN CONFERENCE

- 1 CCR SS HCS HJR 11 & 7, as amended - Reiboldt
- 2 SCS HCS HB 1 - Stream
- 3 SCS HCS HB 2 - Stream
- 4 SCS HCS HB 3 - Stream
- 5 SCS HCS HB 4 - Stream
- 6 SCS HCS HB 5 - Stream
- 7 SCS HCS HB 6, as amended - Stream
- 8 SCS HCS HB 7, as amended - Stream
- 9 SCS HCS HB 8 - Stream
- 10 SCS HCS HB 9 - Stream
- 11 SCS HCS HB 10 - Stream
- 12 SCS HCS HB 11, as amended - Stream
- 13 SCS HCS HB 12 - Stream
- 14 SCS HCS HB 13 - Stream
- 15 HCS SB 23, as amended, E.C. - Jones (50)
- 16 CCR SCS SB 106, HA1, HA2, HA3, HA1 to HA4, HA4 a.a., HA5 - Davis

- 17 CCR HCS SCS SB 117, as amended - Davis
- 18 SCS HCS#2 HB 698, as amended, E.C. - Zerr
- 19 HCS SS SB 34, as amended - Fraker
- 20 HCS SS#2 SCS SB 1, as amended, E.C. - Richardson
- 21 SS SCS HB 307, as amended - Riddle

SENATE CONCURRENT RESOLUTIONS

SCS SCR 5 - Frederick

HOUSE RESOLUTIONS

HR 222 - Scharnhorst

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

SIXTY-FIFTH DAY, WEDNESDAY, MAY 8, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

They that wait upon the Lord shall renew their strength. (Isaiah 40:31)

Everlasting God, the representatives of the people of our state bow before You humbly praying for strength, for guidance, and for common sense from You. Make this a sacred moment in which we become aware of Your presence, a moment when strength is given, guidance provided, and common sense arises anew with us as we face a long day and many votes.

We need You, every hour we need You. We hurry too much, we eat too fast, we sleep too little, and then wonder why we are weary and worried and worn out. As we wait upon You, renew our strength, restore our spirits, reinvigorate our minds, that this day we may think good thoughts, make wise decisions, and do it all free from tension and filled with faith. Trusting in You, may we always love You.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Cassidy Redd.

The Journal of the sixty-fourth day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2980 through House Resolution No. 3032

THIRD READING OF SENATE BILLS

SCS SB 240, relating to ratemaking for gas corporations, was taken up by Representative Funderburk.

SCS SB 240 was laid over.

SS SCS SB 114, relating to intoxicating liquor, was taken up by Representative Jones (50).

Representative Engler offered **House Amendment No. 1**.

AMEND Senate Substitute for Senate Committee Substitute for Senate Bill No. 114, Page 7, Section 316.150, Line 18, by inserting after all of said section and line, the following:

"407.400. As used in sections 407.400 to 407.420:

(1) "Franchise" means a written or oral arrangement for a definite or indefinite period, in which a person grants to another person a license to use a trade name, trademark, servicemark, or related characteristic, and in which there is a community of interest in the marketing of goods or services at wholesale, retail, by lease, agreement, or otherwise[, including]; **"franchise" specifically includes, but is not limited to, a commercial relationship of definite duration or continuing indefinite duration, between a "wholesaler", such wholesaler being a person as defined in this section, licensed pursuant to the provisions of chapter 311 to sell at wholesale, intoxicating liquor, as defined in section 311.020, to retailers, duly licensed in this state, and a "supplier", being a person engaged in the business as a manufacturer, distiller, rectifier or out-of-state solicitor whose brands of intoxicating liquor are distributed through duly licensed wholesalers in this state, and wherein a wholesaler is granted the right to offer, sell, and distribute within this state or any designated area thereof such of the supplier's brands of intoxicating liquor, or all of them, as may be specified, with or without the grant of a license to use a trade name, trademark, service mark, or related characteristic, and whether or not there is a community of interest in the marketing of goods or services;** except that, the term "franchise" shall not apply to persons engaged in sales from warehouses or like places of storage, other than wholesalers as above described, leased departments of retail stores, places of original manufacture, nor shall the term "franchise" apply to a commercial relationship that does not contemplate the establishment or maintenance of a place of business within the state of Missouri. As used herein "place of business" means a fixed, geographical location at which goods, products or services are displayed or demonstrated for sale. **It is the general assembly's intent to make clear that this subdivision was correctly interpreted as set forth in the Missouri cases of High Life Sales Company v. Brown-Forman Corporation, 823 S.W.2d 493(Mo. 1992) and Brown-Forman Distillers Corp. v McHenry, 566 S.W.2d 194 (Mo. 1978), rather than in Missouri Beverage Company, Inc. v. Shelton Brothers, Inc., 796 F. Supp. 2d 988 (W.D. Mo. 2011), aff'd. 11-2456 (8th Cir. February 28, 2012). Further, the general assembly declares that this subdivision was not correctly interpreted in Missouri Beverage Company, Inc. v Shelton Brothers, Inc., 796 F. Supp 2d 988 (W.D. Mo. 2011), aff'd 11-2456 (8th Cir. February 28, 2012);**

(2) The term "goods" includes any personal property, real property, or any combination thereof;

(3) The term "other property" includes a franchise, license distributorship, or other similar right, privilege, or interest;

(4) The term "person" includes an individual, corporation, trust, estate, partnership, unincorporated association, or any other legal or commercial entity;

(5) The term "pyramid sales scheme" includes any plan or operation for the sale or distribution of goods, services or other property wherein a person for a consideration acquires the opportunity to receive a pecuniary benefit, which is not primarily contingent on the volume or quantity of goods, services, or other property sold or distributed or to be sold or distributed to persons for purposes of resale to consumers, and is based upon the inducement of additional persons, by himself or herself or others, regardless of number, to participate in the same plan or operation; and

(6) The term "sale or distribution" includes the acts of leasing, renting or consigning.

407.413. 1. If more than one franchise for the same brand or brands of intoxicating liquor is granted to different wholesalers in this state, it is a violation of sections 407.400 to 407.420 for any supplier to discriminate between the wholesalers with respect to any of the terms, provisions, and conditions of these franchises.

2. (1) Notwithstanding the terms, provisions and conditions of any franchise, no supplier shall unilaterally terminate or refuse to continue or change substantially the condition of any franchise with the wholesaler unless the supplier has first established good cause for such termination, noncontinuance or change.

(2) **This subsection does not apply to a "supplier", being a person engaged in the business as a manufacturer, distiller, rectifier, or out-of-state solicitor whose brands of intoxicating liquor are distributed through duly licensed wholesalers in this state who sells less than ten thousand cases of distilled spirits in the state, or who sells less than ten thousand cases of wine in the state, the volume thresholds being measured for the twelve months immediately preceding the date on which the wholesaler receives notice of the termination, noncontinuance, or change, provided such supplier of distilled spirits shall be obligated nevertheless, prior to the effective date of the termination, noncontinuance, or change, to pay to the wholesaler an amount equal to the fair market value of the distribution rights which will be lost or diminished by reason of the termination, noncontinuance, or change, including without limitation the actual laid in cost of any inventory on hand, and**

provided further that this exception shall only apply to a termination, noncontinuance, or change concerning distilled spirits that is less than the volume threshold set forth in this sentence. The exception in the preceding sentence shall not affect a supplier's obligation to satisfy the notice requirements set forth in section 407.405. For purposes of this subsection, "fair market value" shall be determined in accordance with the provisions of the written agreement, if any, between the supplier and wholesaler, or if the written agreement between them does not specify how fair market value is determined, then for a supplier of distilled spirits that sells less than ten thousand cases of distilled spirits in the state in the twelve months immediately preceding the date on which the wholesaler receives notice of the termination, noncompliance, or change, "fair market value" shall be determined by agreement of the supplier and wholesaler, but if the parties cannot so determine within thirty days after the notice, then the matter shall be submitted to mandatory arbitration before a panel of three neutral arbitrators conducted pursuant to chapter 435 or the Federal Arbitration Act if the latter so applies, with the parties to the arbitration each to bear their own attorneys' fees and costs of the arbitration.

3. Any wholesaler may bring an action in a court of competent jurisdiction against a supplier for violation of any of the provisions of this section and may recover damages sustained by such wholesaler together with the costs of the action and reasonable attorney's fees.

4. In any action brought by a wholesaler against a supplier for termination, noncontinuance or substantial change in violation of the provisions of this section, it is a complete defense for the supplier to prove that the termination, noncontinuance or change was done in good faith and for good cause.

5. As used in this section, "good faith" is the duty of each party to any franchise and all officers, employees or agents thereof to act in a fair and equitable manner towards each other, and "good cause" means the following:

(1) Failure by the wholesaler to comply substantially with the provisions of an agreement or understanding with the supplier, which provisions are both essential and reasonable;

(2) Use of bad faith or failure to observe reasonable commercial standards of fair dealing in the trade; or

(3) Revocation or suspension for more than thirty-one days of a beer wholesaler's federal basic permit or of any state or local license required of a beer wholesaler for the normal operation of its business.

6. As to brewers and beer wholesalers, the provisions of this section shall only apply to agreements entered into on or after August 28, 1998, and to agreements which are renewed or substantially amended on or after August 28, 1998. As used in the preceding sentence, "substantially amended" means a written amendment that materially alters the fundamental business relationship between brewer and wholesaler. "Substantially amended" does not include changes or amendments that are contemplated in writing by the parties to an agreement."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Haahr offered **House Amendment No. 1** to **House Amendment No. 1**.

House Amendment No. 1

to

House Amendment No. 1

AMEND House Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 114, Page 2, Line 41, by inserting after all of said line, the following:

"(3) Notwithstanding the provisions of subdivision (1) of this subsection, a small brewer may terminate or refuse to continue a franchise with any beer wholesaler without having good cause for termination after a three year period from the date of appointment provided the small brewer first pays compensation to the wholesaler for fair market value. Notwithstanding any provision of this section to the contrary, for purposes of this subsection, the term "brewer" shall mean any person or entity engaged primarily in business as a brewer or manufacturer of beer, and the term "small brewer" shall mean a brewer with an annual volume of less than two hundred thousand barrels of malt beverage and whose case equivalent sales of twenty-four--twelve ounce units in the affected wholesaler's assigned geographic territory is less than .017 during the measuring period. "Case equivalent sales" means the product derived by dividing the number of cases of twenty-four—twelve ounce units of the brewer's malt beverage sold by the wholesaler during the measuring period by the total population in the wholesaler's assigned geographic territory. For the purposes of this subsection, the term "measuring period" shall mean the twelve month calendar period immediately before the date on which the wholesaler receives notice of the termination or refusal to continue the franchise. Prior to the effective date of the termination or refusal to continue, the small brewer shall pay the wholesaler an amount equal to the fair market value of the distribution

rights which will be lost or diminished by reason of the termination or refusal to continue the franchise plus the actual laid in cost of any inventory on hand and any costs associated with storage of the product until removed by the brewer. For purposes of this subsection, "fair market value" shall be determined in accordance with the provisions of the written agreement, if any, between the brewer and wholesaler, or if the written agreement between them does not specify how fair market value is determined, then "fair market value" shall be determined by agreement of the brewer and wholesaler. However, if the parties cannot so determine within thirty days after the notice of termination or refusal to continue the franchise, then the matter shall be submitted to mandatory arbitration before a panel of three neutral arbitrators conducted pursuant to chapter 435 or the Federal Arbitration Act, if the latter so applies, with the parties to the arbitration each to bear their own attorneys' fees and costs of the arbitration. Unless otherwise agreed to by the parties after the dispute arises, the arbitration proceedings shall be conducted in the wholesaler's assigned territory. For the purpose of this subsection, the term "annual volume" shall mean: (1) the aggregate number of barrels of beer, under trademarks owned by that brewery and brewed, directly or indirectly, by or on behalf of the brewer during the measuring period, on a worldwide basis, plus (2) the aggregate number of barrels of beer brewed, during the measuring period, directly or indirectly, by or on behalf of any person or entity which, at any time during the measuring period, controlled, was controlled by or was under common control with the brewer, on a worldwide basis. Annual volume shall not include beer brewed under contract for any other brewer. There shall be no double counting of the same barrels of beer under clauses one and two of this subparagraph. Nothing contained in this subsection shall relieve a brewer from the obligation to satisfy the notice requirements set forth in section 407.405."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Haahr, **House Amendment No. 1 to House Amendment No. 1** was adopted.

Representative Cox offered **House Substitute Amendment No. 1 for House Amendment No. 1, as amended.**

*House Substitute Amendment No. 1
for
House Amendment No. 1*

AMEND Senate Substitute for Senate Committee Substitute for Senate Bill No. 114, Page 7, Section 316.150, Line 18, by inserting after all of said section and line, the following:

"407.400. As used in sections 407.400 to 407.420:

(1) "Franchise" means a written or oral arrangement for a definite or indefinite period, in which a person grants to another person a license to use a trade name, trademark, service mark, or related characteristic, and in which there is a community of interest in the marketing of goods or services at wholesale, retail, by lease, agreement, or otherwise[, including]; **"franchise" specifically includes**, but **is** not limited to, a commercial relationship of definite duration or continuing indefinite duration, between a "wholesaler", such wholesaler being a person as defined in this section, licensed pursuant to the provisions of chapter 311 to sell at wholesale, intoxicating liquor, as defined in section 311.020, to retailers, duly licensed in this state, and a "supplier", being a person engaged in the business as a manufacturer, distiller, rectifier or out-of-state solicitor whose brands of intoxicating liquor are distributed through duly licensed wholesalers in this state, and wherein a wholesaler is granted the right to offer, sell, and distribute within this state or any designated area thereof such of the supplier's brands of intoxicating liquor, or all of them, as may be specified, **with or without the grant of a license to use a trade name, trademark, service mark, or related characteristic, and whether or not there is a community of interest in the marketing of goods or services**; except that, the term "franchise" shall not apply to persons engaged in sales from warehouses or like places of storage, other than wholesalers as above described, leased departments of retail stores, places of original manufacture, nor shall the term "franchise" apply to a commercial relationship that does not contemplate the establishment or maintenance of a place of business within the state of Missouri. As used herein "place of business" means a fixed, geographical location at which goods, products or services are displayed or demonstrated for sale;

(2) The term "goods" includes any personal property, real property, or any combination thereof;

(3) The term "other property" includes a franchise, license distributorship, or other similar right, privilege, or interest;

(4) The term "person" includes an individual, corporation, trust, estate, partnership, unincorporated association, or any other legal or commercial entity;

(5) The term "pyramid sales scheme" includes any plan or operation for the sale or distribution of goods, services or other property wherein a person for a consideration acquires the opportunity to receive a pecuniary benefit, which is not primarily contingent on the volume or quantity of goods, services, or other property sold or distributed or to be sold or distributed to persons for purposes of resale to consumers, and is based upon the inducement of additional persons, by himself or herself or others, regardless of number, to participate in the same plan or operation; and

(6) The term "sale or distribution" includes the acts of leasing, renting or consigning.

407.413. 1. If more than one franchise for the same brand or brands of intoxicating liquor is granted to different wholesalers in this state, it is a violation of sections 407.400 to 407.420 for any supplier to discriminate between the wholesalers with respect to any of the terms, provisions, and conditions of these franchises.

2. Notwithstanding the terms, provisions and conditions of any franchise, no supplier shall unilaterally terminate or refuse to continue or change substantially the condition of any franchise with the wholesaler unless the supplier has first established good cause for such termination, noncontinuance or change. **This subsection does not apply to a "supplier", being a person engaged in the business as a manufacturer, distiller, rectifier, or out-of-state solicitor whose brands of intoxicating liquor are distributed through duly licensed wholesalers in this state who sells less than two thousand five hundred cases of distilled spirits in the state, or who sells less than ten thousand cases of wine in the state, the volume thresholds being measured for the twelve months immediately preceding the date on which the wholesaler receives notice of the termination, noncontinuance, or change, provided such supplier shall be obligated nevertheless, prior to the effective date of the termination, noncontinuance, or change, to pay to the wholesaler an amount equal to the fair market value of the distribution rights which will be lost or diminished by reason of the termination, noncontinuance, or change, including without limitation the actual laid in cost of any inventory on hand, and provided further that this exception shall only apply to a termination, noncontinuance or change concerning the category of intoxicating liquor (namely, distilled spirits or wine) that is less than the volume threshold set forth in this sentence. The exception in the preceding sentence shall not affect a supplier's obligation to satisfy the notice requirements set forth in section 407.405. For purposes of this subsection, "fair market value" shall be determined in accordance with the provisions of the written agreement, if any, between the supplier and wholesaler, or if the written agreement between them does not specify how fair market value is determined, then:**

(1) For a supplier of wine who sells less than one thousand cases of wine in the state in the twelve months immediately preceding the date on which the wholesaler receives notice of the termination, noncontinuance, or change, "fair market value" shall be equal to the actual laid in cost of any inventory on hand plus two times the gross profit earned by the wholesaler in the twelve month period preceding the notice or twelve times the monthly average gross profit for the period of time the wholesaler served as a distributor for the supplier's products if such time period is less than twelve months, and "gross profit" shall mean net revenue less costs of goods sold, as calculated in accordance with generally accepted accounting principles; and

(2) For a supplier of wine who sells at least one thousand cases but less than ten thousand cases of wine in the state in the twelve months immediately preceding the date on which the wholesaler receives notice of the termination, noncontinuance, or change, and for a supplier of distilled spirits that sells less than two thousand five hundred cases of distilled spirits in the state in the twelve months immediately preceding the date on which the wholesaler receives notice of the termination, noncontinuance, or change, "fair market value" shall be determined by agreement of the supplier and wholesaler, but if the parties cannot so determine within thirty days after the notice, then the matter shall be submitted to mandatory arbitration before a panel of three neutral arbitrators conducted pursuant to chapter 435 or the Federal Arbitration Act if the latter so applies, with the parties to the arbitration each to bear their own attorneys' fees and costs of the arbitration.

3. Any wholesaler may bring an action in a court of competent jurisdiction against a supplier for violation of any of the provisions of this section and may recover damages sustained by such wholesaler together with the costs of the action and reasonable attorney's fees.

4. In any action brought by a wholesaler against a supplier for termination, noncontinuance or substantial change in violation of the provisions of this section, it is a complete defense for the supplier to prove that the termination, noncontinuance or change was done in good faith and for good cause.

5. As used in this section, "good faith" is the duty of each party to any franchise and all officers, employees or agents thereof to act in a fair and equitable manner towards each other, and "good cause" means the following:

(1) Failure by the wholesaler to comply substantially with the provisions of an agreement or understanding with the supplier, which provisions are both essential and reasonable;

(2) Use of bad faith or failure to observe reasonable commercial standards of fair dealing in the trade; or

(3) Revocation or suspension for more than thirty-one days of a beer wholesaler's federal basic permit or of any state or local license required of a beer wholesaler for the normal operation of its business.

6. As to brewers and beer wholesalers, the provisions of this section shall only apply to agreements entered into on or after August 28, 1998, and to agreements which are renewed or substantially amended on or after August 28, 1998. As used in the preceding sentence, "substantially amended" means a written amendment that materially alters the fundamental business relationship between brewer and wholesaler. "Substantially amended" does not include changes or amendments that are contemplated in writing by the parties to an agreement.

7. Notwithstanding any other provisions of law to the contrary, a supplier and a wholesaler of intoxicating liquor may negate, modify, waive, or vary the rights granted in this chapter through a written agreement between the supplier and the wholesaler.

Section 1. Notwithstanding any other provisions of law to the contrary, a supplier and a wholesaler of intoxicating liquor may negate, modify, waive, or vary the rights granted in sections 407.400 to 407.420, through a written agreement between the supplier and the wholesaler. The provisions of this chapter shall apply only to agreements entered into between a supplier and a wholesaler on or after January 1, 2014, and to agreements which are renewed or substantially amended on or after January 1, 2014. As used in this section, the term "substantially amended" shall mean a written amendment that materially alters the fundamental business relationship between the supplier and the wholesaler, but shall not include changes or amendments that are contemplated by the parties prior to an agreement."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Roorda raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 1, as amended**, amends previously amended material.

The Chair ruled the point of order not well taken.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 107

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Solon	Sommer

Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Harris
Hodges	Hubbard	Hummel	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 005

Brown	Gardner	Kelly 45	Lichtenegger	Smith 120
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Representative Cox moved that **House Substitute Amendment No. 1 for House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 050

Anders	Anderson	Bahr	Brattin	Burlison
Conway 104	Cox	Curtis	Curtman	Davis
Fitzpatrick	Frederick	Funderburk	Gosen	Guernsey
Haefner	Harris	Hicks	Hinson	Hubbard
Hurst	Johnson	Justus	Keeney	Kelley 127
Koenig	Korman	Lair	Lauer	Leara
Love	Marshall	Molendorp	Moon	Muntzel
Otto	Parkinson	Peters	Pogue	Remole
Scharnhorst	Schatz	Solon	Sommer	Spencer
Thomson	White	Wilson	Wright	Zerr

NOES: 108

Allen	Austin	Barnes	Bernskoetter	Berry
Black	Brown	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Cookson	Cornejo
Crawford	Cross	Diehl	Dohrman	Dugger
Dunn	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Gannon
Grisamore	Haahr	Hampton	Hansen	Higdon
Hodges	Hoskins	Hough	Houghton	Hummel
Jones 50	Kirkton	Kolkmeyer	Kratky	LaFaver
Lant	Lynch	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus

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McNeil	Meredith	Messenger	Miller	Mims
Mitten	Montecillo	Morgan	Morris	Neely
Neth	Newman	Nichols	Norr	Pace
Pfautsch	Phillips	Pierson	Pike	Redmon
Rehder	Reiboldt	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Schieber	Schieffer	Schupp	Shull
Shumake	Smith 85	Stream	Swan	Swearingen
Torpey	Walker	Walton Gray	Webb	Webber
Wieland	Wood	Mr Speaker		

PRESENT: 000

ABSENT WITH LEAVE: 005

Gardner	Gatschenberger	Kelly 45	Lichtenegger	Smith 120
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Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 105

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Mr Speaker

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Harris
Hodges	Hubbard	Hummel	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson

Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 007

Gardner	Kelly 45	Lichtenegger	Molendorp	Ross
Smith 120	Zerr			

On motion of Representative Engler, **House Amendment No. 1, as amended**, was adopted by the following vote:

AYES: 112

Allen	Anderson	Austin	Barnes	Bernskoetter
Berry	Black	Brown	Burns	Butler
Carpenter	Cierpiot	Colona	Conway 10	Cookson
Cornejo	Crawford	Cross	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Gannon	Gatschenberger	Grisamore
Haahr	Hampton	Hansen	Higdon	Hoskins
Hough	Houghton	Hummel	Jones 50	Keeney
Kirkton	Kolkmeier	Kratky	LaFaver	Lant
Lynch	May	Mayfield	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Montecillo
Morgan	Morris	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Pfautsch
Phillips	Pierson	Pike	Redmon	Rehder
Reiboldt	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Schieber	Schieffer	Schupp	Shull	Shumake
Smith 85	Stream	Swan	Swearingen	Walker
Walton Gray	Webb	Webber	Wieland	Wilson
Zerr	Mr Speaker			

NOES: 047

Anders	Bahr	Brattin	Burlison	Conway 104
Cox	Curtis	Curtman	Fitzpatrick	Funderburk
Gosen	Guernsey	Haefner	Harris	Hicks
Hinson	Hodges	Hubbard	Hurst	Johnson
Justus	Kelley 127	Koenig	Korman	Lair
Lauer	Leara	Love	Marshall	McCaherty
Molendorp	Moon	Muntzel	Parkinson	Peters
Pogue	Remole	Scharnhorst	Schatz	Solon
Sommer	Spencer	Thomson	Torpey	White
Wood	Wright			

PRESENT: 000

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ABSENT WITH LEAVE: 004

Gardner Kelly 45 Lichtenegger Smith 120

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 108

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Parkinson
Pfausch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Harris
Hodges	Hubbard	Hummel	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 004

Gardner Kelly 45 Lichtenegger Smith 120

On motion of Representative Jones (50), **SS SCS SB 114, as amended**, was read the third time and passed by the following vote:

AYES: 110

Allen	Anders	Anderson	Austin	Barnes
Bernskoetter	Black	Brown	Burns	Butler
Carpenter	Cierpiot	Colona	Conway 10	Cookson
Cornejo	Crawford	Cross	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Gannon	Grisamore	Haahr
Hampton	Hansen	Higdon	Hoskins	Hough
Houghton	Hummel	Jones 50	Keeney	Kelley 127
Kirkton	Kolkmeier	Kratky	LaFaver	Lant
Lynch	May	Mayfield	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Montecillo
Morgan	Morris	Neely	Neth	Newman
Nichols	Norr	Pace	Pfautsch	Pierson
Pike	Redmon	Rehder	Reiboldt	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 85	Stream
Swan	Swearingen	Walker	Walton Gray	Webb
Webber	Wieland	Wilson	Zerr	Mr Speaker

NOES: 048

Bahr	Berry	Brattin	Burlison	Conway 104
Cox	Curtis	Curtman	Fitzpatrick	Funderburk
Gosen	Guernsey	Haefner	Harris	Hicks
Hinson	Hodges	Hubbard	Hurst	Johnson
Justus	Koenig	Korman	Lair	Lauer
Leara	Love	Marshall	McCaherty	Molendorp
Moon	Muntzel	Otto	Parkinson	Peters
Phillips	Pogue	Remole	Scharnhorst	Schatz
Solon	Sommer	Spencer	Thomson	Torpey
White	Wood	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 005

Gardner	Gatschenberger	Kelly 45	Lichtenegger	Smith 120
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Speaker Jones declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 112

Allen	Anders	Anderson	Austin	Barnes
Bernskoetter	Berry	Black	Brown	Burns
Butler	Carpenter	Cierpiot	Colona	Conway 10
Cookson	Crawford	Cross	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Elmer
Engler	English	Englund	Entlicher	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Gannon	Grisamore	Haahr	Hampton
Hansen	Higdon	Hoskins	Hough	Houghton
Hummel	Hurst	Jones 50	Justus	Keeney
Kelley 127	Kirkton	Kolkmeyer	Kratky	Lant
Lynch	May	Mayfield	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Montecillo
Morgan	Morris	Neely	Neth	Newman
Nichols	Pace	Pfautsch	Pierson	Pike
Redmon	Rehder	Reiboldt	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 85	Sommer	Stream
Swan	Swearingen	Walker	Walton Gray	Webb
Webber	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 046

Bahr	Brattin	Burlison	Conway 104	Cornejo
Cox	Curtis	Curtman	Ellington	Funderburk
Gatschenberger	Gosen	Guernsey	Haefner	Harris
Hicks	Hinson	Hodges	Hubbard	Johnson
Koenig	Korman	LaFaver	Lair	Lauer
Leara	Love	Marshall	McCaherty	Molendorp
Moon	Muntzel	Norr	Otto	Parkinson
Peters	Phillips	Pogue	Remole	Scharnhorst
Schatz	Solon	Spencer	Thomson	Torpey
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 005

Fitzpatrick	Gardner	Kelly 45	Lichtenegger	Smith 120
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BILLS IN CONFERENCE

CCR SS HCS HJR 11 & 7, as amended, relating to the right to farm, was taken up by Representative Smith (120).

Representative Barnes assumed the Chair.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 105

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Pfausch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Smith 120	Solon	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Mr Speaker

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Harris
Hodges	Hubbard	Hummel	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webb	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 009

Cierpiot	Gardner	Kelly 45	Lichtenegger	Mims
Parkinson	Sommer	Webber	Zerr	

On motion of Representative Smith (120), **CCR SS HCS HJR 11 & 7, as amended**, was adopted by the following vote:

AYES: 132

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Cierpiot	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger

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Dunn	Elmer	Engler	English	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Leara
Love	Lynch	Marshall	Mayfield	McCaherty
McGaugh	McKenna	McManus	Messenger	Miller
Molendorp	Moon	Morris	Muntzel	Neely
Neth	Nichols	Parkinson	Peters	Pfausch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Shull	Shumake	Smith 85	Smith 120
Solon	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Webb	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 025

Burns	Butler	Carpenter	Colona	Curtis
Ellinger	Ellington	Englund	Kirkton	Kratky
LaFaver	May	McCann Beatty	McDonald	McNeil
Meredith	Mitten	Montecillo	Morgan	Newman
Norr	Otto	Pace	Schupp	Walton Gray

PRESENT: 000

ABSENT WITH LEAVE: 006

Gardner	Hicks	Kelly 45	Lichtenegger	Mims
Sommer				

On motion of Representative Smith (120), **CCS SS HCS HJR 11 & 7** was read the third time and passed by the following vote:

AYES: 131

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Cierpiot	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Elmer	Engler	English	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Leara

Love	Lynch	Marshall	Mayfield	McCaherty
McGaugh	McKenna	McManus	Messenger	Miller
Molendorp	Moon	Morris	Muntzel	Neely
Neth	Nichols	Parkinson	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Shull	Shumake	Smith 85	Smith 120	Solon
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Webb	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 026

Burns	Butler	Carpenter	Colona	Curtis
Ellinger	Ellington	Englund	Kirkton	Kratky
LaFaver	May	McCann Beatty	McDonald	McNeil
Meredith	Mitten	Montecillo	Morgan	Newman
Norr	Otto	Pace	Peters	Schupp
Walton Gray				

PRESENT: 000

ABSENT WITH LEAVE: 006

Gardner	Gosen	Kelly 45	Lichtenegger	Mims
Sommer				

Representative Barnes declared the bill passed.

THIRD READING OF SENATE BILL

HCS SB 51, relating to motor vehicles, was taken up by Representative Guernsey.

Representative Guernsey offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 51, Page 21, Section 304.022, Line 68, by inserting after the word "purposes" the following:

"or any other purpose that the department of transportation determines by rule. The department may promulgate rules to implement the provisions of this subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void"; and

Further amend said bill, Pages 21 and 22, Section 304.153, by removing said section from the bill; and

Further amend said bill, Page 23, Section 304.154, Line 37, by inserting after the word "classification" the following:

"or located any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants or located in any county of the third classification without a township form of government and with more than twenty-three thousand but fewer than twenty-six thousand inhabitants and with a city of the fourth classification with more than two thousand four hundred but fewer than two thousand seven hundred inhabitants as the county seat"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Guernsey, **House Amendment No. 1** was adopted.

Representative Fraker offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for Senate Bill No. 51, Page 1, Section A, Line 11, by inserting after all of said section and line the following:

"136.055. 1. Any person who is selected or appointed by the state director of revenue as provided in subsection 2 of this section to act as an agent of the department of revenue, whose duties shall be the processing of motor vehicle title and registration transactions and the collection of sales and use taxes when required under sections 144.070 and 144.440, and who receives no salary from the department of revenue, shall be authorized to collect from the party requiring such services additional fees as compensation in full and for all services rendered on the following basis:

- (1) For each motor vehicle or trailer registration issued, renewed or transferred--~~[three]~~ **five** dollars [and fifty cents] and ~~[seven]~~ **ten** dollars for those licenses sold or biennially renewed pursuant to section 301.147;
- (2) For each application or transfer of title--~~[two dollars and fifty cents]~~ **five dollars**;
- (3) For each **address change or** instruction permit, nondriver license, chauffeur's, operator's or driver's license issued for a period of three years or less--~~[two]~~ **five** dollars [and fifty cents] and ~~[five]~~ **ten** dollars for licenses or instruction permits issued or renewed for a period exceeding three years;
- (4) For each notice of lien processed--~~[two]~~ **five** dollars [and fifty cents];
- (5) No notary fee or other fee or additional charge shall be paid or collected except for electronic [telephone] transmission reception--two dollars.

2. The director of revenue shall award fee office contracts under this section through a competitive bidding process. The competitive bidding process shall give priority to organizations and entities that are exempt from taxation under Section 501(c)(3) or 501(c)(6) of the Internal Revenue Code of 1986, as amended, and political subdivisions, including but not limited to, municipalities, counties, and fire protection districts. The director of the department of revenue may promulgate rules and regulations necessary to carry out the provisions of this subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this subsection shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

3. All fees collected by a tax-exempt organization may be retained and used by the organization.

4. All fees charged shall not exceed those in this section. The fees imposed by this section shall be collected by all permanent offices and all full-time or temporary offices maintained by the department of revenue.

5. Any person acting as agent of the department of revenue for the sale and issuance of registrations, licenses, and other documents related to motor vehicles shall have an insurable interest in all license plates, licenses, tabs, forms and other documents held on behalf of the department.

6. The fees authorized by this section shall not be collected by motor vehicle dealers acting as agents of the department of revenue under section 32.095 or those motor vehicle dealers authorized to collect and remit sales tax under subsection 8 of section 144.070.

7. Notwithstanding any other provision of law to the contrary, the state auditor may audit all records maintained and established by the fee office in the same manner as the auditor may audit any agency of the state, and the department shall ensure that this audit requirement is a necessary condition for the award of all fee office contracts. No confidential records shall be divulged in such a way to reveal personally identifiable information."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative McCaherty offered House Amendment No. 1 to House Amendment No. 2.

House Amendment No. 1
to
House Amendment No. 2

AMEND House Amendment No. 2 to House Committee Substitute for Senate Bill No. 51, Page 1, Line 4, by deleting all of said line and inserting in lieu thereof the following:

"34.040. 1. All purchases in excess of three thousand dollars shall be based on competitive bids, except as otherwise provided in this chapter.

2. On any purchase where the estimated expenditure shall be twenty-five thousand dollars or over, except as provided in subsection 5 of this section, the commissioner of administration shall:

(1) Advertise for bids in at least two daily newspapers of general circulation in such places as are most likely to reach prospective bidders and may advertise in at least two weekly minority newspapers and may provide such information through an electronic medium available to the general public at least five days before bids for such purchases are to be opened. Other methods of advertisement, which may include minority business purchase councils, however, may be adopted by the commissioner of administration when such other methods are deemed more advantageous for the supplies to be purchased;

(2) Post a notice of the proposed purchase in his or her office; and

(3) Solicit bids by mail or other reasonable method generally available to the public from prospective suppliers. All bids for such supplies shall be mailed or delivered to the office of the commissioner of administration so as to reach such office before the time set for opening bids.

3. The contract shall be let to the lowest and best bidder. The commissioner of administration shall have the right to reject any or all bids and advertise for new bids, or purchase the required supplies on the open market if they can be so purchased at a better price. When bids received pursuant to this section are unreasonable or unacceptable as to terms and conditions, noncompetitive, or the low bid exceeds available funds and it is determined in writing by the commissioner of administration that time or other circumstances will not permit the delay required to resolicit competitive bids, a contract may be negotiated pursuant to this section, provided that each responsible bidder who submitted such bid under the original solicitation is notified of the determination and is given a reasonable opportunity to modify their bid and submit a best and final bid to the state. In cases where the bids received are noncompetitive or the low bid exceeds available funds, the negotiated price shall be lower than the lowest rejected bid of any responsible bidder under the original solicitation.

4. The director of the department of revenue shall follow bidding procedures pursuant to this section and may promulgate rules necessary to establish such procedures. No points shall be awarded on a request for proposal for a contract license office to a bidder for a return-to-the-state provision offer.

5. All bids shall be based on standard specifications wherever such specifications have been approved by the commissioner of administration. The commissioner of administration shall make rules governing the delivery, inspection, storage and distribution of all supplies so purchased and governing the manner in which all claims for supplies delivered shall be submitted, examined, approved and paid. The commissioner shall determine the amount of bond or deposit and the character thereof which shall accompany bids or contracts.

[5] 6. The department of natural resources may, without the approval of the commissioner of administration required pursuant to this section, enter into contracts of up to five hundred thousand dollars to abate illegal waste tire sites pursuant to section 260.276 when the director of the department determines that urgent action is needed to protect public health, safety, natural resources or the environment. The department shall follow bidding procedures pursuant to this section and may promulgate rules necessary to establish such procedures. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter

536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

[6] 7. The commissioner of administration and other agencies to which the state purchasing law applies shall not contract for goods or services with a vendor if the vendor or an affiliate of the vendor makes sales at retail of tangible personal property or for the purpose of storage, use, or consumption in this state but fails to collect and properly pay the tax as provided in chapter 144. For the purposes of this section, "affiliate of the vendor" shall mean any person or entity that is controlled by or is under common control with the vendor, whether through stock ownership or otherwise.

136.055. 1. Any person who is selected or appointed by the state director of revenue as"; and

Further amend said amendment, Page 2, Line 8, by deleting all of said line and inserting in lieu thereof the following:

7. The department shall reimburse reasonable costs incurred associated with the transactions required in a contract license office.

8. Notwithstanding any other provision of law to the contrary, the state auditor may audit all"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative McCaherty, **House Amendment No. 1 to House Amendment No. 2** was adopted.

On motion of Representative Fraker, **House Amendment No. 2, as amended**, was adopted.

Representative Hough offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Committee Substitute for Senate Bill No. 51, Page 1, Section A, Line 11, by inserting after all of said section the following:

"32.087. 1. Within ten days after the adoption of any ordinance or order in favor of adoption of any local sales tax authorized under the local sales tax law by the voters of a taxing entity, the governing body or official of such taxing entity shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance or order. The ordinance or order shall reflect the effective date thereof.

2. Any local sales tax so adopted shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the local sales tax, except as provided in subsection 18 of this section, **and shall be imposed on all transactions on which the Missouri state sales tax is imposed.**

3. Every retailer within the jurisdiction of one or more taxing entities which has imposed one or more local sales taxes under the local sales tax law shall add all taxes so imposed along with the tax imposed by the sales tax law of the state of Missouri to the sale price and, when added, the combined tax shall constitute a part of the price, and shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. The combined rate of the state sales tax and all local sales taxes shall be the sum of the rates, multiplying the combined rate times the amount of the sale.

4. The brackets required to be established by the director of revenue under the provisions of section 144.285 shall be based upon the sum of the combined rate of the state sales tax and all local sales taxes imposed under the provisions of the local sales tax law.

5. **(1)** The ordinance or order imposing a local sales tax under the local sales tax law shall impose a tax upon all [sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail] **transactions upon which the Missouri state sales tax is imposed** to the extent and in the manner provided in sections 144.010 to 144.525, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the sum of the combined rate of the state sales tax or state highway use tax and all local sales taxes imposed under the provisions of the local sales tax law.

(2) Notwithstanding any other provision of law to the contrary, local taxing jurisdictions, except those in which voters have previously approved a local use tax under section 144.757, shall have placed on the ballot

on or after the general election in November 2014, but no later than the general election in November 2016, whether to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 and purchased from vendors not located in Missouri. The ballot question presented to the local voters shall contain substantially the following language:

Shall the (local jurisdiction's name) discontinue applying and collecting the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from vendors not located in Missouri? Approval of this measure will result in a reduction of local revenue to provide for vital services for (local jurisdiction's name) and it will place Missouri dealers of motor vehicles, outboard motors, boats, and trailers at a competitive disadvantage to non-Missouri dealers of motor vehicles, outboard motors, boats, and trailers.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(3) If the ballot question set forth in subdivision (2) of this subsection receives a majority of the votes cast in favor of the proposal, or if the local taxing jurisdiction fails to place the ballot question before the voters on or before the general election in November 2016, the local taxing jurisdiction shall cease applying the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from vendors not located in Missouri.

(4) In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection be placed before the voters, the governing body of any local taxing jurisdiction that had previously imposed a local use tax on the use of motor vehicles, trailers, boats, and outboard motors that were purchased from vendors not located in Missouri may, at any time, place a proposal on the ballot at any election to repeal application of the local sales tax to such titling. If a majority of the votes cast by the registered voters voting thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no longer be applied to such titling. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.

(5) In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection be placed before the voters on or after the general election in November 2014, and on or before the general election in November 2016, whenever the governing body of any local taxing jurisdiction imposing a local sales tax on the sale of motor vehicles, trailers, boats, and outboard motors receives a petition, signed by fifteen percent of the registered voters of such jurisdiction voting in the last gubernatorial election, calling for a proposal to be placed on the ballot at any election to repeal application of the local sales tax to such titling, the governing body shall submit to the voters of such jurisdiction a proposal to repeal application of the local sales tax to such titling. If a majority of the votes cast by the registered voters voting thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no longer be applied to such titling. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.

(6) Nothing in this subsection shall be construed to authorize the voters of any jurisdiction to repeal application of any state sales or use tax.

(7) If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from vendors located outside of Missouri is repealed, such repeal shall take effect on the first day of the second calendar quarter after the election. If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from vendors located outside of Missouri is required to cease to be applied or collected due to failure of a local taxing jurisdiction to hold an election, such cessation shall take effect on March 1, 2017.

6. On and after the effective date of any local sales tax imposed under the provisions of the local sales tax law, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri all additional local sales taxes authorized under the authority of the local sales tax law. All local sales taxes imposed under the local sales tax law together with all taxes imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

7. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of any local sales tax imposed under the local sales tax law except as modified by the local sales tax law.

8. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.525, as these sections now read and as they may hereafter be amended, it being the intent of this general assembly to ensure that the same sales tax exemptions granted from the state sales tax law also be granted under the local sales tax law, are hereby made applicable to the imposition and collection of all local sales taxes imposed under the local sales tax law.

9. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of the local sales tax law, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from any local sales tax imposed by the local sales tax law.

10. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under the provisions of the state sales tax law are hereby allowed and made applicable to any local sales tax collected under the provisions of the local sales tax law.

11. The penalties provided in section 32.057 and sections 144.010 to 144.525 for a violation of the provisions of those sections are hereby made applicable to violations of the provisions of the local sales tax law.

12. (1) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales, except the sale of motor vehicles, trailers, boats, and outboard motors **required to be titled under the laws of the state of Missouri**, shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's agent or employee shall be deemed to be consummated at the place of business from which he works.

(2) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, **the sales tax upon the titling of all [sales of] motor vehicles, trailers, boats, and outboard motors shall be [deemed to be consummated] imposed at the rate in effect at the location of the residence of the purchaser, and remitted to that local taxing entity** and not at the place of business of the retailer, or the place of business from which the retailer's agent or employee works.

(3) For the purposes of any local tax imposed by an ordinance or under the local sales tax law on charges for mobile telecommunications services, all taxes of mobile telecommunications service shall be imposed as provided in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended.

13. Local sales taxes [imposed pursuant to the local sales tax law] **shall not be imposed on the seller** [on the purchase and sale] of motor vehicles, trailers, boats, and outboard motors [shall not be collected and remitted by the seller,] **required to be titled under the laws of the state of Missouri**, but shall be collected **from the purchaser** by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a taxing entity imposing a local sales tax under the local sales tax law.

14. The director of revenue and any of his deputies, assistants and employees who have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of the local sales tax law shall enter a surety bond or bonds payable to any and all taxing entities in whose behalf such funds have been collected under the local sales tax law in the amount of one hundred thousand dollars for each such tax; but the director of revenue may enter into a blanket bond covering himself and all such deputies, assistants and employees. The cost of any premium for such bonds shall be paid by the director of revenue from the share of the collections under the sales tax law retained by the director of revenue for the benefit of the state.

15. The director of revenue shall annually report on his management of each trust fund which is created under the local sales tax law and administration of each local sales tax imposed under the local sales tax law. He shall provide each taxing entity imposing one or more local sales taxes authorized by the local sales tax law with a detailed accounting of the source of all funds received by him for the taxing entity. Notwithstanding any other provisions of law, the state auditor shall annually audit each trust fund. A copy of the director's report and annual audit shall be forwarded to each taxing entity imposing one or more local sales taxes.

16. Within the boundaries of any taxing entity where one or more local sales taxes have been imposed, if any person is delinquent in the payment of the amount required to be paid by him under the local sales tax law or in the event a determination has been made against him for taxes and penalty under the local sales tax law, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under the

local sales tax law, the director of revenue shall notify the taxing entity in the event any person fails or refuses to pay the amount of any local sales tax due so that appropriate action may be taken by the taxing entity.

17. Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by the local sales tax law, the director of revenue shall permit the taxing entity to join in any sale of property to pay the delinquent taxes and penalties due the state and to the taxing entity under the local sales tax law. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such taxing entity.

18. If a local sales tax has been in effect for at least one year under the provisions of the local sales tax law and voters approve reimposition of the same local sales tax at the same rate at an election as provided for in the local sales tax law prior to the date such tax is due to expire, the tax so reimposed shall become effective the first day of the first calendar quarter after the director receives a certified copy of the ordinance, order or resolution accompanied by a map clearly showing the boundaries thereof and the results of such election, provided that such ordinance, order or resolution and all necessary accompanying materials are received by the director at least thirty days prior to the expiration of such tax. Any administrative cost or expense incurred by the state as a result of the provisions of this subsection shall be paid by the city or county reimposing such tax.

144.020. 1. A tax is hereby levied and imposed **for the privilege of titling new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be titled under the laws of the state of Missouri and, except as provided in paragraph (9) hereof,** upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. The rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, [including but not limited to] **excluding** motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard motors **required to be titled under the laws of the state of Missouri and subject to tax under subdivision (9) of subsection (1) of section 144.020,** a tax equivalent to four percent of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to four percent of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, except as otherwise provided in section 144.025;

(2) A tax equivalent to four percent of the amount paid for admission and seating accommodations, or fees paid to, or in any place of amusement, entertainment or recreation, games and athletic events;

(3) A tax equivalent to four percent of the basic rate paid or charged on all sales of electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(4) A tax equivalent to four percent on the basic rate paid or charged on all sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; except that, the payment made by telecommunications subscribers or others, pursuant to section 144.060, and any amounts paid for access to the internet or interactive computer services shall not be considered as amounts paid for telecommunications services;

(5) A tax equivalent to four percent of the basic rate paid or charged for all sales of services for transmission of messages of telegraph companies;

(6) A tax equivalent to four percent on the amount of sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are regularly served to the public;

(7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(8) A tax equivalent to four percent of the amount paid or charged for rental or lease of tangible personal property, provided that if the lessor or renter of any tangible personal property had previously purchased the property under the conditions of "sale at retail" or leased or rented the property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or subrental receipts from that property. The purchase, rental or lease of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax paid as provided in this section and section 144.070. In no event shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement, entertainment or recreation. Rental and leased boats or outboard motors shall

be taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof.

(9) A tax equivalent to four percent of the purchase price, as defined in section 144.070, of new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri. This tax is imposed on the person titling such property, and shall be paid according to the procedures in section 144.440.

2. All tickets sold which are sold under the provisions of sections 144.010 to 144.525 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words "This ticket is subject to a sales tax."

144.021. The purpose and intent of sections 144.010 to 144.510 is to impose a tax upon the privilege of engaging in the business, in this state, of selling tangible personal property and those services listed in section 144.020 **and for the privilege of titling new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri. Except as otherwise provided,** the primary tax burden is placed upon the seller making the taxable sales of property or service and is levied at the rate provided for in section 144.020. Excluding **subdivision (9) of subsection 1 of section 144.020 and** sections 144.070, 144.440 and 144.450, the extent to which a seller is required to collect the tax from the purchaser of the taxable property or service is governed by section 144.285 and in no way affects sections 144.080 and 144.100, which require all sellers to report to the director of revenue their "gross receipts", defined herein to mean the aggregate amount of the sales price of all sales at retail, and remit tax at four percent of their gross receipts.

144.069. All sales **taxes associated with the titling** of motor vehicles, trailers, boats and outboard motors **under the laws of Missouri** shall be [deemed to be consummated] **imposed** at the **rate in effect at the location of the** address of the owner thereof, and all **sales taxes associated with the titling of vehicles under** leases of over sixty-day duration of motor vehicles, trailers, boats and outboard motors [subject to sales taxes under this chapter] shall be [deemed to be consummated] **imposed at the rate in effect,** unless the vehicle, trailer, boat or motor has been registered and sales taxes have been paid prior to the consummation of the lease agreement at the **location of the** address of the lessee thereof on the date the lease is consummated, and all applicable sales taxes levied by any political subdivision shall be collected **and remitted** on such sales **from the purchaser or lessee** by the state department of revenue on that basis.

144.071. 1. In all cases where the purchaser of a motor vehicle, trailer, boat or outboard motor rescinds the sale of that motor vehicle, trailer, boat or outboard motor and receives a refund of the purchase price and returns the motor vehicle, trailer, boat or outboard motor to the seller within sixty calendar days from the date of the sale, **any** [the sales or use] tax paid to the department of revenue shall be refunded to the purchaser upon proper application to the director of revenue.

2. In any rescission whereby a seller reacquires title to the motor vehicle, trailer, boat or outboard motor sold by him and the reacquisition is within sixty calendar days from the date of the original sale, the person reacquiring the motor vehicle, trailer, boat or outboard motor shall be entitled to a refund of any [sales or use] tax paid as a result of the reacquisition of the motor vehicle, trailer, boat or outboard motor, upon proper application to the director of revenue.

3. Any city or county [sales or use] tax refunds shall be deducted by the director of revenue from the next remittance made to that city or county.

4. Each claim for refund must be made within one year after payment of the tax on which the refund is claimed.

5. As used in this section, the term "boat" includes all motorboats and vessels as the terms "motorboat" and "vessel" are defined in section 306.010.

144.440. 1. [In addition to all other taxes now or hereafter levied and imposed upon every person for the privilege of using the highways or waterways of this state, there is hereby levied and imposed a tax equivalent to four percent of the purchase price, as defined in section 144.070, which is paid or charged on new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri.

2.] At the time the owner of any [such] motor vehicle, trailer, boat, or outboard motor makes application to the director of revenue for an official certificate of title and the registration of the same as otherwise provided by law, he shall present to the director of revenue evidence satisfactory to the director showing the purchase price paid by or charged to the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, or that the motor vehicle, trailer, boat, or outboard motor is not subject to the tax herein provided and, if the motor vehicle, trailer, boat, or outboard

motor is subject to the tax herein provided, the applicant shall pay or cause to be paid to the director of revenue the tax provided herein.

[3.] **2.** In the event that the purchase price is unknown or undisclosed, or that the evidence thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisal by the director.

[4.] **3.** No certificate of title shall be issued for such motor vehicle, trailer, boat, or outboard motor unless the tax for the privilege of using the highways or waters of this state has been paid or the vehicle, trailer, boat, or outboard motor is registered under the provisions of subsection 5 of this section.

[5.] **4.** The owner of any motor vehicle, trailer, boat, or outboard motor which is to be used exclusively for rental or lease purposes may pay the tax due thereon required in section 144.020 at the time of registration or in lieu thereof may pay a [use] **sales** tax as provided in sections 144.010, 144.020, 144.070 and 144.440. A [use] **sales** tax shall be charged and paid on the amount charged for each rental or lease agreement while the motor vehicle, trailer, boat, or outboard motor is domiciled in the state. If the owner elects to pay upon each rental or lease, he shall make an affidavit to that effect in such form as the director of revenue shall require and shall remit the tax due at such times as the director of revenue shall require.

[6.] **5.** In the event that any leasing company which rents or leases motor vehicles, trailers, boats, or outboard motors elects to collect a [use] **sales** tax[,], all of its lease receipts would be subject to the [use] **sales** tax[,], regardless of whether or not the leasing company previously paid a sales tax when the vehicle, trailer, boat, or outboard motor was originally purchased.

[7.] **6.** The provisions of this section, and the tax imposed by this section, shall not apply to manufactured homes.

144.450. In order to avoid double taxation under the provisions of sections 144.010 to 144.510, any person who purchases a motor vehicle, trailer, manufactured home, boat, or outboard motor in any other state and seeks to register or obtain a certificate of title for it in this state shall be credited with the amount of any sales tax or use tax shown to have been previously paid by him on the purchase price of such motor vehicle, trailer, boat, or outboard motor in such other state. The tax imposed by **subdivision (9) of subsection 1 of section 144.440** shall not apply:

(1) [To motor vehicles, trailers, boats, or outboard motors on account of which the sales tax provided by sections 144.010 to 144.510 shall have been paid;

(2)] To motor vehicles, trailers, boats, or outboard motors brought into this state by a person moving any such vehicle, trailer, boat, or outboard motor into Missouri from another state who shall have registered and in good faith regularly operated any such motor vehicle, trailer, boat, or outboard motor in such other state at least ninety days prior to the time it is registered in this state;

[(3)] **(2)** To motor vehicles, trailers, boats, or outboard motors acquired by registered dealers for resale;

[(4)] **(3)** To motor vehicles, trailers, boats, or outboard motors purchased, owned or used by any religious, charitable or eleemosynary institution for use in the conduct of regular religious, charitable or eleemosynary functions and activities;

[(5)] **(4)** To motor vehicles owned and used by religious organizations in transferring pupils to and from schools supported by such organization;

[(6)] **(5)** Where the motor vehicle, trailer, boat, or outboard motor has been acquired by the applicant for a certificate of title therefor by gift or under a will or by inheritance, and the tax hereby imposed has been paid by the donor or decedent;

[(7)] **(6)** To any motor vehicle, trailer, boat, or outboard motor owned or used by the state of Missouri or any other political subdivision thereof, or by an educational institution supported by public funds; or

[(8)] **(7)** To farm tractors.

144.455. The tax imposed by **subdivision (9) of subsection 1 of section [144.440] 144.020 on the titling of** motor vehicles and trailers is levied for the purpose of providing revenue to be used by this state to defray in whole or in part the cost of constructing, widening, reconstructing, maintaining, resurfacing and repairing the public highways, roads and streets of this state, and the cost and expenses incurred in the administration and enforcement of **subdivision (9) of subsection 1 of section 144.020 and sections 144.440 to 144.455, and for no other purpose whatsoever, and all revenue collected or received by the director of revenue from the tax imposed by subdivision (9) of subsection 1 of section [144.440] 144.020 on motor vehicles and trailers shall be promptly deposited [in the state treasury to the credit of the state highway department fund] as dictated by article IV, section 30(b) of the Constitution of Missouri.**

144.525. Notwithstanding any other provision of law, the amount of any state and local sales [or use] taxes due on the purchase of a motor vehicle, trailer, boat or outboard motor required to be registered under the provisions of

sections 301.001 to 301.660 and sections 306.010 to 306.900 shall be computed on the rate of such taxes in effect on the date the purchaser submits application for a certificate of ownership to the director of revenue; except that, in the case of a sale at retail, of an outboard motor by a retail business which is not required to be registered under the provisions of section 301.251, the amount of state and local [sales and use] taxes due shall be computed on the rate of such taxes in effect as of the calendar date of the retail sale.

144.610. 1. A tax is imposed for the privilege of storing, using or consuming within this state any article of tangible personal property, **excluding motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors required to be titled under the laws of the state of Missouri and subject to tax under subdivision (9) of subsection 1 of section 144.020**, purchased on or after the effective date of sections 144.600 to 144.745 in an amount equivalent to the percentage imposed on the sales price in the sales tax law in section 144.020. This tax does not apply with respect to the storage, use or consumption of any article of tangible personal property purchased, produced or manufactured outside this state until the transportation of the article has finally come to rest within this state or until the article has become commingled with the general mass of property of this state.

2. Every person storing, using or consuming in this state tangible personal property **subject to the tax in subsection 1** is liable for the tax imposed by this law, and the liability shall not be extinguished until the tax is paid to this state, but a receipt from a vendor authorized by the director of revenue under the rules and regulations that he prescribes to collect the tax, given to the purchaser in accordance with the provisions of section 144.650, relieves the purchaser from further liability for the tax to which receipt refers.

3. Because this section no longer imposes a Missouri use tax on the storage, use, or consumption of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors required to be titled under the laws of the state of Missouri, in that the state sales tax is now imposed on the titling of such property, the local sales tax, rather than the local use tax, applies.

144.613. Notwithstanding the provisions of section 144.655, at the time the owner of any new or used boat or boat motor which was acquired after December 31, 1979, in a transaction subject to [use] tax under [the Missouri use tax law] **this chapter** makes application to the director of revenue for the registration of the boat or boat motor, he shall present to the director of revenue evidence satisfactory to the director of revenue showing the purchase price, exclusive of any charge incident to the extension of credit, paid by or charged to the applicant in the acquisition of the boat or boat motor, or that no sales or use tax was incurred in its acquisition, and, if [sales or use] tax was incurred in its acquisition, that the same has been paid, or the applicant shall pay or cause to be paid to the director of revenue the [use] tax provided by [the Missouri use tax law] **this chapter** in addition to the registration fees now or hereafter required according to law, and the director of revenue shall not issue a registration for any new or used boat or boat motor subject to [use] tax [as provided in the Missouri use tax law] **in this chapter** until the tax levied for the use of the same under [sections 144.600 to 144.748] **this chapter** has been paid.

144.615. There are specifically exempted from the taxes levied in sections 144.600 to 144.745:

(1) Property, the storage, use or consumption of which this state is prohibited from taxing pursuant to the constitution or laws of the United States or of this state;

(2) Property, the gross receipts from the sale of which are required to be included in the measure of the tax imposed pursuant to the Missouri sales tax law;

(3) Tangible personal property, the sale or other transfer of which, if made in this state, would be exempt from or not subject to the Missouri sales tax pursuant to the provisions of subsection 2 of section 144.030;

(4) Motor vehicles, trailers, boats, and outboard motors subject to the tax imposed by section [144.440] **144.020**;

(5) Tangible personal property which has been subjected to a tax by any other state in this respect to its sales or use; provided, if such tax is less than the tax imposed by sections 144.600 to 144.745, such property, if otherwise taxable, shall be subject to a tax equal to the difference between such tax and the tax imposed by sections 144.600 to 144.745;

(6) Tangible personal property held by processors, retailers, importers, manufacturers, wholesalers, or jobbers solely for resale in the regular course of business;

(7) Personal and household effects and farm machinery used while an individual was a bona fide resident of another state and who thereafter became a resident of this state, or tangible personal property brought into the state by a nonresident for his own storage, use or consumption while temporarily within the state."; and

Further amend said bill, Page 31, Section 307.400, Line 81, by inserting after all of said section the following:

"Section 1. Notwithstanding the provisions of section 1.140 to the contrary, the provisions of sections 32.087 and 144.757, as amended by this act, shall be nonseverable, and if any provision is for any reason held to be invalid, such decision shall invalidate all of the remaining provisions of section 32.087 and 144.757, as amended by this act.

Section B. Because of the need to replace local revenues which became unexpectedly unavailable for local governments to provide for local law enforcement, fire protection, emergency personnel, and other vital services and due to the detrimental impact that lost local revenues has had on the domestic economy by placing Missouri dealers of motor vehicles, outboard motors, boats and trailers at a competitive disadvantage to non-Missouri dealers of motor vehicles, outboard motors, boats and trailers, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hough, **House Amendment No. 3** was adopted.

Representative Jones (50) offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Committee Substitute for Senate Bill No. 51, Page 2, Section 301.301, Line 8, by inserting after all of said section and line, the following:

"302.060. 1. The director shall not issue any license and shall immediately deny any driving privilege:

- (1) To any person who is under the age of eighteen years, if such person operates a motor vehicle in the transportation of persons or property as classified in section 302.015;
- (2) To any person who is under the age of sixteen years, except as hereinafter provided;
- (3) To any person whose license has been suspended, during such suspension, or to any person whose license has been revoked, until the expiration of one year after such license was revoked;
- (4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;
- (5) To any person who has previously been adjudged to be incapacitated and who at the time of application has not been restored to partial capacity;
- (6) To any person who, when required by this law to take an examination, has failed to pass such examination;
- (7) To any person who has an unsatisfied judgment against such person, as defined in chapter 303, until such judgment has been satisfied or the financial responsibility of such person, as defined in section 303.120, has been established;
- (8) To any person whose application shows that the person has been convicted within one year prior to such application of violating the laws of this state relating to failure to stop after an accident and to disclose the person's identity or driving a motor vehicle without the owner's consent;
- (9) To any person who has been convicted more than twice of violating state law, or a county or municipal ordinance where the defendant was represented by or waived the right to an attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten years from the date of conviction of the last offense of violating such law or ordinance relating to driving while intoxicated, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction, including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been convicted, pled guilty to or been found guilty of, and has no pending charges for any offense related to alcohol, controlled substances or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during the preceding ten years and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court [may] **shall** order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540. No person may obtain a license pursuant to the provisions of this subdivision through court action more than one time;

(10) To any person who has pled guilty to or been convicted of the crime of involuntary manslaughter while operating a motor vehicle in an intoxicated condition, or to any person who has been convicted twice within a five-year period of violating state law, county or municipal ordinance of driving while intoxicated, or any other intoxication-related traffic offense as defined in section 577.023, except that, after the expiration of five years from the date of conviction of the last offense of violating such law or ordinance, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction, including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been convicted, pled guilty to, or been found guilty of, and has no pending charges for any offense related to alcohol, controlled substances, or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during the preceding five years, and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court [may] **shall** order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540;

(11) To any person who is otherwise disqualified pursuant to the provisions of sections 302.010 to 302.780, chapter 303, or section 544.046;

(12) To any person who is under the age of eighteen years, if such person's parents or legal guardians file a certified document with the department of revenue stating that the director shall not issue such person a driver's license. Each document filed by the person's parents or legal guardians shall be made upon a form furnished by the director and shall include identifying information of the person for whom the parents or legal guardians are denying the driver's license. The document shall also contain identifying information of the person's parents or legal guardians. The document shall be certified by the parents or legal guardians to be true and correct. This provision shall not apply to any person who is legally emancipated. The parents or legal guardians may later file an additional document with the department of revenue which reinstates the person's ability to receive a driver's license.

2. Any person whose license is reinstated under the provisions of [subdivisions (9) and (10)] **subdivision (9) or (10)** of subsection 1 of this section shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device required for reinstatement under this subsection and for obtaining a limited driving privilege under paragraph (a) or (b) of subdivision (8) of subsection 3 of section 302.309 shall have photo identification technology and global positioning system features. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months. If the person fails to maintain such proof with the director, the license shall be suspended for the remainder of the six-month period or until proof as required by this section is filed with the director. Upon the completion of the six-month period, the license shall be shown as reinstated, if the person is otherwise eligible.

3. Any person who petitions the court for reinstatement of his or her license pursuant to subdivision (9) or (10) of subsection 1 of this section shall make application with the Missouri state highway patrol as provided in section 43.540, and shall submit two sets of fingerprints collected pursuant to standards as determined by the highway patrol. One set of fingerprints shall be used by the highway patrol to search the criminal history repository and the second set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files. At the time of application, the applicant shall supply to the highway patrol the court name and case number for the court where he or she has filed his or her petition for reinstatement. The applicant shall pay the fee for the state criminal history check pursuant to section 43.530 and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record. The Missouri highway patrol, upon receipt of the results of the criminal history check, shall forward a copy of the results to the circuit court designated by the applicant and to the department. Notwithstanding the provisions of section 610.120, all records related to any criminal history check shall be accessible and available to the director and the court.

[302.060. 1. The director shall not issue any license and shall immediately deny any driving privilege:

(1) To any person who is under the age of eighteen years, if such person operates a motor vehicle in the transportation of persons or property as classified in section 302.015;

(2) To any person who is under the age of sixteen years, except as hereinafter provided;

(3) To any person whose license has been suspended, during such suspension, or to any person whose license has been revoked, until the expiration of one year after such license was revoked;

(4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;

(5) To any person who has previously been adjudged to be incapacitated and who at the time of application has not been restored to partial capacity;

(6) To any person who, when required by this law to take an examination, has failed to pass such examination;

(7) To any person who has an unsatisfied judgment against such person, as defined in chapter 303, until such judgment has been satisfied or the financial responsibility of such person, as defined in section 303.120, has been established;

(8) To any person whose application shows that the person has been convicted within one year prior to such application of violating the laws of this state relating to failure to stop after an accident and to disclose the person's identity or driving a motor vehicle without the owner's consent;

(9) To any person who has been convicted more than twice of violating state law, or a county or municipal ordinance where the defendant was represented by or waived the right to an attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten years from the date of conviction of the last offense of violating such law or ordinance relating to driving while intoxicated, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction, including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been convicted, pled guilty to or been found guilty of, and has no pending charges for any offense related to alcohol, controlled substances or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during the preceding ten years and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court may order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540. No person may obtain a license pursuant to the provisions of this subdivision through court action more than one time;

(10) To any person who has pled guilty to or been convicted of the crime of involuntary manslaughter while operating a motor vehicle in an intoxicated condition, or to any person who has been convicted twice within a five-year period of violating state law, county or municipal ordinance of driving while intoxicated, or any other intoxication-related traffic offense as defined in section 577.023, except that, after the expiration of five years from the date of conviction of the last offense of violating such law or ordinance, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction, including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been convicted, pled guilty to, or been found guilty of, and has no pending charges for any offense related to alcohol, controlled substances, or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during the preceding five years, and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court may order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540;

(11) To any person who is otherwise disqualified pursuant to the provisions of sections 302.010 to 302.780, chapter 303, or section 544.046;

(12) To any person who is under the age of eighteen years, if such person's parents or legal guardians file a certified document with the department of revenue stating that the director shall not issue such person a driver's license. Each document filed by the person's parents or legal guardians shall be made upon a form furnished by the director and shall include identifying information of the person for whom the parents or legal guardians are denying the driver's license. The document shall also contain identifying information of the person's parents or legal guardians. The document shall be certified by the parents or legal guardians to be true and correct. This provision shall not apply to any person who is legally emancipated. The parents or legal guardians may later file an additional document with the department of revenue which reinstates the person's ability to receive a driver's license.

2. Any person whose license is reinstated under the provisions of subdivisions (9) and (10) of subsection 1 of this section shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the person fails to maintain such proof with the director, the license shall be suspended for the remainder of the six-month period or until proof as required by this section is filed with the director. Upon the completion of the six-month period, the license shall be shown as reinstated, if the person is otherwise eligible.

3. Any person who petitions the court for reinstatement of his or her license pursuant to subdivision (9) or (10) of subsection 1 of this section shall make application with the Missouri state highway patrol as provided in section 43.540, and shall submit two sets of fingerprints collected pursuant to standards as determined by the highway patrol. One set of fingerprints shall be used by the highway patrol to search the criminal history repository and the second set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files. At the time of application, the applicant shall supply to the highway patrol the court name and case number for the court where he or she has filed his or her petition for reinstatement. The applicant shall pay the fee for the state criminal history check pursuant to section 43.530 and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record. The Missouri highway patrol, upon receipt of the results of the criminal history check, shall forward a copy of the results to the circuit court designated by the applicant and to the department. Notwithstanding the provisions of section 610.120, all records related to any criminal history check shall be accessible and available to the director and the court.]"; and

"302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

(1) Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in section 302.303. 2 points

(except any violation of municipal stop sign ordinance where no accident is involved. 1 point)

(2) Speeding

In violation of a state law. 3 points

In violation of a county or municipal ordinance. 2 points

(3) Leaving the scene of an accident in violation of section 577.060. 12 points

In violation of any county or municipal ordinance. 6 points

(4) Careless and imprudent driving in violation of subsection 4 of section 304.016. 4 points

In violation of a county or municipal ordinance. 2 points

(5) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020:

(a) For the first conviction. 2 points

(b) For the second conviction. 4 points

(c) For the third conviction. 6 points

(6) Operating with a suspended or revoked license prior to restoration of operating privileges. . . . 12 points

(7) Obtaining a license by misrepresentation. 12 points

(8) For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs. 8 points

(9) For the second or subsequent conviction of any of the following offenses however combined: driving while in an intoxicated condition, driving under the influence of controlled substances or drugs or driving with a blood alcohol content of eight-hundredths of one percent or more by weight. 12 points

(10) For the first conviction for driving with blood alcohol content eight-hundredths of one percent or more by weight

In violation of state law. 8 points

In violation of a county or municipal ordinance or federal law or regulation. 8 points

(11) Any felony involving the use of a motor vehicle. 12 points

(12) Knowingly permitting unlicensed operator to operate a motor vehicle. 4 points

- (13) For a conviction for failure to maintain financial responsibility pursuant to county or municipal ordinance or pursuant to section 303.025. 4 points
- (14) Endangerment of a highway worker in violation of section 304.585. 4 points
- (15) Aggravated endangerment of a highway worker in violation of section 304.585. 12 points
- (16) For a conviction of violating a municipal ordinance that prohibits tow truck operators from stopping at or proceeding to the scene of an accident unless they have been requested to stop or proceed to such scene by a party involved in such accident or by an officer of a public safety agency. 4 points

2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020, when the director issues such operator a license or permit pursuant to the provisions of sections 302.010 to 302.340.

3. An additional two points shall be assessed when personal injury or property damage results from any violation listed in subdivisions (1) to (13) of subsection 1 of this section and if found to be warranted and certified by the reporting court.

4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this section constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for offenses arising out of the same occurrence.

5. The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver-improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle-rider training course approved by the state highways and transportation commission, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700 or a violation committed by an individual who has been issued a commercial driver's license or is required to obtain a commercial driver's license in this state or any other state, shall be accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4) of subsection 1 of this section or pursuant to subsection 3 of this section. **The operator shall be given the option to complete the driver-improvement program through an online or in-person course.** A court using a centralized violation bureau established under section 476.385 may elect to have the bureau order and verify completion of a driver-improvement program or motorcycle-rider training course as prescribed by order of the court. For the purposes of this subsection, the driver-improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the state highways and transportation commission pursuant to sections 302.133 to 302.137. The completion of a driver-improvement program or a motorcycle-rider training course shall not be accepted in lieu of points more than one time in any thirty-six-month period and shall be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days after completion of the driver-improvement program or motorcycle-rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection."; and

"302.304. 1. The director shall notify by ordinary mail any operator of the point value charged against the operator's record when the record shows four or more points have been accumulated in a twelve-month period.

2. In an action to suspend or revoke a license or driving privilege under this section points shall be accumulated on the date of conviction. No case file of any conviction for a driving violation for which points may be assessed pursuant to section 302.302 may be closed until such time as a copy of the record of such conviction is forwarded to the department of revenue.

3. The director shall suspend the license and driving privileges of any person whose driving record shows the driver has accumulated eight points in eighteen months.

4. The license and driving privilege of any person whose license and driving privilege have been suspended under the provisions of sections 302.010 to 302.540 except those persons whose license and driving privilege have been suspended under the provisions of subdivision (8) of subsection 1 of section 302.302 or has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 and who has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible, shall be reinstated as follows:

- (1) In the case of an initial suspension, thirty days after the effective date of the suspension;
- (2) In the case of a second suspension, sixty days after the effective date of the suspension;
- (3) In the case of the third and subsequent suspensions, ninety days after the effective date of the suspension.

Unless proof of financial responsibility is filed with the department of revenue, a suspension shall continue in effect for two years from its effective date.

5. The period of suspension of the driver's license and driving privilege of any person under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving privilege as defined in section 302.010. Upon completion of such period of restricted driving privilege, upon compliance with other requirements of law and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. If a person, otherwise subject to the provisions of this subsection, files proof of installation with the department of revenue that any vehicle operated by such person is equipped with a functioning, certified ignition interlock device, [then the] **there shall be no** period of suspension [shall be fifteen days, followed by a seventy-five day]. **However, in lieu of a suspension the person shall instead complete a ninety-day** period of restricted driving privilege. If the person fails to maintain such proof of the device with the director of revenue as required, the restricted driving privilege shall be terminated. Upon completion of such [seventy-five day] **ninety-day** period of restricted driving privilege, upon compliance with other requirements of law, and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. However, if the monthly monitoring reports during such [seventy-five day] **ninety-day** period indicate that the ignition interlock device has registered a **confirmed** blood alcohol concentration level above the alcohol setpoint established by the department of transportation or such reports indicate that the ignition interlock device has been tampered with or circumvented, then the license and driving privilege of such person shall not be reinstated until the person completes an additional [seventy-five day] **thirty-day** period of restricted driving privilege [without any such violations].

6. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, or, if applicable, if the person fails to maintain proof that any vehicle operated is equipped with a functioning, certified ignition interlock device installed pursuant to subsection 5 of this section, the person's driving privilege and license shall be resuspended.

7. The director shall revoke the license and driving privilege of any person when the person's driving record shows such person has accumulated twelve points in twelve months or eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation period of any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303 and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's license and driving privilege shall be rerevoked. Any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the revocation from the director, pass the complete driver examination and apply for a new license before again operating a motor vehicle upon the highways of this state.

8. If, prior to conviction for an offense that would require suspension or revocation of a person's license under the provisions of this section, the person's total points accumulated are reduced, pursuant to the provisions of section 302.306, below the number of points required for suspension or revocation pursuant to the provisions of this section, then the person's license shall not be suspended or revoked until the necessary points are again obtained and accumulated.

9. If any person shall neglect or refuse to surrender the person's license, as provided herein, the director shall direct the state highway patrol or any peace or police officer to secure possession thereof and return it to the director.

10. Upon the issuance of a reinstatement or termination notice after a suspension or revocation of any person's license and driving privilege under the provisions of sections 302.010 to 302.540, the accumulated point value shall be reduced to four points, except that the points of any person serving as a member of the Armed Forces of the United States outside the limits of the United States during a period of suspension or revocation shall be reduced to zero upon the date of the reinstatement or termination of notice. It shall be the responsibility of such member of the Armed Forces to submit copies of official orders to the director of revenue to substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four points remaining on the record upon reinstatement or termination shall be the date of the reinstatement or termination notice.

11. No credit toward reduction of points shall be given during periods of suspension or revocation or any period of driving under a limited driving privilege granted by a court or the director of revenue.

12. Any person or nonresident whose license or privilege to operate a motor vehicle in this state has been suspended or revoked under this or any other law shall, before having the license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee of twenty dollars which shall be in addition to all other fees provided by law.

13. Notwithstanding any other provision of law to the contrary, if after two years from the effective date of any suspension or revocation issued under this chapter, the person or nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate such license or privilege to operate a motor vehicle in this state.

14. No person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (8), (9) or (10) of subsection 1 of section 302.302 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, or a program determined to be comparable by the department of mental health. Assignment recommendations, based upon the needs assessment as described in subdivision [(22)] (24) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.023 or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

15. The fees for the program authorized in subsection 14 of this section, or a portion thereof to be determined by the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee in an amount to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 and section 577.001 or a program determined to be comparable by the department of mental health. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rate established pursuant to the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053.

16. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.

17. Any person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a [violation under subdivision (9) of subsection 1 of section 302.302] **conviction for an intoxication-related traffic offense as defined under section 577.023, and who has a prior alcohol-related enforcement contact as defined under section 302.525**, shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement of the license. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that

the person has tampered with or circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months. If the person fails to maintain such proof with the director, the license shall be resuspended or revoked and the person shall be guilty of a class A misdemeanor.

[302.304. 1. The director shall notify by ordinary mail any operator of the point value charged against the operator's record when the record shows four or more points have been accumulated in a twelve-month period.

2. In an action to suspend or revoke a license or driving privilege under this section points shall be accumulated on the date of conviction. No case file of any conviction for a driving violation for which points may be assessed pursuant to section 302.302 may be closed until such time as a copy of the record of such conviction is forwarded to the department of revenue.

3. The director shall suspend the license and driving privileges of any person whose driving record shows the driver has accumulated eight points in eighteen months.

4. The license and driving privilege of any person whose license and driving privilege have been suspended under the provisions of sections 302.010 to 302.540 except those persons whose license and driving privilege have been suspended under the provisions of subdivision (8) of subsection 1 of section 302.302 or has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 and who has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible, shall be reinstated as follows:

(1) In the case of an initial suspension, thirty days after the effective date of the suspension;

(2) In the case of a second suspension, sixty days after the effective date of the suspension;

(3) In the case of the third and subsequent suspensions, ninety days after the effective date of the suspension.

Unless proof of financial responsibility is filed with the department of revenue, a suspension shall continue in effect for two years from its effective date.

5. The period of suspension of the driver's license and driving privilege of any person under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving privilege as defined in section 302.010. Upon completion of such period of restricted driving privilege, upon compliance with other requirements of law and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated.

6. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's driving privilege and license shall be resuspended.

7. The director shall revoke the license and driving privilege of any person when the person's driving record shows such person has accumulated twelve points in twelve months or eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation period of any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303 and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's license and driving privilege shall be rerevoked. Any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the revocation from the director, pass the complete driver examination and apply for a new license before again operating a motor vehicle upon the highways of this state.

8. If, prior to conviction for an offense that would require suspension or revocation of a person's license under the provisions of this section, the person's total points accumulated are reduced, pursuant to the provisions of section 302.306, below the number of points required for suspension or revocation pursuant to the provisions of this section, then the person's license shall not be suspended or revoked until the necessary points are again obtained and accumulated.

9. If any person shall neglect or refuse to surrender the person's license, as provided herein, the director shall direct the state highway patrol or any peace or police officer to secure possession thereof and return it to the director.

10. Upon the issuance of a reinstatement or termination notice after a suspension or revocation of any person's license and driving privilege under the provisions of sections 302.010 to 302.540, the accumulated point value shall be reduced to four points, except that the points of any person serving as a member of the Armed Forces of the United States outside the limits of the United States during a period of suspension or revocation shall be reduced to zero upon the date of the reinstatement or termination of notice. It shall be the responsibility of such member of the Armed Forces to submit copies of official orders to the director of revenue to substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four points remaining on the record upon reinstatement or termination shall be the date of the reinstatement or termination notice.

11. No credit toward reduction of points shall be given during periods of suspension or revocation or any period of driving under a limited driving privilege granted by a court or the director of revenue.

12. Any person or nonresident whose license or privilege to operate a motor vehicle in this state has been suspended or revoked under this or any other law shall, before having the license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee of twenty dollars which shall be in addition to all other fees provided by law.

13. Notwithstanding any other provision of law to the contrary, if after two years from the effective date of any suspension or revocation issued under this chapter, the person or nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate such license or privilege to operate a motor vehicle in this state.

14. No person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (8), (9) or (10) of subsection 1 of section 302.302 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, or a program determined to be comparable by the department of mental health. Assignment recommendations, based upon the needs assessment as described in subdivision (22) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.023 or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

15. The fees for the program authorized in subsection 14 of this section, or a portion thereof to be determined by the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee in an amount to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 and section 577.001 or a program determined to be comparable by the department of mental health. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any

unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rate established pursuant to the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053.

16. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.

17. Any person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (9) of subsection 1 of section 302.302 shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement of the license. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the person fails to maintain such proof with the director, the license shall be resuspended or revoked and the person shall be guilty of a class A misdemeanor.]" and

"[302.309. 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309, the director of revenue shall return the license to the operator immediately upon the termination of the period of suspension and upon compliance with the requirements of chapter 303.

2. Any operator whose license is revoked pursuant to these sections, upon the termination of the period of revocation, shall apply for a new license in the manner prescribed by law.

3. (1) All circuit courts, the director of revenue, or a commissioner operating under section 478.007 shall have jurisdiction to hear applications and make eligibility determinations granting limited driving privileges. Any application may be made in writing to the director of revenue and the person's reasons for requesting the limited driving privilege shall be made therein.

(2) When any court of record having jurisdiction or the director of revenue finds that an operator is required to operate a motor vehicle in connection with any of the following:

- (a) A business, occupation, or employment;
- (b) Seeking medical treatment for such operator;
- (c) Attending school or other institution of higher education;
- (d) Attending alcohol or drug treatment programs;
- (e) Seeking the required services of a certified ignition interlock device provider; or
- (f) Any other circumstance the court or director finds would create an undue hardship on the operator;

the court or director may grant such limited driving privilege as the circumstances of the case justify if the court or director finds undue hardship would result to the individual, and while so operating a motor vehicle within the restrictions and limitations of the limited driving privilege the driver shall not be guilty of operating a motor vehicle without a valid license.

(3) An operator may make application to the proper court in the county in which such operator resides or in the county in which is located the operator's principal place of business or employment. Any application for a limited driving privilege made to a circuit court shall name the director as a party defendant and shall be served upon the director prior to the grant of any limited privilege, and shall be accompanied by a copy of the applicant's driving record as certified by the director. Any applicant for a limited driving privilege shall have on file with the department of revenue proof of financial responsibility as required by chapter 303. Any application by a person who transports persons or property as classified in section 302.015 may be accompanied by proof of financial responsibility as required by chapter 303, but if proof of financial responsibility does not accompany the application, or if the applicant does not have on file with the department of revenue proof of financial responsibility, the court or the director has discretion to grant the limited driving

privilege to the person solely for the purpose of operating a vehicle whose owner has complied with chapter 303 for that vehicle, and the limited driving privilege must state such restriction. When operating such vehicle under such restriction the person shall carry proof that the owner has complied with chapter 303 for that vehicle.

(4) No limited driving privilege shall be issued to any person otherwise eligible under the provisions of paragraph (a) of subdivision (6) of this subsection on a license revocation resulting from a conviction under subdivision (9) of subsection 1 of section 302.302, or a license denial under paragraph (a) or (b) of subdivision (8) of this subsection, until the applicant has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of limited driving privilege.

(5) The court order or the director's grant of the limited or restricted driving privilege shall indicate the termination date of the privilege, which shall be not later than the end of the period of suspension or revocation. A copy of any court order shall be sent by the clerk of the court to the director, and a copy shall be given to the driver which shall be carried by the driver whenever such driver operates a motor vehicle. The director of revenue upon granting a limited driving privilege shall give a copy of the limited driving privilege to the applicant. The applicant shall carry a copy of the limited driving privilege while operating a motor vehicle. A conviction which results in the assessment of points pursuant to section 302.302, other than a violation of a municipal stop sign ordinance where no accident is involved, against a driver who is operating a vehicle pursuant to a limited driving privilege terminates the privilege, as of the date the points are assessed to the person's driving record. If the date of arrest is prior to the issuance of the limited driving privilege, the privilege shall not be terminated. Failure of the driver to maintain proof of financial responsibility, as required by chapter 303, or to maintain proof of installation of a functioning, certified ignition interlock device, as applicable, shall terminate the privilege. The director shall notify by ordinary mail the driver whose privilege is so terminated.

(6) Except as provided in subdivision (8) of this subsection, no person is eligible to receive a limited driving privilege who at the time of application for a limited driving privilege has previously been granted such a privilege within the immediately preceding five years, or whose license has been suspended or revoked for the following reasons:

(a) A conviction of violating the provisions of section 577.010 or 577.012, or any similar provision of any federal or state law, or a municipal or county law where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in writing, until the person has completed the first thirty days of a suspension or revocation imposed pursuant to this chapter;

(b) A conviction of any felony in the commission of which a motor vehicle was used;

(c) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5), (6), (7), (8), (9), (10) or (11) of section 302.060;

(d) Because of operating a motor vehicle under the influence of narcotic drugs, a controlled substance as defined in chapter 195, or having left the scene of an accident as provided in section 577.060;

(e) Due to a revocation for the first time for failure to submit to a chemical test pursuant to section 577.041 or due to a refusal to submit to a chemical test in any other state, if such person has not completed the first ninety days of such revocation;

(f) Violation more than once of the provisions of section 577.041 or a similar implied consent law of any other state; or

(g) Due to a suspension pursuant to subsection 2 of section 302.525 and who has not completed the first thirty days of such suspension, provided the person is not otherwise ineligible for a limited driving privilege; or due to a revocation pursuant to subsection 2 of section 302.525 if such person has not completed such revocation.

(7) No person who possesses a commercial driver's license shall receive a limited driving privilege issued for the purpose of operating a commercial motor vehicle if such person's driving privilege is suspended, revoked, cancelled, denied, or disqualified. Nothing in this section shall prohibit the issuance of a limited driving privilege for the purpose of operating a noncommercial motor vehicle provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege.

(8) (a) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of ten years, as prescribed in subdivision (9) of subsection 1 of section 302.060, to apply for a limited driving privilege pursuant to this subsection if such person has served at least three years of such disqualification or revocation. Such person shall present evidence satisfactory to the court or the director that such person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding three years and that the person's habits and conduct show that the person no longer poses a threat to the public safety of this state. The court or the director shall review the results of a criminal history check prior to granting any limited privilege under this subdivision. If the court or the director finds that the petitioner has been convicted, pled guilty to, or been found guilty of, or has a pending charge for any offense related to alcohol, controlled substances, or drugs, or has any other alcohol-related enforcement contact as defined in section 302.525 during the preceding three years, the court or the director shall not grant a limited driving privilege to the applicant.

(b) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege or convicted of involuntary manslaughter while operating a motor vehicle in an intoxicated condition, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of five years because of two convictions of driving while intoxicated, as prescribed in subdivision (10) of subsection 1 of section 302.060, to apply for a limited driving privilege pursuant to this subsection if such person has served at least two years of such disqualification or revocation. Such person shall present evidence satisfactory to the court or the director that such person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding two years and that the person's habits and conduct show that the person no longer poses a threat to the public safety of this state. The court or the director shall review the results of a criminal history check prior to granting any limited privilege under this subdivision. If the court or director finds that the petitioner has been convicted, pled guilty to, or been found guilty of, or has a pending charge for any offense related to alcohol, controlled substances, or drugs, or has any other alcohol-related enforcement contact as defined in section 302.525 during the preceding two years, the court or the director shall not grant a limited driving privilege to the applicant. Any person who is denied a license permanently in this state because of an alcohol-related conviction subsequent to a restoration of such person's driving privileges pursuant to subdivision (9) of section 302.060 shall not be eligible for limited driving privilege pursuant to the provisions of this subdivision.

(9) A DWI docket or court established under section 478.007 may grant a limited driving privilege to a participant in or graduate of the program who would otherwise be ineligible for such privilege under another provision of law. The DWI docket or court shall not grant a limited driving privilege to a participant during his or her initial forty-five days of participation.

4. Any person who has received notice of denial of a request of limited driving privilege by the director of revenue may make a request for a review of the director's determination in the circuit court of the county in which the person resides or the county in which is located the person's principal place of business or employment within thirty days of the date of mailing of the notice of denial. Such review shall be based upon the records of the department of revenue and other competent evidence and shall be limited to a review of whether the applicant was statutorily entitled to the limited driving privilege.

5. Any person who petitions a court or makes application with the director for a limited driving privilege pursuant to paragraph (a) or (b) of subdivision (8) of subsection 3 of this section shall make application with the Missouri state highway patrol as provided in section 43.540 and shall submit two sets of fingerprints collected pursuant to standards as determined by the highway patrol. One set of fingerprints shall be used by the highway patrol to search the criminal history repository and the second set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files. At the time of application, the applicant shall supply to the highway patrol the court name and case number for the court where he or she has filed his or her petition for limited driving privileges. The applicant shall pay the fee for the state criminal history record information pursuant to section 43.530 and pay the appropriate fee determined by the Federal Bureau of

Investigation for the federal criminal history record. The Missouri highway patrol, upon receipt of the results of the criminal history check, shall forward the results to the circuit court designated by the applicant and to the department. Notwithstanding the provisions of section 610.120, all records related to any criminal history check shall be accessible and available to the director and the court.

6. The director of revenue shall promulgate rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.]

302.309. 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309, the director of revenue shall return the license to the operator immediately upon the termination of the period of suspension and upon compliance with the requirements of chapter 303.

2. Any operator whose license is revoked pursuant to these sections, upon the termination of the period of revocation, shall apply for a new license in the manner prescribed by law.

3. (1) All circuit courts, the director of revenue, or a commissioner operating under section 478.007 shall have jurisdiction to hear applications and make eligibility determinations granting limited driving privileges, **except as provided under subdivision (8) of this subsection**. Any application may be made in writing to the director of revenue and the person's reasons for requesting the limited driving privilege shall be made therein.

(2) When any court of record having jurisdiction or the director of revenue finds that an operator is required to operate a motor vehicle in connection with any of the following:

- (a) A business, occupation, or employment;
- (b) Seeking medical treatment for such operator;
- (c) Attending school or other institution of higher education;
- (d) Attending alcohol or drug treatment programs;
- (e) Seeking the required services of a certified ignition interlock device provider; or
- (f) Any other circumstance the court or director finds would create an undue hardship on the operator[;] ,

the court or director may grant such limited driving privilege as the circumstances of the case justify if the court or director finds undue hardship would result to the individual, and while so operating a motor vehicle within the restrictions and limitations of the limited driving privilege the driver shall not be guilty of operating a motor vehicle without a valid license.

(3) An operator may make application to the proper court in the county in which such operator resides or in the county in which is located the operator's principal place of business or employment. Any application for a limited driving privilege made to a circuit court shall name the director as a party defendant and shall be served upon the director prior to the grant of any limited privilege, and shall be accompanied by a copy of the applicant's driving record as certified by the director. Any applicant for a limited driving privilege shall have on file with the department of revenue proof of financial responsibility as required by chapter 303. Any application by a person who transports persons or property as classified in section 302.015 may be accompanied by proof of financial responsibility as required by chapter 303, but if proof of financial responsibility does not accompany the application, or if the applicant does not have on file with the department of revenue proof of financial responsibility, the court or the director has discretion to grant the limited driving privilege to the person solely for the purpose of operating a vehicle whose owner has complied with chapter 303 for that vehicle, and the limited driving privilege must state such restriction. When operating such vehicle under such restriction the person shall carry proof that the owner has complied with chapter 303 for that vehicle.

(4) No limited driving privilege shall be issued to any person otherwise eligible under the provisions of paragraph (a) of subdivision (6) of this subsection on a license revocation resulting from a conviction under subdivision (9) of subsection 1 of section 302.302, or a license denial under paragraph (a) or (b) of subdivision (8) of this subsection, or a license revocation under paragraph (h) of subdivision (6) of this subsection, until the applicant has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of limited driving privilege. The ignition interlock device required for obtaining a limited driving privilege under paragraph (a) or (b) of subdivision (8) of this subsection shall have photo identification technology and global positioning system features.

(5) The court order or the director's grant of the limited or restricted driving privilege shall indicate the termination date of the privilege, which shall be not later than the end of the period of suspension or revocation. The court order or the director's grant of the limited or restricted driving privilege shall also indicate whether a functioning, certified ignition interlock device is required as a condition of operating a motor vehicle with the limited driving privilege. A copy of any court order shall be sent by the clerk of the court to the director, and a copy shall be given to the driver which shall be carried by the driver whenever such driver operates a motor vehicle. The director of revenue upon granting a limited driving privilege shall give a copy of the limited driving privilege to the applicant. The applicant shall carry a copy of the limited driving privilege while operating a motor vehicle. A conviction which results in the assessment of points pursuant to section 302.302, other than a violation of a municipal stop sign ordinance where no accident is involved, against a driver who is operating a vehicle pursuant to a limited driving privilege terminates the privilege, as of the date the points are assessed to the person's driving record. If the date of arrest is prior to the issuance of the limited driving privilege, the privilege shall not be terminated. Failure of the driver to maintain proof of financial responsibility, as required by chapter 303, or to maintain proof of installation of a functioning, certified ignition interlock device, as applicable, shall terminate the privilege. The director shall notify by ordinary mail the driver whose privilege is so terminated.

(6) Except as provided in subdivision (8) of this subsection, no person is eligible to receive a limited driving privilege [who] **whose license** at the time of application [for a limited driving privilege has previously been granted such a privilege within the immediately preceding five years, or whose license] has been suspended or revoked for the following reasons:

(a) A conviction of violating the provisions of section 577.010 or 577.012, or any similar provision of any federal or state law, or a municipal or county law where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in writing, until the person has completed the first thirty days of a suspension or revocation imposed pursuant to this chapter;

(b) A conviction of any felony in the commission of which a motor vehicle was used;

(c) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5), (6), (7), (8), (9), (10) or (11) of **subsection 1 of** section 302.060;

(d) Because of operating a motor vehicle under the influence of narcotic drugs, a controlled substance as defined in chapter 195, or having left the scene of an accident as provided in section 577.060;

(e) Due to a revocation for [the first time for] failure to submit to a chemical test pursuant to section 577.041 or due to a refusal to submit to a chemical test in any other state, [if] **unless** such person has [not] completed the first ninety days of such revocation[;

(f) Violation more than once of the provisions of section 577.041 or a similar implied consent law of any other state] **and files proof of installation with the department of revenue that any vehicle operated by such person is equipped with a functioning, certified ignition interlock device, provided the person is not otherwise ineligible for a limited driving privilege;**

[(g)] **(f)** Due to a suspension pursuant to subsection 2 of section 302.525 and who has not completed the first thirty days of such suspension, provided the person is not otherwise ineligible for a limited driving privilege; or

[(h)] **(g)** Due to a revocation pursuant to subsection 2 of section 302.525 if such person has not completed the first forty-five days of such revocation, provided the person is not otherwise ineligible for a limited driving privilege.

(7) No person who possesses a commercial driver's license shall receive a limited driving privilege issued for the purpose of operating a commercial motor vehicle if such person's driving privilege is suspended, revoked, cancelled, denied, or disqualified. Nothing in this section shall prohibit the issuance of a limited driving privilege for the purpose of operating a noncommercial motor vehicle provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege.

(8) (a) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of ten years, as prescribed in subdivision (9) of **subsection 1 of** section 302.060, to apply for a limited driving privilege pursuant to this subsection [if such person has served at least forty-five days of such disqualification or revocation]. Such person shall present evidence satisfactory to the court or the director that such [person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding forty-five days and that the] person's habits and conduct show that the person no longer poses a threat to the public safety of this state. **A circuit court shall grant a limited driving privilege to any individual who otherwise is eligible to receive a limited driving privilege, has filed proof of installation of a certified ignition interlock device, and has had no alcohol-related enforcement contacts since the alcohol-related enforcement contact that resulted in the person's license denial.**

(b) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege or convicted of involuntary manslaughter while operating a motor vehicle in an intoxicated condition, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of five years because of two convictions of driving while intoxicated, as prescribed in subdivision (10) of **subsection 1** of section 302.060, to apply for a limited driving privilege pursuant to this subsection [if such person has served at least forty-five days of such disqualification or revocation]. Such person shall present evidence satisfactory to the court or the director that such [person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding forty-five days and that the] person's habits and conduct show that the person no longer poses a threat to the public safety of this state. Any person who is denied a license permanently in this state because of an alcohol-related conviction subsequent to a restoration of such person's driving privileges pursuant to subdivision (9) of section 302.060 shall not be eligible for limited driving privilege pursuant to the provisions of this subdivision. **A circuit court shall grant a limited driving privilege to any individual who otherwise is eligible to receive a limited driving privilege, has filed proof of installation of a certified ignition interlock device, and has had no alcohol-related enforcement contacts since the alcohol-related enforcement contact that resulted in the person's license denial.**

(9) A DWI docket or court established under section 478.007 may grant a limited driving privilege to a participant in or graduate of the program who would otherwise be ineligible for such privilege under another provision of law. The DWI docket or court shall not grant a limited driving privilege to a participant during his or her initial forty-five days of participation.

4. Any person who has received notice of denial of a request of limited driving privilege by the director of revenue may make a request for a review of the director's determination in the circuit court of the county in which the person resides or the county in which is located the person's principal place of business or employment within thirty days of the date of mailing of the notice of denial. Such review shall be based upon the records of the department of revenue and other competent evidence and shall be limited to a review of whether the applicant was statutorily entitled to the limited driving privilege.

5. The director of revenue shall promulgate rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void."; and

Further amend said bill, Page 3, Section 302.341, Line 46, by inserting after all of said section and line, the following:

"302.525. 1. The license suspension or revocation shall become effective fifteen days after the subject person has received the notice of suspension or revocation as provided in section 302.520, or is deemed to have received the notice of suspension or revocation by mail as provided in section 302.515. If a request for a hearing is received by or postmarked to the department within that fifteen-day period, the effective date of the suspension or revocation shall be stayed until a final order is issued following the hearing; provided, that any delay in the hearing which is caused or requested by the subject person or counsel representing that person without good cause shown shall not result in a stay of the suspension or revocation during the period of delay.

2. The period of license suspension or revocation under this section shall be as follows:

(1) If the person's driving record shows no prior alcohol-related enforcement contacts during the immediately preceding five years, the period of suspension shall be thirty days after the effective date of suspension, followed by a sixty-day period of restricted driving privilege as defined in section 302.010 and issued by the director of revenue. The restricted driving privilege shall not be issued until he or she has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible. The restricted driving privilege shall indicate whether a functioning, certified ignition interlock device is required as a condition of operating a motor vehicle. A copy of the restricted driving privilege shall be given to the person and such person shall carry a copy of the restricted driving privilege while operating a motor vehicle. In no case shall restricted driving privileges be issued pursuant to this section or section 302.535 until the person has completed the first thirty days of a suspension under this section. If a person otherwise subject to the provisions of this subdivision files proof of installation with the department of revenue that any vehicle [operated] **that he or she operates** is equipped with a functioning, certified ignition interlock device, [then the] **there shall be no** period of suspension [shall be fifteen days, followed by a seventy-five day]. **However, in**

lieu of a suspension the person shall instead complete a ninety-day period of restricted driving privilege. Upon completion of such [seventy-five day] **ninety-day** period of restricted driving privilege, [upon] compliance with other requirements of law, and [upon] filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. However, if the monthly monitoring reports during such [seventy-five day] **ninety-day** period indicate that the ignition interlock device has registered a **confirmed** blood alcohol concentration level above the alcohol setpoint established by the department of transportation or such reports indicate that the ignition interlock device has been tampered with or circumvented, then the license and driving privilege of such person shall not be reinstated until the person completes an additional [seventy-five day] **thirty-day** period of restricted driving privilege [without any such violations]. If the person fails to maintain such proof of the device with the director of revenue as required, the restricted driving privilege shall be terminated;

(2) The period of revocation shall be one year if the person's driving record shows one or more prior alcohol-related enforcement contacts during the immediately preceding five years;

(3) In no case shall restricted driving privileges be issued under this section to any person whose driving record shows one or more prior alcohol-related enforcement contacts until the person has completed the first thirty days of a suspension under this section and has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of the restricted driving privilege. If the person fails to maintain such proof the restricted driving privilege shall be terminated.

3. For purposes of this section, "alcohol-related enforcement contacts" shall include any suspension or revocation under sections 302.500 to 302.540, any suspension or revocation entered in this or any other state for a refusal to submit to chemical testing under an implied consent law, and any conviction in this or any other state for a violation which involves driving while intoxicated, driving while under the influence of drugs or alcohol, or driving a vehicle while having an unlawful alcohol concentration.

4. Where a license is suspended or revoked under this section and the person is also convicted on charges arising out of the same occurrence for a violation of section 577.010 or 577.012 or for a violation of any county or municipal ordinance prohibiting driving while intoxicated or alcohol-related traffic offense, both the suspension or revocation under this section and any other suspension or revocation arising from such convictions shall be imposed, but the period of suspension or revocation under sections 302.500 to 302.540 shall be credited against any other suspension or revocation arising from such convictions, and the total period of suspension or revocation shall not exceed the longer of the two suspension or revocation periods.

5. Any person who has had a license to operate a motor vehicle revoked under this section or suspended under this section with one or more prior alcohol-related enforcement contacts showing on their driver record shall be required to file proof with the director of revenue that any motor vehicle operated by that person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months. If the person fails to maintain such proof with the director, the license shall be resuspended or revoked, as applicable.

[302.525. 1. The license suspension or revocation shall become effective fifteen days after the subject person has received the notice of suspension or revocation as provided in section 302.520, or is deemed to have received the notice of suspension or revocation by mail as provided in section 302.515. If a request for a hearing is received by or postmarked to the department within that fifteen-day period, the effective date of the suspension or revocation shall be stayed until a final order is issued following the hearing; provided, that any delay in the hearing which is caused or requested by the subject person or counsel representing that person without good cause shown shall not result in a stay of the suspension or revocation during the period of delay.

2. The period of license suspension or revocation under this section shall be as follows:

(1) If the person's driving record shows no prior alcohol-related enforcement contacts during the immediately preceding five years, the period of suspension shall be thirty days after the effective date of suspension, followed by a sixty-day period of restricted driving privilege as defined in section 302.010 and issued by the director of revenue. The restricted driving privilege shall not be issued until he or she has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible. In no case shall restricted driving privileges be issued pursuant

to this section or section 302.535 until the person has completed the first thirty days of a suspension under this section;

(2) The period of revocation shall be one year if the person's driving record shows one or more prior alcohol-related enforcement contacts during the immediately preceding five years;

(3) In no case shall restricted driving privileges be issued under this section to any person whose driving record shows one or more prior alcohol-related enforcement contacts until the person has completed the first thirty days of a suspension under this section and has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of the restricted driving privilege. If the person fails to maintain such proof the restricted driving privilege shall be terminated.

3. For purposes of this section, "alcohol-related enforcement contacts" shall include any suspension or revocation under sections 302.500 to 302.540, any suspension or revocation entered in this or any other state for a refusal to submit to chemical testing under an implied consent law, and any conviction in this or any other state for a violation which involves driving while intoxicated, driving while under the influence of drugs or alcohol, or driving a vehicle while having an unlawful alcohol concentration.

4. Where a license is suspended or revoked under this section and the person is also convicted on charges arising out of the same occurrence for a violation of section 577.010 or 577.012 or for a violation of any county or municipal ordinance prohibiting driving while intoxicated or alcohol-related traffic offense, both the suspension or revocation under this section and any other suspension or revocation arising from such convictions shall be imposed, but the period of suspension or revocation under sections 302.500 to 302.540 shall be credited against any other suspension or revocation arising from such convictions, and the total period of suspension or revocation shall not exceed the longer of the two suspension or revocation periods.

5. Any person who has had a license to operate a motor vehicle revoked under this section or suspended under this section with one or more prior alcohol-related enforcement contacts showing on their driver record shall be required to file proof with the director of revenue that any motor vehicle operated by that person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the person fails to maintain such proof with the director, the license shall be resuspended or revoked, as applicable.]; and

Further amend said bill, Page 31, Section 307.400, Line 81, by inserting after all of said section and line, the following:

"476.385. 1. The judges of the supreme court may appoint a committee consisting of at least seven associate circuit judges, who shall meet en banc and establish and maintain a schedule of fines to be paid for violations of sections 210.104, 577.070, and 577.073, and chapters 252, 301, 302, 304, 306, 307 and 390, with such fines increasing in proportion to the severity of the violation. The associate circuit judges of each county may meet en banc and adopt the schedule of fines and participation in the centralized bureau pursuant to this section. Notice of such adoption and participation shall be given in the manner provided by supreme court rule. Upon order of the supreme court, the associate circuit judges of each county may meet en banc and establish and maintain a schedule of fines to be paid for violations of municipal ordinances for cities, towns and villages electing to have violations of its municipal ordinances heard by associate circuit judges, pursuant to section 479.040; and for traffic court divisions established pursuant to section 479.500. The schedule of fines adopted for violations of municipal ordinances may be modified from time to time as the associate circuit judges of each county en banc deem advisable. No fine established pursuant to this subsection may exceed the maximum amount specified by statute or ordinance for such violation.

2. In no event shall any schedule of fines adopted pursuant to this section include offenses involving the following:

- (1) Any violation resulting in personal injury or property damage to another person;
- (2) Operating a motor vehicle while intoxicated or under the influence of intoxicants or drugs;
- (3) Operating a vehicle with a counterfeited, altered, suspended or revoked license;
- (4) Fleeing or attempting to elude an officer.

3. There shall be a centralized bureau to be established by supreme court rule in order to accept pleas of not guilty or guilty and payments of fines and court costs for violations of the laws and ordinances described in subsection

1 of this section, made pursuant to a schedule of fines established pursuant to this section. The centralized bureau shall collect, with any plea of guilty and payment of a fine, all court costs which would have been collected by the court of the jurisdiction from which the violation originated.

4. If a person elects not to contest the alleged violation, the person shall send payment in the amount of the fine and any court costs established for the violation to the centralized bureau. Such payment shall be payable to the central violations bureau, shall be made by mail or in any other manner established by the centralized bureau, and shall constitute a plea of guilty, waiver of trial and a conviction for purposes of section 302.302, and for purposes of imposing any collateral consequence of a criminal conviction provided by law. By paying the fine and costs, the person also consents to attendance **either online or in person** at any driver-improvement program or motorcycle-rider training course ordered by the court and consents to verification of such attendance as directed by the bureau. Notwithstanding any provision of law to the contrary, the prosecutor shall not be required to sign any information, ticket or indictment if disposition is made pursuant to this subsection. In the event that any payment is made pursuant to this section by credit card or similar method, the centralized bureau may charge an additional fee in order to reflect any transaction cost, surcharge or fee imposed on the recipient of the credit card payment by the credit card company.

5. If a person elects to plead not guilty, such person shall send the plea of not guilty to the centralized bureau. The bureau shall send such plea and request for trial to the prosecutor having original jurisdiction over the offense. Any trial shall be conducted at the location designated by the court. The clerk of the court in which the case is to be heard shall notify in writing such person of the date certain for the disposition of such charges. The prosecutor shall not be required to sign any information, ticket or indictment until the commencement of any proceeding by the prosecutor with respect to the notice of violation.

6. In courts adopting a schedule of fines pursuant to this section, any person receiving a notice of violation pursuant to this section shall also receive written notification of the following:

(1) The fine and court costs established pursuant to this section for the violation or information regarding how the person may obtain the amount of the fine and court costs for the violation;

(2) That the person must respond to the notice of violation by paying the prescribed fine and court costs, or pleading not guilty and appearing at trial, and that other legal penalties prescribed by law may attach for failure to appear and dispose of the violation. The supreme court may modify the suggested forms for uniform complaint and summons for use in courts adopting the procedures provided by this section, in order to accommodate such required written notifications.

7. Any moneys received in payment of fines and court costs pursuant to this section shall not be considered to be state funds, but shall be held in trust by the centralized bureau for benefit of those persons or entities entitled to receive such funds pursuant to this subsection. All amounts paid to the centralized bureau shall be maintained by the centralized bureau, invested in the manner required of the state treasurer for state funds by sections 30.240, 30.250, 30.260 and 30.270, and disbursed as provided by the constitution and laws of this state. Any interest earned on such fund shall be payable to the director of the department of revenue for deposit into a revolving fund to be established pursuant to this subsection. The state treasurer shall be the custodian of the revolving fund, and shall make disbursements, as allowed by lawful appropriations, only to the judicial branch of state government for goods and services related to the administration of the judicial system.

8. Any person who receives a notice of violation subject to this section who fails to dispose of such violation as provided by this section shall be guilty of failure to appear provided by section 544.665; and may be subject to suspension of driving privileges in the manner provided by section 302.341. The centralized bureau shall notify the appropriate prosecutor of any person who fails to either pay the prescribed fine and court costs, or plead not guilty and request a trial within the time allotted by this section, for purposes of application of section 544.665. The centralized bureau shall also notify the department of revenue of any failure to appear subject to section 302.341, and the department shall thereupon suspend the license of the driver in the manner provided by section 302.341, as if notified by the court.

9. In addition to the remedies provided by subsection 8 of this section, the centralized bureau and the courts may use the remedies provided by sections 488.010 to 488.020 for the collection of court costs payable to courts, in order to collect fines and court costs for violations subject to this section."; and

"577.041. 1. If a person under arrest, or who has been stopped pursuant to subdivision (2) or (3) of subsection 1 of section 577.020, refuses upon the request of the officer to submit to any test allowed pursuant to section 577.020, then evidence of the refusal shall be admissible in a proceeding pursuant to section 565.024, 565.060, or 565.082, or section 577.010 or 577.012. The request of the officer shall include the reasons of the officer for requesting the person to submit to a test and also shall inform the person that evidence of refusal to take the test may be used against such person and that the person's license shall be immediately revoked upon refusal to take the test. If a person when requested to submit to any test allowed pursuant to section 577.020 requests to speak to an attorney, the person shall be

granted twenty minutes in which to attempt to contact an attorney. If upon the completion of the twenty-minute period the person continues to refuse to submit to any test, it shall be deemed a refusal. In this event, the officer shall, on behalf of the director of revenue, serve the notice of license revocation personally upon the person and shall take possession of any license to operate a motor vehicle issued by this state which is held by that person. The officer shall issue a temporary permit, on behalf of the director of revenue, which is valid for fifteen days and shall also give the person a notice of such person's right to file a petition for review to contest the license revocation.

2. The officer shall make a certified report under penalties of perjury for making a false statement to a public official. The report shall be forwarded to the director of revenue and shall include the following:

(1) That the officer has:

(a) Reasonable grounds to believe that the arrested person was driving a motor vehicle while in an intoxicated or drugged condition; or

(b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater;

(2) That the person refused to submit to a chemical test;

(3) Whether the officer secured the license to operate a motor vehicle of the person;

(4) Whether the officer issued a fifteen-day temporary permit;

(5) Copies of the notice of revocation, the fifteen-day temporary permit and the notice of the right to file a petition for review, which notices and permit may be combined in one document; and

(6) Any license to operate a motor vehicle which the officer has taken into possession.

3. Upon receipt of the officer's report, the director shall revoke the license of the person refusing to take the test for a period of one year; or if the person is a nonresident, such person's operating permit or privilege shall be revoked for one year; or if the person is a resident without a license or permit to operate a motor vehicle in this state, an order shall be issued denying the person the issuance of a license or permit for a period of one year.

4. If a person's license has been revoked because of the person's refusal to submit to a chemical test, such person may petition for a hearing before a circuit division or associate division of the court in the county in which the arrest or stop occurred. The person may request such court to issue an order staying the revocation until such time as the petition for review can be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the director of revenue and shall send a copy of such order to the director. Such order shall serve as proof of the privilege to operate a motor vehicle in this state and the director shall maintain possession of the person's license to operate a motor vehicle until termination of any revocation pursuant to this section. Upon the person's request the clerk of the court shall notify the prosecuting attorney of the county and the prosecutor shall appear at the hearing on behalf of the director of revenue. At the hearing the court shall determine only:

(1) Whether or not the person was arrested or stopped;

(2) Whether or not the officer had:

(a) Reasonable grounds to believe that the person was driving a motor vehicle while in an intoxicated or drugged condition; or

(b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer had reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater; and

(3) Whether or not the person refused to submit to the test.

5. If the court determines any issue not to be in the affirmative, the court shall order the director to reinstate the license or permit to drive.

6. Requests for review as provided in this section shall go to the head of the docket of the court wherein filed.

7. No person who has had a license to operate a motor vehicle suspended or revoked pursuant to the provisions of this section shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 577.001, or a program determined to be comparable by the department of mental health or the court. Assignment recommendations, based upon the needs assessment as described in subdivision [(23)] (24) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the

recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.023, or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

8. The fees for the substance abuse traffic offender program, or a portion thereof to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 and section 577.001. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rates established pursuant to the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053.

9. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.

10. Any person who has had a license to operate a motor vehicle revoked [more than once for violation of the provisions of this section] **under this section and who has a prior alcohol-related enforcement contact, as defined in section 302.525**, shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of license reinstatement. Such ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. **If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months.** If the person fails to maintain such proof with the director as required by this section, the license shall be rerevoked and the person shall be guilty of a class A misdemeanor.

11. The revocation period of any person whose license and driving privilege has been revoked under this section and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303 and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's license and driving privilege shall be rerevoked and the person shall be guilty of a class A misdemeanor."; and

"Section B. Because immediate action is necessary to ensure the safety of the citizens of this state, the repeal and reenactment of section 302.309 of this act, and the repeal of section 302.309 of this act, is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 302.309 of this act, and the repeal of

section 302.309 of this act, shall be in full force and effect July 1, 2013, or upon its passage and approval, whichever later occurs.

Section C. The repeal and reenactment of sections 302.060, 302.302, 302.304, 302.525, 476.385, and 577.041, and the repeal of sections 302.060, 302.304, and 302.525 of this act shall become effective on March 3, 2014."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Jones (50), **House Amendment No. 4** was adopted.

Representative Brattin offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Committee Substitute for Senate Bill No. 51, Page 31, Section 307.400, Line 81, by inserting after all of said line the following:

"Section 1. Notwithstanding any other provisions of law to the contrary, the license of a trailer, as defined in section 301.010, shall be permanent until the owner of the trailer sells, trades, or disposes of the trailer. After the initial registration and licensing of the trailer, no annual registration shall be required and no annual fee shall be charged."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Brattin, **House Amendment No. 5** was adopted.

Representative Franklin offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Committee Substitute for Senate Bill No. 51, Page 1, Section A, Line 11, by inserting after all of said section and line the following:

"301.140. 1. Upon the transfer of ownership of any motor vehicle or trailer, the certificate of registration and the right to use the number plates shall expire and the number plates shall be removed by the owner at the time of the transfer of possession, and it shall be unlawful for any person other than the person to whom such number plates were originally issued to have the same in his or her possession whether in use or not, unless such possession is solely for charitable purposes; except that the buyer of a motor vehicle or trailer who trades in a motor vehicle or trailer may attach the license plates from the traded-in motor vehicle or trailer to the newly purchased motor vehicle or trailer. The operation of a motor vehicle with such transferred plates shall be lawful for no more than thirty days. As used in this subsection, the term "trade-in motor vehicle or trailer" shall include any single motor vehicle or trailer sold by the buyer of the newly purchased vehicle or trailer, as long as the license plates for the trade-in motor vehicle or trailer are still valid.

2. In the case of a transfer of ownership the original owner may register another motor vehicle under the same number, upon the payment of a fee of two dollars, if the motor vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that originally registered. When such motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, applicant shall pay a transfer fee of two dollars and a pro rata portion for the difference in fees. When such vehicle is of less horsepower, gross weight or (in case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, applicant shall not be entitled to a refund.

3. License plates may be transferred from a motor vehicle which will no longer be operated to a newly purchased motor vehicle by the owner of such vehicles. The owner shall pay a transfer fee of two dollars if the newly purchased vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle)

seating capacity, not in excess of that of the vehicle which will no longer be operated. When the newly purchased motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, the applicant shall pay a transfer fee of two dollars and a pro rata portion of the difference in fees. When the newly purchased vehicle is of less horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, the applicant shall not be entitled to a refund.

4. The director of the department of revenue shall have authority to produce or allow others to produce a weather resistant, nontearing temporary permit authorizing the operation of a motor vehicle or trailer by a buyer for not more than thirty days from the date of purchase. The temporary permit authorized under this section may be purchased by the purchaser of a motor vehicle or trailer from the central office of the department of revenue or from an authorized agent of the department of revenue upon proof of purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer and upon proof of financial responsibility, or from a motor vehicle dealer upon purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer, or from a motor vehicle dealer upon purchase of a motor vehicle or trailer for which the buyer has registered and is awaiting receipt of registration plates. The director of the department of revenue or a producer authorized by the director of the department of revenue may make temporary permits available to registered dealers in this state, authorized agents of the department of revenue or the department of revenue. The price paid by a motor vehicle dealer, an authorized agent of the department of revenue or the department of revenue for a temporary permit shall not exceed five dollars for each permit. The director of the department of revenue shall direct motor vehicle dealers and authorized agents to obtain temporary permits from an authorized producer. Amounts received by the director of the department of revenue for temporary permits shall constitute state revenue; however, amounts received by an authorized producer other than the director of the department of revenue shall not constitute state revenue and any amounts received by motor vehicle dealers or authorized agents for temporary permits purchased from a producer other than the director of the department of revenue shall not constitute state revenue. In no event shall revenues from the general revenue fund or any other state fund be utilized to compensate motor vehicle dealers or other producers for their role in producing temporary permits as authorized under this section. Amounts that do not constitute state revenue under this section shall also not constitute fees for registration or certificates of title to be collected by the director of the department of revenue under section 301.190. No motor vehicle dealer, authorized agent or the department of revenue shall charge more than five dollars for each permit issued. The permit shall be valid for a period of thirty days from the date of purchase of a motor vehicle or trailer, or from the date of sale of the motor vehicle or trailer by a motor vehicle dealer for which the purchaser obtains a permit as set out above. No permit shall be issued for a vehicle under this section unless the buyer shows proof of financial responsibility. Each temporary permit issued shall be securely fastened to the back or rear of the motor vehicle in a manner and place on the motor vehicle consistent with registration plates so that all parts and qualities of the temporary permit thereof shall be plainly and clearly visible, reasonably clean and are not impaired in any way.

5. The permit shall be issued on a form prescribed by the director of the department of revenue and issued only for the applicant's temporary operation of the motor vehicle or trailer purchased to enable the applicant to temporarily operate the motor vehicle while proper title and registration plates are being obtained, or while awaiting receipt of registration plates, and shall be displayed on no other motor vehicle. Temporary permits issued pursuant to this section shall not be transferable or renewable and shall not be valid upon issuance of proper registration plates for the motor vehicle or trailer. The director of the department of revenue shall determine the size, material, design, numbering configuration, construction, and color of the permit. The director of the department of revenue, at his or her discretion, shall have the authority to reissue, and thereby extend the use of, a temporary permit previously and legally issued for a motor vehicle or trailer while proper title and registration are being obtained.

6. Every motor vehicle dealer that issues temporary permits shall keep, for inspection by proper officers, an accurate record of each permit issued by recording the permit number, the motor vehicle dealer's number, buyer's name and address, the motor vehicle's year, make, and manufacturer's vehicle identification number, and the permit's date of issuance and expiration date. Upon the issuance of a temporary permit by either the central office of the department of revenue, a motor vehicle dealer or an authorized agent of the department of revenue, the director of the department of revenue shall make the information associated with the issued temporary permit immediately available to the law enforcement community of the state of Missouri.

7. Upon the transfer of ownership of any currently registered motor vehicle wherein the owner cannot transfer the license plates due to a change of motor vehicle category, the owner may surrender the license plates issued to the motor vehicle and receive credit for any unused portion of the original registration fee against the registration fee of another motor vehicle. Such credit shall be granted based upon the date the license plates are surrendered. No refunds shall be made on the unused portion of any license plates surrendered for such credit.

8. The provisions of subsections 4, 5, and 6 of this section shall expire July 1, 2019.

9. An additional temporary license plate produced in a manner and of materials determined by the director to be the most cost-effective means of production with a configuration that matches an existing or newly issued plate may be purchased by a motor vehicle owner to be placed in the interior of the vehicle's rear window such that the driver's view out of the rear window is not obstructed and the plate configuration is clearly visible from the outside of the vehicle to serve as the visible plate when a bicycle rack or other item obstructs the view of the actual plate. Such temporary plate is only authorized for use when the matching actual plate is affixed to the vehicle in the manner prescribed in subsection 5 of section 301.130. The fee charged for the temporary plate shall be equal to the fee charged for a temporary permit issued under subsection 4 of this section. Replacement temporary plates authorized in this subsection may be issued as needed upon the payment of a fee equal to the fee charged for a temporary permit under subsection 4 of this section. The newly produced third plate may only be used on the vehicle with the matching plate, and the additional plate shall be clearly recognizable as a third plate and only used for the purpose specified in this subsection.

10. Notwithstanding the provisions of section 301.127, the director may issue a temporary permit to an individual who possesses a salvage motor vehicle which requires an inspection under subsection 9 of section 301.190. The operation of a salvage motor vehicle for which the permit has been issued shall be limited to the most direct route from the residence, maintenance, or storage facility of the individual in possession of such motor vehicle to the nearest authorized inspection facility and return to the originating location. Notwithstanding any other requirements for the issuance of a temporary permit under this section, an individual obtaining a temporary permit for the purpose of operating a motor vehicle to and from an examination facility as prescribed in this subsection shall also purchase the required motor vehicle examination form which is required to be completed for an examination under subsection 9 of section 301.190 and provide satisfactory evidence that such vehicle has passed a motor vehicle safety inspection for such vehicle as required in section 307.350.

11. The director of the department of revenue may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

[11.] 12. The repeal and reenactment of this section shall become effective on the date the department of revenue or a producer authorized by the director of the department of revenue begins producing temporary permits described in subsection 4 of such section, or on July 1, 2013, whichever occurs first. If the director of revenue or a producer authorized by the director of the department of revenue begins producing temporary permits prior to July 1, 2013, the director of the department of revenue shall notify the revisor of statutes of such fact.

[301.140. 1. Upon the transfer of ownership of any motor vehicle or trailer, the certificate of registration and the right to use the number plates shall expire and the number plates shall be removed by the owner at the time of the transfer of possession, and it shall be unlawful for any person other than the person to whom such number plates were originally issued to have the same in his or her possession whether in use or not, unless such possession is solely for charitable purposes; except that the buyer of a motor vehicle or trailer who trades in a motor vehicle or trailer may attach the license plates from the traded-in motor vehicle or trailer to the newly purchased motor vehicle or trailer. The operation of a motor vehicle with such transferred plates shall be lawful for no more than thirty days. As used in this subsection, the term "trade-in motor vehicle or trailer" shall include any single motor vehicle or trailer sold by the buyer of the newly purchased vehicle or trailer, as long as the license plates for the trade-in motor vehicle or trailer are still valid.

2. In the case of a transfer of ownership the original owner may register another motor vehicle under the same number, upon the payment of a fee of two dollars, if the motor vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that originally registered. When such motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, applicant shall pay a transfer fee of two dollars and a pro rata portion for the difference in fees. When such vehicle is of less horsepower, gross weight or (in case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, applicant shall not be entitled to a refund.

3. License plates may be transferred from a motor vehicle which will no longer be operated to a newly purchased motor vehicle by the owner of such vehicles. The owner shall pay a transfer fee

of two dollars if the newly purchased vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that of the vehicle which will no longer be operated. When the newly purchased motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, the applicant shall pay a transfer fee of two dollars and a pro rata portion of the difference in fees. When the newly purchased vehicle is of less horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, the applicant shall not be entitled to a refund.

4. Upon the sale of a motor vehicle or trailer by a dealer, a buyer who has made application for registration, by mail or otherwise, may operate the same for a period of thirty days after taking possession thereof, if during such period the motor vehicle or trailer shall have attached thereto, in the manner required by section 301.130, number plates issued to the dealer. Upon application and presentation of proof of financial responsibility as required under subsection 5 of this section and satisfactory evidence that the buyer has applied for registration, a dealer may furnish such number plates to the buyer for such temporary use. In such event, the dealer shall require the buyer to deposit the sum of ten dollars and fifty cents to be returned to the buyer upon return of the number plates as a guarantee that said buyer will return to the dealer such number plates within thirty days. The director shall issue a temporary permit authorizing the operation of a motor vehicle or trailer by a buyer for not more than thirty days of the date of purchase.

5. The temporary permit shall be made available by the director of revenue and may be purchased from the department of revenue upon proof of purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer and upon proof of financial responsibility, or from a dealer upon purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer. The director shall make temporary permits available to registered dealers in this state or authorized agents of the department of revenue in sets of ten permits. The fee for the temporary permit shall be seven dollars and fifty cents for each permit or plate issued. No dealer or authorized agent shall charge more than seven dollars and fifty cents for each permit issued. The permit shall be valid for a period of thirty days from the date of purchase of a motor vehicle or trailer, or from the date of sale of the motor vehicle or trailer by a dealer for which the purchaser obtains a permit as set out above. No permit shall be issued for a vehicle under this section unless the buyer shows proof of financial responsibility.

6. The permit shall be issued on a form prescribed by the director and issued only for the applicant's use in the operation of the motor vehicle or trailer purchased to enable the applicant to legally operate the vehicle while proper title and registration plate are being obtained, and shall be displayed on no other vehicle. Temporary permits issued pursuant to this section shall not be transferable or renewable and shall not be valid upon issuance of proper registration plates for the motor vehicle or trailer. The director shall determine the size and numbering configuration, construction, and color of the permit.

7. The dealer or authorized agent shall insert the date of issuance and expiration date, year, make, and manufacturer's number of vehicle on the permit when issued to the buyer. The dealer shall also insert such dealer's number on the permit. Every dealer that issues a temporary permit shall keep, for inspection of proper officers, a correct record of each permit issued by recording the permit or plate number, buyer's name and address, year, make, manufacturer's vehicle identification number on which the permit is to be used, and the date of issuance.

8. Upon the transfer of ownership of any currently registered motor vehicle wherein the owner cannot transfer the license plates due to a change of vehicle category, the owner may surrender the license plates issued to the motor vehicle and receive credit for any unused portion of the original registration fee against the registration fee of another motor vehicle. Such credit shall be granted based upon the date the license plates are surrendered. No refunds shall be made on the unused portion of any license plates surrendered for such credit.

9. An additional temporary license plate produced in a manner and of materials determined by the director to be the most cost-effective means of production with a configuration that matches an existing or newly issued plate may be purchased by a motor vehicle owner to be placed in the interior of the vehicle's rear window such that the driver's view out of the rear window is not obstructed and the plate configuration is clearly visible from the outside of the vehicle to serve as the visible plate when a bicycle rack or other item obstructs the view of the actual plate. Such temporary

plate is only authorized for use when the matching actual plate is affixed to the vehicle in the manner prescribed in subsection 5 of section 301.130. The fee charged for the temporary plate shall be equal to the fee charged for a temporary permit issued under subsection 5 of this section. Replacement temporary plates authorized in this subsection may be issued as needed upon the payment of a fee equal to the fee charged for a temporary permit under subsection 5 of this section. The newly produced third plate may only be used on the vehicle with the matching plate, and the additional plate shall be clearly recognizable as a third plate and only used for the purpose specified in this subsection.

10. The director may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.]"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Franklin, **House Amendment No. 6** was adopted.

Representative Kolkmeier offered **House Amendment No. 7**.

House Amendment No. 7

AMEND House Committee Substitute for Senate Bill No. 51, Page 1, Section A, Line 11, by inserting after all of said section and line, the following:

"64.196. **1.** After August 28, 2001, any county seeking to adopt a building code in a manner set forth in section 64.180 shall, in creating or amending such code, adopt a current, calendar year 1999 or later edition, nationally recognized building code, as amended.

2. No county building ordinance adopted under this section shall conflict with liquefied petroleum gas installations regulations established under section 323.020."; and

"135.710. **1.** As used in this section, the following terms mean:

(1) "Alternative fuels", any motor fuel at least seventy percent of the volume of which consists of one or more of the following:

- (a) Ethanol;
- (b) Natural gas;
- (c) Compressed natural gas, **or CNG**;
- (d) Liquefied natural gas, **or LNG**;
- (e) Liquefied petroleum gas, **LP gas, propane, or autogas**;
- (f) Any mixture of biodiesel and diesel fuel, without regard to any use of kerosene;
- (g) Hydrogen;

(2) "Department", the department of natural resources;

(3) "Eligible applicant", a business entity that is the owner of a qualified alternative fuel vehicle refueling property **or makes more than twenty-five qualified conversions in a one-year period**;

(4) **"Motor vehicle", any automobile, truck, truck-tractor, or any motor bus or self propelled vehicle not exclusively operated or driven upon fixed rails or tracks. The term does not include:**

(a) Farm tractors or machinery including tractors and machinery designed for off-road use but capable of movement on roads at low speeds; or

(b) A vehicle solely operated on rails;

(5) "Qualified alternative fuel vehicle refueling property", property in this state owned by an eligible applicant and used for storing alternative fuels and for dispensing such alternative fuels into fuel tanks of motor vehicles owned by such eligible applicant or private citizens which, if constructed after August 28, 2008, was constructed with at least fifty-one percent of the costs being paid to qualified Missouri contractors for the:

- (a) Fabrication of premanufactured equipment or process piping used in the construction of such facility;
- (b) Construction of such facility; and
- (c) General maintenance of such facility during the time period in which such facility receives any tax credit under this section.

If no qualified Missouri contractor is located within seventy-five miles of the property, the requirement that fifty-one percent of the costs shall be paid to qualified Missouri contractors shall not apply;

[(5)] (6) "Qualified conversion", the conversion of a motor vehicle fueled solely by petroleum-based fuels to a motor vehicle which incorporates an alternative fuel listed under subdivision (1) of this subsection as either the primary or secondary source. The converted vehicle must operate using an alternative fuel decal under subsection 1 of section 142.869, if applicable. Installations which inject fuel additives are not considered qualified conversions;

(7) "Qualified Missouri contractor", a contractor whose principal place of business is located in Missouri and has been located in Missouri for a period of not less than five years.

2. For all tax years beginning on or after January 1, [2009] **2014**, but before January 1, [2012] **2017**, any eligible applicant who installs and operates a qualified alternative fuel vehicle refueling property shall be allowed a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or due under chapter 147 or chapter 148 for any tax year in which the applicant is constructing the refueling property. The credit allowed in this [section] **subsection** per eligible applicant shall not exceed the lesser of twenty thousand dollars or twenty percent of the total costs directly associated with the purchase and installation of any alternative fuel storage and dispensing equipment on any qualified alternative fuel vehicle refueling property, which shall not include the following:

(1) Costs associated with the purchase of land upon which to place a qualified alternative fuel vehicle refueling property;

(2) Costs associated with the purchase of an existing qualified alternative fuel vehicle refueling property; or

(3) Costs for the construction or purchase of any structure.

3. Tax credits allowed by this section shall be claimed by the eligible applicant at the time such applicant files a return for the tax year in which the storage and dispensing facilities were placed in service at a qualified alternative fuel vehicle refueling property, and shall be applied against the income tax liability imposed by chapter 143, chapter 147, or chapter 148 after all other credits provided by law have been applied. The cumulative amount of tax credits which may be claimed by eligible applicants claiming all credits authorized in this section shall not exceed [the following amounts:

(1) In taxable year 2009, three million dollars;

(2) In taxable year 2010, two million dollars; and

(3) In taxable year 2011,] one million dollars **per year**.

4. If the amount of the tax credit exceeds the eligible applicant's tax liability, the difference shall not be refundable. Any amount of credit that an eligible applicant is prohibited by this section from claiming in a taxable year may be carried forward to any of such applicant's two subsequent taxable years. Tax credits allowed under this section may be assigned, transferred, sold, or otherwise conveyed.

5. An alternative fuel vehicle refueling property, for which an eligible applicant receives tax credits under this section, which ceases to sell alternative fuel shall cause the forfeiture of such eligible applicant's tax credits provided under this section for the taxable year in which the alternative fuel vehicle refueling property ceased to sell alternative fuel and for future taxable years with no recapture of tax credits obtained by an eligible applicant with respect to such applicant's tax years which ended before the sale of alternative fuel ceased.

6. The director of revenue shall establish the procedure by which the tax credits in this section may be claimed, and shall establish a procedure by which the cumulative amount of tax credits is apportioned equally among all eligible applicants claiming the credit. To the maximum extent possible, the director of revenue shall establish the procedure described in this subsection in such a manner as to ensure that eligible applicants can claim all the tax credits possible up to the cumulative amount of tax credits available for the taxable year. No eligible applicant claiming a tax credit under this section shall be liable for any interest or penalty for filing a tax return after the date fixed for filing such return as a result of the apportionment procedure under this subsection.

7. Any eligible applicant desiring to claim a tax credit under this section shall submit the appropriate application for such credit with the department. The application for a tax credit under this section shall include any information required by the department. The department shall review the applications and certify to the department of revenue each eligible applicant that qualifies for the tax credit.

8. The department and the department of revenue may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

9. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after August 28, [2008] **2013**, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on December thirty-first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset."; and

"137.010. The following words, terms and phrases when used in laws governing taxation and revenue in the state of Missouri shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

(1) "Grain and other agricultural crops in an unmanufactured condition" shall mean grains and feeds including, but not limited to, soybeans, cow peas, wheat, corn, oats, barley, kafir, rye, flax, grain sorghums, cotton, and such other products as are usually stored in grain and other elevators and on farms; but excluding such grains and other agricultural crops after being processed into products of such processing, when packaged or sacked. The term "processing" shall not include hulling, cleaning, drying, grating, or polishing;

(2) "Hydroelectric power generating equipment", very-low-head turbine generators with a nameplate generating capacity of at least four hundred kilowatts but not more than six hundred kilowatts and machinery and equipment used directly in the production, generation, conversion, storage, or conveyance of hydroelectric power to land-based devices and appurtenances used in the transmission of electrical energy;

(3) "Intangible personal property", for the purpose of taxation, shall include all property other than real property and tangible personal property, as defined by this section;

(4) "Real property" includes land itself, whether laid out in town lots or otherwise, and all growing crops, buildings, structures, improvements and fixtures of whatever kind thereon, hydroelectric power generating equipment, the installed poles used in the transmission or reception of electrical energy, audio signals, video signals or similar purposes, provided the owner of such installed poles is also an owner of a fee simple interest, possessor of an easement, holder of a license or franchise, or is the beneficiary of a right-of-way dedicated for public utility purposes for the underlying land; attached wires, transformers, amplifiers, substations, and other such devices and appurtenances used in the transmission or reception of electrical energy, audio signals, video signals or similar purposes when owned by the owner of the installed poles, otherwise such items are considered personal property; and stationary property used for **generation, transportation or storage** of liquid and gaseous products, including, but not limited to, petroleum products, natural gas, **propane or LP gas, solar or wind power equipment**, water, and sewage;

(5) "Tangible personal property" includes every tangible thing being the subject of ownership or part ownership whether animate or inanimate, other than money, and not forming part or parcel of real property as herein defined, but does not include household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place."; and

"137.100. The following subjects are exempt from taxation for state, county or local purposes:

(1) Lands and other property belonging to this state;

(2) Lands and other property belonging to any city, county or other political subdivision in this state, including market houses, town halls and other public structures, with their furniture and equipments, and on public squares and lots kept open for health, use or ornament;

(3) Nonprofit cemeteries;

(4) The real estate and tangible personal property which is used exclusively for agricultural or horticultural societies organized in this state, including not-for-profit agribusiness associations;

(5) All property, real and personal, actually and regularly used exclusively for religious worship, for schools and colleges, or for purposes purely charitable and not held for private or corporate profit, except that the exemption herein granted does not include real property not actually used or occupied for the purpose of the organization but held

or used as investment even though the income or rentals received therefrom is used wholly for religious, educational or charitable purposes;

(6) Household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place;

(7) Motor vehicles leased for a period of at least one year to this state or to any city, county, or political subdivision or to any religious, educational, or charitable organization which has obtained an exemption from the payment of federal income taxes, provided the motor vehicles are used exclusively for religious, educational, or charitable purposes;

(8) Real or personal property leased or otherwise transferred by an interstate compact agency created pursuant to sections 70.370 to 70.430 or sections 238.010 to 238.100 to another for which or whom such property is not exempt when immediately after the lease or transfer, the interstate compact agency enters into a leaseback or other agreement that directly or indirectly gives such interstate compact agency a right to use, control, and possess the property; provided, however, that in the event of a conveyance of such property, the interstate compact agency must retain an option to purchase the property at a future date or, within the limitations period for reversioners, the property must revert back to the interstate compact agency. Property will no longer be exempt under this subdivision in the event of a conveyance as of the date, if any, when:

(a) The right of the interstate compact agency to use, control, and possess the property is terminated;

(b) The interstate compact agency no longer has an option to purchase or otherwise acquire the property; and

(c) There are no provisions for reversion of the property within the limitation period for reversioners;

(9) All property, real and personal, belonging to veterans' organizations. As used in this section, "veterans' organization" means any organization of veterans with a congressional charter, that is incorporated in this state, and that is exempt from taxation under section 501(c)(19) of the Internal Revenue Code of 1986, as amended;

(10) Equipment or property with a retail value of fifty thousand dollars or less required for the use, transmission, generation or storage of alternative or renewable energy as used in an eligible alternative energy operation as defined under section 30.750 or alternative fuels as defined under section 135.710 and section 414.400, used either for fleet, transportation, power generation, heat or other such application. Said equipment shall be exempt from the assessment of any state, county or local property taxes for such time as the equipment, property or installation is in working order.; and

"142.800. As used in this chapter, the following words, terms and phrases have the meanings given:

(1) **"Additive", a substance designed to increase engine power or performance introduced by injection or other means into a fuel system but which is not capable of propelling the vehicle without the primary fuel. Use of additives fuels does not require compliance with subsection 1 of section 142.869;**

(2) "Agricultural purposes", clearing, terracing or otherwise preparing the ground on a farm; preparing soil for planting and fertilizing, cultivating, raising and harvesting crops; raising and feeding livestock and poultry; building fences; pumping water for any and all uses on the farm, including irrigation; building roads upon any farm by the owner or person farming the same; operating milking machines; sawing wood for use on a farm; producing electricity for use on a farm; movement of tractors, farm implements and nonlicensed equipment from one field to another;

[(2)] (3) "Alternative fuel", electricity, liquefied petroleum gas (LPG [or], LP gas, **propane or autogas**), compressed natural gas product (**CNG, liquified natural gas or LNG**), or a combination of liquefied petroleum gas and a compressed natural gas or electricity product used in an internal combustion engine or motor to propel any form of vehicle, machine, or mechanical contrivance. It includes all forms of fuel commonly or commercially known or sold as butane, propane, or compressed natural gas;

[(3)] (4) "Aviation fuel", any motor fuel specifically compounded for use in reciprocating aircraft engines;

[(4)] (5) "Blend stock", any petroleum product component of motor fuel, such as naphtha, reformat, toluene or kerosene, that can be blended for use in a motor fuel without further processing. The term includes those petroleum products presently defined by the Internal Revenue Service in regulations pursuant to 26 U.S.C., Sections 4081 and 4082, as amended. However, the term does not include any substance that:

(a) Will be ultimately used for consumer nonmotor fuel use; and

(b) Is sold or removed in drum quantities (fifty-five gallons) or less at the time of the removal or sale;

[(5)] (6) "Blended fuel", a mixture composed of motor fuel and another liquid including blend stock, other than a de minimis amount of a product such as carburetor detergent or oxidation inhibitor, that can be used as a fuel in a highway vehicle. This term includes but is not limited to gasohol, ethanol, methanol, fuel grade alcohol, diesel fuel enhancers and resulting blends;

[(6)] (7) "Blender", any person that produces blended motor fuel outside the bulk transfer/terminal system;

[(7)] (8) "Blending", the mixing of one or more petroleum products, with or without another product, regardless of the original character of the product blended, if the product obtained by the blending is capable of use or otherwise sold for use in the generation of power for the propulsion of a motor vehicle, an airplane, or a motorboat. The term does not include the blending that occurs in the process of refining by the original refiner of crude petroleum or the blending of products known as lubricating oil and greases;

[(8)] (9) "Bulk plant", a bulk motor fuel storage and distribution facility that is not a terminal within the bulk transfer system and from which motor fuel may be removed by truck;

[(9)] (10) "Bulk transfer", any transfer of motor fuel from one location to another by pipeline tender or marine delivery within the bulk transfer/terminal system;

[(10)] (11) "Bulk transfer/terminal system", the motor fuel distribution system consisting of refineries, pipelines, vessels, and terminals. Motor fuel in a refinery, pipeline, boat, barge or terminal is in the bulk transfer/terminal system. Motor fuel in the fuel supply tank of any engine, or in any tank car, rail car, trailer, truck, or other equipment suitable for ground transportation is not in the bulk transfer/terminal system;

[(11)] (12) "Consumer", the user of the motor fuel;

[(12)] (13) "Delivery", the placing of motor fuel or any liquid into the fuel tank of a motor vehicle or bulk storage facility;

[(13)] (14) "Department", the department of revenue;

[(14)] (15) "Destination state", the state, territory, or foreign country to which motor fuel is directed for delivery into a storage facility, a receptacle, a container, or a type of transportation equipment for the purpose of resale or use;

[(15)] (16) "Diesel fuel", any liquid that is commonly or commercially known or sold as a fuel that is suitable for use in a diesel-powered highway vehicle. A liquid meets this requirement if, without further processing or blending, the liquid has practical and commercial fitness for use in the propulsion engine of a diesel-powered highway vehicle. "Diesel fuel" does not include jet fuel sold to a buyer who is registered with the Internal Revenue Service to purchase jet fuel and remit taxes on its sale or use to the Internal Revenue Service. "Diesel fuel" does not include biodiesel commonly referred to as B100 and defined in ASTM D6751, B99, or B99.9 until such biodiesel is blended with other diesel fuel or sold for highway use;

[(16)] (17) "Diesel-powered highway vehicle", a motor vehicle operated on a highway that is propelled by a diesel-powered engine;

[(17)] (18) "Director", the director of revenue;

[(18)] (19) "Distributor", a person who either produces, refines, blends, compounds or manufactures motor fuel, imports motor fuel into a state or exports motor fuel out of a state, or who is engaged in distribution of motor fuel;

[(19)] (20) "Dyed fuel", diesel fuel or kerosene that is required to be dyed pursuant to United States Environmental Protection Agency rules or is dyed pursuant to Internal Revenue Service rules or pursuant to any other requirements subsequently set by the United States Environmental Protection Agency or Internal Revenue Service including any invisible marker requirements;

[(20)] (21) "Eligible purchaser", a distributor who has been authorized by the director to purchase motor fuel on a tax-deferred basis;

[(21)] (22) "Export", to obtain motor fuel in this state for sale or other distribution outside of this state. In applying this definition, motor fuel delivered out of state by or for the seller constitutes an export by the seller, and motor fuel delivered out of state by or for the purchaser constitutes an export by the purchaser;

[(22)] (23) "Exporter", any person, other than a supplier, who purchases motor fuel in this state for the purpose of transporting or delivering the fuel outside of this state;

[(23)] (24) "Farm tractor", all tractor-type, motorized farm implements and equipment but shall not include motor vehicles of the truck-type, pickup truck-type, automobiles, and other motor vehicles required to be registered and licensed each year pursuant to the provisions of the motor vehicle license and registration laws of this state;

[(24)] (25) "Fuel grade alcohol", a methanol or ethanol with a proof of not less than one hundred ninety degrees (determined without regard to denaturants) and products derived from such alcohol for blending with motor fuel;

[(25)] (26) "Fuel transportation vehicle", any vehicle designed for highway use which is also designed or used to transport motor fuels and includes transport trucks and tank wagons;

[(26)] (27) "Gasoline", all products commonly or commercially known or sold as gasoline that are suitable for use as a motor fuel. Gasoline does not include products that have an American Society for Testing and Materials (ASTM) octane number of less than seventy-five as determined by the motor method;

[(27)] (28) "Gross gallons", the total measured motor fuel, exclusive of any temperature or pressure adjustments, in U.S. gallons;

[(28)] (29) "Heating oil", a motor fuel that is burned in a boiler, furnace, or stove for heating or industrial processing purposes;

[(29)] (30) "Import", to bring motor fuel into this state by any means of conveyance other than in the fuel supply tank of a motor vehicle. In applying this definition, motor fuel delivered into this state from out-of-state by or for the seller constitutes an import by the seller, and motor fuel delivered into this state from out-of-state by or for the purchaser constitutes an import by the purchaser;

[(30)] (31) "Import verification number", the number assigned by the director with respect to a single transport truck delivery into this state from another state upon request for an assigned number by an importer or the transporter carrying motor fuel into this state for the account of an importer;

[(31)] (32) "Importer" includes any person who is the importer of record, pursuant to federal customs law, with respect to motor fuel. If the importer of record is acting as an agent, the person for whom the agent is acting is the importer. If there is no importer of record of motor fuel entered into this state, the owner of the motor fuel at the time it is brought into this state is the importer;

[(32)] (33) "Interstate motor fuel user", any person who operates a motor fuel-powered motor vehicle with a licensed gross weight exceeding twenty-six thousand pounds that travels from this state into another state or from another state into this state;

[(33)] (34) "Invoiced gallons", the gallons actually billed on an invoice for payment to a supplier which shall be either gross or net gallons on the original manifest or bill of lading;

[(34)] (35) "K-1 kerosene", a petroleum product having an A.P.I. gravity of not less than forty degrees, at a temperature of sixty degrees Fahrenheit and a minimum flash point of one hundred degrees Fahrenheit with a sulfur content not exceeding four one-hundredths percent by weight;

[(35)] (36) "Kerosene", the petroleum fraction containing hydrocarbons that are slightly heavier than those found in gasoline and naphtha, with a boiling range of one hundred forty-nine to three hundred degrees Celsius;

[(36)] (37) "Liquid", any substance that is liquid in excess of sixty degrees Fahrenheit and at a pressure of fourteen and seven-tenths pounds per square inch absolute;

[(37)] (38) "Motor fuel", gasoline, diesel fuel, kerosene and blended fuel;

[(38)] (39) "Motor vehicle", any automobile, truck, truck-tractor or any motor bus or self-propelled vehicle not exclusively operated or driven upon fixed rails or tracks. The term does not include:

(a) Farm tractors or machinery including tractors and machinery designed for off-road use but capable of movement on roads at low speeds, or

(b) A vehicle solely operated on rails;

[(39)] (40) "Net gallons", the motor fuel, measured in U.S. gallons, when corrected to a temperature of sixty degrees Fahrenheit and a pressure of fourteen and seven-tenths pounds per square inch absolute (psi);

[(40)] (41) "Permissive supplier", an out-of-state supplier that elects, but is not required, to have a supplier's license pursuant to this chapter;

[(41)] (42) "Person", natural persons, individuals, partnerships, firms, associations, corporations, estates, trustees, business trusts, syndicates, this state, any county, city, municipality, school district or other political subdivision of the state, federally recognized Indian tribe, or any corporation or combination acting as a unit or any receiver appointed by any state or federal court;

[(42)] (43) "Position holder", the person who holds the inventory position in motor fuel in a terminal, as reflected on the records of the terminal operator. A person holds the inventory position in motor fuel when that person has a contract with the terminal operator for the use of storage facilities and terminating services for motor fuel at the terminal. The term includes a terminal operator who owns motor fuel in the terminal;

[(43)] (44) "Propel", the operation of a motor vehicle, whether it is in motion or at rest;

[(44)] (45) "Public highway", every road, toll road, highway, street, way or place generally open to the use of the public as a matter of right for the purposes of vehicular travel, including streets and alleys of any town or city notwithstanding that the same may be temporarily closed for construction, reconstruction, maintenance or repair;

[(45)] (46) "Qualified terminal", a terminal which has been assigned a terminal control number ("tcn") by the Internal Revenue Service;

[(46)] (47) "Rack", a mechanism for delivering motor fuel from a refinery or terminal into a railroad tank car, a transport truck or other means of bulk transfer outside of the bulk transfer/terminal system;

[(47)] (48) "Refiner", any person that owns, operates, or otherwise controls a refinery;

[(48)] (49) "Refinery", a facility used to produce motor fuel from crude oil, unfinished oils, natural gas liquids, or other hydrocarbons and from which motor fuel may be removed by pipeline, by boat or barge, or at a rack;

[(49)] (50) "Removal", any physical transfer of motor fuel from a terminal, manufacturing plant, customs custody, pipeline, boat or barge, refinery or any facility that stores motor fuel;

[(50)] (51) "Retailer", a person that engages in the business of selling or dispensing to the consumer within this state;

[(51)] **(52)** "Supplier", a person that is:

(a) Registered or required to be registered pursuant to 26 U.S.C., Section 4101, for transactions in motor fuels in the bulk transfer/terminal distribution system; and

(b) One or more of the following:

a. The position holder in a terminal or refinery in this state;

b. Imports motor fuel into this state from a foreign country;

c. Acquires motor fuel from a terminal or refinery in this state from a position holder pursuant to either a two-party exchange or a qualified buy-sell arrangement which is treated as an exchange and appears on the records of the terminal operator; or

d. The position holder in a terminal or refinery outside this state with respect to motor fuel which that person imports into this state. A terminal operator shall not be considered a supplier based solely on the fact that the terminal operator handles motor fuel consigned to it within a terminal. "Supplier" also means a person that produces fuel grade alcohol or alcohol-derivative substances in this state, produces fuel grade alcohol or alcohol-derivative substances for import to this state into a terminal, or acquires upon import by truck, rail car or barge into a terminal, fuel grade alcohol or alcohol-derivative substances. "Supplier" includes a permissive supplier unless specifically provided otherwise;

[(52)] **(53)** "Tank wagon", a straight truck having multiple compartments designed or used to carry motor fuel;

[(53)] **(54)** "Terminal", a bulk storage and distribution facility which includes:

(a) For the purposes of motor fuel, is a qualified terminal;

(b) For the purposes of fuel grade alcohol, is supplied by truck, rail car, boat, barge or pipeline and the products are removed at a rack;

[(54)] **(55)** "Terminal bulk transfers" include but are not limited to the following:

(a) Boat or barge movement of motor fuel from a refinery or terminal to a terminal;

(b) Pipeline movements of motor fuel from a refinery or terminal to a terminal;

(c) Bulk transfers of product within a terminal between suppliers prior to completion of removal across the rack; and

(d) Two-party exchanges or buy-sell supply arrangements within a terminal between licensed suppliers;

[(55)] **(56)** "Terminal operator", any person that owns, operates, or otherwise controls a terminal. A terminal operator may own the motor fuel that is transferred through or stored in the terminal;

[(56)] **(57)** "Transmix", the buffer or interface between two different products in a pipeline shipment, or a mix of two different products within a refinery or terminal that results in an off-grade mixture;

[(57)] **(58)** "Transport truck", a semitrailer combination rig designed or used to transport motor fuel over the highways;

[(58)] **(59)** "Transporter", any operator of a pipeline, barge, railroad or transport truck engaged in the business of transporting motor fuels;

[(59)] **(60)** "Two-party exchange", a transaction in which the motor fuel is transferred from one licensed supplier or licensed permissive supplier to another licensed supplier or licensed permissive supplier and:

(a) Which transaction includes a transfer from the person that holds the original inventory position for motor fuel in the terminal as reflected on the records of the terminal operator; and

(b) The exchange transaction is simultaneous with removal from the terminal by the receiving exchange partner. However, in any event, the terminal operator in its books and records treats the receiving exchange party as the supplier which removes the product across a terminal rack for purposes of reporting such events to this state;

[(60)] **(61)** "Ultimate vendor", a person that sells motor fuel to the consumer;

[(61)] **(62)** "Undyed diesel fuel", diesel fuel that is not subject to the United States Environmental Protection Agency dyeing requirements, or has not been dyed in accordance with Internal Revenue Service fuel dyeing provisions; and

[(62)] **(63)** "Vehicle fuel tank", any receptacle on a motor vehicle from which fuel is supplied for the propulsion of the motor vehicle."; and

"142.869. 1. The tax imposed by this chapter shall not apply to passenger motor vehicles, buses as defined in section 301.010, or commercial motor vehicles registered in this state which are powered by alternative fuel, and for which a valid decal has been acquired as provided in this section. The owners or operators of such motor vehicles shall, in lieu of the tax imposed by section 142.803, pay an annual alternative fuel decal fee as follows: seventy-five dollars on each passenger motor vehicle, school bus as defined in section 301.010, and commercial motor vehicle with a licensed gross vehicle weight of eighteen thousand pounds or less; one hundred dollars on each motor vehicle with a licensed gross weight in excess of eighteen thousand pounds but not more than thirty-six thousand pounds used for farm or farming transportation operations and registered with a license plate designated with the letter "F"; one hundred fifty

dollars on each motor vehicle with a licensed gross vehicle weight in excess of eighteen thousand pounds but less than or equal to thirty-six thousand pounds, and each passenger-carrying motor vehicle subject to the registration fee provided in sections 301.059, 301.061 and 301.063; two hundred fifty dollars on each motor vehicle with a licensed gross weight in excess of thirty-six thousand pounds used for farm or farming transportation operations and registered with a license plate designated with the letter "F"; and one thousand dollars on each motor vehicle with a licensed gross vehicle weight in excess of thirty-six thousand pounds. Notwithstanding provisions of this section to the contrary, motor vehicles licensed as historic under section 301.131 which are powered by alternative fuel shall be exempt from both the tax imposed by this chapter and the alternative fuel decal requirements of this section.

2. Except interstate fuel users and vehicles licensed under a reciprocity agreement as defined in section 142.617, the tax imposed by section 142.803 shall [not] **also** apply to motor vehicles registered outside this state which are powered by alternative fuel[, and for which a valid temporary alternative fuel decal has been acquired as provided in this section].

(1) The owners or operators of such motor vehicles [shall] **may**, in lieu of the tax imposed by section 142.803, pay a temporary alternative fuel decal fee of [eight] **twelve** dollars on each such vehicle. Such decals shall be valid for a period of fifteen days from the date of issuance and shall be attached to the lower right-hand corner of the front windshield on the motor vehicle for which it was issued. Such decal and fee shall not be transferable.

(2) **The fuel provider will remit all road tax collected from non-state residents each quarter using a form authorized by the department.**

(a) [All] **Eighty percent of the proceeds from such decal fees or collections of non-state road tax** shall be deposited as specified in section 142.345.

(b) **Twenty percent of the proceeds from such decal sales or collections of non-state road tax shall be deposited into the Missouri alternative fuel infrastructure tax credit fund under the direction of the department of natural resources.**

(c) Alternative fuel dealers selling such decals in accordance with rules and regulations prescribed by the director shall be allowed to retain [fifty cents] **two dollars** for each decal fee timely remitted to the director.

3. The director shall annually, on or before January thirty-first of each year, collect or cause to be collected from owners or operators of the motor vehicles specified in subsection 1 of this section the annual decal fee. Applications for such decals shall be supplied by the department of revenue. In the case of a motor vehicle which is not in operation by January thirty-first of any year, a decal may be purchased for a fractional period of such year, and the amount of the decal fee shall be reduced by one-twelfth for each complete month which shall have elapsed since the beginning of such year.

4. Upon the payment of the fee required by subsection 1 of this section, the director shall issue a decal, which shall be valid for the current calendar year and shall be attached to the lower right-hand corner of the front windshield on the motor vehicle for which it was issued.

5. The decal fee paid pursuant to subsection 1 of this section for each motor vehicle shall be transferable upon a change of ownership of the motor vehicle and, if the [LP gas or natural gas equipment] **alternative fuel system** is removed from a motor vehicle upon a change of ownership and is reinstalled in another motor vehicle, upon such reinstallation. Such transfers shall be accomplished in accordance with rules and regulations promulgated by the director.

6. It shall be unlawful for any [person] **Missouri resident** to operate a motor vehicle required to have an alternative fuel decal upon the highways of this state without a valid decal.

7. No person shall cause to be put, or put, **electricity**, LP gas or natural gas into the fuel supply receptacle of a motor vehicle required to have an alternative fuel decal unless the motor vehicle has a valid decal attached to it.

(1) **Qualified conversion sellers as defined by subdivision (6) of subsection 1 of section 135.710 or the sellers of vehicles sold with alternative fuel systems in place shall not be required to obtain alternative fuel decals during the installation of qualified conversions for motor fuel vehicles or the sale of such vehicles. Such conversion sellers or vehicle dealers or their fuel suppliers may elect to fuel such motor fuel vehicles during the conversion or sales process and remit the applicable road tax under this section.**

(2) Sales of [fuel] **all alternative fuels** placed in the supply receptacle of a motor vehicle [displaying such decal] shall be recorded upon an invoice, which invoice shall include the decal number, **if applicable**, the motor vehicle license number and the number of gallons placed in such supply receptacle. **Such invoices shall be kept by the seller for a period of two years.**

(3) **Sales of all vehicles propelled by alternative fuels, whether through qualified conversion or equipped by the original manufacturer shall be reported to the department annually.**

8. Any person violating any provision of this section is guilty of an infraction and shall, upon conviction thereof, be fined five hundred dollars.

9. Motor vehicles displaying a valid alternative fuel decal are exempt from the licensing and reporting requirements of this chapter."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Kolkmeyer, **House Amendment No. 7** was adopted.

Representative Scharnhorst offered **House Amendment No. 8**.

House Amendment No. 8

AMEND House Committee Substitute for Senate Bill No. 51, Page 31, Section 307.400, Line 81, by inserting after said line the following:

"Section 1. Any quasi-government entity created to provide information management products and services to criminal justice, municipal and county courts and other government agencies whose originating agency identifier was terminated by the federal bureau of investigations shall provide integration access to the contracted data for the political subdivision or its agency in a web service or file transfer protocol format on line in a timely manner upon written request at no additional charge as is required by the political subdivision or its agency."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Scharnhorst, **House Amendment No. 8** was adopted.

Representative Rowland offered **House Amendment No. 9**.

House Amendment No. 9

AMEND House Committee Substitute for Senate Bill No. 51, Page 2, Section 301.301, Line 8, by inserting after all of said line the following:

"301.449. 1. Only a community college or four-year public or private institution of higher education, or a foundation or organization representing the college or institution, located in the state of Missouri may itself authorize or may by the director of revenue be authorized to use the school's official emblem to be affixed on multiyear personalized license plates as provided in this section.

2. Any contribution to such institution derived from this section, except reasonable administrative costs, shall be used for scholarship endowment or other academically related purposes. Any vehicle owner may annually apply to the institution for the use of the emblem. Upon annual application and payment of an emblem-use contribution to the institution, which shall be set by the governing body of the institution at an amount of at least twenty-five dollars, the institution shall issue to the vehicle owner, without further charge, an "emblem-use authorization statement", which shall be presented by the vehicle owner to the department of revenue at the time of registration. Upon presentation of the annual statement and payment of the fee required for personalized license plates in section 301.144, and other fees and documents which may be required by law, the department of revenue shall issue a personalized license plate, which shall bear the seal, emblem or logo of the institution, to the vehicle owner.

3. The license plate authorized by this section shall use the school colors of the institution, and those colors shall be constructed upon the license plate using a process to ensure that the school emblem shall be displayed upon the license plate in the clearest and most attractive manner possible. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. The license plate authorized by this section shall be issued with a design approved by both the institution of higher education and the advisory committee established in section 301.129.

4. A vehicle owner, who was previously issued a plate with an institutional emblem authorized by this section and does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the institutional emblem, as otherwise provided by law.

5. Notwithstanding the provisions of subsection 1 of this section or subsection 1 of section 301.3150, any community college or four-year public or private institution of higher education, or any foundation or organization representing the college or institution, located outside of the state of Missouri, which has authorized the use of its official emblem to be affixed on multiyear personalized license plates and has had its application for a specialty license plate approved by the joint committee on transportation oversight under section 301.3150 prior to August 28, 2012, may continue to authorize the use of its official emblem on such plates. Nothing in subsection 1 of this section shall be construed to prohibit the manufacture or renewal of multiyear personalized license plates bearing out-of-state university, college, or institution of private learning official emblems if such license plates were approved by the joint committee on transportation oversight under section 301.3150 prior to August 28, 2012.

6. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms including establishing a minimum number of license plates which can be issued with the authorized emblem of a participating institution."; and

Further amend said bill, Page 31, Section 307.400, Line 81, by inserting after all of said line the following:

"Section B. Because of the need to ensure that motorists who were issued valid special license plates are legally registered within the state of Missouri and because of the need to avoid unnecessary administrative license plate recalls, the repeal and reenactment of section 301.449 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 301.449 of this act shall be in full force and effect upon its passage and approval.";

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 095

Allen	Anderson	Austin	Bahr	Barnes
Berry	Brattin	Burlison	Cierpiot	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	Entlicher	Fitzpatrick	Fitzwater	Fowler
Fraker	Franklin	Frederick	Funderburk	Gannon
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hough
Houghton	Hurst	Johnson	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lauer	Leara	Love	Lynch	McCaherty
McGaugh	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schieber
Shull	Shumake	Smith 120	Solon	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Harris

Hodges	Hubbard	Hummel	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McKenna
McManus	McNeil	Meredith	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 019

Bernskoetter	Brown	Curtman	Flanigan	Gardner
Gatschenberger	Grisamore	Hoskins	Jones 50	Kelly 45
Lant	Lichtenegger	Marshall	McDonald	Mims
Redmon	Schatz	Sommer	Mr Speaker	

On motion of Representative Rowland, **House Amendment No. 9** was adopted.

Representative Solon offered **House Amendment No. 10**.

House Amendment No. 10

AMEND House Committee Substitute for Senate Bill No. 51, Page 2, Section 301.301, Line 8, by inserting after all of said line the following:

"301.3172. 1. Any woman who currently serves in any branch of the United States Armed Forces or who was honorably discharged from such service may apply for special motor vehicle license plates for any vehicle she owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight.

2. Any woman shall apply for the special license plates on a form provided by the director of revenue and furnish such proof of military service as the director may require.

3. Upon presentation of such proof of military service, payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a special personalized license plate which shall bear the words "WOMAN VETERAN" at the bottom of the plate, in a manner prescribed by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

4. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued under this section.

5. There shall be no limit on the number of license plates any person qualified under this section may obtain so long as each set of license plates issued under this section is issued for a vehicle owned solely or jointly by such person.

6. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.

7. The director shall consult with the Missouri Veterans Commission when determining or designing the image which shall be placed on the plate authorized under this section.

8. The director shall make all necessary rules and regulations for the administration of this section and shall design all necessary forms required by this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Elmer assumed the Chair.

On motion of Representative Solon, **House Amendment No. 10** was adopted.

HCS SB 51, as amended, was laid over.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 17**, entitled:

An act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2013 and ending June 30, 2015.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 18**, entitled:

An act to appropriate money for purposes for the several departments and offices of state government; for the purchase of equipment; for planning, expenses, and for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems; for grants, refunds, distributions, planning, expenses, and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions; and to transfer money among certain funds, from the funds designated for the fiscal period beginning July 1, 2013 and ending June 30, 2015.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HB 19**, entitled:

An act to appropriate money for purposes for the several departments and offices of state government; for planning and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions; and to transfer money among certain funds to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the fiscal period beginning July 1, 2013 and ending June 30, 2015.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 351**, entitled:

An act to repeal sections 191.227, 197.080, and 197.100, RSMo, and to enact in lieu thereof four new sections relating to health care providers.

With Senate Amendment No. 1.

Senate Amendment No. 1

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 351, Page 1, Section Title, Line 3 of the Title, by inserting after "providers" the following:

"with an emergency clause for a certain section"; and

Further amend said bill and page, Section A, Line 3, by inserting immediately after all of said line the following:

"96.229. 1. Notwithstanding subsection 5 of section 96.150 regarding the lease of substantially all of a hospital where the board of trustees is lessor, a city in which a hospital is located that:
(1) Is organized and operated under this chapter;
(2) Has not accepted appropriated funds from the city during the prior twenty years; and
(3) Is licensed by the department of health and senior services for two hundred beds or more pursuant to sections 197.010 to 197.120,

shall not have authority to sell, lease, or otherwise transfer all or substantially all of the property from a hospital organized under this chapter, both real and personal, except in accordance with this section.

2. Upon filing with the city clerk of a resolution adopted by no less than two-thirds of the incumbent members of the board of trustees to sell, lease, or otherwise transfer all or substantially all of the hospital property, both real and personal, for reasons specified in the resolution, the clerk shall present the resolution to the city council. If a majority of the incumbent members of the city council determine that sale, lease, or other transfer of the hospital property is desirable, the city council shall submit to the voters of the city the question in substantially the following form:

"Shall the city council of, Missouri and the board of trustees of hospital be authorized to sell (or lease or otherwise transfer) the property, real and personal, of hospital as approved by, and in accordance with, the resolution of the board of trustees authorizing such sale (or lease or transfer)?"

A majority of the votes cast on such question shall be required in order to approve and authorize such sale, lease or other transfer. If the question receives less than the required majority, then the city council and the board of trustees shall have no power to sell, lease or otherwise transfer the property, real and personal, of the hospital unless and until the city council has submitted another question to authorize such sale, lease or transfer authorized under this section and such question is approved by the required majority of the qualified voters voting thereon. However, in no event shall a question under this section be submitted to the voters sooner than twelve months from the date of the last question under this section and after the adoption of another resolution by no less than two-thirds of the board of trustees and a subsequent vote by a majority of the city council to again submit the question to the voters.

3. Upon passage of such question by the voters, the board of trustees shall sell and dispose of such property, or lease or transfer such property, in the manner proposed by the board of trustees. The deed of the board of trustees, duly authorized by the board of trustees and duly acknowledged and recorded, shall be sufficient to convey to the purchaser all the rights, title, interest, and estate in the hospital property.

4. No sale, lease, or other transfer of such hospital property shall be authorized or effective unless such transaction provides sufficient proceeds to be available to be applied to the payment of all interest and principal of any outstanding valid indebtedness incurred for purchase of the site or construction of the hospital, or for any repairs, alterations, improvements, or additions thereto, or for operation of the hospital.

5. Assets donated to the hospital pursuant to section 96.210 shall be used to provide health care services in the city and in the geographic region previously served by the hospital, except as otherwise prescribed by the terms of the deed, gift, devise, or bequest."; and

Further amend said bill, Page 7, Section 1, Line 26, by inserting after all of said line the following:

"Section B. Because of the need to ensure local hospitals can continue the purpose of providing the best care and treatment of the sick, disabled, and infirm persons as decided on by the people in the affected community, the enactment of section 96.229 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 96.229 of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SCS SB 9, as amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SCS SB 17, as amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **House Amendment No. 1 to SCS SB 36**, and requests the House to recede from its position on **House Amendment No. 1** and take up and pass **SCS SB 36**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 43, as amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS SB 106, as amended**, and has taken up and passed **CCS SCS SB 106**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SCS SB 117, as amended**, and has taken up and passed **CCS HCS SCS SB 117**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 210**, entitled:

An act to repeal sections 162.081 and 162.083, RSMo, and to enact in lieu thereof five new sections relating to the common core state standards initiative, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 330, as amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

On motion of Representative Diehl, the House recessed until 1:15 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Jones.

SENATE BILLS FOR THIRD READING

SCS SB 248, relating to neighborhood improvement districts, was taken up by Representative Fraker.

Representative Solon offered **House Amendment No. 1**.

House Amendment No. 1

AMEND Senate Committee Substitute for Senate Bill No. 248, Page 4, Section 67.457, Line 127, by inserting after all of said line the following:

"67.463. 1. At the hearing to consider the proposed improvements and assessments, the governing body shall hear and pass upon all objections to the proposed improvements and proposed assessments, if any, and may amend the proposed improvements, and the plans and specifications therefor, or assessments as to any property, and thereupon by ordinance or resolution the governing body of the city or county shall order that the improvement be made and direct that financing for the cost thereof be obtained as provided in sections 67.453 to 67.475.

2. After construction of the improvement has been completed in accordance with the plans and specifications therefor, the governing body shall compute the final costs of the improvement and apportion the costs among the property benefitted by such improvement in such equitable manner as the governing body shall determine, charging each parcel of property with its proportionate share of the costs, and by resolution or ordinance, assess the final cost of the improvement or the amount of general obligation bonds issued or to be issued therefor as special assessments against the property described in the assessment roll.

3. After the passage or adoption of the ordinance or resolution assessing the special assessments, the city clerk or county clerk shall mail a notice to each property owner within the district which sets forth a description of each parcel of real property to be assessed which is owned by such owner, the special assessment assigned to such property, and a statement that the property owner may pay such assessment in full, together with interest accrued thereon from the effective date of such ordinance or resolution, on or before a specified date determined by the effective date of the ordinance or resolution, or may pay such assessment in annual installments as provided in subsection 4 of this section.

4. The special assessments shall be assessed upon the property included therein concurrent with general property taxes, and shall be payable in substantially equal annual installments for a duration stated in the ballot measure

prescribed in subsection 2 of section 67.457 or in the petition prescribed in subsection 3 of section 67.457, and, if authorized, an assessment in each year thereafter levied and collected in the same manner with the proceeds thereof used solely for maintenance of the improvement, taking into account such assessments and interest thereon, as the governing body determines. The first installment shall be payable after the first collection of general property taxes following the adoption of the assessment ordinance or resolution unless such ordinance or resolution was adopted and certified too late to permit its collection at such time. All assessments shall bear interest at such rate as the governing body determines, not to exceed the rate permitted for bonds by section 108.170. Interest on the assessment between the effective date of the ordinance or resolution assessing the assessment and the date the first installment is payable shall be added to the first installment. The interest for one year on all unpaid installments shall be added to each subsequent installment until paid. In the case of a special assessment by a city, all of the installments, together with the interest accrued or to accrue thereon, may be certified by the city clerk to the county clerk in one instrument at the same time. Such certification shall be good for all of the installments, and the interest thereon payable as special assessments.

5. Special assessments shall be collected and paid over to the city treasurer or county treasurer in the same manner as taxes of the city or county are collected and paid. In any **county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants and any** county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants, the county collector may collect a fee as prescribed by section 52.260 for collection of assessments under this section.

67.469. A special assessment authorized under the provisions of sections 67.453 to 67.475 shall be a lien, from the date of the assessment, on the property against which it is assessed on behalf of the city or county assessing the same to the same extent as a tax upon real property. The lien may be foreclosed in the same manner as a tax upon real property by land tax sale pursuant to chapter 140 or [by judicial foreclosure proceeding], **if applicable to that county, chapter 141, or** at the option of the governing body, **by judicial foreclosure proceeding**. Upon the foreclosure of any such lien, whether by land tax sale or by judicial foreclosure proceeding, the entire remaining assessment may become due and payable and may be recoverable in such foreclosure proceeding at the option of the governing body."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Solon, **House Amendment No. 1** was adopted.

Representative Crawford offered **House Amendment No. 2**.

House Amendment No. 2

AMEND Senate Committee Substitute for Senate Bill No. 248, Page 4, Section 67.457, Line 127, by inserting after all of said section and line the following:

"67.469. A special assessment authorized under the provisions of sections 67.453 to 67.475 shall be a lien, from the date of the assessment, on the property against which it is assessed on behalf of the city or county assessing the same to the same extent as a tax upon real property. The lien may be foreclosed in the same manner as a tax upon real property by land tax sale pursuant to chapter 140 or [by judicial foreclosure proceeding], **if applicable to that county, chapter 141, or** at the option of the governing body, **by judicial foreclosure proceeding**. Upon the foreclosure of any such lien, whether by land tax sale or by judicial foreclosure proceeding, the entire remaining assessment may become due and payable and may be recoverable in such foreclosure proceeding at the option of the governing body.

67.1521. 1. A district may levy by resolution one or more special assessments against real property within its boundaries, upon receipt of and in accordance with a petition signed by:

(1) Owners of real property collectively owning more than fifty percent by assessed value of real property within the boundaries of the district; and

(2) More than fifty percent per capita of the owners of all real property within the boundaries of the district.

2. The special assessment petition shall be in substantially the following form:

The (insert name of district) Community Improvement District ("District") shall be authorized to levy special assessments against real property benefitted within the District for the purpose of providing revenue for (insert general description of specific service and/or projects) in the district, such special assessments to be

levied against each tract, lot or parcel of real property listed below within the district which receives special benefit as a result of such service and/or projects, the cost of which shall be allocated among this property by (insert method of allocation, e.g., per square foot of property, per square foot on each square foot of improvement, or by abutting foot of property abutting streets, roads, highways, parks or other improvements, or any other reasonable method) in an amount not to exceed dollars per (insert unit of measure). Such authorization to levy the special assessment shall expire on (insert date). The tracts of land located in the district which will receive special benefit from this service and/or projects are: (list of properties by common addresses and legal descriptions).

3. The method for allocating such special assessments set forth in the petition may be any reasonable method which results in imposing assessments upon real property benefitted in relation to the benefit conferred upon each respective tract, lot or parcel of real property and the cost to provide such benefit.

4. By resolution of the board, the district may levy a special assessment rate lower than the rate ceiling set forth in the petition authorizing the special assessment and may increase such lowered special assessment rate to a level not exceeding the special assessment rate ceiling set forth in the petition without further approval of the real property owners; provided that a district imposing a special assessment pursuant to this section may not repeal or amend such special assessment or lower the rate of such special assessment if such repeal, amendment or lower rate will impair the district's ability to pay any liabilities that it has incurred, money that it has borrowed or obligations that it has issued.

5. Each special assessment which is due and owing shall constitute a perpetual lien against each tract, lot or parcel of property from which it is derived. Such lien may be foreclosed in the same manner as any other special assessment lien as provided in section 88.861. Notwithstanding the provisions of this subsection and section 67.1541 to the contrary, [in any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants,] the county collector may, upon certification by the district for collection, add each special assessment to the annual real estate tax bill for the property and collect the assessment in the same manner the collector uses for real estate taxes. [In said counties, each] **Any** special assessment remaining unpaid on the first day of January annually is delinquent and enforcement of collection of the delinquent bill by the county collector shall be governed by the laws concerning delinquent and back taxes. The lien may be foreclosed in the same manner as a tax upon real property by land tax sale under chapter 140 or, if applicable to that county, chapter 141.

6. A separate fund or account shall be created by the district for each special assessment levied and each fund or account shall be identifiable by a suitable title. The proceeds of such assessments shall be credited to such fund or account. Such fund or account shall be used solely to pay the costs incurred in undertaking the specified service or project.

7. Upon completion of the specified service or project or both, the balance remaining in the fund or account established for such specified service or project or both shall be returned or credited against the amount of the original assessment of each parcel of property pro rata based on the method of assessment of such special assessment.

8. Any funds in a fund or account created pursuant to this section which are not needed for current expenditures may be invested by the board in accordance with applicable laws relating to the investment of funds of the city in which the district is located.

9. The authority of the district to levy special assessments shall be independent of the limitations and authorities of the municipality in which it is located; specifically, the provisions of section 88.812 shall not apply to any district.

140.050. 1. Except as provided in section 52.361, the county clerk shall file the delinquent lists in the county clerk's office and within ten days thereafter make, under the seal of the commission, the lists into a back tax book as provided in section 140.060.

2. Except as provided in section 52.361, when completed, the clerk shall deliver the book **or an electronic copy thereof** to the collector taking duplicate receipts therefor, one of which the clerk shall file in the clerk's office and the other the clerk shall file with the director of revenue. The clerk shall charge the collector with the aggregate amount of taxes, interest, and clerk's fees contained in the back tax book.

3. The collector shall collect such back taxes and may levy upon, seize and distrain tangible personal property and may sell such property for taxes.

4. In the city of St. Louis, the city comptroller or other proper officer shall return the back tax book together with the uncollected tax bills within thirty days to the city collector.

5. If any county commission or clerk in counties not having a county auditor fails to comply with section 140.040, and this section, to the extent that the collection of taxes cannot be enforced by law, the county commission or clerk, or their successors in office, shall correct such omissions at once and return the back tax book to the collector who shall collect such taxes.

140.115. Any person other than the owner or a mortgagee or other lienholder described in section 139.070 who pays the original taxes, as charged against the tract of land or town lot described in the back tax book together with interest from the day upon which the tax first became delinquent at the rate specified in section 140.100 shall not invoke a lien on said property or person without the knowledge and consent of the owner. Any such lien so invoked on said property or person without the knowledge and consent of the owner shall be null and void.

140.150. 1. All lands, lots, mineral rights, and royalty interests on which taxes or [neighborhood improvement district] special assessments are delinquent and unpaid are subject to sale to discharge the lien for the delinquent and unpaid taxes or unpaid special assessments as provided for in this chapter on the fourth Monday in August of each year.

2. No real property, lots, mineral rights, or royalty interests shall be sold for state, county or city taxes or special assessments without judicial proceedings, unless the notice of sale contains the names of all record owners thereof, or the names of all owners appearing on the land tax book and all other information required by law. Delinquent taxes or unpaid special assessments, penalty, interest and costs due thereon may be paid to the county collector at any time before the property is sold therefor. The collector shall send notices to the publicly recorded owner of record before any delinquent and unpaid taxes or unpaid special assessments as specified in this section subject to sale are published. The first notice shall be by first class mail. A second notice shall be sent by certified mail only if the assessed valuation of the property is greater than one thousand dollars. If the assessed valuation of the property is not greater than one thousand dollars, only the first notice shall be required. If any second notice sent by certified mail under this section is returned to the collector unsigned, then notice shall be sent before the sale by first class mail to both the owner of record and the occupant of the real property. The postage for the mailing of the notices shall be paid out of the county treasury, and such costs shall be added to the costs of conducting the sale, and the county treasury shall be reimbursed to the extent that such postage costs are recovered at the sale. The failure of the taxpayer or the publicly recorded owner to receive the notice provided for in this section shall not relieve the taxpayer or publicly recorded owner of any tax liability imposed by law.

3. The entry in the back tax book by the county clerk of the delinquent lands, lots, mineral rights, and royalty interests constitutes a levy upon the delinquent lands, lots, mineral rights, and royalty interests for the purpose of enforcing the lien of delinquent and unpaid taxes or unpaid special assessments [as provided in section 67.469], together with penalty, interest and costs.

140.160. 1. No proceedings for the sale of land and lots for delinquent taxes pursuant to this chapter or unpaid special assessments [as provided in section 67.469], relating to the collection of delinquent and back taxes and unpaid special assessments and providing for foreclosure sale and redemption of land and lots therefor, shall be valid unless initial proceedings therefor shall be commenced within three years after delinquency of such taxes and unpaid special assessments, and any sale held pursuant to initial proceedings commenced within such period of three years shall be deemed to have been in compliance with the provisions of said law insofar as the time at which such sales are to be had is specified therein; provided further, that in suits or actions to collect delinquent drainage and/or levee assessments on real estate such suits or actions shall be commenced within three years after delinquency, otherwise no suit or action therefor shall be commenced, had or maintained, except that the three-year limitation described in this subsection shall not be applicable if any written instrument conveys any real estate having a tax-exempt status, if such instrument causes such real estate to again become taxable real property and if such instrument has not been recorded in the office of the recorder in the county in which the real estate has been situated. Such three-year limitation shall only be applicable once the recording of the title has occurred.

2. The county auditor in all counties having a county auditor shall annually audit collections, deposits, and supporting reports of the collector and provide a copy of such audit to the county collector and to the governing body of the county. A copy of the audit may be provided to all applicable taxing entities within the county at the discretion of the county collector.

140.230. 1. When real estate has been sold for taxes or other debt by the sheriff or collector of any county within the state of Missouri, and the same sells for a greater amount than the debt or taxes and all costs in the case it shall be the duty of the sheriff or collector of the county, when such sale has been or may hereafter be made, to make a written statement describing each parcel or tract of land sold by him for a greater amount than the debt or taxes and all costs in the case together with the amount of surplus money in each case. The statement shall be subscribed and sworn to by the sheriff or collector making it before some officer competent to administer oaths within this state, and then presented to the county commission of the county where the sale has been or may be made; and on the approval of the statement by the commission, the sheriff or collector making the same shall pay the surplus money into the county treasury, take

the receipt in duplicate of the treasurer for the surplus of money and retain one of the duplicate receipts himself and file the other with the county commission, and thereupon the commission shall charge the treasurer with the amount.

2. The treasurer shall place such moneys in the county treasury to be held for the use and benefit of the person entitled to such moneys or to the credit of the school fund of the county, to be held in trust for the term of three years for the publicly recorded owner or owners of the property sold at **the time of** the delinquent land tax auction or their legal representatives. At the end of three years, if such fund shall not be called for **as part of a redemption or collector's deed issuance**, then it shall become a permanent school fund of the county.

3. County commissions shall compel owners or agents to make satisfactory proof of their claims before receiving their money; provided, that no county shall pay interest to the claimant of any such fund.

140.290. 1. After payment shall have been made the county collector shall give the purchaser a certificate in writing, to be designated as a certificate of purchase, which shall carry a numerical number and which shall describe the land so purchased, each tract or lot separately stated, the total amount of the tax, with penalty, interest and costs, and the year or years of delinquency for which said lands or lots were sold, separately stated, and the aggregate of all such taxes, penalty, interest and costs, and the sum bid on each tract.

2. If the purchaser bid for any tract or lot of land a sum in excess of the delinquent tax, penalty, interest and costs for which said tract or lot of land was sold, such excess sum shall also be noted in the certificate of purchase, in a separate column to be provided therefor. Such certificate of purchase shall also recite the name and address of the owner or reputed owner if known, and if unknown then the party or parties to whom each tract or lot of land was assessed, together with the address of such party, if known, and shall also have incorporated therein the name and address of the purchaser. Such certificate of purchase shall also contain the true date of the sale and the time when the purchaser will be entitled to a deed for said land, if not redeemed as in this chapter provided, and the rate of interest that such certificate of purchase shall bear, which rate of interest shall not exceed the sum of ten percent per annum. Such certificate shall be authenticated by the county collector, who shall record the same in a permanent record book in his office before delivery to the purchaser.

3. Such certificate shall be assignable, but no assignment thereof shall be valid unless endorsed on such certificate and acknowledged before some officer authorized to take acknowledgment of deeds and an entry of such assignment entered in the record of said certificate of purchase in the office of the county collector.

4. [For each certificate of purchase issued, including the recording of the same, the county collector shall be entitled to receive and retain a fee of fifty cents, to be paid by the purchaser and treated as a part of the cost of the sale, and so noted on the certificate. For noting any assignment of any certificate the county collector shall be entitled to a fee of twenty-five cents, to be paid by the person requesting such recital of assignment, and which shall not be treated as a part of the cost of the sale.] For each certificate of purchase issued, as a part of the cost of the sale, the purchaser shall pay to the collector the fee necessary to record such certificate of purchase in the office of the county recorder. The collector shall record the certificate of purchase before delivering such certificate of purchase to the purchaser.

5. No collector shall be authorized to issue a certificate of purchase to any nonresident of the state of Missouri, however, any nonresident as described in subsection 2 of section 140.190 may appoint an agent, and such agent shall comply with the provisions of section 140.190 pertaining to a nonresident.

6. This section shall not apply to any post-third-year tax sale, except for nonresidents as provided in subsection 5 of this section.

140.405. 1. Any person purchasing property at a delinquent land tax auction shall not acquire the deed to the real estate, as provided for in section 140.250 or 140.420, until the person meets the requirements of this section, except that such requirements shall not apply to post-third-year sales, which shall be conducted under subsection 4 of section 140.250. The purchaser shall obtain a title search report from a licensed attorney or licensed title company detailing the ownership and encumbrances on the property. Such title search report shall be declared invalid if the effective date is more than one hundred twenty days from the date the purchaser applies for a collector's deed under section 140.250 or 140.420.

2. At least ninety days prior to the date when a purchaser is authorized to acquire the deed, the purchaser shall notify the owner of record and any person who holds a publicly recorded unreleased deed of trust, mortgage, lease, lien, judgment, or any other publicly recorded claim upon that real estate of such person's right to redeem the property. Notice shall be sent by both first class mail and certified mail return receipt requested to such person's last known available address. If the certified mail return receipt is returned signed, the first class mail notice is not returned, the first class mail notice is refused where noted by the United States Postal Service, or any combination thereof, notice shall be presumed received by the recipient. At the conclusion of the applicable redemption period, the purchaser shall make an affidavit in accordance with subsection 4 of this section.

3. If the owner of record or **the holder of** any other publicly recorded claim on the property intends to transfer ownership or execute any additional liens or encumbrances on the property, such owner shall first redeem such property under section 140.340. The failure to comply with redeeming the property first before executing any of such actions or agreements on the property shall require the owner of record or any other publicly recorded claim on the property to reimburse the purchaser for the total bid as recorded on the certificate of purchase and all the costs of the sale required in sections 140.150 to 140.405.

4. In the case that both the certified notice return receipt card is returned unsigned and the first class mail is returned for any reason except refusal, where the notice is returned undeliverable, then the purchaser shall attempt additional notice and certify in the purchaser's affidavit to the collector that such additional notice was attempted and by what means.

5. The purchaser shall notify the county collector by affidavit of the date that every required notice was sent to the owner of record and, if applicable, any other publicly recorded claim on the property. To the affidavit, the purchaser shall attach a copy of a valid title search report as described in subsection 1 of this section as well as completed copies of the following for each recipient:

- (1) **Notices of right to redeem sent by** first class mail;
- (2) **Notices of right to redeem sent by** certified mail [notice];
- (3) Addressed envelopes **for all notices**, as they appeared immediately before mailing;
- (4) Certified mail receipt as it appeared upon its return; and
- (5) Any returned regular mailed envelopes. As provided in this section, at such time the purchaser notifies the collector by affidavit that all the ninety days' notice requirements of this section have been met, the purchaser is authorized to acquire the deed, provided that a collector's deed shall not be acquired before the expiration date of the redemption period as provided in section 140.340.

6. If any real estate is purchased at a third-offering tax auction and has a publicly recorded unreleased deed of trust, mortgage, lease, lien, judgment, or any other publicly recorded claim upon the real estate under this section, the purchaser of said property shall within forty-five days after the purchase at the sale notify such person of the person's right to redeem the property within ninety days from the postmark date on the notice. Notice shall be sent by both first class mail and certified mail return receipt requested to such person's last known available address. The purchaser shall notify the county collector by affidavit of the date the required notice was sent to the owner of record and, if applicable, **and the holder of** any other publicly recorded claim on the property, that such person shall have ninety days to redeem said property or be forever barred from redeeming said property.

7. If the county collector chooses to have the title search done then the county collector may charge the purchaser the cost of the title search before giving the purchaser a deed pursuant to section 140.420.

8. If the property is redeemed, the person redeeming the property shall pay the costs incurred by the purchaser in providing notice under this section. Recoverable costs on any property sold at a tax sale shall include the title search, postage, and costs for the recording of any certificate of purchase issued and for recording the release of such certificate of purchase and all the costs of the sale required in sections 140.150 to 140.405.

9. Failure of the purchaser to comply with this section shall result in such purchaser's loss of all interest in the real estate.

140.460. 1. Such conveyance shall be executed by the county collector, under his hand and seal, [witnessed by the county clerk] and acknowledged before the county recorder or any other officer authorized to take acknowledgments and the same shall be recorded in the recorder's office before delivery; a fee for recording shall be paid by the purchaser and shall be included in the costs of sale.

2. Such deed shall be prima facie evidence that the property conveyed was subject to taxation at the time assessed, that the taxes were delinquent and unpaid at the time of sale, of the regularity of the sale of the premises described in the deed, and of the regularity of all prior proceedings, that said land or lot had not been redeemed and that the period therefor had elapsed, and prima facie evidence of a good and valid title in fee simple in the grantee of said deed; and such deed shall be in the following form, as nearly as the nature of the case will admit, namely:

Whereas, A. B. did, on the day of, 20. . . , produce to the undersigned, C. D., collector of the county of in the state of Missouri, a certificate of purchase, in writing, bearing date the day of 20. . . , signed by E. F., who at the last mentioned date was collector of said county, from which it appears that the said A. B. did, on the day of, 20. . . , purchase at public auction at the door of the courthouse in said county, the tract, parcel or lot of land lastly in this indenture described, and which lot was sold to for the sum of dollars and cents, being the amount due on the following tracts or lots of land, returned delinquent in the name of G. H., for nonpayment of taxes, costs and charges for the year, namely: (Here set out the lands offered for sale); which said lands have been recorded, among other tracts, in the office of said

collector, as delinquent for the nonpayment of taxes, costs, and charges due for the year last aforesaid, and legal publication made of the sale of said lands; and it appearing that the said A. B. is the legal owner of said certificate of purchase and the time fixed by law for redeeming the land therein described having now expired, the said G. H. nor any person in his behalf having paid or tendered the amount due the said A. B. on account of the aforesaid purchase, and for the taxes by him since paid, and the said A. B., having demanded a deed for the tract of land mentioned in said certificate, and which was the least quantity of the tract above described that would sell for the amount due thereon for taxes, costs and charges, as above specified, and it appearing from the records of said county collector's office that the aforesaid lands were legally liable for taxation, and has been duly assessed and properly charged on the tax book with the taxes for the years;

Therefore, this indenture, made this day of , 20. . . , between the state of Missouri, by C. D., collector of said county, of the first part, and the said A. B., of the second part, Witnesseth: That the said party of the first part, for and in consideration of the premises, has granted, bargained and sold unto the said party of the second part, his heirs and assigns, forever, the tract or parcel of land mentioned in said certificate, situate in the county of, and state of Missouri, and described as follows, namely: (Here set out the particular tract or parcel sold), To have and to hold the said last mentioned tract or parcel of land, with the appurtenances thereto belonging, to the said party of the second part, his heirs and assigns forever, in as full and ample a manner as the collector of said county is empowered by law to sell the same.

In Testimony Whereof, the said C. D., collector of said county of, has hereunto set his hand, and affixed his official seal, the day and year last above written.

Witness: (L.S.)
Collector of County.

State of Missouri, County, ss:

Before me, the undersigned,, in and for said county, this day, personally came the above-named C. D., collector of said county, and acknowledged that he executed the foregoing deed for the uses and purposes therein mentioned.

In Witness Whereof, I have hereunto set my hand and seal this day of, 20. . . .
. (L.S.)

140.470. [1.] In case circumstances should exist requiring any variation from the foregoing form, in the recital part thereof, the necessary change shall be made by the county collector executing such deed, and the same shall not be vitiated by any such change, provided the substance be retained.

[2. The county collector shall be entitled to demand and receive from the person applying therefor, for each tax deed, one dollar and fifty cents, which shall include the acknowledgment.]

140.665. Whenever the word "collector" is used in sections 140.050 to 140.660, as applicable to counties which have adopted township organization, it shall be construed to mean ["treasurer and ex officio collector"] "**collector-treasurer**". Where applicable it shall also refer to the collector, or other proper officer, collecting taxes in any city or town. Where applicable the word "county" as used in sections 140.050 to 140.660 shall be construed "city" and the words "county clerk" shall be construed "city clerk or other proper officer".

140.730. 1. Tangible personal property [taxes assessed] **subject to assessment** on and after January 1, 1946, and all personal taxes delinquent at that date, shall constitute a debt, as of the date on which such taxes were levied for which a personal judgment may be recovered against the party assessed with such taxes before any court of this state having jurisdiction.

2. All actions commenced pursuant to this law shall be prosecuted in the name of the state of Missouri, at the relation and to the use of the collector and against the person or persons named in the tax bill, and in one petition and in one count thereof may be included the said taxes for all such years as may be delinquent and unpaid, and said taxes shall be set forth in a tax bill or bills of said personal back taxes duly authenticated by the certificate of the collector and filed with the petition; and said tax bill or tax bills so certified shall be prima facie evidence that the amount claimed in said suit is just and correct, and all notices and process in suits pursuant to this chapter shall be sued and served in the same manner as in civil actions, and the general laws of this state as to practice and proceedings and appeals and writs of error in civil cases shall apply, as far as applicable, to the above actions; provided, however, that in no case shall the state, county, city or collector be liable for any costs nor shall any be taxed against them or any of them.

3. For the purpose of this chapter, personal tax bills shall become delinquent on the first day of January following the year the taxes are due, and suits thereon may be instituted on and after the first day of February following, and within three years from said day. If the collector, after using due diligence, is unable to collect any personal property

taxes charged in the delinquent tax list within three years following the year the taxes are due, the collector may remove such personal property taxes from the delinquent or back taxes books in the same manner as real estate is removed under section 137.260. Such abated amounts shall be reported on the annual settlement made by a collector of revenue.

4. Said personal tax shall be presented and allowed against the estates of deceased or insolvent debtors, in the same manner and with like effect, as other indebtedness of said debtors. The remedy hereby provided for the collection of personal tax bills is cumulative, and shall not in any manner impair other methods existing or hereafter provided for the collection of the same."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Crawford, **House Amendment No. 2** was adopted.

On motion of Representative Fraker, **SCS SB 248, as amended**, was read the third time and passed by the following vote:

AYES: 143

Allen	Anders	Anderson	Austin	Bahr
Bernskoetter	Black	Brattin	Burlison	Burns
Butler	Carpenter	Cierpiot	Colona	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Hinson	Hodges
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kirkton	Koenig	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Love	Lynch	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Parkinson	Peters	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 85	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 007

Conway 10	Conway 104	Curtis	Ellinger	Higdon
Marshall	Mitten			

PRESENT: 000

ABSENT WITH LEAVE: 013

Barnes	Berry	Brown	Frame	Franklin
Gardner	Guernsey	Hoskins	Kelly 45	Lichtenegger
Mims	Molendorp	Ross		

Speaker Jones declared the bill passed.

SB 35, relating to the designation of tax refunds for CureSearch for Children's Cancer, was taken up by Representative Engler.

On motion of Representative Engler, **SB 35** was truly agreed to and finally passed by the following vote:

AYES: 147

Anders	Anderson	Austin	Bahr	Barnes
Bernskoetter	Black	Brattin	Burlison	Burns
Butler	Carpenter	Cierpiot	Colona	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtis	Curtman	Davis	Diehl
Dugger	Dunn	Ellinger	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fraker	Frame	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Love
Lynch	Marshall	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McNeil
Meredith	Messenger	Miller	Mitten	Molendorp
Montecillo	Moon	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Parkinson	Peters	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 85	Solon
Sommer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webb	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 000

PRESENT: 001

Ellington

ABSENT WITH LEAVE: 015

Allen	Berry	Brown	Dohrman	Fowler
Franklin	Gardner	Guernsey	Kelly 45	Lichtenegger
McManus	Mims	Ross	Smith 120	Spencer

Speaker Jones declared the bill passed.

HCS SCS SB 42, relating to county criminal justice, was taken up by Representative Jones (50).

Representative Jones (50) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 42, Page 3, Section 57.280, Lines 40-41, by deleting all of said lines and inserting in lieu thereof, the following:

"duties]. **Beginning October 1, 2013, moneys in the fund shall be used to supplement the 2013 sheriff's salary and any future increase in salary, benefit package and cost of living to an amount no greater than the annual salary of an associate circuit judge. Any such"; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Jones (50), **House Amendment No. 1** was adopted.

Representative Webber offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 42, Page 3, Section 57.280, Line 53, by inserting after all of said section and line the following:

"143.790. 1. Any hospital or health care provider who has provided health care services to an individual who was not covered by a health insurance policy or was not eligible to receive benefits under the state's medical assistance program of needy persons, Title XIX, P.L. 89-97, 1965 amendments to the federal Social Security Act, 42 U.S.C. Section 301, et seq., under chapter 208 and the health insurance for uninsured children under sections 208.631 to 208.657 at the time such health care services were administered, and such person has failed to pay for such services for a period greater than ninety days, may submit a claim to the director of the department of health and senior services for the unpaid health care services. The director of the department of health and senior services shall review such claim. If the claim appears meritorious on its face, the claim for the unpaid medical services shall constitute a debt of the department of health and senior services for purposes of sections 143.782 to 143.788, and the director may certify the debt to the department of revenue in order to set off the debtor's income tax refund. Once the debt has been certified, the director of the department of health and senior services shall submit the debt to the department of revenue under the setoff procedure established under section 143.783.

2. At the time of certification, the director of the department of health and senior services shall supply any information necessary to identify each debtor whose refund is sought to be set off pursuant to section 143.784 and certify the amount of the debt or debts owed by each such debtor.

3. If a debtor identified by the director of the department of health and senior services is determined by the department of revenue to be entitled to a refund, the department of revenue shall notify the department of health and senior services that a refund has been set off on behalf of the department of health and senior services for purposes of this section and shall certify the amount of such setoff, which shall not exceed the amount of the claimed debt certified. When the refund owed exceeds the claimed debt, the department shall send the excess amount to the debtor within a reasonable time after such excess is determined.

4. The department of revenue shall notify the debtor by certified mail the taxpayer whose refund is sought to be set off that such setoff will be made. The notice shall contain the provisions contained in subsection 3 of section 143.794, including the opportunity for a hearing to contest the setoff provided therein, and shall otherwise substantially comply with the provisions of subsection 3 of section 143.784.

5. Once a debt has been set off and finally determined under the applicable provisions of sections 143.782 to 143.788, and the department of health and senior services has received the funds transferred from the department of revenue, the department of health and senior services shall settle with each hospital or health care provider for the amounts that the department of revenue set off for such party. At the time of each settlement, each hospital or health care provider shall be charged for administration expenses which shall not exceed twenty percent of the collected amount.

6. Lottery prize payouts made under section 313.321 shall also be subject to the setoff procedures established in this section and any rules and regulations promulgated thereto.

7. The director of the department of revenue shall have priority to offset any delinquent tax owed to the state of Missouri. Any remaining refund shall be offset to pay a state agency debt or to meet a child support obligation that is enforced by the division of family services on behalf of a person who is receiving support enforcement services under section 454.425.

8. **Ambulance services, as licensed by RSMo Chapter 190, shall make use of the debt setoff through the use of a debt setoff clearinghouse for processing claims. Unpaid claims in excess of one hundred sixty days shall be determined in accordance with this section and only valid unpaid claims regarding health care services provided shall be submitted to the claim clearinghouse. Ambulance services shall implement a financial hardship policy in accordance with applicable Medicare guidelines. Ambulance services shall establish an appeal process. The appeal process shall, at a minimum, include a provision that will establish that the ambulance service will not be permitted to setoff any claim against the patients refund under this section, unless and until the ambulance service files suit against the patient in court seeking a determination that the ambulance service's claim is valid regarding the amount of the claim and that the claim is eligible for seoff under this section. Administrative costs incurred by the state agency and the claim clearinghouse shall be recovered from each claim being processed prior to the debt setoff for the ambulance service. To the extent that any ambulance service receives any payment pursuant to this section, the debt shall be deemed paid in full and the district is protected from pursuing any remedy.**

9. The director of the department of revenue and the director of the department of health and senior services shall promulgate rules and regulations necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Engler offered House Amendment No. 1 to House Amendment No. 2.

House Amendment No. 1
to
House Amendment No. 2

AMEND House Amendment No. 2 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 42, Page 3, Section 57.280, Line 21 of Page 2, by inserting after all of said lines the following:

"The claims clearing house shall only be used by a political subdivision emergency medical service."

On motion of Representative Engler, **House Amendment No. 1 to House Amendment No. 2** was adopted.

Representative Webber moved that **House Amendment No. 2, as amended**, be adopted.

Which motion was defeated by the following vote:

AYES: 048

Anders	Bahr	Berry	Black	Burns
Cross	Dunn	English	Englund	Gatschenberger
Higdon	Hodges	Hubbard	Kirkton	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	May	Mayfield	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Mitten
Montecillo	Morgan	Neely	Newman	Nichols
Otto	Pierson	Reiboldt	Riddle	Rizzo
Scharnhorst	Schupp	Thomson	Walker	Walton Gray
Webber	Wieland	Wright		

NOES: 102

Allen	Anderson	Austin	Barnes	Bernskoetter
Brattin	Burlison	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Ellinger	Ellington
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Frederick
Funderburk	Gannon	Gosen	Grisamore	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Leara	Love	Lynch	Marshall	McCaherty
McCann Beatty	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neth	Norr	Pace
Parkinson	Peters	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Remole	Rhoads
Richardson	Ross	Rowden	Rowland	Runions
Schatz	Schieber	Shull	Smith 85	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Torpey	Webb	White	Wilson
Wood	Mr Speaker			

PRESENT: 003

Roorda	Schieffer	Shumake
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ABSENT WITH LEAVE: 010

Brown	Franklin	Gardner	Guernsey	Hinson
Hummel	Kelly 45	Lichtenegger	Mims	Zerr

Representative Funderburk offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 42, Page 8, Section 488.5029, Line 4, by striking the following: “the department of revenue and”; and

Further amend Line 10, by striking “departments” and inserting in lieu thereof the following:

“Department”; and

Further amend Line 12, by striking the word “each” and inserting in lieu thereof the following:

“the”; and

Further amend Lines 13-20, by striking all of said lines; and

Further amend said bill and section, Page 9, Lines 38-46, by striking all of said lines; and

Further amend said section by renumbering the subsections accordingly; and

Further amend Line 49, by striking “the department of revenue and”; and

Further amend Lines 54-55, by striking the following: “issuance, renewal, and suspension of a concealed carry endorsement and the”; and

Further amend Line 56, by inserting at the end of said line the word **“and”**; and

Further amend Lines 57-60, by striking all of said lines and inserting in lieu thereof the following:

“(5) The right of the debtor to apply in writing to the court in which the debt”; and

Further amend said bill, Pages 10-13, Section 571.104, by striking all of said section from the bill.

Representative Conway (104) offered **House Amendment No. 1 to House Amendment No. 3**.

House Amendment No. 1

to

House Amendment No. 3

AMEND House Amendment No. 3 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 42, Page 1, Line 20, by inserting after said line the following:

“Further amend said bill, Page 3, Section 57.280, Line 46, by inserting after the period on said line the following:

“The provisions of this subsection shall not apply to any county with a charter form of government and with more than nine hundred fifty thousand inhabitants or any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants.”; and’; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Conway (104), **House Amendment No. 1 to House Amendment No. 3** was adopted.

On motion of Representative Funderburk, **House Amendment No. 3, as amended**, was adopted.

Representative Brattin offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 42, Page 13, Section 571.104, Line 122, by inserting after all of said section and line the following:

"590.205. 1. The POST commission shall establish minimum standards for school protection officer training instructors, training centers, and training programs.

2. The director shall develop and maintain a list of approved school protection officer training instructors, training centers, and training programs. The director shall not place any instructor, training center, or training program on its approved list unless such instructor, training center, or training program meets all of the POST commission requirements under this section and section 590.200. The director shall make this approved list available to every school district in the state. The required training to become a school protection officer shall be provided by those firearm instructors, private and public, who have successfully completed a Department of Public Safety POST certified law enforcement firearms instructor school.

3. Each person seeking entrance into a school protection officer training center or training program shall submit a fingerprint card and authorization for a criminal history background check to include the records of the Federal Bureau of Investigation to the training center or training program where such person is seeking entrance. The training center or training program shall cause a criminal history background check to be made and shall cause the resulting report to be forwarded to the school district where the elementary school teacher or administrator is seeking to be designated as a school protection officer.

4. No person shall be admitted to a school protection officer training center or training program unless such person submits proof to the training center or training program that he or she has a valid concealed carry endorsement.

5. A certificate of school protection officer training program completion may be issued to any applicant by any approved school protection officer training instructor. On the certificate of program completion the approved school protection officer training instructor shall affirm that the individual receiving instruction has taken and passed a school protection officer training program that meets the requirements of this section and section 590.200 and that the individual has a valid concealed carry endorsement. The instructor shall also provide a copy of such certificate to the director of the department of public safety."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Roorda raised a point of order that **House Amendment No. 4** is not germane to the bill.

The Chair ruled the point of order not well taken.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 096

Anderson	Austin	Bahr	Barnes	Bernskoetter
Berry	Brattin	Cierpiot	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Diehl
Dohrman	Dugger	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore

Haahr	Haefner	Hampton	Hansen	Higdon
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Love	Lynch	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Parkinson	Pfausch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schieber	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 044

Black	Burns	Butler	Carpenter	Conway 10
Curtis	Dunn	Ellinger	Ellington	English
Englund	Frame	Harris	Hodges	Hubbard
Kirkton	Kratky	LaFaver	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Peters	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 023

Allen	Anders	Brown	Burlison	Colona
Conway 104	Davis	Elmer	Franklin	Gardner
Guernsey	Hicks	Hummel	Kelly 45	Lichtenegger
Marshall	May	McCaherty	Mims	Neth
Pace	Pierson	Schatz		

On motion of Representative Brattin, **House Amendment No. 4** was adopted.

Representative Wilson offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 42, Page 9, Section 488.5029, Line 70, by inserting after all of said line the following:

"488.5320. 1. Sheriffs, county marshals or other officers shall be allowed a charge for their services rendered in criminal cases and in all proceedings for contempt or attachment, as required by law, the sum of seventy-five dollars for each felony case or contempt or attachment proceeding, ten dollars for each misdemeanor case, and six dollars for each infraction, [excluding] **including** cases disposed of by a [traffic] violations bureau established pursuant to law or supreme court rule. Such charges shall be charged and collected in the manner provided by sections 488.010 to 488.020 and shall be payable to the county treasury; **except that, those charges from cases disposed of by a violations bureau shall be distributed as follows: one-half of the charges collected shall be forwarded and deposited to the credit of the MODEX fund established in subsection 6 of this section for the operational cost of the Missouri data exchange (MODEX) system, and one-half of the charges collected shall be deposited to the credit of the inmate security fund, established in section 488.5026, of the county or municipal political subdivision from which the**

citation originated. If the county or municipal political subdivision has not established an inmate security fund, all of the funds shall be deposited in the MODEX fund.

2. Notwithstanding subsection 1 of this section to the contrary, sheriffs, county marshals, or other officers in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants or in any city not within a county shall not be allowed a charge for their services rendered in cases disposed of by a violations bureau established pursuant to law or supreme court rule.

3. The sheriff receiving any charge pursuant to subsection 1 of this section shall reimburse the sheriff of any other county or the city of St. Louis the sum of three dollars for each pleading, writ, summons, order of court or other document served in connection with the case or proceeding by the sheriff of the other county or city, and return made thereof, to the maximum amount of the total charge received pursuant to subsection 1 of this section.

[3.] **4.** The charges provided in subsection 1 of this section shall be taxed as other costs in criminal proceedings immediately upon a plea of guilty or a finding of guilt of any defendant in any criminal procedure. The clerk shall tax all the costs in the case against such defendant, which shall be collected and disbursed as provided by sections 488.010 to 488.020; provided, that no such charge shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court; provided further, that all costs, incident to the issuing and serving of writs of scire facias and of writs of fieri facias, and of attachments for witnesses of defendant, shall in no case be paid by the state, but such costs incurred under writs of fieri facias and scire facias shall be paid by the defendant and such defendant's sureties, and costs for attachments for witnesses shall be paid by such witnesses.

[4.] **5.** Mileage shall be reimbursed to sheriffs, county marshals and guards for all services rendered pursuant to this section at the rate prescribed by the Internal Revenue Service for allowable expenses for motor vehicle use expressed as an amount per mile.

6. (1) There is hereby created in the state treasury the "MODEX Fund", which shall consist of money collected under subsection 1 of this section. The fund shall be administered by the Peace Officers Standards and Training Commission established in section 590.120. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely for the operational support and expansion of the MODEX system.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Wilson, **House Amendment No. 5** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 098

Anderson	Austin	Bahr	Barnes	Berry
Brattin	Burlison	Cierpiot	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Grisamore	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lant	Lauer	Leara
Love	Lynch	Marshall	McGaugh	Messenger
Miller	Molendorp	Moon	Morris	Muntzel

Neely	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shumake
Smith 120	Solon	Sommer	Spencer	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Mr Speaker		

NOES: 046

Anders	Black	Burns	Butler	Carpenter
Conway 10	Curtis	Dunn	Ellington	English
Englund	Frame	Harris	Hodges	Hubbard
Hummel	Kirkton	Kratky	LaFaver	May
Mayfield	McCann Beatty	McKenna	McManus	McNeil
Meredith	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Schieffer	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 019

Allen	Bernskoetter	Brown	Colona	Ellinger
Franklin	Gardner	Guernsey	Kelly 45	Lair
Lichtenegger	McCaherty	McDonald	Mims	Neth
Runions	Shull	Stream	Zerr	

On motion of Representative Jones (50), **HCS SCS SB 42, as amended**, was adopted.

On motion of Representative Jones (50), **HCS SCS SB 42, as amended**, was read the third time and passed by the following vote:

AYES: 145

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Love	Lynch	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGough
McKenna	McManus	Meredith	Messenger	Miller
Molendorp	Moon	Morgan	Morris	Muntzel

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Neely	Neth	Nichols	Otto	Pace
Parkinson	Peters	Pfautsch	Phillips	Pierson
Pike	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Shull	Shumake
Smith 85	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 012

Curtis	Ellinger	Kirkton	Marshall	McNeil
Mitten	Montecillo	Newman	Norr	Pogue
Schupp	Webb			

PRESENT: 000

ABSENT WITH LEAVE: 006

Brown	Franklin	Gardner	Kelly 45	Lichtenegger
Mims				

Speaker Jones declared the bill passed.

SB 216, relating to first responder political activity, was taken up by Representative Hinson.

On motion of Representative Hinson, **SB 216** was truly agreed to and finally passed by the following vote:

AYES: 152

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Hampton	Hansen	Harris
Hicks	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Love
Lynch	Marshall	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGauth	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Parkinson	Peters	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder

Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 85	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Mr Speaker			

NOES: 001

Mitten

PRESENT: 000

ABSENT WITH LEAVE: 010

Brown	Gardner	Haefner	Higdon	Kelly 45
Lichtenegger	Mims	Molendorp	Reiboldt	Zerr

Speaker Jones declared the bill passed.

HCS SCS SB 45, relating to judicial procedures, was taken up by Representative Hough.

Representative Cornejo offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 45, Page 3, Section 56.807, Line 74, by inserting after said line the following:

"478.007. 1. Any circuit court, or any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants with a county municipal court established under section 66.010, may establish a docket or court to provide an alternative for the judicial system to dispose of cases in which a person has pleaded guilty to driving while intoxicated or driving with excessive blood alcohol content and:

(1) The person was operating a motor vehicle with at least fifteen-hundredths of one percent or more by weight of alcohol in such person's blood; or

(2) The person has previously pleaded guilty to or has been found guilty of one or more intoxication-related traffic offenses as defined by section 577.023; or

(3) The person has two or more previous alcohol-related enforcement contacts as defined in section 302.525.

2. This docket or court shall combine judicial supervision, drug testing, continuous alcohol monitoring, substance abuse traffic offender program compliance, and treatment of DWI court participants. The court may assess any and all necessary costs for participation in DWI court against the participant. Any money received from such assessed costs by a court from a defendant shall not be considered court costs, charges, or fines. This docket or court may operate in conjunction with a drug court established pursuant to sections 478.001 to 478.006.

3. If the division of probation and parole is otherwise unavailable to assist in the judicial supervision of any person who wishes to enter a DWI court, a court-approved private probation service may be utilized by the DWI court to fill the department's role. In such case, any and all necessary additional costs may be assessed against the participant. No person shall be rejected from participating in DWI court solely for the reason that the person does not reside in the city or county where the applicable DWI court is located but the DWI court can base acceptance into a treatment court program on its ability to adequately provide services for the person or handle the additional caseload."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Cornejo, **House Amendment No. 1** was adopted.

Representative Elmer offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 45, Page 4, Section 487.020, Line 32, by inserting after all of said section and line the following:

"478.320. 1. In counties having a population of thirty thousand or less, there shall be one associate circuit judge. In counties having a population of more than thirty thousand and less than one hundred thousand, there shall be two associate circuit judges. In counties having a population of one hundred thousand or more, there shall be three associate circuit judges and one additional associate circuit judge for each additional one hundred thousand inhabitants.

2. When the office of state courts administrator indicates in an annual judicial weighted workload model for three consecutive years or more the need for four or more full-time judicial positions in any judicial circuit having a population of one hundred thousand or more, there shall be one additional associate circuit judge position in such circuit for every four full-time judicial positions needed as indicated in the weighted workload model. In a multi-county circuit, the additional associate circuit judge positions shall be apportioned among the counties in the circuit on the basis of population, starting with the most populous county, then the next most populous county, and so forth.

3. For purposes of this section, notwithstanding the provisions of section 1.100, population of a county shall be determined on the basis of the last previous decennial census of the United States; and, beginning after certification of the year 2000 decennial census, on the basis of annual population estimates prepared by the United States Bureau of the Census, provided that the number of associate circuit judge positions in a county shall be adjusted only after population estimates for three consecutive years indicate population change in the county to a level provided by subsection 1 of this section.

[3.] **4.** Except in circuits where associate circuit judges are selected under the provisions of sections 25(a) to (g) of article V of the constitution, the election of associate circuit judges shall in all respects be conducted as other elections and the returns made as for other officers.

[4.] **5.** In counties not subject to sections 25(a) to (g) of article V of the constitution, associate circuit judges shall be elected by the county at large.

[5.] **6.** No associate circuit judge shall practice law, or do a law business, nor shall he **or she** accept, during his **or her** term of office, any public appointment for which he **or she** receives compensation for his services.

[6.] **7.** No person shall be elected as an associate circuit judge unless he **or she** has resided in the county for which he **or she** is to be elected at least one year prior to the date of his **or her** election; provided that, a person who is appointed by the governor to fill a vacancy may file for election and be elected notwithstanding the provisions of this subsection."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Elmer, **House Amendment No. 2** was adopted.

Representative Scharnhorst offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 45, Page 5, Section 488.426, Line 20, by inserting after said line the following:

"Section 1. Any quasi-government entity created to provide information management products and services to criminal justice, municipal and county courts and other government agencies whose originating agency identifier was terminated by the federal bureau of investigations shall provide integration access to the contracted data for the political subdivision or its agency in a web service or file transfer protocol format on line in a timely manner upon written request at no additional charge as is required by the political subdivision or its agency."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Scharnhorst, **House Amendment No. 3** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Burlison	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Remole	Rhoads	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Mr Speaker

NOES: 048

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Harris
Hodges	Hummel	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 015

Brown	Cierpiot	Fraker	Franklin	Gardner
Grisamore	Hubbard	Kelly 45	Lichtenegger	Mims
Molendorp	Reiboldt	Richardson	Webber	Zerr

On motion of Representative Hough, **HCS SCS SB 45, as amended**, was adopted.

On motion of Representative Hough, **HCS SCS SB 45, as amended**, was read the third time and passed by the following vote:

AYES: 141

Allen	Anders	Anderson	Austin	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Carpenter	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Love	Lynch
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Montecillo	Moon	Morgan
Morris	Muntzel	Neely	Neth	Nichols
Norr	Otto	Pace	Peters	Pfautsch
Phillips	Pike	Redmon	Rehder	Reiboldt
Remole	Rhoads	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Wright
Mr Speaker				

NOES: 014

Bahr	Butler	Ellinger	Ellington	Marshall
Mitten	Newman	Parkinson	Pierson	Pogue
Schupp	Smith 85	Walton Gray	Webb	

PRESENT: 000

ABSENT WITH LEAVE: 008

Gardner	Kelly 45	Lichtenegger	Mims	Molendorp
Richardson	Webber	Zerr		

Speaker Jones declared the bill passed.

HCS SB 90, relating to elections, was taken up by Representative Dugger.

Representative Keeney assumed the Chair.

Representative Entlicher offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 90, Page 14, Section 115.493, Line 3, by enclosing in brackets the word: "twelve" on said line and inserting immediately thereafter the phrase:

"**twenty-two**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Entlicher, **House Amendment No. 1** was adopted.

Representative Lant offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for Senate Bill No. 90, Page 4, Section 78.090, Line 23, by inserting after all of said line the following:

"79.070. No person shall be an alderman unless he or she is at least [twenty-one] **eighteen** years of age, a citizen of the United States, and an inhabitant and resident of the city for one year next preceding his or her election, and a resident, at the time he or she files and during the time he or she serves, of the ward from which he or she is elected."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Lant, **House Amendment No. 2** was adopted by the following vote:

AYES: 127

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Black	Brattin	Brown
Burlison	Butler	Carpenter	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dugger	Dunn	Ellinger	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kirkton	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Love	Lynch
McCaherty	McGaugh	McKenna	Messenger	Miller
Molendorp	Moon	Morgan	Morris	Muntzel
Neely	Neth	Parkinson	Peters	Pfautsch
Phillips	Pike	Pogue	Redmon	Reiboldt
Remole	Rhoads	Richardson	Riddle	Roorda
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Smith 85	Smith 120	Solon	Sommer	Spencer

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Stream	Swan	Swearingen	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 026

Berry	Burns	Dohrman	Ellington	Frame
Hummel	Kratky	LaFaver	May	Mayfield
McCann Beatty	McManus	McNeil	Meredith	Mitten
Montecillo	Newman	Nichols	Norr	Otto
Pace	Pierson	Rizzo	Walton Gray	Webb
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 010

Funderburk	Gardner	Kelly 45	Lichtenegger	Marshall
McDonald	Mims	Rehder	Ross	Webber

Representative Dugger offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Committee Substitute for Senate Bill No. 90, Page 15, Section 115.601, Line 48, by inserting after all of said section and line the following:

"116.030. The following shall be substantially the form of each page of referendum petitions on any law passed by the general assembly of the state of Missouri: County

Page No.

It is a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, for anyone to sign any referendum petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or to sign a petition when such person knows he or she is not a registered voter. PETITION FOR REFERENDUM To the Honorable, Secretary of State for the state of Missouri:

We, the undersigned, registered voters of the state of Missouri and County (or city of St. Louis), respectfully order that the Senate (or House) Bill No. entitled (title of law), passed by the general assembly of the state of Missouri, at the regular (or special) session of the general assembly, shall be referred to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the day of,, unless the general assembly shall designate another date, and each for himself or herself says: I have personally signed this petition; I am a registered voter of the state of Missouri and County (or city of St. Louis); my registered voting address and the name of the city, town or village in which I live are correctly written after my name. **Ballot title goes here.** Circulator's Affidavit State Of Missouri, County Of

I,, being first duly sworn, say (print or type names of signers)

REGISTERED VOTING NAME	DATE	ADDRESS	ZIP	CONGR. NAME (Signature)	SIGNED
(Street)(City, CODE DIST. (Printed Town or Village)	(Printed or Typed)				

____ (Here follow numbered lines for signers)

____ signed this page of the foregoing petition, and each of them signed his or her name thereto in my presence; I believe that each has stated his or her name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and County.

I am at least 18 years of age. I do do not (check one) expect to be paid for circulating this petition.
If paid, list the payer

Signature of Affiant

(Person obtaining signatures)

(Printed Name of Affiant)

Address of Affiant Subscribed and sworn to before me this day of, A.D.

Signature of Notary

Address of Notary Notary Public (Seal) My commission expires If this form is followed

116.040. The following shall be substantially the form of each page of each petition for any law or amendment

County

Page No.

It is a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the

We, the undersigned, registered voters of the state of Missouri and County (or city of St. Louis),

REGISTERED VOTING NAME	DATE	ADDRESS	ZIP	CONGR. NAME	(Signature)	SIGNED
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Town or Village) or Typed)

(Here follow numbered lines for signers)

signed this page of the foregoing petition, and each of them signed his or her name thereto in my presence: I believe

I am at least 18 years of age. I do do not (check one) expect to be paid for circulating this petition.

Signature of Affiant

(Person obtaining

signatures)

(Printed Name of Affiant)

Address of Affiant Subscribed and sworn to before me this day of, A.D.

.....

Signature of Notary

Address of Notary Notary Public (Seal) My commission expires If this form is followed substantially and the requirements of section 116.050 and section 116.080 are met, it shall be sufficient, disregarding clerical and merely technical errors.

116.080. 1. Each petition circulator shall be at least eighteen years of age and registered with the secretary of state. **No person shall qualify as a petition circulator who has been convicted of, found guilty of, or pled guilty to an offense involving forgery under the laws of this state or an offense under the laws of any other jurisdiction if that offense would be considered forgery under the laws of this state** [Signatures collected by any circulator who has not registered with the secretary of state pursuant to this chapter on or before 5:00 p.m. on the final day for filing petitions with the secretary of state shall not be counted.

2. Each petition circulator shall supply the following information to the secretary of state's office:

- (1) Name of petition;
- (2) Name of circulator;
- (3) Residential address, including street number, city, state and zip code;
- (4) Mailing address, if different;
- (5) Have you been or do you expect to be paid for soliciting signatures for this petition?
☐ YES ☐ NO;
- (6) If the answer to subdivision (5) is yes, then identify the payor;
- (7) Signature of circulator.

3. The circulator information required in subsection 2 of this section shall be submitted to the secretary of state's office with the following oath and affirmation:

I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT].

[4.] 2. Each petition circulator shall subscribe and swear to the proper affidavit on each petition page such circulator submits before a notary public commissioned in Missouri. When notarizing a circulator's signature, a notary public shall sign his or her official signature and affix his or her official seal to the affidavit only if the circulator personally appears before the notary and subscribes and swears to the affidavit in his or her presence.

[5.] 3. Any circulator who falsely swears to a circulator's affidavit knowing it to be false is guilty of a class A misdemeanor punishable, notwithstanding the provisions of section 560.021 to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both.

116.115. Any person who submits a sample sheet to or files an initiative petition with the secretary of state may withdraw the petition upon written notice to the secretary of state. If such notice is submitted to the secretary of state, the proposed petition shall no longer be circulated by any person, committee, or other entity. The secretary of state shall vacate the certification of the official ballot title within three days of receiving notice of the withdrawal.

116.153. Within thirty days of issuing certification that the petition contains a sufficient number of valid signatures pursuant to section 116.150, the joint committee on legislative research shall hold a public hearing in Jefferson City to take public comments concerning the proposed measure. Such hearing shall be a public meeting under chapter 610. Within five business days after the end of the public hearing, the joint committee on legislative research shall provide a summary of the hearing to the secretary of state or his or her designee and the secretary of state shall post a copy of the summary on the website of the office of the secretary of state.

116.190. 1. Any citizen who wishes to challenge the official ballot title or the fiscal note prepared for a proposed constitutional amendment submitted by the general assembly, by initiative petition, or by constitutional convention, or for a statutory initiative or referendum measure, may bring an action in the circuit court of Cole County. The action must be brought within ten days after the official ballot title is certified by the secretary of state in accordance with the provisions of this chapter.

2. The secretary of state shall be named as a party defendant in any action challenging the official ballot title prepared by the secretary of state. When the action challenges the fiscal note or the fiscal note summary prepared by the auditor, the state auditor shall also be named as a party defendant. The president pro tem of the senate, the speaker of the house and the sponsor of the measure and the secretary of state shall be the named party defendants in any action challenging the official summary statement, fiscal note or fiscal note summary prepared pursuant to section 116.155.

3. The petition shall state the reason or reasons why the summary statement portion of the official ballot title is insufficient or unfair and shall request a different summary statement portion of the official ballot title. Alternatively, the petition shall state the reasons why the fiscal note or the fiscal note summary portion of the official ballot title is insufficient or unfair and shall request a different fiscal note or fiscal note summary portion of the official ballot title.

4. The action shall be placed at the top of the civil docket. Insofar as the action challenges the summary statement portion of the official ballot title, the court shall consider the petition, hear arguments, and in its decision certify the summary statement portion of the official ballot title to the secretary of state. Insofar as the action challenges the fiscal note or the fiscal note summary portion of the official ballot title, the court shall consider the petition, hear arguments, and in its decision, either certify the fiscal note or the fiscal note summary portion of the official ballot title to the secretary of state or remand the fiscal note or the fiscal note summary to the auditor for preparation of a new fiscal note or fiscal note summary pursuant to the procedures set forth in section 116.175. Any party to the suit may appeal to the supreme court within ten days after a circuit court decision. In making the legal notice to election authorities under section 116.240, and for the purposes of section 116.180, the secretary of state shall certify the language which the court certifies to him.

5. Any action brought under this section that is not fully and finally adjudicated within one hundred eighty days of filing, including all appeals, shall be extinguished, unless a court extends such period upon a finding of good cause for such extension. Such good cause shall consist only of court-related scheduling issues and shall not include requests for continuance by the parties.

116.332. 1. Before a constitutional amendment petition, a statutory initiative petition, or a referendum petition may be circulated for signatures, a sample sheet must be submitted to the secretary of state in the form in which it will be circulated. When a person submits a sample sheet of a petition he or she shall designate to the secretary of state the name and address of the person to whom any notices shall be sent pursuant to sections 116.140 and 116.180. The secretary of state shall refer a copy of the petition sheet to the attorney general for his approval and to the state auditor for purposes of preparing a fiscal note and fiscal note summary. The secretary of state and attorney general must each review the petition for sufficiency as to form and approve or reject the form of the petition, stating the reasons for rejection, if any.

2. Within two business days of receipt of any such sample sheet, the office of the secretary of state shall conspicuously post on its website the text of the proposed measure, a disclaimer stating that such text may not constitute the full and correct text as required under section 116.050, and the name of the person or organization submitting the sample sheet. The posting shall be removed within three days of either the withdrawal of the petition under section 116.115 or the rejection for any reason of the petition. The secretary of state's failure to comply with this section shall be considered a violation under subsection 3 of section 610.027.

3. Upon receipt of a petition from the office of the secretary of state, the attorney general shall examine the petition as to form. If the petition is rejected as to form, the attorney general shall forward his or her comments to the secretary of state within ten days after receipt of the petition by the attorney general. If the petition is approved as to form, the attorney general shall forward his or her approval as to form to the secretary of state within ten days after receipt of the petition by the attorney general.

[3.] 4. The secretary of state shall review the comments and statements of the attorney general as to form and make a final decision as to the approval or rejection of the form of the petition. The secretary of state shall send written notice to the person who submitted the petition sheet of the approval within [thirty] **fifteen** days after submission of the petition sheet. The secretary of state shall send written notice if the petition has been rejected, together with reasons for rejection, within [thirty] **fifteen** days after submission of the petition sheet.

116.334. 1. If the petition form is approved, the secretary of state shall **make a copy of the sample petition available on the secretary of state's website and refer a copy of the sample petition to the state auditor for purposes of preparing a fiscal note summary. For a period of fifteen days after the petition is approved as to form, the secretary of state shall accept public comments regarding the proposed measure and provide copies of such comments upon request.** Within [ten] **twenty-three** days of receipt of such approval, the secretary of state shall prepare and transmit to the attorney general a summary statement of the measure which shall be a concise statement not exceeding one hundred words. This statement shall be in the form of a question using language neither intentionally argumentative nor likely to create prejudice either for or against the proposed measure. The attorney general shall within ten days approve the legal content and form of the proposed statement.

2. Signatures obtained prior to the date the official ballot title is certified by the secretary of state shall not be counted.

3. Signatures for statutory initiative petitions shall be filed not later than six months prior to the general election during which the petition's ballot measure is submitted for a vote, and shall also be collected not earlier than the day after the day upon which the previous general election was held.

Section B. The provisions of this act are severable. If any provision of this act is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions are valid except to the extent that the court finds the valid provisions, standing alone, are incomplete and are incapable of being executed in accordance with the will of the people."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Dugger, House Amendment No. 3 was adopted.

Representative Hough offered House Amendment No. 4.

House Amendment No. 4

AMEND House Committee Substitute for Senate Bill No. 90, Page 4, Section 115.007, Line 3, by inserting after all of said section and line the following:

"115.017. There shall be a board of election commissioners:

(1) In each county which has or hereafter has over nine hundred thousand inhabitants;

(2) In each city not situated in a county;

(3) [In each city which has over three hundred thousand inhabitants on January 1, 1978, and is situated in more than one county;

(4)] In each county of the first classification containing any part of a city which has over three hundred thousand inhabitants; provided that the county commission of a county which becomes a county of the first classification after December 31, 1998, may, prior to such date, adopt an order retaining the county clerk as the election authority. The county may subsequently establish a board of election commissioners as provided in subdivision [(5)] (4) of this section;

[(5)] (4) In each county of the first class which elects to have such a board through procedures provided in section 115.019.

115.021. 1. [In each city which has over three hundred thousand inhabitants on January 1, 1978, and is situated in more than one county, the board of election commissioners for the city shall have jurisdiction in that part of the city situated in the county containing the major portion of the city.

2. In each county of the first class containing the major portion of a city which has over three hundred thousand inhabitants, the board of election commissioners shall have jurisdiction in that part of the county outside the city.

3.] In each city not situated in a county, the board of election commissioners shall have jurisdiction throughout the city.

[4.] 2. In all other counties, the election authority shall have jurisdiction throughout the county.

3. In each county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants and the portion of a home rule city with more than four hundred thousand inhabitants and located in more than one county, that is located in such county with a charter form of government, the board of election commissioners shall have jurisdiction throughout such area.

115.027. 1. Each board of election commissioners shall be composed of four members, appointed by the governor with the advice and consent of the senate. Two commissioners on each board shall be members of one major political party, and two commissioners on each board shall be members of the other major political party. In no case shall more than two commissioners on a board be members of the same political party. When appointing commissioners, the governor shall designate one commissioner on each board to be chairman of the board and one commissioner on each board to be secretary of the board. The chairman and secretary of a board shall not be members of the same political party.

2. In jurisdictions with boards of election commissioners as the election authority, the governor may appoint to the board one representative from each established political party. The representative shall not be a member of the

board for purposes of subsection 1 of this section. The state chair of each established political party shall submit a list of no more than four names from which the governor shall select the representative for that party. The representative shall not have voting status, and shall not be compensated, but shall be allowed to participate in discussions and be informed of any meeting of the board.

3. Notwithstanding the provisions of subsection 1 of this section to the contrary, in each county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants and the portion of a home rule city with more than four hundred thousand inhabitants and located in more than one county, that is located in such county with a charter form of government, the board of election commissioners shall be composed of the chairperson and vice chairperson of each of the following board of election commissioners holding office at the time of the enactment of this subsection until such commissioners are appointed pursuant to subsection 1 of section 115.029:

(1) The board of election commissioners that, at the time of the enactment of this subsection, has jurisdiction in the part of a home rule city with more than four hundred thousand inhabitants and located in more than one county that is situated in the county containing the major portion of the city; and

(2) The board of election commissioners that, at the time of the enactment of this section, has jurisdiction in the part of a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants that is located outside of the city referenced in subdivision (1) of this subsection.

115.029. 1. In each county [of the first class containing the major portion of a city which has more than three hundred thousand inhabitants] **with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants and the portion of a home rule city with more than four hundred thousand inhabitants and located in more than one county, that is located in such county with a charter form of government,** each election commissioner shall be appointed [on April 21, 1982,] for a term of four years and until his successor is appointed, confirmed and sworn. Successors shall be appointed in like manner for a term of four years and until their successors are appointed, confirmed and sworn.

2. In each county containing a portion but not the major portion of a city which has more than three hundred thousand inhabitants, each election commissioner shall be appointed on June 15, 1981, for a term of four years and until his successor is appointed, confirmed and sworn. Successors shall be appointed in like manner for a term of four years and until their successors are appointed, confirmed and sworn. The first two election commissioners appointed after May 10, 1994, shall be appointed for terms of two years and until their successors are appointed, confirmed and sworn. One of those appointed to a two-year term shall be a member of one major political party and one shall be a member of the other major political party.

The next two election commissioners appointed, and all successors, shall be appointed for terms of four years and until their successors are appointed, confirmed and sworn.

3. In all other cities and counties which have or hereafter have a board of election commissioners, each commissioner's term of office shall coincide with the term of the governor who appoints him and until the commissioner's successor is appointed, confirmed and sworn."; and

Further amend said bill, Section 115.300, Page 8, Line 8, by inserting after all of said section and line the following:

"115.353. All declarations of candidacy shall be filed as follows:

(1) For presidential elector, United States senator, representative in Congress, statewide office, circuit judge not subject to the provisions of article V, section 25 of the Missouri Constitution, state senator and state representative, in the office of the secretary of state;

(2) For all county offices which for the purpose of election procedures shall include associate circuit judges not subject to the provisions of article V, section 25 of the Missouri Constitution, in the office of the county election authority;

(3) For all county offices, in the office of the county election authority. In any county in which there [are two boards] **is a board** of election commissioners, the [county clerk] **board of elections** shall be deemed to be the election authority for purposes of this section."; and

Further amend said bill, Section 115.601, Page 15, Line 48, by inserting after all of said section and line the following:

"115.607. 1. No person shall be elected or shall serve as a member of a county committee who is not, for one year next before the person's election, both a registered voter of and a resident of the county and the committee district from which the person is elected if such district shall have been so long established, and if not, then of the district or districts from which the same shall have been taken. **No person who is an employee of a county, with the exception of a person elected to public office in such county, or has any contractual relationship with such county shall be elected to, or serve on, the county committee of such county unless such election or commencement of service occurs on or before November 4, 2013.** Except as provided in subsections 2, 3, 4, 5, and 6 of this section, the membership of a county committee of each established political party shall consist of a man and a woman elected from each township or ward in the county.

2. In each county of the first classification containing the major portion of a city which has over three hundred thousand inhabitants, two members of the committee, a man and a woman, shall be elected from each ward in the city. Any township entirely contained in the city shall have no additional representation on the county committee. The election authority for the county shall, not later than six months after the decennial census has been reported to the President of the United States, divide the most populous township outside the city into eight subdistricts of contiguous and compact territory and as nearly equal in population as practicable. The subdistricts shall be numbered from one upward consecutively, which numbers shall, insofar as practicable, be retained upon reapportionment. Two members of the county committee, a man and a woman, shall be elected from each such subdistrict. Six members of the committee, three men and three women, shall be elected from the second and third most populous townships outside the city. Four members of the committee, two men and two women, shall be elected from the other townships outside the city.

3. In any city which has over three hundred thousand inhabitants, the major portion of which is located in a county with a charter form of government, for the portion of the city located within such county and notwithstanding section 82.110, it shall be the duty of the election authority, not later than six months after the decennial census has been reported to the President of the United States, to divide such cities into not less than twenty-four nor more than twenty-five wards after each decennial census. Wards shall be so divided that the number of inhabitants in any ward shall not exceed any other ward of the city and within the same county, by more than five percent, measured by the number of the inhabitants determined at the preceding decennial census.

4. In each county of the first classification containing a portion, but not the major portion, of a city which has over three hundred thousand inhabitants, ten members of the committee, five men and five women, shall be elected from the district of each state representative wholly contained in the county in the following manner: within six months after each legislative reapportionment, the election authority shall divide each legislative district wholly contained in the county into five committee districts of contiguous territory as compact and as nearly equal in population as may be; two members of the committee, a man and a woman, shall be elected from each committee district. The election authority shall divide the area of the county located within legislative districts not wholly contained in the county into similar committee districts; two members of the committee, a man and a woman, shall be elected from each committee district.

5. In each city not situated in a county, two members of the committee, a man and a woman, shall be elected from each ward.

6. In all counties with a charter form of government and a population of over nine hundred thousand inhabitants, the county committee persons shall be elected from each township. Within ninety days after August 28, 2002, and within six months after each decennial census has been reported to the President of the United States, the election authority shall divide the county into twenty-eight compact and contiguous townships containing populations as nearly equal in population to each other as is practical.

7. If any election authority has failed to adopt a reapportionment plan by the deadline set forth in this section, the county commission, sitting as a reapportionment commission, shall within sixty days after the deadline, adopt a reapportionment plan. Changes of township, ward, or precinct lines shall not affect the terms of office of incumbent party committee members elected from districts as constituted at the time of their election."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hough, **House Amendment No. 4** was adopted.

Representative Engler offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Committee Substitute for Senate Bill No. 90, Page 3, Section 77.030, Line 27, by inserting after all of said line the following:

"77.675. 1. In addition to the process for passing ordinances provided in section 77.080, the council of any city of the third classification with more than fifteen thousand but fewer than seventeen thousand inhabitants and located in any county of the first classification with more than sixty-five thousand but fewer than seventy-five thousand inhabitants may adopt or repeal any ordinance by passage of a bill that sets forth the ordinance and specifies that the ordinance so proposed shall be submitted to the registered voters of the city at the next municipal election. The bill shall be passed under the procedures in section 77.080, except that it shall take effect upon approval of a majority of the voters rather than upon the approval and signature of the mayor.

2. If the mayor approves the bill and signs it, the question shall be submitted to the voters in substantially the following form:

Shall the following ordinance be (adopted) (repealed)? (Set out ordinance.)

☐ YES

☐ NO

3. If a majority of the voters voting on the proposed ordinance vote in favor, such ordinance shall become a valid and binding ordinance of the city."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Engler, **House Amendment No. 5** was adopted.

Representative Dugger offered **House Amendment No. 6.**

House Amendment No. 6

AMEND House Committee Substitute for Senate Bill No. 90, Page 4, Section 115.007, Line 3, by inserting after all of said section and line the following:

"115.121. 1. The general election day shall be the first Tuesday after the first Monday in November of even-numbered years.

2. The primary election day shall be the [first] **third Tuesday after the first Monday in [August] **June** of even-numbered years.**

3. The election day for the election of political subdivision and special district officers shall be the first Tuesday after the first Monday in April each year; and shall be known as the general municipal election day.

4. In addition to the primary election day provided for in subsection 2 of this section, for the year 2003, the first Tuesday after the first Monday in August, 2003, also shall be a primary election day for the purpose of permitting school districts and other political subdivisions of Missouri to incur debt in accordance with the provisions of article VI, section 26(a) through 26(g) of the Missouri Constitution, with the approval of four-sevenths of the eligible voters of such school district or other political subdivision voting thereon, to provide funds for the acquisition, construction, equipping, improving, restoration, and furnishing of facilities to replace, repair, reconstruct, reequip, restore, and refurnish facilities damaged, destroyed, or lost due to severe weather, including, without limitation, windstorms, hail storms, flooding, tornadic winds, rainstorms and the like which occurred during the month of April or May, 2003.

5. Notwithstanding the provisions of subsection 1 of section 115.125, the officer or agency calling an election on the first Tuesday after the first Monday of August, 2003, shall notify the election authorities responsible for conducting the election not later than 5:00 p.m. on the sixth Tuesday prior to the election. For purposes of any such election, all references in section 115.125 to the tenth Tuesday prior to such election shall be deemed to refer to the sixth Tuesday prior to such election.

6. In addition to the general election day provided for in subsection 1 of this section, for the year 2009 the first Tuesday after the first Monday in November shall be a general election day for the purpose of permitting school districts to incur debt in accordance with the provisions of article VI, section 26(a) through 26(g) of the Missouri Constitution, with the approval of four-sevenths of the eligible voters of such school district, to provide funds for school districts to acquire, construct, equip, improve, restore, and furnish public school facilities in accordance with the provisions of Section 54F of the Internal Revenue Code of 1986, as amended, which provides for qualified school construction bonds and the provisions of Section 54AA of the Internal Revenue Code of 1986, as amended, which provides for build

America bonds, as well as in accordance with the provisions of Section 103 of the Internal Revenue Code of 1986, as amended, which provides for traditional government bonds."; and

Further amend said bill, Section 115.300, Page 8, Line 8, by inserting after all of said section and line the following:

"115.341. For the nomination of candidates to be elected at the next general election, a primary election shall be held on the [first] **third** Tuesday after the first Monday in [August] **June** of even-numbered years.

115.349. 1. Except as otherwise provided in sections 115.361 to 115.383 or sections 115.755 to 115.785, no candidate's name shall be printed on any official primary ballot unless the candidate has filed a written declaration of candidacy in the office of the appropriate election official by 5:00 p.m. on the [last] **first** Tuesday in [March] **February** immediately preceding the primary election.

2. No declaration of candidacy for nomination in a primary election shall be accepted for filing prior to 8:00 a.m. on the [last] **second** Tuesday in [February] **January** immediately preceding the primary election.

3. Each declaration of candidacy for nomination in a primary election shall state the candidate's full name, residence address, office for which such candidate proposes to be a candidate, the party ticket on which he or she wishes to be a candidate and that if nominated and elected he or she will qualify. The declaration shall be in substantially the following form: I,, a resident and registered voter of the county of and the state of Missouri, residing at, do announce myself a candidate for the office of on the party ticket, to be voted for at the primary election to be held on the day of, ..., and I further declare that if nominated and elected to such office I will qualify. Subscribed and sworn to Signature of candidate before me this day of, Residence address Signature of election official or other officer authorized to administer oaths Mailing address (if different) Telephone Number (Optional) If the declaration is to be filed in person, it shall be subscribed and sworn to by the candidate before an official authorized to accept his or her declaration of candidacy. If the declaration is to be filed by certified mail pursuant to the provisions of subsection 2 of section 115.355, it shall be subscribed and sworn to by the candidate before a notary public or other officer authorized by law to administer oaths."; and

Further amend said bill, Section 115.601, Page 15, Line 48, by inserting after all of said section and line the following:

"Section B. The repeal and reenactment of sections 115.121, 115.341, and 115.349 of section A of this act shall become effective on January 1, 2016."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Allen	Anderson	Austin	Bahr	Barnes
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haefner	Hampton	Hansen	Hicks	Higdon
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Moon	Morris

Muntzel	Neely	Neth	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Mr Speaker

NOES: 048

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Harris
Hodges	Hubbard	Hummel	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McKenna
McManus	McNeil	Meredith	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 015

Bernskoetter	Curtman	Funderburk	Gardner	Haahr
Hinson	Kelly 45	Lichtenegger	McDonald	Mims
Molendorp	Parkinson	Swan	Webber	Zerr

On motion of Representative Dugger, **House Amendment No. 6** was adopted by the following vote:

AYES: 087

Allen	Anderson	Austin	Bahr	Barnes
Brattin	Brown	Burlison	Conway 104	Cookson
Cornejo	Cox	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frederick	Gannon	Gatschenberger	Gosen	Guernsey
Haahr	Hampton	Hansen	Hicks	Higdon
Houghton	Hurst	Johnson	Jones 50	Keeney
Kelley 127	Koenig	Kolkmeyer	Lair	Lant
Lauer	Leara	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Moon	Morris
Muntzel	Neely	Pfautsch	Pike	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Thomson	Walker	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 064

Anders	Berry	Black	Burns	Butler
Carpenter	Cierpiot	Colona	Conway 10	Crawford
Curtis	Dunn	Ellinger	Ellington	Elmer
English	Englund	Frame	Franklin	Haefner
Harris	Hodges	Hoskins	Hough	Hubbard
Hummel	Justus	Kirkton	Korman	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Miller
Mitten	Montecillo	Morgan	Neth	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Pogue	Rizzo	Roorda	Runions
Schieffer	Schupp	Smith 85	Swearingen	Torpey
Walton Gray	Webb	White	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 012

Bernskoetter	Funderburk	Gardner	Grisamore	Hinson
Kelly 45	Lichtenegger	Mims	Molendorp	Parkinson
Phillips	Webber			

Representative Jones (50) offered **House Amendment No. 7.**

House Amendment No. 7

AMEND House Committee Substitute for Senate Bill No. 90, Page 4, Section 78.090, Line 23, by inserting after said line the following:

"96.229. 1. Notwithstanding subsection 5 of section 96.150 regarding the lease of substantially all of a hospital where the board of trustees is lessor, a city in which a hospital is located that:

(1) Is organized and operated under this chapter;

(2) Has not accepted appropriated funds from the city during the prior twenty years; and

(3) Is licensed by the department of health and senior services for two hundred beds or more pursuant to sections 197.010 to 197.120, shall not have authority to sell, lease, or otherwise transfer all or substantially all of the property from a hospital organized under this chapter, both real and personal, except in accordance with this section.

2. Upon filing with the city clerk of a resolution adopted by no less than two-thirds of the incumbent members of the board of trustees to sell, lease, or otherwise transfer all or substantially all of the hospital property, both real and personal, for reasons specified in the resolution, the clerk shall present the resolution to the city council. If a majority of the incumbent members of the city council determine that sale, lease, or other transfer of the hospital property is desirable, the city council shall submit to the voters of the city the question in substantially the following form:

"Shall the city council of, Missouri and the board of trustees of hospital be authorized to sell (or lease or otherwise transfer) the property, real and personal, of hospital as approved by, and in accordance with, the resolution of the board of trustees authorizing such sale (or lease or transfer)?"

A majority of the votes cast on such question shall be required in order to approve and authorize such sale, lease or other transfer. If the question receives less than the required majority, then the city council and the board of trustees shall have no power to sell, lease or otherwise transfer the property, real and personal, of the hospital unless and until the city council has submitted another question to authorize such sale, lease or transfer authorized under this section and such question is approved by the required majority of the qualified voters voting thereon. However, in no event shall a question under this section be submitted to the voters sooner than twelve months from the date of the last question under this section and after the adoption of another resolution

by no less than two-thirds of the board of trustees and a subsequent vote by a majority of the city council to again submit the question to the voters.

3. Upon passage of such question by the voters, the board of trustees shall sell and dispose of such property, or lease or transfer such property, in the manner proposed by the board of trustees. The deed of the board of trustees, duly authorized by the board of trustees and duly acknowledged and recorded, shall be sufficient to convey to the purchaser all the rights, title, interest, and estate in the hospital property.

4. No sale, lease, or other transfer of such hospital property shall be authorized or effective unless such transaction provides sufficient proceeds to be available to be applied to the payment of all interest and principal of any outstanding valid indebtedness incurred for purchase of the site or construction of the hospital, or for any repairs, alterations, improvements, or additions thereto, or for operation of the hospital.

5. Assets donated to the hospital pursuant to section 96.210 shall be used to provide health care services in the city and in the geographic region previously served by the hospital, except as otherwise prescribed by the terms of the deed, gift, devise, or bequest."; and

Further amend said bill, Page 15, Section 115.601, Line 48, by inserting after said line the following:

"Section B. Because of the need to ensure local hospitals can continue the purpose of providing the best care and treatment of the sick, disabled, and infirm persons as decided on by the people in the affected community, the enactment of section 96.229 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 96.229 of this act shall be in full force and effect upon its passage its passage and approval."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Jones (50), **House Amendment No. 7** was adopted.

Representative Fraker offered **House Amendment No. 8**.

House Amendment No. 8

AMEND House Committee Substitute for Senate Bill No. 90, Page 1, Section A, Line 7, by inserting after all of said line the following:

"11.010. The official manual, commonly known as the "Blue Book", compiled and electronically published by the secretary of state on its official website is the official manual of this state, and it is unlawful for any officer or employee of this state **except the secretary of state or a designated employee of the secretary of state**, or any board, or department or any officer or employee thereof, to cause to be printed, at state expense, any duplication or rearrangement of any part of the manual. It is also unlawful for the secretary of state to publish, or permit to be published in the manual any duplication, or rearrangement of any part of any report, or other document, required to be printed at the expense of the state which has been submitted to and rejected by him or her as not suitable for publication in the manual.

11.025. Notwithstanding any other provision of law, the secretary of state may enter into an agreement directly with a nonprofit organization for such nonprofit organization to print and distribute copies of the official manual. The secretary of state shall provide to the organization the electronic version of the official manual prepared and published under this chapter. The nonprofit organization shall charge a fee for a copy of the official manual to cover the cost of production and distribution."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Fraker, **House Amendment No. 8** was adopted.

Representative McGaugh offered **House Amendment No. 9**.

House Amendment No. 9

AMEND House Committee Substitute for Senate Bill No. 90, Page 5, Section 115.124, Line 41, by inserting after all of said section and line the following:

"115.135. 1. Any person who is qualified to vote, or who shall become qualified to vote on or before the day of election, shall be entitled to register in the jurisdiction within which he or she resides. In order to vote in any election for which registration is required, a person must be registered to vote in the jurisdiction of his or her residence no later than 5:00 p.m., or the normal closing time of any public building where the registration is being held if such time is later than 5:00 p.m., on the fourth Wednesday prior to the election, unless the voter is an interstate former resident, an intrastate new resident or a new resident, as defined in section 115.275. In no case shall registration for an election extend beyond 10:00 p.m. on the fourth Wednesday prior to the election. Any person registering after such date shall be eligible to vote in subsequent elections.

2. A person applying to register with an election authority or a deputy registration official shall identify himself or herself by presenting a copy of a birth certificate, a Native American tribal document, other proof of United States citizenship, a valid Missouri drivers license or other form of personal identification at the time of registration. **Any documentation presented under this subsection must contain the applicant's legal name as it appears on a birth certificate or as legally changed through marriage or court order. No name change by common usage based on common law shall be permitted.**

3. Except as provided in federal law or federal elections and in section 115.277, no person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his or her residence prior to the deadline to register to vote."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative McGaugh, **House Amendment No. 9** was adopted.

Representative McCaherty offered **House Amendment No. 10.**

House Amendment No. 10

AMEND House Committee Substitute for Senate Bill No. 90, Section 115.300, Page 8, Line 8, by inserting after all of said line the following:

"115.342. 1. Any person who files as a candidate for election to a public office shall be disqualified from participation in the election for which the candidate has filed if such person is delinquent in the payment of any state income taxes, personal property taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the state.

2. Each potential candidate for election to a public office shall file an affidavit with the department of revenue and include a copy of the affidavit with the declaration of candidacy required under section 115.349. Such affidavit shall be in substantially the following form:

AFFIRMATION OF TAX PAYMENTS AND BONDING REQUIREMENTS:

I hereby declare under penalties of perjury that I am not currently aware of any delinquency in the filing or payment of any state income taxes, personal property taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or that I am a past or present corporate officer of any fee office that owes any taxes to the state, other than those taxes which may be in dispute. I declare under penalties of perjury that I am not aware of any information that would prohibit me from fulfilling any bonding requirements for the office for which I am filing.

..... Candidate's Signature

..... Printed Name of Candidate.

3. Upon receipt of a complaint alleging a delinquency of the candidate in the filing or payment of any state income taxes, personal property taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the state, the department of revenue shall investigate such potential candidate to verify the claim contained in the complaint. If the department of revenue finds a positive affirmation to be false, the department shall contact the secretary of state, or the election official who accepted such candidate's declaration of candidacy, and the potential candidate. The department

shall notify the candidate of the outstanding tax owed and give the candidate thirty days to remit any such outstanding taxes owed which are not the subject of dispute between the department and the candidate. If the candidate fails to remit such amounts in full within thirty days, the candidate shall be disqualified from participating in the current election and barred from refiling for an entire election cycle even if the individual pays all of the outstanding taxes that were the subject of the complaint.

4. No person shall be appointed to any public office if the person is delinquent in the payment of any state income taxes, personal property taxes, real property taxes on the place of residence, or any county or municipal taxes or user fees.

115.346. 1. Notwithstanding any other provisions of law to the contrary, no person shall be certified as a candidate for a municipal office, nor shall such person's name appear on the ballot as a candidate for such office, who shall be in arrears for any unpaid city taxes or municipal user fees on the last day to file a declaration of candidacy for the office.

2. No person shall be appointed to any public office if the person is delinquent in the payment of any state income taxes, personal property taxes, real property taxes on the place of residence, or any county or municipal taxes or user fees."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative McCaherty, **House Amendment No. 10** was adopted.

Representative Fitzpatrick offered **House Amendment No. 11**.

House Amendment No. 11

AMEND House Committee Substitute for Senate Bill No. 90, Page 1, In the Title, Line 4, by inserting after "RSMo," the following:

"and section 77.030 as truly agreed to and finally passed by house bill no. 163, ninety-seventh general assembly, first regular session,"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after "RSMo," the following:

"and section 77.030 as truly agreed to and finally passed by house bill no. 163, ninety-seventh general assembly, first regular session,"; and

Further amend said bill, Page 3, Section 77.030, Line 27, by deleting the words "**the adoption of the ordinance or**"; and

Further amend said bill, Page 15, Section 115.601, Line 48, by inserting after all of said line the following:

"[77.030. 1. Unless it elects to be governed by subsection 2 of this section, the council shall by ordinance divide the city into not less than four wards, and two councilmen shall be elected from each of such wards by the qualified voters thereof at the first election for councilmen in cities hereafter adopting the provisions of this chapter; the one receiving the highest number of votes in each ward shall hold his office for two years, and the one receiving the next highest number of votes shall hold his office for one year; but thereafter each ward shall elect annually one councilman, who shall hold his office for two years.

2. In lieu of electing councilmen as provided in subsection 1 of this section, the council may elect to establish wards and elect councilmen as provided in this subsection. If the council so elects, it shall, by ordinance, divide the city into not less than four wards, and one councilman shall be elected from each of such wards by the qualified voters thereof at the first election for councilmen held in the city after it adopts the provisions of this subsection. At the first election held under this subsection the councilmen elected from the odd-numbered wards shall be elected for a term of one year and the councilmen elected from the even-numbered wards shall be elected for a term of two years. At each

annual election held thereafter, successors for councilmen whose terms expire in such year shall be elected for a term of two years.

3. (1) Council members may serve four-year terms if the two-year terms provided under subsection 1 or 2 of this section have been extended to four years by ordinance or by approval of a majority of the voters voting on the proposal.

(2) The ballot of submission shall be in substantially the following form:

**Shall the terms of council members which are currently set at two years in.....
(city) be extended to four years for members elected after August 28, 2013?**

☐ YES

☐ NO

(3) If an ordinance is passed or a majority of the voters voting approve the proposal authorized in this subsection, the members of council who would serve two years under subsections 1 and 2 of this section shall be elected to four-year terms beginning with any election occurring after the adoption of the ordinance or approval of the ballot question.]; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Fitzpatrick, **House Amendment No. 11** was adopted.

Representative Diehl offered **House Amendment No. 12.**

House Amendment No. 12

AMEND House Committee Substitute for Senate Bill No. 90, Page 4, Section 115.007, Line 3, by inserting after all of said section and line the following:

"115.027. 1. Each board of election commissioners shall be composed of four members, appointed by the governor with the advice and consent of the senate. Two commissioners on each board shall be members of one major political party, and two commissioners on each board shall be members of the other major political party. In no case shall more than two commissioners on a board be members of the same political party. When appointing commissioners, the governor shall designate one commissioner on each board to be chairman of the board and one commissioner on each board to be secretary of the board. The chairman and secretary of a board shall not be members of the same political party.

2. In jurisdictions with boards of election commissioners as the election authority, the governor may appoint to the board one representative from each established political party. The representative shall not be a member of the board for purposes of subsection 1 of this section. The state chair of each established political party shall submit a list of no more than four names from which the governor shall select the representative for that party. The representative shall not have voting status, and shall not be compensated, but shall be allowed to participate in discussions and be informed of any meeting of the board.

3. The governor shall not make any appointment, during the legislative interim, in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants. The term of service of any such individual appointed to serve as an election commissioner under this section in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants prior to the effective date of this section shall terminate as of the effective date of this section."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Diehl, **House Amendment No. 12** was adopted.

Representative Muntzel offered **House Amendment No. 13.**

House Amendment No. 13

AMEND House Committee Substitute for Senate Bill No. 90, Section 115.601, Page 15, Line 48, by inserting after all of said line the following:

"205.207. 1. The governing body of any county of the third classification without a township form of government and with more than sixteen thousand but fewer than eighteen thousand inhabitants and with a city of the third classification with more than eight thousand but fewer than nine thousand inhabitants as the county seat, that operates a hospital established under this chapter may, by resolution, abolish the property tax authorized to fund the county under this chapter and impose a sales tax on all retail sales made within the county which are subject to under chapter 144. The tax authorized in this section shall be not more than two percent, and shall be imposed solely for the purpose of funding the county hospital. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. No such resolution adopted under this section shall become effective unless the governing body of the county submits to the voters residing within the county at a state general, primary, or special election a proposal to authorize the governing body of the county to impose a tax under this section. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. All revenue collected under this section by the director of the department of revenue on behalf of the county hospital, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the "County Hospital Sales Tax Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the fund and credited to the county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such county. Any funds in the special fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The governing body of any county that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the county. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

5. Whenever the governing body of any county that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the county equal to at least ten percent of the number of registered voters of the county voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the county a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

6. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the county shall notify the director of the department of revenue of the action at least ninety days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director shall remit the balance in the account to the county and close the account of that county. The

director shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Muntzel, **House Amendment No. 13** was adopted.

Representative Gatschenberger offered **House Amendment No. 14**.

House Amendment No. 14

AMEND House Committee Substitute for Senate Bill No. 90, Section 54.330, Page 2, Line 22, by inserting after all of said line the following:

"71.012. 1. Notwithstanding the provisions of sections 71.015 and 71.860 to 71.920, the governing body of any city, town or village may annex unincorporated areas which are contiguous and compact to the existing corporate limits of the city, town or village pursuant to this section. The term "contiguous and compact" does not include a situation whereby the unincorporated area proposed to be annexed is contiguous to the annexing city, town or village only by a railroad line, trail, pipeline or other strip of real property less than one-quarter mile in width within the city, town or village so that the boundaries of the city, town or village after annexation would leave unincorporated areas between the annexed area and the prior boundaries of the city, town or village connected only by such railroad line, trail, pipeline or other such strip of real property. The term "contiguous and compact" does not prohibit voluntary annexations pursuant to this section merely because such voluntary annexation would create an island of unincorporated area within the city, town or village, so long as the owners of the unincorporated island were also given the opportunity to voluntarily annex into the city, town or village. Notwithstanding the provisions of this section, the governing body of any city, town or village in any county of the third classification which borders a county of the fourth classification, a county of the second classification and ~~the~~ Mississippi River may annex areas along a road or highway up to two miles from existing boundaries of the city, town or village or the governing body in any city, town or village in any county of the third classification without a township form of government with a population of at least twenty-four thousand inhabitants but not more than thirty thousand inhabitants and such county contains a state correctional center may voluntarily annex such correctional center pursuant to the provisions of this section if the correctional center is along a road or highway within two miles from the existing boundaries of the city, town or village.

2. (1) When a [verified] **notarized** petition, requesting annexation and signed by the owners of all fee interests of record in all tracts of real property located within the area proposed to be annexed, or a request for annexation signed under the authority of the governing body of any common interest community and approved by a majority vote of unit owners located within the area proposed to be annexed is presented to the governing body of the city, town or village, the governing body shall hold a public hearing concerning the matter not less than fourteen nor more than sixty days after the petition is received, and the hearing shall be held not less than seven days after notice of the hearing is published in a newspaper of general circulation qualified to publish legal matters and located within the boundary of the petitioned city, town or village. If no such newspaper exists within the boundary of such city, town or village, then the notice shall be published in the qualified newspaper nearest the petitioned city, town or village. For the purposes of this subdivision, the term "common-interest community" shall mean a condominium as said term is used in chapter 448, or a common-interest community, a cooperative, or a planned community.

(a) A "common-interest community" shall be defined as real property with respect to which a person, by virtue of such person's ownership of a unit, is obliged to pay for real property taxes, insurance premiums, maintenance or improvement of other real property described in a declaration. "Ownership of a unit" does not include a leasehold interest of less than twenty years in a unit, including renewal options;

(b) A "cooperative" shall be defined as a common-interest community in which the real property is owned by an association, each of whose members is entitled by virtue of such member's ownership interest in the association to exclusive possession of a unit;

(c) A "planned community" shall be defined as a common-interest community that is not a condominium or a cooperative. A condominium or cooperative may be part of a planned community.

(2) At the public hearing any interested person, corporation or political subdivision may present evidence regarding the proposed annexation.

If, after holding the hearing, the governing body of the city, town or village determines that the annexation is reasonable and necessary to the proper development of the city, town or village, and the city, town or village has the ability to furnish normal municipal services to the area to be annexed within a reasonable time, it may, subject to the provisions of subdivision (3) of this subsection, annex the territory by ordinance without further action.

(3) If a written objection to the proposed annexation is filed with the governing body of the city, town or village not later than fourteen days after the public hearing by at least five percent of the qualified voters of the city, town or village, or two qualified voters of the area sought to be annexed if the same contains two qualified voters, the provisions of sections 71.015 and 71.860 to 71.920, shall be followed.

3. If no objection is filed, the city, town or village shall extend its limits by ordinance to include such territory, specifying with accuracy the new boundary lines to which the city's, town's or village's limits are extended. Upon duly enacting such annexation ordinance, the city, town or village shall cause three certified copies of the same to be filed with the county assessor and the clerk of the county wherein the city, town or village is located, and one certified copy to be filed with the election authority, if different from the clerk of the county which has jurisdiction over the area being annexed, whereupon the annexation shall be complete and final and thereafter all courts of this state shall take judicial notice of the limits of that city, town or village as so extended.

4. That a petition requesting annexation is not or was not verified or notarized shall not affect the validity of an annexation heretofore or hereafter undertaken in accordance with this section.

5. Any action of any kind seeking to deannex from any city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within five years of the date of adoption of the annexation ordinance.

71.014. 1. Notwithstanding the provisions of section 71.015, the governing body of any city, town, or village which is located within a county which borders a county of the first classification with a charter form of government with a population in excess of six hundred fifty thousand, proceeding as otherwise authorized by law or charter, may annex unincorporated areas which are contiguous and compact to the existing corporate limits upon [verified] **notarized** petition requesting such annexation signed by the owners of all fee interests of record in all tracts located within the area to be annexed. **That a petition requesting annexation is not or was not verified or notarized shall not affect the validity of an annexation heretofore or hereafter undertaken in accordance with this section.**

2. Any action of any kind seeking to deannex from any city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within three years of the date of adoption of the annexation ordinance.

71.015. 1. Should any city, town, or village, not located in any county of the first classification which has adopted a constitutional charter for its own local government, seek to annex an area to which objection is made, the following shall be satisfied:

(1) Before the governing body of any city, town, or village has adopted a resolution to annex any unincorporated area of land, such city, town, or village shall first as a condition precedent determine that the land to be annexed is contiguous to the existing city, town, or village limits and that the length of the contiguous boundary common to the existing city, town, or village limit and the proposed area to be annexed is at least fifteen percent of the length of the perimeter of the area proposed for annexation.

(2) The governing body of any city, town, or village shall propose an ordinance setting forth the following:

(a) The area to be annexed and affirmatively stating that the boundaries comply with the condition precedent referred to in subdivision (1) above;

(b) That such annexation is reasonable and necessary to the proper development of the city, town, or village;

(c) That the city has developed a plan of intent to provide services to the area proposed for annexation;

(d) That a public hearing shall be held prior to the adoption of the ordinance;

(e) When the annexation is proposed to be effective, the effective date being up to thirty-six months from the date of any election held in conjunction thereto.

(3) The city, town, or village shall fix a date for a public hearing on the ordinance and make a good faith effort to notify all fee owners of record within the area proposed to be annexed by certified mail, not less than thirty nor more than sixty days before the hearing, and notify all residents of the area by publication of notice in a newspaper of general circulation qualified to publish legal matters in the county or counties where the proposed area is located, at least once a week for three consecutive weeks prior to the hearing, with at least one such notice being not more than twenty days and not less than ten days before the hearing.

(4) At the hearing referred to in subdivision (3), the city, town, or village shall present the plan of intent and evidence in support thereof to include:

(a) A list of major services presently provided by the city, town, or village including, but not limited to, police and fire protection, water and sewer systems, street maintenance, parks and recreation, **and** refuse collection[, etc.];

(b) A proposed time schedule whereby the city, town, or village plans to provide such services to the residents of the proposed area to be annexed within three years from the date the annexation is to become effective;

(c) The level at which the city, town, or village assesses property and the rate at which it taxes that property;

(d) How the city, town, or village proposes to zone the area to be annexed;

(e) When the proposed annexation shall become effective.

(5) Following the hearing, and either before or after the election held in subdivision (6) of this subsection, should the governing body of the city, town, or village vote favorably by ordinance to annex the area, the governing body of the city, town or village shall file an action in the circuit court of the county in which such unincorporated area is situated, under the provisions of chapter 527, praying for a declaratory judgment authorizing such annexation. The petition in such action shall state facts showing:

(a) The area to be annexed and its conformity with the condition precedent referred to in subdivision (1) of this subsection;

(b) That such annexation is reasonable and necessary to the proper development of the city, town, or village; and

(c) The ability of the city, town, or village to furnish normal municipal services of the city, town, or village to the unincorporated area within a reasonable time not to exceed three years after the annexation is to become effective. Such action shall be a class action against the inhabitants of such unincorporated area under the provisions of section 507.070.

(6) Except as provided in subsection 3 of this section, if the court authorizes the city, town, or village to make an annexation, the legislative body of such city, town, or village shall not have the power to extend the limits of the city, town, or village by such annexation until an election is held at which the proposition for annexation is approved by a majority of the total votes cast in the city, town, or village and by a separate majority of the total votes cast in the unincorporated territory sought to be annexed. However, should less than a majority of the total votes cast in the area proposed to be annexed vote in favor of the proposal, but at least a majority of the total votes cast in the city, town, or village vote in favor of the proposal, then the proposal shall again be voted upon in not more than one hundred twenty days by both the registered voters of the city, town, or village and the registered voters of the area proposed to be annexed. If at least two-thirds of the qualified electors voting thereon are in favor of the annexation, then the city, town, or village may proceed to annex the territory. If the proposal fails to receive the necessary majority, no part of the area sought to be annexed may be the subject of another proposal to annex for a period of two years from the date of the election, except that, during the two-year period, the owners of all fee interests of record in the area or any portion of the area may petition the city, town, or village for the annexation of the land owned by them pursuant to the procedures in section 71.012. The elections shall if authorized be held, except as herein otherwise provided, in accordance with the general state law governing special elections, and the entire cost of the election or elections shall be paid by the city, town, or village proposing to annex the territory.

(7) Failure to comply in providing services to the said area or to zone in compliance with the plan of intent within three years after the effective date of the annexation, unless compliance is made unreasonable by an act of God, shall give rise to a cause of action for deannexation which may be filed in the circuit court by any resident of the area who was residing in the area at the time the annexation became effective.

(8) No city, town, or village which has filed an action under this section as this section read prior to May 13, 1980, which action is part of an annexation proceeding pending on May 13, 1980, shall be required to comply with subdivision (5) of this subsection in regard to such annexation proceeding.

(9) If the area proposed for annexation includes a public road or highway but does not include all of the land adjoining such road or highway, then such fee owners of record, of the lands adjoining said highway shall be permitted to intervene in the declaratory judgment action described in subdivision (5) of this subsection.

2. Notwithstanding any provision of subsection 1 of this section, for any annexation by any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county that becomes effective after August 28, 1994, if such city has not provided water and sewer service to such annexed area within three years of the effective date of the annexation, a cause of action shall lie for deannexation, unless the failure to provide such water and sewer service to the annexed area is made unreasonable by an act of God. The cause of action for deannexation may be filed in the circuit court by any resident of the annexed area who is presently residing in the area at the time of the filing of the suit and was a resident of the annexed area at the time the annexation became effective. If the suit for deannexation is successful, the city shall be liable for all court costs and attorney fees.

3. Notwithstanding the provisions of subdivision (6) of subsection 1 of this section, all cities, towns, and villages located in any county of the first classification with a charter form of government with a population of two hundred thousand or more inhabitants which adjoins a county with a population of nine hundred thousand or more inhabitants shall comply with the provisions of this subsection. If the court authorizes any city, town, or village subject to this subsection to make an annexation, the legislative body of such city, town or village shall not have the power to extend the limits of such city, town, or village by such annexation until an election is held at which the proposition for annexation is approved by a majority of the total votes cast in such city, town, or village and by a separate majority of the total votes cast in the unincorporated territory sought to be annexed; except that:

(1) In the case of a proposed annexation in any area which is contiguous to the existing city, town or village and which is within an area designated as flood plain by the Federal Emergency Management Agency and which is inhabited by no more than thirty registered voters and for which a final declaratory judgment has been granted prior to January 1, 1993, approving such annexation and where notarized affidavits expressing approval of the proposed annexation are obtained from a majority of the registered voters residing in the area to be annexed, the area may be annexed by an ordinance duly enacted by the governing body and no elections shall be required; and

(2) In the case of a proposed annexation of unincorporated territory in which no qualified electors reside, if at least a majority of the qualified electors voting on the proposition are in favor of the annexation, the city, town or village may proceed to annex the territory and no subsequent election shall be required. If the proposal fails to receive the necessary separate majorities, no part of the area sought to be annexed may be the subject of any other proposal to annex for a period of two years from the date of such election, except that, during the two-year period, the owners of all fee interests of record in the area or any portion of the area may petition the city, town, or village for the annexation of the land owned by them pursuant to the procedures in section 71.012 **or 71.014**. The election shall, if authorized, be held, except as otherwise provided in this section, in accordance with the general state laws governing special elections, and the entire cost of the election or elections shall be paid by the city, town, or village proposing to annex the territory. Failure of the city, town or village to comply in providing services to the area or to zone in compliance with the plan of intent within three years after the effective date of the annexation, unless compliance is made unreasonable by an act of God, shall give rise to a cause of action for deannexation which may be filed in the circuit court **not later than four years after the effective date of the annexation** by any resident of the area who was residing in such area at the time the annexation became effective or by any nonresident owner of real property in such area. **Except for a cause of action for deannexation under this subdivision (2) of this subsection, any action of any kind seeking to deannex from any city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within three years of the date of the adoption of the annexation ordinance.**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Gatschenberger, **House Amendment No. 14** was adopted.

Representative Engler offered **House Amendment No. 15**.

House Amendment No. 15

AMEND House Committee Substitute for Senate Bill No. 90, Page 2, Section 54.330, Line 22, by inserting after all of said line the following:

"71.285. 1. Whenever weeds or trash, in violation of an ordinance, are allowed to grow or accumulate, as the case may be, on any part of any lot or ground within any city, town or village in this state, the owner of the ground, or in case of joint tenancy, tenancy by entireties or tenancy in common, each owner thereof, shall be liable. The marshal or other city official as designated in such ordinance shall give a hearing after ten days' notice thereof, either personally or by United States mail to the owner or owners, or the owner's agents, or by posting such notice on the premises; thereupon, the marshal or other designated city official may declare the weeds or trash to be a nuisance and order the same to be abated within five days; and in case the weeds or trash are not removed within the five days, the marshal or other designated city official shall have the weeds or trash removed, and shall certify the costs of same to the city clerk, who shall cause a special tax bill therefor against the property to be prepared and to be collected by the collector, with other taxes assessed against the property; and the tax bill from the date of its issuance shall be a first lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity, and no mere clerical error or

informality in the same, or in the proceedings leading up to the issuance, shall be a defense thereto. Each special tax bill shall be issued by the city clerk and delivered to the collector on or before the first day of June of each year. Such tax bills if not paid when due shall bear interest at the rate of eight percent per annum. Notwithstanding the time limitations of this section, any city, town or village located in a county of the first classification may hold the hearing provided in this section four days after notice is sent or posted, and may order at the hearing that the weeds or trash shall be abated within five business days after the hearing and if such weeds or trash are not removed within five business days after the hearing, the order shall allow the city to immediately remove the weeds or trash pursuant to this section. Except for lands owned by a public utility, rights-of-way, and easements appurtenant or incidental to lands controlled by any railroad, the department of transportation, the department of natural resources or the department of conservation, the provisions of this subsection shall not apply to any city with a population of at least seventy thousand inhabitants which is located in a county of the first classification with a population of less than one hundred thousand inhabitants which adjoins a county with a population of less than one hundred thousand inhabitants that contains part of a city with a population of three hundred fifty thousand or more inhabitants, any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification, or any city, town or village located within a county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, or any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, or the City of St. Louis, where such city, town or village establishes its own procedures for abatement of weeds or trash, and such city may charge its costs of collecting the tax bill, including attorney fees, in the event a lawsuit is required to enforce a tax bill.

2. Except as provided in subsection 3 of this section, if weeds are allowed to grow, or if trash is allowed to accumulate, on the same property in violation of an ordinance more than once during the same growing season in the case of weeds, or more than once during a calendar year in the case of trash, in any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, in the City of St. Louis, in any city, town or village located in a county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, in any fourth class city located in a county of the first classification with a charter form of government and a population of less than three hundred thousand, or in any home rule city with more than one hundred thirteen thousand two hundred but less than one hundred thirteen thousand three hundred inhabitants located in a county with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants, the marshal or other designated city official may order that the weeds or trash be abated within five business days after notice is sent to or posted on the property. In case the weeds or trash are not removed within the five days, the marshal or other designated city official may have the weeds or trash removed and the cost of the same shall be billed in the manner described in subsection 1 of this section.

3. If weeds are allowed to grow, or if trash is allowed to accumulate, on the same property in violation of an ordinance more than once during the same growing season in the case of weeds, or more than once during a calendar year in the case of trash, in any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, in the City of St. Louis, in any city, town or village located in a county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, in any fourth class city located in a county of the first classification with a charter form of government and a population of less than three hundred thousand, in any home rule city with more than one hundred thirteen thousand two hundred but less than one hundred thirteen thousand three hundred inhabitants located in a county with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants, in any third class city with a population of at least ten thousand inhabitants but less than fifteen thousand inhabitants with the greater part of the population located in a county of the first classification, in any city of the third classification with more than sixteen thousand nine hundred but less than seventeen thousand inhabitants, [or] in any city of the third classification with more than eight thousand but fewer than nine thousand inhabitants, **in any city of the fourth classification with more than eight thousand but fewer than nine thousand inhabitants and located in any county of the third classification without a township form of government and with more than eighteen thousand but fewer than twenty thousand inhabitants, or in any city of the third classification with more than fifteen thousand but fewer than seventeen thousand inhabitants and located in any county of the first classification with more than sixty-five thousand but fewer than seventy-five thousand inhabitants**, the marshal or other designated official may, without further notification, have the weeds or trash removed and the cost of the same shall be billed in the manner described in subsection 1 of this section. The provisions of subsection 2 and this subsection do not apply to lands owned by a public utility and lands, rights-of-way, and easements appurtenant or incidental to lands controlled by any railroad.

4. The provisions of this section shall not apply to any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first

classification where such city establishes its own procedures for abatement of weeds or trash, and such city may charge its costs of collecting the tax bill, including attorney fees, in the event a lawsuit is required to enforce a tax bill."; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Curtis offered **House Amendment No. 1 to House Amendment No. 15.**

*House Amendment No. 1
to
House Amendment No. 15*

AMEND House Amendment No. 15 to House Committee Substitute for Senate Bill No. 90, Page 4, Line 25, by inserting after all of said section and line the following:

'Further amend said bill, Section 115.601, Page 15, Line 48, by inserting after all of said section and line the following:

"Section 1. Notwithstanding any other provision of law, beginning November 1, 2014, all elections to the office of state representative shall be "at large"."; and'; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Curtis moved that **House Amendment No. 1 to House Amendment No. 15** be adopted.

Which motion was defeated by the following vote:

AYES: 009

Curtis	Ellinger	Hubbard	May	McNeil
Pace	Schupp	Walton Gray	Webb	

NOES: 144

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hodges	Hoskins	Hough	Houghton
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kirkton	Koenig	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Love	Lynch	Marshall
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	Meredith	Messenger	Miller
Mitten	Molendorp	Montecillo	Moon	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Parkinson	Peters

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Pfautsch	Phillips	Pierson	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Schatz	Schieber
Schieffer	Shull	Smith 85	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Wright	Mr Speaker	

PRESENT: 000

ABSENT WITH LEAVE: 010

Cross	Gardner	Hinson	Kelly 45	Lichtenegger
Mims	Scharnhorst	Shumake	Webber	Zerr

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller
Molendorp	Moon	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Schatz	Schieber	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Mr Speaker	

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Harris
Hodges	Hubbard	Hummel	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webb	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 010

Curtman	Franklin	Gardner	Hinson	Kelly 45
Lichtenegger	Mims	Scharnhorst	Webber	Zerr

On motion of Representative Engler, **House Amendment No. 15** was adopted.

Representative Korman offered **House Amendment No. 16**.

House Amendment No. 16

AMEND House Committee Substitute for Senate Bill No. 90, Page 15, Section 115.601, Line 48, by inserting after said line the following:

"247.060. 1. The management of the business and affairs of the district is hereby vested in a board of directors, who shall have all the powers conferred upon the district except as herein otherwise provided. It shall be composed of five members, each of whom shall be a voter of the district and shall have resided in said district one whole year immediately prior to his **or her** election[, or if not a voter or resident of said district, shall have received service from the district at his or her primary place of residence one whole year immediately prior to his or her election]. A member shall be at least twenty-five years of age and shall not be delinquent in the payment of taxes at the time of his election. Except as provided in subsection 2 of this section, the term of office of a member of the board shall be three years. The remaining members of the board shall appoint a qualified person to fill any vacancy on the board. If no qualified person who lives in the subdistrict for which there is a vacancy is willing to serve on the board, the board may appoint an otherwise qualified person who lives in the district but not in the subdistrict in which the vacancy exists to fill such vacancy.

2. After notification by certified mail that he or she has two consecutive unexcused absences, any member of the board failing to attend the meetings of the board for three consecutive regular meetings, unless excused by the board for reasons satisfactory to the board, shall be deemed to have vacated the seat, and the secretary of the board shall certify that fact to the board. The vacancy shall be filled as other vacancies occurring in the board.

3. The initial members of the board shall be appointed by the circuit court and one shall serve until the immediately following first Tuesday after the first Monday in April, two shall serve until the first Tuesday after the first Monday in April on the second year following their appointment and the remaining appointees shall serve until the first Tuesday after the first Monday in April on the third year following their appointment. On the expiration of such terms and on the expiration of any subsequent term, elections shall be held as otherwise provided by law, and such elections shall be held in April pursuant to section 247.180.

4. In 2008, 2009, and 2010, directors elected in such years shall serve from the first Tuesday after the first Monday in June until the first Tuesday in April of the third year following the year of their election. All directors elected thereafter shall serve from the first Tuesday in April until the first Tuesday in April of the third year following the year of their election.

5. Each member of the board may receive an attendance fee not to exceed one hundred dollars for attending each regularly called board meeting, or special meeting, but shall not be paid for attending more than two meetings in any calendar month, except that in a county of the first classification, a member shall not be paid for attending more than four meetings in any calendar month. However, no board member shall be paid more than one attendance fee if such member attends more than one board meeting in a calendar week. In addition, the president of the board of directors may receive fifty dollars for attending each regularly or specially called board meeting, but shall not be paid the additional fee for attending more than two meetings in any calendar month. Each member of the board shall be reimbursed for his or her actual expenditures in the performance of his or her duties on behalf of the district.

6. In no event, however, shall a board member receive any attendance fees or additional compensation authorized in subsection 5 of this section until after such board member has completed a minimum of six hours training regarding the responsibilities of the board and its members concerning the basics of water treatment and distribution, budgeting and rates, water utility planning, the funding of capital improvements, the understanding of water utility financial statements, the Missouri sunshine law, and this chapter.

7. The circuit court of the county having jurisdiction over the district shall have jurisdiction over the members of the board of directors to suspend any member from exercising his or her office, whensoever it appears that he or she has abused his or her trust or become disqualified; to remove any member upon proof or conviction of gross misconduct or disqualification for his or her office; or to restrain and prevent any alienation of property of the district by members, in cases where it is threatened, or there is good reason to apprehend that it is intended to be made in fraud of the rights and interests of the district.

8. The jurisdiction conferred by this section shall be exercised as in ordinary cases upon petition, filed by or at the instance of any member of the board, or at the instance of any ten voters residing in the district who join in the petition, verified by the affidavit of at least one of them. The petition shall be heard in a summary manner after ten days' notice in writing to the member or officer complained of. An appeal shall lie from the judgment of the circuit court as in other causes, and shall be speedily determined; but an appeal does not operate under any condition as a supersedeas of a judgment of suspension or removal from office.

247.080. 1. The exercise of the powers conferred upon the district by sections 247.010 to 247.220 shall be by its board of directors, acting as a board.

2. The board shall have power and it shall be its duty to employ necessary help and to contract for such professional service as the demands of the district require in creating and operating a waterworks system contemplated in this law, and shall pay out of the funds of the district available for such purposes reasonable compensation for the service rendered. It shall have made by a competent accountant an annual audit of the receipts and expenditures of the district. All persons employed shall serve for an indefinite term and at the will of the board, and party politics shall not enter into the selection of employees.

3. The board shall have regular monthly meetings and the president thereof may call special meetings as occasion requires. It shall establish an office for its meeting place and for the transaction of business.

4. All persons charged with handling of funds shall be required to give bond to be fixed and approved by the board, but at the expense of the district.

5. All contracts made by the district shall conform to [law] **section 432.070** governing contracts [of other municipal corporations]. It shall have power to authorize and enter into all contracts in behalf of the district, and shall provide an official seal for district, and all official documents shall be attested by the seal."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Korman, **House Amendment No. 16** was adopted.

Representative Guernsey offered **House Amendment No. 17**.

House Amendment No. 17

AMEND House Committee Substitute for Senate Bill No. 90, Page 4, Section 78.090, Line 23, by inserting after all of said section and line the following:

"96.155. 1. The board of trustees of a hospital established under this chapter, with the concurrence of the council of the city of the third class, may, by resolution, abolish the property tax authorized by section 96.150 to fund the operations of a hospital in accordance with sections 96.150 to 96.228 and impose a sales tax on all retail sales made within the city which are subject to sales tax under chapter 144 and all sales of metered water services, electricity, electrical current and natural, artificial or propane gas, wood, coal, or home heating oil for domestic use only as provided under section 144.032. The tax authorized in this section shall be not more than one percent, and shall be imposed solely for the purpose of funding the operations of a hospital under sections 96.150 to 96.228. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. No such resolution adopted under this section shall become effective unless the board of trustees of such a hospital submits to the voters residing within the city of the third class at a state general, primary, or special election a proposal to authorize the board of trustees to impose a tax under this section. If two-thirds of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax. If less than two-thirds of the votes cast on the question by the qualified voters

voting thereon are in favor of the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by two-thirds of the qualified voters voting on the question.

3. All revenue collected under this section by the director of the department of revenue on behalf of the hospital operated under sections 96.150 to 96.228, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the "City of the Third Class City Hospital Sales Tax Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the fund and credited to the board of trustees of the city hospital for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such board of trustees. Any funds in the special fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The board of trustees of a hospital operated under sections 96.150 to 96.228 that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city of the third class. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

5. Whenever the board of trustees of a hospital operated under sections 96.150 to 96.228 that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the city of the third class equal to at least ten percent of the number of registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the board of trustees shall submit to the voters of the city of the third class a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

6. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the board of trustees shall notify the director of the department of revenue of the action at least ninety days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city of the third class, the director shall remit the balance in the account to the district and close the account of that city hospital. The director shall notify each board of trustees of each instance of any amount refunded or any check redeemed from receipts due the hospital operated under sections 96.150 to 96.228."; and

Further amend said bill, Page 15, Section 115.601, Line 48, by inserting after all of said section and line the following:

"144.032. The provisions of section 144.030 to the contrary notwithstanding, any city imposing a sales tax under the provisions of sections 94.500 to 94.570 **or sections 96.150 to 92.228**, or any county imposing a sales tax under the provisions of sections 66.600 to 66.635, or any county imposing a sales tax under the provisions of sections 67.500 to 67.729 **or section 205.205, or any hospital district imposing a sales tax under the provisions of section 206.165**, or any hospital district imposing a sales tax under the provisions of section 205.205 may by ordinance impose a sales tax upon all sales of metered water services, electricity, electrical current and natural, artificial or propane gas, wood, coal, or home heating oil for domestic use only. Such tax shall be administered by the department of revenue and assessed by the retailer in the same manner as any other city, county, or hospital district sales tax. Domestic use shall be determined in the same manner as the determination of domestic use for exemption of such sales from the state sales tax under the provisions of section 144.030.

205.205. 1. The governing body of any [hospital district] **county which has established a county hospital** under sections 205.160 to 205.379 [in any county of the third classification without a township form of government and with more than ten thousand six hundred but fewer than ten thousand seven hundred inhabitants or any county of the third classification without a township form of government and with more than eleven thousand seven hundred fifty but fewer than eleven thousand eight hundred fifty inhabitants] may, by resolution, abolish the property tax authorized [in such district] **by section 205.200 to fund a county hospital** under this chapter and impose a sales tax on all retail sales made within the district which are subject to sales tax under chapter 144 and all sales of metered water services, electricity, electrical current and natural, artificial or propane gas, wood, coal, or home heating oil for domestic use only as provided under section 144.032. The tax authorized in this section shall be not more than one percent, and shall be imposed solely for the purpose of funding the **county hospital** [district]. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. No such resolution adopted under this section shall become effective unless the governing body of the [hospital district] **county** submits to the voters residing within the [district] **county** at a state general, primary, or special election a proposal to authorize the governing body of the [district] **county** to impose a tax under this section. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. All revenue collected under this section by the director of the department of revenue on behalf of the **county hospital** [district], except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the "**County Hospital** [District] Sales Tax Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the fund and credited to the district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such district. Any funds in the special fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The governing body of any [hospital district] **county** that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the district. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

5. Whenever the governing body of any [hospital district] **county** that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the [district] **county** equal to at least ten percent of the number of registered voters of the [district] **county** voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the [district] **county** a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

6. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the [hospital district] **county** shall notify the director of the department of revenue of the action at least ninety days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such district, the director shall remit the balance in the account to the [district] **county** and close the account of that [district] **county**. The director shall notify each [district] **county** of each instance of any amount refunded or any check redeemed from receipts due the [district] **county**.

7. The levy of a sales tax by a county under this section or section 205.202 shall be deemed to comply with the requirements of this section if it was approved prior to January 1, 2012, by the voters of the county.

206.165. 1. The governing body of any hospital district established under sections 206.010 to 206.160 may, by resolution, abolish the property tax authorized in such district under this chapter and impose a sales tax on all retail sales made within the district which are subject to sales tax under chapter 144 and all sales of metered water services, electricity, electrical current and natural, artificial or propane gas, wood, coal, or home heating oil for domestic use only as provided under section 144.032. The tax authorized in this section shall not be more than one percent, and shall be imposed solely for the purpose of funding the hospital district. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. No such resolution adopted under this section shall become effective unless the governing body of the hospital district submits to the voters residing within the district at a state general, primary, or special election a proposal to authorize the governing body of the district to impose a tax under this section. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. All revenue collected under this section by the director of the department of revenue on behalf of the hospital district, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the "Hospital District Sales Tax Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the fund and credited to the district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such district. Any funds in the special fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The governing body of any hospital district that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the district. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

5. Whenever the governing body of any hospital district that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the district equal to at least ten percent of the number of registered voters of the district voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the district a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

6. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the hospital district shall notify the director of the department of revenue of the action at least ninety days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such district, the director shall remit the balance in the account to the district and close the account of that district. The director shall notify each district of each instance of any amount refunded or any check redeemed from receipts due the district.

7. The levy of a sales tax by a hospital district under section 205.205 shall be deemed to comply with the requirements of this section if it was approved prior to January 1, 2012, by the voters of the hospital district."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Guernsey, **House Amendment No. 17** was adopted.

Representative Hough offered **House Amendment No. 18**.

House Amendment No. 18

AMEND House Committee Substitute for Senate Bill No. 90, Page 1, Section A, Line 7, by inserting immediately after said line the following:

"32.087. 1. Within ten days after the adoption of any ordinance or order in favor of adoption of any local sales tax authorized under the local sales tax law by the voters of a taxing entity, the governing body or official of such taxing entity shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance or order. The ordinance or order shall reflect the effective date thereof.

2. Any local sales tax so adopted shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the local sales tax, except as provided in subsection 18 of this section, **and shall be imposed on all transactions on which the Missouri state sales tax is imposed.**

3. Every retailer within the jurisdiction of one or more taxing entities which has imposed one or more local sales taxes under the local sales tax law shall add all taxes so imposed along with the tax imposed by the sales tax law of the state of Missouri to the sale price and, when added, the combined tax shall constitute a part of the price, and shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. The combined rate of the state sales tax and all local sales taxes shall be the sum of the rates, multiplying the combined rate times the amount of the sale.

4. The brackets required to be established by the director of revenue under the provisions of section 144.285 shall be based upon the sum of the combined rate of the state sales tax and all local sales taxes imposed under the provisions of the local sales tax law.

5. **(1)** The ordinance or order imposing a local sales tax under the local sales tax law shall impose **a tax** upon all [sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail] **transactions upon which the Missouri state sales tax is imposed** to the extent and in the manner provided in sections 144.010 to 144.525, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the sum of the combined rate of the state sales tax or state highway use tax and all local sales taxes imposed under the provisions of the local sales tax law.

(2) Notwithstanding any other provision of law to the contrary, local taxing jurisdictions, except those in which voters have previously approved a local use tax under section 144.757, shall have placed on the ballot on or after the general election in November 2014, but no later than the general election in November 2016, whether to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 and purchased from a source other than a licensed Missouri dealer. The ballot question presented to the local voters shall contain substantially the following language:

Shall the (local jurisdiction's name) discontinue applying and collecting the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer? Approval of this measure will result in a reduction of local revenue to provide for vital services for (local jurisdiction's name) and it will place Missouri dealers of motor vehicles, outboard motors, boats, and trailers at a competitive disadvantage to non-Missouri dealers of motor vehicles, outboard motors, boats, and trailers.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(3) If the ballot question set forth in subdivision (2) of this subsection receives a majority of the votes cast in favor of the proposal, or if the local taxing jurisdiction fails to place the ballot question before the voters on or before the general election in November 2016, the local taxing jurisdiction shall cease applying the local sales tax

to the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer.

(4) In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection be placed before the voters, the governing body of any local taxing jurisdiction that had previously imposed a local use tax on the use of motor vehicles, trailers, boats, and outboard motors may, at any time, place a proposal on the ballot at any election to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no longer be applied to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.

(5) In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection be placed before the voters on or after the general election in November 2014, and on or before the general election in November 2016, whenever the governing body of any local taxing jurisdiction imposing a local sales tax on the sale of motor vehicles, trailers, boats, and outboard motors receives a petition, signed by fifteen percent of the registered voters of such jurisdiction voting in the last gubernatorial election, calling for a proposal to be placed on the ballot at any election to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer, the governing body shall submit to the voters of such jurisdiction a proposal to repeal application of the local sales tax to such titling. If a majority of the votes cast by the registered voters voting thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no longer be applied to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.

(6) Nothing in this subsection shall be construed to authorize the voters of any jurisdiction to repeal application of any state sales or use tax.

(7) If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is repealed, such repeal shall take effect on the first day of the second calendar quarter after the election. If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is required to cease to be applied or collected due to failure of a local taxing jurisdiction to hold an election pursuant to subdivision (2) of this subsection, such cessation shall take effect on March 1, 2017.

6. On and after the effective date of any local sales tax imposed under the provisions of the local sales tax law, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri all additional local sales taxes authorized under the authority of the local sales tax law. All local sales taxes imposed under the local sales tax law together with all taxes imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

7. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of any local sales tax imposed under the local sales tax law except as modified by the local sales tax law.

8. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.525, as these sections now read and as they may hereafter be amended, it being the intent of this general assembly to ensure that the same sales tax exemptions granted from the state sales tax law also be granted under the local sales tax law, are hereby made applicable to the imposition and collection of all local sales taxes imposed under the local sales tax law.

9. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of the local sales tax law, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from any local sales tax imposed by the local sales tax law.

10. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under the provisions of the state sales tax law are hereby allowed and made applicable to any local sales tax collected under the provisions of the local sales tax law.

11. The penalties provided in section 32.057 and sections 144.010 to 144.525 for a violation of the provisions of those sections are hereby made applicable to violations of the provisions of the local sales tax law.

12. (1) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales, except the sale of motor vehicles, trailers, boats, and outboard motors **required to be titled under the laws of the state of Missouri**, shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's agent or employee shall be deemed to be consummated at the place of business from which he works.

(2) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, **the sales tax upon the titling of all [sales of] motor vehicles, trailers, boats, and outboard motors shall be [deemed to be consummated] imposed at the rate in effect at the location of the residence of the purchaser, and remitted to that local taxing entity** and not at the place of business of the retailer, or the place of business from which the retailer's agent or employee works.

(3) For the purposes of any local tax imposed by an ordinance or under the local sales tax law on charges for mobile telecommunications services, all taxes of mobile telecommunications service shall be imposed as provided in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended.

13. Local sales taxes [imposed pursuant to the local sales tax law] **shall not be imposed on the seller** [on the purchase and sale] of motor vehicles, trailers, boats, and outboard motors [shall not be collected and remitted by the seller,] **required to be titled under the laws of the state of Missouri**, but shall be collected **from the purchaser** by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a taxing entity imposing a local sales tax under the local sales tax law.

14. The director of revenue and any of his deputies, assistants and employees who have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of the local sales tax law shall enter a surety bond or bonds payable to any and all taxing entities in whose behalf such funds have been collected under the local sales tax law in the amount of one hundred thousand dollars for each such tax; but the director of revenue may enter into a blanket bond covering himself and all such deputies, assistants and employees. The cost of any premium for such bonds shall be paid by the director of revenue from the share of the collections under the sales tax law retained by the director of revenue for the benefit of the state.

15. The director of revenue shall annually report on his management of each trust fund which is created under the local sales tax law and administration of each local sales tax imposed under the local sales tax law. He shall provide each taxing entity imposing one or more local sales taxes authorized by the local sales tax law with a detailed accounting of the source of all funds received by him for the taxing entity. Notwithstanding any other provisions of law, the state auditor shall annually audit each trust fund. A copy of the director's report and annual audit shall be forwarded to each taxing entity imposing one or more local sales taxes.

16. Within the boundaries of any taxing entity where one or more local sales taxes have been imposed, if any person is delinquent in the payment of the amount required to be paid by him under the local sales tax law or in the event a determination has been made against him for taxes and penalty under the local sales tax law, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under the local sales tax law, the director of revenue shall notify the taxing entity in the event any person fails or refuses to pay the amount of any local sales tax due so that appropriate action may be taken by the taxing entity.

17. Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by the local sales tax law, the director of revenue shall permit the taxing entity to join in any sale of property to pay the delinquent taxes and penalties due the state and to the taxing entity under the local sales tax law. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such taxing entity.

18. If a local sales tax has been in effect for at least one year under the provisions of the local sales tax law and voters approve reimposition of the same local sales tax at the same rate at an election as provided for in the local sales tax law prior to the date such tax is due to expire, the tax so reimposed shall become effective the first day of the first calendar quarter after the director receives a certified copy of the ordinance, order or resolution accompanied by a map clearly showing the boundaries thereof and the results of such election, provided that such ordinance, order or resolution

and all necessary accompanying materials are received by the director at least thirty days prior to the expiration of such tax. Any administrative cost or expense incurred by the state as a result of the provisions of this subsection shall be paid by the city or county reimposing such tax."; and

Further amend said bill, Page 15, Section 115.601, Line 48, by inserting immediately after said line the following:

"144.020. 1. A tax is hereby levied and imposed **for the privilege of titling new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be titled under the laws of the state of Missouri and, except as provided in subdivision (9) of this subsection,** upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. The rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, [including but not limited to] **excluding** motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard motors **required to be titled under the laws of the state of Missouri and subject to tax under subdivision (9) of this subsection,** a tax equivalent to four percent of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to four percent of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, except as otherwise provided in section 144.025;

(2) A tax equivalent to four percent of the amount paid for admission and seating accommodations, or fees paid to, or in any place of amusement, entertainment or recreation, games and athletic events;

(3) A tax equivalent to four percent of the basic rate paid or charged on all sales of electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(4) A tax equivalent to four percent on the basic rate paid or charged on all sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; except that, the payment made by telecommunications subscribers or others, pursuant to section 144.060, and any amounts paid for access to the internet or interactive computer services shall not be considered as amounts paid for telecommunications services;

(5) A tax equivalent to four percent of the basic rate paid or charged for all sales of services for transmission of messages of telegraph companies;

(6) A tax equivalent to four percent on the amount of sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are regularly served to the public;

(7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(8) A tax equivalent to four percent of the amount paid or charged for rental or lease of tangible personal property, provided that if the lessor or renter of any tangible personal property had previously purchased the property under the conditions of "sale at retail" or leased or rented the property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or subrental receipts from that property. The purchase, rental or lease of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax paid as provided in this section and section 144.070. In no event shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof.

(9) A tax equivalent to four percent of the purchase price, as defined in section 144.070, of new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri. This tax is imposed on the person titling such property, and shall be paid according to the procedures in section 144.440.

2. All tickets sold which are sold under the provisions of sections 144.010 to 144.525 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words "This ticket is subject to a sales tax.".

144.021. The purpose and intent of sections 144.010 to 144.510 is to impose a tax upon the privilege of engaging in the business, in this state, of selling tangible personal property and those services listed in section 144.020 **and for the privilege of titling new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri.** Except as otherwise provided, the primary tax burden is placed upon the seller making the taxable sales of property or service and is levied at the rate provided for in section 144.020. Excluding **subdivision (9) of subsection 1 of section 144.020** and sections 144.070, 144.440 and 144.450, the extent to which a seller is required to collect the tax from the purchaser of the taxable property or service is governed by section 144.285 and in no way affects sections 144.080 and 144.100, which require all sellers to report to the director of revenue their "gross receipts", defined herein to mean the aggregate amount of the sales price of all sales at retail, and remit tax at four percent of their gross receipts.

144.069. All sales **taxes associated with the titling** of motor vehicles, trailers, boats and outboard motors **under the laws of Missouri** shall be [deemed to be consummated] **imposed** at the **rate in effect at the location of the** address of the owner thereof, and all **sales taxes associated with the titling of vehicles under** leases of over sixty-day duration of motor vehicles, trailers, boats and outboard motors [subject to sales taxes under this chapter] shall be [deemed to be consummated] **imposed at the rate in effect**, unless the vehicle, trailer, boat or motor has been registered and sales taxes have been paid prior to the consummation of the lease agreement at the **location of the** address of the lessee thereof on the date the lease is consummated, and all applicable sales taxes levied by any political subdivision shall be collected **and remitted** on such sales **from the purchaser or lessee** by the state department of revenue on that basis.

144.071. 1. In all cases where the purchaser of a motor vehicle, trailer, boat or outboard motor rescinds the sale of that motor vehicle, trailer, boat or outboard motor and receives a refund of the purchase price and returns the motor vehicle, trailer, boat or outboard motor to the seller within sixty calendar days from the date of the sale, **any** [the sales or use] tax paid to the department of revenue shall be refunded to the purchaser upon proper application to the director of revenue.

2. In any rescission whereby a seller reacquires title to the motor vehicle, trailer, boat or outboard motor sold by him and the reacquisition is within sixty calendar days from the date of the original sale, the person reacquiring the motor vehicle, trailer, boat or outboard motor shall be entitled to a refund of any [sales or use] tax paid as a result of the reacquisition of the motor vehicle, trailer, boat or outboard motor, upon proper application to the director of revenue.

3. Any city or county [sales or use] tax refunds shall be deducted by the director of revenue from the next remittance made to that city or county.

4. Each claim for refund must be made within one year after payment of the tax on which the refund is claimed.

5. As used in this section, the term "boat" includes all motorboats and vessels as the terms "motorboat" and "vessel" are defined in section 306.010.

144.440. 1. [In addition to all other taxes now or hereafter levied and imposed upon every person for the privilege of using the highways or waterways of this state, there is hereby levied and imposed a tax equivalent to four percent of the purchase price, as defined in section 144.070, which is paid or charged on new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri.

2.] At the time the owner of any [such] motor vehicle, trailer, boat, or outboard motor makes application to the director of revenue for an official certificate of title and the registration of the same as otherwise provided by law, he shall present to the director of revenue evidence satisfactory to the director showing the purchase price paid by or charged to the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, or that the motor vehicle, trailer, boat, or outboard motor is not subject to the tax herein provided and, if the motor vehicle, trailer, boat, or outboard motor is subject to the tax herein provided, the applicant shall pay or cause to be paid to the director of revenue the tax provided herein.

[3.] 2. In the event that the purchase price is unknown or undisclosed, or that the evidence thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisement by the director.

[4.] 3. No certificate of title shall be issued for such motor vehicle, trailer, boat, or outboard motor unless the tax for the privilege of using the highways or waters of this state has been paid or the vehicle, trailer, boat, or outboard motor is registered under the provisions of subsection 5 of this section.

[5.] 4. The owner of any motor vehicle, trailer, boat, or outboard motor which is to be used exclusively for rental or lease purposes may pay the tax due thereon required in section 144.020 at the time of registration or in lieu thereof may pay a [use] sales tax as provided in sections 144.010, 144.020, 144.070 and 144.440. A [use] sales tax shall

be charged and paid on the amount charged for each rental or lease agreement while the motor vehicle, trailer, boat, or outboard motor is domiciled in the state. If the owner elects to pay upon each rental or lease, he shall make an affidavit to that effect in such form as the director of revenue shall require and shall remit the tax due at such times as the director of revenue shall require.

[6.] **5.** In the event that any leasing company which rents or leases motor vehicles, trailers, boats, or outboard motors elects to collect a [use] sales tax[,], all of its lease receipts would be subject to the [use] sales tax[,], regardless of whether or not the leasing company previously paid a sales tax when the vehicle, trailer, boat, or outboard motor was originally purchased.

[7.] **6.** The provisions of this section, and the tax imposed by this section, shall not apply to manufactured homes.

144.450. In order to avoid double taxation under the provisions of sections 144.010 to 144.510, any person who purchases a motor vehicle, trailer, manufactured home, boat, or outboard motor in any other state and seeks to register or obtain a certificate of title for it in this state shall be credited with the amount of any sales tax or use tax shown to have been previously paid by him on the purchase price of such motor vehicle, trailer, boat, or outboard motor in such other state. The tax imposed by **subdivision (9) of subsection 1 of section [144.440] 144.020** shall not apply:

(1) [To motor vehicles, trailers, boats, or outboard motors on account of which the sales tax provided by sections 144.010 to 144.510 shall have been paid;

(2)] To motor vehicles, trailers, boats, or outboard motors brought into this state by a person moving any such vehicle, trailer, boat, or outboard motor into Missouri from another state who shall have registered and in good faith regularly operated any such motor vehicle, trailer, boat, or outboard motor in such other state at least ninety days prior to the time it is registered in this state;

[3)] (2) To motor vehicles, trailers, boats, or outboard motors acquired by registered dealers for resale;

[4)] (3) To motor vehicles, trailers, boats, or outboard motors purchased, owned or used by any religious, charitable or eleemosynary institution for use in the conduct of regular religious, charitable or eleemosynary functions and activities;

[5)] (4) To motor vehicles owned and used by religious organizations in transferring pupils to and from schools supported by such organization;

[6)] (5) Where the motor vehicle, trailer, boat, or outboard motor has been acquired by the applicant for a certificate of title therefor by gift or under a will or by inheritance, and the tax hereby imposed has been paid by the donor or decedent;

[7)] (6) To any motor vehicle, trailer, boat, or outboard motor owned or used by the state of Missouri or any other political subdivision thereof, or by an educational institution supported by public funds; or

[8)] (7) To farm tractors.

144.455. The tax imposed by **subdivision (9) of subsection 1 of section [144.440] 144.020 on the titling of** motor vehicles and trailers is levied for the purpose of providing revenue to be used by this state to defray in whole or in part the cost of constructing, widening, reconstructing, maintaining, resurfacing and repairing the public highways, roads and streets of this state, and the cost and expenses incurred in the administration and enforcement of **subdivision (9) of subsection 1 of section 144.020 and sections 144.440 to 144.455, and for no other purpose whatsoever, and all revenue collected or received by the director of revenue from the tax imposed by subdivision (9) of subsection 1 of section [144.440] 144.020 on motor vehicles and trailers shall be promptly deposited [in the state treasury to the credit of the state highway department fund] as dictated by article IV, section 30(b) of the Constitution of Missouri.**

144.525. Notwithstanding any other provision of law, the amount of any state and local sales [or use] taxes due on the purchase of a motor vehicle, trailer, boat or outboard motor required to be registered under the provisions of sections 301.001 to 301.660 and sections 306.010 to 306.900 shall be computed on the rate of such taxes in effect on the date the purchaser submits application for a certificate of ownership to the director of revenue; except that, in the case of a sale at retail, of an outboard motor by a retail business which is not required to be registered under the provisions of section 301.251, the amount of state and local [sales and use] taxes due shall be computed on the rate of such taxes in effect as of the calendar date of the retail sale.

144.610. 1. A tax is imposed for the privilege of storing, using or consuming within this state any article of tangible personal property, **excluding motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors required to be titled under the laws of the state of Missouri and subject to tax under subdivision (9) of subsection 1 of section 144.020,** purchased on or after the effective date of sections 144.600 to 144.745 in an

amount equivalent to the percentage imposed on the sales price in the sales tax law in section 144.020. This tax does not apply with respect to the storage, use or consumption of any article of tangible personal property purchased, produced or manufactured outside this state until the transportation of the article has finally come to rest within this state or until the article has become commingled with the general mass of property of this state.

2. Every person storing, using or consuming in this state tangible personal property **subject to the tax in subsection 1 of this section** is liable for the tax imposed by this law, and the liability shall not be extinguished until the tax is paid to this state, but a receipt from a vendor authorized by the director of revenue under the rules and regulations that he prescribes to collect the tax, given to the purchaser in accordance with the provisions of section 144.650, relieves the purchaser from further liability for the tax to which receipt refers.

3. Because this section no longer imposes a Missouri use tax on the storage, use, or consumption of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors required to be titled under the laws of the state of Missouri, in that the state sales tax is now imposed on the titling of such property, the local sales tax, rather than the local use tax, applies.

144.613. Notwithstanding the provisions of section 144.655, at the time the owner of any new or used boat or boat motor which was acquired after December 31, 1979, in a transaction subject to [use] tax under [the Missouri use tax law] **this chapter** makes application to the director of revenue for the registration of the boat or boat motor, he shall present to the director of revenue evidence satisfactory to the director of revenue showing the purchase price, exclusive of any charge incident to the extension of credit, paid by or charged to the applicant in the acquisition of the boat or boat motor, or that no sales or use tax was incurred in its acquisition, and, if [sales or use] tax was incurred in its acquisition, that the same has been paid, or the applicant shall pay or cause to be paid to the director of revenue the [use] tax provided by [the Missouri use tax law] **this chapter** in addition to the registration fees now or hereafter required according to law, and the director of revenue shall not issue a registration for any new or used boat or boat motor subject to [use] tax [as provided in the Missouri use tax law] **in this chapter** until the tax levied for the use of the same under [sections 144.600 to 144.748] **this chapter** has been paid.

144.615. There are specifically exempted from the taxes levied in sections 144.600 to 144.745:

(1) Property, the storage, use or consumption of which this state is prohibited from taxing pursuant to the constitution or laws of the United States or of this state;

(2) Property, the gross receipts from the sale of which are required to be included in the measure of the tax imposed pursuant to the Missouri sales tax law;

(3) Tangible personal property, the sale or other transfer of which, if made in this state, would be exempt from or not subject to the Missouri sales tax pursuant to the provisions of subsection 2 of section 144.030;

(4) Motor vehicles, trailers, boats, and outboard motors subject to the tax imposed by section [144.440] **144.020;**

(5) Tangible personal property which has been subjected to a tax by any other state in this respect to its sales or use; provided, if such tax is less than the tax imposed by sections 144.600 to 144.745, such property, if otherwise taxable, shall be subject to a tax equal to the difference between such tax and the tax imposed by sections 144.600 to 144.745;

(6) Tangible personal property held by processors, retailers, importers, manufacturers, wholesalers, or jobbers solely for resale in the regular course of business;

(7) Personal and household effects and farm machinery used while an individual was a bona fide resident of another state and who thereafter became a resident of this state, or tangible personal property brought into the state by a nonresident for his own storage, use or consumption while temporarily within the state.

Section 1. Notwithstanding the provisions of section 1.140 to the contrary, the provisions of sections 32.087, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615, as amended by this act, shall be nonseverable, and if any provision is for any reason held to be invalid, such decision shall invalidate all of the remaining provisions of section 32.087, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615, as amended by this act.

Section B. Because of the detrimental impact that lost local revenues has had on the domestic economy by placing Missouri dealers of motor vehicles, outboard motors, boats and trailers at a competitive disadvantage to non-Missouri dealers of motor vehicles, outboard motors, boats and trailers, the repeal and reenactment of sections 32.087, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615 and the enactment of section 1 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace

and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 32.087, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615 and the enactment of section 1 of this act shall be in full force and effect upon its passage and approval."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 103

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller
Molendorp	Moon	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Schatz	Schieber	Shull	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Mr Speaker		

NOES: 048

Anders	Black	Butler	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Harris	Hodges
Hubbard	Hummel	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Roorda
Runions	Schieffer	Shupp	Smith 85	Swearingen
Walton Gray	Webb	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 012

Burns	Curtman	Flanigan	Gardner	Hinson
Kelly 45	Lichtenegger	Mims	Scharnhorst	Shumake
Webber	Zerr			

On motion of Representative Hough, **House Amendment No. 18** was adopted.

Representative Cox offered **House Amendment No. 19**.

House Amendment No. 19

AMEND House Committee Substitute for Senate Bill No. 90, Pages 4-5, Section 115.124, by removing all of said section from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 105

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Schatz	Schieber
Shull	Shumake	Smith 120	Solon	Sommer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Mr Speaker

NOES: 046

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Harris	Hodges
Hubbard	Hummel	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Schieffer
Schupp	Smith 85	Swearingen	Walton Gray	Webb
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 012

Frame	Gardner	Hinson	Kelly 45	Lichtenegger
Mims	Roorda	Runions	Scharnhorst	Spencer
Webber	Zerr			

Representative Cox moved that **House Amendment No. 19** be adopted.

Which motion was defeated.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 103

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeier	Korman
Lair	Lant	Lauer	Leara	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Molendorp	Morris	Muntzel	Neely
Neth	Parkinson	Pfausch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Schatz	Schieber	Shull	Shumake
Smith 120	Solon	Sommer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Mr Speaker		

NOES: 047

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Harris	Hodges
Hubbard	Hummel	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Runions
Schieffer	Schupp	Smith 85	Swearingen	Walton Gray
Webb	Wright			

PRESENT: 000

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ABSENT WITH LEAVE: 013

Fraker	Frame	Gardner	Hinson	Kelly 45
Lichtenegger	Mims	Moon	Roorda	Scharnhorst
Spencer	Webber	Zerr		

On motion of Representative Dugger, **HCS SB 90, as amended**, was adopted.

On motion of Representative Dugger, **HCS SB 90, as amended**, was read the third time and passed by the following vote:

AYES: 085

Allen	Anderson	Austin	Barnes	Bernskoetter
Brown	Carpenter	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Davis
Diehl	Dohrman	Dugger	Elmer	Engler
Entlicher	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haefner	Hampton
Hansen	Hicks	Higdon	Hoskins	Hough
Houghton	Hurst	Jones 50	Keeney	Kelley 127
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Love	Lynch	McCaherty	McGaugh
Messenger	Miller	Muntzel	Neth	Nichols
Pfautsch	Phillips	Pike	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Schatz	Shull
Shumake	Solon	Stream	Swan	Swearingen
Thomson	Walker	Wilson	Wood	Mr Speaker

NOES: 067

Anders	Bahr	Berry	Black	Brattin
Burlison	Burns	Butler	Cierpiot	Colona
Curtis	Curtman	Dunn	Ellinger	Ellington
English	Englund	Fitzpatrick	Frame	Haahr
Harris	Hodges	Hubbard	Hummel	Johnson
Justus	Kirkton	Koenig	Kratky	LaFaver
Marshall	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mitten
Montecillo	Moon	Morgan	Morris	Neely
Newman	Norr	Otto	Pace	Parkinson
Peters	Pierson	Pogue	Rizzo	Roorda
Runions	Schieber	Schieffer	Schupp	Smith 85
Sommer	Torpey	Walton Gray	Webb	White
Wieland	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 011

Gardner	Hinson	Kelly 45	Lichtenegger	Mims
Molendorp	Scharnhorst	Smith 120	Spencer	Webber
Zerr				

Representative Keeney declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 136

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Love	Lynch	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	Messenger	Miller	Mitten	Moon
Morgan	Morris	Muntzel	Neely	Neth
Nichols	Otto	Parkinson	Pfautsch	Phillips
Pierson	Pike	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Wright
Mr Speaker				

NOES: 016

Curtis	Ellington	Frame	Leara	Marshall
May	McNeil	Meredith	Montecillo	Newman
Norr	Pace	Peters	Pogue	Walton Gray
Webb				

PRESENT: 000

ABSENT WITH LEAVE: 011

Gardner	Hinson	Kelly 45	Lichtenegger	Mims
Molendorp	Riddle	Scharnhorst	Smith 85	Webber
Zerr				

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS HCS HB 199**, entitled:

An act to repeal 32.087, 77.030, 115.003, 115.005, 115.007, 115.121, 115.249, 115.259, 115.281, 115.299, 115.300, 115.341, 115.349, 115.383, 115.419, 115.423, 115.433, 115.436, 115.439, 115.449, 115.455, 115.456, 115.493, 115.607, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, 144.615, 190.335, 473.730, 473.733, and 473.737, RSMo, and to enact in lieu thereof forty-one new sections relating to elections, with an effective date for certain sections and an emergency clause for a certain sections.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 6 and Senate Amendment No. 7.

Senate Amendment No. 1

AMEND Senate Substitute for House Committee Substitute for House Bill No. 199, Page 16, Section 115.007, Line 9, by inserting immediately after said line the following:

"115.027. 1. Each board of election commissioners shall be composed of four members, appointed by the governor with the advice and consent of the senate. Two commissioners on each board shall be members of one major political party, and two commissioners on each board shall be members of the other major political party. In no case shall more than two commissioners on a board be members of the same political party. When appointing commissioners, the governor shall designate one commissioner on each board to be chairman of the board and one commissioner on each board to be secretary of the board. The chairman and secretary of a board shall not be members of the same political party.

2. In jurisdictions with boards of election commissioners as the election authority, the governor may appoint to the board one representative from each established political party. The representative shall not be a member of the board for purposes of subsection 1 of this section. The state chair of each established political party shall submit a list of no more than four names from which the governor shall select the representative for that party. The representative shall not have voting status, and shall not be compensated, but shall be allowed to participate in discussions and be informed of any meeting of the board.

3. The governor shall not make any appointment, during the legislative interim, to the board of election commissioners in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND Senate Substitute for House Committee Substitute for House Bill No. 199, Page 57, Section 190.335, Line 2, by inserting after all of said line the following:

"198.310. 1. For the purpose of purchasing nursing home district sites, erecting nursing homes and related facilities and furnishing the same, building additions to and repairing old buildings, the board of directors may borrow money and issue bonds for the payment thereof in the manner provided herein. The question of the loan shall be submitted by an order of the board of directors of the district. Notice of the submission of the question, the amount and the purpose of the loan shall be given as provided in section 198.250.

2. The question shall be submitted in substantially the following form:

Shall the Nursing Home District borrow money in the amount of dollars for the purpose of and issue bonds in payment thereof?

3. If [two-thirds] **the constitutionally required percentage** of the votes cast are for the loan, the board shall, subject to the restrictions of subsection 4, be vested with the power to borrow money in the name of the district, to the amount and for the purposes specified on the ballot, and issue the bonds of the district for the payment thereof.

4. The loans authorized by this section shall not be contracted for a period longer than twenty years, and the entire amount of the loan shall at no time exceed, including the existing indebtedness of the district, in the aggregate, ten percent of the value of taxable tangible property therein, as shown by the last completed assessment for state and county purposes, the rate of interest to be agreed upon by the parties, but in no case to exceed the highest legal rate allowed by contract; when effected, it shall be the duty of the directors to provide for the collection of an annual tax sufficient to pay the interest on the indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within the time the principal becomes due.

198.345. Nothing in sections 198.200 to 198.350 shall prohibit a nursing home district from establishing and maintaining apartments for seniors that provide at a minimum housing[, and food services[, and emergency call buttons to the apartment residents] in any county of the third **or fourth** classification [without a township form of government and with more than twenty-eight thousand two hundred but fewer than twenty-eight thousand three hundred inhabitants or any county of the third classification without a township form of government and with more than nine thousand five hundred fifty but fewer than nine thousand six hundred fifty inhabitants] **within its corporate limits**. Such nursing home districts shall not lease such apartments for less than fair market rent as reported by the United States Department of Housing and Urban Development."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 4

AMEND Senate Substitute for House Committee Substitute for House Bill No. 199, Page 61, Section C, Line 1, by inserting after the word "community", the following:

", because of the need to ensure fair representation on boards of election commissioners"; and

Further amend Line 6, by inserting after the number "32.087", the following:

", 115.027"; and

Further amend Line 12, by inserting after the number "32.087", the following:

", 115.027".

Senate Amendment No. 5

AMEND Senate Substitute for House Committee Substitute for House Bill No. 199, Page 2, Section A, Line 2, by inserting after all of said line the following:

"26.226. In case of death, resignation, removal from office, conviction after impeachment, or vacancy from any cause in the office of lieutenant governor, the governor shall, within thirty days, issue a writ of election to fill the vacancy for the remainder of the term in which such vacancy occurred and until the successor is elected, commissioned, and qualified. Such election shall be held at the next general election. The candidates for the election shall be nominated and placed on the ballot in accordance with the provisions of sections 115.305 to 115.405. In the case of impeachment, the office shall remain vacant until such impeachment is determined. If acquitted, the lieutenant governor shall be reinstated in office. During any period of time when the office of lieutenant governor is vacant, the chief administrative assistant of the vacating lieutenant governor shall perform all ministerial duties during the period of such vacancy, provided however, that any duties of the lieutenant governor as president of the senate shall be performed by the president pro tempore of the senate during the period of such vacancy."; and

Further amend said bill, Page 61, Section C, Line 1, by inserting after the word "community" the following:

", because of the need to determine how to fill a vacancy in the office of lieutenant governor"; and

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Further amend Line 8, by inserting after the word "sections" the following:

"26.226,"; and

Further amend Line 14, by inserting after the word "sections" the following:

"26.226,"; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 6

AMEND Senate Substitute for House Committee Substitute for House Bill No. 199, Pages 12-13, Section 77.030, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 7

AMEND Senate Substitute for House Committee Substitute for House Bill No. 199, Page 13, Section 77.030, Line 15, by inserting immediately after said line, the following:

"78.090. **1.** Candidates to be voted for at all general municipal elections at which a mayor and councilmen are to be elected under the provisions of sections 78.010 to [78.420] **78.400** shall be nominated by a primary election, **except as provided in this section**, and no other names shall be placed upon the general ballot except those selected in the manner herein prescribed. The primary election for such nomination shall be held on the first Tuesday after the first Monday in February preceding the municipal election.

2. (1) In lieu of conducting a primary election under this section, any city organized under sections 78.010 to 78.400 may, by order or ordinance, provide for the elimination of the primary election and the conduct of elections for mayor and councilman as provided in this subsection.

(2) Any person desiring to become a candidate for mayor or councilman shall file with the city clerk a signed statement of such candidacy, stating whether such person is a resident of the city and a qualified voter of the city, that the person desires to be a candidate for nomination to the office of mayor or councilman to be voted upon at the next municipal election for such office, that the person is eligible for such office, that the person requests to be placed on the ballot, and that such person will serve if elected. Such statement shall be sworn to or affirmed before the city clerk.

(3) Under the requirements of section 115.023, the city clerk shall notify the requisite election authority who shall cause the official ballots to be printed, and the names of the candidates shall appear on the ballots in the order that their statements of candidacy were filed with the city clerk. Above the names of the candidates shall appear the words "Vote for (number to be elected)". The ballot shall also include a warning that voting for more than the total number of candidates to be elected to any office invalidates the ballot."; and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HB 542**, entitled:

An act to repeal sections 64.196, 178.550, 196.311, 267.655, 323.100, 348.521, and 413.225, RSMo, and to enact in lieu thereof eight new sections relating to agriculture.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3 and Senate Amendment No. 4.

Senate Amendment No. 1

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 542, Page 24, Section 413.225, Line 28 of said page, by inserting immediately after said line the following:

"644.052. 1. Persons with operating permits or permits by rule issued pursuant to this chapter shall pay fees pursuant to subsections 2 to 8 and 12 to 13 of this section. Persons with a sewer service connection to public sewer systems owned or operated by a city, public sewer district, public water district or other publicly owned treatment works shall pay a permit fee pursuant to subsections 10 and 11 of this section.

2. A privately owned treatment works or an industry which treats only human sewage shall annually pay a fee based upon the design flow of the facility as follows:

- (1) One hundred dollars if the design flow is less than five thousand gallons per day;
- (2) One hundred fifty dollars if the design flow is equal to or greater than five thousand gallons per day but less than six thousand gallons per day;
- (3) One hundred seventy-five dollars if the design flow is equal to or greater than six thousand gallons per day but less than seven thousand gallons per day;
- (4) Two hundred dollars if the design flow is equal to or greater than seven thousand gallons per day but less than eight thousand gallons per day;
- (5) Two hundred twenty-five dollars if the design flow is equal to or greater than eight thousand gallons per day but less than nine thousand gallons per day;
- (6) Two hundred fifty dollars if the design flow is equal to or greater than nine thousand gallons per day but less than ten thousand gallons per day;
- (7) Three hundred seventy-five dollars if the design flow is equal to or greater than ten thousand gallons per day but less than eleven thousand gallons per day;
- (8) Four hundred dollars if the design flow is equal to or greater than eleven thousand gallons per day but less than twelve thousand gallons per day;
- (9) Four hundred fifty dollars if the design flow is equal to or greater than twelve thousand gallons per day but less than thirteen thousand gallons per day;
- (10) Five hundred dollars if the design flow is equal to or greater than thirteen thousand gallons per day but less than fourteen thousand gallons per day;
- (11) Five hundred fifty dollars if the design flow is equal to or greater than fourteen thousand gallons per day but less than fifteen thousand gallons per day;
- (12) Six hundred dollars if the design flow is equal to or greater than fifteen thousand gallons per day but less than sixteen thousand gallons per day;
- (13) Six hundred fifty dollars if the design flow is equal to or greater than sixteen thousand gallons per day but less than seventeen thousand gallons per day;
- (14) Eight hundred dollars if the design flow is equal to or greater than seventeen thousand gallons per day but less than twenty thousand gallons per day;
- (15) One thousand dollars if the design flow is equal to or greater than twenty thousand gallons per day but less than twenty-three thousand gallons per day;
- (16) Two thousand dollars if the design flow is equal to or greater than twenty-three thousand gallons per day but less than twenty-five thousand gallons per day;
- (17) Two thousand five hundred dollars if the design flow is equal to or greater than twenty-five thousand gallons per day but less than thirty thousand gallons per day;
- (18) Three thousand dollars if the design flow is equal to or greater than thirty thousand gallons per day but less than one million gallons per day; or

(19) Three thousand five hundred dollars if the design flow is equal to or greater than one million gallons per day.

3. Persons who produce industrial process wastewater which requires treatment and who apply for or possess a site-specific permit shall annually pay:

(1) Five thousand dollars if the industry is a class IA animal feeding operation as defined by the commission; or

(2) For facilities issued operating permits based upon categorical standards pursuant to the Federal Clean Water Act and regulations implementing such act:

(a) Three thousand five hundred dollars if the design flow is less than one million gallons per day; or

(b) Five thousand dollars if the design flow is equal to or greater than one million gallons per day.

4. Persons who apply for or possess a site-specific permit solely for industrial storm water shall pay an annual fee of:

(1) One thousand three hundred fifty dollars if the design flow is less than one million gallons per day; or

(2) Two thousand three hundred fifty dollars if the design flow is equal to or greater than one million gallons per day.

5. Persons who produce industrial process wastewater who are not included in subsection 2 or 3 of this section shall annually pay:

(1) One thousand five hundred dollars if the design flow is less than one million gallons per day; or

(2) Two thousand five hundred dollars if the design flow is equal to or greater than one million gallons per day.

6. Persons who apply for or possess a general permit shall pay:

(1) Three hundred dollars for the discharge of storm water from a land disturbance site;

(2) Fifty dollars annually for the operation of a chemical fertilizer or pesticide facility;

(3) One hundred fifty dollars for the operation of an animal feeding operation or a concentrated animal feeding operation;

(4) One hundred fifty dollars annually for new permits for the discharge of process water or storm water potentially contaminated by activities not included in subdivisions (1) to (3) of this subsection. Persons paying fees pursuant to this subdivision with existing general permits on August 27, 2000, and persons paying fees pursuant to this subdivision who receive renewed general permits on the same facility after August 27, 2000, shall pay sixty dollars annually;

(5) Up to two hundred fifty dollars annually for the operation of an aquaculture facility.

7. Requests for modifications to state operating permits on entities that charge a service connection fee pursuant to subsection 10 of this section shall be accompanied by a two hundred dollar fee. The department may waive the fee if it is determined that the necessary modification was either initiated by the department or caused by an error made by the department.

8. Requests for state operating permit modifications other than those described in subsection 7 of this section shall be accompanied by a fee equal to twenty-five percent of the annual operating fee assessed for the facility pursuant to this section. **However, requests for modifications for such operating permits that seek name changes, address changes, or other nonsubstantive changes to the operating permit shall be accompanied by a fee of one hundred dollars.** The department may waive the fee if it is determined that the necessary modification was either initiated by the department or caused by an error made by the department.

9. Persons requesting water quality certifications in accordance with Section 401 of the Federal Clean Water Act shall pay a fee of seventy-five dollars and shall submit the standard application form for a Section 404 permit as administered by the U.S. Army Corps of Engineers or similar information required for other federal licenses and permits, except that the fee is waived for water quality certifications issued and accepted for activities authorized pursuant to a general permit or nationwide permit by the U.S. Army Corps of Engineers.

10. Persons with a direct or indirect sewer service connection to a public sewer system owned or operated by a city, public sewer district, public water district, or other publicly owned treatment works shall pay an annual fee per water service connection as provided in this subsection. Customers served by multiple water service connections shall pay such fee for each water service connection, except that no single facility served by multiple connections shall pay more than a total of seven hundred dollars per year. The fees provided for in this subsection shall be collected by the agency billing such customer for sewer service and remitted to the department. The fees may be collected in monthly, quarterly or annual increments, and shall be remitted to the department no less frequently than annually. The fees collected shall not exceed the amounts specified in this subsection and, except as provided in subsection 11 of this section, shall be collected at the specified amounts unless adjusted by the commission in rules. The annual fees shall not exceed:

(1) For sewer systems that serve more than thirty-five thousand customers, forty cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;

(2) For sewer systems that serve equal to or less than thirty-five thousand but more than twenty thousand customers, fifty cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;

(3) For sewer systems that serve equal to or less than twenty thousand but more than seven thousand customers, sixty cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;

(4) For sewer systems that serve equal to or less than seven thousand but more than one thousand customers, seventy cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;

(5) For sewer systems that serve equal to or less than one thousand customers, eighty cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;

(6) Three dollars for commercial or industrial customers not served by a public water system as defined in chapter 640;

(7) Three dollars per water service connection for all other customers with water service connections of less than or equal to one inch excluding taps for fire suppression and irrigation systems;

(8) Ten dollars per water service connection for all other customers with water service connections of more than one inch but less than or equal to four inches, excluding taps for fire suppression and irrigation systems;

(9) Twenty-five dollars per water service connection for all other customers with water service connections of more than four inches, excluding taps for fire suppression and irrigation systems.

11. Customers served by any district formed pursuant to the provisions of section 30(a) of article VI of the Missouri Constitution shall pay the fees set forth in subsection 10 of this section according to the following schedule:

(1) From August 28, 2000, through September 30, 2001, customers of any such district shall pay fifty percent of such fees; and

(2) Beginning October 1, 2001, customers of any such districts shall pay one hundred percent of such fees.

12. Persons submitting a notice of intent to operate pursuant to a permit by rule shall pay a filing fee of twenty-five dollars.

13. For any general permit issued to a state agency for highway construction pursuant to subdivision (1) of subsection 6 of this section, a single fee may cover all sites subject to the permit."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 542, Page 24, Section 413.225, Line 28, by inserting after all of said line the following:

"640.725. 1. The owner or operator of any flush system animal waste wet handling facility shall employ one or more persons who shall **once per week** visually inspect the [animal waste wet handling facility and lagoons for unauthorized discharge and structural integrity at least every twelve hours with a deviation of not to exceed three hours] **gravity outfall lines, recycle pump stations, recycle force mains, and appurtenances for any release to any containment structure required by section 640.730. The owner or operator shall also visually inspect once per day any lagoon whose water level is less than twelve inches from the emergency spillway.** The owner or operator of the facility shall keep records of each inspection. Such records shall be retained for three years. The department shall provide or approve a form provided by the owner or operator for each facility for such inspections.

2. All new construction permits for flush system animal waste wet handling facilities shall have an electronic or mechanical shutoff of the system in the event of pipe stoppage. As of July 1, 1997, all existing flush system animal waste wet handling facilities shall have, at a minimum, an electronic or mechanical shutoff of the system in the event of pipe stoppage or backflow."; and

Further amend the title and enacting clause accordingly.

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 542, Page 7, Section 196.311, Line 22, by inserting after all of said line the following:

"262.598. 1. As used in this section, the following terms shall mean:

- (1) "Consolidated district", a district formed jointly by two or more councils;**
- (2) "Council", a University of Missouri extension council authorized under section 262.563;**
- (3) "District" or "extension district", a political subdivision formed by one or more councils;**
- (4) "Single-council district", a district formed by one council;**
- (5) "Governing body", the group of individuals who govern a district.**

2. University of Missouri extension councils , except for any council located in a county with a charter form of government and with more than nine hundred fifty thousand inhabitants, are hereby authorized to form extension districts made up of cooperating counties for the purpose of funding extension programming. An extension district may be a single-council district or a consolidated district. A single-council district shall be formed upon a majority vote of the full council. A consolidated district shall be formed upon a majority vote of each participating council.

3. In a single-council district, the council shall serve as the district's governing body. In addition to any other powers and duties granted to the council under sections 262.550 to 262.620, the council shall also have the powers and duties provided under subsection 5 of this section.

4. In a consolidated district, the governing body of the district shall consist of at least three, but no more than five, representatives appointed by each participating council. The term of office shall be two years. Representatives may be reappointed. The governing body shall elect officers, who shall serve as officers for two years, and establish a regular meeting schedule which shall not be less than once every three months.

5. The governing body of a district shall have the following powers and duties:

- (1) Review the activities and annual budgets of each participating council;**
- (2) Determine, by September first of each year, the tax rate necessary to generate sufficient revenue to fund the extension programming in the district, which includes annual funding for each participating council for the costs of personnel and the acquisition, supply, and maintenance of each council's property, work, and equipment;**

- (3) Oversee the collection of any tax authorized under this section by ensuring the revenue is deposited into a special fund and monitoring the use of the funds to ensure they are used solely for extension programming in the district;**

- (4) Approve payments from the special fund in which the tax revenue is deposited; and**

- (5) Work cooperatively with each participating council to plan and facilitate the programs, equipment, and activities in the district.**

6. The governing body of a district may submit a question to the voters of the district to institute a property tax levy in the county or counties that compose the district. Questions may be submitted to the voters of the district at any general municipal election. Any such proposed tax shall not exceed thirty cents per one hundred dollars of assessed valuation. The costs of submitting the question to the voters at the general municipal election shall be paid as provided in section 115.063. Such question shall be submitted in substantially the following form:

"Shall the Extension District in County (insert name of county) be authorized to levy an annual tax of (insert amount not to exceed thirty) cents per one hundred dollars of assessed valuation for the purpose of funding the University of Missouri Extension District programs, equipment, and services in the district?"

In a single-council district, if a majority of the voters in the county approve the question, then the district shall impose the tax. If a majority of the voters in a single-council district do not approve the question, then no tax shall be imposed. In a consolidated district, if a majority of voters in each county in the district approve the question, then the district shall impose the tax. If a majority of the voters in a consolidated district do not approve the question, then no tax shall be imposed in any county of the district. In a consolidated district, if a majority of voters in a county do not approve the question, the council in the county that did not approve the question may withdraw from the district. Upon such withdrawal, the district shall be made up of the remaining counties and the tax shall be imposed in those counties. However, if the county that did not approve the question does not withdraw from the district, the tax shall not be imposed. Revenues collected from the imposition of a tax

authorized under this section shall be deposited into a special fund dedicated only for use by the local district for programming purposes.

7. The county commission of any county in which the tax authorized under this section is levied and collected:

(1) Shall be exempt from the funding requirements under section 262.597 if revenue derived from the tax authorized under this section is in excess of an amount equal to two hundred percent of the average funding received under section 262.597 for the immediately preceding three years; or

(2) May reduce the current year's funding amount under section 262.597 by thirty-three percent of the amount of tax revenues derived from the tax authorized under this section which exceed the average amount of funding received under section 262.597 for the immediately preceding three years.

8. Any county that collects tax revenues authorized under this section shall transfer all attributable revenue plus monthly interest for deposit into the district's special fund. The governing body of the district shall comply with the prudent investor standard for investment fiduciaries as provided in section 105.688.

9. In any county in which a single-council district is established, and for which a tax has not been levied, the district may be dissolved in the same manner in which it was formed.

10. A county may withdraw from a consolidated district at any time by the filing of a petition with the circuit court having jurisdiction over the district. The petition shall be signed by not fewer than ten percent of those who voted in the most recent presidential election in the county seeking to withdraw that is part of a consolidated district stating that further operation of the district is contrary to the best interest of the inhabitants of the county in which the district is located and that the county seeks to withdraw from the district. The circuit court shall hear evidence on the petition. If the court finds that it is in the best interest of the inhabitants of the county in which the district is located for the county to withdraw from the district, the court shall make an order reciting the same and submit the question to the voters. The costs of submitting the question to the voters at the general municipal election shall be paid as provided in section 115.063. The question shall be submitted in substantially the following format:

"Shall the County of (insert name of county) being part of (insert name of district) Extension District withdraw from the district?"

The question shall be submitted at the next general municipal election date. The election returns shall be certified to the court. If the court finds that two-thirds of the voters voting on the question voted in favor of withdrawing from the district, the court shall issue an order withdrawing the county from the district, which shall contain a proviso that the district shall remain intact for the sole purposes of paying all outstanding and lawful obligations and disposing of the district's property. No additional costs or obligations for the withdrawing county shall be created except as necessary. The withdrawal shall occur on the first day of the following January after the vote. If the court finds that two-thirds of the voters voting on the question shall not have voted favorably on the question to withdraw from the district, the court shall issue an order dismissing the petition and the district shall continue to operate.

11. The governing body of any district may seek voter approval to increase its current tax rate authorized under this section, provided such increase shall not cause the total tax to exceed thirty cents per one hundred dollars of assessed valuation. To propose such an increase, the governing body shall submit the question to the voters at the general municipal election in the county in which the district is located. The costs of submitting the question to the voters at the general municipal election shall be paid as provided in section 115.063. The question shall be submitted in substantially the following form:

"Shall the Extension District in (insert name of county or counties) be authorized to increase the tax rate from (insert current amount of tax) cents to (insert proposed amount of tax not to exceed thirty) cents per one hundred dollars of assessed valuation for the purpose of funding the University of Missouri Extension District programs, equipment, and services in the district?"

In a single-council district, if a majority of the voters in the county approve the question, then the district shall impose the tax. If a majority of the voters in a single-council district do not approve the question, then the tax shall not be imposed. In a consolidated district, if a majority of voters in the district approve the question, then the district shall impose the new tax rate. If a majority of the voters in a consolidated district do not approve the question, then the tax shall not be imposed in any county of the district. Revenues collected from the imposition of the tax authorized under this section shall be deposited into the special fund dedicated only for use by the district."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 4

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 542, Page 16, Section 262.900, Line 14, by inserting after all of said line the following:

"14. The provisions of this section shall not apply to any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants."

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SB 23, as amended**, and has taken up and passed **CCS HCS SB 23**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SS SCS SB 116, as amended**, and has taken up and passed **HCS SS SCS SB 116, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 148, as amended**, and has taken up and passed **HCS SB 148, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 411**, entitled:

An act to repeal sections 302.720, 302.735, 302.740, 302.755, and 304.820, RSMo, and section 302.700 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402 merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 470 merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480 merged with conference committee substitute for house committee substitute for senate bill no. 568, ninety-sixth general assembly, second regular session, and to enact in lieu thereof six new sections relating to the operation of commercial motor vehicles, with an existing penalty provision.

In which the concurrence of the House is respectfully requested.

On motion of Representative Diehl, the House recessed until 7:30 p.m.

EVENING SESSION

The hour of recess having expired, the House was called to order by Speaker Jones.

THIRD READING OF SENATE BILLS

SB 265, relating to private property rights, was taken up by Representative Rowland.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Gannon	Gatschenberger	Gosen	Grisamore	Haahr
Haefner	Hampton	Hansen	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Lair	Lant	Lauer
Leara	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Schatz	Schieber
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Mr Speaker

NOES: 046

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Harris
Hubbard	Hummel	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McKenna	McManus
McNeil	Meredith	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Roorda	Runions
Schieffer	Schupp	Smith 85	Swearingen	Walton Gray
Webb				

PRESENT: 000

ABSENT WITH LEAVE: 017

Brown	Cross	Funderburk	Gardner	Guernsey
Hodges	Kelly 45	Korman	Lichtenegger	McDonald
Mims	Parkinson	Scharnhorst	Stream	Webber
Wright	Zerr			

On motion of Representative Rowland, **SB 265** was truly agreed to and finally passed by the following vote:

AYES: 118

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Burlison
Cierpiot	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Ellington	Elmer
Engler	English	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Gannon	Gatschenberger	Gosen	Grisamore
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Love	Lynch	Marshall	Mayfield	McCaherty
McGaugh	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Parkinson
Pfausch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Roorda	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Schieffer	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 037

Anders	Burns	Butler	Carpenter	Colona
Curtis	Dunn	Ellinger	Englund	Hubbard
Hummel	Kirkton	Kratky	LaFaver	May
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Runions	Schupp	Smith 85
Walton Gray	Webb			

PRESENT: 000

ABSENT WITH LEAVE: 008

Brown	Funderburk	Gardner	Guernsey	Kelly 45
Lichtenegger	Mims	Webber		

Speaker Jones declared the bill passed.

SCS SB 33, relating to persons with mental disabilities, was taken up by Representative Grisamore.

Representative Hoskins offered **House Amendment No. 1**.

House Amendment No. 1 was withdrawn.

Representative Grisamore moved for the adoption of **HCS SCS SB 33**.

Representative Hoskins offered **House Amendment No. 1**.

House Amendment No. 1

AMEND Senate Committee Substitute for Senate Bill No. 33, Page 3, Section 209.200, Line 20, by inserting immediately after all of said line the following:

"(f) "Professional therapy dog", a dog which is selected, trained, and tested to provide specific physical therapeutic functions, under the direction and control of a qualified handler who works with the dog as a team as a part of the handler's occupation or profession. Such dogs, with their handlers, perform such functions in institutional settings, community-based group settings, or when providing services to specific persons who have disabilities. Professional therapy dogs do not include dogs, certified or not, which are used by volunteers in visitation therapy."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HCS SCS SB 33, with House Amendment No. 1, pending, was laid over.

HCS SB 41, relating to private nuisance actions, was taken up by Representative Hough.

Representative Gatschenberger offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 41, Section A, Page 1, Line 2, by inserting the following after all of said line:

"71.012. 1. Notwithstanding the provisions of sections 71.015 and 71.860 to 71.920, the governing body of any city, town or village may annex unincorporated areas which are contiguous and compact to the existing corporate limits of the city, town or village pursuant to this section. The term "contiguous and compact" does not include a situation whereby the unincorporated area proposed to be annexed is contiguous to the annexing city, town or village only by a railroad line, trail, pipeline or other strip of real property less than one-quarter mile in width within the city, town or village so that the boundaries of the city, town or village after annexation would leave unincorporated areas between the annexed area and the prior boundaries of the city, town or village connected only by such railroad line, trail, pipeline or other such strip of real property. The term "contiguous and compact" does not prohibit voluntary annexations pursuant to this section merely because such voluntary annexation would create an island of unincorporated area within the city, town or village, so long as the owners of the unincorporated island were also given the opportunity to voluntarily annex into the city, town or village. Notwithstanding the provisions of this section, the governing body of any city, town or village in any county of the third classification which borders a county of the fourth classification, a county of the second classification and **the** Mississippi River may annex areas along a road or highway up to two miles from existing boundaries of the city, town or village or the governing body in any city, town or village in any county of the third classification without a township form of government with a population of at least twenty-four thousand inhabitants but not more than thirty thousand inhabitants and such county contains a state correctional center may voluntarily annex such correctional center pursuant to the provisions of this section if the correctional center is along a road or highway within two miles from the existing boundaries of the city, town or village.

2. (1) When a [verified] **notarized** petition, requesting annexation and signed by the owners of all fee interests of record in all tracts of real property located within the area proposed to be annexed, or a request for annexation signed under the authority of the governing body of any common interest community and approved by a majority vote of unit owners located within the area proposed to be annexed is presented to the governing body of the city, town or village, the governing body shall hold a public hearing concerning the matter not less than fourteen nor more than sixty days after

the petition is received, and the hearing shall be held not less than seven days after notice of the hearing is published in a newspaper of general circulation qualified to publish legal matters and located within the boundary of the petitioned city, town or village. If no such newspaper exists within the boundary of such city, town or village, then the notice shall be published in the qualified newspaper nearest the petitioned city, town or village. For the purposes of this subdivision, the term "common-interest community" shall mean a condominium as said term is used in chapter 448, or a common-interest community, a cooperative, or a planned community.

(a) A "common-interest community" shall be defined as real property with respect to which a person, by virtue of such person's ownership of a unit, is obliged to pay for real property taxes, insurance premiums, maintenance or improvement of other real property described in a declaration. "Ownership of a unit" does not include a leasehold interest of less than twenty years in a unit, including renewal options;

(b) A "cooperative" shall be defined as a common-interest community in which the real property is owned by an association, each of whose members is entitled by virtue of such member's ownership interest in the association to exclusive possession of a unit;

(c) A "planned community" shall be defined as a common-interest community that is not a condominium or a cooperative. A condominium or cooperative may be part of a planned community.

(2) At the public hearing any interested person, corporation or political subdivision may present evidence regarding the proposed annexation.

If, after holding the hearing, the governing body of the city, town or village determines that the annexation is reasonable and necessary to the proper development of the city, town or village, and the city, town or village has the ability to furnish normal municipal services to the area to be annexed within a reasonable time, it may, subject to the provisions of subdivision (3) of this subsection, annex the territory by ordinance without further action.

(3) If a written objection to the proposed annexation is filed with the governing body of the city, town or village not later than fourteen days after the public hearing by at least five percent of the qualified voters of the city, town or village, or two qualified voters of the area sought to be annexed if the same contains two qualified voters, the provisions of sections 71.015 and 71.860 to 71.920, shall be followed.

3. If no objection is filed, the city, town or village shall extend its limits by ordinance to include such territory, specifying with accuracy the new boundary lines to which the city's, town's or village's limits are extended. Upon duly enacting such annexation ordinance, the city, town or village shall cause three certified copies of the same to be filed with the county assessor and the clerk of the county wherein the city, town or village is located, and one certified copy to be filed with the election authority, if different from the clerk of the county which has jurisdiction over the area being annexed, whereupon the annexation shall be complete and final and thereafter all courts of this state shall take judicial notice of the limits of that city, town or village as so extended.

4. That a petition requesting annexation is not or was not verified or notarized shall not affect the validity of an annexation heretofore or hereafter undertaken in accordance with this section.

5. Any action of any kind seeking to deannex from any city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within three years of the date of adoption of the annexation ordinance.

71.014. **1.** Notwithstanding the provisions of section 71.015, the governing body of any city, town, or village which is located within a county which borders a county of the first classification with a charter form of government with a population in excess of six hundred fifty thousand, proceeding as otherwise authorized by law or charter, may annex unincorporated areas which are contiguous and compact to the existing corporate limits upon [verified] **notarized** petition requesting such annexation signed by the owners of all fee interests of record in all tracts located within the area to be annexed. **That a petition requesting annexation is not or was not verified or notarized shall not affect the validity of an annexation heretofore or hereafter undertaken in accordance with this section.**

2. Any action of any kind seeking to deannex from any city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within three years of the date of adoption of the annexation ordinance.

71.015. **1.** Should any city, town, or village, not located in any county of the first classification which has adopted a constitutional charter for its own local government, seek to annex an area to which objection is made, the following shall be satisfied:

(1) Before the governing body of any city, town, or village has adopted a resolution to annex any unincorporated area of land, such city, town, or village shall first as a condition precedent determine that the land to be annexed is contiguous to the existing city, town, or village limits and that the length of the contiguous boundary common to the existing city, town, or village limit and the proposed area to be annexed is at least fifteen percent of the length of the perimeter of the area proposed for annexation.

(2) The governing body of any city, town, or village shall propose an ordinance setting forth the following:

(a) The area to be annexed and affirmatively stating that the boundaries comply with the condition precedent referred to in subdivision (1) above;

(b) That such annexation is reasonable and necessary to the proper development of the city, town, or village;

(c) That the city has developed a plan of intent to provide services to the area proposed for annexation;

(d) That a public hearing shall be held prior to the adoption of the ordinance;

(e) When the annexation is proposed to be effective, the effective date being up to thirty-six months from the date of any election held in conjunction thereto.

(3) The city, town, or village shall fix a date for a public hearing on the ordinance and make a good faith effort to notify all fee owners of record within the area proposed to be annexed by certified mail, not less than thirty nor more than sixty days before the hearing, and notify all residents of the area by publication of notice in a newspaper of general circulation qualified to publish legal matters in the county or counties where the proposed area is located, at least once a week for three consecutive weeks prior to the hearing, with at least one such notice being not more than twenty days and not less than ten days before the hearing.

(4) At the hearing referred to in subdivision (3), the city, town, or village shall present the plan of intent and evidence in support thereof to include:

(a) A list of major services presently provided by the city, town, or village including, but not limited to, police and fire protection, water and sewer systems, street maintenance, parks and recreation, **and** refuse collection[, etc.];

(b) A proposed time schedule whereby the city, town, or village plans to provide such services to the residents of the proposed area to be annexed within three years from the date the annexation is to become effective;

(c) The level at which the city, town, or village assesses property and the rate at which it taxes that property;

(d) How the city, town, or village proposes to zone the area to be annexed;

(e) When the proposed annexation shall become effective.

(5) Following the hearing, and either before or after the election held in subdivision (6) of this subsection, should the governing body of the city, town, or village vote favorably by ordinance to annex the area, the governing body of the city, town or village shall file an action in the circuit court of the county in which such unincorporated area is situated, under the provisions of chapter 527, praying for a declaratory judgment authorizing such annexation. The petition in such action shall state facts showing:

(a) The area to be annexed and its conformity with the condition precedent referred to in subdivision (1) of this subsection;

(b) That such annexation is reasonable and necessary to the proper development of the city, town, or village; and

(c) The ability of the city, town, or village to furnish normal municipal services of the city, town, or village to the unincorporated area within a reasonable time not to exceed three years after the annexation is to become effective. Such action shall be a class action against the inhabitants of such unincorporated area under the provisions of section 507.070.

(6) Except as provided in subsection 3 of this section, if the court authorizes the city, town, or village to make an annexation, the legislative body of such city, town, or village shall not have the power to extend the limits of the city, town, or village by such annexation until an election is held at which the proposition for annexation is approved by a majority of the total votes cast in the city, town, or village and by a separate majority of the total votes cast in the unincorporated territory sought to be annexed. However, should less than a majority of the total votes cast in the area proposed to be annexed vote in favor of the proposal, but at least a majority of the total votes cast in the city, town, or village vote in favor of the proposal, then the proposal shall again be voted upon in not more than one hundred twenty days by both the registered voters of the city, town, or village and the registered voters of the area proposed to be annexed. If at least two-thirds of the qualified electors voting thereon are in favor of the annexation, then the city, town, or village may proceed to annex the territory. If the proposal fails to receive the necessary majority, no part of the area sought to be annexed may be the subject of another proposal to annex for a period of two years from the date of the election, except that, during the two-year period, the owners of all fee interests of record in the area or any portion of the area may petition the city, town, or village for the annexation of the land owned by them pursuant to the procedures in section 71.012. The elections shall if authorized be held, except as herein otherwise provided, in accordance with the

general state law governing special elections, and the entire cost of the election or elections shall be paid by the city, town, or village proposing to annex the territory.

(7) Failure to comply in providing services to the said area or to zone in compliance with the plan of intent within three years after the effective date of the annexation, unless compliance is made unreasonable by an act of God, shall give rise to a cause of action for deannexation which may be filed in the circuit court by any resident of the area who was residing in the area at the time the annexation became effective.

(8) No city, town, or village which has filed an action under this section as this section read prior to May 13, 1980, which action is part of an annexation proceeding pending on May 13, 1980, shall be required to comply with subdivision (5) of this subsection in regard to such annexation proceeding.

(9) If the area proposed for annexation includes a public road or highway but does not include all of the land adjoining such road or highway, then such fee owners of record, of the lands adjoining said highway shall be permitted to intervene in the declaratory judgment action described in subdivision (5) of this subsection.

2. Notwithstanding any provision of subsection 1 of this section, for any annexation by any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county that becomes effective after August 28, 1994, if such city has not provided water and sewer service to such annexed area within three years of the effective date of the annexation, a cause of action shall lie for deannexation, unless the failure to provide such water and sewer service to the annexed area is made unreasonable by an act of God. The cause of action for deannexation may be filed in the circuit court by any resident of the annexed area who is presently residing in the area at the time of the filing of the suit and was a resident of the annexed area at the time the annexation became effective. If the suit for deannexation is successful, the city shall be liable for all court costs and attorney fees.

3. Notwithstanding the provisions of subdivision (6) of subsection 1 of this section, all cities, towns, and villages located in any county of the first classification with a charter form of government with a population of two hundred thousand or more inhabitants which adjoins a county with a population of nine hundred thousand or more inhabitants shall comply with the provisions of this subsection. If the court authorizes any city, town, or village subject to this subsection to make an annexation, the legislative body of such city, town or village shall not have the power to extend the limits of such city, town, or village by such annexation until an election is held at which the proposition for annexation is approved by a majority of the total votes cast in such city, town, or village and by a separate majority of the total votes cast in the unincorporated territory sought to be annexed; except that:

(1) In the case of a proposed annexation in any area which is contiguous to the existing city, town or village and which is within an area designated as flood plain by the Federal Emergency Management Agency and which is inhabited by no more than thirty registered voters and for which a final declaratory judgment has been granted prior to January 1, 1993, approving such annexation and where notarized affidavits expressing approval of the proposed annexation are obtained from a majority of the registered voters residing in the area to be annexed, the area may be annexed by an ordinance duly enacted by the governing body and no elections shall be required; and

(2) In the case of a proposed annexation of unincorporated territory in which no qualified electors reside, if at least a majority of the qualified electors voting on the proposition are in favor of the annexation, the city, town or village may proceed to annex the territory and no subsequent election shall be required. If the proposal fails to receive the necessary separate majorities, no part of the area sought to be annexed may be the subject of any other proposal to annex for a period of two years from the date of such election, except that, during the two-year period, the owners of all fee interests of record in the area or any portion of the area may petition the city, town, or village for the annexation of the land owned by them pursuant to the procedures in section 71.012 **or 71.014**. The election shall, if authorized, be held, except as otherwise provided in this section, in accordance with the general state laws governing special elections, and the entire cost of the election or elections shall be paid by the city, town, or village proposing to annex the territory. Failure of the city, town or village to comply in providing services to the area or to zone in compliance with the plan of intent within three years after the effective date of the annexation, unless compliance is made unreasonable by an act of God, shall give rise to a cause of action for deannexation which may be filed in the circuit court **not later than four years after the effective date of the annexation** by any resident of the area who was residing in such area at the time the annexation became effective or by any nonresident owner of real property in such area. **Except for a cause of action for deannexation under this subdivision (2) of this subsection, any action of any kind seeking to deannex from any city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within five years of the date of the adoption of the annexation ordinance.**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Gatschenberger, **House Amendment No. 1** was adopted.

Representative Korman offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for Senate Bill No. 41, Page 1, Lines 2-3 in the Title, by deleting the words "private nuisance actions" and inserting in lieu thereof the words "environmental protection"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"260.262. A person selling lead-acid batteries at retail or offering lead-acid batteries for retail sale in the state shall:

(1) Accept, at the point of transfer, in a quantity at least equal to the number of new lead-acid batteries purchased, used lead-acid batteries from customers, if offered by customers;

(2) Post written notice which must be at least four inches by six inches in size and must contain the universal recycling symbol and the following language:

(a) It is illegal to discard a motor vehicle battery or other lead-acid battery;

(b) Recycle your used batteries; and

(c) State law requires us to accept used motor vehicle batteries, or other lead-acid batteries for recycling, in exchange for new batteries purchased; and

(3) Manage used lead-acid batteries in a manner consistent with the requirements of the state hazardous waste law;

(4) Collect at the time of sale a fee of fifty cents for each lead-acid battery sold. Such fee shall be added to the total cost to the purchaser at retail after all applicable sales taxes on the battery have been computed. The fee imposed, less six percent of fees collected, which shall be retained by the seller as collection costs, shall be paid to the department of revenue in the form and manner required by the department and shall include the total number of batteries sold during the preceding month. The department of revenue shall promulgate rules and regulations necessary to administer the fee collection and enforcement. The terms "sold at retail" and "retail sales" do not include the sale of batteries to a person solely for the purpose of resale, if the subsequent retail sale in this state is to the ultimate consumer and is subject to the fee. However, this fee shall not be paid on batteries sold for use in agricultural operations upon written certification by the purchaser; and

(5) The department of revenue shall administer, collect, and enforce the fee authorized pursuant to this section pursuant to the same procedures used in the administration, collection, and enforcement of the general state sales and use tax imposed pursuant to chapter 144 except as provided in this section. The proceeds of the battery fee, less four percent of the proceeds, which shall be retained by the department of revenue as collection costs, shall be transferred by the department of revenue into the hazardous waste fund, created pursuant to section 260.391. The fee created in subdivision (4) and this subdivision shall be effective October 1, 2005. The provisions of subdivision (4) and this subdivision shall terminate December 31, [2013] **2018**.

260.380. 1. After six months from the effective date of the standards, rules and regulations adopted by the commission pursuant to section 260.370, hazardous waste generators located in Missouri shall:

(1) Promptly file and maintain with the department, on registration forms it provides for this purpose, information on hazardous waste generation and management as specified by rules and regulations. Hazardous waste generators shall pay a one hundred dollar registration fee upon initial registration, and a one hundred dollar registration renewal fee annually thereafter to maintain an active registration. Such fees shall be deposited in the hazardous waste fund created in section 260.391;

(2) Containerize and label all hazardous wastes as specified by standards, rules and regulations;

(3) Segregate all hazardous wastes from all nonhazardous wastes and from noncompatible wastes, materials and other potential hazards as specified by standards, rules and regulations;

(4) Provide safe storage and handling, including spill protection, as specified by standards, rules and regulations, for all hazardous wastes from the time of their generation to the time of their removal from the site of generation;

(5) Unless provided otherwise in the rules and regulations, utilize only a hazardous waste transporter holding a license pursuant to sections 260.350 to 260.430 for the removal of all hazardous wastes from the premises where they were generated;

(6) Unless provided otherwise in the rules and regulations, provide a separate manifest to the transporter for each load of hazardous waste transported from the premises where it was generated. The generator shall specify the

destination of such load on the manifest. The manner in which the manifest shall be completed, signed and filed with the department shall be in accordance with rules and regulations;

(7) Utilize for treatment, resource recovery, disposal or storage of all hazardous wastes, only a hazardous waste facility authorized to operate pursuant to sections 260.350 to 260.430 or the federal Resource Conservation and Recovery Act, or a state hazardous waste management program authorized pursuant to the federal Resource Conservation and Recovery Act, or any facility exempted from the permit required pursuant to section 260.395;

(8) Collect and maintain such records, perform such monitoring or analyses, and submit such reports on any hazardous waste generated, its transportation and final disposition, as specified in sections 260.350 to 260.430 and rules and regulations adopted pursuant to sections 260.350 to 260.430;

(9) Make available to the department upon request samples of waste and all records relating to hazardous waste generation and management for inspection and copying and allow the department to make unhampered inspections at any reasonable time of hazardous waste generation and management facilities located on the generator's property and hazardous waste generation and management practices carried out on the generator's property;

(10) Pay annually, on or before January first of each year, effective January 1, 1982, a fee to the state of Missouri to be placed in the hazardous waste fund. The fee shall be five dollars per ton or portion thereof of hazardous waste registered with the department as specified in subdivision (1) of this subsection for the twelve-month period ending June thirtieth of the previous year. However, the fee shall not exceed fifty-two thousand dollars per generator site per year nor be less than one hundred fifty dollars per generator site per year;

(a) All moneys payable pursuant to the provisions of this subdivision shall be promptly transmitted to the department of revenue, which shall deposit the same in the state treasury to the credit of the hazardous waste fund created in section 260.391;

(b) The hazardous waste management commission shall establish and submit to the department of revenue procedures relating to the collection of the fees authorized by this subdivision. Such procedures shall include, but not be limited to, necessary records identifying the quantities of hazardous waste registered, the form and submission of reports to accompany the payment of fees, the time and manner of payment of fees, which shall not be more often than quarterly.

2. Missouri treatment, storage, or disposal facilities shall pay annually, on or before January first of each year, a fee to the department equal to two dollars per ton or portion thereof for all hazardous waste received from outside the state. This fee shall be based on the hazardous waste received for the twelve-month period ending June thirtieth of the previous year.

3. Exempted from the requirements of this section are individual householders and farmers who generate only small quantities of hazardous waste and any person the commission determines generates only small quantities of hazardous waste on an infrequent basis, except that:

(1) Householders, farmers and exempted persons shall manage all hazardous wastes they may generate in a manner so as not to adversely affect the health of humans, or pose a threat to the environment, or create a public nuisance; and

(2) The department may determine that a specific quantity of a specific hazardous waste requires special management. Upon such determination and after public notice by press release or advertisement thereof, including instructions for handling and delivery, generators exempted pursuant to this subsection shall deliver, but without a manifest or the requirement to use a licensed hazardous waste transporter, such waste to:

(a) Any storage, treatment or disposal site authorized to operate pursuant to sections 260.350 to 260.430 or the federal Resource Conservation and Recovery Act, or a state hazardous waste management program authorized pursuant to the federal Resource Conservation and Recovery Act which the department designates for this purpose; or

(b) A collection station or vehicle which the department may arrange for and designate for this purpose.

4. Failure to pay the fee, or any portion thereof, prescribed in this section by the due date shall result in the imposition of a penalty equal to fifteen percent of the original fee. The fee prescribed in this section shall expire December 31, [2013] **2018**, except that the department shall levy and collect this fee for any hazardous waste generated prior to such date and reported to the department.

260.475. 1. Every hazardous waste generator located in Missouri shall pay, in addition to the fees imposed in section 260.380, a fee of twenty-five dollars per ton annually on all hazardous waste which is discharged, deposited, dumped or placed into or on the soil as a final action, and two dollars per ton on all other hazardous waste transported off site. No fee shall be imposed upon any hazardous waste generator who registers less than ten tons of hazardous waste annually pursuant to section 260.380, or upon:

(1) Hazardous waste which must be disposed of as provided by a remedial plan for an abandoned or uncontrolled hazardous waste site;

(2) Fly ash waste, bottom ash waste, slag waste and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels;

(3) Solid waste from the extraction, beneficiation and processing of ores and minerals, including phosphate rock and overburden from the mining of uranium ore and smelter slag waste from the processing of materials into reclaimed metals;

(4) Cement kiln dust waste;

(5) Waste oil; or

(6) Hazardous waste that is:

(a) Reclaimed or reused for energy and materials;

(b) Transformed into new products which are not wastes;

(c) Destroyed or treated to render the hazardous waste nonhazardous; or

(d) Waste discharged to a publicly owned treatment works.

2. The fees imposed in this section shall be reported and paid to the department on an annual basis not later than the first of January. The payment shall be accompanied by a return in such form as the department may prescribe.

3. All moneys collected or received by the department pursuant to this section shall be transmitted to the department of revenue for deposit in the state treasury to the credit of the hazardous waste fund created pursuant to section 260.391. Following each annual reporting date, the state treasurer shall certify the amount deposited in the fund to the commission.

4. If any generator or transporter fails or refuses to pay the fees imposed by this section, or fails or refuses to furnish any information reasonably requested by the department relating to such fees, there shall be imposed, in addition to the fee determined to be owed, a penalty of fifteen percent of the fee shall be deposited in the hazardous waste fund.

5. If the fees or any portion of the fees imposed by this section are not paid by the date prescribed for such payment, there shall be imposed interest upon the unpaid amount at the rate of ten percent per annum from the date prescribed for its payment until payment is actually made, all of which shall be deposited in the hazardous waste fund.

6. The state treasurer is authorized to deposit all of the moneys in the hazardous waste fund in any of the qualified depositories of the state. All such deposits shall be secured in such a manner and shall be made upon such terms and conditions as are now or may hereafter be provided for by law relative to state deposits. Interest received on such deposits shall be credited to the hazardous waste fund.

7. This fee shall expire December 31, [2013] **2018**, except that the department shall levy and collect this fee for any hazardous waste generated prior to such date and reported to the department.

444.772. 1. Any operator desiring to engage in surface mining shall make written application to the director for a permit.

2. Application for permit shall be made on a form prescribed by the commission and shall include:

(1) The name of all persons with any interest in the land to be mined;

(2) The source of the applicant's legal right to mine the land affected by the permit;

(3) The permanent and temporary post office address of the applicant;

(4) Whether the applicant or any person associated with the applicant holds or has held any other permits pursuant to sections 444.500 to 444.790, and an identification of such permits;

(5) The written consent of the applicant and any other persons necessary to grant access to the commission or the director to the area of land affected under application from the date of application until the expiration of any permit granted under the application and thereafter for such time as is necessary to assure compliance with all provisions of sections 444.500 to 444.790 or any rule or regulation promulgated pursuant to them. Permit applications submitted by operators who mine an annual tonnage of less than ten thousand tons shall be required to include written consent from the operator to grant access to the commission or the director to the area of land affected;

(6) A description of the tract or tracts of land and the estimated number of acres thereof to be affected by the surface mining of the applicant for the next succeeding twelve months; and

(7) Such other information that the commission may require as such information applies to land reclamation.

3. The application for a permit shall be accompanied by a map in a scale and form specified by the commission by regulation.

4. The application shall be accompanied by a bond, security or certificate meeting the requirements of section 444.778, a geologic resources fee authorized under section 256.700, and a permit fee approved by the commission not to exceed one thousand dollars. The commission may also require a fee for each site listed on a permit not to exceed four hundred dollars for each site. If mining operations are not conducted at a site for six months or more during any year, the fee for such site for that year shall be reduced by fifty percent. The commission may also require a fee for each acre bonded by the operator pursuant to section 444.778 not to exceed twenty dollars per acre. If such fee is assessed,

the per-acre fee on all acres bonded by a single operator that exceed a total of two hundred acres shall be reduced by fifty percent. In no case shall the total fee for any permit be more than three thousand dollars. Permit and renewal fees shall be established by rule, except for the initial fees as set forth in this subsection, and shall be set at levels that recover the cost of administering and enforcing sections 444.760 to 444.790, making allowances for grants and other sources of funds. The director shall submit a report to the commission and the public each year that describes the number of employees and the activities performed the previous calendar year to administer sections 444.760 to 444.790. For any operator of a gravel mining operation where the annual tonnage of gravel mined by such operator is less than five thousand tons, the total cost of submitting an application shall be three hundred dollars. The issued permit shall be valid from the date of its issuance until the date specified in the mine plan unless sooner revoked or suspended as provided in sections 444.760 to 444.790. Beginning August 28, 2007, the fees shall be set at a permit fee of eight hundred dollars, a site fee of four hundred dollars, and an acre fee of ten dollars, with a maximum fee of three thousand dollars. Fees may be raised as allowed in this subsection after a regulation change that demonstrates the need for increased fees.

5. An operator desiring to have his or her permit amended to cover additional land may file an amended application with the commission. Upon receipt of the amended application, and such additional fee and bond as may be required pursuant to the provisions of sections 444.760 to 444.790, the director shall, if the applicant complies with all applicable regulatory requirements, issue an amendment to the original permit covering the additional land described in the amended application.

6. An operation may withdraw any land covered by a permit, excepting affected land, by notifying the commission thereof, in which case the penalty of the bond or security filed by the operator pursuant to the provisions of sections 444.760 to 444.790 shall be reduced proportionately.

7. Where mining or reclamation operations on acreage for which a permit has been issued have not been completed, the permit shall be renewed. The operator shall submit a permit renewal form furnished by the director for an additional permit year and pay a fee equal to an application fee calculated pursuant to subsection 4 of this section, but in no case shall the renewal fee for any operator be more than three thousand dollars. For any operator involved in any gravel mining operation where the annual tonnage of gravel mined by such operator is less than five thousand tons, the permit as to such acreage shall be renewed by applying on a permit renewal form furnished by the director for an additional permit year and payment of a fee of three hundred dollars. Upon receipt of the completed permit renewal form and fee from the operator, the director shall approve the renewal. With approval of the director and operator, the permit renewal may be extended for a portion of an additional year with a corresponding prorating of the renewal fee.

8. Where one operator succeeds another at any uncompleted operation, either by sale, assignment, lease or otherwise, the commission may release the first operator from all liability pursuant to sections 444.760 to 444.790 as to that particular operation if both operators have been issued a permit and have otherwise complied with the requirements of sections 444.760 to 444.790 and the successor operator assumes as part of his or her obligation pursuant to sections 444.760 to 444.790 all liability for the reclamation of the area of land affected by the former operator.

9. The application for a permit shall be accompanied by a plan of reclamation that meets the requirements of sections 444.760 to 444.790 and the rules and regulations promulgated pursuant thereto, and shall contain a verified statement by the operator setting forth the proposed method of operation, reclamation, and a conservation plan for the affected area including approximate dates and time of completion, and stating that the operation will meet the requirements of sections 444.760 to 444.790, and any rule or regulation promulgated pursuant to them.

10. At the time that a permit application is deemed complete by the director, the operator shall publish a notice of intent to operate a surface mine in any newspaper qualified pursuant to section 493.050 to publish legal notices in any county where the land is located. If the director does not respond to a permit application within forty-five calendar days, the application shall be deemed to be complete. Notice in the newspaper shall be posted once a week for four consecutive weeks beginning no more than ten days after the application is deemed complete. The operator shall also send notice of intent to operate a surface mine by certified mail to the governing body of the counties or cities in which the proposed area is located, and to the last known addresses of all record landowners of contiguous real property or real property located adjacent to the proposed mine plan area. The notices shall include the name and address of the operator, a legal description consisting of county, section, township and range, the number of acres involved, a statement that the operator plans to mine a specified mineral during a specified time, and the address of the commission. The notices shall also contain a statement that any person with a direct, personal interest in one or more of the factors the commission may consider in issuing a permit may request a public meeting, a public hearing or file written comments to the director no later than fifteen days following the final public notice publication date.

11. The commission may approve a permit application or permit amendment whose operation or reclamation plan deviates from the requirements of sections 444.760 to 444.790 if it can be demonstrated by the operator that the conditions present at the surface mining location warrant an exception. The criteria accepted for consideration when

evaluating the merits of an exception or variance to the requirements of sections 444.760 to 444.790 shall be established by regulations.

12. Fees imposed pursuant to this section shall become effective August 28, 2007, and shall expire on December 31, [2013] **2018**. No other provisions of this section shall expire."; and

Further amend said bill and page, Section 537.291, Line 15, by inserting after all of said section and line the following:

"644.054. 1. Fees imposed in sections 644.052 and 644.053 shall, except for those fees imposed pursuant to subsection 4 and subsections 6 to 13 of section 644.052, become effective October 1, 1990, and shall expire September 1, [2013] **2018**. Fees imposed pursuant to subsection 4 and subsections 6 to 13 of section 644.052 shall become effective August 28, 2000, and shall expire on September 1, [2013] **2018**. The clean water commission shall promulgate rules and regulations on the procedures for billing and collection. All sums received through the payment of fees shall be placed in the state treasury and credited to an appropriate subaccount of the natural resources protection fund created in section 640.220. Moneys in the subaccount shall be expended, upon appropriation, solely for the administration of sections 644.006 to 644.141. Fees collected pursuant to subsection 10 of section 644.052 by a city, a public sewer district, a public water district or other publicly owned treatment works are state fees. Five percent of the fee revenue collected shall be retained by the city, public sewer district, public water district or other publicly owned treatment works as reimbursement of billing and collection expenses.

2. The commission may grant a variance pursuant to section 644.061 to reduce fees collected pursuant to section 644.052 for facilities that adopt systems or technologies that reduce the discharge of water contaminants substantially below the levels required by commission rules.

3. Fees imposed in subsections 2 to 6 of section 644.052 shall be due on the date of application and on each anniversary date of permit issuance thereafter until the permit is terminated.

[4. The director of the department of natural resources shall conduct a comprehensive review of the fee structure in sections 644.052 and 644.053. The review shall include stakeholder meetings in order to solicit stakeholder input. The director shall submit a report to the general assembly by December 31, 2012, which shall include its findings and a recommended plan for the fee structure. The plan shall also include time lines for permit issuance, provisions for expedited permits, and recommendations for any other improved services provided by the fee funding.]"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Korman, **House Amendment No. 2** was adopted.

Representative Schatz offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for Senate Bill No. 41, Page 1, Section 537.291, Line 15, by inserting after all of said section and line the following:

"644.029. The department shall allow an appropriate schedule of compliance for a permittee to make upgrades or changes to its facilities that are necessary to meet new water quality requirements. For publicly owned treatment works, schedules of compliance shall be consistent with affordability findings made under section 644.145. For privately owned treatment works, schedules of compliance shall be negotiated with the facilities recognizing their financial capabilities and shall reflect statewide performance expectations. The department shall incorporate new water quality requirements into existing permits at the time of permit renewal unless there are compelling reasons to implement these requirements earlier through permit modifications. All new permit applicants may be required to meet any new water quality standards or classifications prescribed by the commission.

Section 1. The provisions of section 444.771 shall not apply to any business entity located in any county of the first classification with more than seventy thousand but fewer than eighty-three thousand inhabitants and with a city of the fourth classification with more than thirteen thousand five hundred but fewer than sixteen thousand inhabitants as the county seat."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Hummel raised a point of order that **House Amendment No. 3** goes beyond the scope of the bill.

Representative Roorda raised an additional point of order that **House Amendment No. 3** is not germane.

The Chair ruled the points of order not well taken.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 103

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Davis	Diehl	Dohrman
Dugger	Elmer	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeier	Korman	Lair	Lant
Lauer	Leara	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfausch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Mr Speaker		

NOES: 048

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Harris
Hodges	Hubbard	Hummel	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McKenna
McManus	McNeil	Meredith	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 012

Curtman	Engler	Gardner	Gatschenberger	Hinson
Kelly 45	Lichtenegger	McDonald	Mims	Stream
Webber	Zerr			

On motion of Representative Schatz, **House Amendment No. 3** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Marshall
McGaugh	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Harris
Hodges	Hubbard	Hummel	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webb	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 010

Curtman	Gardner	Grisamore	Kelly 45	Lichtenegger
Love	Lynch	McCaherty	Mims	Webber

On motion of Representative Hough, **HCS SB 41, as amended**, was adopted.

On motion of Representative Hough, **HCS SB 41, as amended**, was read the third time and passed by the following vote:

AYES: 106

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Black	Brattin	Brown	Burlison
Cierpiot	Conway 10	Conway 104	Cornejo	Cox
Crawford	Diehl	Dohrman	Dugger	Elmer
Engler	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Love	Lynch	McGaugh	Messenger	Miller
Molendorp	Moon	Morris	Muntzel	Neely
Neth	Parkinson	Pfausch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Schieffer
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 043

Anders	Barnes	Burns	Butler	Carpenter
Colona	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Hummel	Kirkton
Kratky	LaFaver	Marshall	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schupp	Smith 85
Swearingen	Walton Gray	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 014

Cookson	Cross	Curtman	Davis	Gardner
Hansen	Kelly 45	Lichtenegger	McCaherty	Mims
Otto	Smith 120	Webb	Webber	

Speaker Jones declared the bill passed.

SB 327, relating to electronic monitoring, was taken up by Representative Haahr.

Representative Cornejo offered **House Amendment No. 1**.

House Amendment No. 1

AMEND Senate Bill No. 327, Page 1, Section A, Line 3, by inserting after said line the following:

"478.007. 1. Any circuit court, or any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants with a county municipal court established under section 66.010, may establish a docket or court to provide an alternative for the judicial system to dispose of cases in which a person has pleaded guilty to driving while intoxicated or driving with excessive blood alcohol content and:

(1) The person was operating a motor vehicle with at least fifteen-hundredths of one percent or more by weight of alcohol in such person's blood; or

(2) The person has previously pleaded guilty to or has been found guilty of one or more intoxication-related traffic offenses as defined by section 577.023; or

(3) The person has two or more previous alcohol-related enforcement contacts as defined in section 302.525.

2. This docket or court shall combine judicial supervision, drug testing, continuous alcohol monitoring, substance abuse traffic offender program compliance, and treatment of DWI court participants. The court may assess any and all necessary costs for participation in DWI court against the participant. Any money received from such assessed costs by a court from a defendant shall not be considered court costs, charges, or fines. This docket or court may operate in conjunction with a drug court established pursuant to sections 478.001 to 478.006.

3. If the division of probation and parole is otherwise unavailable to assist in the judicial supervision of any person who wishes to enter a DWI court, a court-approved private probation service may be utilized by the DWI court to fill the department's role. In such case, any and all necessary additional costs may be assessed against the participant. No person shall be rejected from participating in DWI court solely for the reason that the person does not reside in the city or county where the applicable DWI court is located but the DWI court can base acceptance into a treatment court program on its ability to adequately provide services for the person or handle the additional caseload."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Cornejo, **House Amendment No. 1** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 099

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hough	Houghton	Hurst	Johnson	Justus
Keeney	Kelley 127	Koenig	Kolkmeier	Korman
Lair	Lant	Lauer	Leara	Love
Marshall	McCaherty	McGaugh	Messenger	Miller
Molendorp	Moon	Morris	Muntzel	Neely
Neth	Parkinson	Pfausch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schieber	Shull	Shumake	Smith 120

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Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 045

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Dunn	Ellinger	Ellington
English	Englund	Frame	Harris	Hodges
Hubbard	Hummel	Kirkton	Kratky	LaFaver
May	Mayfield	McDonald	McNeil	Meredith
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Wright

PRESENT: 000

ABSENT WITH LEAVE: 019

Curtis	Diehl	Flanigan	Gardner	Gatschenberger
Gosen	Grisamore	Hoskins	Jones 50	Kelly 45
Lichtenegger	Lynch	McCann Beatty	McKenna	McManus
Mims	Richardson	Schatz	Webber	

On motion of Representative Haahr, **SB 327, as amended**, was read the third time and passed by the following vote:

AYES: 154

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Love
Lynch	Marshall	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mitten
Molendorp	Montecillo	Moon	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Pace	Parkinson	Peters
Pfausch	Phillips	Pierson	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake

Smith 85	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Cox	Ellington	Flanigan	Gardner	Kelly 45
Lichtenegger	Mims	Webb	Webber	

Speaker Jones declared the bill passed.

HCS SCS SB 33, with House Amendment No. 1, pending, relating to persons with mental disabilities, was again taken up by Representative Grisamore.

House Amendment No. 1 was withdrawn.

HCS SCS SB 33 was withdrawn.

Representative Grisamore again moved for the third reading and passage of **SCS SB 33**.

Representative Hoskins again offered **House Amendment No. 1**.

House Amendment No. 1

AMEND Senate Committee Substitute for Senate Bill No. 33, Page 3, Section 209.200, Line 20, by inserting immediately after all of said line the following:

"(f) "Professional therapy dog", a dog which is selected, trained, and tested to provide specific physical therapeutic functions, under the direction and control of a qualified handler who works with the dog as a team as a part of the handler's occupation or profession. Such dogs, with their handlers, perform such functions in institutional settings, community-based group settings, or when providing services to specific persons who have disabilities. Professional therapy dogs do not include dogs, certified or not, which are used by volunteers in visitation therapy."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hoskins, **House Amendment No. 1** was adopted.

Representative Molendorp offered **House Amendment No. 2**.

House Amendment No. 2

AMEND Senate Committee Substitute for Senate Bill No. 33, Page 1, Section A, Line 3, by inserting after all of said section and line, the following:

"208.152. 1. MO HealthNet payments shall be made on behalf of those eligible needy persons as defined in section 208.151 who are unable to provide for it in whole or in part, with any payments to be made on the basis of the

reasonable cost of the care or reasonable charge for the services as defined and determined by the MO HealthNet division, unless otherwise hereinafter provided, for the following:

(1) Inpatient hospital services, except to persons in an institution for mental diseases who are under the age of sixty-five years and over the age of twenty-one years; provided that the MO HealthNet division shall provide through rule and regulation an exception process for coverage of inpatient costs in those cases requiring treatment beyond the seventy-fifth percentile professional activities study (PAS) or the MO HealthNet children's diagnosis length-of-stay schedule; and provided further that the MO HealthNet division shall take into account through its payment system for hospital services the situation of hospitals which serve a disproportionate number of low-income patients;

(2) All outpatient hospital services, payments therefor to be in amounts which represent no more than eighty percent of the lesser of reasonable costs or customary charges for such services, determined in accordance with the principles set forth in Title XVIII A and B, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. 301, et seq.), but the MO HealthNet division may evaluate outpatient hospital services rendered under this section and deny payment for services which are determined by the MO HealthNet division not to be medically necessary, in accordance with federal law and regulations;

(3) Laboratory and X-ray services;

(4) Nursing home services for participants, except to persons with more than five hundred thousand dollars equity in their home or except for persons in an institution for mental diseases who are under the age of sixty-five years, when residing in a hospital licensed by the department of health and senior services or a nursing home licensed by the department of health and senior services or appropriate licensing authority of other states or government-owned and -operated institutions which are determined to conform to standards equivalent to licensing requirements in Title XIX of the federal Social Security Act (42 U.S.C. 301, et seq.), as amended, for nursing facilities. The MO HealthNet division may recognize through its payment methodology for nursing facilities those nursing facilities which serve a high volume of MO HealthNet patients. The MO HealthNet division when determining the amount of the benefit payments to be made on behalf of persons under the age of twenty-one in a nursing facility may consider nursing facilities furnishing care to persons under the age of twenty-one as a classification separate from other nursing facilities;

(5) Nursing home costs for participants receiving benefit payments under subdivision (4) of this subsection for those days, which shall not exceed twelve per any period of six consecutive months, during which the participant is on a temporary leave of absence from the hospital or nursing home, provided that no such participant shall be allowed a temporary leave of absence unless it is specifically provided for in his plan of care. As used in this subdivision, the term "temporary leave of absence" shall include all periods of time during which a participant is away from the hospital or nursing home overnight because he is visiting a friend or relative;

(6) Physicians' services, whether furnished in the office, home, hospital, nursing home, or elsewhere;

(7) Drugs and medicines when prescribed by a licensed physician, dentist, or podiatrist; except that no payment for drugs and medicines prescribed on and after January 1, 2006, by a licensed physician, dentist, or podiatrist may be made on behalf of any person who qualifies for prescription drug coverage under the provisions of P.L. 108-173;

(8) Emergency ambulance services and, effective January 1, 1990, medically necessary transportation to scheduled, physician-prescribed nonelective treatments;

(9) Early and periodic screening and diagnosis of individuals who are under the age of twenty-one to ascertain their physical or mental defects, and health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby. Such services shall be provided in accordance with the provisions of Section 6403 of P.L. 101-239 and federal regulations promulgated thereunder;

(10) Home health care services;

(11) Family planning as defined by federal rules and regulations; provided, however, that such family planning services shall not include abortions unless such abortions are certified in writing by a physician to the MO HealthNet agency that, in his professional judgment, the life of the mother would be endangered if the fetus were carried to term;

(12) Inpatient psychiatric hospital services for individuals under age twenty-one as defined in Title XIX of the federal Social Security Act (42 U.S.C. 1396d, et seq.);

(13) Outpatient surgical procedures, including presurgical diagnostic services performed in ambulatory surgical facilities which are licensed by the department of health and senior services of the state of Missouri; except, that such outpatient surgical services shall not include persons who are eligible for coverage under Part B of Title XVIII, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended, if exclusion of such persons is permitted under Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended;

(14) Personal care services which are medically oriented tasks having to do with a person's physical requirements, as opposed to housekeeping requirements, which enable a person to be treated by his physician on an outpatient rather than on an inpatient or residential basis in a hospital, intermediate care facility, or skilled nursing facility. Personal care services shall be rendered by an individual not a member of the participant's family who is

qualified to provide such services where the services are prescribed by a physician in accordance with a plan of treatment and are supervised by a licensed nurse. Persons eligible to receive personal care services shall be those persons who would otherwise require placement in a hospital, intermediate care facility, or skilled nursing facility. Benefits payable for personal care services shall not exceed for any one participant one hundred percent of the average statewide charge for care and treatment in an intermediate care facility for a comparable period of time. Such services, when delivered in a residential care facility or assisted living facility licensed under chapter 198 shall be authorized on a tier level based on the services the resident requires and the frequency of the services. A resident of such facility who qualifies for assistance under section 208.030 shall, at a minimum, if prescribed by a physician, qualify for the tier level with the fewest services. The rate paid to providers for each tier of service shall be set subject to appropriations. Subject to appropriations, each resident of such facility who qualifies for assistance under section 208.030 and meets the level of care required in this section shall, at a minimum, if prescribed by a physician, be authorized up to one hour of personal care services per day. Authorized units of personal care services shall not be reduced or tier level lowered unless an order approving such reduction or lowering is obtained from the resident's personal physician. Such authorized units of personal care services or tier level shall be transferred with such resident if her or she transfers to another such facility. Such provision shall terminate upon receipt of relevant waivers from the federal Department of Health and Human Services. If the Centers for Medicare and Medicaid Services determines that such provision does not comply with the state plan, this provision shall be null and void. The MO HealthNet division shall notify the revisor of statutes as to whether the relevant waivers are approved or a determination of noncompliance is made;

(15) Mental health services. The state plan for providing medical assistance under Title XIX of the Social Security Act, 42 U.S.C. 301, as amended, shall include the following mental health services when such services are provided by community mental health facilities operated by the department of mental health or designated by the department of mental health as a community mental health facility or as an alcohol and drug abuse facility or as a child-serving agency within the comprehensive children's mental health service system established in section 630.097. The department of mental health shall establish by administrative rule the definition and criteria for designation as a community mental health facility and for designation as an alcohol and drug abuse facility. Such mental health services shall include:

(a) Outpatient mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management;

(b) Clinic mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management;

(c) Rehabilitative mental health and alcohol and drug abuse services including home and community-based preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health or alcohol and drug abuse professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management. As used in this section, mental health professional and alcohol and drug abuse professional shall be defined by the department of mental health pursuant to duly promulgated rules. With respect to services established by this subdivision, the department of social services, MO HealthNet division, shall enter into an agreement with the department of mental health. Matching funds for outpatient mental health services, clinic mental health services, and rehabilitation services for mental health and alcohol and drug abuse shall be certified by the department of mental health to the MO HealthNet division. The agreement shall establish a mechanism for the joint implementation of the provisions of this subdivision. In addition, the agreement shall establish a mechanism by which rates for services may be jointly developed;

(16) Such additional services as defined by the MO HealthNet division to be furnished under waivers of federal statutory requirements as provided for and authorized by the federal Social Security Act (42 U.S.C. 301, et seq.) subject to appropriation by the general assembly;

(17) Beginning July 1, 1990, the services of a certified pediatric or family nursing practitioner with a collaborative practice agreement to the extent that such services are provided in accordance with chapters 334 and 335, and regulations promulgated thereunder;

(18) Nursing home costs for participants receiving benefit payments under subdivision (4) of this subsection to reserve a bed for the participant in the nursing home during the time that the participant is absent due to admission to a hospital for services which cannot be performed on an outpatient basis, subject to the provisions of this subdivision:

(a) The provisions of this subdivision shall apply only if:

a. The occupancy rate of the nursing home is at or above ninety-seven percent of MO HealthNet certified licensed beds, according to the most recent quarterly census provided to the department of health and senior services which was taken prior to when the participant is admitted to the hospital; and

b. The patient is admitted to a hospital for a medical condition with an anticipated stay of three days or less;

(b) The payment to be made under this subdivision shall be provided for a maximum of three days per hospital stay;

(c) For each day that nursing home costs are paid on behalf of a participant under this subdivision during any period of six consecutive months such participant shall, during the same period of six consecutive months, be ineligible for payment of nursing home costs of two otherwise available temporary leave of absence days provided under subdivision (5) of this subsection; and

(d) The provisions of this subdivision shall not apply unless the nursing home receives notice from the participant or the participant's responsible party that the participant intends to return to the nursing home following the hospital stay. If the nursing home receives such notification and all other provisions of this subsection have been satisfied, the nursing home shall provide notice to the participant or the participant's responsible party prior to release of the reserved bed;

(19) Prescribed medically necessary durable medical equipment. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(20) Hospice care. As used in this subdivision, the term "hospice care" means a coordinated program of active professional medical attention within a home, outpatient and inpatient care which treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social, and economic stresses which are experienced during the final stages of illness, and during dying and bereavement and meets the Medicare requirements for participation as a hospice as are provided in 42 CFR Part 418. The rate of reimbursement paid by the MO HealthNet division to the hospice provider for room and board furnished by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement which would have been paid for facility services in that nursing home facility for that patient, in accordance with subsection (c) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

(21) Prescribed medically necessary dental services. Such services shall be subject to appropriations. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(22) Prescribed medically necessary optometric services. Such services shall be subject to appropriations. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(23) Blood clotting products-related services. For persons diagnosed with a bleeding disorder, as defined in section 338.400, reliant on blood clotting products, as defined in section 338.400, such services include:

(a) Home delivery of blood clotting products and ancillary infusion equipment and supplies, including the emergency deliveries of the product when medically necessary;

(b) Medically necessary ancillary infusion equipment and supplies required to administer the blood clotting products; and

(c) Assessments conducted in the participant's home by a pharmacist, nurse, or local home health care agency trained in bleeding disorders when deemed necessary by the participant's treating physician;

(24) The MO HealthNet division shall, by January 1, 2008, and annually thereafter, report the status of MO HealthNet provider reimbursement rates as compared to one hundred percent of the Medicare reimbursement rates and compared to the average dental reimbursement rates paid by third-party payors licensed by the state. The MO HealthNet division shall, by July 1, 2008, provide to the general assembly a four-year plan to achieve parity with Medicare reimbursement rates and for third-party payor average dental reimbursement rates. Such plan shall be subject to appropriation and the division shall include in its annual budget request to the governor the necessary funding needed to complete the four-year plan developed under this subdivision.

2. Additional benefit payments for medical assistance shall be made on behalf of those eligible needy children, pregnant women and blind persons with any payments to be made on the basis of the reasonable cost of the care or reasonable charge for the services as defined and determined by the division of medical services, unless otherwise hereinafter provided, for the following:

(1) Dental services;

(2) Services of podiatrists as defined in section 330.010;

(3) Optometric services as defined in section 336.010;

(4) Orthopedic devices or other prosthetics, including eye glasses, dentures, hearing aids, and wheelchairs;

(5) Hospice care. As used in this [subsection] **subdivision**, the term "hospice care" means a coordinated program of active professional medical attention within a home, outpatient and inpatient care which treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social, and economic stresses which are experienced during the final stages of illness, and during dying and bereavement and meets the Medicare requirements for participation as a hospice as are provided in 42 CFR Part 418. The rate of reimbursement paid by the MO HealthNet division to the hospice provider for room and board furnished by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement which would have been paid for facility services in that nursing home facility for that patient, in accordance with subsection (c) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

(6) Comprehensive day rehabilitation services beginning early posttrauma as part of a coordinated system of care for individuals with disabling impairments. Rehabilitation services must be based on an individualized, goal-oriented, comprehensive and coordinated treatment plan developed, implemented, and monitored through an interdisciplinary assessment designed to restore an individual to optimal level of physical, cognitive, and behavioral function. The MO HealthNet division shall establish by administrative rule the definition and criteria for designation of a comprehensive day rehabilitation service facility, benefit limitations and payment mechanism. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this subdivision shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

3. The MO HealthNet division may require any participant receiving MO HealthNet benefits to pay part of the charge or cost until July 1, 2008, and an additional payment after July 1, 2008, as defined by rule duly promulgated by the MO HealthNet division, for all covered services except for those services covered under subdivisions (14) and (15) of subsection 1 of this section and sections 208.631 to 208.657 to the extent and in the manner authorized by Title XIX of the federal Social Security Act (42 U.S.C. 1396, et seq.) and regulations thereunder. When substitution of a generic drug is permitted by the prescriber according to section 338.056, and a generic drug is substituted for a name-brand drug, the MO HealthNet division may not lower or delete the requirement to make a co-payment pursuant to regulations of Title XIX of the federal Social Security Act. A provider of goods or services described under this section must collect from all participants the additional payment that may be required by the MO HealthNet division under authority granted herein, if the division exercises that authority, to remain eligible as a provider. Any payments made by participants under this section shall be in addition to and not in lieu of payments made by the state for goods or services described herein except the participant portion of the pharmacy professional dispensing fee shall be in addition to and not in lieu of payments to pharmacists. A provider may collect the co-payment at the time a service is provided or at a later date. A provider shall not refuse to provide a service if a participant is unable to pay a required payment. If it is the routine business practice of a provider to terminate future services to an individual with an unclaimed debt, the provider may include uncollected co-payments under this practice. Providers who elect not to undertake the provision of services based on a history of bad debt shall give participants advance notice and a reasonable opportunity for payment. A provider, representative, employee, independent contractor, or agent of a pharmaceutical manufacturer shall not make co-payment for a participant. This subsection shall not apply to other qualified children, pregnant women, or blind persons. If the Centers for Medicare and Medicaid Services does not approve the [Missouri] MO HealthNet state plan amendment submitted by the department of social services that would allow a provider to deny future services to an individual with uncollected co-payments, the denial of services shall not be allowed. The department of social services shall inform providers regarding the acceptability of denying services as the result of unpaid co-payments.

4. The MO HealthNet division shall have the right to collect medication samples from participants in order to maintain program integrity.

5. Reimbursement for obstetrical and pediatric services under subdivision (6) of subsection 1 of this section shall be timely and sufficient to enlist enough health care providers so that care and services are available under the state plan for MO HealthNet benefits at least to the extent that such care and services are available to the general population in the geographic area, as required under subparagraph (a)(30)(A) of 42 U.S.C. 1396a and federal regulations promulgated thereunder.

6. Beginning July 1, 1990, reimbursement for services rendered in federally funded health centers shall be in accordance with the provisions of subsection 6402(c) and Section 6404 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989) and federal regulations promulgated thereunder.

7. Beginning July 1, 1990, the department of social services shall provide notification and referral of children below age five, and pregnant, breast-feeding, or postpartum women who are determined to be eligible for MO HealthNet benefits under section 208.151 to the special supplemental food programs for women, infants and children administered by the department of health and senior services. Such notification and referral shall conform to the requirements of Section 6406 of P.L. 101-239 and regulations promulgated thereunder.

8. Providers of long-term care services shall be reimbursed for their costs in accordance with the provisions of Section 1902 (a)(13)(A) of the Social Security Act, 42 U.S.C. 1396a, as amended, and regulations promulgated thereunder.

9. Reimbursement rates to long-term care providers with respect to a total change in ownership, at arm's length, for any facility previously licensed and certified for participation in the MO HealthNet program shall not increase payments in excess of the increase that would result from the application of Section 1902 (a)(13)(C) of the Social Security Act, 42 U.S.C. 1396a (a)(13)(C).

10. The MO HealthNet division, may enroll qualified residential care facilities and assisted living facilities, as defined in chapter 198, as MO HealthNet personal care providers.

11. Any income earned by individuals eligible for certified extended employment at a sheltered workshop under chapter 178 shall not be considered as income for purposes of determining eligibility under this section.

12. Beginning July 1, 2013, and subject to appropriations, providers of behavioral, social, and psychophysiological services for the prevention, treatment, or management of physical health problems shall be reimbursed utilizing the behavior assessment and intervention reimbursement codes 96150 to 96154, or their successor codes, under the Current Procedural Terminology (CPT) coding system. Providers eligible for such reimbursement shall include psychologists."; and

Further amend said bill, Page 3, Section 209.200, Line 23, by inserting after all of said section and line, the following:

"Section B. Because immediate action is necessary to ensure adequate provision of behavior assessment and intervention services under the MO HealthNet program, section 208.152 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 208.152 of section A of this act shall be in full force and effect July 1, 2013, or upon its passage and approval, whichever later occurs."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Molendorp, **House Amendment No. 2** was adopted.

Representative Kirkton offered **House Amendment No. 3**.

House Amendment No. 3

AMEND Senate Committee Substitute for Senate Bill No. 33, Page 1, Section A, Line 3, by inserting after all of said line the following:

"9.149. December fourth shall be designated as "PKS Day" in Missouri. Pallister-Killian Mosaic Syndrome, commonly known as Pallister-Killian Syndrome or PKS, is a disorder usually caused by the presence of an abnormal extra chromosome and is characterized by vision and hearing impairments, seizure disorders, and early childhood, intellectual disability, distinctive facial features, sparse hair, areas of unusual skin coloring, weak muscle tone, and other birth defects. It is recommended to the people of the state that this day be appropriately observed by participating in awareness and educational activities on the symptoms and impact of Pallister-Killian Syndrome and to support programs of research, education, and community service."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Kirkton, **House Amendment No. 3** was adopted.

Representative Funderburk assumed the Chair.

Representative Hough offered **House Amendment No. 4.**

House Amendment No. 4

AMEND Senate Committee Substitute for Senate Bill No. 33, Page 1, Section A, Line 3, by inserting after all of said line the following:

"208.895. 1. Upon **the** receipt of a [properly completed] referral **for service** for MO HealthNet-funded home- and community-based care [containing a nurse assessment] **or a** physician's order, the department of health and senior services [may] **shall:**

(1) [Review the recommendations regarding services and] Process the referral within fifteen business days;
 (2) [Issue a prior-authorization for home and community-based services when information contained in the referral is sufficient to establish eligibility for MO HealthNet-funded long-term care and determine the level of service need as required under state and federal regulations;

(3)] Arrange for the provision of services by [an in-home] **a home- and community-based** provider;

[(4) Reimburse the in-home provider for one nurse visit to conduct an assessment and recommendation for a care plan and, where necessary based on case circumstances, a second nurse visit may be authorized to gather additional information or documentation necessary to constitute a completed referral;

(5) Notify the referring entity upon the authorization of MO HealthNet eligibility and provide MO HealthNet reimbursement for personal care benefits effective the date of the assessment or physician's order, and MO HealthNet reimbursement for waiver services effective the date the state reviews and approves the care plan;

(6)] **(3)** Notify the referring entity within five business days of receiving the referral if additional information is required to process the referral; [and

(7) Inform the provider and contact the individual when information is insufficient or the proposed care plan requires additional evaluation by state staff that is not obtained from the referring entity to schedule an in-home assessment to be conducted by the state staff within thirty days]

(4) Inform the applicant of:

(a) The full range of available MO HealthNet home- and community-based services, including, but not limited to, adult day care services, home-delivered meals, and the benefits of self-direction and agency model services;

(b) The choice of home- and community-based service providers in the applicant's area, and that some providers conduct their own assessments, but that choosing a provider who does not conduct assessments will not delay delivery of services; and

(c) The option to choose more than one home- and community-based service provider to deliver or facilitate the services the applicant is qualified to receive;

(5) Prioritize the referrals received, giving the highest priority to referrals for high-risk individuals, followed by individuals who are alleged to be victims of abuse or neglect as a result of an investigation initiated from the elder abuse and neglect hotline, and then followed by individuals who have not selected a provider or who have selected a provider that does not conduct assessments; and

(6) Notify the referring entity and the applicant within ten business days of receiving the referral if it has not scheduled the assessment.

2. **If the department of health and senior services [may contract for initial home- and community-based assessments, including a care plan, through an independent third-party assessor. The contract] has not complied with subsection 1 of this section, a provider has the option of completing an assessment and care plan recommendation. At such time that the department approves or modifies the assessment and care plan, the care plan shall become effective; such approval or modification shall occur within five business days after receipt of the assessment and care plan from the provider. If such approval, modification, or denial by the department does not occur within five business days, the provider's care plan shall be approved and payment shall begin no later than five business days after receipt of the assessment and care plan from the provider. The department shall [include a requirement that:**

(1) Within fifteen days of receipt of a referral for service, the contractor shall have made a face-to-face assessment of care need and developed a plan of care; and

(2) The contractor] notify the referring entity [within five days] **or individual** of receipt of referral if additional information is needed to process the referral. [The contract shall also include the same requirements for such assessments as of January 1, 2010, related to timeliness of assessments and the beginning of service. The contract shall be bid under chapter 34 and shall not be a risk-based contract.]

3. The two nurse visits authorized by subsection 16 of section 660.300 shall continue to be performed by home- and community-based **service** providers for including, but not limited to, reassessment and level of care recommendations. [These reassessments and care plan changes shall be reviewed and approved by the independent third-party assessor. In the event of dispute over the level of care required, the third-party assessor shall conduct a face-to-face review with the client in question.]

4. [The provisions of this section shall expire August 28, 2013] **At such time that the department approves or modifies the assessment and care plan, the latest approved care plan shall become effective.**

5. **The department's auditing of home- and community-based service providers shall include a review of the client plan of care and provider assessments, and choice and communication of home- and community-based service provider service options to individuals seeking MO HealthNet services. Such auditing shall be conducted utilizing a statistically valid sample. The department shall also make publicly available a review of its process for informing participants of service options within MO HealthNet home- and community-based service provider services and information on referrals.**

6. **For purposes of this section:**

(1) **"Assessment" means a face-to-face determination that a MO HealthNet participant is eligible for home- and community-based services and:**

(a) **Is conducted by an assessor trained to perform home- and community-based care assessments;**

(b) **Uses forms provided by the department;**

(c) **Includes unbiased descriptions of each available service within home- and community-based services with a clear person-centered explanation of the benefits of each home- and community-based service, whether the applicant qualifies for more than one service and ability to choose more than one provider to deliver or facilitate services; and**

(d) **Informs the applicant, either by the department or the provider conducting the assessment, that choosing a provider or multiple providers that do not conduct their own assessments will in no way affect the quality of service or the timeliness of the applicant's assessment and authorization process;**

(2) **A "referral" shall contain basic information adequate for the department to contact the client or person needing service. At a minimum, the referral shall contain:**

(a) **The stated need for MO HealthNet home- and community-based services;**

(b) **The name, date of birth, and Social Security number of the client or person needing service, or the client's or person's MO HealthNet number; and**

(c) **The physical address and phone number of the client or person needing services.**

Additional information which may assist the department may also be submitted.

7. **The department shall:**

(1) **Develop an automated electronic assessment care plan tool to be used by providers; and**

(2) **Make recommendations to the general assembly by January 1, 2014, for the implementation of the automated electronic assessment care plan tool.**

8. **At the end of the first year of this plan being in effect, the department of health and senior services shall prepare a report for the appropriation committee for health, mental health and social services or a committee appointed by the speaker to review the following:**

(1) **How well the department is doing on meeting the fifteen-day requirement;**

(2) **The process the department used to approve the assessors;**

(3) **Financial data on the cost of the program prior to and after enactment of this section;**

(4) **Any audit information available on assessments performed outside the department; and**

(5) **The department's staffing policies implemented to meet the fifteen-day assessment requirement.**

208.960. Health care professionals licensed under chapter 331 shall be reimbursed under the MO HealthNet program for providing services currently covered under section 208.152 and within the scope of practice under section 331.010."; and

Further amend said bill, Page 3, Section 209.200, Line 23, by inserting after all of said line the following:

"660.315. 1. After an investigation and a determination has been made to place a person's name on the employee disqualification list, that person shall be notified in writing mailed to his or her last known address that:

(1) An allegation has been made against the person, the substance of the allegation and that an investigation has been conducted which tends to substantiate the allegation;

(2) The person's name will be included in the employee disqualification list of the department;

(3) The consequences of being so listed including the length of time to be listed; and

(4) The person's rights and the procedure to challenge the allegation.

2. If no reply has been received within thirty days of mailing the notice, the department may include the name of such person on its list. The length of time the person's name shall appear on the employee disqualification list shall be determined by the director or the director's designee, based upon the criteria contained in subsection 9 of this section.

3. If the person so notified wishes to challenge the allegation, such person may file an application for a hearing with the department. The department shall grant the application within thirty days after receipt by the department and set the matter for hearing, or the department shall notify the applicant that, after review, the allegation has been held to be unfounded and the applicant's name will not be listed.

4. If a person's name is included on the employee disqualification list without the department providing notice as required under subsection 1 of this section, such person may file a request with the department for removal of the name or for a hearing. Within thirty days after receipt of the request, the department shall either remove the name from the list or grant a hearing and set a date therefor.

5. Any hearing shall be conducted in the county of the person's residence by the director of the department or the director's designee. The provisions of chapter 536 for a contested case except those provisions or amendments which are in conflict with this section shall apply to and govern the proceedings contained in this section and the rights and duties of the parties involved. The person appealing such an action shall be entitled to present evidence, pursuant to the provisions of chapter 536, relevant to the allegations.

6. Upon the record made at the hearing, the director of the department or the director's designee shall determine all questions presented and shall determine whether the person shall be listed on the employee disqualification list. The director of the department or the director's designee shall clearly state the reasons for his or her decision and shall include a statement of findings of fact and conclusions of law pertinent to the questions in issue.

7. A person aggrieved by the decision following the hearing shall be informed of his or her right to seek judicial review as provided under chapter 536. If the person fails to appeal the director's findings, those findings shall constitute a final determination that the person shall be placed on the employee disqualification list.

8. A decision by the director shall be inadmissible in any civil action brought against a facility or the in-home services provider agency and arising out of the facts and circumstances which brought about the employment disqualification proceeding, unless the civil action is brought against the facility or the in-home services provider agency by the department of health and senior services or one of its divisions.

9. The length of time the person's name shall appear on the employee disqualification list shall be determined by the director of the department of health and senior services or the director's designee, based upon the following:

(1) Whether the person acted recklessly or knowingly, as defined in chapter 562;

(2) The degree of the physical, sexual, or emotional injury or harm; or the degree of the imminent danger to the health, safety or welfare of a resident or in-home services client;

(3) The degree of misappropriation of the property or funds, or falsification of any documents for service delivery of an in-home services client;

(4) Whether the person has previously been listed on the employee disqualification list;

(5) Any mitigating circumstances;

(6) Any aggravating circumstances; and

(7) Whether alternative sanctions resulting in conditions of continued employment are appropriate in lieu of placing a person's name on the employee disqualification list. Such conditions of employment may include, but are not limited to, additional training and employee counseling. Conditional employment shall terminate upon the expiration of the designated length of time and the person's submitting documentation which fulfills the department of health and senior services' requirements.

10. The removal of any person's name from the list under this section shall not prevent the director from keeping records of all acts finally determined to have occurred under this section.

11. The department shall provide the list maintained pursuant to this section to other state departments upon request and to any person, corporation, organization, or association who:

(1) Is licensed as an operator under chapter 198;

(2) Provides in-home services under contract with the department;
 (3) Employs nurses and nursing assistants for temporary or intermittent placement in health care facilities;
 (4) Is approved by the department to issue certificates for nursing assistants training;
 (5) Is an entity licensed under chapter 197;
 (6) Is a recognized school of nursing, medicine, or other health profession for the purpose of determining whether students scheduled to participate in clinical rotations with entities described in subdivision (1), (2), or (5) of this subsection are included in the employee disqualification list; or

(7) Is a consumer reporting agency regulated by the federal Fair Credit Reporting Act that conducts employee background checks on behalf of entities listed in subdivisions (1), (2), (5), or (6) of this subsection. Such a consumer reporting agency shall conduct the employee disqualification list check only upon the initiative or request of an entity described in subdivisions (1), (2), (5), or (6) of this subsection when the entity is fulfilling its duties required under this section. The information shall be disclosed only to the requesting entity.

The department shall inform any person listed above who inquires of the department whether or not a particular name is on the list. The department may require that the request be made in writing. No person, corporation, organization, or association who is entitled to access the employee disqualification list may disclose the information to any person, corporation, organization, or association who is not entitled to access the list. Any person, corporation, organization, or association who is entitled to access the employee disqualification list who discloses the information to any person, corporation, organization, or association who is not entitled to access the list shall be guilty of an infraction.

12. No person, corporation, organization, or association who received the employee disqualification list under subdivisions (1) to (7) of subsection 11 of this section shall knowingly employ any person who is on the employee disqualification list. Any person, corporation, organization, or association who received the employee disqualification list under subdivisions (1) to (7) of subsection 11 of this section, or any person responsible for providing health care service, who declines to employ or terminates a person whose name is listed in this section shall be immune from suit by that person or anyone else acting for or in behalf of that person for the failure to employ or for the termination of the person whose name is listed on the employee disqualification list.

13. Any employer [who is] **or vendor as defined in sections 197.250, 197.400, 198.006, 208.900, or 660.250** required to [discharge an employee because the employee was placed on a disqualification list maintained by the department of health and senior services after the date of hire] **deny employment to an applicant or to discharge an employee, provisional or otherwise, as a result of information obtained through any portion of the background screening and employment eligibility determination process under section 210.903, or subsequent, periodic screenings, shall not be liable in any action brought by the applicant or employee relating to discharge where the employer is required by law to terminate the employee, provisional or otherwise, and** shall not be charged for unemployment insurance benefits based on wages paid to the employee for work prior to the date of discharge, pursuant to section 288.100[.], **if the employer terminated the employee because the employee:**

- (1) Has been found guilty, pled guilty or nolo contendere in this state or any other state of a crime as listed in subsection 6 of section 660.317;**
- (2) Was placed on the employee disqualification list under this section after the date of hire;**
- (3) Was placed on the employee disqualification registry maintained by the department of mental health after the date of hire;**
- (4) Has a disqualifying finding under this section, section 660.317, or is on any of the background check lists in the family care safety registry under sections 210.900 to 210.936; or**
- (5) Was denied a good cause waiver as provided for in subsection 10 of section 660.317.**

The benefits paid to the employee shall not be attributable to service in the employ of the employer required to discharge an employee under the provisions of this subdivision and shall be deemed as such under the unemployment compensation laws of this state.

14. Any person who has been listed on the employee disqualification list may request that the director remove his or her name from the employee disqualification list. The request shall be written and may not be made more than once every twelve months. The request will be granted by the director upon a clear showing, by written submission only, that the person will not commit additional acts of abuse, neglect, misappropriation of the property or funds, or the falsification of any documents of service delivery to an in-home services client. The director may make conditional the removal of a person's name from the list on any terms that the director deems appropriate, and failure to comply with such terms may result in the person's name being relisted. The director's determination of whether to remove the person's name from the list is not subject to appeal."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 102

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Cornejo	Cox	Crawford	Cross
Curtman	Diehl	Dohrman	Dugger	Ellington
Elmer	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Higdon
Hinson	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Mr Speaker			

NOES: 047

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
English	Englund	Frame	Harris	Hodges
Hubbard	Hummel	Kratky	LaFaver	May
Mayfield	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Roorda	Runions
Schieffer	Schupp	Smith 85	Swearingen	Walton Gray
Webb	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 014

Conway 104	Cookson	Davis	Engler	Gardner
Hicks	Hoskins	Kelly 45	Kirkton	Lichtenegger
Mims	Stream	Webber	Zerr	

On motion of Representative Hough, **House Amendment No. 4** was adopted.

Representative Lauer offered **House Amendment No. 5**.

AMEND Senate Committee Substitute for Senate Bill No. 33, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

"34.470. 1. As used in this section, the following terms shall mean:

(1) "Direct labor", all work performed to fulfill a contract under the provisions of this section, excluding supervision and administration;

(2) "Qualifying disability", a significant mental or physical impairment, including blindness, that impedes a person who is seeking, entering, or maintaining gainful employment. Such significant disability shall be certified by the division of vocational rehabilitation within the department of elementary and secondary education; the Social Security Administration Title 42, Section 423 of the United States Code; the Social Security Administration Title 42, Section 416(i)(1)(B) of the United States Code; or a person eligible for services from the division of developmental disabilities of the department of mental health;

(3) "Qualifying vendor":

(a) A person with a qualifying disability;

(b) A business or entity, whether for profit or nonprofit, that employs individuals with a qualifying disability, provided such individuals perform at least seventy-five percent of the direct labor hours required to fulfill a state contract for goods or services; or

(c) Any nonprofit agency serving people with significant disabilities that meets the eligibility criteria to participate in the federal AbilityOne program, or its successor program, as described in 41 U.S.C. Section 46-48c.

2. The broad purpose of this legislation is to provide persons with a qualifying disability access to job opportunities in the private sector competitive job market and additional job opportunities for individuals who choose facility-based employment in their community. Notwithstanding any other provision of this chapter to the contrary, the division of purchasing within the office of administration shall set a goal of procuring at least three percent of goods and services from qualifying vendors. The division shall develop and maintain a list of goods and services that are available from qualifying vendors and which such division determines are suitable for procurement from qualifying vendors by departments of the state, approve prices for goods and services identified under this section, review bids received by qualifying vendors, and award and renew contracts for the purchase of goods and services under this section without competitive bidding. Such procurement list, and revision thereof, shall be submitted to the board for approval and, upon approval, be distributed to all purchasing officers of the state, its departments and all political subdivisions. All products or services offered for purchase to a state department or a political subdivision by a qualifying vendor shall have significant value added by blind or significantly disabled persons as determined by the office of administration. Suspected violations of the eligibility criteria for a qualifying vendor may be reported to and shall be investigated by the department of labor and industrial relations.

3. Individuals with a qualifying disability shall be paid at least minimum wage for direct labor hours performed in fulfillment of any contract awarded under the provisions of this section.

4. The amount of goods and services that may be purchased in accordance with this section shall not exceed twenty-five million dollars.

5. It shall be the duty of the office of administration to determine the fair market price of all products and services offered for sale to the various departments of the state by qualifying vendors. The fair market price shall be competitive with the cost of procuring the goods or services from another source; shall, at a minimum, recover for the qualifying vendor the cost of raw materials, labor, overhead, and delivery; and shall be revised from time to time in accordance with changing cost factors. The office of administration may make such rules and regulations necessary to carry out the purposes of this section including specifications, time of delivery, assignment of products and services to be supplied by qualifying vendors, and other relevant matters of procedure. After a contract has been awarded, all state departments as defined in section 34.010 shall purchase the products and services on the procurement list as determined by the office of administration in accordance with this section. The office of administration may authorize the purchase of products and services from other sources when requisitions cannot reasonably be fulfilled by a qualifying vendor.

6. In assessing the suitability of any potential addition to the procurement list, the office of administration shall consider the interest of small businesses and businesses owned by disadvantaged persons by determining whether the addition would have a severe adverse impact on the current contractor for the commodity or service. Generally, an impact up to fifteen percent of the total revenue of the contractor would not be deemed severe.

However, in deciding whether a proposed addition to the procurement list would have a severe adverse impact on the current contractor, the office of administration shall consider:

(1) Financial and employment information provided by the current contractor regarding the impact on the contractor's sales;

(2) Whether the contractor has been a consistent supplier of the commodity or service and, therefore, more dependent on such sales; and

(3) Any other factor the office of administration deems relevant.

7. Except as otherwise provided in this section, all departments shall purchase goods and services produced by a qualifying vendor if:

(1) The goods or services offered for sale by a qualifying vendor reasonably conform to the needs and specifications of the department; and

(2) The qualifying vendor can supply the goods or services within a reasonable time.

8. In furtherance of this act, the Governor may elect to appoint a committee of no fewer than five senior state agency procurement officials, at least one representative of a qualified nonprofit agency for the blind, and one representative of a qualified nonprofit agency for the significantly disabled, and one private citizen to collaborate to further the Act. Such committee will be unpaid, not require appropriation, and would serve in an advisory capacity only."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Lauer, **House Amendment No. 5** was adopted.

Representative Roorda offered **House Amendment No. 6**.

House Amendment No. 6

AMEND Senate Committee Substitute for Senate Bill No. 33, Page 3, Section 209.200, Line 23, by inserting after all of said section and line the following:

"210.116. Notwithstanding any other provision of law, no child who is or is suspected to be the victim of abuse and neglect shall be denied access to mental health care and treatment, regardless of the person or entity responsible for the child's care, custody, and control.

210.160. 1. In every case involving an abused or neglected child which results in a judicial proceeding, the judge shall appoint a guardian ad litem to appear for and represent:

(1) A child who is the subject of proceedings pursuant to sections 210.110 to 210.165, sections 210.700 to 210.760, sections 211.442 to 211.487, RSMo, or sections 453.005 to 453.170, RSMo, or proceedings to determine custody or visitation rights under sections 452.375 to 452.410, RSMo; or

(2) A parent who is a minor, or who is a mentally ill person or otherwise incompetent, and whose child is the subject of proceedings under sections 210.110 to 210.165, sections 210.700 to 210.760, sections 211.442 to 211.487, RSMo, or sections 453.005 to 453.170, RSMo.

2. The guardian ad litem shall be provided with all reports relevant to the case made to or by any agency or person, shall have access to all records of such agencies or persons relating to the child or such child's family members or placements of the child, and upon appointment by the court to a case, shall be informed of and have the right to attend any and all family support team meetings involving the child. Employees of the division, officers of the court, and employees of any agency involved shall fully inform the guardian ad litem of all aspects of the case of which they have knowledge or belief.

3. The appointing judge shall require the guardian ad litem to faithfully discharge such guardian ad litem's duties, and upon failure to do so shall discharge such guardian ad litem and appoint another. The appointing judge shall have the authority to examine the general and criminal background of persons appointed as guardians ad litem, including utilization of the family care safety registry and access line pursuant to sections 210.900 to 210.937, to ensure the safety and welfare of the children such persons are appointed to represent. The judge in making appointments pursuant to this section shall give preference to persons who served as guardian ad litem for the child in the earlier proceeding, unless there is a reason on the record for not giving such preference.

4. The guardian ad litem may be awarded a reasonable fee for such services to be set by the court. The court, in its discretion, may award such fees as a judgment to be paid by any party to the proceedings or from public funds. However, no fees as a judgment shall be taxed against a party or parties who have not been found to have abused or neglected a child or children. Such an award of guardian fees shall constitute a final judgment in favor of the guardian ad litem. Such final judgment shall be enforceable against the parties in accordance with chapter 513, RSMo.

5. The court may designate volunteer advocates, who may or may not be attorneys licensed to practice law, to assist in the performance of the guardian ad litem duties for the court. Nonattorney volunteer advocates shall not provide legal representation. The court shall have the authority to examine the general and criminal background of persons designated as volunteer advocates, including utilization of the family care safety registry and access line pursuant to sections 210.900 to 210.937, to ensure the safety and welfare of the children such persons are designated to represent. The volunteer advocate shall be provided with all reports relevant to the case made to or by any agency or person, shall have access to all records of such agencies or persons relating to the child or such child's family members or placements of the child, and upon designation by the court to a case, shall be informed of and have the right to attend any and all family support team meetings involving the child. Any such designated person shall receive no compensation from public funds. This shall not preclude reimbursement for reasonable expenses.

6. Any person appointed to perform guardian ad litem duties shall have completed a training program in:

(1) Child abuse and neglect. The requirement of this subsection shall be satisfied if the guardian ad litem has a degree or significant training and experience in a mental health profession; and

(2) Permanency planning [and]. The guardian ad litem shall advocate for timely court hearings whenever possible to attain permanency for a child as expeditiously as possible to reduce the effects that prolonged foster care may have on a child.

A nonattorney volunteer advocate shall have access to a court appointed attorney guardian ad litem should the circumstances of the particular case so require."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Roorda, **House Amendment No. 6** was adopted.

On motion of Representative Grisamore, **SCS SB 33, as amended**, was read the third time and passed by the following vote:

AYES: 150

Allen	Anders	Anderson	Austin	Bahr
Barnes	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Ellington	Elmer	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kirkton	Koenig	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Love	Lynch	Marshall
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mitten	Montecillo	Moon
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Parkinson	Peters	Pfautsch	Phillips	Pierson

Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Smith 85	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webb	White
Wieland	Wilson	Wood	Wright	Mr Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 013

Bernskoetter	Cookson	Engler	English	Gardner
Hummel	Kelly 45	Lichtenegger	Mims	Molendorp
Scharnhorst	Webber	Zerr		

Representative Funderburk declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 146

Allen	Anders	Anderson	Austin	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Ellington	Elmer	English	Englund	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kirkton	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Love	Lynch	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mitten
Montecillo	Moon	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Parkinson	Peters	Pfautsch
Phillips	Pierson	Pike	Pogue	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 85	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Webb	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

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NOES: 005

Bahr	Curtis	Marshall	May	Walton Gray
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PRESENT: 000

ABSENT WITH LEAVE: 012

Engler	Entlicher	Gardner	Hummel	Kelly 45
Koenig	Lichtenegger	Mims	Molendorp	Redmon
Scharnhorst	Webber			

SS SB 267, relating to the laws of other countries, was taken up by Representative Curtman.

Representative Diehl assumed the Chair.

On motion of Representative Curtman, **SS SB 267** was truly agreed to and finally passed by the following vote:

AYES: 109

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Cierpiot	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Elmer	Engler
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Gannon
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Love	Lynch	Marshall
McGaugh	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Parkinson
Pfausch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Roorda	Ross	Rowden	Rowland
Schatz	Schieber	Schieffer	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Mr Speaker	

NOES: 041

Anders	Burns	Butler	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Hodges	Hubbard	Hummel	Kirkton
LaFaver	May	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Runions
Schupp	Smith 85	Swearingen	Walton Gray	Webb
Wright				

PRESENT: 002

Englund Mayfield

ABSENT WITH LEAVE: 011

Funderburk	Gardner	Haefner	Kelly 45	Kratky
Lichtenegger	McCaherty	Mims	Scharnhorst	Webber
Zerr				

Representative Diehl declared the bill passed.

HCS SB 57, relating to certain civil actions, was taken up by Representative Engler.

Representative Shull offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 57, Page 1, In the Title, Line 3, by deleting the word "civil" and inserting in lieu thereof the word "legal"; and

Further amend said bill, Page 11, Section 206.165, Line 68, by inserting after all of said section and line the following:

"313.817. 1. Except as permitted in this section, the licensee licensed to operate gambling games shall permit no form of wagering on gambling games.

2. The licensee may receive wagers only from a person present on a licensed excursion gambling boat.

3. Wagering shall not be conducted with money or other negotiable currency. The licensee shall exchange the money of each wagerer for electronic or physical tokens, chips, or other forms of credit to be wagered on the gambling games. The licensee shall exchange the tokens, chips, or other forms of wagering credit for money at the request of the wagerer.

4. A person under twenty-one years of age shall not make a wager on an excursion gambling boat and shall not be allowed in the area of the excursion boat where gambling is being conducted; provided that employees of the licensed operator of the excursion gambling boat who have attained eighteen years of age shall be permitted in the area in which gambling is being conducted when performing employment-related duties, except that no one under twenty-one years of age may be employed as a dealer or accept a wager on an excursion gambling boat. The governing body of a home dock city or county may restrict the age of entrance onto an excursion gambling boat by passage of a local ordinance.

5. In order to help protect patrons from invasion of privacy and the possibility of identity theft, patrons shall not be required to provide fingerprints, retinal scans, biometric forms of identification, any type of patron-tracking cards, or other types of identification prior to being permitted to enter the area where gambling is being conducted on an excursion gambling boat or to make a wager, except that, for purposes of establishing that a patron is at least twenty-one years of age as provided in subsection 4 above, a licensee operating an excursion gambling boat shall be authorized to request such patron to provide a valid state or federal photo identification or a valid passport. This section shall not prohibit enforcement of identification requirements that are required by federal law. This section shall not prohibit enforcement of any Missouri statute requiring identification of patrons for reasons other than being permitted to enter the area of an excursion gambling boat where gambling is being conducted or to make a wager.

6. A licensee shall only allow wagering and conduct gambling games at the times allowed by the commission.

7. It shall be unlawful for a person **twenty-one years of age or older** to present false identification to a licensee or a gaming agent in order to gain entrance to an excursion gambling boat, cash a check or verify that such person is legally entitled to be present on the excursion gambling boat. Any person who violates the provisions of this subsection shall be guilty of a class B misdemeanor for the first offense and a class A misdemeanor for second and subsequent offenses.

8. It shall be unlawful for a person under twenty-one years of age to present false identification to a licensee or a gaming agent in order to gain entrance to an excursion gambling boat, cash a check or verify that such person is legally entitled to be present on the excursion gambling boat. Any person who violates the

provisions of this subsection shall be fined five hundred dollars and guilty of an infraction for the first offense and a class B misdemeanor for second and subsequent offenses. Notwithstanding any other provision of law to the contrary, any fines collected for offenses committed under this subsection shall be deposited into the Veterans Commission Capitol Improvement Trust Fund established in section 42.300."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Roorda raised a point of order that **House Amendment No. 1** goes beyond the scope of the bill.

Representative Diehl requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

On motion of Representative Shull, **House Amendment No. 1** was adopted.

Representative Rehder moved the previous question.

Which motion was adopted by the following vote:

AYES: 098

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Haahr	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Justus	Keeney	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Love	Lynch	McCaherty	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Riddle	Ross
Rowden	Rowland	Schatz	Schieber	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Torpey	Walker	White
Wieland	Wilson	Wood		

NOES: 048

Anders	Black	Burns	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Harris	Hodges
Hubbard	Hummel	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto

Pace	Peters	Pierson	Richardson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webb		

PRESENT: 000

ABSENT WITH LEAVE: 017

Butler	Elmer	Gardner	Guernsey	Haefner
Jones 50	Kelley 127	Kelly 45	Lichtenegger	Marshall
Mims	Scharnhorst	Thomson	Webber	Wright
Zerr	Mr Speaker			

On motion of Representative Engler, **HCS SB 57, as amended**, was adopted.

On motion of Representative Engler, **HCS SB 57, as amended**, was read the third time and passed by the following vote:

AYES: 104

Allen	Anderson	Austin	Barnes	Bernskoetter
Berry	Black	Brattin	Brown	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Haahr	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Love
Lynch	McGaugh	McKenna	Messenger	Miller
Molendorp	Moon	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Roorda	Ross
Rowden	Rowland	Schatz	Schieffer	Shull
Shumake	Smith 120	Sommer	Spencer	Stream
Swan	Thomson	Walker	White	Wieland
Wilson	Wood	Wright	Mr Speaker	

NOES: 050

Anders	Bahr	Burlison	Burns	Butler
Carpenter	Colona	Conway 10	Curtis	Dunn
Ellinger	Ellington	English	Englund	Frame
Frederick	Hubbard	Hummel	Kirkton	Kratky
LaFaver	Marshall	May	Mayfield	McCaherty
McCann Beatty	McDonald	McManus	McNeil	Meredith
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Runions	Schieber	Schupp	Smith 85
Solon	Swearingen	Torpey	Walton Gray	Webb

PRESENT: 000

ABSENT WITH LEAVE: 009

Gardner	Guernsey	Haefner	Kelly 45	Lichtenegger
Mims	Scharnhorst	Webber	Zerr	

Representative Diehl declared the bill passed.

HOUSE BILLS WITH SENATE AMENDMENTS

SCS HCS HB 436, as amended, relating to firearms, was taken up by Representative Funderburk.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 105

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Love
Lynch	McCaherty	McGaugh	Messenger	Miller
Molendorp	Moon	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Harris
Hodges	Hubbard	Hummel	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webb	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 009

Franklin	Gardner	Haefner	Kelly 45	Lichtenegger
Marshall	Mims	Stream	Webber	

On motion of Representative Funderburk, **SCS HCS HB 436, as amended**, was adopted by the following vote:

AYES: 116

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Black	Brattin	Brown	Burlison
Cierpiot	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	English
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Love	Lynch	Marshall	Mayfield	McCaherty
McGaugh	McKenna	Messenger	Miller	Moon
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Roorda	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Schieffer	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 038

Anders	Barnes	Burns	Butler	Carpenter
Colona	Curtis	Dunn	Ellinger	Ellington
Englund	Hummel	Kirkton	Kratky	LaFaver
May	McCann Beatty	McDonald	McManus	McNeil
Meredith	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Runions	Schupp	Smith 85
Walton Gray	Webb	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 009

Cross	Gardner	Haefner	Kelly 45	Lichtenegger
Mims	Molendorp	Pike	Webber	

On motion of Representative Funderburk, **SCS HCS HB 436, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 116

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Black	Brattin	Brown	Burlison
Cierpiot	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	English
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Love	Lynch	Marshall	Mayfield	McCaherty
McGaugh	McKenna	Messenger	Miller	Moon
Morris	Muntzel	Neely	Neth	Parkinson
Pfausch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Roorda	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Schieffer	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 038

Anders	Barnes	Butler	Carpenter	Colona
Curtis	Dunn	Ellinger	Ellington	Englund
Hummel	Kirkton	Kratky	LaFaver	May
McCann Beatty	McDonald	McManus	McNeil	Meredith
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Runions	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 009

Burns	Cross	Gardner	Haefner	Kelly 45
Lichtenegger	Mims	Molendorp	Webber	

Representative Diehl declared the bill passed.

Speaker Jones resumed the Chair.

THIRD READING OF SENATE BILL

HCS SS SCS SB 125, relating to educational accountability, was taken up by Representative Barnes.

Representative Webb offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 125, Page 11, Section 160.420, Line 45, by inserting the word "**academic**" immediately after the word "**in**"; and

Further amend said bill, section, and page, Lines 46 and 47, by deleting the words "**rigorous, valid, and**" and inserting in lieu thereof the following:

"applied consistently, reasonable,"; and

Further amend said bill, Pages 12 to 13, Section 160.420, Lines 54 to 91, by deleting said lines from the bill; and

Further amend said bill, Pages 20 to 21, Section 168.124, Lines 1 to 34, by deleting said section from the bill; and

Further amend said bill, Pages 21 to 24, Section 168.128, Lines 8 to 125, by deleting all of said lines, and inserting in lieu thereof the following:

"2. All evaluations shall be maintained in the teacher's personnel file at the office of the"; and

Further amend said bill and section, Page 25, Lines 129 to 143, by deleting all of said lines; and

Further amend said bill and page, Section 168.221, Lines 4 and 5, by deleting all of said lines and inserting in lieu thereof the following:

"period any probationary teacher whose work is unsatisfactory shall"; and

Further amend said bill, page, and section, Lines 11 to 13, by deleting all of said lines and inserting in lieu thereof the following:

"the date on which the teacher entered the employ of the board of education. The"; and

Further amend said bill and section, Page 27, Line 57, by deleting the words "**or incompetency**"; and

Further amend said bill, section, and page, Lines 68 to 80, by deleting all of said lines and inserting in lieu thereof the following:

"5. Whenever it is necessary to decrease the number of teachers because of insufficient"; and

Further amend said bill, page, and section, Lines 83 to 87, by deleting all of said lines and inserting in lieu thereof the following:

"number of teachers beginning with those serving probationary periods to be placed on leave of absence without pay, but only in the inverse order of their appointment."; and

Further amend said bill, page, and section, Line 90, by deleting the opening bracket "["; and

Further amend said bill, and section, Page 28, Line 91, by deleting the closing bracket "];" and

Further amend said bill, page, and section, Line 98, by inserting immediately after the word "schools." the following:

"No appointment of new teachers shall be made while there are available teachers on unrequested leave of absence who are properly qualified to fill such vacancies. Such leave of absence shall not impair the tenure of a teacher. The leave of absence shall continue for a period of not more than three years unless extended by the board."; and

Further amend said bill, page, and section, Line 99, by deleting the following: "] **8.**"; and

Further amend said bill, page, and section, Line 103, by deleting "[7.] **9.**" and inserting the following: "7."; and

Further amend said bill, page, and section, Lines 106 to 113, by deleting all of said lines; and

Further amend said bill, Pages 28 and 29, Section 168.126, Lines 1 to 46, by deleting said section from the bill; and

Further amend said bill, Page 30, Section 168.410, Lines 1 to 13, by deleting said section from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Torpey offered **House Substitute Amendment No. 1 for House Amendment No. 1.**

*House Substitute Amendment No. 1
for
House Amendment No. 1*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 125, Page 11, Section 160.420, Line 45, by inserting the word "**academic**" immediately after the word "**in**"; and

Further amend said bill, section, and page, Lines 46 and 47, by deleting the words "**rigorous, valid, and**" and inserting in lieu thereof the following:

"applied consistently, reasonable," and

Further amend said bill, section, and page, Line 47, by inserting immediately after the word "**levels**" the following:

"and supplied to administrators in advance of their use in evaluations"; and

Further amend said bill, Pages 12 to 13, Section 160.420, Lines 54 to 91, by deleting said lines and inserting in lieu thereof the following:

"(3) Each charter school shall develop an evaluation system centered on student achievement, performance, and progress that conforms to the provisions of the charter school's performance contract, its mission, and this subsection, and implement it no later than the 2014-2015 school year. The evaluation system shall include formative performance reviews to provide feedback and summative evaluations, and the charter school shall use the evaluation results to improve student achievement, performance, and progress.

(4) Administrators shall be evaluated no less than annually, using multiple measures. Evaluation measures shall include the following elements:

(a) Student growth shall be measured through assessments in accordance with value-added methods or models and shall reflect at least one year's worth of growth for a school year of instruction, or that students otherwise achieved appropriate growth based on expectations derived from at least two years of individual student achievement data;

(b) Multiple additional measures for administrators shall be correlated with impacts on student achievement results for students in all subgroups and shall include the administrator's ability to create an academic environment which fosters student growth; however, student growth on assessments for building principals, and any vice principals or assistant principals as determined by the charter school, shall count for at least thirty-three percent of the evaluation but not to exceed the percentage allocated to student assessment on the annual report of the Missouri school improvement program as applied to school districts, using value-added measures. Evaluations of administrators shall use confidential teacher surveys and include methods for input from parents and guardians; include the ability to attract, develop, and retain highly effective teachers; management of schools, including finances, space and legal compliance; and parental engagement in the school; and may include other measures aligned with student achievement.

(5) Each administrator shall be given one of four rating levels that are designated as "highly effective", "effective", "minimally effective", or "ineffective". Such rating levels shall be directly correlated to the summative evaluation results provided for in subdivision (3) of this subsection."; and

Further amend said bill, Pages 20 to 21, Section 168.124, Lines 1 to 34, by deleting said section from the bill; and

Further amend said bill, Pages 21 to 24, Section 168.128, Lines 8 to 125, by deleting all of said lines, and inserting in lieu thereof the following:

"2. All evaluations shall be maintained in the teacher's personnel file at the office of the"; and

Further amend said bill and section, Page 25, Lines 129 to 143, by deleting all of said lines; and

Further amend said bill and page, Section 168.221, Lines 4 and 5, by deleting all of said lines and inserting in lieu thereof the following:

"period any probationary teacher whose work is unsatisfactory shall"; and

Further amend said bill, page, and section, Lines 11 to 13, by deleting all of said lines and inserting in lieu thereof the following:

"the date on which the teacher entered the employ of the board of education. The"; and

Further amend said bill and section, Page 27, Line 57, by deleting the words **"or incompetency,"**; and

Further amend said bill, section, and page, Lines 68 to 80, by deleting all of said lines and inserting in lieu thereof the following:

"5. Whenever it is necessary to decrease the number of teachers because of insufficient"; and

Further amend said bill, page, and section, Lines 83 to 87, by deleting all of said lines and inserting in lieu thereof the following:

"number of teachers beginning with those serving probationary periods to be placed on leave of absence without pay, but only in the inverse order of their appointment."; and

Further amend said bill, page, and section, Line 90, by deleting the opening bracket "["; and

Further amend said bill, and section, Page 28, Line 91, by deleting the closing bracket "]; and

Further amend said bill, page, and section, Line 98, by inserting immediately after the word "schools." the following:

"No appointment of new teachers shall be made while there are available teachers on unrequested leave of absence who are properly qualified to fill such vacancies. Such leave of absence shall not impair the tenure of

a teacher. The leave of absence shall continue for a period of not more than three years unless extended by the board."; and

Further amend said bill, page, and section, Line 99, by deleting the following: **"] 8."**; and

Further amend said bill, page, and section, Line 103, by deleting **"[7.] 9."** and inserting the following: **"7."**; and

Further amend said bill, page, and section, Line 105, by inserting after all of said line the following:

"8. The metropolitan school district shall establish and implement a local evaluation system for administrators that conforms to the requirements of section 168.411."; and

Further amend said bill, page, and section, Lines 106 to 113, by deleting all of said lines and inserting the following:

"168.291. Whenever it is necessary to decrease the number of employees because of insufficient funds or decrease in pupil enrollment or lack of work the board of education may cause the necessary number of employees, beginning with those serving probationary periods, to be placed on leave of absence without pay, but only in the inverse order of their appointment. Each employee placed on leave of absence shall be reinstated in inverse order of his placement on leave of absence. Such reemployment shall not result in a loss of status or credit for previous periods of service. No new appointments shall be made while there are available employees on leave of absence [who have not attained the age of seventy years] **for not more than three years** and who are adequately qualified to fill the vacancy in the particular department unless the employees fail to advise the board within thirty days from date of notification by the board that positions are available to them, that they will return to employment, and will assume the duties of the position to which they are appointed not later than the beginning of the month following the date of the notice by the board.

168.411. 1. Consistent with department of elementary and secondary education regulations, each district shall fully implement an evaluation system for school administrators that conforms to the provisions of this section, including using the evaluation results for personnel decisions in advance of the next school year. Each district with such assistance as may be available from the department shall develop an evaluation system that conforms to the provisions of this section and implement it no later than the 2014-15 school year. The evaluation system shall include summative evaluations.

2. Each local school district shall establish and implement a local evaluation system for administrators centered on student achievement. Evaluations of all administrators shall be conducted no less than annually based on the following parameters; however, if any of the parameters shall be found by the department to be in conflict with the department's ability to comply with the conditions set forth in the waiver from the federal Elementary and Secondary Education Act, those items shall not be included:

(1) Each local district shall develop and implement an evaluation system for elementary and secondary school administrators that uses multiple measures, centered on growth in student achievement, consistent with this section and with implementing regulations issued by the department of elementary and secondary education with input from the local districts;

(2) If a district fails to adopt an evaluation system consistent with the requirements and time lines of this section, or at the election of the district, the district shall use the model evaluation system developed by the department of elementary and secondary education under subsection 3 of this section;

(3) If a district chooses to adopt an evaluation system which differs from the model evaluation developed by the department under subsection 3 of this section, the local evaluation system shall be developed and implemented in consultation with teachers and administrators and with parents of students;

(4) Administrators shall be evaluated no less than annually using multiple measures. Evaluation measures shall include the following elements:

(a) Student growth shall be measured through assessments in accordance with value-added methods or models developed by the department of elementary and secondary education, and shall reflect at least one year's worth of growth for a school year of instruction, or that students otherwise achieved appropriate growth based on expectations derived from at least two years of individual student achievement data;

(b) Multiple additional measures for administrators shall be correlated with impacts on student achievement results for students in all subgroups and shall include the administrator's ability to create an

academic environment which fosters student growth; however, student growth on assessments for building principals, and any vice principals or assistant principals as determined by the district, shall count for at least thirty-three percent of the evaluation but not to exceed the percentage allocated to student assessment on the annual report of the Missouri school improvement program, using value-added measures. Confidential teacher surveys shall be included as a portion of the evaluation for administrators. In addition, evaluations of administrators shall include methods for input from parents and guardians; the ability to attract, develop, and retain highly effective teachers; management of schools, including finances, space and legal compliance; and parental engagement in the school; and may include other measures aligned with student achievement;

(5) Each administrator shall be given one of four rating levels that are designated as "highly effective", "effective", "minimally effective", or "ineffective", as further defined by the department of elementary and secondary education or the local school district. Such rating levels shall be directly correlated to the summative evaluation results provided for in subsection 2 of this section;

3. The department of elementary and secondary education shall:

(1) Promulgate rules and regulations governing the development and implementation of local evaluation systems under subsection 2 of this section. Such rules and regulations shall be designed to preserve autonomy and flexibility for districts to adopt their own policies and processes for the evaluation system and may include, but not be limited to:

(a) Standards for rating levels to be assigned to administrators, consistent with subsection 3 of this section;

(b) Processes and requirements for value-added models to be used in measuring student achievement growth for purposes of administrator evaluation;

(2) Develop, implement, and publicly disseminate a statewide student growth model and a value-added model for determining student growth on assessments;

(3) Provide technical assistance to districts in developing and implementing a local evaluation system;

(4) Develop a model evaluation system that shall be used by districts that are not able to develop their own system or that elect to use the state model evaluation system; and

(5) Monitor local evaluation systems established under subsection 2 of this section to ensure that evaluation outcomes are consistent in the aggregate with student achievement results at the district and school levels; and that the evaluation systems meet the requirements of this section and implement rules and regulations issued by the department of elementary and secondary education; and direct any appropriate corrective actions.

4. As used in this section, the following terms shall mean:

(1) "Student growth", the change in academic achievement for an individual student between two or more points in time based on standards-based measures that are applied consistently, reasonable, comparable across classrooms of similar content and levels, and supplied to administrators in advance of their use in evaluations;

(2) "Value-added model", a growth model used to isolate the effect of a teacher's impact on student learning, controlling for preexisting characteristics of a student, including but not limited to, where available, prior achievement data, and, where available and at the discretion of the school district, a student's gifted status, section 504 status, attendance, disability status, eligibility for free or reduced lunch, limited English proficiency, or prior discipline history."; and

Further amend said bill, Pages 28 and 29, Section 168.126, Lines 1 to 47, by deleting all of said section from the bill; and

Further amend said bill, Pages 29 and 30, Section 168.291, Lines 1 to 15, by deleting all of said repealed section from the bill; and

Further amend said bill, Page 30, Section 168.410, Lines 1 to 13, by deleting all of said section from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Torpey, **House Substitute Amendment No. 1 for House Amendment No. 1** was adopted by the following vote:

AYES: 082

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Burlison	Cierpiot
Colona	Conway 104	Cookson	Cornejo	Cox
Cross	Curtis	Curtman	Diehl	Dunn
Elmer	Engler	Fitzpatrick	Flanigan	Funderburk
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Hansen	Hicks	Higdon	Hinson	Hough
Houghton	Hubbard	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
LaFaver	Lant	Leara	Love	May
McCaherty	McCann Beatty	Molendorp	Moon	Muntzel
Neely	Neth	Parkinson	Peters	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Scharnhorst	Schatz	Schieber
Smith 120	Sommer	Spencer	Stream	Swan
Torpey	Webb	Wieland	Wilson	Wright
Zerr	Mr Speaker			

NOES: 074

Anders	Black	Brown	Burns	Butler
Carpenter	Conway 10	Crawford	Davis	Dohrman
Dugger	Ellinger	Ellington	English	Englund
Entlicher	Fitzwater	Fowler	Fraker	Frame
Franklin	Frederick	Gannon	Hampton	Harris
Hodges	Hoskins	Hummel	Hurst	Kirkton
Kratky	Lair	Lauer	Lynch	Marshall
Mayfield	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Montecillo	Morgan	Morris	Newman
Nichols	Norr	Otto	Pace	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Rizzo	Roorda	Rowland	Runions	Schieffer
Schupp	Shull	Smith 85	Solon	Swearingen
Thomson	Walker	White	Wood	

PRESENT: 002

Shumake	Walton Gray
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ABSENT WITH LEAVE: 005

Gardner	Haefner	Kelly 45	Lichtenegger	Webber
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Representative Korman offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 125, Page 28, Section 168.221, Line 113, by inserting after all of said line the following:

"168.412. The provisions of section 168.411 shall sunset August 28, 2020."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Korman, **House Amendment No. 2** was adopted.

Representative Barnes offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 125, Page 17, Section 162.081, Line 98, by inserting immediately after the word "**score**" the following:

"of at least five points in academic achievement"; and

Further amend said bill and section, Page 18, Line 103, by inserting immediately after the word "**score**" the following:

"of at least five points in academic achievement"; and

Further amend said bill and section, Page 19, Line 143, by deleting all of said line and inserting in lieu thereof the following:

"[9. (1) The governing body of a school district, upon an initial declaration by the"; and

Further amend said bill, section, and page, Lines 161 and 162, by deleting all of said lines and inserting in lieu thereof the following:

"achievement of accredited status for such districts.

10.] 8. In the event that a school district with an enrollment in excess of five thousand"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Barnes, **House Amendment No. 3** was adopted.

Representative Funderburk offered **House Amendment No. 4.**

House Amendment No. 4 was withdrawn.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox

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Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lant	Lauer	Leara	Love
Lynch	McCaherty	McGaugh	Messenger	Miller
Molendorp	Moon	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wilson	Wood	Zerr	Mr Speaker	

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Harris
Hodges	Hubbard	Hummel	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Wright

PRESENT: 000

ABSENT WITH LEAVE: 009

Gardner	Haefner	Kelly 45	Lair	Lichtenegger
Marshall	Phillips	Webber	Wieland	

Representative Barnes moved that **HCS SS SCS SB 125, as amended**, be adopted.

Which motion was defeated by the following vote:

AYES: 076

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Burlison	Cierpiot
Colona	Conway 104	Cookson	Cornejo	Cox
Cross	Curtis	Curtman	Diehl	Dunn
Ellington	Elmer	Engler	Fitzpatrick	Flanigan
Funderburk	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Hicks	Hinson	Hough	Hubbard
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	LaFaver	Lant	Leara
Love	May	McCaherty	McCann Beatty	Moon
Neth	Peters	Pfautsch	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross

Rowden	Scharnhorst	Schatz	Schieber	Smith 120
Sommer	Spencer	Stream	Swan	Torpey
Webb	Wieland	Wilson	Wright	Zerr
Mr Speaker				

NOES: 082

Anders	Black	Brown	Burns	Butler
Carpenter	Conway 10	Crawford	Davis	Dohrman
Dugger	Ellinger	English	Englund	Entlicher
Fitzwater	Fowler	Fraker	Frame	Franklin
Frederick	Gannon	Hampton	Hansen	Harris
Higdon	Hodges	Hoskins	Houghton	Hummel
Hurst	Johnson	Kirkton	Kratky	Lair
Lauer	Lynch	Marshall	Mayfield	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Montecillo	Morgan	Morris	Muntzel	Neely
Newman	Nichols	Norr	Otto	Pace
Parkinson	Phillips	Pierson	Pike	Pogue
Redmon	Rizzo	Roorda	Rowland	Runions
Schieffer	Schupp	Shull	Shumake	Smith 85
Solon	Swearingen	Thomson	Walker	Walton Gray
White	Wood			

PRESENT: 000

ABSENT WITH LEAVE: 005

Gardner	Haefner	Kelly 45	Lichtenegger	Webber
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SS SCS SB 125 was laid over.

Representative Diehl moved that the House stand adjourned until 9:00 a.m., Thursday, May 9, 2013.

Which motion was defeated.

THIRD READING OF SENATE BILL

SS SCS SB 129, relating to the establishment of the Volunteer Health Services Act, was taken up by Representative Burlison.

SS SCS SB 129 was laid over.

COMMITTEE REPORTS

Committee on Fiscal Review, Chairman Flanigan reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SB 24**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **SS SCS SB 29**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SB 75**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS SCS SB 83**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SB 161**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SCS SB 256**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on General Laws, Chairman Jones (50) reporting:

Mr. Speaker: Your Committee on General Laws, to which was referred **SCS SJR 14**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on General Laws, to which was referred **SB 112**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Insurance Policy, Chairman Gosen reporting:

Mr. Speaker: Your Committee on Insurance Policy, to which was referred **SS SB 401**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS HB 253**, entitled:

An act to repeal sections 32.087, 66.601, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1713, 67.1775, 67.1959, 67.1971, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 143.011, 143.021, 143.071, 143.151, 143.221, 144.010, 144.014, 144.030, 144.032, 144.043, 144.049, 144.054, 144.069, 144.070, 144.080, 144.083, 144.100, 144.140, 144.210, 144.285, 144.517, 144.526, 144.605, 144.655, 144.710,

144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015, 221.407, 238.235, 238.410, 644.032, RSMo, and to enact in lieu thereof seventy-nine new sections relating to taxation, with penalty provisions, effective dates for certain sections, and an emergency clause.

With Senate Amendment No. 4 and Senate Amendment No. 5.

Senate Amendment No. 4

AMEND Senate Substitute for House Bill No. 253, Page 162, Section 143.011, Line 26, by inserting immediately before the word "Beginning" the following:

"For all calendar years after the provisions of subdivision (1) of this subsection have been met and until the provisions of subdivision (3) of this subsection are met,"; and

Further amend said line, by striking the word "first"; and

Further amend said bill and section, Page 163, Lines 3-4, by striking the words ", until the provisions of subdivision (3) of this subsection are met,"; and

Further amend Line 28, by inserting immediately before the word "Beginning" the following:

"For all calendar years after the provisions of subdivision (2) of this subsection have been met and until the provisions of subdivision (4) of this subsection are met,"; and

Further amend said line by striking the word "second"; and

Further amend said bill and section, Page 164, Lines 5-6, by striking the words ", until the provisions of subdivision (4) of this subsection are met,"; and

Further amend said bill and section, Page 165, Line 2, by inserting immediately before the word "Beginning" the following:

"For all calendar years after the provisions of subdivision (3) of this subsection have been met and until the provisions of subdivision (5) of this subsection are met,"; and

Further amend said line, by striking the word "third"; and

Further amend Lines 7-8, by striking the words ", until the provision of subdivision (5) of this subsection are met,"; and

Further amend said bill and section, Page 166, Line 4, by inserting immediately before the word "Beginning" the following:

"For all calendar years after the provisions of subdivision (4) of this subsection have been met and until the provisions of subdivision (6) of this subsection are met,"; and

Further amend said line, by striking the word "fourth"; and

Further amend Lines 9-10, by striking the words ", until the provisions of subdivision (6) of this subsection are met,"; and

Further amend said bill and section, Page 167, Line 6, by inserting immediately before the word "Beginning" the following:

"For all calendar years after the provisions of subdivision (5) of this subsection have been met and until the provisions of subdivision (7) of this subsection are met,"; and

Further amend said line, by striking the word "fifth"; and

Further amend Lines 11-12, by striking the words ", until the provisions of subdivision (7) of this subsection are met,"; and

Further amend said bill and section, Page 168, Line 8, by inserting immediately before the word "Beginning" the following:

"For all calendar years after the provisions of subdivision (6) of this subsection have been met and until the provisions of subdivision (8) of this subsection are met,"; and

Further amend said line, by striking the word "sixth"; and

Further amend Lines 13-14, by striking the words ", until the provisions of subdivision (8) of this subsection are met,"; and

Further amend said bill and section, Page 169, Line 10, by inserting immediately before the word "Beginning" the following:

"For all calendar years after the provisions of subdivision (7) of this subsection have been met and until the provisions of subdivision (9) of this subsection are met,"; and

Further amend said line, by striking the word "seventh"; and

Further amend Lines 15-16, by striking the words ", until the provisions of subdivision (9) of this subsection are met,"; and

Further amend said bill and section, Page 170, Line 12, by inserting immediately before the word "Beginning" the following:

"For all calendar years after the provisions of subdivision (8) of this subsection have been met and until the provisions of subdivision (10) of this subsection are met,"; and

Further amend said line, by striking the word "eighth"; and

Further amend Lines 17-18, by striking the words ", until the provisions of subdivision (10) of this subsection are met,"; and

Further amend said bill and section, Page 171, Line 14, by inserting immediately before the word "Beginning" the following:

"For all calendar years after the provisions of subdivision (9) of this subsection have been met and until the provisions of subdivision (11) of this subsection are met,"; and

Further amend said lines, by striking the word "ninth"; and

Further amend Lines 19-20, by striking the words ", until the provision of subdivision (11) of this subsection are met,"; and

Further amend said bill and section, Page 172, Line 16, by inserting immediately before the word "Beginning" the following:

"For all calendar years after the provisions of subdivision (10) of this subsection have been met,"; and

Further amend said line, by striking the word "tenth"; and

Further amend said bill, Page 173, Section 143.021, Lines 21-25, by striking all of the underlined words and inserting in lieu thereof the following:

"1. For all tax years beginning before the provisions of subdivision (11) of subsection 1 of section 143.011 are met,"; and

Further amend said bill and section, Page 174, Lines 11-15, by striking all said lines and inserting in lieu thereof the following:

"the calendar year in which the provisions of subdivision (11) of subsection 1 of section 143.011 are met, every resident having a taxable income of less than"; and

Further amend said bill, Page 177, Section 143.071, Line 5, by inserting immediately before the word "Beginning" the following:

"For all calendar years after the provisions of subdivision (1) of this subsection have been met and until the provisions of subdivision (3) of this subsection are met,"; and

Further amend said line, by striking the word "second"; and

Further amend Lines 10-11, by striking the words "until the provisions of subdivision (3) of this subsection are met,"; and

Further amend Line 14, by inserting immediately before the word "Beginning" the following:

"For all calendar years after the provisions of subdivision (2) of this subsection have been met and until the provisions of subdivision (4) of this subsection are met,"; and

Further amend said line, by striking the word "third"; and

Further amend Lines 19-20, by striking the words "until the provisions of subdivision (4) of this subsection are met,"; and

Further amend Line 23, inserting immediately before the word "Beginning" the following:

"For all calendar years after the provisions of subdivision (3) of this subsection have been met and until the provisions of subdivision (5) of this subsection are met,"; and

Further amend said line, by striking the word "fourth"; and

Further amend Line 28, by striking the words "until the provisions of subdivision"; and

Further amend said bill and section, Page 178, Line 1, by striking the words "(5) of this subsection are met,"; and

Further amend Line 4, by inserting immediately before the word "Beginning" the following:

"For all calendar years after the provisions of subdivision (4) of this subsection have been met and until the provisions of subdivision (6) of this subsection are met,"; and

Further amend said line by striking the word "fifth"; and

Further amend Lines 9-10, by striking the words "until the provisions of subdivision (6) of this subsection are met,"; and

Further amend Line 13, by inserting immediately before the word "Beginning" the following:

"For all calendar years after the provisions of subdivision (5) of this subsection have been met and until the provisions of subdivision (7) of this subsection are met,"; and

Further amend said line, by striking the word "sixth"; and

Further amend Lines 18-19, by striking the words "until the provisions of subdivision (7) of this subsection are met,"; and

Further amend Line 22, by inserting immediately before the word "Beginning" the following:

"For all calendar years after the provisions of subdivision (6) of this subsection have been met and until the provisions of subdivision (8) of this subsection are met,"; and

Further amend said line, by striking the word "seventh"; and

Further amend Lines 27-28, by striking the words "until the provisions of subdivision (8) of this subsection are met,"; and

Further amend said bill and section, Page 179, Line 3, by inserting immediately before the word "Beginning" the following:

"For all calendar years after the provisions of subdivision (7) of this subsection have been met and until the provisions of subdivision (9) of this subsection are met,"; and

Further amend said line, by striking the word "eighth"; and

Further amend Lines 8-9, by striking the words "until the provisions of subdivision (9) of this subsection are met,"; and

Further amend Line 13, by inserting immediately before the word "Beginning" the following:

"For all calendar years after the provisions of subdivision (8) of this subsection have been met and until the provisions of subdivision (10) of this subsection are met,"; and

Further amend said line, by striking the word "ninth"; and

Further amend Lines 18-19, by striking the words "until the provisions of subdivision (10) of this subsection are met,"; and

Further amend Line 22, by inserting immediately before the word "Beginning" the following:

"For all calendar years after the provisions of subdivision (9) of this subsection have been met,"; and

Further amend said line, by striking the word "tenth".

Senate Amendment No. 5

AMEND Senate Substitute for House Bill No. 253, Page 228, Section 144.030, Line 9, by inserting after the word "disabilities" the following:

"all sales of kidney dialysis equipment and enteral feeding systems,".

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **House Amendment No. 1 to SB 230**, and has taken up and passed **SB 230, as amended**.

COMMUNICATION

May 8, 2013

D. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
201 West Capitol Avenue
Jefferson City, MO 65101

Re: Possible Personal Interest in Legislation

Dear Mr. Crumbliss:

Pursuant to Section 105.461, RSMo, I am hereby filing a written report of a possible personal interest in legislation in which the House of Representatives may vote during the legislative session. I am a retired member of the Public School Retirement System (PSRS).

In compliance with Section 105.461, RSMo, please publish this report in the Journal of the House.

Thank you for your assistance with this matter.

Sincerely,

/s/ Jeanie Riddle
State Representative
District 49

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Kurt Schaefer
/s/ Mike Kehoe
/s/ Shalonn “Kiki” Curls
/s/ Gina Walsh

FOR THE HOUSE:

/s/ Rick Stream
/s/ Mike Lair
/s/ Genise Montecillo

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 3**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 3.
2. That the House recede from its position on House Committee Substitute for House Bill No. 3
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 3, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Kurt Schaefer
/s/ Scott Rupp
/s/ Mike Kehoe
/s/ Shalonn “Kiki” Curls
/s/ Gina Walsh

FOR THE HOUSE:

/s/ Rick Stream
/s/ Tom Flanigan
/s/ Genise Montecillo

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 4**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 4.
2. That the House recede from its position on House Committee Substitute for House Bill No. 4.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 4, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Kurt Schaefer
/s/ Scott Rupp
/s/ Mike Kehoe
/s/ Gina Walsh

FOR THE HOUSE:

/s/ Rick Stream
/s/ Denny Hoskins
/s/ Gail McCann Beatty

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 5**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 5, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 5.
2. That the House recede from its position on House Committee Substitute for House Bill No. 5.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 5, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Kurt Schaefer
/s/ Scott Rupp
/s/ Mike Kehoe
/s/ Shalonn “Kiki” Curls
/s/ Gina Walsh

FOR THE HOUSE:

/s/ Rick Stream
/s/ Mark Parkinson
/s/ Gail McCann Beatty

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 6, AS AMENDED**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 6, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 6, as amended.
2. That the House recede from its position on House Committee Substitute for House Bill No. 6, as amended.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 6, as amended, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Kurt Schaefer
/s/ Scott Rupp
/s/ Mike Kehoe
/s/ Shalonn “Kiki” Curls
/s/ Gina Walsh

FOR THE HOUSE:

/s/ Rick Stream
/s/ Craig Redmon
/s/ Jeanne Kirkton

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 7, AS AMENDED**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 7, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 7, as amended.
2. That the House recede from its position on House Committee Substitute for House Bill No. 7, as amended.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 7, as amended, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Kurt Schaefer
/s/ Scott Rupp
/s/ Mike Kehoe
/s/ Shalonn “Kiki” Curls
/s/ Gina Walsh

FOR THE HOUSE:

/s/ Rick Stream
/s/ Tom Flanigan
/s/ Kevin Mcmanus

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 8**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 8, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 8.
2. That the House recede from its position on House Committee Substitute for House Bill No. 8.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 8, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Kurt Schaefer
/s/ Scott Rupp
/s/ Mike Kehoe
/s/ Shalonn “Kiki” Curls
/s/ Gina Walsh

FOR THE HOUSE:

/s/ Rick Stream
/s/ Marsha Haefner

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 9**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 9, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 9.
2. That the House recede from its position on House Committee Substitute for House Bill No. 9.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 9, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Kurt Schaefer
/s/ Scott Rupp
/s/ Mike Kehoe
/s/ Shalonn “Kiki” Curls
/s/ Gina Walsh

FOR THE HOUSE:

/s/ Rick Stream
/s/ Tom Flanigan
/s/ Jill Schupp

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 10**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 10, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 10.
2. That the House recede from its position on House Committee Substitute for House Bill No. 10.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 10, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Kurt Schaefer
/s/ Scott Rupp
/s/ Mike Kehoe
/s/ Shalonn “Kiki” Curls
/s/ Gina Walsh

FOR THE HOUSE:

/s/ Rick Stream
/s/ Sue Allen

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 11, AS AMENDED**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 11, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 11, as amended.
2. That the House recede from its position on House Committee Substitute for House Bill No. 11, as amended.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 11, as amended, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Kurt Schaefer
/s/ Scott Rupp
/s/ Mike Kehoe
/s/ Shalonn “Kiki” Curls
/s/ Gina Walsh

FOR THE HOUSE:

/s/ Rick Stream
/s/ Tom Flanigan

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 12**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 12, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 12.

2. That the House recede from its position on House Committee Substitute for House Bill No. 12.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 12, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Kurt Schaefer
/s/ Scott Rupp
/s/ Mike Kehoe
/s/ Shalonn "Kiki" Curls
/s/ Gina Walsh

FOR THE HOUSE:

/s/ Rick Stream
/s/ Tom Flanigan

**CONFERENCE COMMITTEE REPORT
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 23**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 23, with House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2 as amended, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3 as amended, House Amendment Nos. 4, 5, 6, 7, 8, 9, House Amendment No. 1 to House Amendment No. 11, House Amendment No. 11 as amended, House Amendment Nos. 12, 13, 14, 16, 17, 18, 19, House Substitute Amendment No. 1 for House Amendment No. 20, House Amendment Nos. 21, 22, 23, & 24, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 23, as amended;
2. That the Senate recede from its position on Senate Bill No. 23;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 23 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Mike Parson
/s/ Mike Kehoe
/s/ Mike Cunningham
/s/ Shalonn "Kiki" Curls

FOR THE HOUSE:

/s/ Caleb Jones
/s/ Lincoln Hough

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 9:00 a.m., Thursday, May 9, 2013.

COMMITTEE HEARINGS

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES
Thursday, May 9, 2013, Upon Morning Adjournment, House Hearing Room 3.
Executive session may be held on any matter referred to the committee.

FISCAL REVIEW
Thursday, May 9, 2013, 8:30 AM, South Gallery.
Executive session may be held on any matter referred to the committee.
CANCELLED

FISCAL REVIEW
Friday, May 10, 2013, 8:30 AM, South Gallery.
Executive session may be held on any matter referred to the committee.
If in session that day

HOUSE CALENDAR

SIXTY-SIXTH DAY, THURSDAY, MAY 9, 2013

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HJR 19 - Bahr
- 2 HCS HJR 15 - Brattin
- 3 HCS HJR 35 - Jones (50)
- 4 HJR 17 - Burlison

HOUSE BILLS FOR PERFECTION

- 1 HB 227 - Zerr
- 2 HB 423 - Zerr
- 3 HB 578, as amended - Funderburk
- 4 HCS HB 221 - Leara
- 5 HCS HB 701 - Molendorp
- 6 HB 255 - Torpey
- 7 HB 242 - Ellington
- 8 HB 503, as amended, HA 1 HA 3, and HA 3, pending - McCaherty
- 9 HB 448 - Webb
- 10 HCS HB 234 - Gatschenberger
- 11 HB 616 - Bahr
- 12 HB 185 - Kirkton
- 13 HCS HB 641 - Korman

- 14 HCS HB 402 - Shumake
- 15 HCS HB 717 - Grisamore
- 16 HCS HB 727 - Grisamore
- 17 HCS HB 83 - Reiboldt
- 18 HCS HB 132 - Stream
- 19 HCS HB 1041 - Swan
- 20 HCS HBs 309 & 73 - Solon
- 21 HCS HB 350 - Frederick
- 22 HCS HB 464 - Higdon
- 23 HCS HB 484 - Lauer
- 24 HCS HB 564 - McGaugh
- 25 HCS HB 604 - Phillips
- 26 HCS HB 608 - Frederick
- 27 HCS HB 685 - Burlison
- 28 HB 745 - Thomson
- 29 HCS HB 783 - Diehl
- 30 HCS HB 814 - Fraker
- 31 HCS HB 830 - Jones (50)
- 32 HB 863 - Allen
- 33 HCS HB 930 - Flanigan
- 34 HB 411 - Muntzel
- 35 HB 447 - Diehl
- 36 HB 467 - Lichtenegger
- 37 HB 827 - Redmon
- 38 HB 915 - Bahr
- 39 HCS HB 975 - Richardson

HOUSE JOINT RESOLUTIONS FOR THIRD READING

HCS#2 HJR 14 - Jones (110)

HOUSE BILLS FOR THIRD READING

- 1 HB 201 - Torpey
- 2 HCS HBs 521 & 579, (Fiscal Review 3/27/13) - Koenig
- 3 HCS HB 470 - Barnes
- 4 HCS#2 HB 178 - Koenig
- 5 HB 162 - Sommer
- 6 HCS HB 458 - Scharnhorst

SENATE BILLS FOR SECOND READING

- 1 SS SCS SB 210
- 2 SCS SB 411

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 11 - Walton Gray
- 2 HCR 21 - Black
- 3 HCR 32 - Schatz

SENATE JOINT RESOLUTIONS FOR THIRD READING

HCS SS#2 SCS SJR 16 - Hinson

SENATE BILLS FOR THIRD READING

- 1 SS SCS SB 125 - Barnes
- 2 HCS SCS SB 88 - Frederick
- 3 HCS SB 222 - Kelly (45)
- 4 SCS SB 224 - Rizzo
- 5 HCS SB 51, as amended - Guernsey
- 6 HCS SS SCS SB 241 - Cierpiot
- 7 SCS SB 302 - Elmer
- 8 HCS SB 18, E.C. - Cox
- 9 SCS SB 87 - Bahr
- 10 HCS SB 110 - Davis
- 11 SS SCS SB 129 - Burlison
- 12 SCS SB 178 - Kirkton
- 13 HCS SS SB 252, E.C. - Richardson
- 14 SB 350 - Diehl
- 15 SS SB 357 - Schatz
- 16 SCS SB 240 - Funderburk
- 17 HCS SCS SB 89, E.C. - Jones (50)
- 18 HCS SB 12, E.C. - Jones (50)
- 19 HCS SB 127 - Lichtenegger
- 20 SCS SB 69 - Cox
- 21 HCS SB 99 - Dugger
- 22 HCS SB 100, E.C. - Cox
- 23 SB 208 - White
- 24 HCS SS SB 282 - Hough
- 25 SB 58 - Engler
- 26 SS SCS SB 29 - Burlison
- 27 HCS SB 161 - Stream
- 28 HCS SB 75 - Burlison
- 29 HCS SB 205 - Burlison
- 30 HCS SS SB 245 - Mitten
- 31 HCS SCS SB 256 - Torpey
- 32 HCS SCS SBs 317 & 319 - Gosen
- 33 HCS SCS SB 229 - Grisamore
- 34 HCS SB 24, E.C. - Hinson
- 35 HCS SS SCS SB 83, E.C. - Crawford

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 HCS HBs 256, 33 & 305, SA 2 , SA 3, E.C. - Jones (50)
- 2 HB 400, SA 2 - Riddle
- 3 HB 316, SA 1 - Phillips
- 4 SCS HCS HB 1035 , as amended, E.C. - Kelley (127)
- 5 SCS HCS HB 17 - Stream
- 6 SCS HB 18 - Stream
- 7 SS SCS HCS HB 19 - Stream

BILLS CARRYING REQUEST MESSAGES

- 1 HCS SS SB 262, as amended (request House recede/grant conference), E.C. - Molendorp
- 2 HCS SCS SB 157 and SB 102, as amended
(request House recede/grant conference) - Phillips
- 3 SCS SB 36, HA 1 (request House recede/take up and pass SCS SB 36) - Hicks
- 4 HCS SCS SB 17, as amended (request House recede/grant conference) - Thomson
- 5 HCS SCS SB 9, as amended (request House receded/grant conference) - Guernsey
- 6 HCS SB 330, as amended (request House recede/grant conference) - Burlison
- 7 HCS SB 43, as amended (request House recede/grant conference) - Kolkmeier

BILLS IN CONFERENCE

- 1 SCS HCS HB 1 - Stream
- 2 CCR SCS HCS HB 2 - Stream
- 3 CCR SCS HCS HB 3 - Stream
- 4 CCR SCS HCS HB 4 - Stream
- 5 CCR SCS HCS HB 5 - Stream
- 6 CCR SCS HCS HB 6, as amended - Stream
- 7 CCR SCS HCS HB 7, as amended - Stream
- 8 CCR SCS HCS HB 8 - Stream
- 9 CCR SCS HCS HB 9 - Stream
- 10 CCR SCS HCS HB 10 - Stream
- 11 CCR SCS HCS HB 11, as amended - Stream
- 12 CCR SCS HCS HB 12 - Stream
- 13 SCS HCS HB 13 - Stream
- 14 CCR HCS SB 23, as amended, E.C. - Jones (50)
- 15 CCR SCS SB 106, HA1, HA2, HA3, HA1 to HA4, HA4 a.a., HA5 - Davis
- 16 CCR HCS SCS SB 117, as amended - Davis
- 17 SCS HCS#2 HB 698, as amended, E.C. - Zerr
- 18 HCS SS SB 34, as amended - Fraker
- 19 HCS SS#2 SCS SB 1, as amended, E.C. - Richardson
- 20 SS SCS HB 307, as amended - Riddle

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SENATE CONCURRENT RESOLUTIONS

SCS SCR 5 - Frederick

HOUSE RESOLUTIONS

HR 222 - Scharnhorst

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

SIXTY-SIXTH DAY, THURSDAY, MAY 9, 2013

The House met pursuant to adjournment.

Representative Engler in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

The Lord is my strength and my song, and He has become my salvation; this is my God, and I will praise Him, my Father's God and I will exalt Him. (Exodus 15:2)

Eternal God, before Whom a thousand years pass as a watch in the night, rekindle within us Your spirit and replenish us with Your grace as we face the tasks of another day. Be a pillar of fire to us by night and a pillar of cloud by day. Lead us into green pastures, beside still waters, along right paths, that our spirits may be restored, that we may find comfort in hours of need, and that goodness and mercy may follow us all the days of our lives.

In these tough times help us to rise above that which is mean and small and enable us to work together in glad good will for the honor and security of Missouri, for the good of our people and for the welfare of all.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Halle Howes.

The Journal of the sixty-fifth day was approved as corrected.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 3033 through House Resolution No. 3093

SECOND READING OF SENATE BILLS

SS SCS SB 210 and SCS SB 411 were read the second time.

THIRD READING OF HOUSE JOINT RESOLUTION

HCS#2 HJR 14, relating to the fifth state building fund, was taken up by Representative Jones (110).

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 108

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Parkinson
Pfausch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Mr Speaker		

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hubbard	Hummel	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Wright

PRESENT: 000

ABSENT WITH LEAVE: 005

Funderburk	Hodges	Kelly 45	Webber	Zerr
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On motion of Representative Jones (110), **HCS#2 HJR 14** was read the third time and passed by the following vote:

AYES: 136

Allen	Anders	Anderson	Austin	Barnes
Bernskoetter	Black	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Crawford	Cross	Curtis	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger

Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fraker	Franklin
Frederick	Funderburk	Gannon	Gardner	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Jones 50	Justus	Kelley 127
Kirkton	Kolkmeyer	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Molendorp	Moon	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Peters	Pfautsch	Phillips
Pierson	Pike	Redmon	Reiboldt	Remole
Rhoads	Riddle	Rizzo	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieffer
Schupp	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webb	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 023

Bahr	Berry	Brattin	Brown	Burlison
Cox	Curtman	Ellington	Fowler	Frame
Johnson	Keeney	Koenig	Marshall	Montecillo
Parkinson	Pogue	Rehder	Richardson	Roorda
Schieber	Smith 85	Smith 120		

PRESENT: 000

ABSENT WITH LEAVE: 004

Hodges	Kelly 45	Korman	Webber
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Representative Engler declared the bill passed.

BILLS CARRYING REQUEST MESSAGES

HCS SS SB 262, as amended, relating to health insurance, was taken up by Representative Molendorp.

Representative Molendorp moved that the House refuse to recede from its position on **HCS SS SB 262, as amended**, and grant the Senate a conference.

Which motion was adopted.

HCS SCS SB 157 and SB 102, as amended, relating to scrap metal, was taken up by Representative Phillips.

Representative Phillips moved that the House refuse to recede from its position on **HCS SCS SB 157 and SB 102, as amended**, and grant the Senate a conference.

Which motion was adopted.

SCS SB 36, with House Amendment No. 1, relating to juvenile offenders, was taken up by Representative Hicks.

Representative Hicks moved that the House refuse to recede from its position on **House Amendment No. 1 to SCS SB 36** and request the Senate grant the House a conference.

Which motion was adopted.

HCS SCS SB 17, as amended, relating to the Career and Technical Education Advisory Board Council, was taken up by Representative Thomson.

Representative Thomson moved that the House refuse to recede from its position on **HCS SCS SB 17, as amended**, and grant the Senate a conference.

Which motion was adopted.

HCS SCS SB 9, as amended, relating to agriculture, was taken up by Representative Guernsey.

Representative Guernsey moved that the House refuse to recede from its position on **HCS SCS SB 9, as amended**, and grant the Senate a conference.

Which motion was adopted.

HCS SB 330, as amended, relating to professional registration, was taken up by Representative Burlison.

Representative Burlison moved that the House refuse to recede from its position on **HCS SB 330, as amended**, and grant the Senate a conference.

Which motion was adopted.

HCS SB 43, as amended, relating to commercial motor vehicles, was taken up by Representative Kolkmeyer.

Representative Kolkmeyer moved that the House refuse to recede from its position on **HCS SB 43, as amended**, and grant the Senate a conference.

Which motion was adopted.

HOUSE BILLS WITH SENATE AMENDMENTS

HB 316, with Senate Amendment No. 1, relating to the tourism supplemental revenue fund, was taken up by Representative Phillips.

Representative Phillips moved that the House refuse to concur in **Senate Amendment No. 1** to **HB 316** and request the Senate to recede from its position on **Senate Amendment No. 1** and truly agree to and finally pass **HB 316**.

Which motion was adopted.

SCS HCS HB 1035, as amended, relating to property taxes, was taken up by Representative Kelley (127).

Representative Kelley (127) moved that the House refuse to adopt **SCS HCS HB 1035, as amended**, and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

BILLS IN CONFERENCE

SCS HCS HB 1, relating to appropriations, was taken up by Representative Stream.

Representative Stream moved that the Conference Committee on **SCS HCS HB 1** be dissolved and **SCS HCS HB 1** be adopted.

Which motion was adopted by the following vote:

AYES: 158

Allen	Anders	Anderson	Austin	Bahr
Barnes	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kirkton	Koenig	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Love	Lynch	Marshall
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp

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Montecillo	Moon	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Parkinson	Peters	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 85	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Bernskoetter	Kelly 45	Lichtenegger	Richardson	Webber
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Speaker Jones assumed the Chair.

On motion of Representative Stream, **SCS HCS HB 1** was truly agreed to and finally passed by the following vote:

AYES: 159

Allen	Anders	Anderson	Austin	Bahr
Barnes	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kirkton	Koenig	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mitten	Molendorp
Montecillo	Moon	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Parkinson	Peters	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 85

Smith 120	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webb	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 004

Bernskoetter	Kelly 45	Mims	Webber
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Speaker Jones declared the bill passed.

CCR SCS HCS HB 2, relating to appropriations, was taken up by Representative Stream.

Representative Roorda raised a point of order that **CCR SCS HCS HB 2** is in violation of Rule 57(d).

The Chair ruled the point of order not well taken.

On motion of Representative Stream, **CCR SCS HCS HB 2** was adopted by the following vote:

AYES: 112

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Love	Lynch
McCaherty	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

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NOES: 048

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hummel	Kirkton	Kratky	LaFaver
Marshall	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webb		

PRESENT: 000

ABSENT WITH LEAVE: 003

Kelly 45	Lichtenegger	Webber
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On motion of Representative Stream, **CCS SCS HCS HB 2** was read the third time and passed by the following vote:

AYES: 110

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Love	Lynch	McCaherty
McGaugh	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Parkinson
Pfausch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 046

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hummel	Kirkton	Kratky	LaFaver	Marshall
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr

Otto	Pace	Peters	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Walton Gray
Webb				

PRESENT: 000

ABSENT WITH LEAVE: 007

Dunn	Gatschenberger	Kelly 45	Lichtenegger	Pierson
Swearingen	Webber			

Speaker Jones declared the bill passed.

APPOINTMENT OF CONFERENCE COMMITTEES

The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:

HCS SCS SB 9: Representatives Guernsey, Richardson and Mitten
HCS SCS SB 17: Representatives Thomson, Scharnhorst and Montecillo
HCS SB 43: Representatives Kolkmeyer, Schatz and Schieffer
HCS SCS SB 157 and SB 102: Representatives Phillips, Dugger and Nichols
HCS SS SB 262: Representatives Molendorp, Scharnhorst and McNeil
HCS SB 330: Representatives Burlison, Keeney and Kratky

BILLS IN CONFERENCE

CCR SCS HCS HB 3, relating to appropriations, was taken up by Representative Stream.

On motion of Representative Stream, **CCR SCS HCS HB 3** was adopted by the following vote:

AYES: 124

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Brattin	Brown
Burlison	Cierpiot	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Ellinger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kirkton	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Love	Lynch
May	Mayfield	McCaherty	McGaugh	Messenger
Miller	Mims	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Newman	Nichols
Parkinson	Pfausch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads

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Richardson	Riddle	Rizzo	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Schieffer
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 035

Black	Burns	Butler	Carpenter	Colona
Dunn	Ellington	English	Englund	Frame
Gardner	Hubbard	Hummel	Kratky	Marshall
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mitten	Montecillo	Morgan	Norr
Otto	Pace	Peters	Pierson	Roorda
Runions	Schupp	Smith 85	Walton Gray	Webb

PRESENT: 000

ABSENT WITH LEAVE: 004

Kelly 45	LaFaver	Lichtenegger	Webber
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On motion of Representative Stream, **CCS SCS HCS HB 3** was read the third time and passed by the following vote:

AYES: 125

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Brattin	Brown
Burlison	Cierpiot	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kirkton
Koenig	Kolkmeyer	Korman	LaFaver	Lair
Lant	Lauer	Leara	Love	Lynch
May	Mayfield	McCaherty	McGaugh	Meredith
Messenger	Miller	Mims	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Newman
Nichols	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Schieffer	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 034

Black	Burns	Butler	Carpenter	Colona
Dunn	Ellington	English	Englund	Frame
Gardner	Hubbard	Hummel	Kratky	Marshall
McCann Beatty	McDonald	McKenna	McManus	McNeil
Mitten	Montecillo	Morgan	Norr	Otto
Pace	Peters	Pierson	Roorda	Runions
Schupp	Smith 85	Walton Gray	Webb	

PRESENT: 000

ABSENT WITH LEAVE: 004

Ellinger	Kelly 45	Lichtenegger	Webber
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Speaker Jones declared the bill passed.

CCR SCS HCS HB 4, relating to appropriations, was taken up by Representative Stream.

Representative Parkinson assumed the Chair.

On motion of Representative Stream, **CCR SCS HCS HB 4** was adopted by the following vote:

AYES: 108

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Love	Lynch	McCaherty	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner

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Harris	Hodges	Hubbard	Hummel	Kirkton
Kratky	LaFaver	Marshall	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Roorda	Runions
Schieffer	Schupp	Smith 85	Swearingen	Walton Gray
Webb	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 003

Kelly 45	Lichtenegger	Webber
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On motion of Representative Stream, **CCS SCS HCS HB 4** was read the third time and passed by the following vote:

AYES: 108

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Love	Lynch	McCaherty	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfausch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kirkton
Kratky	LaFaver	Marshall	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Roorda	Runions
Schieffer	Schupp	Smith 85	Swearingen	Walton Gray
Webb	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 003

Kelly 45 Lichtenegger Webber

Representative Parkinson declared the bill passed.

CCR SCS HCS HB 5, relating to appropriations, was taken up by Representative Stream.

On motion of Representative Stream, **CCR SCS HCS HB 5** was adopted by the following vote:

AYES: 147

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gardner
Gatschenberger	Gosen	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kirkton	Koenig	Kolkmeyer
Korman	LaFaver	Lair	Lant	Lauer
Leara	Love	Lynch	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Moon
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Parkinson	Peters
Pfautsch	Phillips	Pierson	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 007

Ellington	Frame	Kratky	Otto	Pace
Smith 85	Walton Gray			

PRESENT: 000

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ABSENT WITH LEAVE: 009

Colona	Conway 10	Grisamore	Guernsey	Kelly 45
Lichtenegger	Marshall	Webb	Webber	

On motion of Representative Stream, **CCS SCS HCS HB 5** was read the third time and passed by the following vote:

AYES: 146

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gardner	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kirkton	Koenig
Kolkmeyer	Korman	LaFaver	Lair	Lant
Lauer	Leara	Love	Lynch	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Neth	Nichols	Norr	Peters	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 011

Curtis	Ellington	Frame	Kratky	Marshall
Newman	Otto	Pace	Parkinson	Smith 85
Walton Gray				

PRESENT: 000

ABSENT WITH LEAVE: 006

Colona	Conway 10	Kelly 45	Lichtenegger	Webb
Webber				

Representative Parkinson declared the bill passed.

CCR SCS HCS HB 6, as amended, relating to appropriations, was taken up by Representative Stream.

On motion of Representative Stream, **CCR SCS HCS HB 6, as amended**, was adopted by the following vote:

AYES: 152

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Grisamore	Haahr	Haefner
Hampton	Hansen	Harris	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kirkton	Koenig	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Love	Lynch	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Parkinson	Peters	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Rooda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 004

Ellington	Gardner	Marshall	Smith 85
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PRESENT: 000

ABSENT WITH LEAVE: 007

Colona	Frame	Guernsey	Hicks	Kelly 45
Lichtenegger	Webber			

On motion of Representative Stream, **CCS SCS HCS HB 6** was read the third time and passed by the following vote:

AYES: 150

Allen	Anders	Anderson	Austin	Bahr
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Haahr	Haefner	Hampton
Hansen	Harris	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Love	Lynch	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Moon
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Parkinson	Peters	Pfautsch	Phillips	Pierson
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 005

Ellington	Frame	Gardner	Marshall	Smith 85
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PRESENT: 000

ABSENT WITH LEAVE: 008

Barnes	Colona	Guernsey	Hicks	Kelly 45
Lichtenegger	Swan	Webber		

Representative Parkinson declared the bill passed.

CCR SCS HCS HB 7, as amended, relating to appropriations, was taken up by Representative Stream.

On motion of Representative Stream, **CCR SCS HCS HB 7, as amended**, was adopted by the following vote:

AYES: 125

Allen	Anders	Anderson	Austin	Bahr
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Butler	Cierpiot	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtis	Curtman	Davis	Diehl	Dohrman
Dugger	Ellinger	Elmer	Engler	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kirkton	Koenig	Kolkmeyer
Korman	Kratky	Lair	Lant	Lauer
Leara	Love	Lynch	McCaherty	McDonald
McGaugh	Meredith	Messenger	Miller	Mitten
Molendorp	Moon	Morris	Muntzel	Neely
Neth	Otto	Pace	Parkinson	Peters
Pfautsch	Phillips	Pierson	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Runions	Schatz	Schieber	Schieffer	Shull
Smith 120	Solon	Sommer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 031

Burns	Carpenter	Colona	Dunn	Ellington
English	Frame	Gardner	Harris	Hummel
LaFaver	Marshall	May	Mayfield	McCann Beatty
McKenna	McManus	McNeil	Mims	Montecillo
Morgan	Newman	Nichols	Norr	Rizzo
Roorda	Schupp	Smith 85	Swearingen	Walton Gray
Webb				

PRESENT: 000

ABSENT WITH LEAVE: 007

Barnes	Kelly 45	Lichtenegger	Scharnhorst	Shumake
Spencer	Webber			

On motion of Representative Stream, **CCS SCS HCS HB 7** was read the third time and passed by the following vote:

AYES: 122

Allen	Anders	Anderson	Austin	Bahr
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Cierpiot	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Ellinger	Elmer	Engler	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kirkton	Koenig	Kolkmeyer	Korman	Kratky
Lair	Lant	Lauer	Leara	Love
Lynch	McCaherty	McDonald	McGaugh	Meredith
Messenger	Miller	Mitten	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Otto
Parkinson	Pfausch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Schatz	Schieber	Schieffer	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 035

Burns	Butler	Carpenter	Colona	Dunn
Ellington	English	Frame	Gardner	Harris
Hummel	LaFaver	Marshall	May	Mayfield
McCann Beatty	McKenna	McManus	McNeil	Mims
Montecillo	Morgan	Newman	Nichols	Norr
Pace	Peters	Rizzo	Roorda	Runions
Schupp	Smith 85	Swearingen	Walton Gray	Webb

PRESENT: 000

ABSENT WITH LEAVE: 006

Barnes	Guernsey	Kelly 45	Lichtenegger	Scharnhorst
Webber				

Representative Parkinson declared the bill passed.

CCR SCS HCS HB 8, relating to appropriations, was taken up by Representative Stream.

On motion of Representative Stream, **CCR SCS HCS HB 8** was adopted by the following vote:

AYES: 147

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Curtis	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kirkton	Koenig	Kolkmeier
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Love	Lynch	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Moon
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Parkinson
Peters	Pfausch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Rowden
Rowland	Runions	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 008

Colona	Ellington	Gardner	Marshall	May
Morgan	Roorda	Smith 85		

PRESENT: 001

Black

ABSENT WITH LEAVE: 007

Cross	Grisamore	Kelly 45	Lichtenegger	Ross
Scharnhorst	Webber			

On motion of Representative Stream, **CCS SCS HCS HB 8** was read the third time and passed by the following vote:

AYES: 147

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Guernsey	Haahr
Haefner	Hampton	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kirkton	Koenig	Kolkmeier
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Love	Lynch	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Moon
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Parkinson
Peters	Pfautsch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Ross
Rowden	Rowland	Runions	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Webb
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 010

Colona	Ellington	Gardner	Hummel	Marshall
May	Morgan	Roorda	Smith 85	Walton Gray

PRESENT: 000

ABSENT WITH LEAVE: 006

Grisamore	Hansen	Kelly 45	Lichtenegger	Scharnhorst
Webber				

Representative Parkinson declared the bill passed.

Representative Sommer assumed the Chair.

CCR SCS HCS HB 9, relating to appropriations, was taken up by Representative Stream.

On motion of Representative Stream, **CCR SCS HCS HB 9** was adopted by the following vote:

AYES: 153

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Franklin	Frederick	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kirkton	Koenig	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lant	Leara	Love
Lynch	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Molendorp
Montecillo	Moon	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Parkinson	Peters	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 004

Ellington	Frame	Marshall	Smith 85
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PRESENT: 000

ABSENT WITH LEAVE: 006

Anders	Kelly 45	Lauer	Lichtenegger	Mitten
Webber				

On motion of Representative Stream, **CCS SCS HCS HB 9** was read the third time and passed by the following vote:

AYES: 151

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Franklin	Frederick	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Leara	Love	Lynch	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Parkinson	Peters	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webb	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 005

Ellington	Frame	Hummel	Marshall	Smith 85
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PRESENT: 000

ABSENT WITH LEAVE: 007

Anders	Hicks	Kelly 45	Lauer	Lichtenegger
Shull	Webber			

Representative Sommer declared the bill passed.

CCR SCS HCS HB 10, relating to appropriations, was taken up by Representative Stream.

On motion of Representative Stream, **CCR SCS HCS HB 10** was adopted by the following vote:

AYES: 105

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Leara	Love	Lynch
McCaherty	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfausch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Curtis	Dunn	Ellinger	English
Englund	Frame	Gardner	Harris	Hodges
Hubbard	Hummel	Kirkton	Kratky	LaFaver
Marshall	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webb	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 009

Conway 10	Ellington	Gannon	Higdon	Kelly 45
Lauer	Lichtenegger	Peters	Webber	

On motion of Representative Stream, **CCS SCS HCS HB 10** was read the third time and passed by the following vote:

AYES: 106

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Leara	Love
Lynch	McCaherty	McGaugh	Messenger	Miller
Molendorp	Moon	Morris	Muntzel	Neely
Neth	Parkinson	Pfausch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kirkton	Kratky
LaFaver	Marshall	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Swearingen	Walton Gray	Webb
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 006

Ellington	Higdon	Kelly 45	Lauer	Lichtenegger
Webber				

Representative Sommer declared the bill passed.

Representative Conway (104) assumed the Chair.

CCR SCS HCS HB 11, as amended, relating to appropriations, was taken up by Representative Stream.

Representative Roorda raised a point of order that **CCR SCS HCS HB 11, as amended**, is in violation of Rule 57(d).

Representative Conway (104) requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

Speaker Jones resumed the Chair.

Representative Hummel made a substitute motion that the House refuse to adopt the Conference Committee Report on **SCS HCS HB 11** and request the Senate grant the House a further conference for the purpose of changing references to the non-existent Missouri Senior Services Protection Fund to the General Revenue Fund.

Which motion was defeated by the following vote:

AYES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Swearingen	Walton Gray	Webb
Wright				

NOES: 108

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Schatz

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Schieber	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

PRESENT: 000

ABSENT WITH LEAVE: 004

Kelly 45	Lichtenegger	Scharnhorst	Webber
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On motion of Representative Stream, **CCR SCS HCS HB 11, as amended**, was adopted by the following vote:

AYES: 106

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeier	Korman	Lair	Lant	Lauer
Leara	Love	Lynch	McCaherty	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfausch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kirkton
Kratky	LaFaver	Marshall	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Roorda	Runions
Schieffer	Schupp	Smith 85	Swearingen	Walton Gray
Webb	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 005

Kelly 45 Lichtenegger Scharnhorst Smith 120 Webber

On motion of Representative Stream, **CCS SCS HCS HB 11** was read the third time and passed by the following vote:

AYES: 106

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Love	Lynch	McCaherty	McGaugh	Messenger
Miller	Molendorp	Moon	Morris	Muntzel
Neely	Neth	Parkinson	Pfausch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Schatz	Schieber	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kirkton
Kratky	LaFaver	Marshall	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Roorda	Runions
Schieffer	Schupp	Smith 85	Swearingen	Walton Gray
Webb	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 005

Barnes Kelly 45 Lichtenegger Scharnhorst Webber

Speaker Jones declared the bill passed.

CCR SCS HCS HB 12, relating to appropriations, was taken up by Representative Stream.

Representative Rehder assumed the Chair.

On motion of Representative Stream, **CCR SCS HCS HB 12** was adopted by the following vote:

AYES: 140

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kirkton	Koenig	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Love	Lynch	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
Meredith	Messenger	Miller	Molendorp	Montecillo
Moon	Muntzel	Neely	Neth	Newman
Nichols	Norr	Pace	Parkinson	Peters
Pfautsch	Phillips	Pierson	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Runions	Schatz	Schieber	Schieffer	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 015

Colona	Curtis	Ellinger	Ellington	Frame
Gardner	Hubbard	Marshall	McNeil	Mitten
Morgan	Otto	Roorda	Schupp	Smith 85

PRESENT: 000

ABSENT WITH LEAVE: 008

Franklin	Kelly 45	Lichtenegger	Mims	Morris
Rizzo	Scharnhorst	Webber		

On motion of Representative Stream, **CCS SCS HCS HB 12** was read the third time and passed by the following vote:

AYES: 141

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Butler	Carpenter	Cierpiot
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kirkton	Koenig	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Love	Lynch	May	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	Messenger
Miller	Mims	Molendorp	Montecillo	Moon
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Pace	Parkinson	Peters
Pfautsch	Phillips	Pierson	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Ross	Rowden
Rowland	Runions	Schatz	Schieber	Schieffer
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webb	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 018

Burns	Colona	Curtis	Ellinger	Ellington
Frame	Gardner	Hubbard	Marshall	Mayfield
McNeil	Meredith	Mitten	Morgan	Otto
Roorda	Schupp	Smith 85		

PRESENT: 000

ABSENT WITH LEAVE: 004

Kelly 45	Lichtenegger	Scharnhorst	Webber
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Representative Rehder declared the bill passed.

SCS HCS HB 13, relating to appropriations, was taken up by Representative Stream.

Representative Stream moved that the Conference Committee on **SCS HCS HB 13** be dissolved and **SCS HCS HB 13** be adopted.

Which motion was adopted by the following vote:

AYES: 127

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Carpenter	Cierpiot	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kirkton
Koenig	Kolkmeier	Korman	LaFaver	Lair
Lant	Lauer	Leara	Love	Lynch
May	McCaherty	McDonald	McGaugh	McManus
Meredith	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Newman
Nichols	Parkinson	Peters	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Ross	Rowden	Rowland	Runions
Schatz	Schieber	Schieffer	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 030

Burns	Butler	Colona	Curtis	Dunn
Ellinger	Ellington	English	Englund	Frame
Gardner	Hubbard	Hummel	Kratky	Marshall
Mayfield	McCann Beatty	McKenna	McNeil	Mitten
Montecillo	Morgan	Norr	Otto	Pace
Roorda	Schupp	Smith 85	Walton Gray	Webb

PRESENT: 000

ABSENT WITH LEAVE: 006

Gannon	Kelly 45	Lichtenegger	Mims	Scharnhorst
Webber				

On motion of Representative Stream, **SCS HCS HB 13** was truly agreed to and finally passed by the following vote:

AYES: 126

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Carpenter	Cierpiot	Conway 10
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kirkton
Koenig	Kolkmeyer	Korman	LaFaver	Lair
Lant	Lauer	Leara	Love	Lynch
May	McCaherty	McDonald	McGaugh	McManus
Meredith	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Newman
Nichols	Parkinson	Pfausch	Phillips	Pierson
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Ross	Rowden	Rowland	Runions	Schatz
Schieber	Schieffer	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 031

Burns	Butler	Colona	Curtis	Dunn
Ellinger	Ellington	English	Englund	Frame
Gardner	Hubbard	Hummel	Kratky	Marshall
Mayfield	McCann Beatty	McKenna	McNeil	Mitten
Montecillo	Morgan	Norr	Otto	Pace
Peters	Roorda	Schupp	Smith 85	Walton Gray
Webb				

PRESENT: 000

ABSENT WITH LEAVE: 006

Conway 104	Kelly 45	Lichtenegger	Mims	Scharnhorst
Webber				

Representative Rehder declared the bill passed.

Speaker Jones resumed the Chair.

THIRD READING OF SENATE BILLS

SB 350, relating to the Missouri Senior Services Protection Fund, was taken up by Representative Diehl.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 105

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Molendorp	Moon	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 053

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Fowler	Frame
Gardner	Harris	Hodges	Hubbard	Hummel
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Roorda	Runions
Schieffer	Schupp	Smith 85	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 005

Curtman	Kelly 45	Lichtenegger	Shumake	Smith 120
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On motion of Representative Diehl, **SB 350** was truly agreed to and finally passed by the following vote:

AYES: 091

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Flanigan	Fraker	Franklin	Frederick	Funderburk
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Leara
Love	Lynch	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Phillips	Pike	Pogue	Redmon
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowland	Scharnhorst	Schatz	Schieber
Shull	Sommer	Spencer	Stream	Thomson
Walker	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 069

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Davis	Dunn
Ellinger	Ellington	English	Englund	Fitzwater
Fowler	Frame	Gannon	Gardner	Hampton
Harris	Hodges	Hubbard	Hummel	Kirkton
Kratky	LaFaver	Lauer	Marshall	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pfautsch
Pierson	Rehder	Rizzo	Roorda	Rowden
Runions	Schieffer	Schupp	Shumake	Smith 85
Solon	Swan	Swearingen	Torpey	Walton Gray
Webb	Webber	White	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 003

Kelly 45	Lichtenegger	Smith 120
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Speaker Jones declared the bill passed.

SCS SB 240, relating to ratemaking for gas corporations, was taken up by Representative Funderburk.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 105

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Love
Lynch	Marshall	McGaugh	Messenger	Miller
Molendorp	Moon	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McNeil	Meredith	Mims
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 008

Cross	Gosen	Kelly 45	Lichtenegger	McCaherty
McManus	Mitten	Smith 120		

On motion of Representative Funderburk, **SCS SB 240** was truly agreed to and finally passed by the following vote:

AYES: 110

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Black	Burlison	Burns	Carpenter
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Elmer
Engler	English	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fraker	Frame	Franklin	Frederick
Funderburk	Guernsey	Hansen	Hicks	Higdon
Hoskins	Houghton	Hubbard	Hummel	Hurst
Jones 50	Justus	Kelley 127	Koenig	Korman
Lair	Lant	Leara	Love	Lynch
May	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	Meredith	Messenger	Miller
Mims	Molendorp	Montecillo	Moon	Morris
Muntzel	Neely	Norr	Pace	Parkinson
Pfautsch	Pike	Pogue	Redmon	Reiboldt
Remole	Rhoads	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Shumake	Smith 85	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Walker	Walton Gray	Webb	Webber	White
Wieland	Wood	Wright	Zerr	Mr Speaker

NOES: 045

Anders	Berry	Brattin	Brown	Butler
Cierpiot	Cross	Ellinger	Ellington	Englund
Fowler	Gardner	Grisamore	Haahr	Hampton
Harris	Hinson	Hodges	Hough	Johnson
Keeney	Kirkton	Kolkmeier	Kratky	LaFaver
Lauer	Marshall	Mayfield	McNeil	Morgan
Neth	Newman	Nichols	Otto	Peters
Phillips	Pierson	Rehder	Richardson	Schieffer
Schupp	Shull	Solon	Torpey	Wilson

PRESENT: 000

ABSENT WITH LEAVE: 008

Gannon	Gatschenberger	Gosen	Haefner	Kelly 45
Lichtenegger	Mitten	Smith 120		

Speaker Jones declared the bill passed.

HOUSE BILLS WITH SENATE AMENDMENTS

SS HB 253, as amended, relating to taxation, was taken up by Representative Berry.

Representative Frederick assumed the Chair.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 101

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Gannon	Gatschenberger	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 011

Brown	Entlicher	Funderburk	Gosen	Grisamore
Kelly 45	Lichtenegger	Mitten	Phillips	Smith 120
White				

On motion of Representative Berry, **SS HB 253, as amended**, was adopted by the following vote:

AYES: 103

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Fitzpatrick
Fitzwater	Flanigan	Fraker	Franklin	Frederick
Gatschenberger	Guernsey	Haahr	Haefner	Hansen
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Roorda
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Schieffer	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Fowler	Frame
Gannon	Gardner	Hampton	Harris	Hubbard
Hummel	Kirkton	Kratky	LaFaver	May
Mayfield	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mims	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Runions	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 009

Entlicher	Funderburk	Gosen	Grisamore	Kelly 45
Lichtenegger	Mitten	Phillips	Smith 120	

On motion of Representative Berry, **SS HB 253, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 103

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Fitzpatrick
Fitzwater	Flanigan	Fraker	Franklin	Frederick
Gatschenberger	Guernsey	Haahr	Haefner	Hansen
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Roorda
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Schieffer	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Fowler	Frame
Gannon	Gardner	Hampton	Harris	Hubbard
Hummel	Kirkton	Kratky	LaFaver	May
Mayfield	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mims	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Runions	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 009

Entlicher	Funderburk	Gosen	Grisamore	Kelly 45
Lichtenegger	Mitten	Phillips	Smith 120	

Representative Frederick declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 126

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Elmer
Engler	English	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Gannon	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Love	Lynch
Mayfield	McCaherty	McCann Beatty	McGaugh	McManus
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 028

Burns	Curtis	Ellinger	Ellington	Englund
Gardner	Hubbard	Marshall	May	McDonald
McKenna	McNeil	Meredith	Mims	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Runions	Smith 85
Walton Gray	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 009

Funderburk	Gatschenberger	Gosen	Kelly 45	Lichtenegger
Mitten	Phillips	Smith 120	Webb	

SCS HCS HB 17, relating to appropriations, was taken up by Representative Stream.

On motion of Representative Stream, **SCS HCS HB 17** was adopted by the following vote:

AYES: 147

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dunn
Ellinger	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Love
Lynch	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McNeil	Meredith
Messenger	Miller	Mims	Molendorp	Montecillo
Moon	Morgan	Morris	Muntzel	Neth
Newman	Nichols	Norr	Otto	Pace
Peters	Pfautsch	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wilson	Wright
Zerr	Mr Speaker			

NOES: 005

Ellington	Gardner	Marshall	Parkinson	Smith 85
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PRESENT: 000

ABSENT WITH LEAVE: 011

Dugger	Gosen	Kelly 45	Lichtenegger	McManus
Mitten	Neely	Phillips	Pierson	Smith 120
Wood				

On motion of Representative Stream, **SCS HCS HB 17** was truly agreed to and finally passed by the following vote:

AYES: 149

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dunn
Ellinger	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Love
Lynch	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McNeil	Meredith
Messenger	Miller	Mims	Molendorp	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Peters	Pfautsch	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webb	Webber	White	Wieland
Wilson	Wright	Zerr	Mr Speaker	

NOES: 005

Ellington	Gardner	Marshall	Parkinson	Smith 85
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PRESENT: 000

ABSENT WITH LEAVE: 009

Dugger	Gosen	Kelly 45	Lichtenegger	McManus
Mitten	Phillips	Smith 120	Wood	

Representative Frederick declared the bill passed.

SCS HCS HB 18, relating to appropriations, was taken up by Representative Stream.

On motion of Representative Stream, **SCS HCS HB 18** was adopted by the following vote:

AYES: 146

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dunn
Ellinger	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Gannon
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kirkton	Koenig	Kolkmeier
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Love	Lynch	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McNeil	Meredith	Messenger	Miller
Mims	Molendorp	Montecillo	Moon	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Peters
Pfautsch	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webb	Webber
White	Wieland	Wilson	Wright	Zerr
Mr Speaker				

NOES: 005

Ellington	Gardner	Marshall	Parkinson	Smith 85
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PRESENT: 000

ABSENT WITH LEAVE: 012

Dugger	Funderburk	Gatschenberger	Gosen	Kelly 45
Lichtenegger	McManus	Mitten	Phillips	Shumake
Smith 120	Wood			

On motion of Representative Stream, **SCS HCS HB 18** was truly agreed to and finally passed by the following vote:

AYES: 149

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dunn
Ellinger	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Love
Lynch	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McNeil	Meredith
Messenger	Miller	Mims	Molendorp	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Peters	Pfautsch	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webb	Webber	White	Wieland
Wilson	Wright	Zerr	Mr Speaker	

NOES: 005

Ellington	Gardner	Marshall	Parkinson	Smith 85
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PRESENT: 000

ABSENT WITH LEAVE: 009

Dugger	Gosen	Kelly 45	Lichtenegger	McManus
Mitten	Phillips	Smith 120	Wood	

Representative Frederick declared the bill passed.

SS SCS HCS HB 19, relating to appropriations, was taken up by Representative Stream.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 102

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Gannon	Gatschenberger	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Lair	Lant
Lauer	Leara	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Moon
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McNeil	Meredith	Mims	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 012

Dugger	Ellington	Funderburk	Gosen	Kelly 45
Korman	Lichtenegger	McManus	Mitten	Molendorp
Phillips	Smith 120			

On motion of Representative Stream, **SS SCS HCS HB 19** was adopted by the following vote:

AYES: 111

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Cierpiot	Colona	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Davis	Diehl	Dohrman	Elmer
Engler	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Franklin	Frederick	Gannon
Gatschenberger	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kirkton	Koenig	Kolkmeyer	Korman	Kratky
Lair	Lant	Lauer	Leara	Love
Lynch	McCaherty	McDonald	McGaugh	Messenger
Miller	Molendorp	Montecillo	Moon	Morris
Muntzel	Neely	Neth	Pfautsch	Pike
Pogue	Redmon	Rehder	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Schieffer	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	Webb
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 042

Burns	Butler	Carpenter	Curtis	Curtman
Dunn	Ellinger	Ellington	English	Englund
Frame	Gardner	Harris	Hubbard	Hummel
LaFaver	Marshall	May	Mayfield	McCann Beatty
McKenna	McNeil	Meredith	Mims	Morgan
Newman	Nichols	Norr	Otto	Pace
Parkinson	Peters	Pierson	Rizzo	Roorda
Runions	Schupp	Smith 85	Swearingen	Walton Gray
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 010

Dugger	Funderburk	Gosen	Kelly 45	Lichtenegger
McManus	Mitten	Phillips	Reiboldt	Smith 120

On motion of Representative Stream, **SS SCS HCS HB 19** was truly agreed to and finally passed by the following vote:

AYES: 111

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Cierpiot	Colona	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Davis	Diehl	Dohrman	Elmer
Engler	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Franklin	Frederick	Gannon
Gatschenberger	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kirkton	Koenig	Kolkmeier	Korman	Kratky
Lair	Lant	Lauer	Leara	Love
Lynch	McCaherty	McDonald	McGaugh	Messenger
Miller	Montecillo	Moon	Morris	Muntzel
Neely	Neth	Pfausch	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Schieffer	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	Webb
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 042

Burns	Butler	Carpenter	Curtis	Curtman
Dunn	Ellinger	Ellington	English	Englund
Frame	Gardner	Harris	Hubbard	Hummel
LaFaver	Marshall	May	Mayfield	McCann Beatty
McKenna	McNeil	Meredith	Mims	Morgan
Newman	Nichols	Norr	Otto	Pace
Parkinson	Peters	Pierson	Rizzo	Roorda
Runions	Schupp	Smith 85	Swearingen	Walton Gray
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 010

Dugger	Funderburk	Gosen	Kelly 45	Lichtenegger
McManus	Mitten	Molendorp	Phillips	Smith 120

Representative Frederick declared the bill passed.

Speaker Jones resumed the Chair.

MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to adopt the Conference Committee Report on **SS HCS HJR 11 & 7, as amended**, and request the House grant the Senate further conference and further that the conferees be allowed to exceed the differences.

BILLS CARRYING REQUEST MESSAGES

SS HCS HJR 11 & 7, as amended, relating to the right to farm, was taken up by Representative Reiboldt.

Representative Reiboldt moved that the House grant the Senate a further conference on **SS HCS HJR 11 & 7, as amended**, and the conferees be allowed to exceed the differences.

Which motion was adopted.

RE-APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker re-appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

SS HCS HJR 11 & 7: Representatives Richardson, Reiboldt and Black

REFERRAL OF SENATE BILL

The following Senate Bill was referred to the Committee indicated:

SS SCS SB 210 - Elementary and Secondary Education

COMMITTEE REPORTS

Committee on Economic Development, Chairman Zerr reporting:

Mr. Speaker: Your Committee on Economic Development, to which was referred **SS SB 366**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Government Oversight and Accountability, Chairman Barnes reporting:

Mr. Speaker: Your Committee on Government Oversight and Accountability, to which was referred **SS SB 251**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Riddle reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HBs 77, 91 & 95**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 73**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 218**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 236**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 342**, begs leave to report it has examined the same and recommends that it **Do Pass**.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 2**, and has taken up and passed **CCS SCS HCS HB 2**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 3**, and has taken up and passed **CCS SCS HCS HB 3**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 4**, and has taken up and passed **CCS SCS HCS HB 4**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 5**, and has taken up and passed **CCS SCS HCS HB 5**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 6**, as **amended**, and has taken up and passed **CCS SCS HCS HB 6**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 7**, as **amended**, and has taken up and passed **CCS SCS HCS HB 7**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 8**, and has taken up and passed **CCS SCS HCS HB 8**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 9**, and has taken up and passed **CCS SCS HCS HB 9**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 10**, and has taken up and passed **CCS SCS HCS HB 10**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 11**, as **amended**, and has taken up and passed **CCS SCS HCS HB 11**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 12**, and has taken up and passed **CCS SCS HCS HB 12**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SCS SB 9**, as **amended**: Senators Pearce, Munzlinger, Sater, Curls and Chappelle-Nadal.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SCS SB 17**, as **amended**: Senators Munzlinger, Lamping, Romine, Curls and Chappelle-Nadal.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **House Amendment No. 1, House Amendment No. 2, House Amendment No. 3, House Amendment No. 4, House Amendment No. 5** and **House Amendment No. 6** to **SCS SB 33**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SS SB 34**, as **amended**, and has taken up and passed **CCS HCS SS SB 34**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 41**, as **amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SCS SB 42**, as **amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SB 43, as amended**: Senators Munzlinger, Schaefer, Kehoe, Holsman and McKenna.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 57, as amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **House Amendment No. 1 to SB 77**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 90, as amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SCS SB 157 and SB 102, as amended**: Senators Sater, Kraus, Silvey, Justus and Keaveny.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SS SB 262, as amended**: Senators Curls, Rupp, Parson, Wallingford and Justus.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **House Amendment No. 1 to SB 327**, and requests the House to recede from its position on **House Amendment No. 1** and take up and pass **SB 327**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SB 330, as amended**: Senators Wasson, Cunningham, Sater, Keaveny and Sifton.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 378**, entitled:

An act to repeal sections 160.545, 173.250, and 173.1104, RSMo, and to enact in lieu thereof three new sections relating to higher education scholarship programs.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 437**, entitled:

An act to repeal sections 163.191 and 173.616, RSMo, and to enact in lieu thereof thirteen new sections relating to higher education.

In which the concurrence of the House is respectfully requested.

COMMITTEE APPOINTMENT

May 9, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, Missouri 65101

Dear Mr. Crumbliss:

Pursuant to powers granted in Chapter 21 of the Revised Statutes of Missouri and House Rules 22 and 100, the Speaker hereby forms the Bipartisan Investigative Committee on Privacy Protection to investigate the circumstances surrounding the preparation, compilation, storage, sharing, and dissemination of over 163,000 concealed carry records. The investigation will aid the legislature in determining what motivated state officials to act as they did, whether state laws were broken in the process, and whether new or revised laws are needed to ensure that this will never happen again.

The Speaker hereby appoints the following to serve on the Bipartisan Investigative Committee on Privacy Protection:

Representative Nick Marshall	Sheriff Greg White
Representative Robert Ross	Sheriff Michael Dixon
Representative Caleb Jones	Sheriff John Jordan
Representative Shawn Rhoads	Sheriff Glenn Boyer
Representative Wanda Brown	Sheriff Stuart Miller
Representative Kathie Conway	Mike Fusselman
Representative Keith English	Russ Oliver
Representative Gina Mitten	Gary Fuhr
Representative Don Phillips	Omar Davis
Representative Scott Fitzpatrick	

The Speaker has designated Representative Stanley Cox as Chair, and Representative Ken Wilson as Vice-Chair. Todd Graves will serve as special counsel.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

**CONFERENCE COMMITTEE REPORT
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE SUBSTITUTE
FOR
SENATE BILL NO. 34**

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Bill No. 34, with House Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 34, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Bill No. 34;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 34 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Mike Cunningham
/s/ Scott Rupp
/s/ Mike Parson
/s/ Ryan McKenna
/s/ Gina Walsh

FOR THE HOUSE:

/s/ Lyndall Fraker
/s/ Dave Schatz
/s/ Kevin McManus

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 2:00 p.m., Monday, May 13, 2013.

CORRECTIONS TO THE HOUSE JOURNAL

AFFIDAVITS

I, State Representative Bob Burns, District 93, hereby state and affirm that my vote as recorded on the motion by which Senate Committee Substitute for House Committee Substitute for House Bill 436, as amended, was truly agreed to and finally passed, as recorded on Page 2273 of the Journal of the House for the sixty-fifth day, Wednesday, May 8, 2013 was incorrectly recorded as "Absent with Leave." Pursuant to House Rule 89, I ask that the Journal be corrected to show that I was in the chamber at the time the vote was taken, I did in fact vote, my vote was incorrectly recorded, and should have been recorded as "No."

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 9th day of May, 2013.

/s/ Bob Burns
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 9th day of May in the year 2013.

/s/ Leann M. Hager
Notary Public

I, State Representative Gina Mitten, District 83, hereby state and affirm that my vote as recorded on the motion by which Senate Bill 216 was truly agreed to and finally passed, as recorded on Page 2182 of the Journal of the House for the sixty-fifth day, Wednesday, May 8, 2013 was incorrectly recorded as "No." Pursuant to House Rule 89, I ask that the Journal be corrected to show that I was in the chamber at the time the vote was taken, I did in fact vote, my vote was incorrectly recorded, and should have been recorded as "Aye."

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 9th day of May, 2013.

/s/ Gina C. Mitten
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 9th day of May in the year 2013.

/s/ Leann M. Hager
Notary Public

COMMITTEE HEARINGS

Downsizing State Government

Monday, May 13, 2013, Noon or Upon Morning Adjournment, House Hearing Room 4.

Executive session will be held: SB 170

Executive session may be held on any matter referred to the committee.

ELEMENTARY AND SECONDARY EDUCATION

Monday, May 13, 2013, 12:00 PM, House Hearing Room 6.

Public hearing will be held: SS SCS SB 210

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Friday, May 10, 2013, 8:30 AM, South Gallery.

Executive session may be held on any matter referred to the committee.

If in session that day

CANCELLED

FISCAL REVIEW

Monday, May 13, 2013, 1:00 PM, South Gallery.

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Tuesday, May 14, 2013, 8:30 AM, South Gallery.

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Wednesday, May 15, 2013, 8:30 AM, South Gallery.

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Thursday, May 16, 2013, 8:30 AM, South Gallery.

Executive session may be held on any matter referred to the committee.

RULES

Monday, May 13, 2013, Upon Afternoon Adjournment, South Gallery.

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

SIXTY-SEVENTH DAY, MONDAY, MAY 13, 2013

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HJR 19 - Bahr
- 2 HCS HJR 15 - Brattin
- 3 HCS HJR 35 - Jones (50)
- 4 HJR 17 - Burlison
- 5 HCS HJR 23 - Hinson

HOUSE BILLS FOR PERFECTION

- 1 HB 227 - Zerr
- 2 HB 423 - Zerr
- 3 HB 578, as amended - Funderburk
- 4 HCS HB 221 - Leara
- 5 HCS HB 701 - Molendorp
- 6 HB 255 - Torpey
- 7 HB 242 - Ellington
- 8 HB 503, as amended, HA 1 HA 3, and HA 3, pending - McCaherty
- 9 HB 448 - Webb
- 10 HCS HB 234 - Gatschenberger
- 11 HB 616 - Bahr
- 12 HB 185 - Kirkton
- 13 HCS HB 641 - Korman

- 14 HCS HB 402 - Shumake
- 15 HCS HB 717 - Grisamore
- 16 HCS HB 727 - Grisamore
- 17 HCS HB 83 - Reiboldt
- 18 HCS HB 132 - Stream
- 19 HCS HB 1041 - Swan
- 20 HCS HBs 309 & 73 - Solon
- 21 HCS HB 350 - Frederick
- 22 HCS HB 464 - Higdon
- 23 HCS HB 484 - Lauer
- 24 HCS HB 564 - McGaugh
- 25 HCS HB 604 - Phillips
- 26 HCS HB 608 - Frederick
- 27 HCS HB 685 - Burlison
- 28 HB 745 - Thomson
- 29 HCS HB 783 - Diehl
- 30 HCS HB 814 - Fraker
- 31 HCS HB 830 - Jones (50)
- 32 HB 863 - Allen
- 33 HCS HB 930 - Flanigan
- 34 HB 411 - Muntzel
- 35 HB 447 - Diehl
- 36 HB 467 - Lichtenegger
- 37 HB 827 - Redmon
- 38 HB 915 - Bahr
- 39 HCS HB 975 - Richardson
- 40 HCS HB 198 - Funderburk
- 41 HB 385 - Burlison
- 42 HCS HBs 77, 91 & 95 - Burlison

HOUSE BILLS FOR THIRD READING

- 1 HB 201 - Torpey
- 2 HCS HBs 521 & 579, (Fiscal Review 3/27/13) - Koenig
- 3 HCS HB 470 - Barnes
- 4 HCS#2 HB 178 - Koenig
- 5 HB 162 - Sommer
- 6 HCS HB 458 - Scharnhorst

SENATE BILLS FOR SECOND READING

- 1 SCS SB 378
- 2 SS SCS SB 437

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 11 - Walton Gray
- 2 HCR 21 - Black
- 3 HCR 32 - Schatz

SENATE JOINT RESOLUTIONS FOR THIRD READING

HCS SS#2 SCS SJR 16 - Hinson

SENATE BILLS FOR THIRD READING

- 1 SS SCS SB 125 - Barnes
- 2 HCS SCS SB 88 - Frederick
- 3 HCS SB 222 - Kelly (45)
- 4 SCS SB 224 - Rizzo
- 5 HCS SB 51, as amended - Guernsey
- 6 HCS SS SCS SB 241 - Cierpiot
- 7 SCS SB 302 - Elmer
- 8 HCS SB 18, E.C. - Cox
- 9 SCS SB 87 - Bahr
- 10 HCS SB 110 - Davis
- 11 SS SCS SB 129 - Burlison
- 12 SCS SB 178 - Kirkton
- 13 HCS SS SB 252, E.C. - Richardson
- 14 SS SB 357 - Schatz
- 15 HCS SCS SB 89, E.C. - Jones (50)
- 16 HCS SB 12, E.C. - Jones (50)
- 17 HCS SB 127 - Lichtenegger
- 18 SCS SB 69 - Cox
- 19 HCS SB 99 - Dugger
- 20 HCS SB 100, E.C. - Cox
- 21 SB 208 - White
- 22 HCS SS SB 282 - Hough
- 23 SB 58 - Engler
- 24 SS SCS SB 29 - Burlison
- 25 HCS SB 161 - Stream
- 26 HCS SB 75 - Burlison
- 27 HCS SB 205 - Burlison
- 28 HCS SS SB 245 - Mitten
- 29 HCS SCS SB 256 - Torpey
- 30 HCS SCS SBs 317 & 319 - Gosen
- 31 HCS SCS SB 229 - Grisamore
- 32 HCS SB 24, E.C. - Hinson
- 33 HCS SS SCS SB 83, E.C. - Crawford
- 34 SB 236 - Franklin
- 35 HCS SB 342 - Guernsey

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 HCS HBs 256, 33 & 305, SA 2 , SA 3, E.C. - Jones (50)
- 2 HB 400, SA 2 - Riddle
- 3 SS SCS HB 542, as amended - Love
- 4 SS HCS HB 199, as amended, E.C. - Dugger

BILLS CARRYING REQUEST MESSAGES

- 1 SCS SB 36, HA 1 (House refuse to recede/request Senate grant conference) - Hicks
- 2 HB 316, SA 1 (request Senate recede/TAFP HB 316) - Phillips
- 3 SCS HCS HB 1035 , as amended,
(request Senate recede, grant conference), E.C. - Kelley (127)
- 4 SB 77, HA 1 (request House recede/grant conference) - Allen
- 5 HCS SCS SB 42, as amended (request House recede/grant conference) - Jones (50)
- 6 HCS SB 90, as amended (request House recede/grant conference) - Dugger
- 7 HCS SB 57, as amended (request House recede/grant conference) - Engler
- 8 SCS SB 33, HA 1, HA 2, HA 3, HA 4, HA 5, HA 6
(request House recede/grant conf) - Grisamore
- 9 SB 327, HA 1 (request House recede/TAFP SB 327) - Haahr
- 10 HCS SB 41, as amended (request House recede/grant conference) - Hough

BILLS IN CONFERENCE

- 1 CCR HCS SB 23, as amended, E.C. - Jones (50)
- 2 CCR SCS SB 106, HA1, HA2, HA3, HA1 to HA4, HA4 a.a., HA5 - Davis
- 3 CCR HCS SCS SB 117, as amended - Davis
- 4 SCS HCS#2 HB 698, as amended, E.C. - Zerr
- 5 CCR HCS SS SB 34, as amended - Fraker
- 6 HCS SS#2 SCS SB 1, as amended, E.C. - Richardson
- 7 SS SCS HB 307, as amended - Riddle
- 8 HCS SS SB 262, as amended, E.C. - Molendorp
- 9 HCS SCS SB 157 and SB 102, as amended - Phillips
- 10 HCS SCS SB 17, as amended - Thomson
- 11 HCS SCS SB 9, as amended - Guernsey
- 12 HCS SB 330, as amended - Burlison
- 13 HCS SB 43, as amended - Kolkmeier
- 14 SS HCS HJRs 11 & 7, as amended - Reiboldt

SENATE CONCURRENT RESOLUTIONS

SCS SCR 5 - Frederick

HOUSE RESOLUTIONS

HR 222 - Scharnhorst

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

SIXTY-SEVENTH DAY, MONDAY, MAY 13, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Representative John McCaherty.

Father, as we humble ourselves before Your throne today we thank You for Your love, Your mercy, and Your grace. Today we face the final week of session for the General Assembly; there are many issues which remain that need to be addressed, and we pray for Your guidance as we face difficult decisions. May Your spirit reign within us, may Your peace comfort us, and may Your wisdom guide us in everything we do and may we live our lives for Your glory, honor and praise.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Mariah Brattin, Kayla Brattin, Rick Brattin III, and Garrett Gordon.

The Journal of the sixty-sixth day was approved as corrected.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 3094 through House Resolution No. 3141

SECOND READING OF SENATE BILLS

SCS SB 378 and **SS SCS SB 437** were read the second time.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has re-appointed the following Conference Committee to act with a like committee from the House on **SS HCS HJR 11 & 7, as amended**: Senators Parson, Munzlinger, Brown, Justus and Sifton.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 1035, as amended**, and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Schmitt, Pearce, Dixon, McKenna and Holsman.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate grants the House a conference on **SCS SB 36, as amended**.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Wallingford, Dixon, Romine, Justus and Keaveny.

THIRD READING OF SENATE BILLS

SS SB 357, relating to mechanics' liens, was taken up by Representative Schatz.

On motion of Representative Schatz, **SS SB 357** was truly agreed to and finally passed by the following vote:

AYES: 140

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Grisamore	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kirkton	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	Messenger	Miller	Mims
Mitten	Molendorp	Moon	Morgan	Morris
Muntzel	Neely	Neth	Nichols	Norr
Peters	Pfautsch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 013

Butler	Ellinger	Ellington	Gardner	Kratky
LaFaver	McNeil	Montecillo	Newman	Otto
Pace	Smith 85	Webb		

PRESENT: 000

ABSENT WITH LEAVE: 010

Guernsey	Kelly 45	McManus	Meredith	Parkinson
Roorda	Schupp	Smith 120	Walton Gray	Webber

Speaker Jones declared the bill passed.

SB 58, relating to City of Farmington ordinances, was taken up by Representative Engler.

Representative Engler offered **House Amendment No. 1**.

House Amendment No. 1

AMEND Senate Bill No. 58, Page 1, Section A, Line 2, by inserting after all of said line the following:

"71.285. 1. Whenever weeds or trash, in violation of an ordinance, are allowed to grow or accumulate, as the case may be, on any part of any lot or ground within any city, town or village in this state, the owner of the ground, or in case of joint tenancy, tenancy by entireties or tenancy in common, each owner thereof, shall be liable. The marshal or other city official as designated in such ordinance shall give a hearing after ten days' notice thereof, either personally or by United States mail to the owner or owners, or the owner's agents, or by posting such notice on the premises; thereupon, the marshal or other designated city official may declare the weeds or trash to be a nuisance and order the same to be abated within five days; and in case the weeds or trash are not removed within the five days, the marshal or other designated city official shall have the weeds or trash removed, and shall certify the costs of same to the city clerk, who shall cause a special tax bill therefor against the property to be prepared and to be collected by the collector, with other taxes assessed against the property; and the tax bill from the date of its issuance shall be a first lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity, and no mere clerical error or informality in the same, or in the proceedings leading up to the issuance, shall be a defense thereto. Each special tax bill shall be issued by the city clerk and delivered to the collector on or before the first day of June of each year. Such tax bills if not paid when due shall bear interest at the rate of eight percent per annum. Notwithstanding the time limitations of this section, any city, town or village located in a county of the first classification may hold the hearing provided in this section four days after notice is sent or posted, and may order at the hearing that the weeds or trash shall be abated within five business days after the hearing and if such weeds or trash are not removed within five business days after the hearing, the order shall allow the city to immediately remove the weeds or trash pursuant to this section. Except for lands owned by a public utility, rights-of-way, and easements appurtenant or incidental to lands controlled by any railroad, the department of transportation, the department of natural resources or the department of conservation, the provisions of this subsection shall not apply to any city with a population of at least seventy thousand inhabitants which is located in a county of the first classification with a population of less than one hundred thousand inhabitants which adjoins a county with a population of less than one hundred thousand inhabitants that contains part of a city with a population of three hundred fifty thousand or more inhabitants, any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification, or any city, town or village located within a county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, or any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, or the City of St. Louis, where such city, town or village establishes its own procedures for abatement of weeds or trash, and such city may charge its costs of collecting the tax bill, including attorney fees, in the event a lawsuit is required to enforce a tax bill.

2. Except as provided in subsection 3 of this section, if weeds are allowed to grow, or if trash is allowed to accumulate, on the same property in violation of an ordinance more than once during the same growing season in the case of weeds, or more than once during a calendar year in the case of trash, in any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, in the City of St. Louis, in any city, town or village located in a county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, in any fourth class city located in a county of the first classification with a charter form of government and a population of less than three hundred thousand, or in any home rule city with more than one hundred thirteen thousand two hundred but less than one hundred thirteen thousand three hundred inhabitants located

in a county with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants, the marshal or other designated city official may order that the weeds or trash be abated within five business days after notice is sent to or posted on the property. In case the weeds or trash are not removed within the five days, the marshal or other designated city official may have the weeds or trash removed and the cost of the same shall be billed in the manner described in subsection 1 of this section.

3. If weeds are allowed to grow, or if trash is allowed to accumulate, on the same property in violation of an ordinance more than once during the same growing season in the case of weeds, or more than once during a calendar year in the case of trash, in any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, in the City of St. Louis, in any city, town or village located in a county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, in any fourth class city located in a county of the first classification with a charter form of government and a population of less than three hundred thousand, in any home rule city with more than one hundred thirteen thousand two hundred but less than one hundred thirteen thousand three hundred inhabitants located in a county with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants, in any third class city with a population of at least ten thousand inhabitants but less than fifteen thousand inhabitants with the greater part of the population located in a county of the first classification, in any city of the third classification with more than sixteen thousand nine hundred but less than seventeen thousand inhabitants, [or] in any city of the third classification with more than eight thousand but fewer than nine thousand inhabitants, **in any city of the fourth classification with more than eight thousand but fewer than nine thousand inhabitants and located in any county of the third classification without a township form of government and with more than eighteen thousand but fewer than twenty thousand inhabitants, or in any city of the third classification with more than fifteen thousand but fewer than seventeen thousand inhabitants and located in any county of the first classification with more than sixty-five thousand but fewer than seventy-five thousand inhabitants,** the marshal or other designated official may, without further notification, have the weeds or trash removed and the cost of the same shall be billed in the manner described in subsection 1 of this section. The provisions of subsection 2 and this subsection do not apply to lands owned by a public utility and lands, rights-of-way, and easements appurtenant or incidental to lands controlled by any railroad.

4. The provisions of this section shall not apply to any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification where such city establishes its own procedures for abatement of weeds or trash, and such city may charge its costs of collecting the tax bill, including attorney fees, in the event a lawsuit is required to enforce a tax bill."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Engler, **House Amendment No. 1** was adopted.

Representative Gatschenberger offered **House Amendment No. 2.**

House Amendment No. 2

AMEND Senate Bill No. 58, Section A, Page 1, Line 2, by inserting after all of said line the following:

"71.012. 1. Notwithstanding the provisions of sections 71.015 and 71.860 to 71.920, the governing body of any city, town or village may annex unincorporated areas which are contiguous and compact to the existing corporate limits of the city, town or village pursuant to this section. The term "contiguous and compact" does not include a situation whereby the unincorporated area proposed to be annexed is contiguous to the annexing city, town or village only by a railroad line, trail, pipeline or other strip of real property less than one-quarter mile in width within the city, town or village so that the boundaries of the city, town or village after annexation would leave unincorporated areas between the annexed area and the prior boundaries of the city, town or village connected only by such railroad line, trail, pipeline or other such strip of real property. The term "contiguous and compact" does not prohibit voluntary annexations pursuant to this section merely because such voluntary annexation would create an island of unincorporated area within the city, town or village, so long as the owners of the unincorporated island were also given the opportunity to voluntarily annex into the city, town or village. Notwithstanding the provisions of this section, the governing body of any city, town or village in any county of the third classification which borders a county of the fourth classification, a county of the second classification and **the** Mississippi River may annex areas along a road or highway up to two miles from existing boundaries of the city, town or village or the governing body in any city, town or village in any county of the third

classification without a township form of government with a population of at least twenty-four thousand inhabitants but not more than thirty thousand inhabitants and such county contains a state correctional center may voluntarily annex such correctional center pursuant to the provisions of this section if the correctional center is along a road or highway within two miles from the existing boundaries of the city, town or village.

2. (1) When a [verified] **notarized** petition, requesting annexation and signed by the owners of all fee interests of record in all tracts of real property located within the area proposed to be annexed, or a request for annexation signed under the authority of the governing body of any common interest community and approved by a majority vote of unit owners located within the area proposed to be annexed is presented to the governing body of the city, town or village, the governing body shall hold a public hearing concerning the matter not less than fourteen nor more than sixty days after the petition is received, and the hearing shall be held not less than seven days after notice of the hearing is published in a newspaper of general circulation qualified to publish legal matters and located within the boundary of the petitioned city, town or village. If no such newspaper exists within the boundary of such city, town or village, then the notice shall be published in the qualified newspaper nearest the petitioned city, town or village. For the purposes of this subdivision, the term "common-interest community" shall mean a condominium as said term is used in chapter 448, or a common-interest community, a cooperative, or a planned community.

(a) A "common-interest community" shall be defined as real property with respect to which a person, by virtue of such person's ownership of a unit, is obliged to pay for real property taxes, insurance premiums, maintenance or improvement of other real property described in a declaration. "Ownership of a unit" does not include a leasehold interest of less than twenty years in a unit, including renewal options;

(b) A "cooperative" shall be defined as a common-interest community in which the real property is owned by an association, each of whose members is entitled by virtue of such member's ownership interest in the association to exclusive possession of a unit;

(c) A "planned community" shall be defined as a common-interest community that is not a condominium or a cooperative. A condominium or cooperative may be part of a planned community.

(2) At the public hearing any interested person, corporation or political subdivision may present evidence regarding the proposed annexation.

If, after holding the hearing, the governing body of the city, town or village determines that the annexation is reasonable and necessary to the proper development of the city, town or village, and the city, town or village has the ability to furnish normal municipal services to the area to be annexed within a reasonable time, it may, subject to the provisions of subdivision (3) of this subsection, annex the territory by ordinance without further action.

(3) If a written objection to the proposed annexation is filed with the governing body of the city, town or village not later than fourteen days after the public hearing by at least five percent of the qualified voters of the city, town or village, or two qualified voters of the area sought to be annexed if the same contains two qualified voters, the provisions of sections 71.015 and 71.860 to 71.920, shall be followed.

3. If no objection is filed, the city, town or village shall extend its limits by ordinance to include such territory, specifying with accuracy the new boundary lines to which the city's, town's or village's limits are extended. Upon duly enacting such annexation ordinance, the city, town or village shall cause three certified copies of the same to be filed with the county assessor and the clerk of the county wherein the city, town or village is located, and one certified copy to be filed with the election authority, if different from the clerk of the county which has jurisdiction over the area being annexed, whereupon the annexation shall be complete and final and thereafter all courts of this state shall take judicial notice of the limits of that city, town or village as so extended.

4. That a petition requesting annexation is not or was not verified or notarized shall not affect the validity of an annexation heretofore or hereafter undertaken in accordance with this section.

5. Any action of any kind seeking to deannex from any city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within five years of the date of adoption of the annexation ordinance.

71.014. **1.** Notwithstanding the provisions of section 71.015, the governing body of any city, town, or village which is located within a county which borders a county of the first classification with a charter form of government with a population in excess of six hundred fifty thousand, proceeding as otherwise authorized by law or charter, may annex unincorporated areas which are contiguous and compact to the existing corporate limits upon [verified] **notarized** petition requesting such annexation signed by the owners of all fee interests of record in all tracts located within the area to be annexed. **That a petition requesting annexation is not or was not verified or notarized shall not affect the validity of an annexation heretofore or hereafter undertaken in accordance with this section.**

2. Any action of any kind seeking to deannex from any city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within five years of the date of adoption of the annexation ordinance.

71.015. 1. Should any city, town, or village, not located in any county of the first classification which has adopted a constitutional charter for its own local government, seek to annex an area to which objection is made, the following shall be satisfied:

(1) Before the governing body of any city, town, or village has adopted a resolution to annex any unincorporated area of land, such city, town, or village shall first as a condition precedent determine that the land to be annexed is contiguous to the existing city, town, or village limits and that the length of the contiguous boundary common to the existing city, town, or village limit and the proposed area to be annexed is at least fifteen percent of the length of the perimeter of the area proposed for annexation.

(2) The governing body of any city, town, or village shall propose an ordinance setting forth the following:

(a) The area to be annexed and affirmatively stating that the boundaries comply with the condition precedent referred to in subdivision (1) above;

(b) That such annexation is reasonable and necessary to the proper development of the city, town, or village;

(c) That the city has developed a plan of intent to provide services to the area proposed for annexation;

(d) That a public hearing shall be held prior to the adoption of the ordinance;

(e) When the annexation is proposed to be effective, the effective date being up to thirty-six months from the date of any election held in conjunction thereto.

(3) The city, town, or village shall fix a date for a public hearing on the ordinance and make a good faith effort to notify all fee owners of record within the area proposed to be annexed by certified mail, not less than thirty nor more than sixty days before the hearing, and notify all residents of the area by publication of notice in a newspaper of general circulation qualified to publish legal matters in the county or counties where the proposed area is located, at least once a week for three consecutive weeks prior to the hearing, with at least one such notice being not more than twenty days and not less than ten days before the hearing.

(4) At the hearing referred to in subdivision (3), the city, town, or village shall present the plan of intent and evidence in support thereof to include:

(a) A list of major services presently provided by the city, town, or village including, but not limited to, police and fire protection, water and sewer systems, street maintenance, parks and recreation, **and** refuse collection[, etc.];

(b) A proposed time schedule whereby the city, town, or village plans to provide such services to the residents of the proposed area to be annexed within three years from the date the annexation is to become effective;

(c) The level at which the city, town, or village assesses property and the rate at which it taxes that property;

(d) How the city, town, or village proposes to zone the area to be annexed;

(e) When the proposed annexation shall become effective.

(5) Following the hearing, and either before or after the election held in subdivision (6) of this subsection, should the governing body of the city, town, or village vote favorably by ordinance to annex the area, the governing body of the city, town or village shall file an action in the circuit court of the county in which such unincorporated area is situated, under the provisions of chapter 527, praying for a declaratory judgment authorizing such annexation. The petition in such action shall state facts showing:

(a) The area to be annexed and its conformity with the condition precedent referred to in subdivision (1) of this subsection;

(b) That such annexation is reasonable and necessary to the proper development of the city, town, or village; and

(c) The ability of the city, town, or village to furnish normal municipal services of the city, town, or village to the unincorporated area within a reasonable time not to exceed three years after the annexation is to become effective. Such action shall be a class action against the inhabitants of such unincorporated area under the provisions of section 507.070.

(6) Except as provided in subsection 3 of this section, if the court authorizes the city, town, or village to make an annexation, the legislative body of such city, town, or village shall not have the power to extend the limits of the city, town, or village by such annexation until an election is held at which the proposition for annexation is approved by a majority of the total votes cast in the city, town, or village and by a separate majority of the total votes cast in the unincorporated territory sought to be annexed. However, should less than a majority of the total votes cast in the area proposed to be annexed vote in favor of the proposal, but at least a majority of the total votes cast in the city, town, or village vote in favor of the proposal, then the proposal shall again be voted upon in not more than one hundred twenty

days by both the registered voters of the city, town, or village and the registered voters of the area proposed to be annexed. If at least two-thirds of the qualified electors voting thereon are in favor of the annexation, then the city, town, or village may proceed to annex the territory. If the proposal fails to receive the necessary majority, no part of the area sought to be annexed may be the subject of another proposal to annex for a period of two years from the date of the election, except that, during the two-year period, the owners of all fee interests of record in the area or any portion of the area may petition the city, town, or village for the annexation of the land owned by them pursuant to the procedures in section 71.012. The elections shall if authorized be held, except as herein otherwise provided, in accordance with the general state law governing special elections, and the entire cost of the election or elections shall be paid by the city, town, or village proposing to annex the territory.

(7) Failure to comply in providing services to the said area or to zone in compliance with the plan of intent within three years after the effective date of the annexation, unless compliance is made unreasonable by an act of God, shall give rise to a cause of action for deannexation which may be filed in the circuit court by any resident of the area who was residing in the area at the time the annexation became effective.

(8) No city, town, or village which has filed an action under this section as this section read prior to May 13, 1980, which action is part of an annexation proceeding pending on May 13, 1980, shall be required to comply with subdivision (5) of this subsection in regard to such annexation proceeding.

(9) If the area proposed for annexation includes a public road or highway but does not include all of the land adjoining such road or highway, then such fee owners of record, of the lands adjoining said highway shall be permitted to intervene in the declaratory judgment action described in subdivision (5) of this subsection.

2. Notwithstanding any provision of subsection 1 of this section, for any annexation by any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county that becomes effective after August 28, 1994, if such city has not provided water and sewer service to such annexed area within three years of the effective date of the annexation, a cause of action shall lie for deannexation, unless the failure to provide such water and sewer service to the annexed area is made unreasonable by an act of God. The cause of action for deannexation may be filed in the circuit court by any resident of the annexed area who is presently residing in the area at the time of the filing of the suit and was a resident of the annexed area at the time the annexation became effective. If the suit for deannexation is successful, the city shall be liable for all court costs and attorney fees.

3. Notwithstanding the provisions of subdivision (6) of subsection 1 of this section, all cities, towns, and villages located in any county of the first classification with a charter form of government with a population of two hundred thousand or more inhabitants which adjoins a county with a population of nine hundred thousand or more inhabitants shall comply with the provisions of this subsection. If the court authorizes any city, town, or village subject to this subsection to make an annexation, the legislative body of such city, town or village shall not have the power to extend the limits of such city, town, or village by such annexation until an election is held at which the proposition for annexation is approved by a majority of the total votes cast in such city, town, or village and by a separate majority of the total votes cast in the unincorporated territory sought to be annexed; except that:

(1) In the case of a proposed annexation in any area which is contiguous to the existing city, town or village and which is within an area designated as flood plain by the Federal Emergency Management Agency and which is inhabited by no more than thirty registered voters and for which a final declaratory judgment has been granted prior to January 1, 1993, approving such annexation and where notarized affidavits expressing approval of the proposed annexation are obtained from a majority of the registered voters residing in the area to be annexed, the area may be annexed by an ordinance duly enacted by the governing body and no elections shall be required; and

(2) In the case of a proposed annexation of unincorporated territory in which no qualified electors reside, if at least a majority of the qualified electors voting on the proposition are in favor of the annexation, the city, town or village may proceed to annex the territory and no subsequent election shall be required. If the proposal fails to receive the necessary separate majorities, no part of the area sought to be annexed may be the subject of any other proposal to annex for a period of two years from the date of such election, except that, during the two-year period, the owners of all fee interests of record in the area or any portion of the area may petition the city, town, or village for the annexation of the land owned by them pursuant to the procedures in section 71.012 or 71.014. The election shall, if authorized, be held, except as otherwise provided in this section, in accordance with the general state laws governing special elections, and the entire cost of the election or elections shall be paid by the city, town, or village proposing to annex the territory. Failure of the city, town or village to comply in providing services to the area or to zone in compliance with the plan of intent within three years after the effective date of the annexation, unless compliance is made unreasonable by an act of God, shall give rise to a cause of action for deannexation which may be filed in the circuit court **not later than four years after the effective date of the annexation** by any resident of the area who was residing in such area at the time the annexation became effective or by any nonresident owner of real property in such area. **Except for a cause of action for deannexation under this subdivision (2) of this subsection, any action of any kind seeking to deannex from any**

city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within five years of the date of the adoption of the annexation ordinance."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Gatschenberger, **House Amendment No. 2** was adopted.

On motion of Representative Engler, **SB 58, as amended**, was read the third time and passed by the following vote:

AYES: 150

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Grisamore
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kirkton	Koenig	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Peters
Pfautsch	Phillips	Pierson	Pike	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Shull	Shumake	Smith 85	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	Webb	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 005

Burlison	Ellington	Marshall	Moon	Pogue
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PRESENT: 000

ABSENT WITH LEAVE: 008

Guernsey	Kelly 45	Parkinson	Schupp	Smith 120
Swearingen	Walton Gray	Webber		

Speaker Jones declared the bill passed.

APPOINTMENT OF CONFERENCE COMMITTEES

The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:

SCS HCS HB 1035: Representatives Kelley (127), Curtman and Swearingen

SCS SB 36: Representatives Hicks, Cox and LaFaver

THIRD READING OF SENATE BILLS

HCS SCS SB 229, relating to the Mental Health Employment Disqualification Registry, was taken up by Representative Grisamore.

On motion of Representative Grisamore, **HCS SCS SB 229** was adopted.

On motion of Representative Grisamore, **HCS SCS SB 229** was read the third time and passed by the following vote:

AYES: 154

Allen	Anders	Anderson	Austin	Bahr
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Parkinson	Peters	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Shull	Shumake	Smith 85	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	Webb	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Barnes	Hansen	Kelly 45	Marshall	Schupp
Smith 120	Swearingen	Walton Gray	Webber	

Speaker Jones declared the bill passed.

SS SCS SB 29, relating to labor organizations, was taken up by Representative Burlison.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeier	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Molendorp	Morris	Muntzel	Neely
Neth	Parkinson	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Smith 85	Swearingen	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 009

Cornejo	Funderburk	Hicks	Kelly 45	Moon
Pfautsch	Schupp	Smith 120	Walton Gray	

On motion of Representative Burlison, **SS SCS SB 29** was truly agreed to and finally passed by the following vote:

AYES: 085

Allen	Anderson	Austin	Bahr	Bernskoetter
Brattin	Brown	Burlison	Cierpiot	Conway 104
Cookson	Cox	Crawford	Cross	Davis
Diehl	Dohrman	Dugger	Elmer	Engler
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Franklin	Frederick	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	McGaugh	Messenger
Miller	Moon	Morris	Muntzel	Parkinson
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowland	Scharnhorst	Schatz	Shull
Shumake	Spencer	Stream	Swan	Thomson
Walker	White	Wilson	Wood	Mr Speaker

NOES: 069

Anders	Barnes	Berry	Black	Burns
Butler	Carpenter	Colona	Conway 10	Curtis
Curtman	Dunn	Ellinger	Ellington	English
Englund	Frame	Funderburk	Gardner	Hansen
Harris	Higdon	Hinson	Hodges	Hubbard
Hummel	Kirkton	Kratky	LaFaver	Marshall
May	Mayfield	McCaherty	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Molendorp	Montecillo	Morgan	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Roorda
Rowden	Runions	Schieber	Schieffer	Smith 85
Solon	Sommer	Swearingen	Torpey	Webb
Webber	Wieland	Wright	Zerr	

PRESENT: 000

ABSENT WITH LEAVE: 009

Cornejo	Gannon	Hicks	Kelly 45	Korman
Pfautsch	Schupp	Smith 120	Walton Gray	

Speaker Jones declared the bill passed.

HCS SB 205, relating to foster children, was taken up by Representative Burlison.

On motion of Representative Burlison, **HCS SB 205** was adopted.

On motion of Representative Burlison, **HCS SB 205** was read the third time and passed by the following vote:

AYES: 149

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cox	Crawford	Cross	Curtis	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Molendorp	Montecillo	Moon	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Parkinson
Peters	Pfausch	Phillips	Pierson	Pike
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Schatz	Schieffer
Shumake	Smith 85	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Webb	Webber	White	Wieland
Wilson	Wood	Wright	Mr Speaker	

NOES: 004

Curtman	Marshall	Pogue	Schieber
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PRESENT: 000

ABSENT WITH LEAVE: 010

Cornejo	Ellington	Grisamore	Kelly 45	Scharnhorst
Schupp	Shull	Smith 120	Walton Gray	Zerr

Speaker Jones declared the bill passed.

SCS SB 69, relating to administrative child support orders, was taken up by Representative Cox.

Representative Fitzpatrick offered **House Amendment No. 1.**

House Amendment No. 1

AMEND Senate Committee Substitute for Senate Bill No. 69, Page 1, in the Title, Line 3, by deleting the phrase "administrative child support decisions" and insert in lieu thereof the word "children"; and

Further amend said bill and page, Section A, Line 2, by inserting after all of said section and line the following:

"210.211. 1. It shall be unlawful for any person to establish, maintain or operate a child-care facility for children, or to advertise or hold himself or herself out as being able to perform any of the services as defined in section 210.201, without having in effect a written license granted by the department of health and senior services; except that nothing in sections 210.203 to 210.245 shall apply to:

(1) Any person who is caring for four or fewer children. For purposes of this subdivision, children who are related by blood, marriage or adoption to such person within the third degree shall not be considered in the total number of children being cared for;

(2) Any person who has been duly appointed by a court of competent jurisdiction the guardian of the person of the child or children, or the person who has legal custody of the child or children;

(3) Any person who receives free of charge, and not as a business, for periods not exceeding ninety consecutive days, as bona fide, occasional and personal guests the child or children of personal friends of such person, and who receives custody of no other unrelated child or children;

(4) Any graded boarding school, summer camp, hospital, sanitarium or home which is conducted in good faith primarily to provide education, recreation, medical treatment, or nursing or convalescent care for children;

(5) Any child-care facility maintained or operated under the exclusive control of a religious organization. When a nonreligious organization, having as its principal purpose the provision of child-care services, enters into an arrangement with a religious organization for the maintenance or operation of a child-care facility, the facility is not under the exclusive control of the religious organization;

(6) Any residential facility or day program licensed by the department of mental health pursuant to sections 630.705 to 630.760 which provides care, treatment and habilitation exclusively to children who have a primary diagnosis of mental disorder, mental illness, mental retardation or developmental disability, as defined in section 630.005; [and]

(7) Any nursery school; **and**

(8) Any child-care facility in a third class county that discloses any noncompliance with sections 210.203 to 210.245 to the parent or guardian of the child being cared for and obtains written acknowledgment of such non-compliance from the parent or guardian."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 105

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger

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Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfausch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Mr Speaker

NOES: 048

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
English	Englund	Frame	Harris	Hodges
Hubbard	Hummel	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 010

Cornejo	Ellington	Funderburk	Gardner	Kelly 45
Montecillo	Scharnhorst	Smith 120	Walton Gray	Zerr

Representative Fitzpatrick moved that **House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 054

Anderson	Bahr	Brattin	Burlison	Cookson
Cox	Curtman	Diehl	Dohrman	Elmer
Fitzpatrick	Fitzwater	Fowler	Fraker	Frederick
Funderburk	Gatschenberger	Gosen	Guernsey	Hicks
Hoskins	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Lair	Marshall	McGaugh	Molendorp
Moon	Muntzel	Neely	Parkinson	Phillips
Pike	Pogue	Redmon	Remole	Riddle
Ross	Rowland	Schatz	Schieber	Shull
Sommer	Spencer	Wilson	Mr Speaker	

NOES: 103

Allen	Anders	Austin	Barnes	Bernskoetter
Berry	Black	Brown	Burns	Butler
Carpenter	Cierpiot	Colona	Conway 10	Conway 104
Crawford	Cross	Curtis	Davis	Dugger
Dunn	Ellinger	Ellington	Engler	English
Englund	Entlicher	Flanigan	Frame	Franklin
Gannon	Gardner	Grisamore	Haahr	Haefner

Hampton	Hansen	Harris	Higdon	Hinson
Hodges	Hough	Hubbard	Hummel	Kirkton
Kratky	LaFaver	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	May	Mayfield
McCaherty	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Montecillo	Morgan	Morris	Neth
Newman	Nichols	Norr	Otto	Pace
Peters	Pfautsch	Pierson	Rehder	Reiboldt
Rhoads	Richardson	Rizzo	Roorda	Rowden
Runions	Schieffer	Schupp	Shumake	Smith 85
Solon	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Webb	Webber	White
Wieland	Wood	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 006

Cornejo	Kelly 45	Scharnhorst	Smith 120	Walton Gray
Zerr				

Representative May offered **House Amendment No. 2**.

Representative Cox raised a point of order that **House Amendment No. 2** is not germane to the bill.

The Chair ruled the point of order well taken.

On motion of Representative Cox, **SCS SB 69** was truly agreed to and finally passed by the following vote:

AYES: 152

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Molendorp	Montecillo	Moon	Morgan
Morris	Muntzel	Neely	Neth	Newman

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Nichols	Norr	Otto	Pace	Parkinson
Peters	Pfausch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Schatz
Schieber	Schupp	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Webb	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 004

Curtis	Ellington	Gardner	Smith 85
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PRESENT: 000

ABSENT WITH LEAVE: 007

Cornejo	Flanigan	Kelly 45	Scharnhorst	Schieffer
Smith 120	Walton Gray			

Speaker Jones declared the bill passed.

SB 208, relating to foster care reentry, was taken up by Representative White.

Representative Dugger assumed the Chair.

On motion of Representative White, **SB 208** was truly agreed to and finally passed by the following vote:

AYES: 150

Allen	Anders	Anderson	Austin	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kirkton	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Molendorp	Montecillo	Moon	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Peters

Pfautsch	Phillips	Pierson	Pike	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieffer
Schupp	Shull	Shumake	Smith 85	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	Webb	Webber	White
Wieland	Wood	Wright	Zerr	Mr Speaker

NOES: 009

Bahr	Curtman	Hicks	Koenig	Marshall
Parkinson	Pogue	Schieber	Wilson	

PRESENT: 000

ABSENT WITH LEAVE: 004

Kelly 45	Smith 120	Swearingen	Walton Gray
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Representative Dugger declared the bill passed.

HCS SB 127, relating to MO HealthNet benefits, was taken up by Representative Lichtenegger.

Representative Barnes offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 127, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"208.146. 1. The program established under this section shall be known as the "Ticket to Work Health Assurance Program". Subject to appropriations and in accordance with the federal Ticket to Work and Work Incentives Improvement Act of 1999 (TWWIA), Public Law 106-170, the medical assistance provided for in section 208.151 may be paid for a person who is employed and who:

(1) Except for earnings, meets the definition of disabled under the Supplemental Security Income Program or meets the definition of an employed individual with a medically improved disability under TWWIA;

(2) Has earned income, as defined in subsection 2 of this section;

(3) Meets the asset limits in subsection 3 of this section;

(4) Has net income, as defined in subsection 3 of this section, that does not exceed the limit for permanent and totally disabled individuals to receive nonspenddown MO HealthNet under subdivision (24) of subsection 1 of section 208.151; and

(5) Has a gross income of two hundred fifty percent or less of the federal poverty level, excluding any earned income of the worker with a disability between two hundred fifty and three hundred percent of the federal poverty level. For purposes of this subdivision, "gross income" includes all income of the person and the person's spouse that would be considered in determining MO HealthNet eligibility for permanent and totally disabled individuals under subdivision (24) of subsection 1 of section 208.151. Individuals with gross incomes in excess of one hundred percent of the federal poverty level shall pay a premium for participation in accordance with subsection 4 of this section.

2. For income to be considered earned income for purposes of this section, the department of social services shall document that Medicare and Social Security taxes are withheld from such income. Self-employed persons shall provide proof of payment of Medicare and Social Security taxes for income to be considered earned.

3. (1) For purposes of determining eligibility under this section, the available asset limit and the definition of available assets shall be the same as those used to determine MO HealthNet eligibility for permanent and totally disabled individuals under subdivision (24) of subsection 1 of section 208.151 except for:

(a) Medical savings accounts limited to deposits of earned income and earnings on such income while a participant in the program created under this section with a value not to exceed five thousand dollars per year; and

(b) Independent living accounts limited to deposits of earned income and earnings on such income while a participant in the program created under this section with a value not to exceed five thousand dollars per year. For purposes of this section, an "independent living account" means an account established and maintained to provide savings for transportation, housing, home modification, and personal care services and assistive devices associated with such person's disability.

(2) To determine net income, the following shall be disregarded:

(a) All earned income of the disabled worker;

(b) The first sixty-five dollars and one-half of the remaining earned income of a nondisabled spouse's earned income;

(c) A twenty dollar standard deduction;

(d) Health insurance premiums;

(e) A seventy-five dollar a month standard deduction for the disabled worker's dental and optical insurance when the total dental and optical insurance premiums are less than seventy-five dollars;

(f) All Supplemental Security Income payments, and the first fifty dollars of SSDI payments;

(g) A standard deduction for impairment-related employment expenses equal to one-half of the disabled worker's earned income.

4. Any person whose gross income exceeds one hundred percent of the federal poverty level shall pay a premium for participation in the medical assistance provided in this section. Such premium shall be:

(1) For a person whose gross income is more than one hundred percent but less than one hundred fifty percent of the federal poverty level, four percent of income at one hundred percent of the federal poverty level;

(2) For a person whose gross income equals or exceeds one hundred fifty percent but is less than two hundred percent of the federal poverty level, four percent of income at one hundred fifty percent of the federal poverty level;

(3) For a person whose gross income equals or exceeds two hundred percent but less than two hundred fifty percent of the federal poverty level, five percent of income at two hundred percent of the federal poverty level;

(4) For a person whose gross income equals or exceeds two hundred fifty percent up to and including three hundred percent of the federal poverty level, six percent of income at two hundred fifty percent of the federal poverty level.

5. Recipients of services through this program shall report any change in income or household size within ten days of the occurrence of such change. An increase in premiums resulting from a reported change in income or household size shall be effective with the next premium invoice that is mailed to a person after due process requirements have been met. A decrease in premiums shall be effective the first day of the month immediately following the month in which the change is reported.

6. If an eligible person's employer offers employer-sponsored health insurance and the department of social services determines that it is more cost effective, such person shall participate in the employer-sponsored insurance. The department shall pay such person's portion of the premiums, co-payments, and any other costs associated with participation in the employer-sponsored health insurance.

7. The provisions of this section shall expire [six years after] August 28, [2007] **2019**.

208.151. 1. Medical assistance on behalf of needy persons shall be known as "MO HealthNet". For the purpose of paying MO HealthNet benefits and to comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section 301, et seq.) as amended, the following needy persons shall be eligible to receive MO HealthNet benefits to the extent and in the manner hereinafter provided:

(1) All participants receiving state supplemental payments for the aged, blind and disabled;

(2) All participants receiving aid to families with dependent children benefits, including all persons under nineteen years of age who would be classified as dependent children except for the requirements of subdivision (1) of subsection 1 of section 208.040. Participants eligible under this subdivision who are participating in drug court, as defined in section 478.001, shall have their eligibility automatically extended sixty days from the time their dependent child is removed from the custody of the participant, subject to approval of the Centers for Medicare and Medicaid Services;

(3) All participants receiving blind pension benefits;

(4) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits under the eligibility standards in effect December 31, 1973, or less restrictive standards as established by rule of the family support division, who are sixty-five years of age or over and are patients in state institutions for mental diseases or tuberculosis;

(5) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children except for the requirements of subdivision (2) of subsection 1 of section 208.040, and who are residing in an intermediate care facility, or receiving active treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. 1396d, as amended;

(6) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children benefits except for the requirement of deprivation of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(7) All persons eligible to receive nursing care benefits;

(8) All participants receiving family foster home or nonprofit private child-care institution care, subsidized adoption benefits and parental school care wherein state funds are used as partial or full payment for such care;

(9) All persons who were participants receiving old age assistance benefits, aid to the permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who continue to meet the eligibility requirements, except income, for these assistance categories, but who are no longer receiving such benefits because of the implementation of Title XVI of the federal Social Security Act, as amended;

(10) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child in the home;

(11) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child who is deprived of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(12) Pregnant women or infants under one year of age, or both, whose family income does not exceed an income eligibility standard equal to one hundred eighty-five percent of the federal poverty level as established and amended by the federal Department of Health and Human Services, or its successor agency;

(13) Children who have attained one year of age but have not attained six years of age who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989). The family support division shall use an income eligibility standard equal to one hundred thirty-three percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency;

(14) Children who have attained six years of age but have not attained nineteen years of age. For children who have attained six years of age but have not attained nineteen years of age, the family support division shall use an income assessment methodology which provides for eligibility when family income is equal to or less than equal to one hundred percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency. As necessary to provide MO HealthNet coverage under this subdivision, the department of social services may revise the state MO HealthNet plan to extend coverage under 42 U.S.C. 1396a (a)(10)(A)(i)(III) to children who have attained six years of age but have not attained nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. 1396d using a more liberal income assessment methodology as authorized by paragraph (2) of subsection (r) of 42 U.S.C. 1396a;

(15) The family support division shall not establish a resource eligibility standard in assessing eligibility for persons under subdivision (12), (13) or (14) of this subsection. The MO HealthNet division shall define the amount and scope of benefits which are available to individuals eligible under each of the subdivisions (12), (13), and (14) of this subsection, in accordance with the requirements of federal law and regulations promulgated thereunder;

(16) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal care shall be made available to pregnant women during a period of presumptive eligibility pursuant to 42 U.S.C. Section 1396r-1, as amended;

(17) A child born to a woman eligible for and receiving MO HealthNet benefits under this section on the date of the child's birth shall be deemed to have applied for MO HealthNet benefits and to have been found eligible for such assistance under such plan on the date of such birth and to remain eligible for such assistance for a period of time determined in accordance with applicable federal and state law and regulations so long as the child is a member of the woman's household and either the woman remains eligible for such assistance or for children born on or after January 1, 1991, the woman would remain eligible for such assistance if she were still pregnant. Upon notification of such child's birth, the family support division shall assign a MO HealthNet eligibility identification number to the child so that claims may be submitted and paid under such child's identification number;

(18) Pregnant women and children eligible for MO HealthNet benefits pursuant to subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for MO HealthNet benefits be required to apply for aid to families with dependent children. The family support division shall utilize an application for eligibility for such persons which eliminates information requirements other than those necessary to apply for MO HealthNet benefits. The division shall provide such application forms to applicants whose preliminary income information indicates that they are ineligible for aid to families with dependent children. Applicants for MO HealthNet benefits under subdivision (12),

(13) or (14) of this subsection shall be informed of the aid to families with dependent children program and that they are entitled to apply for such benefits. Any forms utilized by the family support division for assessing eligibility under this chapter shall be as simple as practicable;

(19) Subject to appropriations necessary to recruit and train such staff, the family support division shall provide one or more full-time, permanent eligibility specialists to process applications for MO HealthNet benefits at the site of a health care provider, if the health care provider requests the placement of such eligibility specialists and reimburses the division for the expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and equipment of such eligibility specialists. The division may provide a health care provider with a part-time or temporary eligibility specialist at the site of a health care provider if the health care provider requests the placement of such an eligibility specialist and reimburses the division for the expenses, including but not limited to the salary, benefits, travel, training, telephone, supplies, and equipment, of such an eligibility specialist. The division may seek to employ such eligibility specialists who are otherwise qualified for such positions and who are current or former welfare participants. The division may consider training such current or former welfare participants as eligibility specialists for this program;

(20) Pregnant women who are eligible for, have applied for and have received MO HealthNet benefits under subdivision (2), (10), (11) or (12) of this subsection shall continue to be considered eligible for all pregnancy-related and postpartum MO HealthNet benefits provided under section 208.152 until the end of the sixty-day period beginning on the last day of their pregnancy;

(21) Case management services for pregnant women and young children at risk shall be a covered service. To the greatest extent possible, and in compliance with federal law and regulations, the department of health and senior services shall provide case management services to pregnant women by contract or agreement with the department of social services through local health departments organized under the provisions of chapter 192 or chapter 205 or a city health department operated under a city charter or a combined city-county health department or other department of health and senior services designees. To the greatest extent possible the department of social services and the department of health and senior services shall mutually coordinate all services for pregnant women and children with the crippled children's program, the prevention of intellectual disability and developmental disability program and the prenatal care program administered by the department of health and senior services. The department of social services shall by regulation establish the methodology for reimbursement for case management services provided by the department of health and senior services. For purposes of this section, the term "case management" shall mean those activities of local public health personnel to identify prospective MO HealthNet-eligible high-risk mothers and enroll them in the state's MO HealthNet program, refer them to local physicians or local health departments who provide prenatal care under physician protocol and who participate in the MO HealthNet program for prenatal care and to ensure that said high-risk mothers receive support from all private and public programs for which they are eligible and shall not include involvement in any MO HealthNet prepaid, case-managed programs;

(22) By January 1, 1988, the department of social services and the department of health and senior services shall study all significant aspects of presumptive eligibility for pregnant women and submit a joint report on the subject, including projected costs and the time needed for implementation, to the general assembly. The department of social services, at the direction of the general assembly, may implement presumptive eligibility by regulation promulgated pursuant to chapter 207;

(23) All participants who would be eligible for aid to families with dependent children benefits except for the requirements of paragraph (d) of subdivision (1) of section 208.150;

(24) (a) All persons who would be determined to be eligible for old age assistance benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriation;

(b) All persons who would be determined to be eligible for aid to the blind benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005, except that less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), shall be used to raise the income limit to one hundred percent of the federal poverty level;

(c) All persons who would be determined to be eligible for permanent and total disability benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. 1396a(f); or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriations. Eligibility standards for permanent and total disability benefits shall not be limited by age;

(25) Persons who have been diagnosed with breast or cervical cancer and who are eligible for coverage pursuant to 42 U.S.C. 1396a (a)(10)(A)(ii)(XVIII). Such persons shall be eligible during a period of presumptive eligibility in accordance with 42 U.S.C. 1396r-1;

(26) **Effective August 28, 2013**, persons who are [independent foster care adolescents, as defined in 42 U.S.C. Section 1396d, or who are within reasonable categories of such adolescents who are under twenty-one years of age as specified by the state, are eligible for coverage under 42 U.S.C. Section 1396a (a)(10)(A)(ii)(XVII) without regard to income or assets] **in foster care under the responsibility of the state of Missouri on the date such persons attain the age of eighteen years, or at any time during the thirty-day period preceding their eighteenth birthday, without regard to income or assets, if such persons:**

- (a) **Are under twenty-six years of age;**
- (b) **Are not eligible for coverage under another mandatory coverage group; and**
- (c) **Were covered by Medicaid while they were in foster care.**

2. Rules and regulations to implement this section shall be promulgated in accordance with [section 431.064 and] chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance pursuant to 42 U.S.C. 601, et seq., as amended, in at least three of the last six months immediately preceding the month in which such family became ineligible for such assistance because of increased income from employment shall, while a member of such family is employed, remain eligible for MO HealthNet benefits for four calendar months following the month in which such family would otherwise be determined to be ineligible for such assistance because of income and resource limitation. After April 1, 1990, any family receiving aid pursuant to 42 U.S.C. 601, et seq., as amended, in at least three of the six months immediately preceding the month in which such family becomes ineligible for such aid, because of hours of employment or income from employment of the caretaker relative, shall remain eligible for MO HealthNet benefits for six calendar months following the month of such ineligibility as long as such family includes a child as provided in 42 U.S.C. 1396r-6. Each family which has received such medical assistance during the entire six-month period described in this section and which meets reporting requirements and income tests established by the division and continues to include a child as provided in 42 U.S.C. 1396r-6 shall receive MO HealthNet benefits without fee for an additional six months. The MO HealthNet division may provide by rule and as authorized by annual appropriation the scope of MO HealthNet coverage to be granted to such families.

4. When any individual has been determined to be eligible for MO HealthNet benefits, such medical assistance will be made available to him or her for care and services furnished in or after the third month before the month in which he made application for such assistance if such individual was, or upon application would have been, eligible for such assistance at the time such care and services were furnished; provided, further, that such medical expenses remain unpaid.

5. The department of social services may apply to the federal Department of Health and Human Services for a MO HealthNet waiver amendment to the Section 1115 demonstration waiver or for any additional MO HealthNet waivers necessary not to exceed one million dollars in additional costs to the state, unless subject to appropriation or directed by statute, but in no event shall such waiver applications or amendments seek to waive the services of a rural health clinic or a federally qualified health center as defined in 42 U.S.C. 1396d(l)(1) and (2) or the payment requirements for such clinics and centers as provided in 42 U.S.C. 1396a(a)(15) and 1396a(bb) unless such waiver application is approved by the oversight committee created in section 208.955. A request for such a waiver so submitted shall only become effective by executive order not sooner than ninety days after the final adjournment of the session of the general assembly to which it is submitted, unless it is disapproved within sixty days of its submission to a regular session by a senate or house resolution adopted by a majority vote of the respective elected members thereof, unless the request for such a waiver is made subject to appropriation or directed by statute.

6. Notwithstanding any other provision of law to the contrary, in any given fiscal year, any persons made eligible for MO HealthNet benefits under subdivisions (1) to (22) of subsection 1 of this section shall only be eligible if annual appropriations are made for such eligibility. This subsection shall not apply to classes of individuals listed in 42 U.S.C. Section 1396a(a)(10)(A)(i)."; and

Further amend said bill, Page 10, Section 208.240, Line 5, by inserting after all of said section and line the following:

"208.895. 1. Upon **the** receipt of a properly completed referral **for service** for MO HealthNet-funded home- and community-based care [containing a nurse assessment] or a physician's order, the department of health and senior services [may] **shall**:

(1) [Review the recommendations regarding services and] Process, **review and approve or deny** the referral within fifteen business days;

(2) [Issue a prior-authorization for home and community-based services when information contained in the referral is sufficient to establish eligibility for MO HealthNet-funded long-term care and determine the level of service need as required under state and federal regulations;

(3) Arrange] **For approved referrals, arrange** for the provision of services by [an in-home] **a home- and community-based** provider;

[4) Reimburse the in-home provider for one nurse visit to conduct an assessment and recommendation for a care plan and, where necessary based on case circumstances, a second nurse visit may be authorized to gather additional information or documentation necessary to constitute a completed referral;

(5) Notify the referring entity upon the authorization of MO HealthNet eligibility and provide MO HealthNet reimbursement for personal care benefits effective the date of the assessment or physician's order, and MO HealthNet reimbursement for waiver services effective the date the state reviews and approves the care plan;

(6)] **(3)** Notify the referring entity **or individual** within five business days of receiving the referral if [additional information] **a different physical address** is required to [process the referral; and

(7) Inform the provider and contact the individual when information is insufficient or the proposed care plan requires additional evaluation by state staff that is not obtained from the referring entity to schedule an in-home assessment to be conducted by the state staff within thirty days] **schedule the assessment. The referring entity has five days to provide a current physical address if requested by the department. If a different physical address is needed, the fifteen-day limit included in subdivision (1) of this subsection is suspended until the information is received by the department;**

(4) Inform the applicant of:

(a) The full range of available MO HealthNet home- and community-based services, including, but not limited to, adult day care services, home-delivered meals, and the benefits of self-direction and agency model services;

(b) The choice of home- and community-based service providers in the applicant's area, and that some providers conduct their own assessments, but that choosing a provider who does not conduct assessments will not delay delivery of services; and

(c) The option to choose more than one home- and community-based service provider to deliver or facilitate the services the applicant is qualified to receive;

(5) Prioritize the referrals received, giving the highest priority to referrals for high-risk individuals, followed by individuals who are alleged to be victims of abuse or neglect as a result of an investigation initiated from the elder abuse and neglect hotline, and then followed by individuals who have not selected a provider or who have selected a provider that does not conduct assessments; and

(6) Notify the referring entity and the applicant within ten business days of receiving the referral if it has not scheduled the assessment.

2. **If** the department of health and senior services [may contract for initial home- and community-based assessments, including a care plan, through an independent third-party assessor. The contract shall include a requirement that:

(1) Within fifteen days of receipt of a referral for service, the contractor shall have made a face-to-face assessment of care need and developed a plan of care; and

(2) The contractor notify the referring entity within five days of receipt of referral if additional information is needed to process the referral.

The contract shall also include the same requirements for such assessments as of January 1, 2010, related to timeliness of assessments and the beginning of service. The contract shall be bid under chapter 34 and shall not be a risk-based contract] **has not complied with subdivision (1) of subsection 1 of this section, a provider has the option of completing an assessment and care plan recommendation. At such time that the department approves or modifies the assessment and care plan, the care plan shall become effective; such approval or modification shall occur within five business days after receipt of the assessment and care plan from the provider. If such approval, modification, or denial by the department does not occur within five business days, the provider's care plan shall**

be approved and payment shall begin to the provider based on the assessment and care plan recommendation submitted by the provider.

3. [The two nurse visits authorized by subsection 16 of section 660.300 shall continue to be performed by home- and community-based providers for including, but not limited to, reassessment and level of care recommendations. These reassessments and care plan changes shall be reviewed and approved by the independent third-party assessor. In the event of dispute over the level of care required, the third-party assessor shall conduct a face-to-face review with the client in question.

4. The provisions of this section shall expire August 28, 2013] **At such time that the department approves or modifies the assessment and care plan, the latest approved care plan shall become effective. If the department assessment determines the client does not meet level of care, the state shall not be responsible for the cost of services claimed prior to the department's written notification to the provider of such denial.**

4. **The department shall implement subsections 2 and 3 of this section unless the Centers for Medicare and Medicaid Services disapproves any necessary state plan amendments or waivers to implement the provisions in subsections 2 and 3 of this section allowing providers to perform assessments.**

5. **The department's auditing of home- and community-based service providers shall include a review of the client plan of care and provider assessments, and choice and communication of home- and community-based service provider service options to individuals seeking MO HealthNet services. Such auditing shall be conducted utilizing a statistically valid sample. The department shall also make publicly available a review of its process for informing participants of service options within MO HealthNet home- and community-based service provider services and information on referrals.**

6. **For purposes of this section:**

(1) **"Assessment" means a face-to-face determination that a MO HealthNet participant is eligible for home- and community-based services and:**

(a) **Is conducted by an assessor trained to perform home- and community-based care assessments;**

(b) **Uses forms provided by the department;**

(c) **Includes unbiased descriptions of each available service within home- and community-based services with a clear person-centered explanation of the benefits of each home- and community-based service, whether the applicant qualifies for more than one service and ability to choose more than one provider to deliver or facilitate services; and**

(d) **Informs the applicant, either by the department or the provider conducting the assessment, that choosing a provider or multiple providers that do not conduct their own assessments will in no way affect the quality of service or the timeliness of the applicant's assessment and authorization process.**

(2) **A "properly completed referral" shall contain basic information adequate for the department to contact the client or person needing service. At a minimum, the referral shall contain:**

(a) **The stated need for MO HealthNet home- and community-based services;**

(b) **The name, date of birth, and Social Security number of the client or person needing service, or the client's or person's MO HealthNet number; and**

(c) **The current physical address and phone number of the client or person needing services.**

Addition information which may assist the department including contact information of a responsible party shall also be submitted.

7. **The department shall:**

(1) **Develop an automated electronic assessment care plan tool to be used by providers; and**

(2) **Make recommendations to the general assembly by January 1, 2014, for the implementation of the automated electronic assessment care plan tool.**

8. **No later than December 31, 2014, the department of health and senior services shall submit a report to the general assembly that reviews the following:**

(1) **How well the department is doing on meeting the fifteen-day requirement;**

(2) **The process the department used to approve the assessors;**

(3) **Financial data on the cost of the program prior to and after enactment of this section;**

(4) **Any audit information available on assessments performed outside the department; and**

(5) **The department's staffing policies implemented to meet the fifteen-day assessment requirement.**

208.990. 1. Notwithstanding any other provisions of law to the contrary, to be eligible for MO HealthNet coverage individuals shall meet the eligibility criteria set forth in 42 CFR 435, including but not limited to the requirements that:

(1) The individual is a resident of the state of Missouri;
 (2) The individual has a valid Social Security number;
 (3) The individual is a citizen of the United States or a qualified alien as described in Section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 8 U.S.C. Section 1641, who has provided satisfactory documentary evidence of qualified alien status which has been verified with the Department of Homeland Security under a declaration required by Section 1137(d) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 that the applicant or beneficiary is an alien in a satisfactory immigration status; and

(4) An individual claiming eligibility as a pregnant woman shall verify pregnancy.

2. Notwithstanding any other provisions of law to the contrary, effective January 1, 2014, the family support division shall conduct an annual redetermination of all MO HealthNet participants' eligibility as provided in 42 CFR 435.916. The department may contract with an administrative service organization to conduct the annual redeterminations if it is cost effective.

3. The department, or family support division, shall conduct electronic searches to redetermine eligibility on the basis of income, residency, citizenship, identity and other criteria as described in 42 CFR 435.916 upon availability of federal, state, and commercially available electronic data sources. The department, or family support division, may enter into a contract with a vendor to perform the electronic search of eligibility information not disclosed during the application process and obtain an applicable case management system. The department shall retain final authority over eligibility determinations made during the redetermination process.

4. Notwithstanding any other provisions of law to the contrary, applications for MO HealthNet benefits shall be submitted in accordance with the requirements of 42 CFR 435.907 and other applicable federal law. The individual shall provide all required information and documentation necessary to make an eligibility determination, resolve discrepancies found during the redetermination process, or for a purpose directly connected to the administration of the medical assistance program.

5. Notwithstanding any other provisions of law to the contrary, to be eligible for MO HealthNet coverage under section 208.995, individuals shall meet the eligibility requirements set forth in subsection 1 of this section and all other eligibility criteria set forth in 42 CFR 435 and 457, including, but not limited to, the requirements that:

(1) The department of social services shall determine the individual's financial eligibility based on projected annual household income and family size for the remainder of the current calendar year;

(2) The department of social services shall determine household income for the purpose of determining the modified adjusted gross income by including all available cash support provided by the person claiming such individual as a dependent for tax purposes;

(3) The department of social services shall determine a pregnant woman's household size by counting the pregnant woman plus the number of children she is expected to deliver;

(4) CHIP-eligible children shall be uninsured, shall not have access to affordable insurance, and their parent shall pay the required premium;

(5) An individual claiming eligibility as an uninsured woman shall be uninsured.

208.995. 1. For purposes of this section and section 208.990, the following terms mean:

(1) "Child" or "children", a person or persons who are under nineteen years of age;

(2) "CHIP-eligible children", children who meet the eligibility standards for Missouri's children's health insurance program as provided in sections 208.631 to 208.658, including paying the premiums required under sections 208.631 to 208.658;

(3) "Department", the Missouri department of social services, or a division or unit within the department as designated by the department's director;

(4) "MAGI", the individual's modified adjusted gross income as defined in Section 36B(d)(2) of the Internal Revenue Code of 1986, as amended, and:

(a) Any foreign earned income or housing costs;

(b) Tax-exempt interest received or accrued by the individual; and

(c) Tax-exempt Social Security income;

(5) "MAGI equivalent net income standard", an income eligibility threshold based on modified adjusted gross income that is not less than the income eligibility levels that were in effect prior to the enactment of Public Law 111-148 and Public Law 111-152.

2. (1) Effective January 1, 2014, notwithstanding any other provision of law to the contrary, the following individuals shall be eligible for MO HealthNet coverage as provided in this section:

- (a) Individuals covered by MO HealthNet for families as provided in section 208.145;
- (b) Individuals covered by transitional MO HealthNet as provided in 42 U.S.C. Section 1396r-6;
- (c) Individuals covered by extended MO HealthNet for families on child support closings as provided in 42 U.S.C. Section 1396r-6;
- (d) Pregnant women as provided in subdivisions (10), (11), and (12) of subsection 1 of section 208.151;
- (e) Children under one year of age as provided in subdivision (12) of subsection 1 of section 208.151;
- (f) Children under six years of age as provided in subdivision (13) of subsection 1 of section 208.151;
- (g) Children under nineteen years of age as provided in subdivision (14) of subsection 1 of section 208.151;
- (h) CHIP-eligible children; and
- (i) Uninsured women as provided in section 208.659.

(2) Effective January 1, 2014, the department shall determine eligibility for individuals eligible for MO HealthNet under subdivision (1) of this subsection based on the following income eligibility standards, unless and until they are changed:

(a) For individuals listed in paragraphs (a), (b) and (c) of subdivision (1) of this subsection, the department shall apply the July 16, 1996, Aid to Families with Dependent Children (AFDC) income standard as converted to the MAGI equivalent net income standard;

(b) For individuals listed in paragraphs (f) and (g) of subdivision (1) of this subsection, the department shall apply one hundred thirty-three percent of the federal poverty level converted to the MAGI equivalent net income standard;

(c) For individuals listed in paragraph (h) of subdivision (1) of this subsection, the department shall convert the income eligibility standard set forth in section 208.633 to the MAGI equivalent net income standard;

(d) For individuals listed in paragraphs (d), (e) and (i) of subdivision (1) of this subsection, the department shall apply one hundred eighty-five percent of the federal poverty level converted to the MAGI equivalent net income standard;

(3) Individuals eligible for MO HealthNet under subdivision (1) of this subsection shall receive all applicable benefits under section 208.152.

3. The department or appropriate divisions of the department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as the term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

4. The department shall submit such state plan amendments and waivers to the Centers for Medicare and Medicaid Services of the federal Department of Health and Human Services as the department determines are necessary to implement the provisions of this section.

660.315. 1. After an investigation and a determination has been made to place a person's name on the employee disqualification list, that person shall be notified in writing mailed to his or her last known address that:

(1) An allegation has been made against the person, the substance of the allegation and that an investigation has been conducted which tends to substantiate the allegation;

(2) The person's name will be included in the employee disqualification list of the department;

(3) The consequences of being so listed including the length of time to be listed; and

(4) The person's rights and the procedure to challenge the allegation.

2. If no reply has been received within thirty days of mailing the notice, the department may include the name of such person on its list. The length of time the person's name shall appear on the employee disqualification list shall be determined by the director or the director's designee, based upon the criteria contained in subsection 9 of this section.

3. If the person so notified wishes to challenge the allegation, such person may file an application for a hearing with the department. The department shall grant the application within thirty days after receipt by the department and set the matter for hearing, or the department shall notify the applicant that, after review, the allegation has been held to be unfounded and the applicant's name will not be listed.

4. If a person's name is included on the employee disqualification list without the department providing notice as required under subsection 1 of this section, such person may file a request with the department for removal of the name or for a hearing. Within thirty days after receipt of the request, the department shall either remove the name from the list or grant a hearing and set a date therefor.

5. Any hearing shall be conducted in the county of the person's residence by the director of the department or the director's designee. The provisions of chapter 536 for a contested case except those provisions or amendments which are in conflict with this section shall apply to and govern the proceedings contained in this section and the rights and duties of the parties involved. The person appealing such an action shall be entitled to present evidence, pursuant to the provisions of chapter 536, relevant to the allegations.

6. Upon the record made at the hearing, the director of the department or the director's designee shall determine all questions presented and shall determine whether the person shall be listed on the employee disqualification list. The director of the department or the director's designee shall clearly state the reasons for his or her decision and shall include a statement of findings of fact and conclusions of law pertinent to the questions in issue.

7. A person aggrieved by the decision following the hearing shall be informed of his or her right to seek judicial review as provided under chapter 536. If the person fails to appeal the director's findings, those findings shall constitute a final determination that the person shall be placed on the employee disqualification list.

8. A decision by the director shall be inadmissible in any civil action brought against a facility or the in-home services provider agency and arising out of the facts and circumstances which brought about the employment disqualification proceeding, unless the civil action is brought against the facility or the in-home services provider agency by the department of health and senior services or one of its divisions.

9. The length of time the person's name shall appear on the employee disqualification list shall be determined by the director of the department of health and senior services or the director's designee, based upon the following:

- (1) Whether the person acted recklessly or knowingly, as defined in chapter 562;
- (2) The degree of the physical, sexual, or emotional injury or harm; or the degree of the imminent danger to the health, safety or welfare of a resident or in-home services client;
- (3) The degree of misappropriation of the property or funds, or falsification of any documents for service delivery of an in-home services client;
- (4) Whether the person has previously been listed on the employee disqualification list;
- (5) Any mitigating circumstances;
- (6) Any aggravating circumstances; and
- (7) Whether alternative sanctions resulting in conditions of continued employment are appropriate in lieu of placing a person's name on the employee disqualification list. Such conditions of employment may include, but are not limited to, additional training and employee counseling. Conditional employment shall terminate upon the expiration of the designated length of time and the person's submitting documentation which fulfills the department of health and senior services' requirements.

10. The removal of any person's name from the list under this section shall not prevent the director from keeping records of all acts finally determined to have occurred under this section.

11. The department shall provide the list maintained pursuant to this section to other state departments upon request and to any person, corporation, organization, or association who:

- (1) Is licensed as an operator under chapter 198;
- (2) Provides in-home services under contract with the department;
- (3) Employs nurses and nursing assistants for temporary or intermittent placement in health care facilities;
- (4) Is approved by the department to issue certificates for nursing assistants training;
- (5) Is an entity licensed under chapter 197;
- (6) Is a recognized school of nursing, medicine, or other health profession for the purpose of determining whether students scheduled to participate in clinical rotations with entities described in subdivision (1), (2), or (5) of this subsection are included in the employee disqualification list; or
- (7) Is a consumer reporting agency regulated by the federal Fair Credit Reporting Act that conducts employee background checks on behalf of entities listed in subdivisions (1), (2), (5), or (6) of this subsection. Such a consumer reporting agency shall conduct the employee disqualification list check only upon the initiative or request of an entity described in subdivisions (1), (2), (5), or (6) of this subsection when the entity is fulfilling its duties required under this section. The information shall be disclosed only to the requesting entity.

The department shall inform any person listed above who inquires of the department whether or not a particular name is on the list. The department may require that the request be made in writing. No person, corporation, organization, or association who is entitled to access the employee disqualification list may disclose the information to any person, corporation, organization, or association who is not entitled to access the list. Any person, corporation, organization, or association who is entitled to access the employee disqualification list who discloses the information to any person, corporation, organization, or association who is not entitled to access the list shall be guilty of an infraction.

12. No person, corporation, organization, or association who received the employee disqualification list under subdivisions (1) to (7) of subsection 11 of this section shall knowingly employ any person who is on the employee

disqualification list. Any person, corporation, organization, or association who received the employee disqualification list under subdivisions (1) to (7) of subsection 11 of this section, or any person responsible for providing health care service, who declines to employ or terminates a person whose name is listed in this section shall be immune from suit by that person or anyone else acting for or in behalf of that person for the failure to employ or for the termination of the person whose name is listed on the employee disqualification list.

13. Any employer [who is] **or vendor as defined in sections 197.250, 197.400, 198.006, 208.900, or 660.250** required to [discharge an employee because the employee was placed on a disqualification list maintained by the department of health and senior services after the date of hire] **deny employment to an applicant or to discharge an employee, provisional or otherwise, as a result of information obtained through any portion of the background screening and employment eligibility determination process under section 210.903, or subsequent, periodic screenings, shall not be liable in any action brought by the applicant or employee relating to discharge where the employer is required by law to terminate the employee, provisional or otherwise, and** shall not be charged for unemployment insurance benefits based on wages paid to the employee for work prior to the date of discharge, pursuant to section 288.100[.], **if the employer terminated the employee because the employee:**

(1) **Has been found guilty, pled guilty or nolo contendere in this state or any other state of a crime as listed in subsection 6 of section 660.317;**

(2) **Was placed on the employee disqualification list under this section after the date of hire;**

(3) **Was placed on the employee disqualification registry maintained by the department of mental health after the date of hire;**

(4) **Has a disqualifying finding under this section, section 660.317, or is on any of the background check lists in the family care safety registry under sections 210.900 to 210.936; or**

(5) **Was denied a good cause waiver as provided for in subsection 10 of section 660.317.**

14. Any person who has been listed on the employee disqualification list may request that the director remove his or her name from the employee disqualification list. The request shall be written and may not be made more than once every twelve months. The request will be granted by the director upon a clear showing, by written submission only, that the person will not commit additional acts of abuse, neglect, misappropriation of the property or funds, or the falsification of any documents of service delivery to an in-home services client. The director may make conditional the removal of a person's name from the list on any terms that the director deems appropriate, and failure to comply with such terms may result in the person's name being relisted. The director's determination of whether to remove the person's name from the list is not subject to appeal."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Barnes, **House Amendment No. 1** was adopted.

Representative Jones (50) offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for Senate Bill No. 127, Page 9, Section 208.152, Line 302, by inserting after all of said section and line the following:

"208.164. 1. As used in this section, unless the context clearly requires otherwise, the following terms mean:

(1) "Abuse", a documented pattern of inducing, furnishing, or otherwise causing a recipient to receive services or merchandise not otherwise required or requested by the recipient, attending physician or appropriate utilization review team; a documented pattern of performing and billing tests, examinations, patient visits, surgeries, drugs or merchandise that exceed limits or frequencies determined by the department for like practitioners for which there is no demonstrable need, or for which the provider has created the need through ineffective services or merchandise previously rendered. The decision to impose any of the sanctions authorized in this section shall be made by the director of the department, following a determination of demonstrable need or accepted medical practice made in consultation with medical or other health care professionals, or qualified peer review teams;

(2) "Department", the department of social services;

(3) "Excessive use", the act, by a person eligible for services under a contract or provider agreement between the department of social services or its divisions and a provider, of seeking and/or obtaining medical assistance benefits

from a number of like providers and in quantities which exceed the levels that are considered medically necessary by current medical practices and standards for the eligible person's needs;

(4) "Fraud", a known false representation, including the concealment of a material fact that provider knew or should have known through the usual conduct of his profession or occupation, upon which the provider claims reimbursement under the terms and conditions of a contract or provider agreement and the policies pertaining to such contract or provider agreement of the department or its divisions in carrying out the providing of services, or under any approved state plan authorized by the federal Social Security Act;

(5) "Health plan", a group of services provided to recipients of medical assistance benefits by providers under a contract with the department;

(6) "Medical assistance benefits", those benefits authorized to be provided by sections 208.152 and 208.162;

(7) "Prior authorization", approval to a provider to perform a service or services for an eligible person required by the department or its divisions in advance of the actual service being provided or approved for a recipient to receive a service or services from a provider, required by the department or its designated division in advance of the actual service or services being received;

(8) "Provider", any person, partnership, corporation, not-for-profit corporation, professional corporation, or other business entity that enters into a contract or provider agreement with the department or its divisions for the purpose of providing services to eligible persons, and obtaining from the department or its divisions reimbursement therefor;

(9) "Recipient", a person who is eligible to receive medical assistance benefits allocated through the department;

(10) "Service", the specific function, act, successive acts, benefits, continuing benefits, requested by an eligible person or provided by the provider under contract with the department or its divisions.

2. The department or its divisions shall have the authority to suspend, revoke, or cancel any contract or provider agreement or refuse to enter into a new contract or provider agreement with any provider where it is determined the provider has committed or allowed its agents, servants, or employees to commit acts defined as abuse or fraud in this section.

3. The department or its divisions shall have the authority to impose prior authorization as defined in this section:

(1) When it has reasonable cause to believe a provider or recipient has knowingly followed a course of conduct which is defined as abuse or fraud or excessive use by this section; or

(2) When it determines by rule that prior authorization is reasonable for a specified service or procedure.

4. If a provider or recipient reports to the department or its divisions the name or names of providers or recipients who, based upon their personal knowledge has reasonable cause to believe an act or acts are being committed which are defined as abuse, fraud or excessive use by this section, such report shall be confidential and the reporter's name shall not be divulged to anyone by the department or any of its divisions, except at a judicial proceeding upon a proper protective order being entered by the court.

5. Payments for services under any contract or provider agreement between the department or its divisions and a provider may be withheld by the department or its divisions from the provider for acts or omissions defined as abuse or fraud by this section, until such time as an agreement between the parties is reached or the dispute is adjudicated under the laws of this state.

6. The department or its designated division shall have the authority to review all cases and claim records for any recipient of public assistance benefits and to determine from these records if the recipient has, as defined in this section, committed excessive use of such services by seeking or obtaining services from a number of like providers of services and in quantities which exceed the levels considered necessary by current medical or health care professional practice standards and policies of the program.

7. The department or its designated division shall have the authority with respect to recipients of medical assistance benefits who have committed excessive use to limit or restrict the use of the recipient's Medicaid identification card to designated providers and for designated services; the actual method by which such restrictions are imposed shall be at the discretion of the department of social services or its designated division.

8. The department or its designated division shall have the authority with respect to any recipient of medical assistance benefits whose use has been restricted under subsection 7 of this section and who obtains or seeks to obtain medical assistance benefits from a provider other than one of the providers for designated services to terminate medical assistance benefits as defined by this chapter, where allowed by the provisions of the federal Social Security Act.

9. The department or its designated division shall have the authority with respect to any provider who knowingly allows a recipient to violate subsection 7 of this section or who fails to report a known violation of subsection 7 of this section to the department of social services or its designated division to terminate or otherwise sanction such

provider's status as a participant in the medical assistance program. Any person making such a report shall not be civilly liable when the report is made in good faith.

10. Nothing in this section shall prohibit providers from using clinical decision support tools as an alternative to prior authorization to determine the clinical appropriateness of services or procedures."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Jones (50), **House Amendment No. 2** was adopted.

On motion of Representative Lichtenegger, **HCS SB 127, as amended**, was adopted.

On motion of Representative Lichtenegger, **HCS SB 127, as amended**, was read the third time and passed by the following vote:

AYES: 143

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Elmer
Engler	Englund	Entlicher	Fitzpatrick	Fitzwater
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kirkton	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Molendorp	Montecillo	Morris	Muntzel	Neely
Neth	Nichols	Norr	Otto	Pace
Peters	Pfautsch	Phillips	Pierson	Pike
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Smith 85	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Webb	Webber	White	Wieland	Wilson
Wood	Wright	Mr Speaker		

NOES: 012

Curtis	Curtman	Ellington	English	Flanigan
Gardner	Koenig	Marshall	Moon	Morgan
Newman	Pogue			

PRESENT: 000

ABSENT WITH LEAVE: 008

Colona
Smith 120

Kelly 45
Walton Gray

May
Zerr

Mitten

Parkinson

Representative Dugger declared the bill passed.

HCS SB 161, relating to health insurance, was taken up by Representative Stream.

Representative Burlison offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 161, Page 38, Section 376.1900, Line 3, by deleting the word "website" and inserting in lieu thereof the phrase "**web-based or similar electronic-based communications network**"; and

Further amend said bill and section, Page 39, Line 56, by inserting after all of said section and line the following:

"376.2000. 1. Sections 376.2000 to 376.2014 shall be known and may be cited as the "Health Insurance Marketplace Innovation Act of 2013".

2. As used in sections 376.2000 to 376.2014, the following terms mean:

(1) "Department", the department of insurance, financial institutions and professional registration;
(2) "Director", the director of the department of insurance, financial institutions and professional registration;

(3) "Exchange", any health benefit exchange established or operating in this state, including any exchange established or operated by the United States Department of Health and Human Services.

(4) "Navigator", a person that, for compensation, provides information or services in connection with eligibility, enrollment, or program specifications of any health benefit exchange operating in this state, including any person that is selected to perform the activities and duties identified in 42 U.S.C. 18031(i) in this state, any person who receives funds from the United States Department of Health and Human Services to perform any of the activities and duties identified in 42 U.S.C. 18031(i), or any other person certified by the United States Department of Health and Human Services, or a health benefit exchange operating in this state, to perform such defined or related duties irrespective of whether such person is identified as a navigator, certified application counselor, in-person assister, or other title.

376.2002. 1. No individual or entity shall perform, offer to perform, or advertise any service as a navigator in this state, or receive navigator funding from the state or an exchange unless licensed as a navigator by the department under sections 376.2000 to 376.2014.

2. A navigator may:

(1) Provide fair and impartial information and services in connection with eligibility, enrollment, and program specifications of any health benefit exchange operating in this state, including information about the costs of coverage, advance payments of premium tax credits, and cost sharing reductions;

(2) Facilitate the selection of a qualified health plan;

(3) Initiate the enrollment process;

(4) Provide referrals to any applicable office of health insurance consumer assistance, ombudsman, or other agency for any enrollee with a grievance, complaint, or question regarding their health plan, coverage, or determination under the plan; and

(5) Use culturally and linguistically appropriate language to communicate the information authorized in this subsection.

3. Unless also properly licensed as an insurance producer in this state with authority for health under section 375.014, a navigator shall not:

- (1) Sell, solicit, or negotiate health insurance;
- (2) Engage in any activity that would require an insurance producer license;
- (3) Provide advice concerning the benefits, terms, and features of a particular health plan or offer advice about which exchange health plan is better or worse for a particular individual or employer;
- (4) Recommend or endorse a particular health plan or advise consumers about which health plan to choose; or
- (5) Provide any information or services related to health benefit plans or other products not offered in the exchange.

4. The following entities or persons are exempt from the requirement to be licensed as a navigator:

(1) An entity or person licensed as an insurance producer in this state with authority for health under section 375.014;

(2) A law firm or licensed attorney in this state; and

(3) A "health care provider" as defined in section 376.1350 provided that:

(a) The health care provider does not receive any funds from the United States Department of Health and Human Services or a health exchange operating in this state to act as a navigator; and

(b) The activities or functions performed are related to advising, assisting, or counseling patients regarding private or public coverage or financial matters related to medical treatments or government assistance programs.

However, nothing in this section shall prohibit a health care provider from voluntarily becoming licensed as a navigator.

376.2004. 1. An individual applying for a navigator license shall make application to the department on a form developed by the director and declare under penalty of refusal, suspension, or revocation of the license that the statements made in the application are true, correct, and complete to the best of the individual's knowledge and belief. Before approving the application, the director shall find that the individual:

- (1) Is eighteen years of age or older;
- (2) Resides in this state or maintains his or her principal place of business in the state;
- (3) Is not disqualified for having committed any act that would be grounds for refusal to issue, renew, suspend, or revoke an insurance producer license under section 375.141;
- (4) Has successfully passed the written examination prescribed by the director;
- (5) When applicable, has the written consent of the director under 18 U.S.C. 1033 or any successor statute regulating crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce;
- (6) Has identified the entity with which he or she is affiliated and supervised; and
- (7) Has paid the fees prescribed by the director.

2. An entity that acts as a navigator, supervises the activities of individual navigators, or receives funding to perform such activities shall obtain a navigator entity license. An entity applying for an entity navigator license shall make application on a form containing the information prescribed by the director.

3. The director may require any documents deemed necessary to verify the information contained in an application submitted in accordance with subsections 1 and 2 of this section.

4. Entities licensed as navigators shall, in a manner prescribed by the director, provide a list of all individual navigators that are employed by or in any manner affiliated with the navigator entity and shall report any changes in employment or affiliation within twenty days of such change.

5. The director shall require that each navigator obtain a surety bond in an amount acceptable to the director or otherwise demonstrate a level of financial responsibility capable of protecting all persons against the wrongful acts, misrepresentations, errors, omissions, or negligence of the navigator. The director may ask for a copy of the bond or other evidence of financial responsibility at any time.

6. Prior to any exchange becoming operational in this state, the director shall prescribe initial training, continuing education, and written examination standards and requirements for navigators.

376.2006. 1. A navigator license shall be valid for two years.

2. A navigator may file an application for renewal of a license and pay the renewal fee as prescribed by the director. Any navigator who fails to timely file for license renewal shall be charged a late fee in an amount prescribed by the director.

3. Prior to the filing date for an application for renewal of a license, an individual licensee shall comply with any ongoing training and continuing education requirements established by the director. Such navigator

shall file with the director, by a method prescribed by the director, proof of satisfactory certification of completion of the continuing education requirements. Any failure to fulfill the ongoing training and continuing education requirements shall result in the expiration of the license.

376.2008. Upon contact with a person who acknowledges having existing health insurance coverage obtained through an insurance producer, a navigator shall advise the person to consult with a licensed insurance producer regarding coverage in the private market.

376.2010. 1. The director may place on probation, suspend, revoke, or refuse to issue, renew, or reinstate a navigator license or may levy a fine not to exceed one thousand dollars for each violation, or any combination of actions, for any one or more of the causes listed in section 375.141, 375.936 or for other good cause. In the event that the action by the director is not to renew or to deny an application for a license, the director shall notify the applicant or licensee in writing and shall advise the applicant or licensee of the reason for the denial or nonrenewal. Appeal of the nonrenewal or denial of the application for a navigator license shall be made under the provisions of chapter 621.

2. In addition to imposing the penalties authorized by subsection 1 of this section, the director may require that restitution be made to any person who has suffered financial injury because of a violation of this section.

3. The director shall have the power to examine and investigate the business affairs and records of any navigator to determine whether the individual or entity has engaged or is engaging in any violation of this section.

4. The navigator license held by an entity may be suspended or revoked, renewal or reinstatement thereof may be refused, or a fine may be levied, with or without a suspension, revocation, or refusal to renew a license, if the director finds that an individual licensee's violation was known or should have been known by the employing or supervising entity and the violation was not reported to the director and no corrective action was undertaken on a timely basis.

376.2011. 1. If the director determines that a person has engaged, is engaging, or has taken a substantial step toward engaging in an act, practice, omission, or course of business constituting a violation of sections 376.2000 to 376.2014 or a rule adopted or order issued pursuant thereto, or a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation in sections 376.2000 to 376.2014 or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046.

2. If the director believes that a person has engaged, is engaging, or has taken a substantial step toward engaging in an act, practice, omission, or course of business constituting a violation of sections 376.2000 to 376.2014 or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation in sections 376.2000 to 376.2014 or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048.

3. A violation of sections 376.2000 to 376.2014 is a level two violation under section 374.049.

376.2012. 1. Each licensed navigator shall report to the director within thirty calendar days of the final disposition of the matter of any administrative action taken against him or her in another jurisdiction or by another governmental agency in this state. This report shall include a copy of the order, consent to order, or other relevant legal documents.

2. Within thirty days of the initial pretrial hearing date, a navigator shall report to the director any criminal prosecution of the navigator in any jurisdiction. The report shall include a copy of the initial complaint filed, the order resulting from the hearing, and any other relevant legal documents.

3. An entity that acts as a navigator that terminates the employment, engagement, affiliation, or other relationship with an individual navigator shall notify the director within twenty days following the effective date of the termination, using a format prescribed by the director if the reason for termination is one of the reasons set forth in section 375.141 or 375.936 or if the entity has knowledge that the navigator was found by a court or governmental body to have engaged in any such activities. Upon the written request of the director, the entity shall provide additional information, documents, records, or other data pertaining to the termination or activity of the individual.

376.2014. 1. The requirements of sections 379.930 to 379.952 and chapters 375, 376, 407 and any related rules shall apply to navigators. The activities and duties of a navigator shall be deemed to constitute transacting the business of insurance.

2. If any provision of sections 376.2000 to 376.2014 or its application to any person or circumstance is held invalid by a court of competent jurisdiction or by federal law, the invalidity does not affect other provisions or applications of sections 376.2000 to 376.2014 that can be given effect without the invalid provision or application. The provisions of sections 376.2000 to 376.2014 are severable, and the valid provisions or applications shall remain in full force and effect.

3. The director may promulgate rules and regulations to implement and administer the provisions of sections 376.2000 to 376.2014. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 376.2000 to 376.2014 shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. Sections 376.2000 to 376.2014 and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

Section 1. Notwithstanding any other provision of law to the contrary, the department of insurance, financial institutions and professional registration shall exercise its authority and responsibility over health insurance product form filings, consumer complaints, and investigations into compliance with state law, regardless as to how a health insurance product may be sold or marketed in this state or to residents of this state."; and

Further amend said bill and page, Section B, Line 1, by inserting after all of said section the following:

"Section C. Because of the need to ensure that navigators are adequately trained to provide essential health insurance information to the public, Sections 376.2000, 376.2002, 376.2004, 376.2006, 376.2008, 376.2010, 376.2011, 376.2012, and 376.2014 of Section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and Sections 376.2000, 376.2002, 376.2004, 376.2006, 376.2008, 376.2010, 376.2011, 376.2012, and 376.2014 of Section A of this act shall be in full force and effect upon its passage and approval.";

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Roorda raised a point of order that **House Amendment No. 1** goes beyond the scope of the bill.

Representative Dugger requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

Representative Barnes offered **House Amendment No. 1 to House Amendment No. 1.**

House Amendment No. 1
to
House Amendment No. 1

AMEND House Amendment No. 1 to House Committee Substitute for Senate Bill No. 161, Page 1, Line 4, by inserting after all of said line the following:

‘Further amend House Committee Substitute for Senate Bill No. 161, Page 1, Section A, Line 6, by inserting after all of said line the following:

"208.146. 1. The program established under this section shall be known as the "Ticket to Work Health Assurance Program". Subject to appropriations and in accordance with the federal Ticket to Work and Work Incentives Improvement Act of 1999 (TWWIIA), Public Law 106-170, the medical assistance provided for in section 208.151 may be paid for a person who is employed and who:

(1) Except for earnings, meets the definition of disabled under the Supplemental Security Income Program or meets the definition of an employed individual with a medically improved disability under TWWIIA;

(2) Has earned income, as defined in subsection 2 of this section;

(3) Meets the asset limits in subsection 3 of this section;

(4) Has net income, as defined in subsection 3 of this section, that does not exceed the limit for permanent and totally disabled individuals to receive nonspenddown MO HealthNet under subdivision (24) of subsection 1 of section 208.151; and

(5) Has a gross income of two hundred fifty percent or less of the federal poverty level, excluding any earned income of the worker with a disability between two hundred fifty and three hundred percent of the federal poverty level. For purposes of this subdivision, "gross income" includes all income of the person and the person's spouse that would be considered in determining MO HealthNet eligibility for permanent and totally disabled individuals under subdivision (24) of subsection 1 of section 208.151. Individuals with gross incomes in excess of one hundred percent of the federal poverty level shall pay a premium for participation in accordance with subsection 4 of this section.

2. For income to be considered earned income for purposes of this section, the department of social services shall document that Medicare and Social Security taxes are withheld from such income. Self-employed persons shall provide proof of payment of Medicare and Social Security taxes for income to be considered earned.

3. (1) For purposes of determining eligibility under this section, the available asset limit and the definition of available assets shall be the same as those used to determine MO HealthNet eligibility for permanent and totally disabled individuals under subdivision (24) of subsection 1 of section 208.151 except for:

(a) Medical savings accounts limited to deposits of earned income and earnings on such income while a participant in the program created under this section with a value not to exceed five thousand dollars per year; and

(b) Independent living accounts limited to deposits of earned income and earnings on such income while a participant in the program created under this section with a value not to exceed five thousand dollars per year. For purposes of this section, an "independent living account" means an account established and maintained to provide savings for transportation, housing, home modification, and personal care services and assistive devices associated with such person's disability.

(2) To determine net income, the following shall be disregarded:

(a) All earned income of the disabled worker;

(b) The first sixty-five dollars and one-half of the remaining earned income of a nondisabled spouse's earned income;

(c) A twenty dollar standard deduction;

(d) Health insurance premiums;

(e) A seventy-five dollar a month standard deduction for the disabled worker's dental and optical insurance when the total dental and optical insurance premiums are less than seventy-five dollars;

(f) All Supplemental Security Income payments, and the first fifty dollars of SSDI payments;

(g) A standard deduction for impairment-related employment expenses equal to one-half of the disabled worker's earned income.

4. Any person whose gross income exceeds one hundred percent of the federal poverty level shall pay a premium for participation in the medical assistance provided in this section. Such premium shall be:

(1) For a person whose gross income is more than one hundred percent but less than one hundred fifty percent of the federal poverty level, four percent of income at one hundred percent of the federal poverty level;

(2) For a person whose gross income equals or exceeds one hundred fifty percent but is less than two hundred percent of the federal poverty level, four percent of income at one hundred fifty percent of the federal poverty level;

(3) For a person whose gross income equals or exceeds two hundred percent but less than two hundred fifty percent of the federal poverty level, five percent of income at two hundred percent of the federal poverty level;

(4) For a person whose gross income equals or exceeds two hundred fifty percent up to and including three hundred percent of the federal poverty level, six percent of income at two hundred fifty percent of the federal poverty level.

5. Recipients of services through this program shall report any change in income or household size within ten days of the occurrence of such change. An increase in premiums resulting from a reported change in income or household size shall be effective with the next premium invoice that is mailed to a person after due process requirements have been met. A decrease in premiums shall be effective the first day of the month immediately following the month in which the change is reported.

6. If an eligible person's employer offers employer-sponsored health insurance and the department of social services determines that it is more cost effective, such person shall participate in the employer-sponsored insurance. The department shall pay such person's portion of the premiums, co-payments, and any other costs associated with participation in the employer-sponsored health insurance.

7. The provisions of this section shall expire [six years after] August 28, [2007] **2019**.

208.151. 1. Medical assistance on behalf of needy persons shall be known as "MO HealthNet". For the purpose of paying MO HealthNet benefits and to comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section 301, et seq.) as amended, the following needy persons shall be eligible to receive MO HealthNet benefits to the extent and in the manner hereinafter provided:

(1) All participants receiving state supplemental payments for the aged, blind and disabled;

(2) All participants receiving aid to families with dependent children benefits, including all persons under nineteen years of age who would be classified as dependent children except for the requirements of subdivision (1) of subsection 1 of section 208.040. Participants eligible under this subdivision who are participating in drug court, as defined in section 478.001, shall have their eligibility automatically extended sixty days from the time their dependent child is removed from the custody of the participant, subject to approval of the Centers for Medicare and Medicaid Services;

(3) All participants receiving blind pension benefits;

(4) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits under the eligibility standards in effect December 31, 1973, or less restrictive standards as established by rule of the family support division, who are sixty-five years of age or over and are patients in state institutions for mental diseases or tuberculosis;

(5) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children except for the requirements of subdivision (2) of subsection 1 of section 208.040, and who are residing in an intermediate care facility, or receiving active treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. 1396d, as amended;

(6) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children benefits except for the requirement of deprivation of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(7) All persons eligible to receive nursing care benefits;

(8) All participants receiving family foster home or nonprofit private child-care institution care, subsidized adoption benefits and parental school care wherein state funds are used as partial or full payment for such care;

(9) All persons who were participants receiving old age assistance benefits, aid to the permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who continue to meet the eligibility requirements, except income, for these assistance categories, but who are no longer receiving such benefits because of the implementation of Title XVI of the federal Social Security Act, as amended;

(10) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child in the home;

(11) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child who is deprived of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(12) Pregnant women or infants under one year of age, or both, whose family income does not exceed an income eligibility standard equal to one hundred eighty-five percent of the federal poverty level as established and amended by the federal Department of Health and Human Services, or its successor agency;

(13) Children who have attained one year of age but have not attained six years of age who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989). The family support division shall use an income eligibility standard equal to one hundred thirty-three percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency;

(14) Children who have attained six years of age but have not attained nineteen years of age. For children who have attained six years of age but have not attained nineteen years of age, the family support division shall use an income assessment methodology which provides for eligibility when family income is equal to or less than equal to one hundred percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency. As necessary to provide MO HealthNet coverage under this subdivision, the department of social services may revise the state MO HealthNet plan to extend coverage under 42 U.S.C. 1396a (a)(10)(A)(i)(III) to children who have attained six years of age but have not attained nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. 1396d using a more liberal income assessment methodology as authorized by paragraph (2) of subsection (r) of 42 U.S.C. 1396a;

(15) The family support division shall not establish a resource eligibility standard in assessing eligibility for persons under subdivision (12), (13) or (14) of this subsection. The MO HealthNet division shall define the amount and scope of benefits which are available to individuals eligible under each of the subdivisions (12), (13), and (14) of this subsection, in accordance with the requirements of federal law and regulations promulgated thereunder;

(16) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal care shall be made available to pregnant women during a period of presumptive eligibility pursuant to 42 U.S.C. Section 1396r-1, as amended;

(17) A child born to a woman eligible for and receiving MO HealthNet benefits under this section on the date of the child's birth shall be deemed to have applied for MO HealthNet benefits and to have been found eligible for such assistance under such plan on the date of such birth and to remain eligible for such assistance for a period of time determined in accordance with applicable federal and state law and regulations so long as the child is a member of the woman's household and either the woman remains eligible for such assistance or for children born on or after January 1, 1991, the woman would remain eligible for such assistance if she were still pregnant. Upon notification of such child's birth, the family support division shall assign a MO HealthNet eligibility identification number to the child so that claims may be submitted and paid under such child's identification number;

(18) Pregnant women and children eligible for MO HealthNet benefits pursuant to subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for MO HealthNet benefits be required to apply for aid to families with dependent children. The family support division shall utilize an application for eligibility for such persons which eliminates information requirements other than those necessary to apply for MO HealthNet benefits. The division shall provide such application forms to applicants whose preliminary income information indicates that they are ineligible for aid to families with dependent children. Applicants for MO HealthNet benefits under subdivision (12), (13) or (14) of this subsection shall be informed of the aid to families with dependent children program and that they are entitled to apply for such benefits. Any forms utilized by the family support division for assessing eligibility under this chapter shall be as simple as practicable;

(19) Subject to appropriations necessary to recruit and train such staff, the family support division shall provide one or more full-time, permanent eligibility specialists to process applications for MO HealthNet benefits at the site of a health care provider, if the health care provider requests the placement of such eligibility specialists and reimburses the division for the expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and equipment of such eligibility specialists. The division may provide a health care provider with a part-time or temporary eligibility specialist at the site of a health care provider if the health care provider requests the placement of such an eligibility specialist and reimburses the division for the expenses, including but not limited to the salary, benefits, travel, training, telephone, supplies, and equipment, of such an eligibility specialist. The division may seek to employ such eligibility specialists who are otherwise qualified for such positions and who are current or former welfare participants. The division may consider training such current or former welfare participants as eligibility specialists for this program;

(20) Pregnant women who are eligible for, have applied for and have received MO HealthNet benefits under subdivision (2), (10), (11) or (12) of this subsection shall continue to be considered eligible for all pregnancy-related and postpartum MO HealthNet benefits provided under section 208.152 until the end of the sixty-day period beginning on the last day of their pregnancy;

(21) Case management services for pregnant women and young children at risk shall be a covered service. To the greatest extent possible, and in compliance with federal law and regulations, the department of health and senior services shall provide case management services to pregnant women by contract or agreement with the department of social services through local health departments organized under the provisions of chapter 192 or chapter 205 or a city health department operated under a city charter or a combined city-county health department or other department of

health and senior services designees. To the greatest extent possible the department of social services and the department of health and senior services shall mutually coordinate all services for pregnant women and children with the crippled children's program, the prevention of intellectual disability and developmental disability program and the prenatal care program administered by the department of health and senior services. The department of social services shall by regulation establish the methodology for reimbursement for case management services provided by the department of health and senior services. For purposes of this section, the term "case management" shall mean those activities of local public health personnel to identify prospective MO HealthNet-eligible high-risk mothers and enroll them in the state's MO HealthNet program, refer them to local physicians or local health departments who provide prenatal care under physician protocol and who participate in the MO HealthNet program for prenatal care and to ensure that said high-risk mothers receive support from all private and public programs for which they are eligible and shall not include involvement in any MO HealthNet prepaid, case-managed programs;

(22) By January 1, 1988, the department of social services and the department of health and senior services shall study all significant aspects of presumptive eligibility for pregnant women and submit a joint report on the subject, including projected costs and the time needed for implementation, to the general assembly. The department of social services, at the direction of the general assembly, may implement presumptive eligibility by regulation promulgated pursuant to chapter 207;

(23) All participants who would be eligible for aid to families with dependent children benefits except for the requirements of paragraph (d) of subdivision (1) of section 208.150;

(24) (a) All persons who would be determined to be eligible for old age assistance benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriation;

(b) All persons who would be determined to be eligible for aid to the blind benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005, except that less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), shall be used to raise the income limit to one hundred percent of the federal poverty level;

(c) All persons who would be determined to be eligible for permanent and total disability benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. 1396a(f); or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriations. Eligibility standards for permanent and total disability benefits shall not be limited by age;

(25) Persons who have been diagnosed with breast or cervical cancer and who are eligible for coverage pursuant to 42 U.S.C. 1396a (a)(10)(A)(ii)(XVIII). Such persons shall be eligible during a period of presumptive eligibility in accordance with 42 U.S.C. 1396r-1;

(26) **Effective August 28, 2013**, persons who are [independent foster care adolescents, as defined in 42 U.S.C. Section 1396d, or who are within reasonable categories of such adolescents who are under twenty-one years of age as specified by the state, are eligible for coverage under 42 U.S.C. Section 1396a (a)(10)(A)(ii)(XVII) without regard to income or assets] **in foster care under the responsibility of the state of Missouri on the date such persons attain the age of eighteen years, or at any time during the thirty-day period preceding their eighteenth birthday, without regard to income or assets, if such persons:**

(a) **Are under twenty-six years of age;**

(b) **Are not eligible for coverage under another mandatory coverage group; and**

(c) **Were covered by Medicaid while they were in foster care.**

2. Rules and regulations to implement this section shall be promulgated in accordance with [section 431.064 and] chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance pursuant to 42 U.S.C. 601, et seq., as amended, in at least three of the last six months immediately preceding the month in which such family became ineligible for such assistance because of increased income from employment shall, while a member of such

family is employed, remain eligible for MO HealthNet benefits for four calendar months following the month in which such family would otherwise be determined to be ineligible for such assistance because of income and resource limitation. After April 1, 1990, any family receiving aid pursuant to 42 U.S.C. 601, et seq., as amended, in at least three of the six months immediately preceding the month in which such family becomes ineligible for such aid, because of hours of employment or income from employment of the caretaker relative, shall remain eligible for MO HealthNet benefits for six calendar months following the month of such ineligibility as long as such family includes a child as provided in 42 U.S.C. 1396r-6. Each family which has received such medical assistance during the entire six-month period described in this section and which meets reporting requirements and income tests established by the division and continues to include a child as provided in 42 U.S.C. 1396r-6 shall receive MO HealthNet benefits without fee for an additional six months. The MO HealthNet division may provide by rule and as authorized by annual appropriation the scope of MO HealthNet coverage to be granted to such families.

4. When any individual has been determined to be eligible for MO HealthNet benefits, such medical assistance will be made available to him or her for care and services furnished in or after the third month before the month in which he made application for such assistance if such individual was, or upon application would have been, eligible for such assistance at the time such care and services were furnished; provided, further, that such medical expenses remain unpaid.

5. The department of social services may apply to the federal Department of Health and Human Services for a MO HealthNet waiver amendment to the Section 1115 demonstration waiver or for any additional MO HealthNet waivers necessary not to exceed one million dollars in additional costs to the state, unless subject to appropriation or directed by statute, but in no event shall such waiver applications or amendments seek to waive the services of a rural health clinic or a federally qualified health center as defined in 42 U.S.C. 1396d(l)(1) and (2) or the payment requirements for such clinics and centers as provided in 42 U.S.C. 1396a(a)(15) and 1396a(bb) unless such waiver application is approved by the oversight committee created in section 208.955. A request for such a waiver so submitted shall only become effective by executive order not sooner than ninety days after the final adjournment of the session of the general assembly to which it is submitted, unless it is disapproved within sixty days of its submission to a regular session by a senate or house resolution adopted by a majority vote of the respective elected members thereof, unless the request for such a waiver is made subject to appropriation or directed by statute.

6. Notwithstanding any other provision of law to the contrary, in any given fiscal year, any persons made eligible for MO HealthNet benefits under subdivisions (1) to (22) of subsection 1 of this section shall only be eligible if annual appropriations are made for such eligibility. This subsection shall not apply to classes of individuals listed in 42 U.S.C. Section 1396a(a)(10)(A)(i).

208.895. 1. Upon **the** receipt of a properly completed referral **for service** for MO HealthNet-funded home- and community-based care [containing a nurse assessment] **or a** physician's order, the department of health and senior services [may] **shall**:

(1) [Review the recommendations regarding services and] **Process, review and approve or deny** the referral within fifteen business days;

(2) [Issue a prior-authorization for home and community-based services when information contained in the referral is sufficient to establish eligibility for MO HealthNet-funded long-term care and determine the level of service need as required under state and federal regulations;

(3) Arrange] **For approved referrals, arrange** for the provision of services by [an in-home] **a home- and community-based** provider;

[(4) Reimburse the in-home provider for one nurse visit to conduct an assessment and recommendation for a care plan and, where necessary based on case circumstances, a second nurse visit may be authorized to gather additional information or documentation necessary to constitute a completed referral;

(5) Notify the referring entity upon the authorization of MO HealthNet eligibility and provide MO HealthNet reimbursement for personal care benefits effective the date of the assessment or physician's order, and MO HealthNet reimbursement for waiver services effective the date the state reviews and approves the care plan;

(6)] **(3)** Notify the referring entity **or individual** within five business days of receiving the referral if [additional information] **a different physical address** is required to [process the referral; and

(7) Inform the provider and contact the individual when information is insufficient or the proposed care plan requires additional evaluation by state staff that is not obtained from the referring entity to schedule an in-home assessment to be conducted by the state staff within thirty days] **schedule the assessment. The referring entity has five days to provide a current physical address if requested by the department. If a different physical address is needed, the fifteen-day limit included in subdivision (1) of this subsection is suspended until the information is received by the department;**

(4) Inform the applicant of:

(a) The full range of available MO HealthNet home- and community-based services, including, but not limited to, adult day care services, home-delivered meals, and the benefits of self-direction and agency model services;

(b) The choice of home- and community-based service providers in the applicant's area, and that some providers conduct their own assessments, but that choosing a provider who does not conduct assessments will not delay delivery of services; and

(c) The option to choose more than one home- and community-based service provider to deliver or facilitate the services the applicant is qualified to receive;

(5) Prioritize the referrals received, giving the highest priority to referrals for high-risk individuals, followed by individuals who are alleged to be victims of abuse or neglect as a result of an investigation initiated from the elder abuse and neglect hotline, and then followed by individuals who have not selected a provider or who have selected a provider that does not conduct assessments; and

(6) Notify the referring entity and the applicant within ten business days of receiving the referral if it has not scheduled the assessment.

2. If the department of health and senior services [may contract for initial home- and community-based assessments, including a care plan, through an independent third-party assessor. The contract shall include a requirement that:

(1) Within fifteen days of receipt of a referral for service, the contractor shall have made a face-to-face assessment of care need and developed a plan of care; and

(2) The contractor notify the referring entity within five days of receipt of referral if additional information is needed to process the referral.

The contract shall also include the same requirements for such assessments as of January 1, 2010, related to timeliness of assessments and the beginning of service. The contract shall be bid under chapter 34 and shall not be a risk-based contract] **has not complied with subdivision (1) of subsection 1 of this section, a provider has the option of completing an assessment and care plan recommendation. At such time that the department approves or modifies the assessment and care plan, the care plan shall become effective; such approval or modification shall occur within five business days after receipt of the assessment and care plan from the provider. If such approval, modification, or denial by the department does not occur within five business days, the provider's care plan shall be approved and payment shall begin to the provider based on the assessment and care plan recommendation submitted by the provider.**

3. [The two nurse visits authorized by subsection 16 of section 660.300 shall continue to be performed by home- and community-based providers for including, but not limited to, reassessment and level of care recommendations. These reassessments and care plan changes shall be reviewed and approved by the independent third-party assessor. In the event of dispute over the level of care required, the third-party assessor shall conduct a face-to-face review with the client in question.

4. The provisions of this section shall expire August 28, 2013] **At such time that the department approves or modifies the assessment and care plan, the latest approved care plan shall become effective. If the department assessment determines the client does not meet level of care, the state shall not be responsible for the cost of services claimed prior to the department's written notification to the provider of such denial.**

4. The department shall implement subsections 2 and 3 of this section unless the Centers for Medicare and Medicaid Services disapproves any necessary state plan amendments or waivers to implement the provisions in subsections 2 and 3 of this section allowing providers to perform assessments.

5. The department's auditing of home- and community-based service providers shall include a review of the client plan of care and provider assessments, and choice and communication of home- and community-based service provider service options to individuals seeking MO HealthNet services. Such auditing shall be conducted utilizing a statistically valid sample. The department shall also make publicly available a review of its process for informing participants of service options within MO HealthNet home- and community-based service provider services and information on referrals.

6. For purposes of this section:

(1) "Assessment" means a face-to-face determination that a MO HealthNet participant is eligible for home- and community-based services and:

(a) Is conducted by an assessor trained to perform home- and community-based care assessments;

(b) Uses forms provided by the department;

(c) Includes unbiased descriptions of each available service within home- and community-based services with a clear person-centered explanation of the benefits of each home- and community-based service, whether

the applicant qualifies for more than one service and ability to choose more than one provider to deliver or facilitate services; and

(d) Informs the applicant, either by the department or the provider conducting the assessment, that choosing a provider or multiple providers that do not conduct their own assessments will in no way affect the quality of service or the timeliness of the applicant's assessment and authorization process.

(2) A "properly completed referral" shall contain basic information adequate for the department to contact the client or person needing service. At a minimum, the referral shall contain:

(a) The stated need for MO HealthNet home- and community-based services;

(b) The name, date of birth, and Social Security number of the client or person needing service, or the client's or person's MO HealthNet number; and

(c) The current physical address and phone number of the client or person needing services.

Addition information which may assist the department including contact information of a responsible party shall also be submitted.

7. The department shall:

(1) Develop an automated electronic assessment care plan tool to be used by providers; and

(2) Make recommendations to the general assembly by January 1, 2014, for the implementation of the automated electronic assessment care plan tool.

8. No later than December 31, 2014, the department of health and senior services shall submit a report to the general assembly that reviews the following:

(1) How well the department is doing on meeting the fifteen-day requirement;

(2) The process the department used to approve the assessors;

(3) Financial data on the cost of the program prior to and after enactment of this section;

(4) Any audit information available on assessments performed outside the department; and

(5) The department's staffing policies implemented to meet the fifteen-day assessment requirement.

208.990. 1. Notwithstanding any other provisions of law to the contrary, to be eligible for MO HealthNet coverage individuals shall meet the eligibility criteria set forth in 42 CFR 435, including but not limited to the requirements that:

(1) The individual is a resident of the state of Missouri;

(2) The individual has a valid Social Security number;

(3) The individual is a citizen of the United States or a qualified alien as described in Section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 8 U.S.C. Section 1641, who has provided satisfactory documentary evidence of qualified alien status which has been verified with the Department of Homeland Security under a declaration required by Section 1137(d) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 that the applicant or beneficiary is an alien in a satisfactory immigration status; and

(4) An individual claiming eligibility as a pregnant woman shall verify pregnancy.

2. Notwithstanding any other provisions of law to the contrary, effective January 1, 2014, the family support division shall conduct an annual redetermination of all MO HealthNet participants' eligibility as provided in 42 CFR 435.916. The department may contract with an administrative service organization to conduct the annual redeterminations if it is cost effective.

3. The department, or family support division, shall conduct electronic searches to redetermine eligibility on the basis of income, residency, citizenship, identity and other criteria as described in 42 CFR 435.916 upon availability of federal, state, and commercially available electronic data sources. The department, or family support division, may enter into a contract with a vendor to perform the electronic search of eligibility information not disclosed during the application process and obtain an applicable case management system. The department shall retain final authority over eligibility determinations made during the redetermination process.

4. Notwithstanding any other provisions of law to the contrary, applications for MO HealthNet benefits shall be submitted in accordance with the requirements of 42 CFR 435.907 and other applicable federal law. The individual shall provide all required information and documentation necessary to make an eligibility determination, resolve discrepancies found during the redetermination process, or for a purpose directly connected to the administration of the medical assistance program.

5. Notwithstanding any other provisions of law to the contrary, to be eligible for MO HealthNet coverage under section 208.995, individuals shall meet the eligibility requirements set forth in subsection 1 of this section

and all other eligibility criteria set forth in 42 CFR 435 and 457, including, but not limited to, the requirements that:

- (1) The department of social services shall determine the individual's financial eligibility based on projected annual household income and family size for the remainder of the current calendar year;
- (2) The department of social services shall determine household income for the purpose of determining the modified adjusted gross income by including all available cash support provided by the person claiming such individual as a dependent for tax purposes;
- (3) The department of social services shall determine a pregnant woman's household size by counting the pregnant woman plus the number of children she is expected to deliver;
- (4) CHIP-eligible children shall be uninsured, shall not have access to affordable insurance, and their parent shall pay the required premium;
- (5) An individual claiming eligibility as an uninsured woman shall be uninsured.

208.995. 1. For purposes of this section and section 208.990, the following terms mean:

- (1) "Child" or "children", a person or persons who are under nineteen years of age;
- (2) "CHIP-eligible children", children who meet the eligibility standards for Missouri's children's health insurance program as provided in sections 208.631 to 208.658, including paying the premiums required under sections 208.631 to 208.658;
- (3) "Department", the Missouri department of social services, or a division or unit within the department as designated by the department's director;
- (4) "MAGI", the individual's modified adjusted gross income as defined in Section 36B(d)(2) of the Internal Revenue Code of 1986, as amended, and:
 - (a) Any foreign earned income or housing costs;
 - (b) Tax-exempt interest received or accrued by the individual; and
 - (c) Tax-exempt Social Security income;
- (5) "MAGI equivalent net income standard", an income eligibility threshold based on modified adjusted gross income that is not less than the income eligibility levels that were in effect prior to the enactment of Public Law 111-148 and Public Law 111-152.

2. (1) Effective January 1, 2014, notwithstanding any other provision of law to the contrary, the following individuals shall be eligible for MO HealthNet coverage as provided in this section:

- (a) Individuals covered by MO HealthNet for families as provided in section 208.145;
- (b) Individuals covered by transitional MO HealthNet as provided in 42 U.S.C. Section 1396r-6;
- (c) Individuals covered by extended MO HealthNet for families on child support closings as provided in 42 U.S.C. Section 1396r-6;
- (d) Pregnant women as provided in subdivisions (10), (11), and (12) of subsection 1 of section 208.151;
- (e) Children under one year of age as provided in subdivision (12) of subsection 1 of section 208.151;
- (f) Children under six years of age as provided in subdivision (13) of subsection 1 of section 208.151;
- (g) Children under nineteen years of age as provided in subdivision (14) of subsection 1 of section 208.151;
- (h) CHIP-eligible children; and
- (i) Uninsured women as provided in section 208.659.

(2) Effective January 1, 2014, the department shall determine eligibility for individuals eligible for MO HealthNet under subdivision (1) of this subsection based on the following income eligibility standards, unless and until they are changed:

- (a) For individuals listed in paragraphs (a), (b) and (c) of subdivision (1) of this subsection, the department shall apply the July 16, 1996, Aid to Families with Dependent Children (AFDC) income standard as converted to the MAGI equivalent net income standard;
- (b) For individuals listed in paragraphs (f) and (g) of subdivision (1) of this subsection, the department shall apply one hundred thirty-three percent of the federal poverty level converted to the MAGI equivalent net income standard;
- (c) For individuals listed in paragraph (h) of subdivision (1) of this subsection, the department shall convert the income eligibility standard set forth in section 208.633 to the MAGI equivalent net income standard;
- (d) For individuals listed in paragraphs (d), (e) and (i) of subdivision (1) of this subsection, the department shall apply one hundred eighty-five percent of the federal poverty level converted to the MAGI equivalent net income standard;

(3) Individuals eligible for MO HealthNet under subdivision (1) of this subsection shall receive all applicable benefits under section 208.152.

3. The department or appropriate divisions of the department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as the term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

4. The department shall submit such state plan amendments and waivers to the Centers for Medicare and Medicaid Services of the federal Department of Health and Human Services as the department determines are necessary to implement the provisions of this section."; and'; and

Further amend said bill, Page 5, Line 9, by inserting after all of said line the following:

'Further amend said bill, Page 39, Section 376.1900, Line 56, by inserting after all of said line the following:

"660.315. 1. After an investigation and a determination has been made to place a person's name on the employee disqualification list, that person shall be notified in writing mailed to his or her last known address that:

(1) An allegation has been made against the person, the substance of the allegation and that an investigation has been conducted which tends to substantiate the allegation;

(2) The person's name will be included in the employee disqualification list of the department;

(3) The consequences of being so listed including the length of time to be listed; and

(4) The person's rights and the procedure to challenge the allegation.

2. If no reply has been received within thirty days of mailing the notice, the department may include the name of such person on its list. The length of time the person's name shall appear on the employee disqualification list shall be determined by the director or the director's designee, based upon the criteria contained in subsection 9 of this section.

3. If the person so notified wishes to challenge the allegation, such person may file an application for a hearing with the department. The department shall grant the application within thirty days after receipt by the department and set the matter for hearing, or the department shall notify the applicant that, after review, the allegation has been held to be unfounded and the applicant's name will not be listed.

4. If a person's name is included on the employee disqualification list without the department providing notice as required under subsection 1 of this section, such person may file a request with the department for removal of the name or for a hearing. Within thirty days after receipt of the request, the department shall either remove the name from the list or grant a hearing and set a date therefor.

5. Any hearing shall be conducted in the county of the person's residence by the director of the department or the director's designee. The provisions of chapter 536 for a contested case except those provisions or amendments which are in conflict with this section shall apply to and govern the proceedings contained in this section and the rights and duties of the parties involved. The person appealing such an action shall be entitled to present evidence, pursuant to the provisions of chapter 536, relevant to the allegations.

6. Upon the record made at the hearing, the director of the department or the director's designee shall determine all questions presented and shall determine whether the person shall be listed on the employee disqualification list. The director of the department or the director's designee shall clearly state the reasons for his or her decision and shall include a statement of findings of fact and conclusions of law pertinent to the questions in issue.

7. A person aggrieved by the decision following the hearing shall be informed of his or her right to seek judicial review as provided under chapter 536. If the person fails to appeal the director's findings, those findings shall constitute a final determination that the person shall be placed on the employee disqualification list.

8. A decision by the director shall be inadmissible in any civil action brought against a facility or the in-home services provider agency and arising out of the facts and circumstances which brought about the employment disqualification proceeding, unless the civil action is brought against the facility or the in-home services provider agency by the department of health and senior services or one of its divisions.

9. The length of time the person's name shall appear on the employee disqualification list shall be determined by the director of the department of health and senior services or the director's designee, based upon the following:

(1) Whether the person acted recklessly or knowingly, as defined in chapter 562;

(2) The degree of the physical, sexual, or emotional injury or harm; or the degree of the imminent danger to the health, safety or welfare of a resident or in-home services client;

(3) The degree of misappropriation of the property or funds, or falsification of any documents for service delivery of an in-home services client;

(4) Whether the person has previously been listed on the employee disqualification list;

(5) Any mitigating circumstances;

(6) Any aggravating circumstances; and

(7) Whether alternative sanctions resulting in conditions of continued employment are appropriate in lieu of placing a person's name on the employee disqualification list. Such conditions of employment may include, but are not limited to, additional training and employee counseling. Conditional employment shall terminate upon the expiration of the designated length of time and the person's submitting documentation which fulfills the department of health and senior services' requirements.

10. The removal of any person's name from the list under this section shall not prevent the director from keeping records of all acts finally determined to have occurred under this section.

11. The department shall provide the list maintained pursuant to this section to other state departments upon request and to any person, corporation, organization, or association who:

(1) Is licensed as an operator under chapter 198;

(2) Provides in-home services under contract with the department;

(3) Employs nurses and nursing assistants for temporary or intermittent placement in health care facilities;

(4) Is approved by the department to issue certificates for nursing assistants training;

(5) Is an entity licensed under chapter 197;

(6) Is a recognized school of nursing, medicine, or other health profession for the purpose of determining whether students scheduled to participate in clinical rotations with entities described in subdivision (1), (2), or (5) of this subsection are included in the employee disqualification list; or

(7) Is a consumer reporting agency regulated by the federal Fair Credit Reporting Act that conducts employee background checks on behalf of entities listed in subdivisions (1), (2), (5), or (6) of this subsection. Such a consumer reporting agency shall conduct the employee disqualification list check only upon the initiative or request of an entity described in subdivisions (1), (2), (5), or (6) of this subsection when the entity is fulfilling its duties required under this section. The information shall be disclosed only to the requesting entity.

The department shall inform any person listed above who inquires of the department whether or not a particular name is on the list. The department may require that the request be made in writing. No person, corporation, organization, or association who is entitled to access the employee disqualification list may disclose the information to any person, corporation, organization, or association who is not entitled to access the list. Any person, corporation, organization, or association who is entitled to access the employee disqualification list who discloses the information to any person, corporation, organization, or association who is not entitled to access the list shall be guilty of an infraction.

12. No person, corporation, organization, or association who received the employee disqualification list under subdivisions (1) to (7) of subsection 11 of this section shall knowingly employ any person who is on the employee disqualification list. Any person, corporation, organization, or association who received the employee disqualification list under subdivisions (1) to (7) of subsection 11 of this section, or any person responsible for providing health care service, who declines to employ or terminates a person whose name is listed in this section shall be immune from suit by that person or anyone else acting for or in behalf of that person for the failure to employ or for the termination of the person whose name is listed on the employee disqualification list.

13. Any employer [who is] **or vendor as defined in sections 197.250, 197.400, 198.006, 208.900, or 660.250** required to [discharge an employee because the employee was placed on a disqualification list maintained by the department of health and senior services after the date of hire] **deny employment to an applicant or to discharge an employee, provisional or otherwise, as a result of information obtained through any portion of the background screening and employment eligibility determination process under section 210.903, or subsequent, periodic screenings, shall not be liable in any action brought by the applicant or employee relating to discharge where the employer is required by law to terminate the employee, provisional or otherwise, and shall not be charged for unemployment insurance benefits based on wages paid to the employee for work prior to the date of discharge, pursuant to section 288.100[.], if the employer terminated the employee because the employee:**

(1) Has been found guilty, pled guilty or nolo contendere in this state or any other state of a crime as listed in subsection 6 of section 660.317;

(2) Was placed on the employee disqualification list under this section after the date of hire;

(3) Was placed on the employee disqualification registry maintained by the department of mental health after the date of hire;

(4) Has a disqualifying finding under this section, section 660.317, or is on any of the background check lists in the family care safety registry under sections 210.900 to 210.936; or

(5) Was denied a good cause waiver as provided for in subsection 10 of section 660.317.

14. Any person who has been listed on the employee disqualification list may request that the director remove his or her name from the employee disqualification list. The request shall be written and may not be made more than once every twelve months. The request will be granted by the director upon a clear showing, by written submission only, that the person will not commit additional acts of abuse, neglect, misappropriation of the property or funds, or the falsification of any documents of service delivery to an in-home services client. The director may make conditional the removal of a person's name from the list on any terms that the director deems appropriate, and failure to comply with such terms may result in the person's name being relisted. The director's determination of whether to remove the person's name from the list is not subject to appeal."; and'; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Roorda raised a point of order that **House Amendment No. 1 to House Amendment No. 1** is not germane to the bill.

Representative Dugger requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

On motion of Representative Barnes, **House Amendment No. 1 to House Amendment No. 1** was adopted.

On motion of Representative Burlison, **House Amendment No. 1, as amended**, was adopted.

On motion of Representative Stream, **HCS SB 161, as amended**, was adopted.

On motion of Representative Stream, **HCS SB 161, as amended**, was read the third time and passed by the following vote:

AYES: 118

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Cierpiot	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	English	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
McGaugh	McKenna	Messenger	Miller	Molendorp
Montecillo	Moon	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Schatz	Schieber
Schieffer	Shull	Shumake	Solon	Sommer

Spencer	Stream	Swan	Thomson	Torpey
Walker	Webb	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 038

Burns	Butler	Carpenter	Colona	Curtis
Curtman	Dunn	Ellinger	Ellington	Englund
Gardner	Hubbard	Hummel	Kirkton	Kratky
LaFaver	Marshall	May	Mayfield	McDonald
McManus	McNeil	Meredith	Mims	Mitten
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Pogue	Schupp
Smith 85	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 007

Kelly 45	McCaherty	McCann Beatty	Scharnhorst	Smith 120
Swearingen	Walton Gray			

Representative Dugger declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 109

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hubbard	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
McCaherty	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfausch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hummel	Kirkton	Kratky

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LaFaver	Marshall	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Swearingen	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 003

Kelly 45	Smith 120	Walton Gray
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BILLS IN CONFERENCE

CCR HCS SB 23, as amended, relating to political subdivisions, was taken up by Representative Jones (50).

On motion of Representative Jones (50), **CCR HCS SB 23, as amended**, was adopted by the following vote:

AYES: 118

Allen	Anders	Austin	Bernskoetter	Black
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Cookson	Cornejo
Cox	Crawford	Cross	Davis	Diehl
Dohrman	Dugger	Ellinger	Elmer	Engler
English	Englund	Entlicher	Fitzwater	Flanigan
Fraker	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Grisamore	Guernsey	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Jones 50	Justus	Keeney
Kelley 127	Kolkmeier	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Mayfield	McCaherty	McGaugh
McKenna	McManus	McNeil	Messenger	Miller
Mims	Molendorp	Montecillo	Morris	Muntzel
Neely	Neth	Nichols	Norr	Otto
Pfautsch	Phillips	Pierson	Pike	Redmon
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieffer	Shull	Shumake	Smith 85
Solon	Sommer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Webb	White
Wood	Zerr	Mr Speaker		

NOES: 039

Anderson	Bahr	Berry	Brattin	Conway 104
Curtis	Curtman	Dunn	Ellington	Fitzpatrick
Fowler	Frame	Gardner	Haahr	Hurst
Johnson	Kirkton	Koenig	Marshall	May
McDonald	Meredith	Mitten	Moon	Morgan

Newman	Pace	Parkinson	Peters	Pogue
Rehder	Roorda	Ross	Schieber	Schupp
Webber	Wieland	Wilson	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 006

Barnes	Kelly 45	McCann Beatty	Smith 120	Spencer
Walton Gray				

On motion of Representative Jones (50), **CCS HCS SB 23** was truly agreed to and finally passed by the following vote:

AYES: 118

Allen	Anders	Austin	Barnes	Bernskoetter
Black	Brown	Burlison	Burns	Butler
Carpenter	Cierpiot	Colona	Conway 10	Cookson
Cornejo	Cox	Crawford	Cross	Davis
Diehl	Dohrman	Dugger	Ellinger	Elmer
Engler	English	Englund	Entlicher	Fitzwater
Flanigan	Fraker	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hummel	Jones 50	Justus
Keeney	Kelley 127	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Love
Lynch	Mayfield	McCaherty	McCann Beatty	McGaugh
McKenna	McManus	McNeil	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Morris
Muntzel	Neely	Neth	Nichols	Norr
Otto	Pace	Pfautsch	Phillips	Pike
Redmon	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Rowden	Rowland	Runions
Scharnhorst	Schatz	Shumake	Smith 85	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Webb	White
Wood	Zerr	Mr Speaker		

NOES: 038

Anderson	Bahr	Berry	Brattin	Conway 104
Curtis	Curtman	Dunn	Ellington	Fitzpatrick
Fowler	Frame	Gardner	Hurst	Johnson
Kirkton	Koenig	Marshall	May	McDonald
Meredith	Moon	Morgan	Newman	Parkinson
Peters	Pierson	Pogue	Rehder	Roorda
Ross	Schieber	Schieffer	Schupp	Webber
Wieland	Wilson	Wright		

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PRESENT: 000

ABSENT WITH LEAVE: 007

Haahr	Kelly 45	Leara	Lichtenegger	Shull
Smith 120	Walton Gray			

Representative Dugger declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 139

Allen	Anders	Anderson	Austin	Bahr
Bernskoetter	Black	Brown	Burlison	Burns
Butler	Carpenter	Cierpiot	Colona	Conway 10
Cookson	Cornejo	Cox	Crawford	Cross
Curtis	Curtman	Davis	Diehl	Dohrman
Dugger	Dunn	Ellinger	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Jones 50	Justus	Keeney	Kelley 127	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Mayfield	McCaherty	McCann Beatty
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Pfautsch	Phillips	Pierson	Pike	Redmon
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieffer	Schupp
Shull	Shumake	Smith 85	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Webb	Webber	White
Wieland	Wood	Zerr	Mr Speaker	

NOES: 019

Berry	Brattin	Conway 104	Ellington	Gardner
Haahr	Johnson	Marshall	May	McDonald
Montecillo	Moon	Parkinson	Peters	Pogue
Rehder	Schieber	Wilson	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 005

Barnes	Funderburk	Kelly 45	Smith 120	Walton Gray
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CCR SCS SB 106, with House Amendment No. 1, House Amendment No. 2, House Amendment No. 3, House Amendment No. 1 to House Amendment No. 4, House Amendment No. 4, as amended, and House Amendment No. 5, relating to educational credits for veterans, was taken up by Representative Davis.

On motion of Representative Davis, **CCR SCS SB 106, with House Amendment No. 1, House Amendment No. 2, House Amendment No. 3, House Amendment No. 1 to House Amendment No. 4, House Amendment No. 4, as amended, and House Amendment No. 5** was adopted by the following vote:

AYES: 158

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gardner	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Justus	Keeney
Kelley 127	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Montecillo	Moon	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Parkinson	Peters	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 85
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Hodges	Jones 50	Kelly 45	Smith 120	Walton Gray
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On motion of Representative Davis, **CCS SCS SB 106** was truly agreed to and finally passed by the following vote:

AYES: 156

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gardner	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Justus	Keeney
Kelley 127	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Montecillo	Moon	Morgan	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Parkinson	Peters	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 85	Solon
Sommer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Webb	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Grisamore	Jones 50	Kelly 45	Morris	Smith 120
Spencer	Walton Gray			

Representative Dugger declared the bill passed.

CCR HCS SCS SB 117, as amended, relating to military affairs, was taken up by Representative Davis.

On motion of Representative Davis, **CCR HCS SCS SB 117, as amended**, was adopted by the following vote:

AYES: 156

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Fitzpatrick	Fitzwater	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kirkton	Koenig	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	May
Mayfield	McCaherty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Moon
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Parkinson	Peters	Pfautsch	Phillips	Pierson
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 85	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Webb	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Cox	Entlicher	Flanigan	Kelly 45	McCann Beatty
Smith 120	Walton Gray			

On motion of Representative Davis, **CCS HCS SCS SB 117** was truly agreed to and finally passed by the following vote:

AYES: 155

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gardner	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Justus	Keeney	Kelley 127	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	May	Mayfield
McCaherty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Molendorp	Montecillo	Moon	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Parkinson
Peters	Pfautsch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Smith 85	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Webb	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Diehl	Flanigan	Gatschenberger	Jones 50	Kelly 45
McCann Beatty	Smith 120	Walton Gray		

Representative Dugger declared the bill passed.

CCR HCS SS SB 34, as amended, relating to a workers' compensation claim database, was taken up by Representative Fraker.

On motion of Representative Fraker, **CCR HCS SS SB 34, as amended**, was adopted by the following vote:

AYES: 091

Allen	Anderson	Austin	Bahr	Bernskoetter
Brattin	Brown	Burlison	Cierpiot	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Fowler	Fraker	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeier	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	McGaugh
Messenger	Miller	Morris	Muntzel	Neely
Parkinson	Pfautsch	Phillips	Pike	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowland	Scharnhorst	Schatz
Shumake	Sommer	Spencer	Stream	Swan
Thomson	Walker	White	Wieland	Wood
Mr Speaker				

NOES: 064

Anders	Barnes	Berry	Black	Burns
Butler	Carpenter	Colona	Conway 10	Curtis
Dunn	Ellinger	Ellington	English	Englund
Frame	Gardner	Harris	Higdon	Hodges
Hubbard	Hummel	Kirkton	Korman	Kratky
LaFaver	Marshall	May	Mayfield	McCaherty
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Moon
Morgan	Neth	Nichols	Norr	Otto
Pace	Peters	Pierson	Pogue	Rizzo
Roorda	Rowden	Runions	Schieber	Schieffer
Schupp	Smith 85	Solon	Swearingen	Torpey
Webb	Webber	Wilson	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 008

Flanigan	Kelly 45	Molendorp	Newman	Shull
Smith 120	Walton Gray	Zerr		

On motion of Representative Fraker, **CCS HCS SS SB 34** was truly agreed to and finally passed by the following vote:

AYES: 091

Allen	Anderson	Austin	Bahr	Bernskoetter
Brattin	Brown	Burlison	Cierpiot	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeier	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Messenger
Miller	Morris	Muntzel	Neely	Parkinson
Pfautsch	Phillips	Pike	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowland	Scharnhorst	Schatz	Shull
Shumake	Sommer	Spencer	Stream	Swan
Thomson	Walker	White	Wieland	Wood
Mr Speaker				

NOES: 067

Anders	Barnes	Berry	Black	Burns
Butler	Carpenter	Colona	Conway 10	Curtis
Dunn	Ellinger	Ellington	English	Englund
Frame	Funderburk	Gardner	Harris	Higdon
Hodges	Hubbard	Hummel	Kirkton	Korman
Kratky	LaFaver	Marshall	May	Mayfield
McCaherty	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Moon	Morgan	Neth	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Pogue	Rizzo	Roorda	Rowden	Runions
Schieber	Schieffer	Schupp	Smith 85	Solon
Swearingen	Torpey	Webb	Webber	Wilson
Wright	Zerr			

PRESENT: 000

ABSENT WITH LEAVE: 005

Kelly 45	McGaugh	Molendorp	Smith 120	Walton Gray
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Representative Dugger declared the bill passed.

HOUSE BILLS WITH SENATE AMENDMENTS

HCS HBs 256, 33 & 305, with Senate Amendment No. 2 and Senate Amendment No. 3, relating to the Safe Place for Newborns Act, was taken up by Representative Jones (50).

Representative Jones (50) moved that the House refuse to concur in **Senate Amendment No. 2** and **Senate Amendment No. 3** to **HCS HBs 256, 33 & 305** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

HB 400, with Senate Amendment No. 2, relating to abortion-inducing drugs, was taken up by Representative Riddle.

On motion of Representative Riddle, the House concurred in **Senate Amendment No. 2** by the following vote:

AYES: 119

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Cierpiot	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	English	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Hinson	Hodges	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Kratky	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
Mayfield	McCaherty	McGaugh	McKenna	Messenger
Miller	Molendorp	Moon	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 039

Anders	Burns	Butler	Carpenter	Colona
Curtis	Dunn	Ellinger	Ellington	Englund
Frame	Gardner	Hubbard	Hummel	Kirkton
LaFaver	May	McCann Beatty	McDonald	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan

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Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Schupp	Smith 85
Swearingen	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 005

Higdon	Kelly 45	McManus	Smith 120	Walton Gray
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On motion of Representative Riddle, **HB 400, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 115

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Cierpiot	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Franklin	Frederick	Funderburk
Gannon	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Hinson	Hodges	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeier	Korman	Kratky
Lair	Lant	Lauer	Lichtenegger	Love
Lynch	Marshall	Mayfield	McCaherty	McGaugh
McKenna	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Zerr	Mr Speaker

NOES: 039

Anders	Burns	Butler	Carpenter	Colona
Curtis	Dunn	Ellinger	Ellington	Englund
Frame	Gardner	Hubbard	Hummel	Kirkton
LaFaver	May	McCann Beatty	McDonald	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Schupp	Smith 85
Swearingen	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 009

English	Gatschenberger	Higdon	Kelly 45	Leara
McManus	Smith 120	Walton Gray	Wood	

Representative Dugger declared the bill passed.

Speaker Jones resumed the Chair.

SS HCS HB 199, as amended, relating to elections, was taken up by Representative Dugger.

Representative Dugger moved that the House refuse to adopt **SS HCS HB 199, as amended**, and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

BILLS CARRYING REQUEST MESSAGES

SB 77, with House Amendment No. 1, relating to neighborhood youth development programs, was taken up by Representative Allen.

Representative Allen moved that the House refuse to recede from its position on **House Amendment No. 1** to **SB 77** and grant the Senate a conference.

Which motion was adopted.

HCS SB 57, as amended, relating to certain civil actions, was taken up by Representative Engler.

Representative Engler moved that the House refuse to recede from its position on **HCS SB 57, as amended**, and grant the Senate a conference.

Which motion was adopted.

HCS SCS SB 42, as amended, relating to county criminal justice, was taken up by Representative Jones (50).

Representative Jones (50) moved that the House refuse to recede from its position on **HCS SCS SB 42, as amended**, and grant the Senate a conference.

Which motion was adopted.

HCS SB 90, as amended, relating to elections, was taken up by Representative Dugger.

Representative Dugger moved that the House refuse to recede from its position on **HCS SB 90, as amended**, and grant the Senate a conference.

Which motion was adopted.

SCS SB 33, with House Amendment No. 1, House Amendment No. 2, House Amendment No. 3, House Amendment No. 4, House Amendment No. 5 and House Amendment No. 6, relating to persons with disabilities, was taken up by Representative Grisamore.

Representative Grisamore moved that the House refuse to recede from its position on **House Amendment No. 1, House Amendment No. 2, House Amendment No. 3, House Amendment No. 4, House Amendment No. 5** and **House Amendment No. 6** to **SCS SB 33** and grant the Senate a conference.

Which motion was adopted.

SB 327, with House Amendment No. 1, relating to the cost of electronic monitoring, was taken up by Representative Haahr.

Representative Haahr moved that the House recede from its position on **House Amendment No. 1** to **SB 327** and truly agree to and finally pass **SB 327**.

Which motion was defeated by the following vote:

AYES: 013

Cornejo	Fowler	Gannon	Haahr	Hummel
Kolkmeyer	Lair	McKenna	Pfautsch	Riddle
Roorda	Schatz	Smith 85		

NOES: 141

Allen	Anders	Anderson	Austin	Bahr
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cox
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Ellington	Elmer	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fraker	Frame
Franklin	Frederick	Gardner	Gatschenberger	Gosen
Grisamore	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kirkton
Koenig	Korman	Kratky	LaFaver	Lant
Lauer	Lichtenegger	Love	Lynch	Marshall
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Moon
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Parkinson	Peters	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Rizzo	Ross	Rowden
Rowland	Runions	Scharnhorst	Schieber	Schieffer
Schupp	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Webb	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

PRESENT: 000

ABSENT WITH LEAVE: 009

Barnes	Engler	Funderburk	Guernsey	Kelly 45
Leara	McManus	Smith 120	Walton Gray	

SB 327, with House Amendment No. 1, was laid over.

APPOINTMENT OF CONFERENCE COMMITTEES

The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:

SCS SB 33: Representatives Grisamore, Neely and Newman
HCS SCS SB 42: Representatives Jones (50), Houghton and Colona
HCS SB 57: Representatives Engler, Keeney and Roorda
SB 77: Representatives Allen, Flanigan and Colona
HCS SB 90: Representatives Dugger, Hough and Swearingen

BILLS CARRYING REQUEST MESSAGES

SB 327, with House Amendment No. 1, relating to the cost of electronic monitoring, was again taken up by Representative Haahr.

Representative Haahr moved that the House refuse to recede from its position on **House Amendment No. 1** to **SB 327**, and request the Senate to grant the House a conference.

Representative Roorda raised a point of order that **SB 327, with House Amendment No. 1** was not eligible for consideration.

The Chair ruled the point of order not well taken.

Representative Haahr again moved that the House refuse to recede from its position on **House Amendment No. 1** to **SB 327**, and request the Senate to grant the House a conference.

Which motion was adopted.

HCS SB 41, as amended, relating to private nuisance activities, was taken up by Representative Hough.

Representative Hough moved that the House refuse to recede from its position on **HCS SB 41, as amended**, and grant the Senate a conference.

Which motion was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate conferees on **HCS SS SB 262, as amended**, are allowed to exceed the differences in sections of the bill relating to navigators, exclusive network plans and deemer language relative to the Department of Insurance.

BILLS IN CONFERENCE

HCS SS SB 262, as amended, relating to health insurance, was taken up by Representative Molendorp.

Representative Molendorp moved that the House conferees be allowed to exceed the differences on **HCS SS SB 262, as amended**.

Which motion was adopted.

THIRD READING OF SENATE BILL

SS SCS SB 129, relating to the establishment of the Volunteer Health Services Act, was taken up by Representative Burlison.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 105

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Koenig	Kolkmeier	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfausch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 008

Engler	Kelley 127	Kelly 45	McManus	Schatz
Smith 120	Stream	Walton Gray		

On motion of Representative Burlison, **SS SCS SB 129** was truly agreed to and finally passed by the following vote:

AYES: 115

Allen	Anders	Anderson	Austin	Bahr
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Carpenter	Cierpiot	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kirkton	Koenig	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	McCaherty	McGaugh
McKenna	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Norr	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieffer	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 041

Burns	Butler	Colona	Curtis	Dunn
Ellinger	Ellington	English	Englund	Frame
Gardner	Harris	Hodges	Hubbard	Hummel
Marshall	May	Mayfield	McCann Beatty	McDonald
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Neth	Newman	Nichols	Otto

Pace	Peters	Pierson	Roorda	Runions
Schieber	Schupp	Smith 85	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 007

Barnes	Engler	Kelley 127	Kelly 45	McManus
Smith 120	Walton Gray			

Speaker Jones declared the bill passed.

PERFECTION OF HOUSE BILLS

HCS HB 717, relating to children and families, was taken up by Representative Grisamore.

Representative Hough assumed the Chair.

Representative Wieland offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 717, Page 11, Section 208.151, Line 220, by inserting after all of said line the following:

"208.247. 1. Pursuant to the option granted the state by 21 U.S.C. Section 862a(d), an individual who has pled guilty to or is found guilty under federal or state law of a felony involving possession or use of a controlled substance shall be exempt from the prohibition contained in 21 U.S.C. Section 862a(a) against eligibility for supplemental nutrition assistance program (SNAP) benefits for such convictions, if such person, as determined by the department to meet at least one of the following conditions:

(1) Is currently successfully participating in a substance abuse treatment program approved by the division of alcohol and drug abuse within the department of mental health;

(2) Is currently accepted for treatment in and participating in a substance abuse treatment program approved by the division of alcohol and drug abuse, but is subject to a waiting list to receive available treatment, and the individual remains enrolled in the treatment program and enters the treatment program at the first available opportunity;

(3) Has satisfactorily completed a substance abuse treatment program approved by the division of alcohol and drug abuse;

(4) Is successfully complying with, or has already complied with, all obligations imposed by the court, the division of alcohol and drug abuse, and the division of probation and parole;

(5) Has demonstrated sobriety through voluntary urinalysis testing paid for by the participant; or

(6) It has been more than four years since the conviction for a drug related felony.

2. Eligibility based upon the factors in subsection 1 of this section shall be based upon documentary or other evidence satisfactory to the department of social services, and the applicant shall meet all other factors for program eligibility.

3. The department of social services, in consultation with the division of alcohol and drug abuse, shall promulgate rules to carry out the provisions of this section, including specifying criteria for determining active participation in and completion of a substance abuse treatment program."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Wieland, **House Amendment No. 1** was adopted.

Representative Ellinger offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 717, Pages 16-27, Sections 210.145, 210.152, 210.153, by deleting all of said sections from the bill and inserting in lieu thereof the following:

"210.145. 1. The division shall develop protocols which give priority to:

- (1) Ensuring the well-being and safety of the child in instances where child abuse or neglect has been alleged;
- (2) Promoting the preservation and reunification of children and families consistent with state and federal law;
- (3) Providing due process for those accused of child abuse or neglect; and
- (4) Maintaining an information system operating at all times, capable of receiving and maintaining reports.

This information system shall have the ability to receive reports over a single, statewide toll-free number. Such information system shall maintain the results of all investigations, family assessments and services, and other relevant information.

2. The division shall utilize structured decision-making protocols for classification purposes of all child abuse and neglect reports. The protocols developed by the division shall give priority to ensuring the well-being and safety of the child. All child abuse and neglect reports shall be initiated within twenty-four hours and shall be classified based upon the reported risk and injury to the child. The division shall promulgate rules regarding the structured decision-making protocols to be utilized for all child abuse and neglect reports.

3. Upon receipt of a report, the division shall determine if the report merits investigation, including reports which if true would constitute a suspected violation of any of the following: section 565.020, 565.021, 565.023, 565.024, or 565.050 if the victim is a child less than eighteen years of age, section 566.030 or 566.060 if the victim is a child less than eighteen years of age, or other crimes under chapter 566 if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, section 567.050 if the victim is a child less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or 568.090, section 573.025, 573.035, 573.037, or 573.040, or an attempt to commit any such crimes. The division shall immediately communicate all reports that merit investigation to its appropriate local office and any relevant information as may be contained in the information system. The local division staff shall determine, through the use of protocols developed by the division, whether an investigation or the family assessment and services approach should be used to respond to the allegation. The protocols developed by the division shall give priority to ensuring the well-being and safety of the child.

4. When the child abuse and neglect hotline receives three or more calls, within a seventy-two hour period, from one or more individuals concerning the same child, the division shall conduct a review to determine whether the calls meet the criteria and statutory definition for a child abuse and neglect report to be accepted. In conducting the review, the division shall contact the hotline caller or callers in order to collect information to determine whether the calls meet the criteria for harassment.

5. The local office shall contact the appropriate law enforcement agency immediately upon receipt of a report which division personnel determine merits an investigation and provide such agency with a detailed description of the report received. In such cases the local division office shall request the assistance of the local law enforcement agency in all aspects of the investigation of the complaint. The appropriate law enforcement agency shall either assist the division in the investigation or provide the division, within twenty-four hours, an explanation in writing detailing the reasons why it is unable to assist.

6. The local office of the division shall cause an investigation or family assessment and services approach to be initiated in accordance with the protocols established in subsection 2 of this section, except in cases where the sole basis for the report is educational neglect. If the report indicates that educational neglect is the only complaint and there is no suspicion of other neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the report. If the report indicates the child is in danger of serious physical harm or threat to life, an investigation shall include direct observation of the subject child within twenty-four hours of the receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct observation. Callers to the child abuse and neglect hotline shall be instructed by the division's hotline to call 911 in instances where the child may be in immediate danger. If the parents of the child are not the alleged abusers, a parent of the child must be notified prior to the child being interviewed by the division. No person responding to or investigating a child abuse and neglect report shall call prior to a home visit or leave any documentation of any attempted visit, such as business cards, pamphlets, or other similar identifying information if he or she has a reasonable basis to believe the following factors are present:

- (1) (a) No person is present in the home at the time of the home visit; and

(b) The alleged perpetrator resides in the home or the physical safety of the child may be compromised if the alleged perpetrator becomes aware of the attempted visit;

(2) The alleged perpetrator will be alerted regarding the attempted visit; or

(3) The family has a history of domestic violence or fleeing the community.

If the alleged perpetrator is present during a visit by the person responding to or investigating the report, such person shall provide written material to the alleged perpetrator informing him or her of his or her rights regarding such visit, including but not limited to the right to contact an attorney. The alleged perpetrator shall be given a reasonable amount of time to read such written material or have such material read to him or her by the case worker before the visit commences, but in no event shall such time exceed five minutes; except that, such requirement to provide written material and reasonable time to read such material shall not apply in cases where the child faces an immediate threat or danger, or the person responding to investigating the report is or feels threatened or in danger of physical harm. If the abuse is alleged to have occurred in a school or child care facility the division shall not meet with the child in any school building or child-care facility building where abuse of such child is alleged to have occurred. When the child is reported absent from the residence, the location and the well-being of the child shall be verified. For purposes of this subsection, child care facility shall have the same meaning as such term is defined in section 210.201.

7. The director of the division shall name at least one chief investigator for each local division office, who shall direct the division response on any case involving a second or subsequent incident regarding the same subject child or perpetrator. The duties of a chief investigator shall include verification of direct observation of the subject child by the division and shall ensure information regarding the status of an investigation is provided to the public school district liaison. The public school district liaison shall develop protocol in conjunction with the chief investigator to ensure information regarding an investigation is shared with appropriate school personnel. The superintendent of each school district shall designate a specific person or persons to act as the public school district liaison. Should the subject child attend a nonpublic school the chief investigator shall notify the school principal of the investigation. Upon notification of an investigation, all information received by the public school district liaison or the school shall be subject to the provisions of the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g, and federal rule 34 CFR, Part 99.

8. The investigation shall include but not be limited to the nature, extent, and cause of the abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the names and conditions of other children in the home, if any; the home environment and the relationship of the subject child to the parents or other persons responsible for the child's care; any indication of incidents of physical violence against any other household or family member; and other pertinent data.

9. When a report has been made by a person required to report under section 210.115, the division shall contact the person who made such report within forty-eight hours of the receipt of the report in order to ensure that full information has been received and to obtain any additional information or medical records, or both, that may be pertinent.

10. Upon completion of the investigation, if the division suspects that the report was made maliciously or for the purpose of harassment, the division shall refer the report and any evidence of malice or harassment to the local prosecuting or circuit attorney.

11. Multidisciplinary teams shall be used whenever conducting the investigation as determined by the division in conjunction with local law enforcement. Multidisciplinary teams shall be used in providing protective or preventive social services, including the services of law enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and other agencies, both public and private.

12. For all family support team meetings involving an alleged victim of child abuse or neglect, the parents, legal counsel for the parents, foster parents, the legal guardian or custodian of the child, the guardian ad litem for the child, and the volunteer advocate for the child shall be provided notice and be permitted to attend all such meetings. Family members, other than alleged perpetrators, or other community informal or formal service providers that provide significant support to the child and other individuals may also be invited at the discretion of the parents of the child. In addition, the parents, the legal counsel for the parents, the legal guardian or custodian and the foster parents may request that other individuals, other than alleged perpetrators, be permitted to attend such team meetings. Once a person is provided notice of or attends such team meetings, the division or the convenor of the meeting shall provide such persons with notice of all such subsequent meetings involving the child. Families may determine whether individuals invited at their discretion shall continue to be invited.

13. If the appropriate local division personnel determine after an investigation has begun that completing an investigation is not appropriate, the division shall conduct a family assessment and services approach. The division shall provide written notification to local law enforcement prior to terminating any investigative process. The reason for the termination of the investigative process shall be documented in the record of the division and the written notification

submitted to local law enforcement. Such notification shall not preclude nor prevent any investigation by law enforcement.

14. If the appropriate local division personnel determines to use a family assessment and services approach, the division shall:

(1) Assess any service needs of the family. The assessment of risk and service needs shall be based on information gathered from the family and other sources;

(2) Provide services which are voluntary and time-limited unless it is determined by the division based on the assessment of risk that there will be a high risk of abuse or neglect if the family refuses to accept the services. The division shall identify services for families where it is determined that the child is at high risk of future abuse or neglect. The division shall thoroughly document in the record its attempt to provide voluntary services and the reasons these services are important to reduce the risk of future abuse or neglect to the child. If the family continues to refuse voluntary services or the child needs to be protected, the division may commence an investigation;

(3) Commence an immediate investigation if at any time during the family assessment and services approach the division determines that an investigation, as delineated in sections 210.109 to 210.183, is required. The division staff who have conducted the assessment may remain involved in the provision of services to the child and family;

(4) Document at the time the case is closed, the outcome of the family assessment and services approach, any service provided and the removal of risk to the child, if it existed.

15. Within thirty days of an oral report of abuse or neglect, the local office shall update the information in the information system. The information system shall contain, at a minimum, the determination made by the division as a result of the investigation, identifying information on the subjects of the report, those responsible for the care of the subject child, and other relevant dispositional information. The division shall complete all investigations within thirty days, unless good cause for the failure to complete the investigation is documented in the information system. If a child involved in a pending investigation dies, the investigation shall remain open until the division's investigation surrounding the death is completed. If the investigation is not completed within thirty days, the information system shall be updated at regular intervals and upon the completion of the investigation. The information in the information system shall be updated to reflect any **changes in classification under subsection 2 of this section or subsection 1 of section 210.152, or any** subsequent findings, including any changes to the findings based on an administrative or judicial hearing on the matter.

16. A person required to report under section 210.115 to the division and any person making a report of child abuse or neglect made to the division which is not made anonymously shall be informed by the division of his or her right to obtain information concerning the disposition of his or her report. Such person shall receive, from the local office, if requested, information on the general disposition of his or her report. Such person may receive, if requested, findings and information concerning the case. Such release of information shall be at the discretion of the director based upon a review of the reporter's ability to assist in protecting the child or the potential harm to the child or other children within the family. The local office shall respond to the request within forty-five days. The findings shall be made available to the reporter within five days of the outcome of the investigation. If the report is determined to be unsubstantiated, the reporter may request that the report be referred by the division to the office of child advocate for children's protection and services established in sections 37.700 to 37.730. Upon request by a reporter under this subsection, the division shall refer an unsubstantiated report of child abuse or neglect to the office of child advocate for children's protection and services.

17. The division shall provide to any individual who is not satisfied with the results of an investigation information about the office of child advocate and the services it may provide under sections 37.700 to 37.730.

18. In any judicial proceeding involving the custody of a child the fact that a report may have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However:

(1) Nothing in this subsection shall prohibit the introduction of evidence from independent sources to support the allegations that may have caused a report to have been made; and

(2) The court may on its own motion, or shall if requested by a party to the proceeding, make an inquiry not on the record with the children's division to determine if such a report has been made.

If a report has been made, the court may stay the custody proceeding until the children's division completes its investigation.

19. In any judicial proceeding involving the custody of a child where the court determines that the child is in need of services under paragraph (d) of subdivision (1) of subsection 1 of section 211.031 and has taken jurisdiction, the child's parent, guardian or custodian shall not be entered into the registry.

20. The children's division is hereby granted the authority to promulgate rules and regulations pursuant to the provisions of section 207.021 and chapter 536 to carry out the provisions of sections 210.109 to 210.183.

21. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

210.152. 1. All identifying information, including telephone reports reported pursuant to section 210.145, relating to reports of abuse or neglect received by the division **after July 1, 2014**, shall be **classified in one of the following tiers based on level of harm to the child:**

(1) **Tier one: severe harm to a child. Such classification shall include, but not be limited to, all cases of sexual abuse or serious physical abuse;**

(2) **Tier two: moderate harm to a child. Such classification shall include, but not be limited to, physical abuse that is not categorized into tier one, serious neglect, or multiple substantiated reports of tier three abuse or neglect over time; or**

(3) **Tier three: mild harm to a child. Such classification shall include, but not be limited to, a single substantiated report of abuse or neglect that is not classified in tier one or tier two.**

By July 1, 2014, the division shall promulgate rules to establish the standards for each classification in this subsection.

2. The identifying information described in subsection 1 of this section shall be retained by the division and removed from the records of the division as follows:

(1) For investigation reports contained in the central registry[, identifying information shall be retained by the division]:

(a) **All tier one reports shall be placed on the registry for life;**

(b) **All tier two reports shall be placed on the registry for five years, unless the individual is found to have committed another act of child abuse or neglect in such five-year period, in which case the individual shall be classified as a tier one report. Any tier two report shall be eligible for record closure at the expiration of such five-year period; and**

(c) **All tier three reports shall be placed on the registry for two years and shall automatically be closed at the end of such two-year period; except that, a person shall be placed back on the registry for any subsequent acts of abuse or neglect such person is found to have committed;**

(2) (a) For investigation reports initiated against a person required to report pursuant to section 210.115, where insufficient evidence of abuse or neglect is found by the division and where the division determines the allegation of abuse or neglect was made maliciously, for purposes of harassment or in retaliation for the filing of a report by a person required to report, identifying information shall be expunged by the division within forty-five days from the conclusion of the investigation;

(b) For investigation reports, where insufficient evidence of abuse or neglect is found by the division and where the division determines the allegation of abuse or neglect was made maliciously, for purposes of harassment or in retaliation for the filing of a report, identifying information shall be expunged by the division within forty-five days from the conclusion of the investigation;

(c) For investigation reports initiated by a person required to report under section 210.115, where insufficient evidence of abuse or neglect is found by the division, identifying information shall be retained for five years from the conclusion of the investigation. For all other investigation reports where insufficient evidence of abuse or neglect is found by the division, identifying information shall be retained for two years from the conclusion of the investigation. Such reports shall include any exculpatory evidence known by the division, including exculpatory evidence obtained after the closing of the case. At the end of such time period, the identifying information shall **automatically** be removed from the records of the division and destroyed;

(3) For reports where the division uses the family assessment and services approach, identifying information shall be retained by the division **in accordance with the provisions of this subsection;**

(4) For reports in which the division is unable to locate the child alleged to have been abused or neglected, identifying information shall be retained for ten years from the date of the report and then shall be removed from the records of the division.

[2.] 3. Within ninety days after receipt of a report of abuse or neglect that is investigated, the alleged perpetrator named in the report and the parents of the child named in the report, if the alleged perpetrator is not a parent, shall be notified in writing of any determination made by the division based on the investigation. The notice shall advise either:

(1) That the division has determined by a probable cause finding prior to August 28, 2004, or by a preponderance of the evidence after August 28, 2004, that abuse or neglect exists, **the classification of the report under subsection 2 of section 210.145 or subsection 1 of this section**, and that the division shall retain all identifying information regarding the abuse or neglect **for the duration of time specified in subsection 1 of this section**; that such information shall remain confidential and will not be released except to law enforcement agencies, prosecuting or circuit attorneys, or as provided in section 210.150; that the alleged perpetrator has sixty days from the date of receipt of the notice to seek reversal of the division's determination through a review by the child abuse and neglect review board as provided in subsection 4 of this section; or

(2) That the division has not made a probable cause finding or determined by a preponderance of the evidence that abuse or neglect exists.

[3.] 4. The children's division may reopen a case for review at the request of the alleged perpetrator, the alleged victim, or the office of the child advocate if new, specific, and credible evidence is obtained that the division's decision was based on fraud or misrepresentation of material facts relevant to the division's decision and there is credible evidence that absent such fraud or misrepresentation the division's decision would have been different. If the alleged victim is under the age of eighteen, the request for review may be made by the alleged victim's parent, legal custodian, or legal guardian. All requests to reopen an investigation for review shall be made within a reasonable time and not more than one year after the children's division made its decision. The division shall not reopen a case for review based on any information which the person requesting the review knew, should have known, or could by the exercise of reasonable care have known before the date of the division's final decision in the case, unless the person requesting the review shows by a preponderance of the evidence that he or she could not have provided such information to the division before the date of the division's final decision in the case. Any person, other than the office of the child advocate, who makes a request to reopen a case for review based on facts which the person knows to be false or misleading or who acts in bad faith or with the intent to harass the alleged victim or perpetrator shall not have immunity from any liability, civil or criminal, for providing the information and requesting that the division reopen the investigation. Any person who makes a request to reopen an investigation based on facts which the person knows to be false shall be guilty of a class A misdemeanor. The children's division shall not reopen an investigation under any circumstances while the case is pending before a court of this state nor when a court has entered a final judgment after de novo judicial review pursuant to this section.

[4.] 5. Any person named in an investigation as a perpetrator who is aggrieved by a determination of abuse or neglect by the division as provided in this section may seek an administrative review by the child abuse and neglect review board pursuant to the provisions of section 210.153. Such request for review shall be made within sixty days of notification of the division's decision under this section. In those cases where criminal charges arising out of facts of the investigation are pending, the request for review shall be made within sixty days from the court's final disposition or dismissal of the charges.

[5.] 6. In any such action for administrative review, the child abuse and neglect review board shall sustain the division's determination if such determination was supported by evidence of probable cause prior to August 28, 2004, or is supported by a preponderance of the evidence after August 28, 2004, and is not against the weight of such evidence. The child abuse and neglect review board hearing shall be closed to all persons except the parties, their attorneys and those persons providing testimony on behalf of the parties.

[6.] 7. If the alleged perpetrator is aggrieved by the decision of the child abuse and neglect review board, the alleged perpetrator may seek de novo judicial review in the circuit court in the county in which the alleged perpetrator resides and in circuits with split venue, in the venue in which the alleged perpetrator resides, or in Cole County. If the alleged perpetrator is not a resident of the state, proper venue shall be in Cole County. The case may be assigned to the family court division where such a division has been established. The request for a judicial review shall be made within sixty days of notification of the decision of the child abuse and neglect review board decision. In reviewing such decisions, the circuit court shall provide the alleged perpetrator the opportunity to appear and present testimony. The alleged perpetrator may subpoena any witnesses except the alleged victim or the reporter. However, the circuit court shall have the discretion to allow the parties to submit the case upon a stipulated record.

[7.] 8. In any such action for administrative review, the child abuse and neglect review board shall notify the child or the parent, guardian or legal representative of the child that a review has been requested.

9. (1) **Individuals placed on the child abuse and neglect registry after July 1, 2014, may petition the children's division for review and record closure of all identifying information from the registry based on such individual's classification under subsection 1 of this section. Individuals placed on the child abuse and neglect registry prior to July 1, 2014, may petition the children's division for classification under subsection 1 of this section and record closure if such individual is eligible based on his or her classification under subsection 1 of this section.**

(2) A petition for record closure under this subsection shall state good cause for removal, which shall include, but not be limited to:

- (a) Proof of rehabilitation;
- (b) Acceptance of personal responsibility for placement on the registry;
- (c) A bona fide need for removal from the registry; and
- (d) At least two letters supporting the petition from individuals not related by blood or marriage.

(3) The children's division shall make a decision on a petition within ninety days of receiving such petition. The division shall grant a petition if the petitioner has satisfied the criteria in subdivision (2) of this subsection and the division determines that the petitioner poses no significant risk to children or other vulnerable populations.

(4) Any individual aggrieved by the decision of the children's division may seek review by the child abuse and neglect review board in accordance with the provisions of subsection 5 of this section. Any individual aggrieved by the decision of the child abuse and neglect review board may seek de novo judicial review of such decision in accordance with the provisions of subsection 7 of this section. Any individual whose petition for record closure is denied may refile such petition for record closure two years after the final denial of such petition.

(5) When the division grants record closure under this subsection, the division shall maintain a record of the underlying report and investigation or assessment of child abuse or neglect. Identifying information on such a record shall not be available to individuals or entities requesting an examination of the central registry from the division for employees or prospective employees, including but not limited to entities listed in subdivision (8) of subsection 2 of section 210.150.

(6) The children's division shall be a party to any action before the child abuse and neglect review board or court regarding record closure on the child abuse and neglect registry.

210.153. 1. There is hereby created in the department of social services the "Child Abuse and Neglect Review Board", which shall provide an independent review of child abuse and neglect determinations in instances in which the alleged perpetrator is aggrieved by the decision of the children's division **and review record closure petitions under subdivision (4) of subsection 9 of section 210.152**. The division may establish more than one board to assure timely review of the determination **and record closure petitions**.

2. The board shall consist of nine members, who shall be appointed by the governor with the advice and consent of the senate, and shall include:

- (1) A physician, nurse or other medical professional;
- (2) A licensed child or family psychologist, counselor or social worker;
- (3) An attorney who has acted as a guardian ad litem or other attorney who has represented a subject of a child abuse and neglect report;
- (4) A representative from law enforcement or a juvenile office.

3. Other members of the board may be selected from:

- (1) A person from another profession or field who has an interest in child abuse or neglect;
- (2) A college or university professor or elementary or secondary teacher;
- (3) A child advocate;
- (4) A parent, foster parent or grandparent.

4. The following persons may participate in a child abuse and neglect review board review:

- (1) Appropriate children's division staff and legal counsel for the department;
- (2) The alleged perpetrator, who may be represented pro se or be represented by legal counsel. The alleged perpetrator's presence is not required for the review to be conducted. The alleged perpetrator may submit a written statement for the board's consideration in lieu of personal appearance; and

(3) Witnesses providing information on behalf of the child, the alleged perpetrator or the department. Witnesses shall only be allowed to attend that portion of the review in which they are presenting information.

5. The members of the board shall serve without compensation, but shall receive reimbursement for reasonable and necessary expenses actually incurred in the performance of their duties.

6. All records and information compiled, obtained, prepared or maintained by the child abuse and neglect review board in the course of any review shall be confidential information.

7. The department shall promulgate rules and regulations governing the operation of the child abuse and neglect review board except as otherwise provided for in this section. These rules and regulations shall, at a minimum, describe the length of terms, the selection of the chairperson, confidentiality, notification of parties and time frames for the completion of the review.

8. Findings of probable cause to suspect prior to August 28, 2004, or findings by a preponderance of the evidence after August 28, 2004, of child abuse and neglect by the division which are substantiated by court adjudication shall not be heard by the child abuse and neglect review board."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Ellinger, **House Amendment No. 2** was adopted.

Representative Grisamore offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 717, Pages 11-14, Section 208.662, Lines 1-112, by deleting all of said section and inserting in lieu thereof the following:

"208.662. 1. There is hereby established within the department of social services the "Show-Me Healthy Babies Program" as a separate children's health insurance program (CHIP) for any low-income unborn child. The program shall be established under the authority of Title XXI of the federal Social Security Act, the State Children's Health Insurance Program, as amended, and 42 C.F.R. 457.10.

2. For an unborn child to be enrolled in the show-me healthy babies program, his or her mother shall not be eligible for coverage under Title XIX of the federal Social Security Act, the Medicaid program, as it is administered by the state, and shall not have access to affordable employer-subsidized health care insurance or other affordable health care coverage that includes coverage for the unborn child. In addition, the unborn child shall be in a family with income eligibility of no more than three hundred percent of the federal poverty level, or the equivalent modified adjusted gross income, unless the income eligibility is set lower by the general assembly through appropriations. In calculating family size as it relates to income eligibility, the family shall include, in addition to other family members, the unborn child, or in the case of a mother with a multiple pregnancy, all unborn children.

3. Coverage for an unborn child enrolled in the show-me healthy babies program shall include all prenatal care and pregnancy-related services that benefit the health of the unborn child and that promote healthy labor, delivery, and birth. Coverage need not include services that are solely for the benefit of the pregnant mother, that are unrelated to maintaining or promoting a healthy pregnancy, and that provide no benefit to the unborn child. However, the department may include pregnancy-related assistance as defined in 42 U.S.C. ?1397II.

4. There shall be no waiting period before an unborn child may be enrolled in the show-me healthy babies program. In accordance with the definition of child in 42 C.F.R. 457.10, coverage shall include the period from conception to birth. The department shall develop a presumptive eligibility procedure for enrolling an unborn child. There shall be verification of the pregnancy.

5. Coverage for the child shall continue for up to one year after birth, unless otherwise prohibited by law or unless otherwise limited by the general assembly through appropriations.

6. Pregnancy-related and postpartum coverage for the mother shall begin on the day the pregnancy ends and extend through the last day of the month that includes the sixtieth day after the pregnancy ends, unless otherwise prohibited by law or unless otherwise limited by the general assembly through appropriations. The department may include pregnancy-related assistance as defined in 42 U.S.C. 1397II.

7. The department may provide coverage for an unborn child enrolled in the show-me healthy babies program through:

(1) Direct coverage whereby the state pays health care providers directly or by contracting with a managed care organization or with a group or individual health insurance provider;

(2) A premium assistance program whereby the state assists in payment of the premiums, co-payments, coinsurance, or deductibles for a person who is eligible for health coverage through an employer, former employer, labor union, credit union, church, spouse, other organizations, other individuals, or through an individual health insurance policy that includes coverage for the unborn child, when such person needs assistance in paying such premiums, co-payments, coinsurance, or deductibles;

(3) A combination of direct coverage, such as when the unborn child is first enrolled, and premium assistance, such as after the child is born; or

(4) Any other similar arrangement whereby there:

(a) Are lower program costs without sacrificing health care coverage for the unborn child or the child up to one year after birth;

(b) Are greater covered services for the unborn child or the child up to one year after birth;

(c) Is also coverage for siblings or other family members, including the unborn child's mother, such as by providing pregnancy-related assistance under 42 U.S.C. §1397ll, relating to coverage of targeted low-income pregnant women through the children's health insurance program (CHIP); or

(d) Will be an ability for the child to transition more easily to non-government or less government-subsidized group or individual health insurance coverage after the child is no longer enrolled in the show-me healthy babies program.

8. The department shall provide information about the show-me healthy babies program to maternity homes as defined in section 135.600, pregnancy resource centers as defined in section 135.630, and other similar agencies and programs in the state that assist unborn children and their mothers. The department shall consider allowing such agencies and programs to assist in the enrollment of unborn children in the program, and in making determinations about presumptive eligibility and verification of the pregnancy.

9. Within sixty days after the effective date of this section, the department shall submit a state plan amendment or seek any necessary waivers from the federal Department of Health and Human Services requesting approval for the show-me healthy babies program.

10. At least annually, the department shall prepare and submit a report to the governor, the speaker of the house of representatives, and the president pro tem of the senate analyzing and projecting the cost savings and benefits, if any, to the state, counties, local communities, school districts, law enforcement agencies, correctional centers, health care providers, employers, other public and private entities, and persons by enrolling unborn children in the show-me healthy babies program. The analysis and projection of cost savings and benefits, if any, may include but need not be limited to:

(1) The higher federal matching rate for having an unborn child enrolled in the show-me healthy babies program versus the lower federal matching rate for a pregnant woman being enrolled in MO HealthNet or other federal programs;

(2) The efficacy in providing services to unborn children through managed care organizations, group or individual health insurance providers or premium assistance, or through other nontraditional arrangements of providing health care;

(3) The change in the proportion of unborn children who receive care in the first trimester of pregnancy due to a lack of waiting periods, by allowing presumptive eligibility, or by removal of other barriers, and any resulting or projected decrease in health problems and other problems for unborn children and women throughout pregnancy; at labor, delivery, and birth; and during infancy and childhood;

(4) The change in healthy behaviors by pregnant women, such as the cessation of the use of tobacco, alcohol, illicit drugs, or other harmful practices, and any resulting or projected short-term and long-term decrease in birth defects; poor motor skills; vision, speech, and hearing problems; breathing and respiratory problems; feeding and digestive problems; and other physical, mental, educational, and behavioral problems; and

(5) The change in infant and maternal mortality, pre-term births and low birth weight babies and any resulting or projected decrease in short-term and long-term medical and other interventions.

11. The show-me healthy babies program shall not be deemed an entitlement program, but instead shall be subject to a federal allotment or other federal appropriations and matching state appropriations.

12. Nothing in this section shall be construed as obligating the state to continue the show-me healthy babies program if the allotment or payments from the federal government end or are not sufficient for the program to operate, or if the general assembly does not appropriate funds for the program.

13. Nothing in this section shall be construed as expanding MO HealthNet or fulfilling a mandate imposed by the federal government on the state."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Grisamore, **House Amendment No. 3** was adopted.

Representative Austin offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 717, Page 11, Section 210.151, Line 220, by inserting after all of said section the following:

"210.482. 1. If the emergency placement of a child in a private home is necessary due to the unexpected absence of the child's parents, legal guardian, or custodian, the juvenile court or children's division:

(1) May request that a local or state law enforcement agency or juvenile officer, subject to any required federal authorization, immediately conduct a name-based criminal history record check to include full orders of protection and outstanding warrants of each person over the age of seventeen residing in the home by using the Missouri uniform law enforcement system (MULES) and the National Crime Information Center to access the Interstate Identification Index maintained by the Federal Bureau of Investigation; and

(2) Shall determine or, in the case of the juvenile court, shall request the division to determine whether any person over the age of seventeen years residing in the home is listed on the child abuse and neglect registry. For any children less than seventeen years of age residing in the home, the children's division shall inquire of the person with whom an emergency placement of a child will be made whether any children less than seventeen years of age residing in the home have ever been certified as an adult and convicted of or pled guilty or nolo contendere to any crime.

2. If a name-based search has been conducted pursuant to subsection 1 of this section, within fifteen calendar days after the emergency placement of the child in the private home, and if the private home has not previously been approved as a foster or adoptive home, all persons over the age of seventeen residing in the home and all children less than seventeen residing in the home who the division has determined have been certified as an adult for the commission of a crime shall report to a local law enforcement agency for the purpose of providing [two] **three** sets of fingerprints each and accompanying fees, pursuant to section 43.530. One set of fingerprints shall be used by the highway patrol to search the criminal history repository [and the second], **one** set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files, **and one set shall be forwarded to and retained by the division.** Results of the checks [will] **shall** be provided to the juvenile court or children's division office requesting such information. Any child placed in emergency placement in a private home shall be removed immediately if any person residing in the home fails to provide fingerprints after being requested to do so, unless the person refusing to provide fingerprints ceases to reside in the private home.

3. If the placement of a child is denied as a result of a name-based criminal history check and the denial is contested, all persons over the age of seventeen residing in the home and all children less than seventeen years of age residing in the home who the division has determined have been certified as an adult for the commission of a crime shall, within fifteen calendar days, submit to the juvenile court or the children's division [two] **three** sets of fingerprints in the same manner described in subsection 2 of this section, accompanying fees, and written permission authorizing the juvenile court or the children's division to forward the fingerprints to the state criminal record repository for submission to the Federal Bureau of Investigation. One set of fingerprints shall be used by the highway patrol to search the criminal history repository [and the second], **one** set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files, **and one set shall be retained by the division.**

4. **No person who submits fingerprints under this section shall be required to submit additional fingerprints under this section or section 210.487 unless the original fingerprints retained by the division are lost or destroyed.**

5. Subject to appropriation, the total cost of fingerprinting required by this section may be paid by the state, including reimbursement of persons incurring fingerprinting costs under this section.

[5.] 6. For the purposes of this section, "emergency placement" refers to those limited instances when the juvenile court or children's division is placing a child in the home of private individuals, including neighbors, friends, or relatives, as a result of a sudden unavailability of the child's primary caretaker.

210.487. 1. When conducting investigations of persons for the purpose of foster parent licensing, the division shall:

(1) Conduct a search for all persons over the age of seventeen in the applicant's household and for any child less than seventeen years of age residing in the applicant's home who the division has determined has been certified as an adult for the commission of a crime for evidence of full orders of protection. The office of state courts administrator shall allow access to the automated court information system by the division. The clerk of each court contacted by the division shall provide the division information within ten days of a request; and

(2) Obtain [two] **three** sets of fingerprints for any person over the age of seventeen in the applicant's household and for any child less than seventeen years of age residing in the applicant's home who the division has determined has been certified as an adult for the commission of a crime in the same manner set forth in subsection 2 of section 210.482. One set of fingerprints shall be used by the highway patrol to search the criminal history repository [and the second], **one** set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files, **and one set shall be forwarded to and retained by the division.** The highway patrol shall assist the division and provide the criminal fingerprint background information, upon request; and

(3) Determine whether any person over the age of seventeen residing in the home and any child less than seventeen years of age residing in the applicant's home who the division has determined has been certified as an adult for the commission of a crime is listed on the child abuse and neglect registry. For any children less than seventeen years of age residing in the applicant's home, the children's division shall inquire of the applicant whether any children less than seventeen years of age residing in the home have ever been certified as an adult and been convicted of or pled guilty or nolo contendere to any crime.

2. After the initial investigation is completed under subsection 1 of this section[.];

(1) No person who submits fingerprints under subsection 1 of this section or section 210.482 shall be required to submit additional fingerprints under this section or section 210.482 unless the original fingerprints retained by the division are lost or destroyed; and

(2) The children's division and the department of health and senior services may waive the requirement for a fingerprint background check for any subsequent recertification.

3. Subject to appropriation, the total cost of fingerprinting required by this section may be paid by the state, including reimbursement of persons incurring fingerprinting costs under this section.

4. The division may make arrangements with other executive branch agencies to obtain any investigative background information.

5. The division may promulgate rules that are necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Austin, **House Amendment No. 4** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 099

Allen	Anderson	Austin	Bernskoetter	Brown
Burlison	Cierpiot	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Elmer	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Molendorp	Moon	Morris	Muntzel
Neely	Parkinson	Pfautsch	Phillips	Pike

Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 046

Anders	Black	Burns	Butler	Carpenter
Colona	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hummel	Kirkton	LaFaver	May
Mayfield	McCann Beatty	McDonald	McKenna	McNeil
Meredith	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Swearingen	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 018

Bahr	Barnes	Berry	Brattin	Conway 10
Engler	Funderburk	Hinson	Hubbard	Kelly 45
Kratky	Leara	McManus	Mims	Neth
Smith 120	Walton Gray	White		

On motion of Representative Grisamore, **HCS HB 717, as amended**, was adopted.

On motion of Representative Grisamore, **HCS HB 717, as amended**, was ordered perfected and printed.

HCS HB 727, relating to services for disabled individuals, was taken up by Representative Grisamore.

Representative Grisamore offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 727, Page 22, Section 1, Lines 1-9, by removing all of said section and lines from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Grisamore, **House Amendment No. 1** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 099

Allen	Anderson	Austin	Bahr	Bernskoetter
Brown	Burlison	Cierpiot	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lant	Lauer	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Molendorp	Moon	Morris	Muntzel
Neely	Parkinson	Pfausch	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 048

Anders	Black	Burns	Butler	Carpenter
Colona	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 016

Barnes	Berry	Brattin	Conway 10	Engler
Fraker	Hinson	Kelly 45	Lair	Leara
McManus	McNeil	Neth	Phillips	Smith 120
Walton Gray				

On motion of Representative Grisamore, **HCS HB 727, as amended**, was adopted.

On motion of Representative Grisamore, **HCS HB 727, as amended**, was ordered perfected and printed.

COMMITTEE REPORTS

Committee on Downsizing State Government, Chairman Curtman reporting:

Mr. Speaker: Your Committee on Downsizing State Government, to which was referred **SB 170**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Elementary and Secondary Education, Chairman Cookson reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **SS SCS SB 210**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Riddle reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 749**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SJR 14**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 112**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 118**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SS SB 401**, begs leave to report it has examined the same and recommends that it **Do Pass**.

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HCS HB 717 - Fiscal Review

HCS HB 727 - Fiscal Review

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

HCS SB 112 - Fiscal Review

SCS SB 381 - Fiscal Review

HCS SS SB 401 - Fiscal Review

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCR 7**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCR 28**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS HCS HB 58**, entitled:

An act to repeal section 379.1510, RSMo, and to enact in lieu thereof one new section relating to portable electronics insurance, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has receded from its position on **Senate Amendment No. 1 to HB 316** and has taken up and passed **HB 316**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 322**, entitled:

An act to repeal sections 303.024 and 303.200, RSMo, and to enact in lieu thereof five new sections relating to providing and presenting certain insurance documents through electronic means, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has third read and passed **HB 339**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has third read and passed **HB 451**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCR 3**, entitled:

An act relating to recognition of September 26th as Mesothelioma Awareness Day in Missouri.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 4**.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SS SCR 15**.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SCS SB 45, as amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **House Amendment No. 1** and **House Amendment No. 2** to **SCS SB 248**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

CONFERENCE COMMITTEE REPORT NO. 2
ON
SENATE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE JOINT RESOLUTION NOS. 11 & 7

The Conference Committee appointed on Senate Substitute for House Committee Substitute for House Joint Resolution Nos. 11 & 7, with Senate Amendment No. 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for House Committee Substitute for House Joint Resolution Nos. 11 & 7, as amended;
2. That the House recede from its position on House Committee Substitute for House Joint Resolution Nos. 11 & 7;
3. That the attached Conference Committee Substitute No. 2 for Senate Substitute for House Committee Substitute for House Joint Resolution Nos. 11 & 7, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Bill Reiboldt
/s/ Todd Richardson
/s/ Linda Black

FOR THE SENATE:

/s/ Mike Parson
/s/ Brian Munzlinger
/s/ Dan Brown
/s/ Jolie Justus
/s/ Scott Sifton

**CONFERENCE COMMITTEE REPORT
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 43**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 43, with House Amendment Nos. 1, 2, 3, 4, and 5, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 43, as amended;
2. That the Senate recede from its position on Senate Bill No. 43;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 43 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Brian Munzlinger
/s/ Kurt Schaefer
/s/ Mike Kehoe
/s/ Jason Holsman
/s/ Ryan McKenna

FOR THE HOUSE:

/s/ Glen Kolkmeier
/s/ Dave Schatz
/s/ Ed Schieffer

**CONFERENCE COMMITTEE REPORT
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 330**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 330, with House Amendment Nos. 2 and 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 330, as amended;
2. That the Senate recede from its position on Senate Bill No. 330;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 330 be Third Read and Finally Passed.

FOR THE SENATE:

FOR THE HOUSE:

/s/ Jay Wasson
/s/ Mike Cunningham
/s/ David Sater
/s/ Joseph Keaveny
/s/ Scott Sifton

/s/ Eric Burlison
/s/ Shelley Keeney
/s/ Michele Kratky

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Tuesday, May 14, 2013.

CORRECTION TO THE HOUSE JOURNAL

AFFIDAVIT

I, State Representative Charle Norr, District 132, hereby state and affirm that my vote on the motion by which Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill 3, as amended, was truly agreed to and finally passed as recorded on Page 2311 of the Journal of the House for the sixty-sixth day, Thursday, May 9, 2013 was incorrectly recorded as “No.” Pursuant to House Rule 89, I ask that the Journal be corrected to show that I was in the chamber at the time the vote was taken, I did in fact vote, my vote was incorrectly recorded, and should have been recorded as “Yes.”

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 13th day of May 2013.

/s/ Charlie Norr
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 13th day of May in the year 2013.

/s/ Leann M. Hager
Notary Public

COMMITTEE HEARINGS

BUDGET

Thursday, May 16, 2013, 8:00 AM, House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Review tax credits - DED, DHSS, DOR, DIFP, DSS, DNR, MoAg

FISCAL REVIEW

Tuesday, May 14, 2013, 8:30 AM, South Gallery.

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Wednesday, May 15, 2013, 8:30 AM, South Gallery.

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Thursday, May 16, 2013, 8:30 AM, South Gallery.

Executive session may be held on any matter referred to the committee.

RULES

Tuesday, May 14, 2013, Upon Afternoon Adjournment, House Hearing Room 7.

Public hearing will be held: HRM 1

Executive session will be held: HCS HBs 149 & 536, HRM 1, HCS SB 67, SB 170, HCS SS SB 251, SS SB 366

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

SIXTY-EIGHTH DAY, TUESDAY, MAY 14, 2013

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HJR 19 - Bahr
- 2 HCS HJR 15 - Brattin
- 3 HCS HJR 35 - Jones (50)
- 4 HJR 17 - Burlison
- 5 HCS HJR 23 - Hinson

HOUSE BILLS FOR PERFECTION

- 1 HB 227 - Zerr
- 2 HB 423 - Zerr
- 3 HB 578, as amended - Funderburk
- 4 HCS HB 221 - Leara
- 5 HCS HB 701 - Molendorp
- 6 HB 255 - Torpey
- 7 HB 242 - Ellington

8 HB 503, as amended, HA 1 HA 3, and HA 3, pending - McCaherty
9 HB 448 - Webb
10 HCS HB 234 - Gatschenberger
11 HB 616 - Bahr
12 HB 185 - Kirkton
13 HCS HB 641 - Korman
14 HCS HB 402 - Shumake
15 HCS HB 83 - Reiboldt
16 HCS HB 132 - Stream
17 HCS HB 1041 - Swan
18 HCS HBs 309 & 73 - Solon
19 HCS HB 350 - Frederick
20 HCS HB 464 - Higdon
21 HCS HB 484 - Lauer
22 HCS HB 564 - McGaugh
23 HCS HB 604 - Phillips
24 HCS HB 608 - Frederick
25 HCS HB 685 - Burlison
26 HB 745 - Thomson
27 HCS HB 783 - Diehl
28 HCS HB 814 - Fraker
29 HCS HB 830 - Jones (50)
30 HB 863 - Allen
31 HCS HB 930 - Flanigan
32 HB 411 - Muntzel
33 HB 447 - Diehl
34 HB 467 - Lichtenegger
35 HB 827 - Redmon
36 HB 915 - Bahr
37 HCS HB 975 - Richardson
38 HCS HB 198 - Funderburk
39 HB 385 - Burlison
40 HCS HBs 77, 91 & 95 - Burlison
41 HCS HB 398 - Riddle
42 HCS#2 HB 927 - Reiboldt
43 HCS HB 749 - Cross

HOUSE BILLS FOR THIRD READING

1 HB 201 - Torpey
2 HCS HBs 521 & 579, (Fiscal Review 3/27/13) - Koenig
3 HCS HB 470 - Barnes
4 HCS#2 HB 178 - Koenig
5 HB 162 - Sommer
6 HCS HB 458 - Scharnhorst
7 HCS HB 717, (Fiscal Review 5/13/13) - Grisamore
8 HCS HB 727, (Fiscal Review 5/13/13), E.C. - Grisamore

SENATE CONCURRENT RESOLUTIONS FOR SECOND READING

SCR 3

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 11 - Walton Gray
- 2 HCR 21 - Black
- 3 HCR 32 - Schatz

SENATE JOINT RESOLUTIONS FOR THIRD READING

HCS SS#2 SCS SJR 16 - Hinson

SENATE BILLS FOR THIRD READING

- 1 SS SCS SB 125 - Barnes
- 2 HCS SCS SB 88 - Frederick
- 3 HCS SB 222 - Kelly (45)
- 4 SCS SB 224 - Rizzo
- 5 HCS SB 51, as amended - Guernsey
- 6 HCS SS SCS SB 241 - Cierpiot
- 7 SCS SB 302 - Elmer
- 8 HCS SB 18, E.C. - Cox
- 9 SCS SB 87 - Bahr
- 10 HCS SB 110 - Davis
- 11 SCS SB 178 - Kirkton
- 12 HCS SS SB 252, E.C. - Richardson
- 13 HCS SCS SB 89, E.C. - Jones (50)
- 14 HCS SB 12, E.C. - Jones (50)
- 15 HCS SB 99 - Dugger
- 16 HCS SB 100, E.C. - Cox
- 17 HCS SS SB 282 - Hough
- 18 HCS SB 75 - Burlison
- 19 HCS SS SB 245 - Mitten
- 20 HCS SCS SB 256 - Torpey
- 21 HCS SCS SBs 317 & 319 - Gosen
- 22 HCS SB 24, E.C. - Hinson
- 23 HCS SS SCS SB 83, E.C. - Crawford
- 24 SB 236 - Franklin
- 25 HCS SB 342 - Guernsey
- 26 SCS SB 381, (Fiscal Review 5/13/13) - Cross
- 27 HCS SB 73 - Cornejo
- 28 HCS SCS SB 118 - Cox
- 29 HCS SB 112, (Fiscal Review 5/13/13), E.C. - Zerr
- 30 HCS SS SB 401, (Fiscal Review 5/13/13), E.C. - Molendorp
- 31 SB 72 - Jones (50)

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 SS SCS HB 542, as amended - Love
- 2 SCS HCS HB 351, as amended, E.C. - Frederick

BILLS CARRYING REQUEST MESSAGES

- 1 SB 327, HA 1 (House refuse to recede/request Senate grant conf.) - Haahr
- 2 HCS SCS SB 45, as amended (request House recede/grant conference) - Hough
- 3 SCS SB 248, HA 1, HA 2 (request House recede/grant conference) - Fraker
- 4 HCS HBs 256, 33 & 305, SA 2, SA 3
(request Senate recede/grant conference), E.C. - Jones (50)
- 5 SS HCS HB 199, as amended (request Senate recede/grant conference), E.C. - Dugger

BILLS IN CONFERENCE

- 1 SCS HCS#2 HB 698, as amended, E.C. - Zerr
- 2 HCS SS#2 SCS SB 1, as amended, E.C. - Richardson
- 3 SS SCS HB 307, as amended - Riddle
- 4 HCS SS SB 262, as amended (exceed differences), E.C. - Molendorp
- 5 HCS SCS SB 157 and SB 102, as amended - Phillips
- 6 HCS SCS SB 17, as amended - Thomson
- 7 HCS SCS SB 9, as amended - Guernsey
- 8 CCR HCS SB 330, as amended - Burlison
- 9 CCR HCS SB 43, as amended, E.C. - Kolkmeyer
- 10 CCR#2 SS HCS HJRs 11 & 7, as amended - Reiboldt
- 11 SCS SB 36, HA 1 - Hicks
- 12 SCS HCS HB 1035, as amended, E.C. - Kelley (127)
- 13 SB 77, HA 1 - Allen
- 14 HCS SB 57, as amended - Engler
- 15 HCS SCS SB 42, as amended - Jones (50)
- 16 HCS SB 90, as amended - Dugger
- 17 SCS SB 33, HA 1, HA 2, HA 3, HA 4, HA 5, HA 6 - Grisamore
- 18 HCS SB 41, as amended - Hough

SENATE CONCURRENT RESOLUTIONS

SCS SCR 5 - Frederick

HOUSE RESOLUTIONS

HR 222 - Scharnhorst

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

SIXTY-EIGHTH DAY, TUESDAY, MAY 14, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

Hear, O Israel, the Lord our God is one Lord; and thou shalt love the Lord thy God with all thine heart, and with all thy soul, and with all thy might. (Deuteronomy 6:4-5)

O Lord, we thank You for the way by which You have led us and we pray that as we look forward we may continue to grow in grace and in the knowledge of Your law. Lead us step by step, and from strength to strength, that we may serve You more perfectly and love one another more sincerely.

Increase our faith as You increase our years, and the longer we live on earth the better may our service be, the more willing our obedience, the more consistent our daily lives, the more loving our hearts, and the more complete our devotion to You.

We are grateful for the return to our midst of Representative Chris Kelly. Grant him and all members good health.

Be with us in a special way during this final week and receive us in Your boundless love, for You are our only hope and our truest support.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Jordan Weller and Kija Zuroweste.

The Journal of the sixty-seventh day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 3142 through House Resolution No. 3231

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 3 was read the second time.

COMMITTEE REPORTS

Committee on Fiscal Review, Chairman Flanigan reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 717**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 727**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SB 112**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **SCS SB 381**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS SB 401**, begs leave to report it has examined the same and recommends that it **Do Pass**.

APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

HCS SB 41: Representatives Hough, Cox and Mitten

BILL IN CONFERENCE

CCR#2 SS HCS HJR 11 & 7, as amended, relating to the right to farm, was taken up by Representative Reiboldt.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeier	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh

Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Solon	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Mr Speaker	

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Pace	Peters	Pierson
Rizzo	Runions	Schieffer	Schupp	Smith 85
Swearingen	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 010

Brown	Curtman	English	Otto	Riddle
Roorda	Smith 120	Sommer	Walton Gray	Zerr

On motion of Representative Reiboldt, **CCR#2 SS HCS HJR 11 & 7, as amended**, was adopted by the following vote:

AYES: 126

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Burlison	Cierpiot	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Davis
Diehl	Dohrman	Dugger	Dunn	Elmer
Engler	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	May
Mayfield	McCaherty	McGaugh	McKenna	McManus
McNeil	Messenger	Miller	Molendorp	Moon
Morgan	Morris	Muntzel	Neely	Neth
Pace	Parkinson	Peters	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Shull
Shumake	Smith 85	Solon	Spencer	Stream

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Swan	Thomson	Torpey	Walker	Webber
White	Wieland	Wilson	Wood	Wright
Mr Speaker				

NOES: 024

Burns	Butler	Carpenter	Colona	Curtis
Ellinger	Ellington	Englund	Gardner	Hummel
Kelly 45	Kirkton	Kratky	LaFaver	McCann Beatty
McDonald	Meredith	Mims	Montecillo	Newman
Nichols	Norr	Schupp	Webb	

PRESENT: 000

ABSENT WITH LEAVE: 013

Brown	Curtman	English	Frederick	Higdon
Mitten	Otto	Riddle	Smith 120	Sommer
Swearingen	Walton Gray	Zerr		

On motion of Representative Reiboldt, **CCS#2 SS HCS HJRs 11 & 7** was read the third time and passed by the following vote:

AYES: 132

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Cierpiot	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeier	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	May	Mayfield
McCaherty	McGaugh	McKenna	McManus	McNeil
Messenger	Miller	Mims	Molendorp	Moon
Morgan	Morris	Muntzel	Neely	Neth
Pace	Parkinson	Pfautsch	Phillips	Pierson
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Shull	Shumake
Smith 85	Solon	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 025

Burns	Butler	Carpenter	Colona	Curtis
Ellinger	Ellington	Englund	Gardner	Hummel
Kelly 45	Kirkton	Kratky	LaFaver	McCann Beatty
McDonald	Meredith	Mitten	Montecillo	Newman
Nichols	Norr	Peters	Schupp	Webb

PRESENT: 000

ABSENT WITH LEAVE: 006

English	Otto	Riddle	Smith 120	Sommer
Walton Gray				

Speaker Jones declared the bill passed.

SIGNING OF SENATE BILL

All other business of the House was suspended while **SB 350** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS HCS HB 199, as amended**, and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Lamping, Richard, Kehoe, Holsman and Sifton.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **Senate Amendment No. 2** and **Senate Amendment No. 3** to **HCS HBs 256, 33 & 305** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Kehoe, Munzlinger, Wasson, Justus and Keaveny.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate conferees on **HCS SCS SB 17, as amended**, are allowed to exceed the differences on **House Amendment No. 5**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SB 43, as amended**, and has taken up and passed **CCS HCS SB 43**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 161, as amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate grants the House a conference on **SB 327, as amended**.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Dixon, Romine, Wasson, Justus and Keaveny.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate requests the House grant further conference on **HCS SB 330, as amended**.

APPOINTMENT OF CONFERENCE COMMITTEES

The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:

SS HCS HB 199: Representatives Dugger, Diehl and Conway (10)
HCS HBs 256, 33 & 305: Representatives Jones (50), Elmer and Otto

THIRD READING OF HOUSE BILLS

HCS HB 717, relating to children and families, was taken up by Representative Grisamore.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Moon	Morris	Muntzel
Neely	Neth	Parkinson	Pfausch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Solon	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland

Wilson Wood Zerr Mr Speaker

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 009

English	Funderburk	Jones 50	Molendorp	Otto
Richardson	Smith 120	Sommer	Walton Gray	

On motion of Representative Grisamore, **HCS HB 717** was read the third time and passed by the following vote:

AYES: 121

Allen	Anders	Anderson	Austin	Bahr
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Cierpiot	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	Entlicher	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hurst	Johnson
Justus	Keeney	Kelley 127	Kelly 45	Koenig
Kolkmeyer	Korman	Kratky	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Mayfield	McCaherty	McGaugh	McKenna	McManus
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Peters
Pfautsch	Phillips	Pike	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieffer	Shull	Shumake
Solon	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 035

Burns	Butler	Carpenter	Colona	Curtman
Dunn	Ellinger	Ellington	Englund	Fitzpatrick

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Gardner	Hummel	Kirkton	LaFaver	Marshall
May	McCann Beatty	McDonald	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Pace	Pierson	Pogue
Rizzo	Schieber	Schupp	Smith 85	Webb

PRESENT: 000

ABSENT WITH LEAVE: 007

Barnes	English	Jones 50	Otto	Smith 120
Sommer	Walton Gray			

Speaker Jones declared the bill passed.

HCS HB 727, relating to services for disabled individuals, was taken up by Representative Grisamore.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	McCaherty	McGaugh	Messenger
Miller	Molendorp	Moon	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Scharnhorst	Schatz	Schieber	Shull
Shumake	Solon	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman

Nichols	Norr	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Webb	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 010

Barnes	English	Funderburk	Marshall	Otto
Rowland	Smith 120	Sommer	Walton Gray	Webber

On motion of Representative Grisamore, **HCS HB 727** was read the third time and passed by the following vote:

AYES: 148

Allen	Anders	Anderson	Austin	Bahr
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Elmer	Engler	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Gannon	Gardner	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	May	Mayfield	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Montecillo	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Pace
Parkinson	Peters	Pfautsch	Phillips	Pierson
Pike	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieffer	Schupp	Shull	Shumake
Smith 85	Solon	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 005

Curtman	Marshall	Moon	Pogue	Schieber
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PRESENT: 000

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ABSENT WITH LEAVE: 010

Barnes	Ellington	English	Funderburk	Hummel
McCaherty	Otto	Smith 120	Sommer	Walton Gray

Speaker Jones declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 142

Allen	Anders	Anderson	Austin	Bahr
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Cierpiot	Colona	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtis	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Elmer
Engler	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeyer
Korman	Kratky	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	May
Mayfield	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Moon
Morris	Muntzel	Neely	Neth	Norr
Pace	Peters	Pfautsch	Phillips	Pierson
Pike	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieffer	Shull	Shumake	Smith 85
Solon	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Webb	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 014

Butler	Carpenter	Ellington	Englund	Gardner
LaFaver	Marshall	Morgan	Newman	Nichols
Parkinson	Pogue	Schieber	Schupp	

PRESENT: 000

ABSENT WITH LEAVE: 007

Barnes	English	McCaherty	Otto	Smith 120
Sommer	Walton Gray			

PERFECTION OF HOUSE JOINT RESOLUTION

HJR 17, relating to limits on state appropriations, was taken up by Representative Burlison.

Representative Burlison offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Joint Resolution No. 17, Page 5, Section 27(a), Line 64, by deleting the word, "budget" and inserting in lieu thereof the words, "[budget] **cash operating**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Burlison, **House Amendment No. 1** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 103

Allen	Anderson	Austin	Bahr	Berry
Brattin	Brown	Burlison	Cierpiot	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schieber	Shull
Shumake	Solon	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Mr Speaker		

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Webb	Webber	Wright

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PRESENT: 000

ABSENT WITH LEAVE: 010

Barnes	Bernskoetter	English	Neth	Otto
Schatz	Smith 120	Sommer	Walton Gray	Zerr

On motion of Representative Burlison, **HJR 17, as amended**, was ordered perfected and printed by the following vote:

AYES: 103

Allen	Anderson	Austin	Bahr	Barnes
Brattin	Brown	Burlison	Cierpiot	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Hinson	Hoskins	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Koenig	Kolkmeier	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Molendorp	Moon	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Solon	Spencer	Stream
Swan	Thomson	Walker	White	Wieland
Wilson	Zerr	Mr Speaker		

NOES: 053

Berry	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	Englund	Frame	Gardner	Harris
Higdon	Hodges	Hough	Hubbard	Hummel
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Swearingen	Torpey	Webb
Webber	Wood	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 007

Anders	Bernskoetter	English	Otto	Smith 120
Sommer	Walton Gray			

THIRD READING OF SENATE JOINT RESOLUTION

HCS SS#2 SCS SJR 16, relating to transportation funding, was taken up by Representative Hinson.

Representative Hinson offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Joint Resolution No. 16, Page 6, Section B, Line 5, by striking the word “Shall” and inserting in lieu thereof the word “**Should**”; and

Further amend said line, by striking the word “amended” and inserting in lieu thereof the word “**changed**”; and

Further amend said line, by striking the words “and use”; and

Further amend said resolution and page, Section C, Line 5, by striking the words “Additional revenue is estimated to be” and inserting in lieu thereof the following:

“**This change is expected to produce**”; and

Further amend said resolution, page, section, Lines 5-6, by striking the words “transportation safety and job creation fund” and inserting in lieu thereof the following:

“**Transportation Safety and Job Creation Fund**”; and

Further amend said resolution, page, section, Line 6, by striking the word “gasoline” and inserting in lieu thereof the word “**gas**”; and

Further amend said resolution, page, section, Line 7, by striking the second use of the word “will” and inserting in lieu thereof the word “**shall**”.

On motion of Representative Hinson, **House Amendment No. 1** was adopted.

Representative Hinson offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Joint Resolution No. 16, Page 2, Section 30(d), Line 10, by inserting immediately after the word, “**be**” the following words, “**used for administrative purposes or**”; and

Further amend said bill, page, section, Line 11, by inserting after the word, “**article.**” the following words, “**The oversight division of the committee on legislative research shall conduct a program evaluation of the department of transportation to ensure the additional funds under section 30(e) are used as required under this article and provide a report to the general assembly by January 1, 2017.**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hinson, **House Amendment No. 2** was adopted.

Representative Berry assumed the Chair.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 108

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	Englund	Frame	Gardner	Harris
Hodges	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Pace	Peters	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 006

English	Grisamore	Hubbard	Otto	Smith 120
Walton Gray				

On motion of Representative Hinson, **HCS SS#2 SCS SJR 16, as amended**, was adopted.

On motion of Representative Hinson, **HCS SS#2 SCS SJR 16, as amended**, was read the third time and passed by the following vote:

AYES: 100

Allen	Anders	Anderson	Austin	Barnes
Bernskoetter	Black	Burns	Colona	Conway 10
Conway 104	Crawford	Cross	Davis	Diehl
Dohrman	Dugger	Dunn	Englund	Entlicher
Fitzwater	Flanigan	Fraker	Frame	Franklin
Frederick	Gannon	Gosen	Guernsey	Haefner
Hampton	Hansen	Harris	Higdon	Hinson
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Kelley 127	Kelly 45	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	Meredith	Messenger
Miller	Mims	Molendorp	Montecillo	Morgan
Muntzel	Neely	Neth	Nichols	Pace
Peters	Pfautsch	Phillips	Pierson	Redmon
Reiboldt	Remole	Riddle	Rizzo	Roorda
Rowden	Runions	Scharnhorst	Schatz	Schieffer
Shull	Solon	Sommer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Webb
Webber	White	Wieland	Wood	Zerr

NOES: 057

Bahr	Berry	Brattin	Brown	Burlison
Butler	Carpenter	Cierpiot	Cookson	Cornejo
Cox	Curtis	Curtman	Ellinger	Ellington
Elmer	Engler	Fitzpatrick	Fowler	Funderburk
Gardner	Gatschenberger	Haahr	Hicks	Hodges
Johnson	Jones 50	Justus	Keeney	Kirkton
Koenig	Lynch	Marshall	May	Mayfield
McManus	McNeil	Mitten	Moon	Morris
Newman	Norr	Parkinson	Pike	Pogue
Rehder	Rhoads	Richardson	Ross	Rowland
Schieber	Schupp	Smith 85	Spencer	Wilson
Wright	Mr Speaker			

PRESENT: 001

Shumake

ABSENT WITH LEAVE: 005

English	Grisamore	Otto	Smith 120	Walton Gray
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Representative Berry declared the bill passed.

THIRD READING OF SENATE BILL

HCS SB 222, relating to domestic violence, was taken up by Representative Kelly (45).

Representative Mayfield offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 222, Page 1, Section A, Line 6, by inserting after all of said section and line the following:

"452.375. 1. As used in this chapter, unless the context clearly indicates otherwise:

(1) **"Coerce" means to force a person to act in a given manner or to compel by pressure or threat;**

(2) "Custody" means joint legal custody, sole legal custody, joint physical custody or sole physical custody or any combination thereof;

[(2)] (3) "Joint legal custody" means that the parents share the decision-making rights, responsibilities, and authority relating to the health, education and welfare of the child, and, unless allocated, apportioned, or decreed, the parents shall confer with one another in the exercise of decision-making rights, responsibilities, and authority;

[(3)] (4) "Joint physical custody" means an order awarding each of the parents significant, but not necessarily equal, periods of time during which a child resides with or is under the care and supervision of each of the parents. Joint physical custody shall be shared by the parents in such a way as to assure the child of frequent, continuing and meaningful contact with both parents;

[(4)] (5) "Third-party custody" means a third party designated as a legal and physical custodian pursuant to subdivision (5) of subsection 5 of this section.

2. The court shall determine custody in accordance with the best interests of the child. The court shall consider all relevant factors including:

(1) The wishes of the child's parents as to custody and the proposed parenting plan submitted by both parties;

(2) The needs of the child for a frequent, continuing and meaningful relationship with both parents and the ability and willingness of parents to actively perform their functions as mother and father for the needs of the child;

(3) The interaction and interrelationship of the child with parents, siblings, and any other person who may significantly affect the child's best interests;

(4) Which parent is more likely to allow the child frequent, continuing and meaningful contact with the other parent;

(5) The child's adjustment to the child's home, school, and community;

(6) The mental and physical health of all individuals involved, including any history of abuse of any individuals involved. If the court finds that a pattern of domestic violence as defined in section 455.010 has occurred, and, if the court also finds that awarding custody to the abusive parent is in the best interest of the child, then the court shall enter written findings of fact and conclusions of law. Custody and visitation rights shall be ordered in a manner that best protects the child and any other child or children for whom the parent has custodial or visitation rights, and the parent or other family or household member who is the victim of domestic violence from any further harm;

(7) The intention of either parent to relocate the principal residence of the child; and

(8) The wishes of a child as to the child's custodian. The fact that a parent sends his or her child or children to a home school, as defined in section 167.031, shall not be the sole factor that a court considers in determining custody of such child or children.

3. (1) In any court proceedings relating to custody of a child, the court shall not award custody or unsupervised visitation of a child to a parent if such parent or any person residing with such parent has been found guilty of, or pled guilty to, any of the following offenses when a child was the victim:

(a) A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064, 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206, 566.209, 566.212, or 566.215;

(b) A violation of section 568.020;

(c) A violation of subdivision (2) of subsection 1 of section 568.060;

(d) A violation of section 568.065;

(e) A violation of section 568.080;

(f) A violation of section 568.090; or

(g) A violation of section 568.175.

(2) For all other violations of offenses in chapters 566 and 568 not specifically listed in subdivision (1) of this subsection or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri, the court may exercise its discretion in awarding custody or visitation of a child to a parent if such parent or any person residing with such parent has been found guilty of, or pled guilty to, any such offense.

4. The general assembly finds and declares that it is the public policy of this state that frequent, continuing and meaningful contact with both parents after the parents have separated or dissolved their marriage is in the best interest of the child, except for cases where the court specifically finds that such contact is not in the best interest of the child, and that it is the public policy of this state to encourage parents to participate in decisions affecting the health, education and welfare of their children, and to resolve disputes involving their children amicably through alternative dispute resolution. In order to effectuate these policies, the court shall determine the custody arrangement which will best assure both parents participate in such decisions and have frequent, continuing and meaningful contact with their children so long as it is in the best interests of the child.

5. Prior to awarding the appropriate custody arrangement in the best interest of the child, the court shall consider each of the following as follows:

(1) Joint physical and joint legal custody to both parents, which shall not be denied solely for the reason that one parent opposes a joint physical and joint legal custody award. The residence of one of the parents shall be designated as the address of the child for mailing and educational purposes;

(2) Joint physical custody with one party granted sole legal custody. The residence of one of the parents shall be designated as the address of the child for mailing and educational purposes;

(3) Joint legal custody with one party granted sole physical custody;

(4) Sole custody to either parent; or

(5) Third-party custody or visitation:

(a) When the court finds that each parent is unfit, unsuitable, or unable to be a custodian, or the welfare of the child requires, and it is in the best interests of the child, then custody, temporary custody or visitation may be awarded to any other person or persons deemed by the court to be suitable and able to provide an adequate and stable environment for the child. Before the court awards custody, temporary custody or visitation to a third person under this subdivision, the court shall make that person a party to the action;

(b) Under the provisions of this subsection, any person may petition the court to intervene as a party in interest at any time as provided by supreme court rule.

6. If the parties have not agreed to a custodial arrangement, or the court determines such arrangement is not in the best interest of the child, the court shall include a written finding in the judgment or order based on the public policy in subsection 4 of this section and each of the factors listed in subdivisions (1) to (8) of subsection 2 of this section detailing the specific relevant factors that made a particular arrangement in the best interest of the child. If a proposed custodial arrangement is rejected by the court, the court shall include a written finding in the judgment or order detailing the specific relevant factors resulting in the rejection of such arrangement.

7. Upon a finding by the court that either parent has refused to exchange information with the other parent, which shall include but not be limited to information concerning the health, education and welfare of the child, the court shall order the parent to comply immediately and to pay the prevailing party a sum equal to the prevailing party's cost associated with obtaining the requested information, which shall include but not be limited to reasonable attorney's fees and court costs.

8. As between the parents of a child, no preference may be given to either parent in the awarding of custody because of that parent's age, sex, or financial status, nor because of the age or sex of the child.

9. Any judgment providing for custody shall include a specific written parenting plan setting forth the terms of such parenting plan arrangements specified in subsection 7 of section 452.310. Such plan may be a parenting plan submitted by the parties pursuant to section 452.310 or, in the absence thereof, a plan determined by the court, but in all cases, the custody plan approved and ordered by the court shall be in the court's discretion and shall be in the best interest of the child.

10. Unless a parent has been denied custody rights pursuant to this section or visitation rights under section 452.400, both parents shall have access to records and information pertaining to a minor child, including, but not limited to, medical, dental, and school records. If the parent without custody has been granted restricted or supervised visitation because the court has found that the parent with custody or any child has been the victim of domestic violence, as defined in section 455.010, by the parent without custody, the court may order that the reports and records made available pursuant to this subsection not include the address of the parent with custody or the child. Unless a parent has been denied custody rights pursuant to this section or visitation rights under section 452.400, any judgment of dissolution or other applicable court order shall specifically allow both parents access to such records and reports.

11. Except as otherwise precluded by state or federal law, if any individual, professional, public or private institution or organization denies access or fails to provide or disclose any and all records and information, including, but not limited to, past and present dental, medical and school records pertaining to a minor child, to either parent upon the written request of such parent, the court shall, upon its finding that the individual, professional, public or private institution or organization denied such request without good cause, order that party to comply immediately with such request and to pay to the prevailing party all costs incurred, including, but not limited to, attorney's fees and court costs associated with obtaining the requested information.

12. An award of joint custody does not preclude an award of child support pursuant to section 452.340 and applicable supreme court rules. The court shall consider the factors contained in section 452.340 and applicable supreme court rules in determining an amount reasonable or necessary for the support of the child.

13. If the court finds that domestic violence or abuse, as defined in section 455.010 has occurred, the court shall make specific findings of fact to show that the custody or visitation arrangement ordered by the court best protects the child and the parent or other family or household member who is the victim of domestic violence, as defined in section 455.010, and any other children for whom such parent has custodial or visitation rights from any further harm.

14. If the court finds that a parent of a child, while the child was unborn, attempted to coerce the mother of the child to obtain an abortion, the court may deny custody to the parent.

452.400. 1. (1) A parent not granted custody of the child is entitled to reasonable visitation rights unless the court finds, after a hearing, that visitation would endanger the child's physical health or impair his or her emotional development. The court shall enter an order specifically detailing the visitation rights of the parent without physical custody rights to the child and any other children for whom such parent has custodial or visitation rights. In determining the granting of visitation rights, the court shall consider evidence of domestic violence. If the court finds that domestic violence has occurred, the court may find that granting visitation to the abusive party is in the best interests of the child.

(2) (a) The court shall not grant visitation to the parent not granted custody if such parent or any person residing with such parent has been found guilty of or pled guilty to any of the following offenses when a child was the victim:

a. A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064, 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206, 566.209, 566.212, or 566.215;

b. A violation of section 568.020;

c. A violation of subdivision (2) of subsection 1 of section 568.060;

d. A violation of section 568.065;

e. A violation of section 568.080;

f. A violation of section 568.090; or

g. A violation of section 568.175.

(b) For all other violations of offenses in chapters 566 and 568 not specifically listed in paragraph (a) of this subdivision or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri, the court may exercise its discretion in granting visitation to a parent not granted custody if such parent or any person residing with such parent has been found guilty of, or pled guilty to, any such offense.

(c) The court may exercise its discretion in granting visitation to a parent not granted custody if such parent, while the child was unborn, attempted to coerce the mother of the child to obtain an abortion.

(3) The court shall consider the parent's history of inflicting, or tendency to inflict, physical harm, bodily injury, assault, or the fear of physical harm, bodily injury, or assault on other persons and shall grant visitation in a manner that best protects the child and the parent or other family or household member who is the victim of domestic violence, and any other children for whom the parent has custodial or visitation rights from any further harm.

(4) The court, if requested by a party, shall make specific findings of fact to show that the visitation arrangements made by the court best protect the child or the parent or other family or household member who is the victim of domestic violence, or any other child for whom the parent has custodial or visitation rights from any further harm.

2. (1) The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child, but the court shall not restrict a parent's visitation rights unless it finds that the visitation would endanger the child's physical health or impair his or her emotional development.

(2) (a) In any proceeding modifying visitation rights, the court shall not grant unsupervised visitation to a parent if the parent or any person residing with such parent has been found guilty of or pled guilty to any of the following offenses when a child was the victim:

- a. A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064, 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206, 566.209, 566.212, or 566.215;
- b. A violation of section 568.020;
- c. A violation of subdivision (2) of subsection 1 of section 568.060;
- d. A violation of section 568.065;
- e. A violation of section 568.080;
- f. A violation of section 568.090; or
- g. A violation of section 568.175.

(b) For all other violations of offenses in chapters 566 and 568 not specifically listed in paragraph (a) of this subdivision or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri, the division may exercise its discretion regarding the placement of a child taken into the custody of the state in which a parent or any person residing in the home has been found guilty of, or pled guilty to, any such offense.

(3) When a court restricts a parent's visitation rights or when a court orders supervised visitation because of allegations of abuse or domestic violence, a showing of proof of treatment and rehabilitation shall be made to the court before unsupervised visitation may be ordered. "Supervised visitation", as used in this section, is visitation which takes place in the presence of a responsible adult appointed by the court for the protection of the child.

3. The court shall mandate compliance with its order by all parties to the action, including parents, children and third parties. In the event of noncompliance, the aggrieved person may file a verified motion for contempt. If custody, visitation or third-party custody is denied or interfered with by a parent or third party without good cause, the aggrieved person may file a family access motion with the court stating the specific facts which constitute a violation of the judgment of dissolution, [or] legal separation **or judgment of paternity**. The state courts administrator shall develop a simple form for pro se motions to the aggrieved person, which shall be provided to the person by the circuit clerk. Clerks, under the supervision of a circuit clerk, shall explain to aggrieved parties the procedures for filing the form. Notice of the fact that clerks will provide such assistance shall be conspicuously posted in the clerk's offices. The location of the office where the family access motion may be filed shall be conspicuously posted in the court building. The performance of duties described in this section shall not constitute the practice of law as defined in section 484.010. Such form for pro se motions shall not require the assistance of legal counsel to prepare and file. The cost of filing the motion shall be the standard court costs otherwise due for instituting a civil action in the circuit court.

4. Within five court days after the filing of the family access motion pursuant to subsection 3 of this section, the clerk of the court shall issue a summons pursuant to applicable state law, and applicable local or supreme court rules. A copy of the motion shall be personally served upon the respondent by personal process server as provided by law or by any sheriff. Such service shall be served at the earliest time and shall take priority over service in other civil actions, except those of an emergency nature or those filed pursuant to chapter 455. The motion shall contain the following statement in boldface type:

"PURSUANT TO SECTION 452.400, RSMO, YOU ARE REQUIRED TO RESPOND TO THE CIRCUIT CLERK WITHIN TEN DAYS OF THE DATE OF SERVICE. FAILURE TO RESPOND TO THE CIRCUIT CLERK MAY RESULT IN THE FOLLOWING:

- (1) AN ORDER FOR A COMPENSATORY PERIOD OF CUSTODY, VISITATION OR THIRD-PARTY CUSTODY AT A TIME CONVENIENT FOR THE AGGRIEVED PARTY NOT LESS THAN THE PERIOD OF TIME DENIED;
- (2) PARTICIPATION BY THE VIOLATOR IN COUNSELING TO EDUCATE THE VIOLATOR ABOUT THE IMPORTANCE OF PROVIDING THE CHILD WITH A CONTINUING AND MEANINGFUL RELATIONSHIP WITH BOTH PARENTS;
- (3) ASSESSMENT OF A FINE OF UP TO FIVE HUNDRED DOLLARS AGAINST THE VIOLATOR;
- (4) REQUIRING THE VIOLATOR TO POST BOND OR SECURITY TO ENSURE FUTURE COMPLIANCE WITH THE COURT'S ORDERS;
- (5) ORDERING THE VIOLATOR TO PAY THE COST OF COUNSELING TO REESTABLISH THE PARENT-CHILD RELATIONSHIP BETWEEN THE AGGRIEVED PARTY AND THE CHILD; AND
- (6) A JUDGMENT IN AN AMOUNT NOT LESS THAN THE REASONABLE EXPENSES, INCLUDING ATTORNEY'S FEES AND COURT COSTS ACTUALLY INCURRED BY THE AGGRIEVED PARTY AS A RESULT OF THE DENIAL OF CUSTODY, VISITATION OR THIRD-PARTY CUSTODY."

5. If an alternative dispute resolution program is available pursuant to section 452.372, the clerk shall also provide information to all parties on the availability of any such services, and within fourteen days of the date of service, the court may schedule alternative dispute resolution.

6. Upon a finding by the court pursuant to a motion for a family access order or a motion for contempt that its order for custody, visitation or third-party custody has not been complied with, without good cause, the court shall order a remedy, which may include, but not be limited to:

- (1) A compensatory period of visitation, custody or third-party custody at a time convenient for the aggrieved party not less than the period of time denied;
- (2) Participation by the violator in counseling to educate the violator about the importance of providing the child with a continuing and meaningful relationship with both parents;
- (3) Assessment of a fine of up to five hundred dollars against the violator payable to the aggrieved party;
- (4) Requiring the violator to post bond or security to ensure future compliance with the court's access orders; and
- (5) Ordering the violator to pay the cost of counseling to reestablish the parent-child relationship between the aggrieved party and the child.

7. The reasonable expenses incurred as a result of denial or interference with custody or visitation, including attorney's fees and costs of a proceeding to enforce visitation rights, custody or third-party custody, shall be assessed, if requested and for good cause, against the parent or party who unreasonably denies or interferes with visitation, custody or third-party custody. In addition, the court may utilize any and all powers relating to contempt conferred on it by law or rule of the Missouri supreme court.

8. Final disposition of a motion for a family access order filed pursuant to this section shall take place not more than sixty days after the service of such motion, unless waived by the parties or determined to be in the best interest of the child. Final disposition shall not include appellate review.

9. Motions filed pursuant to this section shall not be deemed an independent civil action from the original action pursuant to which the judgment or order sought to be enforced was entered.

453.015. As used in sections 453.010 to 453.400, the following terms mean:

- (1) **"Coerce" means to force a person to act in a given manner or to compel by pressure or threat;**
- (2) "Minor" or "child", any person who has not attained the age of eighteen years or any person in the custody of the division of family services who has not attained the age of twenty-one;
- [(2)] (3) "Parent", a birth parent or parents of a child, including the putative father of the child, as well as the husband of a birth mother at the time the child was conceived, or a parent or parents of a child by adoption. The putative father shall have no legal relationship unless he has acknowledged the child as his own by affirmatively asserting his paternity;
- [(3)] (4) "Putative father", the alleged or presumed father of a child including a person who has filed a notice of intent to claim paternity with the putative father registry established in section 192.016 and a person who has filed a voluntary acknowledgment of paternity pursuant to section 193.087; and
- [(4)] (5) "Stepparent", the spouse of a biological or adoptive parent. The term does not include the state if the child is a ward of the state. The term does not include a person whose parental rights have been terminated.

453.040. The consent to the adoption of a child is not required of:

- (1) A parent whose rights with reference to the child have been terminated pursuant to law, including section 211.444 or section 211.447 or other similar laws in other states;
- (2) A parent of a child who has legally consented to a future adoption of the child;
- (3) A parent whose identity is unknown and cannot be ascertained at the time of the filing of the petition;
- (4) A man who has not been established to be the father and who is not presumed by law to be the father, and who, after the conception of the child, executes a verified statement denying paternity and disclaiming any interest in the child and acknowledging that this statement is irrevocable when executed and follows the consent as set forth in section 453.030;
- (5) A parent or other person who has not executed a consent and who, after proper service of process, fails to file an answer or make an appearance in a proceeding for adoption or for termination of parental rights at the time such cause is heard;
- (6) A parent who has a mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;
- (7) A parent who has for a period of at least six months, for a child one year of age or older, or at least sixty days, for a child under one year of age, immediately prior to the filing of the petition for adoption, willfully abandoned the child or, for a period of at least six months immediately prior to the filing of the petition for adoption, willfully, substantially and continuously neglected to provide him with necessary care and protection;

(8) **A man who has reason to believe he is the biological father of an unborn child and who attempted to coerce the mother of the child to obtain an abortion;**

(9) A parent whose rights to the child may be terminated for any of the grounds set forth in section 211.447 and whose rights have been terminated after hearing and proof of such grounds as required by sections 211.442 to 211.487. Such petition for termination may be filed as a count in an adoption petition."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Mayfield, **House Amendment No. 1** was adopted.

Representative Barnes offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for Senate Bill No. 222, Page 1, Section A, Line 6, by inserting after all of said section and line the following:

"160.261. 1. The local board of education of each school district shall clearly establish a written policy of discipline, including the district's determination on the use of corporal punishment and the procedures in which punishment will be applied. A written copy of the district's discipline policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning of each school year and also made available in the office of the superintendent of such district, during normal business hours, for public inspection. All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties, including but not limited to approved methods of dealing with acts of school violence, disciplining students with disabilities and instruction in the necessity and requirements for confidentiality.

2. The policy shall require school administrators to report acts of school violence to all teachers at the attendance center and, in addition, to other school district employees with a need to know. For the purposes of this chapter or chapter 167, "need to know" is defined as school personnel who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties. As used in this section, the phrase "act of school violence" or "violent behavior" means the exertion of physical force by a student with the intent to do serious physical injury as defined in subdivision (6) of section 565.002 to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. The policy shall at a minimum require school administrators to report, as soon as reasonably practical, to the appropriate law enforcement agency any of the following crimes, or any act which if committed by an adult would be one of the following crimes:

- (1) First degree murder under section 565.020;
- (2) Second degree murder under section 565.021;
- (3) Kidnapping under section 565.110;
- (4) First degree assault under section 565.050;
- (5) [Forcible] Rape **in the first degree** under section 566.030;
- (6) [Forcible] Sodomy **in the first degree** under section 566.060;
- (7) Burglary in the first degree under section 569.160;
- (8) Burglary in the second degree under section 569.170;
- (9) Robbery in the first degree under section 569.020;
- (10) Distribution of drugs under section 195.211;
- (11) Distribution of drugs to a minor under section 195.212;
- (12) Arson in the first degree under section 569.040;
- (13) Voluntary manslaughter under section 565.023;
- (14) Involuntary manslaughter under section 565.024;
- (15) Second degree assault under section 565.060;
- (16) [Sexual assault] **Rape in the second degree** under section [566.040] **566.031**;
- (17) Felonious restraint under section 565.120;
- (18) Property damage in the first degree under section 569.100;
- (19) The possession of a weapon under chapter 571;

- (20) Child molestation in the first degree pursuant to section 566.067;
- (21) [Deviate sexual assault] **Sodomy in the second degree** pursuant to section [566.070] **566.061**;
- (22) Sexual misconduct involving a child pursuant to section 566.083;
- (23) Sexual abuse **in the first degree** pursuant to section 566.100;
- (24) Harassment under section 565.090; or

(25) Stalking under section 565.225; committed on school property, including but not limited to actions on any school bus in service on behalf of the district or while involved in school activities. The policy shall require that any portion of a student's individualized education program that is related to demonstrated or potentially violent behavior shall be provided to any teacher and other school district employees who are directly responsible for the student's education or who otherwise interact with the student on an educational basis while acting within the scope of their assigned duties. The policy shall also contain the consequences of failure to obey standards of conduct set by the local board of education, and the importance of the standards to the maintenance of an atmosphere where orderly learning is possible and encouraged.

3. The policy shall provide that any student who is on suspension for any of the offenses listed in subsection 2 of this section or any act of violence or drug-related activity defined by school district policy as a serious violation of school discipline pursuant to subsection 9 of this section shall have as a condition of his or her suspension the requirement that such student is not allowed, while on such suspension, to be within one thousand feet of any school property in the school district where such student attended school or any activity of that district, regardless of whether or not the activity takes place on district property unless:

- (1) Such student is under the direct supervision of the student's parent, legal guardian, or custodian and the superintendent or the superintendent's designee has authorized the student to be on school property;
- (2) Such student is under the direct supervision of another adult designated by the student's parent, legal guardian, or custodian, in advance, in writing, to the principal of the school which suspended the student and the superintendent or the superintendent's designee has authorized the student to be on school property;
- (3) Such student is enrolled in and attending an alternative school that is located within one thousand feet of a public school in the school district where such student attended school; or
- (4) Such student resides within one thousand feet of any public school in the school district where such student attended school in which case such student may be on the property of his or her residence without direct adult supervision.

4. Any student who violates the condition of suspension required pursuant to subsection 3 of this section may be subject to expulsion or further suspension pursuant to the provisions of sections 167.161, 167.164, and 167.171. In making this determination consideration shall be given to whether the student poses a threat to the safety of any child or school employee and whether such student's unsupervised presence within one thousand feet of the school is disruptive to the educational process or undermines the effectiveness of the school's disciplinary policy. Removal of any pupil who is a student with a disability is subject to state and federal procedural rights. This section shall not limit a school district's ability to:

- (1) Prohibit all students who are suspended from being on school property or attending an activity while on suspension;
- (2) Discipline students for off-campus conduct that negatively affects the educational environment to the extent allowed by law.

5. The policy shall provide for a suspension for a period of not less than one year, or expulsion, for a student who is determined to have brought a weapon to school, including but not limited to the school playground or the school parking lot, brought a weapon on a school bus or brought a weapon to a school activity whether on or off of the school property in violation of district policy, except that:

- (1) The superintendent or, in a school district with no high school, the principal of the school which such child attends may modify such suspension on a case-by-case basis; and
- (2) This section shall not prevent the school district from providing educational services in an alternative setting to a student suspended under the provisions of this section.

6. For the purpose of this section, the term "weapon" shall mean a firearm as defined under 18 U.S.C. 921 and the following items, as defined in section 571.010: a blackjack, a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except that this section shall not be construed to prohibit a school board from adopting a policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for educational purposes so long as the firearm is unloaded. The local board of education shall define weapon in the discipline policy. Such definition shall include the weapons defined in this subsection but may also include other weapons.

7. All school district personnel responsible for the care and supervision of students are authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any property of the school, on any school bus going to or returning from school, during school-sponsored activities, or during intermission or recess periods.

8. Teachers and other authorized district personnel in public schools responsible for the care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by the school district, shall not be civilly liable when acting in conformity with the established policies developed by each board, including but not limited to policies of student discipline or when reporting to his or her supervisor or other person as mandated by state law acts of school violence or threatened acts of school violence, within the course and scope of the duties of the teacher, authorized district personnel or volunteer, when such individual is acting in conformity with the established policies developed by the board. Nothing in this section shall be construed to create a new cause of action against such school district, or to relieve the school district from liability for the negligent acts of such persons.

9. Each school board shall define in its discipline policy acts of violence and any other acts that constitute a serious violation of that policy. "Acts of violence" as defined by school boards shall include but not be limited to exertion of physical force by a student with the intent to do serious bodily harm to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. School districts shall for each student enrolled in the school district compile and maintain records of any serious violation of the district's discipline policy. Such records shall be made available to teachers and other school district employees with a need to know while acting within the scope of their assigned duties, and shall be provided as required in section 167.020 to any school district in which the student subsequently attempts to enroll.

10. Spanking, when administered by certificated personnel and in the presence of a witness who is an employee of the school district, or the use of reasonable force to protect persons or property, when administered by personnel of a school district in a reasonable manner in accordance with the local board of education's written policy of discipline, is not abuse within the meaning of chapter 210. The provisions of sections 210.110 to 210.165 notwithstanding, the children's division shall not have jurisdiction over or investigate any report of alleged child abuse arising out of or related to the use of reasonable force to protect persons or property when administered by personnel of a school district or any spanking administered in a reasonable manner by any certificated school personnel in the presence of a witness who is an employee of the school district pursuant to a written policy of discipline established by the board of education of the school district, as long as no allegation of sexual misconduct arises from the spanking or use of force.

11. If a student reports alleged sexual misconduct on the part of a teacher or other school employee to a person employed in a school facility who is required to report such misconduct to the children's division under section 210.115, such person and the superintendent of the school district shall forward the allegation to the children's division within twenty-four hours of receiving the information. Reports made to the children's division under this subsection shall be investigated by the division in accordance with the provisions of sections 210.145 to 210.153 and shall not be investigated by the school district under subsections 12 to 20 of this section for purposes of determining whether the allegations should or should not be substantiated. The district may investigate the allegations for the purpose of making any decision regarding the employment of the accused employee.

12. Upon receipt of any reports of child abuse by the children's division other than reports provided under subsection 11 of this section, pursuant to sections 210.110 to 210.165 which allegedly involve personnel of a school district, the children's division shall notify the superintendent of schools of the district or, if the person named in the alleged incident is the superintendent of schools, the president of the school board of the school district where the alleged incident occurred.

13. If, after an initial investigation, the superintendent of schools or the president of the school board finds that the report involves an alleged incident of child abuse other than the administration of a spanking by certificated school personnel or the use of reasonable force to protect persons or property when administered by school personnel pursuant to a written policy of discipline or that the report was made for the sole purpose of harassing a public school employee, the superintendent of schools or the president of the school board shall immediately refer the matter back to the children's division and take no further action. In all matters referred back to the children's division, the division shall treat the report in the same manner as other reports of alleged child abuse received by the division.

14. If the report pertains to an alleged incident which arose out of or is related to a spanking administered by certificated personnel or the use of reasonable force to protect persons or property when administered by personnel of a school district pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, a notification of the reported child abuse shall be sent by the superintendent of schools or the president of the school board to the law enforcement in the county in which the alleged incident occurred.

15. The report shall be jointly investigated by the law enforcement officer and the superintendent of schools or, if the subject of the report is the superintendent of schools, by a law enforcement officer and the president of the school board or such president's designee.

16. The investigation shall begin no later than forty-eight hours after notification from the children's division is received, and shall consist of, but need not be limited to, interviewing and recording statements of the child and the child's parents or guardian within two working days after the start of the investigation, of the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident.

17. The law enforcement officer and the investigating school district personnel shall issue separate reports of their findings and recommendations after the conclusion of the investigation to the school board of the school district within seven days after receiving notice from the children's division.

18. The reports shall contain a statement of conclusion as to whether the report of alleged child abuse is substantiated or is unsubstantiated.

19. The school board shall consider the separate reports referred to in subsection 17 of this section and shall issue its findings and conclusions and the action to be taken, if any, within seven days after receiving the last of the two reports. The findings and conclusions shall be made in substantially the following form:

(1) The report of the alleged child abuse is unsubstantiated. The law enforcement officer and the investigating school board personnel agree that there was not a preponderance of evidence to substantiate that abuse occurred;

(2) The report of the alleged child abuse is substantiated. The law enforcement officer and the investigating school district personnel agree that the preponderance of evidence is sufficient to support a finding that the alleged incident of child abuse did occur;

(3) The issue involved in the alleged incident of child abuse is unresolved. The law enforcement officer and the investigating school personnel are unable to agree on their findings and conclusions on the alleged incident.

20. The findings and conclusions of the school board under subsection 19 of this section shall be sent to the children's division. If the findings and conclusions of the school board are that the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the case closed, and no record shall be entered in the children's division central registry. If the findings and conclusions of the school board are that the report of the alleged child abuse is substantiated, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school district and shall include the information in the division's central registry. If the findings and conclusions of the school board are that the issue involved in the alleged incident of child abuse is unresolved, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school board, however, the incident and the names of the parties allegedly involved shall not be entered into the central registry of the children's division unless and until the alleged child abuse is substantiated by a court of competent jurisdiction.

21. Any superintendent of schools, president of a school board or such person's designee or law enforcement officer who knowingly falsifies any report of any matter pursuant to this section or who knowingly withholds any information relative to any investigation or report pursuant to this section is guilty of a class A misdemeanor.

22. In order to ensure the safety of all students, should a student be expelled for bringing a weapon to school, violent behavior, or for an act of school violence, that student shall not, for the purposes of the accreditation process of the Missouri school improvement plan, be considered a dropout or be included in the calculation of that district's educational persistence ratio.

167.115. 1. Notwithstanding any provision of chapter 211 or chapter 610 to the contrary, the juvenile officer, sheriff, chief of police or other appropriate law enforcement authority shall, as soon as reasonably practical, notify the superintendent, or the superintendent's designee, of the school district in which the pupil is enrolled when a petition is filed pursuant to subsection 1 of section 211.031 alleging that the pupil has committed one of the following acts:

(1) First degree murder under section 565.020;
 (2) Second degree murder under section 565.021;
 (3) Kidnapping under section 565.110;
 (4) First degree assault under section 565.050;
 (5) Forcible rape under section 566.030 **as it existed prior to August 28, 2013, or rape in the first degree under section 566.030;**

(6) Forcible sodomy under section 566.060 **as it existed prior to August 28, 2013, or sodomy in the first degree under section 566.060;**

(7) Burglary in the first degree under section 569.160;
 (8) Robbery in the first degree under section 569.020;
 (9) Distribution of drugs under section 195.211;
 (10) Distribution of drugs to a minor under section 195.212;
 (11) Arson in the first degree under section 569.040;
 (12) Voluntary manslaughter under section 565.023;

- (13) Involuntary manslaughter under section 565.024;
- (14) Second degree assault under section 565.060;
- (15) Sexual assault under section 566.040 **as it existed prior to August 28, 2013, or rape in the second degree under section 566.031;**
- (16) Felonious restraint under section 565.120;
- (17) Property damage in the first degree under section 569.100;
- (18) The possession of a weapon under chapter 571;
- (19) Child molestation in the first degree pursuant to section 566.067;
- (20) Deviate sexual assault pursuant to section 566.070 **as it existed prior to August 28, 2013, or sodomy in the second degree under section 566.061;**
- (21) Sexual misconduct involving a child pursuant to section 566.083; or
- (22) Sexual abuse pursuant to section 566.100 **as it existed prior to August 28, 2013, or sexual abuse in the first degree under section 566.100.**

2. The notification shall be made orally or in writing, in a timely manner, no later than five days following the filing of the petition. If the report is made orally, written notice shall follow in a timely manner. The notification shall include a complete description of the conduct the pupil is alleged to have committed and the dates the conduct occurred but shall not include the name of any victim. Upon the disposition of any such case, the juvenile office or prosecuting attorney or their designee shall send a second notification to the superintendent providing the disposition of the case, including a brief summary of the relevant finding of facts, no later than five days following the disposition of the case.

3. The superintendent or the designee of the superintendent shall report such information to teachers and other school district employees with a need to know while acting within the scope of their assigned duties. Any information received by school district officials pursuant to this section shall be received in confidence and used for the limited purpose of assuring that good order and discipline is maintained in the school. This information shall not be used as the sole basis for not providing educational services to a public school pupil.

4. The superintendent shall notify the appropriate division of the juvenile or family court upon any pupil's suspension for more than ten days or expulsion of any pupil that the school district is aware is under the jurisdiction of the court.

5. The superintendent or the superintendent's designee may be called to serve in a consultant capacity at any dispositional proceedings pursuant to section 211.031 which may involve reference to a pupil's academic treatment plan.

6. Upon the transfer of any pupil described in this section to any other school district in this state, the superintendent or the superintendent's designee shall forward the written notification given to the superintendent pursuant to subsection 2 of this section to the superintendent of the new school district in which the pupil has enrolled. Such written notification shall be required again in the event of any subsequent transfer by the pupil.

7. As used in this section, the terms "school" and "school district" shall include any charter, private or parochial school or school district, and the term "superintendent" shall include the principal or equivalent chief school officer in the cases of charter, private or parochial schools.

8. The superintendent or the designee of the superintendent or other school employee who, in good faith, reports information in accordance with the terms of this section and section 160.261 shall not be civilly liable for providing such information.

167.171. 1. The school board in any district, by general rule and for the causes provided in section 167.161, may authorize the summary suspension of pupils by principals of schools for a period not to exceed ten school days and by the superintendent of schools for a period not to exceed one hundred and eighty school days. In case of a suspension by the superintendent for more than ten school days, the pupil, the pupil's parents or others having such pupil's custodial care may appeal the decision of the superintendent to the board or to a committee of board members appointed by the president of the board which shall have full authority to act in lieu of the board. Any suspension by a principal shall be immediately reported to the superintendent who may revoke the suspension at any time. In event of an appeal to the board, the superintendent shall promptly transmit to it a full report in writing of the facts relating to the suspension, the action taken by the superintendent and the reasons therefor and the board, upon request, shall grant a hearing to the appealing party to be conducted as provided in section 167.161.

2. No pupil shall be suspended unless:

- (1) The pupil shall be given oral or written notice of the charges against such pupil;
- (2) If the pupil denies the charges, such pupil shall be given an oral or written explanation of the facts which form the basis of the proposed suspension;
- (3) The pupil shall be given an opportunity to present such pupil's version of the incident; and

(4) In the event of a suspension for more than ten school days, where the pupil gives notice that such pupil wishes to appeal the suspension to the board, the suspension shall be stayed until the board renders its decision, unless in the judgment of the superintendent of schools, or of the district superintendent, the pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, in which case the pupil may be immediately removed from school, and the notice and hearing shall follow as soon as practicable.

3. No school board shall readmit or enroll a pupil properly suspended for more than ten consecutive school days for an act of school violence as defined in subsection 2 of section 160.261 regardless of whether or not such act was committed at a public school or at a private school in this state, provided that such act shall have resulted in the suspension or expulsion of such pupil in the case of a private school, or otherwise permit such pupil to attend school without first holding a conference to review the conduct that resulted in the expulsion or suspension and any remedial actions needed to prevent any future occurrences of such or related conduct. The conference shall include the appropriate school officials including any teacher employed in that school or district directly involved with the conduct that resulted in the suspension or expulsion, the pupil, the parent or guardian of the pupil or any agency having legal jurisdiction, care, custody or control of the pupil. The school board shall notify in writing the parents or guardians and all other parties of the time, place, and agenda of any such conference. Failure of any party to attend this conference shall not preclude holding the conference. Notwithstanding any provision of this subsection to the contrary, no pupil shall be readmitted or enrolled to a regular program of instruction if:

- (1) Such pupil has been convicted of; or
- (2) An indictment or information has been filed alleging that the pupil has committed one of the acts enumerated in subdivision (4) of this subsection to which there has been no final judgment; or
- (3) A petition has been filed pursuant to section 211.091 alleging that the pupil has committed one of the acts enumerated in subdivision (4) of this subsection to which there has been no final judgment; or
- (4) The pupil has been adjudicated to have committed an act which if committed by an adult would be one of the following:
 - (a) First degree murder under section 565.020;
 - (b) Second degree murder under section 565.021;
 - (c) First degree assault under section 565.050;
 - (d) Forcible rape under section 566.030 **as it existed prior to August 28, 2013, or rape in the first degree under section 566.030;**
 - (e) Forcible sodomy under section 566.060 **as it existed prior to August 28, 2013, or sodomy in the first degree under section 566.060;**
 - (f) Statutory rape under section 566.032;
 - (g) Statutory sodomy under section 566.062;
 - (h) Robbery in the first degree under section 569.020;
 - (i) Distribution of drugs to a minor under section 195.212;
 - (j) Arson in the first degree under section 569.040;
 - (k) Kidnapping, when classified as a class A felony under section 565.110. Nothing in this subsection shall prohibit the readmittance or enrollment of any pupil if a petition has been dismissed, or when a pupil has been acquitted or adjudicated not to have committed any of the above acts. This subsection shall not apply to a student with a disability, as identified under state eligibility criteria, who is convicted or adjudicated guilty as a result of an action related to the student's disability. Nothing in this subsection shall be construed to prohibit a school district which provides an alternative education program from enrolling a pupil in an alternative education program if the district determines such enrollment is appropriate.

4. If a pupil is attempting to enroll in a school district during a suspension or expulsion from another in-state or out-of-state school district including a private, charter or parochial school or school district, a conference with the superintendent or the superintendent's designee may be held at the request of the parent, court-appointed legal guardian, someone acting as a parent as defined by rule in the case of a special education student, or the pupil to consider if the conduct of the pupil would have resulted in a suspension or expulsion in the district in which the pupil is enrolling. Upon a determination by the superintendent or the superintendent's designee that such conduct would have resulted in a suspension or expulsion in the district in which the pupil is enrolling or attempting to enroll, the school district may make such suspension or expulsion from another school or district effective in the district in which the pupil is enrolling or attempting to enroll. Upon a determination by the superintendent or the superintendent's designee that such conduct would not have resulted in a suspension or expulsion in the district in which the student is enrolling or attempting to enroll, the school district shall not make such suspension or expulsion effective in its district in which the student is enrolling or attempting to enroll.

168.071. 1. The state board of education may refuse to issue or renew a certificate, or may, upon hearing, discipline the holder of a certificate of license to teach for the following causes:

(1) A certificate holder or applicant for a certificate has pleaded to or been found guilty of a felony or crime involving moral turpitude under the laws of this state, any other state, of the United States, or any other country, whether or not sentence is imposed;

(2) The certification was obtained through use of fraud, deception, misrepresentation or bribery;

(3) There is evidence of incompetence, immorality, or neglect of duty by the certificate holder;

(4) A certificate holder has been subject to disciplinary action relating to certification issued by another state, territory, federal agency, or country upon grounds for which discipline is authorized in this section; or

(5) If charges are filed by the local board of education, based upon the annulling of a written contract with the local board of education, for reasons other than election to the general assembly, without the consent of the majority of the members of the board that is a party to the contract.

2. A public school district may file charges seeking the discipline of a holder of a certificate of license to teach based upon any cause or combination of causes outlined in subsection 1 of this section, including annulment of a written contract. Charges shall be in writing, specify the basis for the charges, and be signed by the chief administrative officer of the district, or by the president of the board of education as authorized by a majority of the board of education. The board of education may also petition the office of the attorney general to file charges on behalf of the school district for any cause other than annulment of contract, with acceptance of the petition at the discretion of the attorney general.

3. The department of elementary and secondary education may file charges seeking the discipline of a holder of a certificate of license to teach based upon any cause or combination of causes outlined in subsection 1 of this section, other than annulment of contract. Charges shall be in writing, specify the basis for the charges, and be signed by legal counsel representing the department of elementary and secondary education.

4. If the underlying conduct or actions which are the basis for charges filed pursuant to this section are also the subject of a pending criminal charge against the person holding such certificate, the certificate holder may request, in writing, a delayed hearing on advice of counsel under the fifth amendment of the Constitution of the United States. Based upon such a request, no hearing shall be held until after a trial has been completed on this criminal charge.

5. The certificate holder shall be given not less than thirty days' notice of any hearing held pursuant to this section.

6. Other provisions of this section notwithstanding, the certificate of license to teach shall be revoked or, in the case of an applicant, a certificate shall not be issued, if the certificate holder or applicant has pleaded guilty to or been found guilty of any of the following offenses established pursuant to Missouri law or offenses of a similar nature established under the laws of any other state or of the United States, or any other country, whether or not the sentence is imposed:

(1) Any dangerous felony as defined in section 556.061, or murder in the first degree under section 565.020;

(2) Any of the following sexual offenses: **rape in the first degree** under section 566.030; **forcible rape under section 566.030 as it existed prior to August 28, 2013; rape as it existed prior to August 13, 1980;** statutory rape in the first degree under section 566.032; statutory rape in the second degree under section 566.034; **rape in the second degree under section 566.031;** sexual assault under section 566.040 **as it existed prior to August 28, 2013;** **sodomy in the first degree under section 566.060;** forcible sodomy under section 566.060 **as it existed prior to August 28, 2013;** **sodomy as it existed prior to January 1, 1995;** statutory sodomy in the first degree under section 566.062; statutory sodomy in the second degree under section 566.064; child molestation in the first degree under section 566.067; child molestation in the second degree under section 566.068; **sodomy in the second degree under section 566.061;** deviate sexual assault under section 566.070 **as it existed prior to August 28, 2013;** sexual misconduct involving a child under section 566.083; sexual contact with a student while on public school property under section 566.086; **sexual misconduct in the first degree under section 566.093;** sexual misconduct in the first degree under section 566.090 **as it existed prior to August 28, 2013;** **sexual misconduct in the second degree under section 566.095;** sexual misconduct in the second degree under section 566.093 **as it existed prior to August 28, 2013;** sexual misconduct in the third degree under section 566.095 **as it existed prior to August 28, 2013;** **sexual abuse in the first degree under section 566.100;** sexual abuse under section 566.100 **as it existed prior to August 28, 2013;** **sexual abuse in the second degree under section 566.101;** enticement of a child under section 566.151; or attempting to entice a child;

(3) Any of the following offenses against the family and related offenses: incest under section 568.020; abandonment of child in the first degree under section 568.030; abandonment of child in the second degree under section 568.032; endangering the welfare of a child in the first degree under section 568.045; abuse of a child under section 568.060; child used in a sexual performance under section 568.080; promoting sexual performance by a child under section 568.090; or trafficking in children under section 568.175; and

(4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree under section 573.020; promoting obscenity in the second degree when the penalty is enhanced to a class D felony under section 573.030; promoting child pornography in the first degree under section 573.025; promoting child pornography in the second degree under section 573.035; possession of child pornography under section 573.037; furnishing pornographic materials to minors under section 573.040; or coercing acceptance of obscene material under section 573.065.

7. When a certificate holder pleads guilty or is found guilty of any offense that would authorize the state board of education to seek discipline against that holder's certificate of license to teach, the local board of education or the department of elementary and secondary education shall immediately provide written notice to the state board of education and the attorney general regarding the plea of guilty or finding of guilty.

8. The certificate holder whose certificate was revoked pursuant to subsection 6 of this section may appeal such revocation to the state board of education. Notice of this appeal must be received by the commissioner of education within ninety days of notice of revocation pursuant to this subsection. Failure of the certificate holder to notify the commissioner of the intent to appeal waives all rights to appeal the revocation. Upon notice of the certificate holder's intent to appeal, an appeal hearing shall be held by a hearing officer designated by the commissioner of education, with the final decision made by the state board of education, based upon the record of that hearing. The certificate holder shall be given not less than thirty days' notice of the hearing, and an opportunity to be heard by the hearing officer, together with witnesses.

9. In the case of any certificate holder who has surrendered or failed to renew his or her certificate of license to teach, the state board of education may refuse to issue or renew, or may suspend or revoke, such certificate for any of the reasons contained in this section.

10. In those cases where the charges filed pursuant to this section are based upon an allegation of misconduct involving a minor child, the hearing officer may accept into the record the sworn testimony of the minor child relating to the misconduct received in any court or administrative hearing.

11. Hearings, appeals or other matters involving certificate holders, licensees or applicants pursuant to this section may be informally resolved by consent agreement or agreed settlement or voluntary surrender of the certificate of license pursuant to the rules promulgated by the state board of education.

12. The final decision of the state board of education is subject to judicial review pursuant to sections 536.100 to 536.140.

13. A certificate of license to teach to an individual who has been convicted of a felony or crime involving moral turpitude, whether or not sentence is imposed, shall be issued only upon motion of the state board of education adopted by a unanimous affirmative vote of those members present and voting.

188.023. Any licensed health care professional who delivers a baby or performs an abortion, who has prima facie evidence that a patient has been the victim of statutory rape in the first degree or statutory rape in the second degree, or if the patient is under the age of eighteen, that he or she has been a victim of sexual abuse, including [forcible rape, sexual assault] **rape in the first or second degree**, or incest, shall be required to report such offenses in the same manner as provided for by section 210.115.

211.071. 1. If a petition alleges that a child between the ages of twelve and seventeen has committed an offense which would be considered a felony if committed by an adult, the court may, upon its own motion or upon motion by the juvenile officer, the child or the child's custodian, order a hearing and may, in its discretion, dismiss the petition and such child may be transferred to the court of general jurisdiction and prosecuted under the general law; except that if a petition alleges that any child has committed an offense which would be considered first degree murder under section 565.020, second degree murder under section 565.021, first degree assault under section 565.050, forcible rape under section 566.030 **as it existed prior to August 28, 2013, rape in the first degree under section 566.030**, forcible sodomy under section 566.060 **as it existed prior to August 28, 2013, sodomy in the first degree under section 566.060**, first degree robbery under section 569.020, or distribution of drugs under section 195.211, or has committed two or more prior unrelated offenses which would be felonies if committed by an adult, the court shall order a hearing, and may in its discretion, dismiss the petition and transfer the child to a court of general jurisdiction for prosecution under the general law.

2. Upon apprehension and arrest, jurisdiction over the criminal offense allegedly committed by any person between seventeen and twenty-one years of age over whom the juvenile court has retained continuing jurisdiction shall automatically terminate and that offense shall be dealt with in the court of general jurisdiction as provided in section 211.041.

3. Knowing and willful age misrepresentation by a juvenile subject shall not affect any action or proceeding which occurs based upon the misrepresentation. Any evidence obtained during the period of time in which a child misrepresents his or her age may be used against the child and will be subject only to rules of evidence applicable in adult proceedings.

4. Written notification of a transfer hearing shall be given to the juvenile and his or her custodian in the same manner as provided in sections 211.101 and 211.111. Notice of the hearing may be waived by the custodian. Notice shall contain a statement that the purpose of the hearing is to determine whether the child is a proper subject to be dealt with under the provisions of this chapter, and that if the court finds that the child is not a proper subject to be dealt with under the provisions of this chapter, the petition will be dismissed to allow for prosecution of the child under the general law.

5. The juvenile officer may consult with the office of prosecuting attorney concerning any offense for which the child could be certified as an adult under this section. The prosecuting or circuit attorney shall have access to police reports, reports of the juvenile or deputy juvenile officer, statements of witnesses and all other records or reports relating to the offense alleged to have been committed by the child. The prosecuting or circuit attorney shall have access to the disposition records of the child when the child has been adjudicated pursuant to subdivision (3) of subsection 1 of section 211.031. The prosecuting attorney shall not divulge any information regarding the child and the offense until the juvenile court at a judicial hearing has determined that the child is not a proper subject to be dealt with under the provisions of this chapter.

6. A written report shall be prepared in accordance with this chapter developing fully all available information relevant to the criteria which shall be considered by the court in determining whether the child is a proper subject to be dealt with under the provisions of this chapter and whether there are reasonable prospects of rehabilitation within the juvenile justice system. These criteria shall include but not be limited to:

(1) The seriousness of the offense alleged and whether the protection of the community requires transfer to the court of general jurisdiction;

(2) Whether the offense alleged involved viciousness, force and violence;

(3) Whether the offense alleged was against persons or property with greater weight being given to the offense against persons, especially if personal injury resulted;

(4) Whether the offense alleged is a part of a repetitive pattern of offenses which indicates that the child may be beyond rehabilitation under the juvenile code;

(5) The record and history of the child, including experience with the juvenile justice system, other courts, supervision, commitments to juvenile institutions and other placements;

(6) The sophistication and maturity of the child as determined by consideration of his home and environmental situation, emotional condition and pattern of living;

(7) The age of the child;

(8) The program and facilities available to the juvenile court in considering disposition;

(9) Whether or not the child can benefit from the treatment or rehabilitative programs available to the juvenile court; and

(10) Racial disparity in certification.

7. If the court dismisses the petition to permit the child to be prosecuted under the general law, the court shall enter a dismissal order containing:

(1) Findings showing that the court had jurisdiction of the cause and of the parties;

(2) Findings showing that the child was represented by counsel;

(3) Findings showing that the hearing was held in the presence of the child and his counsel; and

(4) Findings showing the reasons underlying the court's decision to transfer jurisdiction.

8. A copy of the petition and order of the dismissal shall be sent to the prosecuting attorney.

9. When a petition has been dismissed thereby permitting a child to be prosecuted under the general law, the jurisdiction of the juvenile court over that child is forever terminated, except as provided in subsection 10 of this section, for an act that would be a violation of a state law or municipal ordinance.

10. If a petition has been dismissed thereby permitting a child to be prosecuted under the general law and the child is found not guilty by a court of general jurisdiction, the juvenile court shall have jurisdiction over any later offense committed by that child which would be considered a misdemeanor or felony if committed by an adult, subject to the certification provisions of this section.

11. If the court does not dismiss the petition to permit the child to be prosecuted under the general law, it shall set a date for the hearing upon the petition as provided in section 211.171.

211.447. 1. Any information that could justify the filing of a petition to terminate parental rights may be referred to the juvenile officer by any person. The juvenile officer shall make a preliminary inquiry and if it does not appear to the juvenile officer that a petition should be filed, such officer shall so notify the informant in writing within thirty days of the referral. Such notification shall include the reasons that the petition will not be filed. Thereupon, the informant may bring the matter directly to the attention of the judge of the juvenile court by presenting the information in writing, and if it appears to the judge that the information could justify the filing of a petition, the judge may order the juvenile officer to take further action, including making a further preliminary inquiry or filing a petition.

2. Except as provided for in subsection 4 of this section, a petition to terminate the parental rights of the child's parent or parents shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, when:

(1) Information available to the juvenile officer or the division establishes that the child has been in foster care for at least fifteen of the most recent twenty-two months; or

(2) A court of competent jurisdiction has determined the child to be an abandoned infant. For purposes of this subdivision, an "infant" means any child one year of age or under at the time of filing of the petition. The court may find that an infant has been abandoned if:

(a) The parent has left the child under circumstances that the identity of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child; or

(b) The parent has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so; or

(3) A court of competent jurisdiction has determined that the parent has:

(a) Committed murder of another child of the parent; or

(b) Committed voluntary manslaughter of another child of the parent; or

(c) Aided or abetted, attempted, conspired or solicited to commit such a murder or voluntary manslaughter; or

(d) Committed a felony assault that resulted in serious bodily injury to the child or to another child of the parent.

3. A termination of parental rights petition shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, within sixty days of the judicial determinations required in subsection 2 of this section, except as provided in subsection 4 of this section. Failure to comply with this requirement shall not deprive the court of jurisdiction to adjudicate a petition for termination of parental rights which is filed outside of sixty days.

4. If grounds exist for termination of parental rights pursuant to subsection 2 of this section, the juvenile officer or the division may, but is not required to, file a petition to terminate the parental rights of the child's parent or parents if:

(1) The child is being cared for by a relative; or

(2) There exists a compelling reason for determining that filing such a petition would not be in the best interest of the child, as documented in the permanency plan which shall be made available for court review; or

(3) The family of the child has not been provided such services as provided for in section 211.183.

5. The juvenile officer or the division may file a petition to terminate the parental rights of the child's parent when it appears that one or more of the following grounds for termination exist:

(1) The child has been abandoned. For purposes of this subdivision a "child" means any child over one year of age at the time of filing of the petition. The court shall find that the child has been abandoned if, for a period of six months or longer:

(a) The parent has left the child under such circumstances that the identity of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child; or

(b) The parent has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so;

(2) The child has been abused or neglected. In determining whether to terminate parental rights pursuant to this subdivision, the court shall consider and make findings on the following conditions or acts of the parent:

(a) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(b) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control of the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control;

(c) A severe act or recurrent acts of physical, emotional or sexual abuse toward the child or any child in the family by the parent, including an act of incest, or by another under circumstances that indicate that the parent knew or should have known that such acts were being committed toward the child or any child in the family; or

(d) Repeated or continuous failure by the parent, although physically or financially able, to provide the child with adequate food, clothing, shelter, or education as defined by law, or other care and control necessary for the child's physical, mental, or emotional health and development. Nothing in this subdivision shall be construed to permit discrimination on the basis of disability or disease;

(3) The child has been under the jurisdiction of the juvenile court for a period of one year, and the court finds that the conditions which led to the assumption of jurisdiction still persist, or conditions of a potentially harmful nature continue to exist, that there is little likelihood that those conditions will be remedied at an early date so that the child can be returned to the parent in the near future, or the continuation of the parent-child relationship greatly diminishes the child's prospects for early integration into a stable and permanent home. In determining whether to terminate parental rights under this subdivision, the court shall consider and make findings on the following:

(a) The terms of a social service plan entered into by the parent and the division and the extent to which the parties have made progress in complying with those terms;

(b) The success or failure of the efforts of the juvenile officer, the division or other agency to aid the parent on a continuing basis in adjusting his circumstances or conduct to provide a proper home for the child;

(c) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(d) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control over the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control; or

(4) The parent has been found guilty or pled guilty to a felony violation of chapter 566 when the child or any child in the family was a victim, or a violation of section 568.020 when the child or any child in the family was a victim. As used in this subdivision, a "child" means any person who was under eighteen years of age at the time of the crime and who resided with such parent or was related within the third degree of consanguinity or affinity to such parent; or

(5) The child was conceived and born as a result of an act of forcible rape **or rape in the first degree**. When the biological father has pled guilty to, or is convicted of, the forcible rape **or rape in the first degree** of the birth mother, such a plea or conviction shall be conclusive evidence supporting the termination of the biological father's parental rights; or

(6) The parent is unfit to be a party to the parent and child relationship because of a consistent pattern of committing a specific abuse, including but not limited to abuses as defined in section 455.010, child abuse or drug abuse before the child or of specific conditions directly relating to the parent and child relationship either of which are determined by the court to be of a duration or nature that renders the parent unable, for the reasonably foreseeable future, to care appropriately for the ongoing physical, mental or emotional needs of the child. It is presumed that a parent is unfit to be a party to the parent-child relationship upon a showing that within a three-year period immediately prior to the termination adjudication, the parent's parental rights to one or more other children were involuntarily terminated pursuant to subsection 2 or 4 of this section or subdivisions (1), (2), (3) or (4) of subsection 5 of this section or similar laws of other states.

6. The juvenile court may terminate the rights of a parent to a child upon a petition filed by the juvenile officer or the division, or in adoption cases, by a prospective parent, if the court finds that the termination is in the best interest of the child and when it appears by clear, cogent and convincing evidence that grounds exist for termination pursuant to subsection 2, 4 or 5 of this section.

7. When considering whether to terminate the parent-child relationship pursuant to subsection 2 or 4 of this section or subdivision (1), (2), (3) or (4) of subsection 5 of this section, the court shall evaluate and make findings on the following factors, when appropriate and applicable to the case:

(1) The emotional ties to the birth parent;

(2) The extent to which the parent has maintained regular visitation or other contact with the child;

(3) The extent of payment by the parent for the cost of care and maintenance of the child when financially able to do so including the time that the child is in the custody of the division or other child-placing agency;

(4) Whether additional services would be likely to bring about lasting parental adjustment enabling a return of the child to the parent within an ascertainable period of time;

(5) The parent's disinterest in or lack of commitment to the child;

(6) The conviction of the parent of a felony offense that the court finds is of such a nature that the child will be deprived of a stable home for a period of years; provided, however, that incarceration in and of itself shall not be grounds for termination of parental rights;

(7) Deliberate acts of the parent or acts of another of which the parent knew or should have known that subjects the child to a substantial risk of physical or mental harm.

8. The court may attach little or no weight to infrequent visitations, communications, or contributions. It is irrelevant in a termination proceeding that the maintenance of the parent-child relationship may serve as an inducement for the parent's rehabilitation.

9. In actions for adoption pursuant to chapter 453, the court may hear and determine the issues raised in a petition for adoption containing a prayer for termination of parental rights filed with the same effect as a petition permitted pursuant to subsection 2, 4, or 5 of this section.

10. The disability or disease of a parent shall not constitute a basis for a determination that a child is a child in need of care, for the removal of custody of a child from the parent, or for the termination of parental rights without a specific showing that there is a causal relation between the disability or disease and harm to the child.

217.010. As used in this chapter and chapter 558, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Administrative segregation unit", a cell for the segregation of offenders from the general population of a facility for relatively extensive periods of time;

(2) "Board", the board of probation and parole;

(3) "Chief administrative officer", the institutional head of any correctional facility or his designee;

(4) "Correctional center", any premises or institution where incarceration, evaluation, care, treatment, or rehabilitation is provided to persons who are under the department's authority;

(5) "Department", the department of corrections of the state of Missouri;

(6) "Director", the director of the department of corrections or his designee;

(7) "Disciplinary segregation", a cell for the segregation of offenders from the general population of a correctional center because the offender has been found to have committed a violation of a division or facility rule and other available means are inadequate to regulate the offender's behavior;

(8) "Division", a statutorily created agency within the department or an agency created by the departmental organizational plan;

(9) "Division director", the director of a division of the department or his designee;

(10) "Local volunteer community board", a board of qualified local community volunteers selected by the court for the purpose of working in partnership with the court and the department of corrections in a reparative probation program;

(11) "Nonviolent offender", any offender who is convicted of a crime other than murder in the first or second degree, involuntary manslaughter, kidnapping, **rape in the first degree**, forcible rape, **sodomy in the first degree**, forcible sodomy, robbery in the first degree or assault in the first degree;

(12) "Offender", a person under supervision or an inmate in the custody of the department;

(13) "Probation", a procedure under which a defendant found guilty of a crime upon verdict or plea is released by the court without imprisonment, subject to conditions imposed by the court and subject to the supervision of the board;

(14) "Volunteer", any person who, of his own free will, performs any assigned duties for the department or its divisions with no monetary or material compensation.

339.100. 1. The commission may, upon its own motion, and shall upon receipt of a written complaint filed by any person, investigate any real estate-related activity of a licensee licensed under sections 339.010 to 339.180 and sections 339.710 to 339.860 or an individual or entity acting as or representing themselves as a real estate licensee. In conducting such investigation, if the questioned activity or written complaint involves an affiliated licensee, the commission may forward a copy of the information received to the affiliated licensee's designated broker. The commission shall have the power to hold an investigatory hearing to determine whether there is a probability of a violation of sections 339.010 to 339.180 and sections 339.710 to 339.860. The commission shall have the power to issue a subpoena to compel the production of records and papers bearing on the complaint. The commission shall have the power to issue a subpoena and to compel any person in this state to come before the commission to offer testimony or any material specified in the subpoena. Subpoenas and subpoenas duces tecum issued pursuant to this section shall be served in the same manner as subpoenas in a criminal case. The fees and mileage of witnesses shall be the same as that allowed in the circuit court in civil cases.

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by the provisions of chapter 621 against any person or entity licensed under this chapter or any licensee who has failed to renew or has surrendered his or her individual or entity license for any one or any combination of the following acts:

(1) Failure to maintain and deposit in a special account, separate and apart from his or her personal or other business accounts, all moneys belonging to others entrusted to him or her while acting as a real estate broker or as the temporary custodian of the funds of others, until the transaction involved is consummated or terminated, unless all parties having an interest in the funds have agreed otherwise in writing;

(2) Making substantial misrepresentations or false promises or suppression, concealment or omission of material facts in the conduct of his or her business or pursuing a flagrant and continued course of misrepresentation through agents, salespersons, advertising or otherwise in any transaction;

(3) Failing within a reasonable time to account for or to remit any moneys, valuable documents or other property, coming into his or her possession, which belongs to others;

(4) Representing to any lender, guaranteeing agency, or any other interested party, either verbally or through the preparation of false documents, an amount in excess of the true and actual sale price of the real estate or terms differing from those actually agreed upon;

(5) Failure to timely deliver a duplicate original of any and all instruments to any party or parties executing the same where the instruments have been prepared by the licensee or under his or her supervision or are within his or her control, including, but not limited to, the instruments relating to the employment of the licensee or to any matter pertaining to the consummation of a lease, listing agreement or the purchase, sale, exchange or lease of property, or any type of real estate transaction in which he or she may participate as a licensee;

(6) Acting for more than one party in a transaction without the knowledge of all parties for whom he or she acts, or accepting a commission or valuable consideration for services from more than one party in a real estate transaction without the knowledge of all parties to the transaction;

(7) Paying a commission or valuable consideration to any person for acts or services performed in violation of sections 339.010 to 339.180 and sections 339.710 to 339.860;

(8) Guaranteeing or having authorized or permitted any licensee to guarantee future profits which may result from the resale of real property;

(9) Having been finally adjudicated and been found guilty of the violation of any state or federal statute which governs the sale or rental of real property or the conduct of the real estate business as defined in subsection 1 of section 339.010;

(10) Obtaining a certificate or registration of authority, permit or license for himself or herself or anyone else by false or fraudulent representation, fraud or deceit;

(11) Representing a real estate broker other than the broker with whom associated without the express written consent of the broker with whom associated;

(12) Accepting a commission or valuable consideration for the performance of any of the acts referred to in section 339.010 from any person except the broker with whom associated at the time the commission or valuable consideration was earned;

(13) Using prizes, money, gifts or other valuable consideration as inducement to secure customers or clients to purchase, lease, sell or list property when the awarding of such prizes, money, gifts or other valuable consideration is conditioned upon the purchase, lease, sale or listing; or soliciting, selling or offering for sale real property by offering free lots, or conducting lotteries or contests, or offering prizes for the purpose of influencing a purchaser or prospective purchaser of real property;

(14) Placing a sign on or advertising any property offering it for sale or rent without the written consent of the owner or his or her duly authorized agent;

(15) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of sections 339.010 to 339.180 and sections 339.710 to 339.860, or of any lawful rule adopted pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860;

(16) Committing any act which would otherwise be grounds for the commission to refuse to issue a license under section 339.040;

(17) Failure to timely inform seller of all written offers unless otherwise instructed in writing by the seller;

(18) Been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of this state or any other state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(19) Any other conduct which constitutes untrustworthy, improper or fraudulent business dealings, demonstrates bad faith or incompetence, misconduct, or gross negligence;

(20) Disciplinary action against the holder of a license or other right to practice any profession regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 granted by another state, territory, federal agency, or country upon grounds for which revocation, suspension, or probation is authorized in this state;

(21) Been found by a court of competent jurisdiction of having used any controlled substance, as defined in chapter 195, to the extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by sections 339.010 to 339.180 and sections 339.710 to 339.860;

(22) Been finally adjudged insane or incompetent by a court of competent jurisdiction;

(23) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 who is not registered and currently eligible to practice under sections 339.010 to 339.180 and sections 339.710 to 339.860;

(24) Use of any advertisement or solicitation which is knowingly false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(25) Making any material misstatement, misrepresentation, or omission with regard to any application for licensure or license renewal. As used in this section, "material" means important information about which the commission should be informed and which may influence a licensing decision;

(26) Engaging in, committing, or assisting any person in engaging in or committing mortgage fraud, as defined in section 443.930.

3. After the filing of such complaint, the proceedings will be conducted in accordance with the provisions of law relating to the administrative hearing commission. A finding of the administrative hearing commissioner that the licensee has performed or attempted to perform one or more of the foregoing acts shall be grounds for the suspension or revocation of his license by the commission, or the placing of the licensee on probation on such terms and conditions as the real estate commission shall deem appropriate, or the imposition of a civil penalty by the commission not to exceed two thousand five hundred dollars for each offense. Each day of a continued violation shall constitute a separate offense.

4. The commission may prepare a digest of the decisions of the administrative hearing commission which concern complaints against licensed brokers or salespersons and cause such digests to be mailed to all licensees periodically. Such digests may also contain reports as to new or changed rules adopted by the commission and other information of significance to licensees.

5. Notwithstanding other provisions of this section, a broker or salesperson's license shall be revoked, or in the case of an applicant, shall not be issued, if the licensee or applicant has pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any of the following offenses or offenses of a similar nature established under the laws of this, any other state, the United States, or any other country, notwithstanding whether sentence is imposed:

(1) Any dangerous felony as defined under section 556.061 or murder in the first degree;

(2) Any of the following sexual offenses: **rape in the first degree, forcible rape, rape**, statutory rape in the first degree, statutory rape in the second degree, **rape in the second degree**, sexual assault, **sodomy in the first degree**, forcible sodomy, statutory sodomy in the first degree, statutory sodomy in the second degree, child molestation in the first degree, child molestation in the second degree, **sodomy in the second degree**, deviate sexual assault, sexual misconduct involving a child, sexual misconduct in the first degree **under section 566.090 as it existed prior to August 28, 2013**, sexual abuse **under section 566.100 as it existed prior to August 28, 2013**, **sexual abuse in the first or second degree**, enticement of a child, or attempting to entice a child;

(3) Any of the following offenses against the family and related offenses: incest, abandonment of a child in the first degree, abandonment of a child in the second degree, endangering the welfare of a child in the first degree, abuse of a child, using a child in a sexual performance, promoting sexual performance by a child, or trafficking in children;

(4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree, promoting obscenity in the second degree when the penalty is enhanced to a class D felony, promoting child pornography in the first degree, promoting child pornography in the second degree, possession of child pornography in the first degree, possession of child pornography in the second degree, furnishing child pornography to a minor, furnishing pornographic materials to minors, or coercing acceptance of obscene material; and

(5) Mortgage fraud as defined in section 570.310.

6. A person whose license was revoked under subsection 5 of this section may appeal such revocation to the administrative hearing commission. Notice of such appeal must be received by the administrative hearing commission within ninety days of mailing, by certified mail, the notice of revocation. Failure of a person whose license was revoked to notify the administrative hearing commission of his or her intent to appeal waives all rights to appeal the revocation. Upon notice of such person's intent to appeal, a hearing shall be held before the administrative hearing commission."; and

Further amend said bill, Page 16, Section 527.290, Line 14, by inserting after all of said section and line the following:

"556.036. 1. A prosecution for murder, **rape in the first degree**, forcible rape, **attempted rape in the first degree**, attempted forcible rape, **sodomy in the first degree**, forcible sodomy, **attempted sodomy in the first degree**, attempted forcible sodomy, or any class A felony may be commenced at any time.

2. Except as otherwise provided in this section, prosecutions for other offenses must be commenced within the following periods of limitation:

- (1) For any felony, three years, except as provided in subdivision (4) of this subsection;
- (2) For any misdemeanor, one year;
- (3) For any infraction, six months;
- (4) For any violation of section 569.040, when classified as a class B felony, or any violation of section 569.050 or 569.055, five years.

3. If the period prescribed in subsection 2 of this section has expired, a prosecution may nevertheless be commenced for:

(1) Any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself or herself not a party to the offense, but in no case shall this provision extend the period of limitation by more than three years. As used in this subdivision, the term "person who has a legal duty to represent an aggrieved party" shall mean the attorney general or the prosecuting or circuit attorney having jurisdiction pursuant to section 407.553, for purposes of offenses committed pursuant to sections 407.511 to 407.556; and

(2) Any offense based upon misconduct in office by a public officer or employee at any time when the defendant is in public office or employment or within two years thereafter, but in no case shall this provision extend the period of limitation by more than three years; and

(3) Any offense based upon an intentional and willful fraudulent claim of child support arrearage to a public servant in the performance of his or her duties within one year after discovery of the offense, but in no case shall this provision extend the period of limitation by more than three years.

4. An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed.

5. A prosecution is commenced for a misdemeanor or infraction when the information is filed and for a felony when the complaint or indictment is filed.

6. The period of limitation does not run:

(1) During any time when the accused is absent from the state, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years; or

(2) During any time when the accused is concealing himself from justice either within or without this state;

or

(3) During any time when a prosecution against the accused for the offense is pending in this state; or

(4) During any time when the accused is found to lack mental fitness to proceed pursuant to section 552.020.

556.037. Notwithstanding the provisions of section 556.036, prosecutions for unlawful sexual offenses involving a person eighteen years of age or under must be commenced within thirty years after the victim reaches the age of eighteen unless the prosecutions are for **rape in the first degree**, forcible rape, **attempted rape in the first degree**, attempted forcible rape, **sodomy in the first degree**, forcible sodomy, kidnapping, **attempted sodomy in the first degree**, or attempted forcible sodomy in which case such prosecutions may be commenced at any time.

556.061. In this code, unless the context requires a different definition, the following shall apply:

(1) "Affirmative defense" has the meaning specified in section 556.056;

(2) "Burden of injecting the issue" has the meaning specified in section 556.051;

(3) "Commercial film and photographic print processor", any person who develops exposed photographic film into negatives, slides or prints, or who makes prints from negatives or slides, for compensation. The term commercial film and photographic print processor shall include all employees of such persons but shall not include a person who develops film or makes prints for a public agency;

(4) "Confinement":

(a) A person is in confinement when such person is held in a place of confinement pursuant to arrest or order of a court, and remains in confinement until:

- a. A court orders the person's release; or
- b. The person is released on bail, bond, or recognizance, personal or otherwise; or
- c. A public servant having the legal power and duty to confine the person authorizes his release without guard and without condition that he return to confinement;
- (b) A person is not in confinement if:
 - a. The person is on probation or parole, temporary or otherwise; or
 - b. The person is under sentence to serve a term of confinement which is not continuous, or is serving a sentence under a work-release program, and in either such case is not being held in a place of confinement or is not being held under guard by a person having the legal power and duty to transport the person to or from a place of confinement;
- (5) "Consent": consent or lack of consent may be expressed or implied. Assent does not constitute consent if:
 - (a) It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or
 - (b) It is given by a person who by reason of youth, mental disease or defect, [or] intoxication, **a drug-induced state, or any other reason** is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or
 - (c) It is induced by force, duress or deception;
- (6) "Criminal negligence" has the meaning specified in section 562.016;
- (7) "Custody", a person is in custody when the person has been arrested but has not been delivered to a place of confinement;
- (8) "Dangerous felony" means the felonies of arson in the first degree, assault in the first degree, **attempted rape in the first degree if physical injury results**, attempted forcible rape if physical injury results, **attempted sodomy in the first degree if physical injury results**, attempted forcible sodomy if physical injury results, **rape in the first degree**, forcible rape, **sodomy in the first degree**, forcible sodomy, kidnapping, murder in the second degree, assault of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, statutory rape in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, statutory sodomy in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, and, abuse of a child [pursuant to subdivision (2) of subsection 3 of] **if the child dies as a result of injuries sustained from conduct chargeable under** section 568.060, child kidnapping, and parental kidnapping committed by detaining or concealing the whereabouts of the child for not less than one hundred twenty days under section 565.153;
- (9) "Dangerous instrument" means any instrument, article or substance, which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury;
- (10) "Deadly weapon" means any firearm, loaded or unloaded, or any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged, or a switchblade knife, dagger, billy, blackjack or metal knuckles;
- (11) "Felony" has the meaning specified in section 556.016;
- (12) "Forcible compulsion" means either:
 - (a) Physical force that overcomes reasonable resistance; or
 - (b) A threat, express or implied, that places a person in reasonable fear of death, serious physical injury or kidnapping of such person or another person;
- (13) "Incapacitated" means that physical or mental condition, temporary or permanent, in which a person is unconscious, unable to appraise the nature of such person's conduct, or unable to communicate unwillingness to an act[. A person is not incapacitated with respect to an act committed upon such person if he or she became unconscious, unable to appraise the nature of such person's conduct or unable to communicate unwillingness to an act, after consenting to the act];
- (14) "Infraction" has the meaning specified in section 556.021;
- (15) "Inhabitable structure" has the meaning specified in section 569.010;
- (16) "Knowingly" has the meaning specified in section 562.016;
- (17) "Law enforcement officer" means any public servant having both the power and duty to make arrests for violations of the laws of this state, and federal law enforcement officers authorized to carry firearms and to make arrests for violations of the laws of the United States;
- (18) "Misdemeanor" has the meaning specified in section 556.016;
- (19) "Offense" means any felony, misdemeanor or infraction;
- (20) "Physical injury" means physical pain, illness, or any impairment of physical condition;
- (21) "Place of confinement" means any building or facility and the grounds thereof wherein a court is legally authorized to order that a person charged with or convicted of a crime be held;

(22) "Possess" or "possessed" means having actual or constructive possession of an object with knowledge of its presence. A person has actual possession if such person has the object on his or her person or within easy reach and convenient control. A person has constructive possession if such person has the power and the intention at a given time to exercise dominion or control over the object either directly or through another person or persons. Possession may also be sole or joint. If one person alone has possession of an object, possession is sole. If two or more persons share possession of an object, possession is joint;

(23) "Public servant" means any person employed in any way by a government of this state who is compensated by the government by reason of such person's employment, any person appointed to a position with any government of this state, or any person elected to a position with any government of this state. It includes, but is not limited to, legislators, jurors, members of the judiciary and law enforcement officers. It does not include witnesses;

(24) "Purposely" has the meaning specified in section 562.016;

(25) "Recklessly" has the meaning specified in section 562.016;

(26) "Ritual" or "ceremony" means an act or series of acts performed by two or more persons as part of an established or prescribed pattern of activity;

(27) "Serious emotional injury", an injury that creates a substantial risk of temporary or permanent medical or psychological damage, manifested by impairment of a behavioral, cognitive or physical condition. Serious emotional injury shall be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty;

(28) "Serious physical injury" means physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body;

(29) "Sexual conduct" means acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification;

(30) "Sexual contact" means any touching of the genitals or anus of any person, or the breast of any female person, or any such touching through the clothing, for the purpose of arousing or gratifying sexual desire of any person;

(31) "Sexual performance", any performance, or part thereof, which includes sexual conduct by a child who is less than seventeen years of age;

(32) "Voluntary act" has the meaning specified in section 562.011.

558.018. 1. The court shall sentence a person [who has pleaded guilty to or] **to an extended term of imprisonment if it finds the defendant is a persistent sexual offender and** has been found guilty of [the felony of forcible rape, statutory rape in the first degree, forcible sodomy, statutory sodomy in the first degree or an attempt to commit any of the crimes designated in this subsection to an extended term of imprisonment if it finds the defendant is a persistent sexual offender] **attempting to commit or committing the following offenses:**

(1) **Statutory rape in the first degree or statutory sodomy in the first degree;**

(2) **Rape in the first degree or sodomy in the first degree attempted or committed on or after August 28, 2013;**

(3) **Forcible rape committed or attempted any time during the period of August 13, 1980 to August 27, 2013;**

(4) **Forcible sodomy committed or attempted any time during the period of January 1, 1995 to August 27, 2013;**

(5) **Rape committed or attempted before August 13, 1980;**

(6) **Sodomy committed or attempted before January 1, 1995.**

2. A "persistent sexual offender" is one who has previously [pleaded guilty to or has been found guilty of the felony of forcible rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the first degree or an attempt to commit any of the crimes designated in this subsection] **been found guilty of attempting to commit or committing any of the offenses listed in subsection 1 of this section.**

3. The term of imprisonment for one found to be a persistent sexual offender shall be imprisonment for life without eligibility for probation or parole. Subsection 4 of section 558.019 shall not apply to any person imprisoned under this subsection, and "imprisonment for life" shall mean imprisonment for the duration of the person's natural life.

4. The court shall sentence a person [who has pleaded guilty to or has] **to an extended term of imprisonment as provided for in this section if it finds the defendant is a predatory sexual offender and** has been found guilty of [the felony of forcible rape, statutory rape in the first degree, forcible sodomy, statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes or] **committing or attempting to commit any of the offenses listed in subsection 1 of this section or committing** child molestation in the first degree when classified as a class B felony

or sexual abuse when classified as a class B felony to an extended term of imprisonment as provided for in this section if it finds the defendant is a predatory sexual offender.

5. For purposes of this section, a "predatory sexual offender" is a person who:

(1) Has previously [pleaded guilty to or has] been found guilty of [the felony of forcible rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes or] **committing or attempting to commit any of the offenses listed in subsection 1 of this section, or committing** child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony; or

(2) Has previously committed an act which would constitute an offense listed in subsection 4 of this section, whether or not the act resulted in a conviction; or

(3) Has committed an act or acts against more than one victim which would constitute an offense or offenses listed in subsection 4 of this section, whether or not the defendant was charged with an additional offense or offenses as a result of such act or acts.

6. A person found to be a predatory sexual offender shall be imprisoned for life with eligibility for parole, however subsection 4 of section 558.019 shall not apply to persons found to be predatory sexual offenders for the purposes of determining the minimum prison term or the length of sentence as defined or used in such subsection. Notwithstanding any other provision of law, in no event shall a person found to be a predatory sexual offender receive a final discharge from parole.

7. Notwithstanding any other provision of law, the court shall set the minimum time required to be served before a predatory sexual offender is eligible for parole, conditional release or other early release by the department of corrections. The minimum time to be served by a person found to be a predatory sexual offender who:

(1) Has previously [pleaded guilty to or has] been found guilty of [the felony of forcible rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes and pleads guilty to or is found guilty of the felony of forcible rape, statutory rape in the first degree, forcible sodomy, statutory sodomy in the first degree or an attempt to commit any of the preceding crimes] **committing or attempting to commit any of the offenses listed in subsection 1 of this section and is found guilty of committing or attempting to commit any of the offenses listed in subsection 1 of this section** shall be any number of years but not less than thirty years;

(2) Has previously pleaded guilty to or has been found guilty of child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony and [pleads guilty to or] is found guilty of attempting to commit or committing [forcible rape, statutory rape in the first degree, forcible sodomy or statutory sodomy in the first degree] **any of the offenses listed in subsection 1 of this section** shall be any number of years but not less than fifteen years;

(3) Has previously [pleaded guilty to or has] been found guilty of [the felony of forcible rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes and pleads guilty to or is found guilty of] **committing or attempting to commit any of the offenses listed in subsection 1 of this section, or committing** child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony shall be any number of years but not less than fifteen years;

(4) Has previously pleaded guilty to or has been found guilty of child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony, and pleads guilty to or is found guilty of child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony shall be any number of years but not less than fifteen years;

(5) Is found to be a predatory sexual offender pursuant to subdivision (2) or (3) of subsection 5 of this section shall be any number of years within the range to which the person could have been sentenced pursuant to the applicable law if the person was not found to be a predatory sexual offender.

8. Notwithstanding any provision of law to the contrary, the department of corrections, or any division thereof, may not furlough an individual found to be and sentenced as a persistent sexual offender or a predatory sexual offender.

558.026. 1. Multiple sentences of imprisonment shall run concurrently unless the court specifies that they shall run consecutively; except [that,] in the case of multiple sentences of imprisonment imposed for [the felony of rape, forcible rape, sodomy, forcible sodomy or] **any offense committed during or at the same time as, or multiple offenses of, the following felonies:**

(1) **Rape in the first degree, forcible rape, or rape;**

(2) **Statutory rape in the first degree;**

(3) **Sodomy in the first degree, forcible sodomy, or sodomy;**

(4) Statutory sodomy in the first degree; or

(5) An attempt to commit any of the [aforesaid and for other offenses committed during or at the same time as that rape, forcible rape, sodomy, forcible sodomy or an attempt to commit any of the aforesaid, the sentences of imprisonment imposed for the other offenses may run concurrently, but] **felonies listed in this subsection.**

In such case, the sentence of imprisonment imposed for [the felony of rape, forcible rape, sodomy, forcible sodomy] **any felony listed in this subsection** or an attempt to commit any of the aforesaid shall run consecutively to the other sentences. **The sentences imposed for any other offense may run concurrently.**

2. If a person who is on probation, parole or conditional release is sentenced to a term of imprisonment for an offense committed after the granting of probation or parole or after the start of his conditional release term, the court shall direct the manner in which the sentence or sentences imposed by the court shall run with respect to any resulting probation, parole or conditional release revocation term or terms. If the subsequent sentence to imprisonment is in another jurisdiction, the court shall specify how any resulting probation, parole or conditional release revocation term or terms shall run with respect to the foreign sentence of imprisonment.

3. A court may cause any sentence it imposes to run concurrently with a sentence an individual is serving or is to serve in another state or in a federal correctional center. If the Missouri sentence is served in another state or in a federal correctional center, subsection 4 of section 558.011 and section 217.690 shall apply as if the individual were serving his sentence within the department of corrections of the state of Missouri, except that a personal hearing before the board of probation and parole shall not be required for parole consideration.

559.115. 1. Neither probation nor parole shall be granted by the circuit court between the time the transcript on appeal from the offender's conviction has been filed in appellate court and the disposition of the appeal by such court.

2. Unless otherwise prohibited by subsection [5] 8 of this section, a circuit court only upon its own motion and not that of the state or the offender shall have the power to grant probation to an offender anytime up to one hundred twenty days after such offender has been delivered to the department of corrections but not thereafter. The court may request information and a recommendation from the department concerning the offender and such offender's behavior during the period of incarceration. Except as provided in this section, the court may place the offender on probation in a program created pursuant to section 217.777, or may place the offender on probation with any other conditions authorized by law.

3. The court may recommend placement of an offender in a department of corrections one hundred twenty-day program under this [section] **subsection** or order such placement under subsection 4 of section 559.036. Upon the recommendation or order of the court, the department of corrections shall assess each offender to determine the appropriate **one hundred twenty-day** program in which to place the offender, [including] **which may include placement in the shock incarceration program** or institutional treatment **program**. When the court recommends and receives placement of an offender in a department of corrections one hundred twenty-day program, the offender shall be released on probation if the department of corrections determines that the offender has successfully completed the program except as follows. Upon successful completion of a [treatment] program **under this subsection**, the board of probation and parole shall advise the sentencing court of an offender's probationary release date thirty days prior to release. [The court shall release the offender unless such release constitutes an abuse of discretion. If the court determined that there is an abuse of discretion, the court may order the execution of the offender's sentence only after conducting a hearing on the matter within ninety to one hundred twenty days of the offender's sentence. If the court does not respond when an offender successfully completes the program, the offender shall be released on probation. Upon successful completion of a shock incarceration program, the board of probation and parole shall advise the sentencing court of an offender's probationary release date thirty days prior to release.] The court shall follow the recommendation of the department unless the court determines that probation is not appropriate. If the court determines that probation is not appropriate, the court may order the execution of the offender's sentence only after conducting a hearing on the matter within ninety to one hundred twenty days [of the offender's sentence. If the department determines that an offender is not successful in a program, then after one hundred days of incarceration the circuit court shall receive from] **from the date the offender was delivered to the department of corrections. If the department determines the offender has not successfully completed a one hundred twenty-day program under this subsection, the offender shall be removed from the program and the court shall be advised of the removal.** The department [of corrections a] **shall** report on the offender's participation in the program and [department] **may provide** recommendations for terms and conditions of an offender's probation. The court shall then [release the offender on probation or order the offender to remain in the department to serve the sentence imposed] **have the power to grant probation or order the execution of the offender's sentence.**

4. **If the court is advised that an offender is not eligible for placement in a one hundred twenty-day program under subsection 3 of this section, the court shall consider other authorized dispositions.** If the department of corrections one hundred twenty-day program **under subsection 3 of this section** is full, the court may place the offender in a private program approved by the department of corrections or the court, the expenses of such program to be paid by the offender, or in an available program offered by another organization. If the offender is convicted of a class C or class D nonviolent felony, the court may order probation while awaiting appointment to treatment.

5. Except when the offender has been found to be a predatory sexual offender pursuant to section 558.018, the court shall request [that the offender be placed in the sexual offender assessment unit of the department of corrections] **the department of corrections to conduct a sexual offender assessment** if the defendant has pleaded guilty to or has been found guilty of sexual abuse when classified as a class B felony. **Upon completion of the assessment, the department shall provide to the court a report on the offender and may provide recommendations for terms and conditions of an offender's probation. The assessment shall not be considered a one hundred twenty-day program as provided under subsection 3 of this section. The process for granting probation to an offender who has completed the assessment shall be as provided under subsections 2 and 6 of this section.**

6. Unless the offender is being granted probation pursuant to successful completion of a one hundred twenty-day program the circuit court shall notify the state in writing when the court intends to grant probation to the offender pursuant to the provisions of this section. The state may, in writing, request a hearing within ten days of receipt of the court's notification that the court intends to grant probation. Upon the state's request for a hearing, the court shall grant a hearing as soon as reasonably possible. If the state does not respond to the court's notice in writing within ten days, the court may proceed upon its own motion to grant probation.

7. An offender's first incarceration [for one hundred twenty days for participation in a department of corrections program] **under this section** prior to release on probation shall not be considered a previous prison commitment for the purpose of determining a minimum prison term under the provisions of section 558.019.

8. Notwithstanding any other provision of law, probation may not be granted pursuant to this section to offenders who have been convicted of murder in the second degree pursuant to section 565.021; forcible rape pursuant to section 566.030 **as it existed prior to August 28, 2013; rape in the first degree under section 566.030**; forcible sodomy pursuant to section 566.060 **as it existed prior to August 28, 2013; sodomy in the first degree under section 566.060**; statutory rape in the first degree pursuant to section 566.032; statutory sodomy in the first degree pursuant to section 566.062; child molestation in the first degree pursuant to section 566.067 when classified as a class A felony; abuse of a child pursuant to section 568.060 when classified as a class A felony; an offender who has been found to be a predatory sexual offender pursuant to section 558.018; or any offense in which there exists a statutory prohibition against either probation or parole.

559.117. 1. The director of the department of corrections is authorized to establish, as a three-year pilot program, a mental health assessment process.

2. Only upon a motion filed by the prosecutor in a criminal case, the judge who is hearing the criminal case in a participating county may request that an offender be placed in the department of corrections for one hundred twenty days for a mental health assessment and for treatment if it appears that the offender has a mental disorder or mental illness such that the offender may qualify for probation including community psychiatric rehabilitation (CPR) programs and such probation is appropriate and not inconsistent with public safety. Before the judge rules upon the motion, the victim shall be given notice of such motion and the opportunity to be heard. Upon recommendation of the court, the department shall determine the offender's eligibility for the mental health assessment process.

3. Following this assessment and treatment period, an assessment report shall be sent to the sentencing court and the sentencing court may, if appropriate, release the offender on probation. The offender shall be supervised on probation by a state probation and parole officer, who shall work cooperatively with the department of mental health to enroll eligible offenders in community psychiatric rehabilitation (CPR) programs.

4. Notwithstanding any other provision of law, probation shall not be granted under this section to offenders who:

- (1) Have been found guilty of, or plead guilty to, murder in the second degree under section 565.021;
- (2) Have been found guilty of, or plead guilty to, **rape in the first degree under section 566.030 or forcible rape under section 566.030 as it existed prior to August 28, 2013;**
- (3) Have been found guilty of, or plead guilty to, statutory rape in the first degree under section 566.032;
- (4) Have been found guilty of, or plead guilty to, **sodomy in the first degree under section 566.060 or forcible sodomy under section 566.060 as it existed prior to August 28, 2013;**
- (5) Have been found guilty of, or plead guilty to, statutory sodomy in the first degree under section 566.062;

(6) Have been found guilty of, or plead guilty to, child molestation in the first degree under section 566.067 when classified as a class A felony;

(7) Have been found to be a predatory sexual offender under section 558.018; or

(8) Have been found guilty of, or plead guilty to, any offense for which there exists a statutory prohibition against either probation or parole.

5. At the end of the three-year pilot, the director of the department of corrections and the director of the department of mental health shall jointly submit recommendations to the governor and to the general assembly by December 31, 2015, on whether to expand the process statewide.

566.020. 1. [Whenever in this chapter the criminality of conduct depends upon a victim's being incapacitated, no crime is committed if the actor reasonably believed that the victim was not incapacitated and reasonably believed that the victim consented to the act. The defendant shall have the burden of injecting the issue of belief as to capacity and consent.

2.] Whenever in this chapter the criminality of conduct depends upon a child being thirteen years of age or younger, it is no defense that the defendant believed the child to be older.

[3.] 2. Whenever in this chapter the criminality of conduct depends upon a child being under seventeen years of age, it is an affirmative defense that the defendant reasonably believed that the child was seventeen years of age or older.

[4.] 3. Consent is not an affirmative defense to any offense under chapter 566 if the alleged victim is less than twelve years of age.

566.030. 1. A person commits the [crime] **offense** of [forcible] rape **in the first degree** if [such person] **he or she** has sexual intercourse with another person **who is incapacitated, incapable of consent, or lacks the capacity to consent, or** by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.

2. [Forcible] **The offense of rape in the first degree** or an attempt to commit [forcible] rape **in the first degree** is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless:

(1) In the course thereof the actor inflicts serious physical injury or displays a deadly weapon or dangerous instrument in a threatening manner or subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person, in which case the authorized term of imprisonment is life imprisonment or a term of years not less than fifteen years;

(2) The victim is a child less than twelve years of age, in which case the required term of imprisonment is life imprisonment without eligibility for probation or parole until the [defendant] **offender** has served not less than thirty years of such sentence or unless the [defendant] **offender** has reached the age of seventy-five years and has served at least fifteen years of such sentence, unless such [forcible] rape **in the first degree** is described under subdivision (3) of this subsection; or

(3) The victim is a child less than twelve years of age and such [forcible] rape **in the first degree or attempt to commit rape in the first degree** was outrageously or wantonly vile, horrible or inhumane, in that it involved torture or depravity of mind, in which case the required term of imprisonment is life imprisonment without eligibility for probation, parole or conditional release.

3. Subsection 4 of section 558.019 shall not apply to the sentence of a person who has [pleaded guilty to or has] been found guilty of [forcible] rape **in the first degree or attempt to commit rape in the first degree** when the victim is [under the age of] **less than twelve years of age**, and "life imprisonment" shall mean imprisonment for the duration of a person's natural life for the purposes of this section.

4. No person found guilty of [or pleading guilty to forcible] rape **in the first degree** or an attempt to commit [forcible] rape **in the first degree** shall be granted a suspended imposition of sentence or suspended execution of sentence.

[566.040.] **566.031.** 1. A person commits the [crime] **offense** of [sexual assault] **rape in the second degree** if he **or she** has sexual intercourse with another person knowing that he **or she** does so without that person's consent.

2. [Sexual assault] **The offense of rape in the second degree** is a class C felony.

566.060. 1. A person commits the [crime] **offense** of [forcible] sodomy **in the first degree** if [such person] **he or she** has deviate sexual intercourse with another person **who is incapacitated, incapable of consent, or lacks the**

capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.

2. [Forcible] **The offense of sodomy in the first degree** or an attempt to commit [forcible] sodomy **in the first degree** is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless:

(1) In the course thereof the actor inflicts serious physical injury or displays a deadly weapon or dangerous instrument in a threatening manner or subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person, in which case the authorized term of imprisonment is life imprisonment or a term of years not less than ten years; or

(2) The victim is a child less than twelve years [of age] **old**, in which case the required term of imprisonment is life imprisonment without eligibility for probation or parole until the [defendant] **offender** has served not less than thirty years of such sentence or unless the [defendant] **offender** has reached the age of seventy-five years and has served at least fifteen years of such sentence, unless such [forcible] sodomy **in the first degree** is described under subdivision (3) of this subsection; or

(3) The victim is a child less than twelve years of age and such [forcible] sodomy **in the first degree or attempt to commit sodomy in the first degree** was outrageously or wantonly vile, horrible or inhumane, in that it involved torture or depravity of mind, in which case the required term of imprisonment is life imprisonment without eligibility for probation, parole or conditional release.

3. Subsection 4 of section 558.019 shall not apply to the sentence of a person who has [pleaded guilty to or has] been found guilty of [forcible] sodomy **in the first degree or an attempt to commit sodomy in the first degree** when the victim is [under the age of] **less than twelve years of age**, and "life imprisonment" shall mean imprisonment for the duration of a person's natural life for the purposes of this section.

4. No person found guilty of [or pleading guilty to forcible] sodomy **in the first degree** or an attempt to commit [forcible] sodomy **in the first degree** shall be granted a suspended imposition of sentence or suspended execution of sentence.

[566.070.] **566.061.** 1. A person commits the [crime of deviate sexual assault] **offense of sodomy in the second degree** if he **or she** has deviate sexual intercourse with another person knowing that he **or she** does so without that person's consent.

2. [Deviate sexual assault] **The offense of sodomy in the second degree** is a class C felony.

566.093. 1. A person commits the [crime] **offense** of sexual misconduct in the [second] **first degree** if such person:

(1) Exposes his or her genitals under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm;

(2) Has sexual contact in the presence of a third person or persons under circumstances in which he or she knows that such conduct is likely to cause affront or alarm; or

(3) Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person.

2. **The offense of** sexual misconduct in the [second] **first degree** is a class B misdemeanor unless the [actor] **person** has previously been [convicted] **found guilty** of an offense under this chapter, in which case it is a class A misdemeanor.

566.095. 1. A person commits the [crime] **offense** of sexual misconduct in the [third] **second degree** if he **or she** solicits or requests another person to engage in sexual conduct under circumstances in which he **or she** knows that [his requests] **such request** or solicitation is likely to cause affront or alarm.

2. **The offense of** sexual misconduct in the [third] **second degree** is a class C misdemeanor.

566.100. 1. A person commits the [crime] **offense** of sexual abuse **in the first degree** if he **or she** subjects another person to sexual contact **when that person is incapacitated, incapable of consent, or lacks the capacity to consent, or** by the use of forcible compulsion.

2. **The offense of** sexual abuse **in the first degree** is a class C felony unless in the course thereof the actor inflicts serious physical injury or displays a deadly weapon or dangerous instrument in a threatening manner or subjects the victim to sexual contact with more than one person or the victim is less than fourteen years of age, in which case [the crime] **it** is a class B felony.

[566.090.] **566.101.** 1. A person commits the [crime] **offense** of sexual [misconduct] **abuse** in the [first] **second** degree if [such person] **he or she** purposely subjects another person to sexual contact without that person's consent.

2. **The offense of sexual [misconduct] abuse** in the [first] **second** degree is a class A misdemeanor, unless the actor has previously been convicted of an offense under this chapter or unless in the course thereof the actor displays a deadly weapon in a threatening manner or the offense is committed as a part of a ritual or ceremony, in which case it is a class D felony.

566.224. No prosecuting or circuit attorney, peace officer, governmental official, or employee of a law enforcement agency shall request or require a victim of **rape in the second degree under section 566.031**, sexual assault under section 566.040 **as it existed prior to August 28, 2013**, **rape in the first degree under section 566.030**, or forcible rape under section 566.030 **as it existed prior to August 28, 2013** to submit to any polygraph test or psychological stress evaluator exam as a condition for proceeding with a criminal investigation of such crime.

566.226. 1. After August 28, 2007, any information contained in any court record, whether written or published on the internet, that could be used to identify or locate any victim of sexual assault, domestic assault, stalking, **rape in the first or second degree**, or forcible rape shall be closed and redacted from such record prior to disclosure to the public. Identifying information shall include the name, home or temporary address, telephone number, Social Security number or physical characteristics.

2. If the court determines that a person or entity who is requesting identifying information of a victim has a legitimate interest in obtaining such information, the court may allow access to the information, but only if the court determines that disclosure to the person or entity would not compromise the welfare or safety of such victim.

3. Notwithstanding the provisions of subsection 1 of this section, the judge presiding over a sexual assault, domestic assault, stalking, [or] forcible rape, **or rape in the first or second degree** case shall have the discretion to publicly disclose identifying information regarding the defendant which could be used to identify or locate the victim of the crime. The victim may provide a statement to the court regarding whether he or she desires such information to remain closed. When making the decision to disclose such information, the judge shall consider the welfare and safety of the victim and any statement to the court received from the victim regarding the disclosure.

589.015. As used in sections 589.010 to 589.040:

(1) The term "center" shall mean the state center for the prevention and control of sexual assault established pursuant to section 589.030;

(2) The term "sexual assault" shall include:

(a) The acts of rape **in the first or second degree**, forcible rape, **rape**, statutory rape in the first degree, statutory rape in the second degree, sexual assault, sodomy **in the first or second degree**, forcible sodomy, **sodomy**, statutory sodomy in the first degree, statutory sodomy in the second degree, child molestation in the first degree, child molestation in the second degree, deviate sexual assault, sexual misconduct and sexual abuse, or attempts to commit any of the aforesaid, as these acts are defined in chapter 566;

(b) The act of incest, as this act is defined in section 568.020;

(c) The act of abuse of a child, as defined in subdivision (1) of subsection 1 of section 568.060, which involves sexual contact, and as defined in subdivision (2) of subsection 1 of section 568.060;

(d) The act of use of a child in a sexual performance as defined in section 568.080; and

(e) The act of enticement of a child, as defined in section 566.151, or any attempt to commit such act.

590.700. 1. As used in this section, the following terms shall mean:

(1) "Custodial interrogation", the questioning of a person under arrest, who is no longer at the scene of the crime, by a member of a law enforcement agency along with the answers and other statements of the person questioned. "Custodial interrogation" shall not include:

(a) A situation in which a person voluntarily agrees to meet with a member of a law enforcement agency;

(b) A detention by a law enforcement agency that has not risen to the level of an arrest;

(c) Questioning that is routinely asked during the processing of the arrest of the suspect;

(d) Questioning pursuant to an alcohol influence report;

(e) Questioning during the transportation of a suspect;

(2) "Recorded" and "recording", any form of audiotape, videotape, motion picture, or digital recording.

2. All custodial interrogations of persons suspected of committing or attempting to commit murder in the first degree, murder in the second degree, assault in the first degree, assault of a law enforcement officer in the first degree,

domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, arson in the first degree, **rape in the first degree**, forcible rape, **sodomy in the first degree**, forcible sodomy, kidnapping, statutory rape in the first degree, statutory sodomy in the first degree, child abuse, or child kidnapping shall be recorded when feasible.

3. Law enforcement agencies may record an interrogation in any circumstance with or without the knowledge or consent of a suspect, but they shall not be required to record an interrogation under subsection 2 of this section:

- (1) If the suspect requests that the interrogation not be recorded;
- (2) If the interrogation occurs outside the state of Missouri;
- (3) If exigent public safety circumstances prevent recording;
- (4) To the extent the suspect makes spontaneous statements;
- (5) If the recording equipment fails; or
- (6) If recording equipment is not available at the location where the interrogation takes place.

4. Each law enforcement agency shall adopt a written policy to record custodial interrogations of persons suspected of committing or attempting to commit the felony crimes described in subsection 2 of this section.

5. If a law enforcement agency fails to comply with the provisions of this section, the governor may withhold any state funds appropriated to the noncompliant law enforcement agency if the governor finds that the agency did not act in good faith in attempting to comply with the provisions of this section.

6. Nothing in this section shall be construed as a ground to exclude evidence, and a violation of this section shall not have impact other than that provided for in subsection 5 of this section. Compliance or noncompliance with this section shall not be admitted as evidence, argued, referenced, considered or questioned during a criminal trial.

7. Nothing contained in this section shall be construed to authorize, create, or imply a private cause of action.

632.480. As used in sections 632.480 to 632.513, the following terms mean:

(1) "Agency with jurisdiction", the department of corrections or the department of mental health;

(2) "Mental abnormality", a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to commit sexually violent offenses in a degree constituting such person a menace to the health and safety of others;

(3) "Predatory", acts directed towards individuals, including family members, for the primary purpose of victimization;

(4) "Sexually violent offense", the felonies of **rape in the first degree**, forcible rape, rape, statutory rape in the first degree, **sodomy in the first degree**, forcible sodomy, sodomy, statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes, or child molestation in the first or second degree, sexual abuse, **sexual abuse in the first degree**, **rape in the second degree**, sexual assault, **sexual assault in the first degree**, **sodomy in the second degree**, deviate sexual assault, **deviate sexual assault in the first degree**, or the act of abuse of a child [as defined in subdivision (1) of subsection 1 of section 568.060 which involves sexual contact, and as defined in subdivision (2) of subsection 1 of section 568.060] **involving either sexual contact, a prohibited sexual act, sexual abuse, or sexual exploitation of a minor, or any felony offense that contains elements substantially similar to the offenses listed above;**

(5) "Sexually violent predator", any person who suffers from a mental abnormality which makes the person more likely than not to engage in predatory acts of sexual violence if not confined in a secure facility and who:

(a) Has pled guilty or been found guilty, or been found not guilty by reason of mental disease or defect pursuant to section 552.030 of a sexually violent offense; or

(b) Has been committed as a criminal sexual psychopath pursuant to section 632.475 and statutes in effect before August 13, 1980.

Section B. Because immediate action is necessary to protect children the repeal and reenactment of sections 556.061 and 568.060 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 556.061 and 568.060 of section A of this act shall be in full force and effect upon its passage and approval."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Barnes, **House Amendment No. 2** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 098

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Guernsey
Haahr	Haefner	Hampton	Hansen	Higdon
Hoskins	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Lichtenegger
Love	Lynch	Marshall	McGaugh	Messenger
Miller	Moon	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Mr Speaker		

NOES: 046

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McNeil	Meredith	Mitten
Montecillo	Newman	Nichols	Norr	Pace
Peters	Pierson	Rizzo	Runions	Schieffer
Schupp	Smith 85	Swearingen	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 019

Davis	English	Flanigan	Grisamore	Hicks
Hinson	Hough	Leara	McCaherty	McManus
Mims	Molendorp	Morgan	Otto	Roorda
Scharnhorst	Smith 120	Walton Gray	Zerr	

On motion of Representative Kelly (45), **HCS SB 222, as amended**, was adopted.

On motion of Representative Kelly (45), **HCS SB 222, as amended**, was read the third time and passed by the following vote:

AYES: 156

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Ellington	Elmer	Engler
Englund	Entlicher	Fitzpatrick	Fitzwater	Fowler
Fraker	Frame	Franklin	Frederick	Gannon
Gardner	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeier	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mitten	Montecillo	Moon
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Pace	Parkinson
Peters	Pfautsch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Smith 85	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Webb	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

English	Flanigan	Funderburk	Mims	Molendorp
Otto	Walton Gray			

Representative Berry declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 151

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	Englund
Entlicher	Fitzpatrick	Fitzwater	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McNeil	Meredith	Messenger	Miller
Mitten	Montecillo	Moon	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Pace	Parkinson	Peters	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 85
Solon	Sommer	Spencer	Swan	Swearingen
Thomson	Torpey	Walker	Webb	Webber
White	Wieland	Wilson	Wood	Wright
Mr Speaker				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Curtis	English	Flanigan	Jones 50	McManus
Mims	Molendorp	Otto	Smith 120	Stream
Walton Gray	Zerr			

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCR 16**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HBs 374 & 434**, entitled:

An act to repeal sections 32.056, 43.518, 408.040, 454.475, 476.057, 477.405, 478.073, 478.075, 478.077, 478.080, 478.085, 478.087, 478.090, 478.093, 478.095, 478.097, 478.100, 478.103, 478.105, 478.107, 478.110, 478.113, 478.115, 478.117, 478.120, 478.123, 478.125, 478.127, 478.130, 478.133, 478.135, 478.137, 478.140, 478.143, 478.145, 478.147, 478.150, 478.153, 478.155, 478.157, 478.160, 478.163, 478.165, 478.167, 478.170, 478.173, 478.175, 478.177, 478.180, 478.183, 478.185, 478.186, 478.320, 487.010, 487.020, 488.305, 488.426, 488.2250, 488.5320, 513.430, 514.040, 525.020, 525.040, 525.070, 525.080, 525.230, 525.310, 544.455, 557.011, 559.036, 559.115, 632.498, and 632.505, RSMo, and to enact in lieu thereof twenty-eight new sections relating to judicial procedures, with an effective date for certain sections.

With Senate Amendment No. 1, Senate Amendment No. 2 and Senate Amendment No. 3.

Senate Amendment No. 1

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 374 & 434, Page 63, Section 632.505, Line 4 of said page, by inserting immediately after said line the following:

"Section 1. It is the intent of the legislature to reject and abrogate earlier case law interpretations on the meaning of or definition of "sexually violent offense" to include, but not be limited to, holdings in: Robertson v. State, 392 S.W.3d 1 (Mo. App. W.D., 2012); and State ex rel. Whitaker v. Satterfield, 386 S.W.3d 893 (Mo. App. S.D., 2012); and all cases citing, interpreting, applying, or following those cases. It is the intent of the legislature to apply these provisions retroactively."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 374 & 434, Page 13, Section 477.405, Line 21, by insert immediately thereafter the following:

"478.008. 1. Veterans treatment courts may be established by any circuit court, or combination of circuit courts, upon agreement of the presiding judges of such circuit courts to provide an alternative for the judicial system to dispose of cases which stem from substance abuse or mental illness of military veterans or current military personnel.

2. A veterans treatment court shall combine judicial supervision, drug testing, and substance abuse and mental health treatment to participants who have served or are currently serving the United States armed forces, including members of the reserves, national guard, or state guard.

3. (1) Each circuit court, which establishes such courts as provided in subsection 1 of this section, shall establish conditions for referral of proceedings to the veterans treatment court; and

(2) Each circuit court shall enter into a memorandum of understanding with each participating prosecuting attorney in the circuit court. The memorandum of understanding shall specify a list of felony offenses ineligible for referral to the veterans treatment court. The memorandum of understanding may include other parties considered necessary including, but not limited to, defense attorneys, treatment providers, and probation officers.

4. (1) A circuit that has adopted a veterans treatment court under this section may accept participants from any other jurisdiction in this state based upon either the residence of the participant in the receiving jurisdiction or the unavailability of a veterans treatment court in the jurisdiction where the participant is charged.

(2) The transfer can occur at any time during the proceedings, including, but not limited to, prior to adjudication. The receiving court shall have jurisdiction to impose sentence, including, but not limited to, sanctions, incentives, incarceration, and phase changes.

(3) A transfer under this subsection is not valid unless it is agreed to by all of the following:

- (a) The defendant or respondent;
- (b) The attorney representing the defendant or respondent;
- (c) The judge of the transferring court and the prosecutor of the case; and
- (d) The judge of the receiving veterans treatment court and the prosecutor of the veterans treatment court.

(4) If the defendant is terminated from the veteran's treatment court program the defendant's case shall be returned to the transferring court for disposition.

5. The defendant in any criminal proceeding accepted by a veterans treatment court for disposition shall be a nonviolent person, as determined by the prosecuting attorney. Any proceeding accepted by the veterans treatment court program for disposition shall be upon agreement of the parties.

6. Except for good cause found by the court, a veterans treatment court shall make a referral for substance abuse or mental health treatment, or a combination of substance abuse and mental health treatment, through the Department of Defense health care, the Veterans Administration, or a community-based treatment program. Community-based programs utilized shall receive state or federal funds in connection with such referral and shall only refer the individual to a program which is certified by the Missouri department of mental health, unless no appropriate certified treatment program is located within the same county as the veterans treatment court.

7. Any statement made by a participant as part of participation in the veterans treatment court program, or any report made by the staff of the program, shall not be admissible as evidence against the participant in any criminal, juvenile, or civil proceeding. Notwithstanding the foregoing, termination from the veterans treatment court program and the reasons for termination may be considered in sentencing or disposition.

8. Notwithstanding any other provision of law to the contrary, veterans treatment court staff shall be provided with access to all records of any state or local government agency relevant to the treatment of any program participant.

9. Upon general request, employees of all such agencies shall fully inform a veterans treatment court staff of all matters relevant to the treatment of the participant. All such records and reports and the contents thereof shall:

- (1) Be treated as closed records;
- (2) Not be disclosed to any person outside of the veterans treatment court;
- (3) Be maintained by the court in a confidential file not available to the public.

10. Upon successful completion of the treatment program, the charges, petition, or penalty against a veterans treatment court participant may be dismissed, reduced, or modified. Any fees received by a court from a defendant as payment for substance abuse or mental health treatment programs shall not be considered court costs, charges, or fines."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 3

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 374 & 434, Page 15, Section 478.073, Line 3, by striking the words "by April first".

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 418**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 510**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 533**, entitled:

An act to repeal section 571.030, RSMo, and to enact in lieu thereof one new section relating to a state employee keeping a firearm in his or her vehicle, with a penalty provision.

With Senate Amendment No. 1, Senate Amendment No. 2 and Senate Amendment No. 3.

Senate Amendment No. 1

AMEND Senate Committee Substitute for House Bill No. 533, Page 1, Section Title, Line 3, by striking the words "a state employee keeping a firearm in his or her vehicle" and inserting in lieu thereof the following:

"firearms"; and

Further amend said bill, Page 6, Section 571.030, Line 186, by inserting after all of said line the following:

"571.067. No county, municipality, or other governmental body, or an agent of a county, municipality, or other governmental body, may participate in any program in which individuals are given a thing of value in exchange for surrendering a firearm to the county, municipality, or other governmental body unless:

(1) The county, municipality, or governmental body has adopted a resolution, ordinance, or rule authorizing the participation of the county, municipality, or governmental body, or participation by an agent of the county, municipality, or governmental body, in such a program; and

(2) The resolution, ordinance, or rule enacted pursuant to this section provides that any firearm received shall be offered for sale or trade to a licensed firearms dealer. The proceeds from any sale or gains from trade shall be the property of the county, municipality, or governmental body. Any proceeds collected under this subdivision shall be deposited with the municipality, county, or governmental body unless the proceeds are collected by a sheriff, in which case the proceeds shall be deposited in the county sheriff's revolving fund under section 50.535. Any firearm remaining in the possession of the county, municipality, or governmental body after the firearm has been offered for sale or trade to at least two licensed firearms dealers may be destroyed."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND Senate Committee Substitute for House Bill No. 533, Page 6, Section 571.030, Line 186, by inserting immediately after said line, the following:

"Section 1. The general assembly of the state of Missouri strongly promotes responsible gun ownership, including parental supervision of minors in the proper use, storage, and ownership of all firearms, the prompt reporting of stolen firearms, and the proper enforcement of all state gun laws. The general assembly of the state of Missouri hereby condemns any unlawful transfer of firearms and the use of any firearm in any criminal or unlawful activity."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 3

AMEND Senate Committee Substitute for House Bill No. 533, Page 3, Section 571.030, Line 75, by striking the word "and"; and

Further amend Line 79, by inserting immediately after the word "duties" the following:

"; and

(12) Upon the written approval of the governing body of a fire department or fire protection district, any paid fire department or fire protection district chief who is employed on a full-time basis and who has a valid concealed carry endorsement, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties".

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS SB 33, as amended**: Senators Lamping, Sater, Schaaf, Chappelle-Nadal and LeVota.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS SB 36, as amended**, and has taken up and passed **CCS SCS SB 36**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SB 41, as amended**: Senators Munzlinger, Schaefer, Lager, Sifton and Keaveny.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SCS SB 42, as amended**: Senators Munzlinger, Parson, Kraus, Chappelle-Nadal and LeVota.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SB 57, as amended**: Senators Romine, Richard, Libla, McKenna and Sifton.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **House Amendment No. 1** and **House Amendment No. 2** to **SB 58** and has taken up and passed **SB 58, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SB 77, as amended**: Senators Lamping, Brown, Emery, Justus and Sifton.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SB 90, as amended**: Senators McKenna, Wasson, Kraus, Silvey and LeVota.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 205** and has taken up and passed **HCS SB 205**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SCS SB 229** and has taken up and passed **HCS SCS SB 229**.

On motion of Representative Diehl, the House recessed until 1:45 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Jones.

THIRD READING OF SENATE BILLS

SB 236, relating to a Highway Patrol fund, was taken up by Representative Franklin.

On motion of Representative Franklin, **SB 236** was truly agreed to and finally passed by the following vote:

AYES: 112

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Guernsey	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hubbard	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Montecillo	Moon	Morris	Muntzel	Neely
Neth	Pace	Parkinson	Peters	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 042

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hummel	Kirkton	Kratky
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mitten	Morgan
Newman	Nichols	Norr	Otto	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen			

PRESENT: 000

ABSENT WITH LEAVE: 009

Grisamore	Haahr	Kelly 45	Mims	Rowden
Smith 120	Walton Gray	Webb	Webber	

Speaker Jones declared the bill passed.

HCS SCS SB 256, relating to child abuse and neglect, was taken up by Representative Torpey.

Representative Torpey offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 256, Section 595.220, Page 12, Line 45, by inserting the following at the end of said line:

"The department shall provide reimbursement regardless of whether or not the findings indicate that the child was abused."; and

Further amend said section and page, Lines 53-54, by deleting **"paragraph (a) of this subdivision by the rules authorized under subsection 7 of this section"** and inserting in lieu thereof the following:

"subparagraph a under rules authorized under subsection 7 of this section"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Torpey, **House Amendment No. 1** was adopted.

Representative Allen offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 256, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

"160.775. 1. Every district shall adopt an antibullying policy by September 1, 2007.

2. "Bullying" means intimidation or harassment that causes a reasonable student to fear for his or her physical safety or property; **substantially interferes with the educational performance, opportunities, or benefits of any student without exception; or substantially disrupts the orderly operation of the school.** Bullying may consist of **but is not limited to** physical actions, including gestures, or oral, cyberbullying, electronic, or written communication, and any threat of retaliation for reporting of such acts. **Bullying is prohibited by students on school property, at any school function, or on a school bus. "Cyberbullying" is bullying as defined in this subsection through the transmission of a communication, including, but not limited to, a message, text, sound, or image by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager.**

3. Each district's antibullying policy shall be founded on the assumption that all students need a safe learning environment. Policies shall treat **all** students equally and shall not contain specific lists of protected classes of students who are to receive special treatment. Policies may include age-appropriate differences for schools based on the grade levels at the school. Each such policy shall contain a statement of the consequences of bullying.

4. Each district's antibullying policy shall require, **at a minimum, the following components:**

(1) A statement prohibiting bullying, defined no less inclusive than that in subsection 1 of this section;

(2) A statement requiring district employees to report any instance of bullying of which the employee has firsthand knowledge[. The district policy shall address training of employees in the requirements of the district policy.], **has reasonable cause to suspect that a student has been subject to bullying, or has received a report of bullying from a student. The policy shall be included in the student handbook;**

(3) A procedure for reporting an act of bullying;

(4) A procedure for prompt investigation of reports of violations and complaints, identifying one or more employees responsible for the investigation;

(5) The range of ways in which a school will respond once an incident of bullying is confirmed;

(6) A statement that prohibits reprisal or retaliation against any person who reports an act of bullying and the consequence and appropriate remedial action for a person who engages in reprisal or retaliation;

(7) A statement of how the policy is to be publicized;

(8) A process for discussing the district's antibullying policy with students and training school employees and volunteers who have significant contact with students in the requirements of the policy, including at a minimum the following statements:

(a) The school district shall provide information and appropriate training to the school district staff who have significant contact with students regarding the policy;

(b) The school district shall give annual notice of the policy to students, parents or guardians, and staff;

(c) The school district shall provide education and information to students regarding bullying, including information regarding the school district policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying;

(d) The administration of the school district shall instruct its school counselors to educate students who are victims of bullying on techniques for students to overcome bullying's negative effects. Such techniques shall include, but not be limited to: cultivating the student's self-worth and self-esteem; teaching the student to defend himself or herself assertively and effectively; helping the student develop social skills; and encouraging the student to develop an internal locus of control. The provisions of this paragraph shall not be construed to contradict or limit any other provision of this section;

(e) The administration of the school district shall implement programs and other initiatives to prevent bullying, to respond to such conduct in a manner that does not stigmatize the victim, and to make resources or referrals available to victims of bullying."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 106

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	McCaherty	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz

Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Mr Speaker				

NOES: 048

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Wright		

PRESENT: 001

Marshall

ABSENT WITH LEAVE: 008

Franklin	Kelly 45	Otto	Smith 120	Walton Gray
Webb	Webber	Zerr		

On motion of Representative Allen, **House Amendment No. 2** was adopted.

Representative Hinson offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 256, Page 3, Section 174.335, by removing all of said section from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hinson, **House Amendment No. 3** was adopted.

On motion of Representative Torpey, **HCS SCS SB 256, as amended**, was adopted.

On motion of Representative Torpey, **HCS SCS SB 256, as amended**, was read the third time and passed by the following vote:

AYES: 149

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker

Frame	Frederick	Funderburk	Gannon	Gardner
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Molendorp	Montecillo	Moon	Morgan	Morris
Muntzel	Neely	Neth	Nichols	Norr
Otto	Pace	Peters	Pfautsch	Phillips
Pierson	Pike	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieffer	Schupp	Shull
Shumake	Smith 85	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Webb	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 009

Brattin	Colona	Curtman	Marshall	Mitten
Newman	Parkinson	Pogue	Schieber	

PRESENT: 000

ABSENT WITH LEAVE: 005

Franklin	Kelly 45	Smith 120	Walton Gray	Webber
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Speaker Jones declared the bill passed.

HCS SS SB 252, relating to the Department of Revenue, was taken up by Representative Richardson.

Representative Richardson offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 252, Pages 7 to 9, Section 136.055, Lines 1 to 51, by deleting all of said section from the bill; and

Further amend said bill, Pages 9 to 11, Section 301.020, Lines 1 to 99, by deleting all of said section from the bill; and

Further amend said bill, Page 12, Section 301.3033, Lines 1 to 3, by deleting all of said lines and inserting in lieu thereof the following:

"301.3033. 1. Whenever a vehicle owner pursuant to this chapter makes an application for a military license plate, the director of revenue shall notify the applicant that the applicant may make a voluntary contribution of ten dollars to the World War I memorial trust fund established pursuant to this section. Whenever a vehicle owner pursuant to this chapter makes an application for a license plate, other than a military

license plate previously described, the director of revenue shall notify the applicant that the applicant may make a voluntary contribution of one dollar to the World War I memorial trust fund established pursuant to this section. The director shall transfer all contributions collected to the state treasurer for credit to and deposit in the trust fund.

2. There is established in the state treasury the "World War I Memorial Trust Fund". The state treasurer shall credit to and deposit in the World War I memorial trust fund all amounts received pursuant to subsection 1 of this section and any other"; and

Further amend said bill, page, and section, Line 6, by deleting "2." and inserting in lieu there of the following:

"3."; and

Further amend said bill, page, and section, Line 11, by deleting "3." and inserting in lieu thereof the following:

"4."; and

Further amend said bill, page, and section, Line 16, by deleting "subsection 9 of section 301.020" and inserting in lieu thereof the following:

"subsection 1 of this section"; and

Further amend said bill, Page 13, Section 302.065, Lines 18 to 26, by deleting all of said lines and inserting in lieu thereof the following:

"a concealed carry endorsement. By December 31, 2013,"; and

Further amend said bill, page, and section, Line 30, by deleting all of said line and inserting in lieu thereof the following:

"4. The provisions of this section shall not apply to:

- (1) Original application forms, which may be retained but not scanned;
- (2) Test score documents issued by state highway patrol driver examiners;
- (3) Documents demonstrating lawful presence of any applicant who is not a citizen of the United States, including documents demonstrating duration of the person's lawful presence in the United States: and
- (4) Any document required to be"; and

Further amend said bill, page, and section, Line 33, by deleting the word "permit" and inserting in lieu thereof the following:

"permit; and

(5) Any other document at the request of and for the convenience of the applicant where the applicant requests the department of revenue review alternative documents as proof required for issuance of a driver license, nondriver license, or instruction permit"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Richardson, **House Amendment No. 1** was adopted.

Representative McGaugh offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 252, Page 14, Section 302.065, Line 39, by inserting after all of said line the following:

"6. Any person harmed or damaged by any violation of section 302.065 may bring a civil action for damages, including non-economic and punitive damages, as well as injunctive relief, in the circuit court where that person resided at the time of the violation or in the circuit court or the circuit court of Cole County to recover such damages from the department of revenue and any persons participating in such violation. Sovereign immunity shall not be available as a defense for the department of revenue in such an action. In the event the plaintiff prevails on any count of his or her claim, the plaintiff shall be entitled to recover reasonable attorney fees from the defendants."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Fowler	Fraker	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfausch
Phillips	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Mr Speaker	

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Webb	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 010

Flanigan	Franklin	Kelly 45	Pike	Schatz
Smith 120	Swearingen	Walton Gray	Webber	Zerr

On motion of Representative McGaugh, **House Amendment No. 2** was adopted by the following vote:

AYES: 105

Allen	Anderson	Bahr	Barnes	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Colona	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Hinson	Hoskins	Houghton	Hurst
Johnson	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Roorda	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Schieffer
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 052

Anders	Austin	Black	Burns	Butler
Carpenter	Conway 10	Curtis	Dunn	Ellinger
Ellington	Elmer	Engler	English	Englund
Frame	Gardner	Harris	Higdon	Hodges
Hough	Hubbard	Hummel	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Runions	Schupp	Smith 85	Webb
White	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 006

Jones 50	Kelly 45	Smith 120	Swearingen	Walton Gray
Webber				

Representative Ross offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 252, Page 16, Section 302.189, Line 23, by inserting after all of said section and line the following:

"571.500. No state agency or department, or contractor or agent working for the state, shall construct, enable by providing or sharing records to, maintain, participate in, or develop, or cooperate or enable the federal government in developing, a database or record of the number or type of firearms, ammunition, or firearms accessories that an individual possesses."; and

Further amend said bill, Page 16, Section B, Lines 1-7, by deleting all of said lines and inserting in lieu thereof the following:

"Section B. Because of the need to ensure that the privacy of Missouri citizens is protected and not violated by the agencies of this state, the enactment of sections 302.065, 302.189 and 571.500 and the repeal and reenactment of section 302.183 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of sections 302.065, 302.189 and 571.500 and the repeal and reenactment of section 302.183 of this act shall be in full force and effect upon its passage and approval."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Roorda raised a point of order that **House Amendment No. 3** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Ross, **House Amendment No. 3** was adopted.

Representative Brattin offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 252, Page 11, Section 301.020, Line 99, by inserting after all of said section the following:

"301.067. 1. For each trailer or semitrailer there shall be paid an annual fee of seven dollars fifty cents, and in addition thereto such permit fee authorized by law against trailers used in combination with tractors operated under the supervision of the motor carrier and railroad safety division of the department of economic development. The fees for tractors used in any combination with trailers or semitrailers or both trailers and semitrailers (other than on passenger-carrying trailers or semitrailers) shall be computed on the total gross weight of the vehicles in the combination with load.

2. Any trailer or semitrailer may at the option of the registrant be registered for a period of three years upon payment of a registration fee of twenty-two dollars and fifty cents.

3. Any trailer **as defined in section 301.010** or semitrailer which is operated coupled to a towing vehicle by a fifth wheel and kingpin assembly or by a trailer converter dolly may, at the option of the registrant, be registered permanently upon the payment of a registration fee of fifty-two dollars and fifty cents. The permanent plate and registration fee is vehicle specific. The plate and the registration fee paid is nontransferable and nonrefundable, except those covered under the provisions of section 301.442."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Brattin, **House Amendment No. 4** was adopted.

Representative Brown offered **House Amendment No. 5.**

House Amendment No. 5

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 252, Page 16, Section 302.189, Line 23, by inserting after all of said line the following:

"Section 1. Notwithstanding any other state law to the contrary, no state agency shall disclose to the federal government the statewide list of persons who have obtained a concealed carry endorsement or permit. Nothing in this section shall be construed to restrict access to individual records by any criminal justice agency authorized to access the Missouri uniform law enforcement system."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Anderson assumed the Chair.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 106

Anderson	Austin	Bahr	Barnes	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Fowler	Fraker	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeier	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Molendorp	Moon	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman

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Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Swearingen	Webb	Wright

PRESENT: 000

ABSENT WITH LEAVE: 007

Allen	Dugger	Flanigan	Kelly 45	Smith 120
Walton Gray	Webber			

On motion of Representative Brown, **House Amendment No. 5** was adopted.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 105

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Cookson	Cornejo	Cox	Crawford
Cross	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Keeney
Kelley 127	Koenig	Kolkmeier	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Molendorp	Moon	Morris	Muntzel
Neely	Neth	Parkinson	Pfausch	Phillips
Pike	Pogue	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 048

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mitten	Montecillo	Morgan	Newman	Norr
Otto	Pace	Peters	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Webb	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 010

Conway 104	Curtman	Justus	Kelly 45	Mims
Nichols	Redmon	Smith 120	Walton Gray	Webber

On motion of Representative Richardson, **HCS SS SB 252, as amended**, was adopted.

On motion of Representative Richardson, **HCS SS SB 252, as amended**, was read the third time and passed by the following vote:

AYES: 118

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Cierpiot	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Ellington
Elmer	Engler	English	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hubbard	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	Mayfield	McCaherty	McGaugh	Messenger
Miller	Molendorp	Moon	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Roorda
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Schieffer	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 040

Burns	Butler	Carpenter	Colona	Conway 10
Curtis	Dunn	Ellinger	Englund	Frame
Gardner	Hodges	Hummel	Kirkton	Kratky
LaFaver	May	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Runions
Schupp	Smith 85	Swearingen	Webb	Wright

PRESENT: 000

ABSENT WITH LEAVE: 005

Kelly 45	Mims	Smith 120	Walton Gray	Webber
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Representative Anderson declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 112

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Cierpiot	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Elmer	English
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Hinson	Hoskins	Hough	Houghton
Hubbard	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfausch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 043

Anders	Burns	Butler	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellington	Engler
Englund	Gardner	Higdon	Hodges	Hummel
Kirkton	Kratky	LaFaver	May	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Runions	Schieffer	Schupp	Smith 85
Swearingen	Webb	Wright		

PRESENT: 002

Mayfield	Roorda
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ABSENT WITH LEAVE: 006

Ellinger	Kelly 45	Mims	Smith 120	Walton Gray
Webber				

HCS SB 110, relating to child custody and visitation rights, was taken up by Representative Davis.

Representative Austin offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 110, Page 1, Section A, Line 2, by inserting after all of said line the following:

"210.482. 1. If the emergency placement of a child in a private home is necessary due to the unexpected absence of the child's parents, legal guardian, or custodian, the juvenile court or children's division:

(1) May request that a local or state law enforcement agency or juvenile officer, subject to any required federal authorization, immediately conduct a name-based criminal history record check to include full orders of protection and outstanding warrants of each person over the age of seventeen residing in the home by using the Missouri uniform law enforcement system (MULES) and the National Crime Information Center to access the Interstate Identification Index maintained by the Federal Bureau of Investigation; and

(2) Shall determine or, in the case of the juvenile court, shall request the division to determine whether any person over the age of seventeen years residing in the home is listed on the child abuse and neglect registry. For any children less than seventeen years of age residing in the home, the children's division shall inquire of the person with whom an emergency placement of a child will be made whether any children less than seventeen years of age residing in the home have ever been certified as an adult and convicted of or pled guilty or nolo contendere to any crime.

2. If a name-based search has been conducted pursuant to subsection 1 of this section, within fifteen calendar days after the emergency placement of the child in the private home, and if the private home has not previously been approved as a foster or adoptive home, all persons over the age of seventeen residing in the home and all children less than seventeen residing in the home who the division has determined have been certified as an adult for the commission of a crime shall report to a local law enforcement agency for the purpose of providing [two] **three** sets of fingerprints each and accompanying fees, pursuant to section 43.530. One set of fingerprints shall be used by the highway patrol to search the criminal history repository [and the second], **one** set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files, **and one set shall be forwarded to and retained by the division**. Results of the checks [will] **shall** be provided to the juvenile court or children's division office requesting such information. Any child placed in emergency placement in a private home shall be removed immediately if any person residing in the home fails to provide fingerprints after being requested to do so, unless the person refusing to provide fingerprints ceases to reside in the private home.

3. If the placement of a child is denied as a result of a name-based criminal history check and the denial is contested, all persons over the age of seventeen residing in the home and all children less than seventeen years of age residing in the home who the division has determined have been certified as an adult for the commission of a crime shall, within fifteen calendar days, submit to the juvenile court or the children's division [two] **three** sets of fingerprints in the same manner described in subsection 2 of this section, accompanying fees, and written permission authorizing the juvenile court or the children's division to forward the fingerprints to the state criminal record repository for submission to the Federal Bureau of Investigation. One set of fingerprints shall be used by the highway patrol to search the criminal history repository [and the second], **one** set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files, **and one set shall be retained by the division**.

4. **No person who submits fingerprints under this section shall be required to submit additional fingerprints under this section or section 210.487 unless the original fingerprints retained by the division are lost or destroyed.**

5. Subject to appropriation, the total cost of fingerprinting required by this section may be paid by the state, including reimbursement of persons incurring fingerprinting costs under this section.

[5.] 6. For the purposes of this section, "emergency placement" refers to those limited instances when the juvenile court or children's division is placing a child in the home of private individuals, including neighbors, friends, or relatives, as a result of a sudden unavailability of the child's primary caretaker.

210.487. 1. When conducting investigations of persons for the purpose of foster parent licensing, the division shall:

(1) Conduct a search for all persons over the age of seventeen in the applicant's household and for any child less than seventeen years of age residing in the applicant's home who the division has determined has been certified as an adult for the commission of a crime for evidence of full orders of protection. The office of state courts administrator shall allow access to the automated court information system by the division. The clerk of each court contacted by the division shall provide the division information within ten days of a request; and

(2) Obtain [two] **three** sets of fingerprints for any person over the age of seventeen in the applicant's household and for any child less than seventeen years of age residing in the applicant's home who the division has determined has been certified as an adult for the commission of a crime in the same manner set forth in subsection 2 of section 210.482. One set of fingerprints shall be used by the highway patrol to search the criminal history repository [and the second], **one** set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files, **and one set shall be forwarded to and retained by the division.** The highway patrol shall assist the division and provide the criminal fingerprint background information, upon request; and

(3) Determine whether any person over the age of seventeen residing in the home and any child less than seventeen years of age residing in the applicant's home who the division has determined has been certified as an adult for the commission of a crime is listed on the child abuse and neglect registry. For any children less than seventeen years of age residing in the applicant's home, the children's division shall inquire of the applicant whether any children less than seventeen years of age residing in the home have ever been certified as an adult and been convicted of or pled guilty or nolo contendere to any crime.

2. After the initial investigation is completed under subsection 1 of this section[.];

(1) No person who submits fingerprints under subsection 1 of this section or section 210.482 shall be required to submit additional fingerprints under this section or section 210.482 unless the original fingerprints retained by the division are lost or destroyed; and

(2) The children's division and the department of health and senior services may waive the requirement for a fingerprint background check for any subsequent recertification.

3. Subject to appropriation, the total cost of fingerprinting required by this section may be paid by the state, including reimbursement of persons incurring fingerprinting costs under this section.

4. The division may make arrangements with other executive branch agencies to obtain any investigative background information.

5. The division may promulgate rules that are necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Austin, **House Amendment No. 1** was adopted.

On motion of Representative Davis, **HCS SB 110, as amended**, was adopted.

On motion of Representative Davis, **HCS SB 110, as amended**, was read the third time and passed by the following vote:

AYES: 154

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater

Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gardner	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mitten
Molendorp	Montecillo	Moon	Morgan	Morris
Muntzel	Neely	Newman	Nichols	Norr
Otto	Pace	Parkinson	Peters	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 85	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Wright	Mr Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Kelly 45	Mims	Neth	Richardson	Smith 120
Walton Gray	Webb	Webber	Zerr	

Representative Anderson declared the bill passed.

SCS SB 302, relating to emergency prescription refills, was taken up by Representative Elmer.

Representative Morris offered **House Amendment No. 1**.

House Amendment No. 1

AMEND Senate Committee Substitute for Senate Bill No. 302, Page 2, Section 338.200, Line 41, by inserting after all of said line the following:

"376.1227. 1. No contract between a health carrier or health benefit plan and an optometrist for the provision of optometric services and products under a vision plan shall require that the optometrist provide optometric services and products to insureds in the vision plan at a fee established by the health carrier or health benefit plan if such optometric services or products are not covered services or products under the vision plan.

2. For purposes of this section, the following terms shall mean:

(1) "Covered services", services reimbursable by a health carrier or health benefit plan under an applicable vision plan, subject to such contractual limitations on benefits as may apply, including but not limited to deductibles, waiting periods, or frequency limitations;

(2) "Health benefit plan", the same meaning as such term is defined in section 376.1350;

(3) "Health carrier", the same meaning as such term is defined in section 376.1350;

(4) "**Vision plan**", any policy or contract of insurance which provides for coverage of vision care services or products."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Roorda raised a point of order that **House Amendment No. 1** is not germane and goes beyond the bill.

Representative Anderson requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

On motion of Representative Morris, **House Amendment No. 1** was adopted.

Representative Fraker offered **House Amendment No. 2**.

House Amendment No. 2

AMEND Senate Committee Substitute for Senate Bill No. 302, Page 1, In the Title, Line 2, by deleting the words "emergency prescription refills" and inserting in lieu thereof the words "public health"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"196.056. 1. A nonprofit organization may prepare food in a private home or other area for distribution to the end consumer at a charitable fundraising event.

2. The nonprofit organization shall inform the consumer by placing a clearly visible placard at the serving location that the food was prepared in a kitchen that is not subject to regulation and inspection by the regulatory authority.

3. The nonprofit organization may notify the regulatory authority in writing or via electronic mail prior to the beginning of the event. If made, such notification shall include the following: name of the nonprofit organization; date, time, and location of the event; name and contact information of the person responsible for the event.

4. This section does not apply to a food establishment regulated by the department of health and senior services providing food for the event.

5. This section shall not apply to any county with a charter form of government and with more than nine hundred fifty thousand inhabitants, any city not within a county, any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants, and any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Roorda raised a point of order that **House Amendment No. 2** is not germane and goes beyond the scope of the bill.

Representative Anderson requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

On motion of Representative Fraker, **House Amendment No. 2** was adopted.

Representative Solon offered **House Amendment No. 3**.

House Amendment No. 3

AMEND Senate Committee Substitute for Senate Bill No. 302, Page 2, Section 338.200, Line 41, by inserting after all of said line the following:

"338.321. 1. The "Missouri Oral Chemotherapy Parity Interim Committee" is hereby created to study the disparity in patient co-payments between orally and intravenously administered chemotherapies, the reasons for the disparity, and the patient benefits in establishing co-payment parity between oral and infused chemotherapy agents. The committee shall consider information on the costs or actuarial analysis associated with the delivery of patient oncology treatments. The conclusions of this study shall satisfy any statutorily required actuarial analysis.

2. The Missouri oral chemotherapy parity interim committee shall consist of the following members:

- (1) Two members of the senate, appointed by the president pro tempore of the senate;
- (2) Two members of the house of representatives, appointed by the speaker of the house of representatives;
- (3) One member who is an oncologist or physician with expertise in the practice of oncology licensed in this state under chapter 334;
- (4) One member who is an oncology nurse licensed in this state under chapter 335;
- (5) One member who is a representative of a Missouri pharmacy benefit management company;
- (6) One member from an organization representing licensed pharmacists in this state;
- (7) One member from the business community representing businesses on health insurance issues;
- (8) One member from an organization representing the leading research-based pharmaceutical and biotechnology companies;
- (9) One patient advocate;
- (10) One member from the organization representing a majority of hospitals in this state;
- (11) One member from a health carrier as such term is defined under section 376.1350;
- (12) One member from the organization representing a majority of health carriers in this state, as such term is defined under section 376.1350; and
- (13) One member from the Leukemia and Lymphoma Society.

3. All members, except for the members from the general assembly, shall be appointed by the governor no later than September 1, 2013. The department of insurance, financial institutions and professional registration shall provide assistance to the committee.

4. No later than January 1, 2014, the committee shall submit a report to the governor, the speaker of the house of representatives, the president pro tempore of the senate, and the appropriate legislative committee of the general assembly regarding the results of the study and any legislative recommendations."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Solon, **House Amendment No. 3** was adopted.

Representative Molendorp offered **House Amendment No. 4.**

House Amendment No. 4

AMEND Senate Committee Substitute for Senate Bill No. 302, Page 2, Section 338.200, Line 41, by inserting after said line the following:

"338.202. 1. As used in this section, the following terms mean:

- (1) "AWP", average wholesale price as indicated by the National Drug Code, assigned by the federal Food and Drug Administration, as amended;
- (2) "Compounded drugs", a prescription drug or device that has been prepared, incorporated, mixed and packaged or labeled as the result of a prescriber's prescription or prescription drug order based on the prescriber/patient/pharmacist relationship in the course of professional practice; and

(3) "Repackaged drugs", prescription drugs that are repackaged or which the container, wrapping, or labeling is otherwise changed to further the distribution of such prescription drug; however, the term does not include such activity when performed by the pharmacist responsible for dispensing the prescription drug.

2. For purposes of determining whether a health care provider has requested an excessive charge for a repackaged drug, a charge which exceeds the original manufacturer's AWP for such repackaged drugs shall be deemed excessive. With respect to repackaged or compounded drugs, charges greater than the sum of the original manufacturer's AWP for each individual drug or ingredient shall be deemed excessive. For the purposes of this section, any ingredient which does not have a National Drug Code shall not be reimbursable.

3. If an employer or insurer determines that a health care provider's charges for compounded or repackaged drugs are excessive pursuant to this section, the provider shall not receive payment for such drugs and is liable to return to the employer or insurer any charge already tendered."; and

Further amend said bill by amending the title, enacting clause and intersectional references accordingly.

On motion of Representative Molendorp, **House Amendment No. 4** was adopted.

On motion of Representative Elmer, **SCS SB 302, as amended**, was read the third time and passed by the following vote:

AYES: 142

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Ellington
Elmer	Engler	English	Englund	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mitten	Molendorp	Montecillo	Moon
Morgan	Morris	Muntzel	Neely	Newman
Nichols	Pace	Parkinson	Peters	Pfautsch
Phillips	Pierson	Pike	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schupp	Shull	Shumake
Smith 85	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 008

Burlison	Gardner	Marshall	Otto	Pogue
Schieber	Schieffer	Webb		

PRESENT: 000

ABSENT WITH LEAVE: 013

Conway 104	Curtman	Entlicher	Grisamore	Hinson
Kelly 45	Mims	Neth	Norr	Redmon
Smith 120	Walton Gray	Webber		

Representative Anderson declared the bill passed.

HCS SB 99, relating to elections, was taken up by Representative Dugger.

Speaker Jones resumed the Chair.

Representative Dugger offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 99, Page 2, Section 115.199, by removing all of said section from the bill; and

Further amend said bill, Page 13, Section 193.148, by removing all of said section from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Dugger, **House Amendment No. 1** was adopted.

Representative Dugger offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for Senate Bill No. 99, Page 11, Section 115.493, Line 3, by enclosing in brackets the word: "twelve" on said line and inserting immediately thereafter the phrase:

"twenty-two"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Dugger, **House Amendment No. 2** was adopted.

Representative Hough offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for Senate Bill No. 99, Page 1, Section A, Line 7, by inserting after all of said section and line the following:

"32.087. 1. Within ten days after the adoption of any ordinance or order in favor of adoption of any local sales tax authorized under the local sales tax law by the voters of a taxing entity, the governing body or official of such taxing entity shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance or order. The ordinance or order shall reflect the effective date thereof.

2. Any local sales tax so adopted shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the local sales tax, except as provided in subsection 18 of this section, **and shall be imposed on all transactions on which the Missouri state sales tax is imposed.**

3. Every retailer within the jurisdiction of one or more taxing entities which has imposed one or more local sales taxes under the local sales tax law shall add all taxes so imposed along with the tax imposed by the sales tax law of the state of Missouri to the sale price and, when added, the combined tax shall constitute a part of the price, and shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. The combined rate of the state sales tax and all local sales taxes shall be the sum of the rates, multiplying the combined rate times the amount of the sale.

4. The brackets required to be established by the director of revenue under the provisions of section 144.285 shall be based upon the sum of the combined rate of the state sales tax and all local sales taxes imposed under the provisions of the local sales tax law.

5. (1) The ordinance or order imposing a local sales tax under the local sales tax law shall impose **a tax** upon all [sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail] **transactions upon which the Missouri state sales tax is imposed** to the extent and in the manner provided in sections 144.010 to 144.525, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the sum of the combined rate of the state sales tax or state highway use tax and all local sales taxes imposed under the provisions of the local sales tax law.

(2) **Notwithstanding any other provision of law to the contrary, local taxing jurisdictions, except those in which voters have previously approved a local use tax under section 144.757, shall have placed on the ballot on or after the general election in November 2014, but no later than the general election in November 2016, whether to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 and purchased from a source other than a licensed Missouri dealer. The ballot question presented to the local voters shall contain substantially the following language:**

Shall the (local jurisdiction's name) discontinue applying and collecting the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer? Approval of this measure will result in a reduction of local revenue to provide for vital services for (local jurisdiction's name) and it will place Missouri dealers of motor vehicles, outboard motors, boats, and trailers at a competitive disadvantage to non-Missouri dealers of motor vehicles, outboard motors, boats, and trailers.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(3) **If the ballot question set forth in subdivision (2) of this subsection receives a majority of the votes cast in favor of the proposal, or if the local taxing jurisdiction fails to place the ballot question before the voters on or before the general election in November 2016, the local taxing jurisdiction shall cease applying the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer.**

(4) **In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection be placed before the voters, the governing body of any local taxing jurisdiction that had previously imposed a local use tax on the use of motor vehicles, trailers, boats, and outboard motors may, at any time, place a proposal on the ballot at any election to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no longer be applied to the titling of motor vehicles, trailers, boats,**

and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.

(5) In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection be placed before the voters on or after the general election in November 2014, and on or before the general election in November 2016, whenever the governing body of any local taxing jurisdiction imposing a local sales tax on the sale of motor vehicles, trailers, boats, and outboard motors receives a petition, signed by fifteen percent of the registered voters of such jurisdiction voting in the last gubernatorial election, calling for a proposal to be placed on the ballot at any election to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer, the governing body shall submit to the voters of such jurisdiction a proposal to repeal application of the local sales tax to such titling. If a majority of the votes cast by the registered voters voting thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no longer be applied to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.

(6) Nothing in this subsection shall be construed to authorize the voters of any jurisdiction to repeal application of any state sales or use tax.

(7) If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is repealed, such repeal shall take effect on the first day of the second calendar quarter after the election. If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is required to cease to be applied or collected due to failure of a local taxing jurisdiction to hold an election pursuant to subdivision (2) of this subsection, such cessation shall take effect on March 1, 2017.

6. On and after the effective date of any local sales tax imposed under the provisions of the local sales tax law, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri all additional local sales taxes authorized under the authority of the local sales tax law. All local sales taxes imposed under the local sales tax law together with all taxes imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

7. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of any local sales tax imposed under the local sales tax law except as modified by the local sales tax law.

8. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.525, as these sections now read and as they may hereafter be amended, it being the intent of this general assembly to ensure that the same sales tax exemptions granted from the state sales tax law also be granted under the local sales tax law, are hereby made applicable to the imposition and collection of all local sales taxes imposed under the local sales tax law.

9. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of the local sales tax law, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from any local sales tax imposed by the local sales tax law.

10. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under the provisions of the state sales tax law are hereby allowed and made applicable to any local sales tax collected under the provisions of the local sales tax law.

11. The penalties provided in section 32.057 and sections 144.010 to 144.525 for a violation of the provisions of those sections are hereby made applicable to violations of the provisions of the local sales tax law.

12. (1) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales, except the sale of motor vehicles, trailers, boats, and outboard motors **required to be titled under the laws of the state of Missouri**, shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the

order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's agent or employee shall be deemed to be consummated at the place of business from which he works.

(2) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, **the sales tax upon the titling of all [sales of] motor vehicles, trailers, boats, and outboard motors shall be [deemed to be consummated] imposed at the rate in effect at the location of the residence of the purchaser and not at the place of business of the retailer, or the place of business from which the retailer's agent or employee works.**

(3) For the purposes of any local tax imposed by an ordinance or under the local sales tax law on charges for mobile telecommunications services, all taxes of mobile telecommunications service shall be imposed as provided in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended.

13. Local sales taxes [imposed pursuant to the local sales tax law] **shall not be imposed on the seller [on the purchase and sale] of motor vehicles, trailers, boats, and outboard motors [shall not be collected and remitted by the seller,] required to be titled under the laws of the state of Missouri,** but shall be collected **from the purchaser** by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a taxing entity imposing a local sales tax under the local sales tax law.

14. The director of revenue and any of his deputies, assistants and employees who have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of the local sales tax law shall enter a surety bond or bonds payable to any and all taxing entities in whose behalf such funds have been collected under the local sales tax law in the amount of one hundred thousand dollars for each such tax; but the director of revenue may enter into a blanket bond covering himself and all such deputies, assistants and employees. The cost of any premium for such bonds shall be paid by the director of revenue from the share of the collections under the sales tax law retained by the director of revenue for the benefit of the state.

15. The director of revenue shall annually report on his management of each trust fund which is created under the local sales tax law and administration of each local sales tax imposed under the local sales tax law. He shall provide each taxing entity imposing one or more local sales taxes authorized by the local sales tax law with a detailed accounting of the source of all funds received by him for the taxing entity. Notwithstanding any other provisions of law, the state auditor shall annually audit each trust fund. A copy of the director's report and annual audit shall be forwarded to each taxing entity imposing one or more local sales taxes.

16. Within the boundaries of any taxing entity where one or more local sales taxes have been imposed, if any person is delinquent in the payment of the amount required to be paid by him under the local sales tax law or in the event a determination has been made against him for taxes and penalty under the local sales tax law, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under the local sales tax law, the director of revenue shall notify the taxing entity in the event any person fails or refuses to pay the amount of any local sales tax due so that appropriate action may be taken by the taxing entity.

17. Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by the local sales tax law, the director of revenue shall permit the taxing entity to join in any sale of property to pay the delinquent taxes and penalties due the state and to the taxing entity under the local sales tax law. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such taxing entity.

18. If a local sales tax has been in effect for at least one year under the provisions of the local sales tax law and voters approve reimposition of the same local sales tax at the same rate at an election as provided for in the local sales tax law prior to the date such tax is due to expire, the tax so reimposed shall become effective the first day of the first calendar quarter after the director receives a certified copy of the ordinance, order or resolution accompanied by a map clearly showing the boundaries thereof and the results of such election, provided that such ordinance, order or resolution and all necessary accompanying materials are received by the director at least thirty days prior to the expiration of such tax. Any administrative cost or expense incurred by the state as a result of the provisions of this subsection shall be paid by the city or county reimposing such tax."; and

Further amend said bill, Section 115.601, Page 12, Line 48, by inserting after all of said section and line the following:

"144.020. 1. A tax is hereby levied and imposed **for the privilege of titling new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which**

are required to be titled under the laws of the state of Missouri and, except as provided in subdivision (9) of this subsection, upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. The rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, [including but not limited to] **excluding** motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard motors **required to be titled under the laws of the state of Missouri and subject to tax under subdivision (9) of this subsection**, a tax equivalent to four percent of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to four percent of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, except as otherwise provided in section 144.025;

(2) A tax equivalent to four percent of the amount paid for admission and seating accommodations, or fees paid to, or in any place of amusement, entertainment or recreation, games and athletic events;

(3) A tax equivalent to four percent of the basic rate paid or charged on all sales of electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(4) A tax equivalent to four percent on the basic rate paid or charged on all sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; except that, the payment made by telecommunications subscribers or others, pursuant to section 144.060, and any amounts paid for access to the internet or interactive computer services shall not be considered as amounts paid for telecommunications services;

(5) A tax equivalent to four percent of the basic rate paid or charged for all sales of services for transmission of messages of telegraph companies;

(6) A tax equivalent to four percent on the amount of sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are regularly served to the public;

(7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(8) A tax equivalent to four percent of the amount paid or charged for rental or lease of tangible personal property, provided that if the lessor or renter of any tangible personal property had previously purchased the property under the conditions of "sale at retail" or leased or rented the property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or subrental receipts from that property. The purchase, rental or lease of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax paid as provided in this section and section 144.070. In no event shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof.

(9) A tax equivalent to four percent of the purchase price, as defined in section 144.070, of new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri. This tax is imposed on the person titling such property, and shall be paid according to the procedures in section 144.440.

2. All tickets sold which are sold under the provisions of sections 144.010 to 144.525 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words "This ticket is subject to a sales tax."

144.021. The purpose and intent of sections 144.010 to 144.510 is to impose a tax upon the privilege of engaging in the business, in this state, of selling tangible personal property and those services listed in section 144.020 **and for the privilege of titling new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri. Except as otherwise provided**, the primary tax burden is placed upon the seller making the taxable sales of property or service and is levied at the rate provided for in section 144.020. **Excluding subdivision (9) of subsection 1 of section 144.020 and sections 144.070, 144.440 and 144.450**, the extent to which a seller is required to collect the tax from the purchaser of the taxable property or service is governed by section 144.285 and in no way affects sections 144.080 and 144.100, which require all sellers to report to the director of revenue their "gross receipts", defined

herein to mean the aggregate amount of the sales price of all sales at retail, and remit tax at four percent of their gross receipts.

144.069. All sales **taxes associated with the titling** of motor vehicles, trailers, boats and outboard motors **under the laws of Missouri** shall be [deemed to be consummated] **imposed** at the **rate in effect at the location of the** address of the owner thereof, and all **sales taxes associated with the titling of vehicles under** leases of over sixty-day duration of motor vehicles, trailers, boats and outboard motors [subject to sales taxes under this chapter] shall be [deemed to be consummated] **imposed at the rate in effect**, unless the vehicle, trailer, boat or motor has been registered and sales taxes have been paid prior to the consummation of the lease agreement at the **location of the** address of the lessee thereof on the date the lease is consummated, and all applicable sales taxes levied by any political subdivision shall be collected on such sales **from the purchaser or lessee** by the state department of revenue on that basis.

144.071. 1. In all cases where the purchaser of a motor vehicle, trailer, boat or outboard motor rescinds the sale of that motor vehicle, trailer, boat or outboard motor and receives a refund of the purchase price and returns the motor vehicle, trailer, boat or outboard motor to the seller within sixty calendar days from the date of the sale, **any** [the sales or use] tax paid to the department of revenue shall be refunded to the purchaser upon proper application to the director of revenue.

2. In any rescission whereby a seller reacquires title to the motor vehicle, trailer, boat or outboard motor sold by him and the reacquisition is within sixty calendar days from the date of the original sale, the person reacquiring the motor vehicle, trailer, boat or outboard motor shall be entitled to a refund of any [sales or use] tax paid as a result of the reacquisition of the motor vehicle, trailer, boat or outboard motor, upon proper application to the director of revenue.

3. Any city or county [sales or use] tax refunds shall be deducted by the director of revenue from the next remittance made to that city or county.

4. Each claim for refund must be made within one year after payment of the tax on which the refund is claimed.

5. As used in this section, the term "boat" includes all motorboats and vessels as the terms "motorboat" and "vessel" are defined in section 306.010.

144.440. 1. [In addition to all other taxes now or hereafter levied and imposed upon every person for the privilege of using the highways or waterways of this state, there is hereby levied and imposed a tax equivalent to four percent of the purchase price, as defined in section 144.070, which is paid or charged on new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri.

2.] At the time the owner of any [such] motor vehicle, trailer, boat, or outboard motor makes application to the director of revenue for an official certificate of title and the registration of the same as otherwise provided by law, he shall present to the director of revenue evidence satisfactory to the director showing the purchase price paid by or charged to the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, or that the motor vehicle, trailer, boat, or outboard motor is not subject to the tax herein provided and, if the motor vehicle, trailer, boat, or outboard motor is subject to the tax herein provided, the applicant shall pay or cause to be paid to the director of revenue the tax provided herein.

[3.] 2. In the event that the purchase price is unknown or undisclosed, or that the evidence thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisal by the director.

[4.] 3. No certificate of title shall be issued for such motor vehicle, trailer, boat, or outboard motor unless the tax for the privilege of using the highways or waters of this state has been paid or the vehicle, trailer, boat, or outboard motor is registered under the provisions of subsection 5 of this section.

[5.] 4. The owner of any motor vehicle, trailer, boat, or outboard motor which is to be used exclusively for rental or lease purposes may pay the tax due thereon required in section 144.020 at the time of registration or in lieu thereof may pay a [use] **sales** tax as provided in sections 144.010, 144.020, 144.070 and 144.440. A [use] **sales** tax shall be charged and paid on the amount charged for each rental or lease agreement while the motor vehicle, trailer, boat, or outboard motor is domiciled in the state. If the owner elects to pay upon each rental or lease, he shall make an affidavit to that effect in such form as the director of revenue shall require and shall remit the tax due at such times as the director of revenue shall require.

[6.] 5. In the event that any leasing company which rents or leases motor vehicles, trailers, boats, or outboard motors elects to collect a [use] **sales** tax[,], all of its lease receipts would be subject to the [use] **sales** tax[,], regardless of whether or not the leasing company previously paid a sales tax when the vehicle, trailer, boat, or outboard motor was originally purchased.

[7.] **6.** The provisions of this section, and the tax imposed by this section, shall not apply to manufactured homes.

144.450. In order to avoid double taxation under the provisions of sections 144.010 to 144.510, any person who purchases a motor vehicle, trailer, manufactured home, boat, or outboard motor in any other state and seeks to register or obtain a certificate of title for it in this state shall be credited with the amount of any sales tax or use tax shown to have been previously paid by him on the purchase price of such motor vehicle, trailer, boat, or outboard motor in such other state. The tax imposed by **subdivision (9) of subsection 1 of section [144.440] 144.020** shall not apply:

(1) [To motor vehicles, trailers, boats, or outboard motors on account of which the sales tax provided by sections 144.010 to 144.510 shall have been paid;

(2)] To motor vehicles, trailers, boats, or outboard motors brought into this state by a person moving any such vehicle, trailer, boat, or outboard motor into Missouri from another state who shall have registered and in good faith regularly operated any such motor vehicle, trailer, boat, or outboard motor in such other state at least ninety days prior to the time it is registered in this state;

[(3)] **(2)** To motor vehicles, trailers, boats, or outboard motors acquired by registered dealers for resale;

[(4)] **(3)** To motor vehicles, trailers, boats, or outboard motors purchased, owned or used by any religious, charitable or eleemosynary institution for use in the conduct of regular religious, charitable or eleemosynary functions and activities;

[(5)] **(4)** To motor vehicles owned and used by religious organizations in transferring pupils to and from schools supported by such organization;

[(6)] **(5)** Where the motor vehicle, trailer, boat, or outboard motor has been acquired by the applicant for a certificate of title therefor by gift or under a will or by inheritance, and the tax hereby imposed has been paid by the donor or decedent;

[(7)] **(6)** To any motor vehicle, trailer, boat, or outboard motor owned or used by the state of Missouri or any other political subdivision thereof, or by an educational institution supported by public funds; or

[(8)] **(7)** To farm tractors.

144.455. The tax imposed by **subdivision (9) of subsection 1 of section [144.440] 144.020** on motor vehicles and trailers is levied for the purpose of providing revenue to be used by this state to defray in whole or in part the cost of constructing, widening, reconstructing, maintaining, resurfacing and repairing the public highways, roads and streets of this state, and the cost and expenses incurred in the administration and enforcement of **subdivision (9) of subsection 1 of section 144.020 and sections 144.440 to 144.455**, and for no other purpose whatsoever, and all revenue collected or received by the director of revenue from the tax imposed by **subdivision (9) of subsection 1 of section [144.440] 144.020** on motor vehicles and trailers shall be promptly deposited [in the state treasury to the credit of the state highway department fund] **as dictated by article IV, section 30(b) of the Constitution of Missouri.**

144.525. Notwithstanding any other provision of law, the amount of any state and local sales [or use] taxes due on the purchase of a motor vehicle, trailer, boat or outboard motor required to be registered under the provisions of sections 301.001 to 301.660 and sections 306.010 to 306.900 shall be computed on the rate of such taxes in effect on the date the purchaser submits application for a certificate of ownership to the director of revenue; except that, in the case of a sale at retail, of an outboard motor by a retail business which is not required to be registered under the provisions of section 301.251, the amount of state and local [sales and use] taxes due shall be computed on the rate of such taxes in effect as of the calendar date of the retail sale.

144.610. 1. A tax is imposed for the privilege of storing, using or consuming within this state any article of tangible personal property, **excluding motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors required to be titled under the laws of the state of Missouri and subject to tax under subdivision (9) of subsection 1 of section 144.020**, purchased on or after the effective date of sections 144.600 to 144.745 in an amount equivalent to the percentage imposed on the sales price in the sales tax law in section 144.020. This tax does not apply with respect to the storage, use or consumption of any article of tangible personal property purchased, produced or manufactured outside this state until the transportation of the article has finally come to rest within this state or until the article has become commingled with the general mass of property of this state.

2. Every person storing, using or consuming in this state tangible personal property **subject to the tax in subsection 1 of this section** is liable for the tax imposed by this law, and the liability shall not be extinguished until the tax is paid to this state, but a receipt from a vendor authorized by the director of revenue under the rules and regulations

that he prescribes to collect the tax, given to the purchaser in accordance with the provisions of section 144.650, relieves the purchaser from further liability for the tax to which receipt refers.

3. Because this section no longer imposes a Missouri use tax on the storage, use, or consumption of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors required to be titled under the laws of the state of Missouri, in that the state sales tax is now imposed on the titling of such property, the local sales tax, rather than the local use tax, applies.

144.613. Notwithstanding the provisions of section 144.655, at the time the owner of any new or used boat or boat motor which was acquired after December 31, 1979, in a transaction subject to [use] tax under [the Missouri use tax law] **this chapter** makes application to the director of revenue for the registration of the boat or boat motor, he shall present to the director of revenue evidence satisfactory to the director of revenue showing the purchase price, exclusive of any charge incident to the extension of credit, paid by or charged to the applicant in the acquisition of the boat or boat motor, or that no sales or use tax was incurred in its acquisition, and, if [sales or use] tax was incurred in its acquisition, that the same has been paid, or the applicant shall pay or cause to be paid to the director of revenue the [use] tax provided by [the Missouri use tax law] **this chapter** in addition to the registration fees now or hereafter required according to law, and the director of revenue shall not issue a registration for any new or used boat or boat motor subject to [use] tax [as provided in the Missouri use tax law] **in this chapter** until the tax levied for the use of the same under [sections 144.600 to 144.748] **this chapter** has been paid.

144.615. There are specifically exempted from the taxes levied in sections 144.600 to 144.745:

(1) Property, the storage, use or consumption of which this state is prohibited from taxing pursuant to the constitution or laws of the United States or of this state;

(2) Property, the gross receipts from the sale of which are required to be included in the measure of the tax imposed pursuant to the Missouri sales tax law;

(3) Tangible personal property, the sale or other transfer of which, if made in this state, would be exempt from or not subject to the Missouri sales tax pursuant to the provisions of subsection 2 of section 144.030;

(4) Motor vehicles, trailers, boats, and outboard motors subject to the tax imposed by section [144.440] **144.020;**

(5) Tangible personal property which has been subjected to a tax by any other state in this respect to its sales or use; provided, if such tax is less than the tax imposed by sections 144.600 to 144.745, such property, if otherwise taxable, shall be subject to a tax equal to the difference between such tax and the tax imposed by sections 144.600 to 144.745;

(6) Tangible personal property held by processors, retailers, importers, manufacturers, wholesalers, or jobbers solely for resale in the regular course of business;

(7) Personal and household effects and farm machinery used while an individual was a bona fide resident of another state and who thereafter became a resident of this state, or tangible personal property brought into the state by a nonresident for his own storage, use or consumption while temporarily within the state."; and

Further amend said bill, Section 473.737, Page 15, Line 28, by inserting after all of said section and line the following:

"Section 1. Notwithstanding the provisions of section 1.140 to the contrary, the provisions of sections 32.087, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615, as amended by this act, shall be nonseverable, and if any provision is for any reason held to be invalid, such decision shall invalidate all of the remaining provisions of section 32.087, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615, as amended by this act.

Section B. Because of the detrimental impact that lost local revenues has had on the domestic economy by placing Missouri dealers of motor vehicles, outboard motors, boats and trailers at a competitive disadvantage to non-Missouri dealers of motor vehicles, outboard motors, boats and trailers, the repeal and reenactment of sections 32.087, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615 and the enactment of section 1 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 32.087, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615 and the enactment of section 1 of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

On motion of Representative Hough, **House Amendment No. 3** was adopted.

Representative Fitzpatrick offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for Senate Bill No. 99, Page 1, In the Title, Line 2, by inserting after "sections" the following:

"77.030,"; and

Further amend said bill, Page 1, In the Title, Line 4, by inserting after "RSMo," the following:

"and section 77.030 as truly agreed to and finally passed by house bill no. 163, ninety-seventh general assembly, first regular session,"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting after "Sections" the following:

"77.030,"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after "RSMo," the following:

"and section 77.030 as truly agreed to and finally passed by house bill no. 163, ninety-seventh general assembly, first regular session,"; and

Further amend said bill, Page 1, Section A, Line 7, by inserting after all of said line the following:

"77.030. 1. Unless it elects to be governed by subsection 2 of this section, the council shall by ordinance divide the city into not less than four wards, and two councilmen shall be elected from each of such wards by the qualified voters thereof at the first election for councilmen in cities hereafter adopting the provisions of this chapter; the one receiving the highest number of votes in each ward shall hold his office for two years, and the one receiving the next highest number of votes shall hold his office for one year; but thereafter each ward shall elect annually one councilman, who shall hold his office for two years.

2. In lieu of electing councilmen as provided in subsection 1 of this section, the council may elect to establish wards and elect councilmen as provided in this subsection. If the council so elects, it shall, by ordinance, divide the city into not less than four wards, and one councilman shall be elected from each of such wards by the qualified voters thereof at the first election for councilmen held in the city after it adopts the provisions of this subsection. At the first election held under this subsection the councilmen elected from the odd-numbered wards shall be elected for a term of one year and the councilmen elected from the even-numbered wards shall be elected for a term of two years. At each annual election held thereafter, successors for councilmen whose terms expire in such year shall be elected for a term of two years.

3. (1) Council members may serve four-year terms if the two-year terms provided under subsection 1 or 2 of this section have been extended to four years by approval of a majority of the voters voting on the proposal.

(2) The ballot of submission shall be in substantially the following form:

Shall the terms of council members which are currently set at two years in..... (city) be extended to four years for members elected after August 28, 2013?

☐ YES

☐ NO

(3) If a majority of the voters voting approve the proposal authorized in this subsection, the members of council who would serve two years under subsections 1 and 2 of this section shall be elected to four-year terms beginning with any election occurring after approval of the ballot question."; and

Further amend said bill, Page 15, Section 473.737, Line 28, by inserting after all of said line the following:

"[77.030. 1. Unless it elects to be governed by subsection 2 of this section, the council shall by ordinance divide the city into not less than four wards, and two councilmen shall be elected from each of such wards by the qualified voters thereof at the first election for councilmen in cities hereafter adopting the provisions of this chapter; the one receiving the highest number of votes in each ward shall hold his office for two years, and the one receiving the next highest number of votes shall hold his office for one year; but thereafter each ward shall elect annually one councilman, who shall hold his office for two years.

2. In lieu of electing councilmen as provided in subsection 1 of this section, the council may elect to establish wards and elect councilmen as provided in this subsection. If the council so elects, it shall, by ordinance, divide the city into not less than four wards, and one councilman shall be elected from each of such wards by the qualified voters thereof at the first election for councilmen held in the city after it adopts the provisions of this subsection. At the first election held under this subsection the councilmen elected from the odd-numbered wards shall be elected for a term of one year and the councilmen elected from the even-numbered wards shall be elected for a term of two years. At each annual election held thereafter, successors for councilmen whose terms expire in such year shall be elected for a term of two years.

3. (1) Council members may serve four-year terms if the two-year terms provided under subsection 1 or 2 of this section have been extended to four years by ordinance or by approval of a majority of the voters voting on the proposal.

(2) The ballot of submission shall be in substantially the following form:

**Shall the terms of council members which are currently set at two years in.....
(city) be extended to four years for members elected after August 28, 2013?**

☐ YES

☐ NO

(3) If an ordinance is passed or a majority of the voters voting approve the proposal authorized in this subsection, the members of council who would serve two years under subsections 1 and 2 of this section shall be elected to four-year terms beginning with any election occurring after the adoption of the ordinance or approval of the ballot question.]; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Fitzpatrick, **House Amendment No. 4** was adopted.

Representative Fraker offered **House Amendment No. 5.**

House Amendment No. 5

AMEND House Committee Substitute for Senate Bill No. 99, Page 1, Section A, Line 7, by inserting after all of said line the following:

"11.010. The official manual, commonly known as the "Blue Book", compiled and electronically published by the secretary of state on its official website is the official manual of this state, and it is unlawful for any officer or employee of this state **except the secretary of state or a designated employee of the secretary of state**, or any board, or department or any officer or employee thereof, to cause to be printed, at state expense, any duplication or rearrangement of any part of the manual. It is also unlawful for the secretary of state to publish, or permit to be published in the manual any duplication, or rearrangement of any part of any report, or other document, required to be printed at the expense of the state which has been submitted to and rejected by him or her as not suitable for publication in the manual.

11.025. Notwithstanding any other provision of law, the secretary of state may enter into an agreement directly with a nonprofit organization for such nonprofit organization to print and distribute copies of the official manual. The secretary of state shall provide to the organization the electronic version of the official manual prepared and published under this chapter. The nonprofit organization shall charge a fee for a copy of the official manual to cover the cost of production and distribution."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Fraker, **House Amendment No. 5** was adopted.

Representative Cornejo offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Committee Substitute for Senate Bill No. 99, Page 1, Section A, Line 7, by inserting after all of said section and line, the following:

"67.1009. 1. The governing body of the following cities may impose a tax as provided in this section:

(1) Any city of the fourth classification with more than eight hundred thirty but fewer than nine hundred inhabitants and located in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants;

(2) Any city of the fourth classification with more than four thousand fifty but fewer than four thousand two hundred inhabitants and located in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants.

2. The governing body of any city listed in subsection 1 of this section may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city, which shall be not more than six tenths of one percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general or primary election a proposal to authorize the governing body of the city to impose a tax pursuant to this section. The tax authorized by this section shall be in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law. Such tax shall be stated separately from all other charges and taxes.

3. The ballot of submission for any tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in (name of city) at a rate of (insert rate of percent up to six tenths of one percent)?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

4. As used in this section, "transient guests" means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter."; and

Further amend said bill, Page 2, Section 79.070, Line 4, by inserting after all of said section and line the following:

"94.270. 1. The mayor and board of aldermen shall have power and authority to regulate and to license and to levy and collect a license tax on auctioneers, druggists, hawkers, peddlers, banks, brokers, pawnbrokers, merchants of all kinds, grocers, confectioners, restaurants, butchers, taverns, hotels, public boardinghouses, billiard and pool tables and other tables, bowling alleys, lumber dealers, real estate agents, loan companies, loan agents, public buildings, public halls, opera houses, concerts, photographers, bill posters, artists, agents, porters, public lecturers, public meetings, circuses and shows, for parades and exhibitions, moving picture shows, horse or cattle dealers, patent right dealers, stockyards, inspectors, gaugers, mercantile agents, gas companies, insurance companies, insurance agents, express companies, and express agents, telegraph companies, light, power and water companies, telephone companies, manufacturing and other corporations or institutions, automobile agencies, and dealers, public garages, automobile repair shops or both combined, dealers in automobile accessories, gasoline filling stations, soft drink stands, ice cream stands, ice cream and soft drink stands combined, soda fountains, street railroad cars, omnibuses, drays, transfer and all other

vehicles, traveling and auction stores, plumbers, and all other business, trades and avocations whatsoever, and fix the rate of carriage of persons, drayage and cartage of property; and to license, tax, regulate and suppress ordinaries, money brokers, money changers, intelligence and employment offices and agencies, public masquerades, balls, street exhibitions, dance houses, fortune tellers, pistol galleries, corn doctors, private venereal hospitals, museums, menageries, equestrian performances, horoscopic views, telescopic views, lung testers, muscle developers, magnifying glasses, ten pin alleys, ball alleys, billiard tables, pool tables and other tables, theatrical or other exhibitions, boxing and sparring exhibitions, shows and amusements, tippling houses, and sales of unclaimed goods by express companies or common carriers, auto wrecking shops and junk dealers; to license, tax and regulate hackmen, draymen, omnibus drivers, porters and all others pursuing like occupations, with or without vehicles, and to prescribe their compensation; and to regulate, license and restrain runners for steamboats, cars, and public houses; and to license ferries, and to regulate the same and the landing thereof within the limits of the city, and to license and tax auto liveries, auto drays and jitneys.

2. Notwithstanding any other law to the contrary, no city of the fourth classification with more than eight hundred but less than nine hundred inhabitants and located in any county with a charter form of government and with more than one million inhabitants shall levy or collect a license fee on hotels or motels in an amount in excess of twenty-seven dollars per room per year. No hotel or motel in such city shall be required to pay a license fee in excess of such amount, and any license fee in such city that exceeds the limitations of this subsection shall be automatically reduced to comply with this subsection.

3. Notwithstanding any other law to the contrary, no city of the fourth classification with more than four thousand one hundred but less than four thousand two hundred inhabitants and located in any county with a charter form of government and with more than one million inhabitants shall levy or collect a license fee on hotels or motels in an amount in excess of thirteen dollars and fifty cents per room per year. No hotel or motel in such city shall be required to pay a license fee in excess of such amount, and any license fee in such city that exceeds the limitations of this subsection shall be automatically reduced to comply with this subsection.

4. Notwithstanding any other law to the contrary, on or after January 1, 2006, no city of the fourth classification with more than fifty-one thousand three hundred and eighty but less than fifty-one thousand four hundred inhabitants and located in any county with a charter form of government and with more than two hundred eighty thousand but less than two hundred eighty-five thousand or no city of the fourth classification with more than fifty-one thousand but fewer than fifty-two thousand inhabitants and located in any county with a charter form of government and with more than two hundred eighty thousand but less than two hundred eighty-five thousand shall levy or collect a license fee on hotels or motels in an amount in excess of one thousand dollars per year. No hotel or motel in such city shall be required to pay a license fee in excess of such amount, and any license fee in such city that exceeds the limitation of this subsection shall be automatically reduced to comply with this subsection.

5. Any city under subsection 4 of this section may increase a hotel and motel license tax by five percent per year but the total tax levied under this section shall not exceed one-eighth of one percent of such hotels' or motels' gross revenue.

6. Any city under [subsections] **subsection 1**], 2, and 3] of this section may increase a hotel and motel license tax by five percent per year but the total tax levied under this section shall not exceed the greater of:

- (1) One-eighth of one percent of such hotels' or motels' gross revenue; or
- (2) The business license tax rate for such hotel or motel on May 1, 2005.

7. The provisions of subsection 6 of this section shall not apply to any tax levied by a city when the revenue from such tax is restricted for use to a project from which bonds are outstanding as of May 1, 2005."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Cornejo, **House Amendment No. 6** was adopted.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 103

Allen	Anderson	Austin	Bahr	Barnes
Berry	Brattin	Burlison	Cierpiot	Cookson
Cornejo	Cox	Crawford	Cross	Davis

Diehl	Dohrman	Dugger	Elmer	Engler
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Parkinson
Pfausch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 048

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Webb	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 012

Bernskoetter	Brown	Conway 104	Curtman	Ellinger
Grisamore	Kelly 45	Korman	Smith 120	Swearingen
Walton Gray	Webber			

On motion of Representative Dugger, **HCS SB 99, as amended**, was adopted.

On motion of Representative Dugger, **HCS SB 99, as amended**, was read the third time and passed by the following vote:

AYES: 112

Allen	Anders	Austin	Barnes	Bernskoetter
Berry	Black	Brattin	Cierpiot	Colona
Conway 10	Cookson	Cornejo	Cox	Crawford
Cross	Curtis	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks

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Higdon	Hinson	Hoskins	Hough	Hubbard
Hurst	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Kratky	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Mayfield	McCaherty	McDonald	McGaugh
Messenger	Miller	Mitten	Molendorp	Morris
Muntzel	Neely	Neth	Nichols	Pfautsch
Phillips	Pike	Reiboldt	Rhoads	Richardson
Riddle	Rizzo	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieffer	Schupp
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 042

Anderson	Bahr	Burlison	Burns	Butler
Carpenter	Dunn	Ellington	Frame	Gardner
Hodges	Houghton	Hummel	Johnson	Kirkton
LaFaver	Marshall	May	McCann Beatty	McKenna
McManus	McNeil	Meredith	Mims	Montecillo
Moon	Morgan	Newman	Norr	Otto
Pace	Parkinson	Peters	Pierson	Pogue
Redmon	Rehder	Remole	Roorda	Schieber
Smith 85	Webb			

PRESENT: 000

ABSENT WITH LEAVE: 009

Brown	Conway 104	Ellinger	Grisamore	Kelly 45
Smith 120	Swearingen	Walton Gray	Webber	

Speaker Jones declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 116

Allen	Anders	Austin	Barnes	Bernskoetter
Black	Cierpiot	Colona	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	English	Englund	Entlicher	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Jones 50	Justus
Keeney	Kelley 127	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
Messenger	Miller	Mims	Mitten	Molendorp
Montecillo	Morris	Neely	Neth	Nichols
Pfautsch	Phillips	Pike	Pogue	Redmon

Reiboldt	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Schatz	Schieffer	Shull	Shumake	Smith 85
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Webb
White	Wieland	Wood	Wright	Zerr
Mr Speaker				

NOES: 040

Anderson	Bahr	Berry	Brattin	Burlison
Burns	Butler	Carpenter	Curtis	Curtman
Dunn	Ellinger	Ellington	Fitzpatrick	Frame
Gardner	Guernsey	Haahr	Johnson	Kirkton
Koenig	Marshall	May	McNeil	Meredith
Moon	Morgan	Muntzel	Newman	Norr
Otto	Pace	Parkinson	Peters	Pierson
Rehder	Remole	Schieber	Schupp	Wilson

PRESENT: 000

ABSENT WITH LEAVE: 007

Brown	Grisamore	Kelly 45	Scharnhorst	Smith 120
Walton Gray	Webber			

SS SCS SB 125, relating to educational accountability, was taken up by Representative Barnes.

Representative Barnes offered **House Amendment No. 1**.

House Amendment No. 1

AMEND Senate Substitute for Senate Committee Substitute for Senate Bill No. 125, Section 161.092, Lines 64 to 71, by deleting all of said lines and inserting in lieu thereof the following:

"(14) Promulgate rules under which the board shall classify the public schools of the state; provided that the appropriate scoring guides, instruments, and procedures used in determining the accreditation status of a district shall be subject to a public meeting upon notice in a newspaper of general circulation in each of the three most populous cities in the state and also a newspaper that is a certified minority business enterprise or woman-owned business enterprise in each of the two most populous cities in the state, and notice to each district board of education, each superintendent of a school district, and to the speaker of the house of representatives, the president pro tem of the senate, and the members of the joint committee on education, at least fourteen days in advance of the meeting, which shall be conducted by the department of elementary and secondary education not less than ninety days prior to their application in accreditation, with all comments received to be reported to the state board of education;"; and

Further amend said bill, page, and section, Line 72, by inserting after all of said line the following:

"162.081. 1. Whenever any school district in this state fails or refuses in any school year to provide for the minimum school term required by section 163.021 or is classified unaccredited [for two successive school years by the state board of education, its corporate organization shall lapse. The corporate organization of any school district that is classified as unaccredited shall lapse on June thirtieth of the second full school year of such unaccredited classification after the school year during which the unaccredited classification is initially assigned. The territory theretofore embraced within any district that lapses pursuant to this section or any portion thereof may be attached to any district for school purposes by the state board of education; but no school district, except a district classified as unaccredited pursuant to

section 163.023 and section 160.538 shall lapse where provision is lawfully made for the attendance of the pupils of the district at another school district that is classified as provisionally accredited or accredited by the state board of education], **the state board of education shall, upon a district's initial classification or reclassification as unaccredited:**

(1) Review the governance of the district to establish the conditions under which the existing school board shall continue to govern; or

(2) Determine the date the district shall lapse and determine an alternative governing structure for the district.

2. [Prior to or] **If at the time any school district in this state shall [lapse, but after the school district has been] be classified as unaccredited, the department of elementary and secondary education shall conduct [a] at least two public [hearing] hearings at a location in the unaccredited school district regarding the accreditation status of the school district. The hearings shall provide an opportunity to convene community resources that may be useful or necessary in supporting the school district as it attempts to return to accredited status, continues under revised governance, or plans for continuity of educational services and resources upon its attachment to a neighboring district. The department may request the attendance of stakeholders and district officials to review the district's plan to return to accredited status, if any; offer technical assistance; and facilitate and coordinate community resources. Such hearings shall be conducted at least twice annually for every year in which the district remains unaccredited or provisionally accredited. [The purpose of the hearing shall be to:**

(1) Review any plan by the district to return to accredited status; or

(2) Offer any technical assistance that can be provided to the district.

3. Except as otherwise provided in section 162.1100, in a metropolitan school district or an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants and in any other school district if the local board of education does not anticipate a return to accredited status, the state board of education may appoint a special administrative board to supervise the financial operations, maintain and preserve the financial assets or, if warranted, continue operation of the educational programs within the district or what provisions might otherwise be made in the best interest of the education of the children of the district. The special administrative board shall consist of two persons who are residents of the school district, who shall serve without compensation, and a professional administrator, who shall chair the board and shall be compensated, as determined by the state board of education, in whole or in part with funds from the district.

4.] **3. Upon [lapse of the district] classification of a district as unaccredited, the state board of education may:**

(1) Allow continued governance by the existing school district board of education under terms and conditions established by the state board of education; or

(2) Lapse the corporate organization of the unaccredited district and:

(a) Appoint a special administrative board, [if such a board has not already been appointed, and authorize the special administrative board to retain the authority granted to a board of education] for the operation of all or part of the district. The number of members of the special administrative board shall not be less than five, the majority of whom shall be residents of the district. The members of the special administrative board shall reflect the population characteristics of the district and shall collectively possess strong experience in school governance, management and finance, and leadership. Within fourteen days after the appointment by the state board of education, the special administrative board shall organize by the election of a president, vice president, secretary and a treasurer, with their duties and organization as enumerated in section 162.301. The special administrative board shall appoint a superintendent of schools to serve as the chief executive officer of the school district and to have all powers and duties of any other general superintendent of schools in a seven-director school district. Any special administrative board appointed under this section shall be responsible for the operation of the district until such time that the district is classified by the state board of education as provisionally accredited for at least two successive academic years, after which time the state board of education may provide for a transition pursuant to section 162.083; or

[(2)] (b) Determine an alternative governing structure for the district including, at a minimum:

a. A rationale for the decision to use an alternative form of governance and in the absence of the district's achievement of full accreditation, the state board of education shall review and recertify the alternative form of governance every three years;

b. A method for the residents of the district to provide public comment after a stated period of time or upon achievement of specified academic objectives;

c. Expectations for progress on academic achievement, which shall include an anticipated time line for the district to reach full accreditation; and

d. Annual reports to the general assembly and the governor on the progress towards accreditation of any district that has been declared unaccredited and is placed under an alternative form of governance, including a review of the effectiveness of the alternative governance; or

(c) Attach the territory of the lapsed district to another district or districts for school purposes; or

[3.] (d) Establish one or more school districts within the territory of the lapsed district, with a governance structure [consistent with the laws applicable to districts of a similar size] **specified by the state board of education**, with the option of permitting a district to remain intact for the purposes of assessing, collecting, and distributing property taxes, to be distributed equitably on a weighted average daily attendance basis, but to be divided for operational purposes, which shall take effect sixty days after the adjournment of the regular session of the general assembly next following the state board's decision unless a statute or concurrent resolution is enacted to nullify the state board's decision prior to such effective date. [The special administrative board may retain the authority granted to a board of education for the operation of the lapsed school district under the laws of the state in effect at the time of the lapse.

5.] **4. If the state board of education chooses, upon a district's initial classification as unaccredited, to allow the district to remain under the continued governance of the existing school district board of education under terms and conditions established by the state board of education in subsection 3 of this section, the state board of education shall annually review such decision under the terms of this section for so long as the district remains unaccredited or provisionally accredited, with consideration given to the following:**

(1) **If the unaccredited district earns an improved score of at least five points in academic achievement on the department's annual performance report as compared to the score it earned in the prior year or if the score is sufficient for accredited status, the state board of education may continue to allow the district to remain under the continued governance of the existing school district board of education under terms and conditions established by the state board of education;**

(2) **If the unaccredited district does not earn an improved score of at least five points in academic achievement on the department's annual performance report as compared to the score it earned in the prior year or has a score that is insufficient for accredited status, then the state board of education shall proceed under subdivision (2) of subsection 3 of this section;**

(3) **In no case shall a district remain under the continued governance of the existing school district board of education if it suffers three consecutive years of unaccredited status. In such cases of continuous unaccredited status, the state board of education shall immediately proceed under subdivision (2) of subsection 3 of this section.**

5. A special administrative board appointed under this section shall retain the authority granted to a board of education for the operation of the lapsed school district under the laws of the state in effect at the time of the lapse and may enter into contracts with accredited school districts or other education service providers in order to deliver high quality educational programs to the residents of the district. If a student graduates while attending a school building in the district that is operated under a contract with an accredited school district as specified under this subsection, the student shall receive his or her diploma from the accredited school district. The authority of the special administrative board shall expire at the end of the third full school year following its appointment, unless extended by the state board of education. If the lapsed district is reassigned, the special administrative board shall provide an accounting of all funds, assets and liabilities of the lapsed district and transfer such funds, assets, and liabilities of the lapsed district as determined by the state board of education. Neither the special administrative board nor its members or employees shall be deemed to be the state or a state agency for any purpose, including section 105.711, et seq. The state of Missouri, its agencies and employees, shall be absolutely immune from liability for any and all acts or omissions relating to or in any way involving the lapsed district, the special administrative board, its members or employees. Such immunities, and immunity doctrines as exist or may hereafter exist benefitting boards of education, their members and their employees shall be available to the special administrative board, its members and employees.

6. [Upon recommendation of the special administrative board, the state board of education may assign the funds, assets and liabilities of the lapsed district to another district or districts. Upon assignment, all authority of the special administrative board shall transfer to the assigned districts.

7.] Neither the special administrative board nor any district or other entity assigned territory, assets or funds from a lapsed district shall be considered a successor entity for the purpose of employment contracts, unemployment compensation payment pursuant to section 288.110, or any other purpose.

[8.] **7. If additional teachers are needed by a district as a result of increased enrollment due to the annexation of territory of a lapsed or dissolved district, such district shall grant an employment interview to any permanent teacher of the lapsed or dissolved district upon the request of such permanent teacher.**

[9. (1) The governing body of a school district, upon an initial declaration by the state board of education that such district is provisionally accredited, may, and, upon an initial declaration by the state board of education that such

district is unaccredited, shall develop a plan to be submitted to the voters of the school district to divide the school district if the district cannot attain accreditation within three years of the initial declaration that such district is unaccredited. In the case of such a district being declared unaccredited, such plan shall be presented to the voters of the district before the district lapses. In the case of such a district being declared provisionally accredited, such plan may be presented before the close of the current accreditation cycle.

(2) The plan may provide that the school district shall remain intact for the purposes of assessing, collecting and distributing taxes for support of the schools, and the governing body of the district shall develop a plan for the distribution of such taxes equitably on a per-pupil basis if the district selects this option.

(3) The makeup of the new districts shall be racially balanced as far as the proportions of students allow.

(4) If a majority of the district's voters approve the plan, the state board of education shall cooperate with the local board of education to implement the plan, which may include use of the provisions of this section to provide an orderly transition to new school districts and achievement of accredited status for such districts.

10.] 8. In the event that a school district with an enrollment in excess of five thousand pupils lapses, no school district shall have all or any part of such lapsed school district attached without the approval of the board of the receiving school district.

162.083. 1. The state board of education may appoint additional members to any special administrative board appointed under section 162.081.

2. The state board of education may set a final term of office for any member of a special administrative board, after which a successor member shall be elected by the voters of the district.

(1) All final terms of office for members of the special administrative board established under this section shall expire on June thirtieth.

(2) The election of a successor member shall occur on the general municipal election day immediately prior to the expiration of the final term of office.

(3) The election shall be conducted in a manner consistent with the election laws applicable to the school district.

3. Nothing in this section shall be construed as barring an otherwise qualified member of the special administrative board from standing for an elected term on the board.

4. [If the state board of education appoints a successor member to replace the chair of the special administrative board, the serving members of the special administrative board shall be authorized to appoint a superintendent of schools and contract for his or her services.

5.] On a date set by the state board of education, any district operating under the governance of a special administrative board shall return to local governance, and continue operation as a school district as otherwise authorized by law.

162.1300. If a change in school district boundary lines occurs under section 162.223, 162.431, 162.441, or 162.451, or by action of the state board of education under section 162.081, including attachment of a school district's territory to another district or dissolution, such that a school district receives additional students as a result of such change, the statewide assessment scores and all other performance data for those students whom the district received shall not be used for three years when calculating the performance of the receiving district for three school years for purposes of the Missouri school improvement program."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative McCann Beatty offered **House Amendment No. 1 to House Amendment No. 1.**

House Amendment No. 1
to
House Amendment No. 1

AMEND House Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 125, Page 3, Lines 16 to 34, by deleting all of said lines and inserting in lieu thereof the following:

"5.] 4. If a district remains under continued governance by the school board under subdivision (1) of subsection 3 of this section and either has been unaccredited for three consecutive school years and failed to attain accredited status after the third school year or has been unaccredited for two consecutive school years and the state board of education determines its academic progress is not consistent with attaining accredited status after the third school year, then the state board of education shall proceed under subdivision (2) of subsection 3 of this section in the following school year."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative McCann Beatty, **House Amendment No. 1 to House Amendment No. 1** was adopted.

Representative Stream offered **House Amendment No. 2 to House Amendment No. 1.**

House Amendment No. 2
to
House Amendment No. 1

AMEND House Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 125, Page 5, Line 13, by inserting after all of said line the following:

‘Further amend said bill, Page 6, Section 168.221, Line 109, by inserting after all of said line the following:

"8. Should the state mandate that professional development for teachers be provided in local school districts and any funds be utilized for such, a metropolitan school district shall be allowed to utilize a professional development plan for teachers which is known within the administration as the "St. Louis Plan," should the district and the teacher decide jointly to participate in such plan."; and’; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Stream, **House Amendment No. 2 to House Amendment No. 1** was adopted.

On motion of Representative Barnes, **House Amendment No. 1, as amended**, was adopted.

On motion of Representative Barnes, **SS SCS SB 125, as amended**, was read the third time and passed by the following vote:

AYES: 107

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Colona	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellington	Elmer	Engler	Entlicher	Fitzpatrick

Fitzwater	Flanigan	Fraker	Franklin	Frederick
Funderburk	Gardner	Gatschenberger	Gosen	Guernsey
Haahr	Haefner	Hansen	Hicks	Hinson
Hough	Houghton	Hubbard	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Marshall	McCaherty
McCann Beatty	McGaugh	Miller	Montecillo	Moon
Muntzel	Neely	Neth	Parkinson	Peters
Pfautsch	Pierson	Pike	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Scharnhorst	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
Webb	White	Wieland	Wilson	Wood
Wright	Mr Speaker			

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Conway 10	Ellinger	English	Englund	Fowler
Frame	Gannon	Hampton	Harris	Hodges
Hoskins	Hummel	Hurst	Kirkton	Kratky
Lynch	May	Mayfield	McDonald	McKenna
McManus	McNeil	Meredith	Messenger	Mims
Mitten	Molendorp	Morgan	Morris	Newman
Nichols	Norr	Otto	Pace	Phillips
Pogue	Rizzo	Roorda	Rowland	Runions
Schieffer	Schupp	Smith 85	Swearingen	

PRESENT: 000

ABSENT WITH LEAVE: 007

Grisamore	Higdon	Kelly 45	Smith 120	Walton Gray
Webber	Zerr			

Speaker Jones declared the bill passed.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report No. 2 on **SS HCS HJR 11 & 7, as amended**, and has taken up and passed **CCS#2 SS HCS HJR 11 & 7**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate conferees are allowed to exceed the differences on **HCS SS#2 SCS SB 1, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 127, as amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

BILLS IN CONFERENCE

HCS HBs 256, 33 & 305, with Senate Amendment No. 2 and Senate Amendment No. 3, relating to the open meetings and records law, was taken up by Representative Jones (50).

Representative McCaherty assumed the Chair.

Representative Jones (50) moved that the House conferees be allowed to exceed the differences on **HCS HBs 256, 33 & 305**.

Which motion was adopted.

HCS SS#2 SCS SB 1, as amended, relating to workers' compensation, was taken up by Representative Richardson.

Representative Richardson moved that the House conferees be allowed to exceed the differences on **HCS SS#2 SCS SB 1, as amended**.

Which motion was adopted.

BILLS CARRYING REQUEST MESSAGES

HCS SB 330, as amended, relating to professional registration, was taken up by Representative Burlison.

Representative Burlison moved that the House grant the Senate a further conference on **HCS SB 330, as amended**.

Which motion was adopted.

HCS SCS SB 45, as amended, relating to judicial procedures, was taken up by Representative Hough.

Representative Hough moved that the House refuse to recede from its position on **HCS SCS SB 45, as amended**, and grant the Senate a conference.

Which motion was adopted.

HCS SB 161, as amended, relating to health insurance, was taken up by Representative Stream.

Representative Stream moved that the House refuse to recede from its position on **HCS SB 161, as amended**, and grant the Senate a conference.

Which motion was adopted.

HCS SB 127, as amended, relating to MO HealthNet benefits, was taken up by Representative Lichtenegger.

Representative Lichtenegger moved that the House refuse to recede from its position on **HCS SB 127, as amended**, and grant the Senate a conference.

Which motion was adopted.

SCS SB 248, with House Amendment No. 1 and House Amendment No. 2, relating to neighborhood improvement districts, was taken up by Representative Fraker.

Representative Fraker moved that the House refuse to recede from its position on **House Amendment No. 1 and House Amendment No. 2 to SCS SB 248** and grant the Senate a conference.

Which motion was adopted.

HOUSE BILLS WITH SENATE AMENDMENTS

SS SCS HCS HBs 374 & 434, as amended, relating to transfer of judicial positions, was taken up by Representative Elmer.

Representative Elmer moved that the House refuse to adopt **SS SCS HCS HBs 374 & 434, as amended**, and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

THIRD READING OF SENATE BILL

HCS SB 51, as amended, relating to motor vehicles, was taken up by Representative Guernsey.

Representative Cornejo offered **House Amendment No. 11**.

House Amendment No. 11

AMEND House Committee Substitute for Senate Bill No. 51, Page 21, Section 304.022, Line 69, by inserting after said line the following:

"304.152. 1. Notwithstanding any provision of the law to the contrary, no law enforcement agency may establish a roadside checkpoint or road block pattern based upon a particular vehicle type, including the establishment of motorcycle-only checkpoints.

2. Notwithstanding subsection 1 of this section, a law enforcement agency may establish a roadside checkpoint pattern that only stops and checks commercial motor vehicles, as defined in section 301.010.

3. The provisions of this section shall not be construed to restrict any other type of checkpoint or road block which is lawful and is established and operated in accordance with the provisions of the United States Constitution and the Constitution of Missouri."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Cornejo, **House Amendment No. 11** was adopted.

Representative Schatz offered **House Amendment No. 12**.

House Amendment No. 12

AMEND House Committee Substitute for Senate Bill No. 51, Page 19, Section 302.755, Line 78, by inserting after said line the following:

"302.767. Notwithstanding sections 302.700, 302.720, 302.735, 302.740, 302.755 to the contrary, the department of revenue shall have until July 8, 2015, to comply with the provisions of 49 CFR 383, 384, and 385 pertaining to the commercial driver's license testing and commercial learner's permit standards rule issued by the federal motor carrier safety administration."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Schatz, **House Amendment No. 12** was adopted.

Representative Burlison offered **House Amendment No. 13**.

House Amendment No. 13

AMEND House Committee Substitute for Senate Bill No. 51, Page 2, Section 301.301, Line 8, by inserting after all of said section and line the following:

"302.020. 1. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by section 302.080, to:

(1) Operate any vehicle upon any highway in this state unless the person has a valid license;
(2) Operate a motorcycle or motortricycle upon any highway of this state unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the director. The director may indicate such upon a valid license issued to such person, or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by section 302.173, is conducted on such vehicle;

(3) Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;

(4) Operate a motor vehicle with an instruction permit or license issued to another person.

2. Every person **who is under twenty-one years of age** operating or riding as a passenger on any motorcycle or motortricycle, as defined in section 301.010, upon any highway of this state shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the director.

3. Notwithstanding the provisions of section 302.340 any person convicted of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a misdemeanor. A first violation of subdivision (1) or (2) of subsection 1 of this section shall be punishable by a fine not to exceed three hundred dollars. A second violation of subdivision (1) or (2) of subsection 1 of this section shall be punishable by imprisonment in the county jail for a term not to exceed one year and/or a fine not to exceed one thousand dollars. Any person convicted a third or subsequent time of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class D felony. Notwithstanding the provisions of section 302.340, violation of subdivisions (3) and (4) of subsection 1 of this section is a misdemeanor, the first violation punishable by a fine not to exceed three hundred dollars, a second or subsequent violation of this section punishable as a class C misdemeanor, and the penalty for failure to wear protective headgear as required by subsection 2 of this section is an infraction for which a fine not to exceed twenty-five dollars may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points

shall be assessed pursuant to section 302.302 for a failure to wear such protective headgear. Prior pleas of guilty and prior findings of guilty shall be pleaded and proven in the same manner as required by section 558.021.

302.132. 1. Any person at least fifteen and one-half years of age who, except for age or lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain a motorcycle or motortricycle license or endorsement pursuant to sections 302.010 to 302.340 may apply, with the written consent of the parent or guardian of such person, for a temporary motorcycle instruction permit to operate a motorcycle or motortricycle.

2. The director shall issue a temporary motorcycle instruction permit under this section if the applicant has completed a motorcycle rider training course approved under sections 302.133 to 302.138 and is otherwise eligible for the temporary permit. **An applicant issued a temporary motorcycle instruction permit under this section may renew such permit two additional times, for a total maximum permit period of eighteen months.**

3. A person receiving a temporary motorcycle permit and having it in his **or her** immediate possession shall be entitled to operate a motorcycle or motortricycle for a period of six months upon the highways of the state, and persons under the age of sixteen shall be subject to the following restrictions:

(1) The motorcycle or motortricycle may not have an engine with a displacement of greater than two hundred fifty cubic centimeters;

(2) The operator shall not travel at any time from a half-hour after sunset to a half-hour before sunrise;

(3) The operator shall not carry any passengers; and

(4) The operator shall not travel over fifty miles from the operator's home address."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Burlison, House Amendment No. 13 was adopted.

Representative Rhoads offered House Amendment No. 14.

House Amendment No. 14

AMEND House Committee Substitute for Senate Bill No. 51, Page 2, Section 301.301, Line 8, by inserting after all of said section and line the following:

"302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

(1) Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in section 302.303. 2 points
(except any violation of municipal stop sign ordinance where no accident is involved. 1 point)

(2) Speeding
In violation of a state law. 3 points
In violation of a county or municipal ordinance. 2 points

(3) Leaving the scene of an accident in violation of section 577.060. 12 points
In violation of any county or municipal ordinance. 6 points

(4) Careless and imprudent driving in violation of subsection 4 of section 304.016. 4 points
In violation of a county or municipal ordinance. 2 points

(5) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020:
(a) For the first conviction. 2 points
(b) For the second conviction. 4 points
(c) For the third conviction. 6 points
(6) Operating with a suspended or revoked license prior to restoration of operating privileges. . . 12 points
(7) Obtaining a license by misrepresentation. 12 points
(8) For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs. 8 points

(9) For the second or subsequent conviction of any of the following offenses however combined: driving while in an intoxicated condition, driving under the influence of controlled substances or drugs or driving with a blood alcohol content of eight-hundredths of one percent or more by weight. 12 points

- (10) For the first conviction for driving with blood alcohol content eight-hundredths of one percent or more by weight In violation of state law. 8 points
- In violation of a county or municipal ordinance or federal law or regulation.. . . . 8 points
- (11) Any felony involving the use of a motor vehicle. 12 points
- (12) Knowingly permitting unlicensed operator to operate a motor vehicle. 4 points
- (13) For a conviction for failure to maintain financial responsibility pursuant to county or municipal ordinance or pursuant to section 303.025. 4 points
- (14) Endangerment of a highway worker in violation of section 304.585. 4 points
- (15) Aggravated endangerment of a highway worker in violation of section 304.585. 12 points
- (16) For a conviction of violating a municipal ordinance that prohibits tow truck operators from stopping at or proceeding to the scene of an accident unless they have been requested to stop or proceed to such scene by a party involved in such accident or by an officer of a public safety agency. 4 points

(17) Endangerment of an emergency responder in violation of section 304.894. 4 points

(18) Aggravated endangerment of an emergency responder in violation of section 304.894. . 12 points

2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020, when the director issues such operator a license or permit pursuant to the provisions of sections 302.010 to 302.340.

3. An additional two points shall be assessed when personal injury or property damage results from any violation listed in subdivisions (1) to (13) of subsection 1 of this section and if found to be warranted and certified by the reporting court.

4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this section constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for offenses arising out of the same occurrence.

5. The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver-improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle-rider training course approved by the state highways and transportation commission, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700 or a violation committed by an individual who has been issued a commercial driver's license or is required to obtain a commercial driver's license in this state or any other state, shall be accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4) of subsection 1 of this section or pursuant to subsection 3 of this section. A court using a centralized violation bureau established under section 476.385 may elect to have the bureau order and verify completion of a driver-improvement program or motorcycle-rider training course as prescribed by order of the court. For the purposes of this subsection, the driver-improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the state highways and transportation commission pursuant to sections 302.133 to 302.137. The completion of a driver-improvement program or a motorcycle-rider training course shall not be accepted in lieu of points more than one time in any thirty-six-month period and shall be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days after completion of the driver-improvement program or motorcycle-rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection."; and

Further amend said bill, Section 304.820, Page 29, Line 59, by inserting after all of said section and line the following:

"304.890. As used in sections 304.890 to 304.894, the following terms shall mean:

(1) "Active emergency", any incident occurring on a highway, as the term "highway" is defined in section 302.010, that requires emergency services from any emergency responder;

(2) "Active emergency zone", any area upon or around any highway, which is visibly marked by emergency responders performing work for the purpose of emergency response, and where an active emergency,

or incident removal, is temporarily occurring. This area includes the lanes of highway leading up to an active emergency or incident removal, beginning within three hundred feet of visual sighting of:

- (a) Appropriate signs or traffic control devices posted or placed by emergency responders; or
- (b) An emergency vehicle displaying active emergency lights or signals;
- (3) "Emergency responder", any law enforcement officer, paid or volunteer firefighter, first responder, emergency medical worker, tow truck operator, or other emergency personnel responding to an emergency on a highway.

304.892. 1. Upon the first conviction, finding of guilt, or plea of guilty by any person for a moving violation, as the term "moving violation" is defined in section 302.010, or any offense listed in section 302.302, other than a violation described in subsection 2 of this section, when the violation or offense occurs within an active emergency zone, the court shall assess a fine of thirty-five dollars in addition to any other fine authorized by law. Upon a second or subsequent conviction, finding of guilt, or plea of guilty, the court shall assess a fine of seventy-five dollars in addition to any other fine authorized by law.

2. Upon the first conviction, finding of guilt, or plea of guilty by any person for a speeding violation under either section 304.009 or 304.010, or a passing violation under subsection 3 of this section, when the violation or offense occurs within an active emergency zone and emergency responders were present in such zone at the time of the offense or violation, the court shall assess a fine of two hundred fifty dollars in addition to any other fine authorized by law. Upon a second or subsequent conviction, finding of guilt, or plea of guilty, the court shall assess a fine of three hundred dollars in addition to any other fine authorized by law. However, no person assessed an additional fine under this subsection shall also be assessed an additional fine under subsection 1 of this section.

3. The driver of a motor vehicle shall not overtake or pass another motor vehicle within an active emergency zone. Violation of this subsection is a class C misdemeanor.

4. The additional fines imposed by this section shall not be construed to enhance the assessment of court costs or the assessment of points under section 302.302.

304.894. 1. A person commits the offense of endangerment of an emergency responder for any of the following offenses when the offense occurs within an active emergency zone:

- (1) Exceeding the posted speed limit by fifteen miles per hour or more;
- (2) Passing in violation of subsection 3 of section 304.892;
- (3) Failure to stop for an active emergency zone flagman or emergency responder, or failure to obey traffic control devices erected, or personnel posted, in the active emergency zone for purposes of controlling the flow of motor vehicles through the zone;
- (4) Driving through or around an active emergency zone via any lane not clearly designated for motorists to control the flow of traffic through or around the active emergency zone;
- (5) Physically assaulting, attempting to assault, or threatening to assault an emergency responder with a motor vehicle or other instrument;
- (6) Intentionally striking, moving, or altering barrels, barriers, signs, or other devices erected to control the flow of traffic to protect emergency responders and motorists unless the action was necessary to avoid an obstacle, an emergency, or to protect the health and safety of an occupant of the motor vehicle or of another person; or
- (7) Committing any of the following offenses for which points may be assessed under section 302.302:
 - (a) Leaving the scene of an accident in violation of section 577.060;
 - (b) Careless and imprudent driving in violation of subsection 4 of section 304.016;
 - (c) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020;
 - (d) Operating with a suspended or revoked license;
 - (e) Driving while in an intoxicated condition or under the influence of controlled substances or drugs or driving with an excessive blood alcohol content;
 - (f) Any felony involving the use of a motor vehicle.

2. Upon a finding of guilt or a plea of guilty for committing the offense of endangerment of an emergency responder under subsection 1 of this section, if no injury or death to an emergency responder resulted from the offense, the court shall assess a fine of not more than one thousand dollars, and four points shall be assessed to the operator's license under section 302.302.

3. A person commits the offense of aggravated endangerment of an emergency responder upon a finding of guilt or a plea of guilty for any offense under subsection 1 of this section when such offense results in the injury or death of an emergency responder. Upon a finding of guilt or a plea of guilty for committing the offense of aggravated endangerment of an emergency responder, in addition to any other penalty authorized by law, the court shall assess a fine of not more than five thousand dollars if the offense resulted in injury to an emergency responder, and ten thousand dollars if the offense resulted in the death of an emergency responder. In addition, twelve points shall be assessed to the operator's license under section 302.302.

4. Except for the offense established under subdivision (6) of subsection 1 of this section, no person shall be deemed to have committed the offense of endangerment of an emergency responder except when the act or omission constituting the offense occurred when one or more emergency responders were responding to an active emergency.

5. No person shall be cited for, or found guilty of, endangerment of an emergency responder or aggravated endangerment of an emergency responder, for any act or omission otherwise constituting an offense under subsection 1 of this section, if such act or omission resulted in whole or in part from mechanical failure of the person's vehicle, or from the negligence of another person or emergency responder."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Rhoads, **House Amendment No. 14** was adopted.

Representative Kelley (127) offered **House Amendment No. 15**.

House Amendment No. 15

AMEND House Committee Substitute for Senate Bill No. 51, Page 27, Section 304.180, Line 139, by inserting immediately after said line the following:

"11. Notwithstanding any provision of this section or any other law to the contrary, the department of transportation shall issue emergency utility response permits for the transporting of utility wires or cables, poles, and equipment needed for repair work immediately following a disaster where utility service has been disrupted. Under exigent circumstances, verbal approval of such operation may be made either by the motor carrier compliance supervisor or other designated motor carrier services representative. Utility vehicles and equipment used to assist utility companies granted special permits under this subsection may be operated and transported on state-maintained roads and highways at any time on any day. The department of transportation shall promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Kelley (127), **House Amendment No. 15** was adopted.

Representative Korman offered **House Amendment No. 16**.

House Amendment No. 16

AMEND House Committee Substitute for Senate Bill No. 51, Page 31, Section 307.400, Line 81, by inserting after said line the following:

"Section 1. The portion of interstate highway 70 in Montgomery County between mile marker 165.0 and 166.0 shall be designated the "Graham's Picnic Rock Highway". The department of transportation shall erect and maintain appropriate signs designating such highway. The signs shall not be erected until the next lane widening or pavement replacement project within that portion of the highway."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Korman, **House Amendment No. 16** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 102

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Davis	Diehl	Dohrman
Dugger	Elmer	Entlicher	Fitzpatrick	Fitzwater
Fowler	Fraker	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Moon
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 048

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Webb	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 013

Curtman	Ellinger	Engler	Flanigan	Higdon
Jones 50	Kelly 45	McManus	Molendorp	Phillips
Smith 120	Walton Gray	Webber		

On motion of Representative Guernsey, **HCS SB 51, as amended**, was adopted.

On motion of Representative Guernsey, **HCS SB 51, as amended**, was read the third time and passed by the following vote:

AYES: 107

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Cierpiot	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Davis	Diehl	Dohrman	Dugger	Elmer
English	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hurst
Jones 50	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Kratky	Lair	Lant	Lauer
Leara	Love	Lynch	Mayfield	McCaherty
McDonald	McGaugh	McKenna	Messenger	Miller
Morris	Muntzel	Neely	Neth	Otto
Parkinson	Pfautsch	Pike	Redmon	Rehder
Reiboldt	Rhoads	Richardson	Riddle	Roorda
Ross	Rowden	Rowland	Runions	Schatz
Schieffer	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 046

Burns	Butler	Carpenter	Colona	Curtis
Dunn	Ellinger	Ellington	Englund	Entlicher
Fitzpatrick	Frame	Frederick	Gardner	Hummel
Johnson	Justus	Kirkton	LaFaver	Lichtenegger
Marshall	McCann Beatty	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Moon	Morgan
Newman	Nichols	Norr	Pace	Peters
Phillips	Pierson	Pogue	Remole	Rizzo
Schieber	Schupp	Smith 85	Swearingen	Webb
White				

PRESENT: 000

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ABSENT WITH LEAVE: 010

Curtman	Engler	Higdon	Kelly 45	May
Molendorp	Scharnhorst	Smith 120	Walton Gray	Webber

Representative McCaherty declared the bill passed.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frederick	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfausch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Swearingen	Webb	Wright

PRESENT: 000

ABSENT WITH LEAVE: 009

Franklin	Funderburk	Higdon	Jones 50	Kelly 45
Molendorp	Smith 120	Walton Gray	Webber	

The emergency clause was defeated by the following vote:

AYES: 083

Allen	Austin	Barnes	Bernskoetter	Brattin
Brown	Cierpiot	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haefner	Hampton	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hurst	Keeney
Kelley 127	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lynch	McCaherty	McGaugh
Messenger	Miller	Morris	Muntzel	Neth
Otto	Pfautsch	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rowden	Rowland	Schatz	Shull
Shumake	Solon	Sommer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wood	Zerr	Mr Speaker		

NOES: 071

Anders	Anderson	Bahr	Berry	Black
Burlison	Burns	Butler	Carpenter	Colona
Conway 10	Curtis	Curtman	Dunn	Ellinger
Ellington	English	Englund	Entlicher	Fitzpatrick
Frame	Gardner	Haahr	Hansen	Harris
Hicks	Hummel	Johnson	Justus	Kirkton
Koenig	Kratky	LaFaver	Lichtenegger	Love
Marshall	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Moon	Morgan	Neely
Newman	Nichols	Norr	Pace	Parkinson
Peters	Phillips	Pierson	Rizzo	Roorda
Ross	Runions	Schieber	Schieffer	Schupp
Smith 85	Spencer	Swearingen	Webb	Wilson
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 009

Funderburk	Higdon	Jones 50	Kelly 45	Molendorp
Scharnhorst	Smith 120	Walton Gray	Webber	

Speaker Jones resumed the Chair.

APPOINTMENT OF CONFERENCE COMMITTEES

The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:

HCS SCS SB 45: Representatives Hough, Elmer and Colona

HCS SB 127: Representatives Lichtenegger, Barnes and Kirkton

HCS SB 161: Representatives Stream, Richardson and McNeil

SCS SB 248: Representatives Fraker, Crawford and Kratky

SB 327: Representatives Haahr, Cornejo and Roorda

HCS SB 330: Representatives Burlison, Keeney and Kratky

Representative McCaherty resumed the Chair.

BILLS IN CONFERENCE

SS HCS HB 199, as amended, relating to obsolete elections statutes, was taken up by Representative Dugger.

Representative Dugger moved that the House conferees be allowed to exceed the differences on **SS HCS HB 199, as amended**.

Which motion was adopted.

COMMITTEE REPORTS

Committee on Veterans, Chairman Davis reporting:

Mr. Speaker: Your Committee on Veterans, to which was referred **SCR 13**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Riddle reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HRM 1**, begs leave to report it has examined the same and recommends that it **Do Pass**.

HOUSE REMONSTRANCE NO. 1

WHEREAS, the people of the State of Missouri cherish their right to bear arms, as protected by the Missouri Constitution and the Constitution of the United States; and

WHEREAS, the people of the State of Missouri cherish their right to privacy and protection of their personal private information; and

WHEREAS, Section 571.101, RSMo, declares that a concealed carry endorsement shall not be public information and shall be personal protected information; and

WHEREAS, Section 571.101, RSMo, declares that any person who discloses such protected information is guilty of a crime; and

WHEREAS, it is the duty of the Governor of the State of Missouri to enforce the laws of the State of Missouri; and

WHEREAS, the Governor has the duty to require all departments of the executive to enforce the laws of the State of Missouri; and

WHEREAS, officials in the Department of Revenue have publicly admitted that personal protected information has been disclosed by the department in violation of the laws of the State of Missouri; and

WHEREAS, officials in the Department of Public Safety have publicly admitted that personal protected information has been disclosed by the department in violation of the laws of the State of Missouri; and

WHEREAS, no provision of law authorized the release of such personal protected information:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-seventh General Assembly, First Regular Session, hereby:

(1) Strongly condemn the release of the protected personal information in violation of the laws of the State of Missouri;

(2) Remonstrate against the Department of Revenue and the Department of Public Safety for the release of personal protected information which has been publicly admitted by the departments; and

BE IT FURTHER RESOLVED that the House of Representatives demands that the Governor enforce the laws of this state by immediately investigating, disciplining, and removing any members of the executive departments who are responsible for this egregious breach of public trust and violation of the laws of the State of Missouri; and

BE IT FURTHER RESOLVED that the House of Representatives deems any failure of the Governor to investigate, discipline, and remove any members of the executive departments who are responsible for the release of the personal protected information to be a "willful neglect of duty" under Article VII, Section 1 of the Missouri Constitution; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this remonstrance for Governor Jay Nixon, John R. Mollenkamp, Acting Director of the Department of Revenue, and Jerry Lee, Director of the Department of Public Safety.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HBs 149 & 536**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 170**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SS SCS SB 210**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SS SB 251**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SS SB 366**, begs leave to report it has examined the same and recommends that it **Do Pass**.

REFERRAL OF HOUSE JOINT RESOLUTION

The following House Joint Resolution was referred to the Committee indicated:

HJR 17 - Fiscal Review

REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

HB 512 - Downsizing State Government

REFERRAL OF SENATE CONCURRENT RESOLUTION

The following Senate Concurrent Resolution was referred to the Committee indicated:

SS SCR 15 - Rules

REFERRAL OF SENATE JOINT RESOLUTION

The following Senate Joint Resolution was referred to the Committee indicated:

SCS SJR 14 - Fiscal Review

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

HCS SS SB 251 - Fiscal Review

SS SB 366 - Fiscal Review

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1035**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 1035, with Senate Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, and 9 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1035, as amended;

2. That the House recede from its position on House Committee Substitute for House Bill No. 1035;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1035, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Mike Kelley
/s/ Paul Curtman
/s/ Jay Swearingen

FOR THE SENATE:

/s/ Eric Schmitt
/s/ David Pearce
/s/ Bob Dixon
/s/ Ryan McKenna
/s/ Jason Holsman

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 36**

The Conference Committee appointed on Senate Committee Substitute for Senate Bill No. 36, with House Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Committee Substitute for Senate Bill No. 36, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 36;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 36, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Wayne Wallingford
/s/ Bob Dixon
/s/ Gary Romine
/s/ Jolie Justus
/s/ Joseph Keaveny

FOR THE HOUSE:

/s/ Ron Hicks
/s/ Stanley Cox
/s/ Jeremy LaFaver

**CONFERENCE COMMITTEE REPORT
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 157
AND
SENATE BILL NO. 102**

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 157 and Senate Bill No. 102, with House Amendment Nos. 1 and 2, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3 as amended and House Amendment No. 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 157 and Senate Bill No. 102, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 157 and Senate Bill No. 102;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 157 and Senate Bill No. 102, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ David Sater
/s/ Will Kraus
/s/ Ryan Silvey
/s/ Jolie Justus
/s/ Joseph Keaveny

FOR THE HOUSE:

/s/ Don Phillips
/s/ Tony Dugger
/s/ Mary Nichols

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Wednesday, May 15, 2013.

COMMITTEE HEARINGS

ADMINISTRATION AND ACCOUNTS

Thursday, May 16, 2013, 9:30 AM, House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

We will be voting on the amendments to the House Policy Book.

BUDGET

Thursday, May 16, 2013, 8:00 AM, House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Review tax credits - DED, DHSS, DOR, DIFP, DSS, DNR, MoAg

FISCAL REVIEW

Wednesday, May 15, 2013, 8:30 AM, South Gallery.

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Thursday, May 16, 2013, 8:30 AM, South Gallery.

Executive session may be held on any matter referred to the committee.

RULES

Wednesday, May 15, 2013, Upon Afternoon Adjournment, House Hearing Room 7.

Public hearing will be held: SS SCR 15

Executive session will be held: SS SCR 15

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

SIXTY-NINTH DAY, WEDNESDAY, MAY 15, 2013

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HJR 19 - Bahr
- 2 HCS HJR 15 - Brattin
- 3 HCS HJR 35 - Jones (50)
- 4 HCS HJR 23 - Hinson

HOUSE BILLS FOR PERFECTION

- 1 HB 227 - Zerr
- 2 HB 423 - Zerr
- 3 HB 578, as amended - Funderburk
- 4 HCS HB 221 - Leara
- 5 HCS HB 701 - Molendorp
- 6 HB 255 - Torpey
- 7 HB 242 - Ellington
- 8 HB 503, as amended, HA 1 HA 3, and HA 3, pending - McCaherty
- 9 HB 448 - Webb

- 10 HCS HB 234 - Gatschenberger
- 11 HB 616 - Bahr
- 12 HB 185 - Kirkton
- 13 HCS HB 641 - Korman
- 14 HCS HB 402 - Shumake
- 15 HCS HB 83 - Reiboldt
- 16 HCS HB 132 - Stream
- 17 HCS HB 1041 - Swan
- 18 HCS HBs 309 & 73 - Solon
- 19 HCS HB 350 - Frederick
- 20 HCS HB 464 - Higdon
- 21 HCS HB 484 - Lauer
- 22 HCS HB 564 - McGaugh
- 23 HCS HB 604 - Phillips
- 24 HCS HB 608 - Frederick
- 25 HCS HB 685 - Burlison
- 26 HB 745 - Thomson
- 27 HCS HB 783 - Diehl
- 28 HCS HB 814 - Fraker
- 29 HCS HB 830 - Jones (50)
- 30 HB 863 - Allen
- 31 HCS HB 930 - Flanigan
- 32 HB 411 - Muntzel
- 33 HB 447 - Diehl
- 34 HB 467 - Lichtenegger
- 35 HB 827 - Redmon
- 36 HB 915 - Bahr
- 37 HCS HB 975 - Richardson
- 38 HCS HB 198 - Funderburk
- 39 HB 385 - Burlison
- 40 HCS HBs 77, 91 & 95 - Burlison
- 41 HCS HB 398 - Riddle
- 42 HCS#2 HB 927 - Reiboldt
- 43 HCS HB 749 - Cross

HOUSE JOINT RESOLUTIONS FOR THIRD READING

HJR 17, (Fiscal Review 5/14/13) - Burlison

HOUSE BILLS FOR THIRD READING

- 1 HB 201 - Torpey
- 2 HCS HBs 521 & 579, (Fiscal Review 3/27/13) - Koenig
- 3 HCS HB 470 - Barnes
- 4 HCS#2 HB 178 - Koenig
- 5 HB 162 - Sommer
- 6 HCS HB 458 - Scharnhorst

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 11 - Walton Gray
- 2 HCR 21 - Black
- 3 HCR 32 - Schatz

SENATE JOINT RESOLUTIONS FOR THIRD READING

SCS SJR 14, (Fiscal Review 5/14/13) - Jones (50)

SENATE BILLS FOR THIRD READING

- 1 HCS SCS SB 88 - Frederick
- 2 SCS SB 224 - Rizzo
- 3 HCS SS SCS SB 241 - Cierpiot
- 4 HCS SB 18, E.C. - Cox
- 5 SCS SB 87 - Bahr
- 6 SCS SB 178 - Kirkton
- 7 HCS SCS SB 89, E.C. - Jones (50)
- 8 HCS SB 12, E.C. - Jones (50)
- 9 HCS SB 100, E.C. - Cox
- 10 HCS SS SB 282 - Hough
- 11 HCS SB 75 - Burlison
- 12 HCS SS SB 245 - Mitten
- 13 HCS SCS SBs 317 & 319 - Gosen
- 14 HCS SB 24, E.C. - Hinson
- 15 HCS SS SCS SB 83, E.C. - Jones (50)
- 16 HCS SB 342 - Guernsey
- 17 SCS SB 381 - Cross
- 18 HCS SB 73 - Cornejo
- 19 HCS SCS SB 118 - Cox
- 20 HCS SB 112, E.C. - Zerr
- 21 HCS SS SB 401, E.C. - Molendorp
- 22 SB 72 - Jones (50)
- 23 SB 138 - Gatschenberger
- 24 SB 218 - McKenna
- 25 SB 170 - Smith (85)
- 26 HCS SS SB 251, (Fiscal Review 5/14/13) - Guernsey
- 27 SS SB 366, (Fiscal Review 5/14/13), E.C. - Flanigan

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 SS SCS HB 542, as amended - Love
- 2 SCS HCS HB 351, as amended, E.C. - Frederick
- 3 SS HCS HB 58, E.C. - Molendorp
- 4 SCS HB 322 - Gosen
- 5 SCS HB 533, as amended - Riddle

BILLS CARRYING REQUEST MESSAGES

SS SCS HCS HBs 374 & 434, as amended (request Senate recede/grant conference) - Elmer

BILLS IN CONFERENCE

- 1 SCS HCS#2 HB 698, as amended, E.C. - Zerr
- 2 HCS SS#2 SCS SB 1, as amended (exceed differences), E.C. - Richardson
- 3 SS SCS HB 307, as amended - Riddle
- 4 HCS SS SB 262, as amended (exceed differences), E.C. - Molendorp
- 5 CCR HCS SCS SB 157 and SB 102, as amended - Phillips
- 6 HCS SCS SB 17, as amended (Senate exceed differences on HA 5) - Thomson
- 7 HCS SCS SB 9, as amended - Guernsey
- 8 CCR HCS SB 43, as amended, E.C. - Kolkmeier
- 9 CCR SCS SB 36, HA 1 - Hicks
- 10 CCR SCS HCS HB 1035, as amended, E.C. - Kelley (127)
- 11 SB 77, HA 1 - Allen
- 12 HCS SB 57, as amended - Engler
- 13 HCS SCS SB 42, as amended - Jones (50)
- 14 HCS SB 90, as amended - Dugger
- 15 SCS SB 33, HA 1, HA 2, HA 3, HA 4, HA 5, HA 6 - Grisamore
- 16 HCS SB 41, as amended - Hough
- 17 SB 327, HA 1 - Haahr
- 18 HCS HBs 256, 33 & 305, SA 2, SA 3 (exceed differences), E.C. - Jones (50)
- 19 SS HCS HB 199, as amended, E.C. - Dugger
- 20 HCS SB 330, as amended - Burlison
- 21 HCS SCS SB 45, as amended - Hough
- 22 HCS SB 161, as amended - Stream
- 23 HCS SB 127, as amended - Lichtenegger
- 24 SCS SB 248, HA 1, HA 2 - Fraker

SENATE CONCURRENT RESOLUTIONS

SCS SCR 5 - Frederick

HOUSE RESOLUTIONS

HR 222 - Scharnhorst

HOUSE REMONSTRANCES

HRM 1 - Marshall

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

SIXTY-NINTH DAY, WEDNESDAY, MAY 15, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

He giveth power to the faint; and to them that have no might He increaseth strength. (Isaiah 40:29)

Almighty God, Whose saving truth never lets us down and Whose patient love never lets us go, make us conscious of Your presence as in spirit we bow before You in this morning moment of meditation and prayer. Speak Your Word to us and give us ears to hear, minds to heed, and hands and feet to do Your will - in Your way - for Your work during these final days.

Humble us in our pride, strengthen us in our weakness, and make us giants in heart when we would be little in spirit, that we may have joy in our endeavors and happiness in our minds. We need Your grace to listen, to relax, and to be at peace despite so many distractions.

Bless our state and every institution, every citizen, and every effort made which helps people to love one another and to live together. May Your kingdom come and Your will be done in us now.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Molly Daniels, Charlotte Geger, Samantha Geger, Bradley Schoenthal, Evan Schoenthal and Calen Kruger.

The Journal of the sixty-eighth day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 3232 through House Resolution No. 3275

COMMITTEE REPORTS

Committee on Fiscal Review, Chairman Flanigan reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HJR 17**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **SCS SJR 14**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS SB 251**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **SS SB 366**, begs leave to report it has examined the same and recommends that it **Do Pass**.

HOUSE RESOLUTION

HR 222, relating to House employment, was taken up by Representative Scharnhorst.

On motion of Representative Scharnhorst, **HR 222** was adopted.

THIRD READING OF SENATE BILLS

SCS SB 381, relating to the creation of the Innovation Education Campus Fund, was taken up by Representative Cross.

On motion of Representative Cross, **SCS SB 381** was truly agreed to and finally passed by the following vote:

AYES: 151

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hoskins
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Montecillo	Moon	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Pace	Parkinson	Peters
Pfautsch	Phillips	Pierson	Pike	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 85	Solon
Sommer	Spencer	Stream	Swan	Swearingen

Thomson	Torpey	Walker	Webb	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 002

Marshall Pogue

PRESENT: 000

ABSENT WITH LEAVE: 010

Curtis	Ellington	Hodges	Hough	Kelly 45
Molendorp	Redmon	Smith 120	Walton Gray	Webber

Speaker Jones declared the bill passed.

HCS SB 73, relating to judicial procedures, was taken up by Representative Cornejo.

Representative Solon offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 73, Page 2, Section 304.152, Line 10, by inserting after all of said line the following:

"478.1100. 1. Sections 478.1100 to 478.1120 shall be known and may be cited as the "Veterans Treatment Intervention Act".

2. For purposes of sections 478.1100 to 478.1120, the following terms shall mean:

(1) "Servicemember", any person serving as a member of the United States Armed Forces on active duty or state active duty and all members of the Missouri National Guard and United States Reserve Forces;

(2) "Veteran", any person defined as a veteran by the United States Department of Veterans Affairs or its successor agency.

478.1105. The presiding judge of any judicial circuit or a combination of circuit courts, upon agreement of the presiding judges of such circuit courts, in this state may establish a "Military Veterans and Servicemembers Court Program" under which veterans and servicemembers who suffer from a military-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem may be sentenced in a manner that appropriately addresses the severity of the mental illness, traumatic brain injury, substance abuse disorder, or psychological problem through services tailored to the individual needs of the participant. Entry into any military veterans and servicemembers court program shall be based upon the sentencing court's assessment of the defendant's criminal history, military service, substance abuse treatment needs, mental health treatment needs, amenability to the services of the program, the recommendation of the prosecuting attorney and the victim, if any, and the defendant's agreement to enter the program.

478.1110. 1. Any person who is charged with a felony, other than a felony listed in subsection 2 of this section, identified as a veteran or servicemember who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem is eligible for admission into a veterans' treatment intervention program approved by the presiding judge of the circuit upon motion of either party or the court's own motion, except:

(1) If a defendant was previously offered admission to a veterans' treatment intervention program at any time before trial and the defendant rejected such offer on the record, the court may deny the defendant's admission to such a program;

(2) If a defendant previously entered a court-ordered veterans' treatment program, the court may deny the defendant's admission into the veterans' treatment program.

In order to maintain compliance with federal law, nothing in sections 478.1100 to 478.1120 shall apply to any offense committed by a holder of a commercial driver's license or any person operating a commercial motor vehicle when the offense was committed, if the provisions of sections 478.1100 to 478.1120 as applied to such offenses results in this state's failure to comply with applicable federal laws and regulations.

2. Any person charged with the following felonies, including attempt of such felonies, shall not be eligible for admission into a veterans' treatment intervention program under sections 478.1100 to 478.1120:

- (1) Murder or manslaughter under chapter 565;
- (2) Kidnapping or false imprisonment under chapter 565;
- (3) Aggravated assault under chapter 565;
- (4) Stalking under chapter 565;
- (5) Elder abuse under chapter 565;
- (6) Sexual offenses under chapter 566;
- (7) Offenses against the family under chapter 568;
- (8) Robbery or burglary under chapter 569;
- (9) Arson under chapter 569;
- (10) Water contamination under chapter 569;
- (11) Child pornography under chapter 573;
- (12) Treason; and
- (13) Any offense committed in another jurisdiction which would be a felony offense listed in this subsection if committed in this state.

3. (1) While enrolled in an intervention program authorized by this section, the participant shall be subject to a coordinated strategy developed by a veterans' treatment intervention team. The coordinated strategy shall be modeled after the therapeutic jurisprudence principles and key components listed in subdivision (2) of this subsection, with treatment specific to the needs of veterans and servicemembers. The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but not be limited to, placement in a treatment program offered by a licensed service provider or in a jail-based treatment program. The coordinated strategy shall be provided in writing to the participant before the participant agrees to enter into a veterans' treatment intervention program or other intervention program. Any person whose charges are dismissed after successful completion of the veterans' treatment intervention program, if otherwise eligible, may have his or her arrest record of the dismissed charges expunged under chapter 610.

- (2) The treatment program shall include:
 - (a) Integrate alcohol and other drug treatment services with justice system case processing;
 - (b) Use a nonadversarial approach in which prosecution and defense counsel promote public safety while protecting participants' due process rights;
 - (c) Eligible participants are identified early and promptly placed in the treatment program;
 - (d) The treatment program provides access to a continuum of alcohol, drug, and other related treatment and rehabilitation services;
 - (e) Abstinence is monitored by frequent and random testing for alcohol and other drugs;
 - (f) A coordinated strategy governs treatment program responses to participants' compliance;
 - (g) Ongoing judicial interaction with each treatment program participant is essential;
 - (h) Monitoring and evaluation measure the achievement of program goals and gauge treatment program effectiveness;
 - (i) Continuing interdisciplinary education promotes effective treatment program planning, implementation, and operations;
 - (j) Forging partnerships among treatment programs, public agencies, and community-based organizations generates local support and enhances treatment program effectiveness.

4. At the end of the intervention period, the court shall consider the recommendation of the treatment program and the recommendation of the prosecuting attorney as to disposition of the pending charges. The court shall determine, by written finding, whether the defendant has successfully completed the intervention program. If the court finds that the defendant has not successfully completed the intervention program, the court may order the person to continue in education and treatment, which may include treatment programs offered by licensed service providers or jail-based treatment programs, or order that the charges revert to normal channels for prosecution. The court shall dismiss the charges upon a finding that the defendant has successfully completed the intervention program.

478.1115. 1. Any veteran or servicemember who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, and who is charged with a misdemeanor is eligible for admission into a veterans' treatment intervention program approved by the presiding judge of the circuit for a period based on the program's requirements and the treatment plan for the offender, upon motion of either party or the court's own motion. However, the court may deny the defendant admission into a veterans' treatment intervention program if the defendant has previously entered a court-ordered veterans' treatment program.

2. While enrolled in an intervention program authorized by this section, the participant shall be subject to a coordinated strategy developed by a veterans' treatment intervention team. The coordinated strategy shall be modeled after the therapeutic jurisprudence principles and key components in subdivision (2) of subsection 3 of section 478.1110, with treatment specific to the needs of veterans and servicemembers. The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but not be limited to, placement in a treatment program offered by a licensed service provider or in a jail-based treatment program. The coordinated strategy shall be provided in writing to the participant before the participant agrees to enter into a veterans' treatment intervention program. Any person whose charges are dismissed after successful completion of the veterans' treatment intervention program, if otherwise eligible, may have his or her arrest record of the dismissed charges expunged under chapter 610.

3. At the end of the intervention period, the court shall consider the recommendation of the treatment program and the recommendation of the prosecuting attorney as to disposition of the pending charges. The court shall determine, by written finding, whether the defendant successfully completed the intervention program. Notwithstanding the coordinated strategy developed by a team under subdivision (2) of subsection 2 of section 478.1110 or by the veterans' treatment intervention team, if the court finds that the defendant has not successfully completed the intervention program, the court may order the person to continue in education and treatment or return the charges to the criminal docket for prosecution. The court shall dismiss the charges upon finding that the defendant has successfully completed the intervention program.

4. Any public or private entity providing a substance abuse education and treatment program under this section shall contract with the county or appropriate governmental entity. Except for services provided by the United States Department of Veterans Affairs, the terms of the contract shall include, but not be limited to, the following requirements:

- (1) The extent of the services to be rendered by the entity providing supervision or rehabilitation;
- (2) Staff qualifications and criminal record checks of staff in accordance with essential standards established by the American Correctional Association;
- (3) Staffing levels;
- (4) The number of face-to-face contacts with the offender;
- (5) Procedures for handling the collection of all offender fees and restitution;
- (6) Procedures for handling indigent offenders which ensure placement irrespective of ability to pay;
- (7) Circumstances under which revocation of an offender's probation may be recommended;
- (8) Reporting and record-keeping requirements;
- (9) Default and contract termination procedures;
- (10) Procedures that aid offenders with job assistance; and
- (11) Procedures for accessing criminal history records of probationers. In addition, the entity shall supply the presiding judge's office with a quarterly report summarizing the number of offenders supervised by the private entity, payment of the required contribution under supervision or rehabilitation, and the number of offenders for whom supervision or rehabilitation will be terminated. All records of the entity shall be open to inspection upon the request of the county, the court, the state auditor, and the office of administration, or agents thereof.

478.1120. For a person on probation who is a veteran or servicemember who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, the court may, in addition to any other conditions imposed, impose a condition requiring the probationer to participate in a treatment program capable of treating the probationer's mental illness, traumatic brain injury, substance abuse disorder, or psychological problem. The court shall give preference to treatment programs for which the probationer is eligible through the United States Department of Veterans Affairs. The department of corrections is not required to spend state funds to implement this subsection."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Solon, **House Amendment No. 1** was adopted.

Representative Cornejo offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for Senate Bill No. 73, Page 2, Section 304.152, Line 10, by inserting after all of said section and line the following:

"488.2250. [For all transcripts of testimony given or proceedings had in any circuit court, the court reporter shall receive the sum of two dollars per twenty-five-line page for the original of the transcript, and the sum of thirty-five cents per twenty-five-line page for each carbon copy thereof; the page to be approximately eight and one-half inches by eleven inches in size, with left-hand margin of approximately one and one-half inches and the right-hand margin of approximately one-half inch; answer to follow question on same line when feasible; such page to be designated as a legal page. Any judge, in his or her discretion, may order a transcript of all or any part of the evidence or oral proceedings, and the court reporter's fees for making the same shall be paid by the state upon a voucher approved by the court, and taxed against the state. In criminal cases where an appeal is taken by the defendant, and it appears to the satisfaction of the court that the defendant is unable to pay the costs of the transcript for the purpose of perfecting the appeal, the court shall order the court reporter to furnish three transcripts in duplication of the notes of the evidence, for the original of which the court reporter shall receive two dollars per legal page and for the copies twenty cents per page. The payment of court reporter's fees provided in this section shall be made by the state upon a voucher approved by the court]

1. For all appeal transcripts of testimony given or proceedings had in any circuit court, the court reporter shall receive the sum of three dollars and fifty cents per legal page for the preparation of a paper and an electronic version of the transcript.

2. In criminal cases where an appeal is taken by the defendant and it appears to the satisfaction of the court that the defendant is unable to pay the costs of the transcript for the purpose of perfecting the appeal, the court reporter shall receive a fee of two dollars and sixty cents per legal page for the preparation of a paper and an electronic version of the transcript.

3. Any judge, in his or her discretion, may order a transcript of all or any part of the evidence or oral proceedings and the court reporter shall receive the sum of two dollars and sixty cents per legal page for the preparation of a paper and an electronic version of the transcript.

4. For purposes of this section, a legal page, other than the first page and the final page of the transcript, shall be twenty-five lines, approximately eight and one-half inches by eleven inches in size, with the left-hand margin of approximately one and one-half inches, and with the right-hand margin of approximately one-half inch.

5. Notwithstanding any law to the contrary, the payment of court reporter's fees provided in subsections 2 and 3 of this section shall be made by the state upon a voucher approved by the court. The cost to prepare all other transcripts of testimony or proceedings shall be borne by the party requesting their preparation and production who shall reimburse the court reporter the sum provided in subsection 1 of this section."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Cornejo, **House Amendment No. 2** was adopted.

Representative May offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Committee Substitute for Senate Bill No. 73, Page 2, Section 304.152, Line 10, by inserting after all of said section and line the following:

"568.040. 1. A person commits the crime of nonsupport if such person knowingly fails to provide adequate support for his or her spouse; a parent commits the crime of nonsupport if such parent knowingly fails to provide adequate support which such parent is legally obligated to provide for his or her child or stepchild who is not otherwise emancipated by operation of law.

2. For purposes of this section:

(1) **"Arrearage":**

(a) The amount of money created by a failure to provide support to a child under an administrative or judicial support order; or

(b) Support to an estranged or former spouse if the judgment or order requiring payment of spousal support also requires payment of child support and such estranged or former spouse is the custodial parent; or

(c) Both paragraphs (a) and (b).

The arrearage shall reflect any retroactive support ordered under a modification, and any judgments entered by a court of competent jurisdiction or any authorized agency and any satisfactions of judgment filed by the custodial parent;

(2) "Child" means any biological or adoptive child, or any child whose paternity has been established under chapter 454, or chapter 210, or any child whose relationship to the defendant has been determined, by a court of law in a proceeding for dissolution or legal separation, to be that of child to parent;

[(2)] (3) "Good cause" means any substantial reason why the defendant is unable to provide adequate support. Good cause does not exist if the defendant purposely maintains his inability to support;

[(3)] (4) "Support" means food, clothing, lodging, and medical or surgical attention;

[(4)] (5) It shall not constitute a failure to provide medical and surgical attention, if nonmedical remedial treatment recognized and permitted under the laws of this state is provided.

3. Inability to provide support for good cause shall be an affirmative defense under this section. A person who raises such affirmative defense has the burden of proving the defense by a preponderance of the evidence.

4. The defendant shall have the burden of injecting the issues raised by subdivision (4) of subsection 2 of this section.

5. Criminal nonsupport is a class A misdemeanor, unless the total arrearage is in excess of an aggregate of twelve monthly payments due under any order of support issued by any court of competent jurisdiction or any authorized administrative agency, in which case it is a class D felony.

6. (1) If at any time a defendant convicted of criminal nonsupport **or pleads guilty to a charge of criminal nonsupport** is placed on probation or parole, there may be ordered as a condition of probation or parole that the defendant commence payment of current support as well as satisfy the arrearages. Arrearages may be satisfied first by making such lump sum payment as the defendant is capable of paying, if any, as may be shown after examination of defendant's financial resources or assets, both real, personal, and mixed, and second by making periodic payments. Periodic payments toward satisfaction of arrears when added to current payments due [may] **shall** be in such aggregate sums as is not greater than fifty percent of the defendant's adjusted gross income after deduction of payroll taxes, medical insurance that also covers a dependent spouse or children, and any other court- or administrative-ordered support, only.

(2) If the defendant fails to pay the [current] support and arrearages [as ordered] **under the terms of his or her probation**, the court may revoke probation or parole and then impose an appropriate sentence within the range for the class of offense that the defendant was convicted of as provided by law, unless the defendant proves good cause for the failure to pay as required under subsection 3 of this section.

(3) **After a period of not less than eight years, an individual who has pled guilty to or has been convicted of a first felony offense for criminal nonsupport under this section and who has successfully completed probation after a plea of guilt or was sentenced may petition the court for expungement of all official records all recordations of his or her arrest, plea, trial, or conviction. If the court determines after hearing that such person has not been convicted of any subsequent offense; does not have any other felony pleas of guilt, findings of guilt or convictions; is current on all child support obligations; has paid off all arrearages; and has no other criminal charges or administrative child support actions pending at the time of the hearing on the application for**

expungement with respect to all children subject to orders of payment of child support or that the defendant has successfully completed a criminal nonsupport courts program under section 478.1000, the court shall enter an order of expungement. Upon granting the order of expungement, the records and files maintained in any court proceeding in an associate or circuit division of the circuit court under this section shall be confidential and only available to the parties or by order of the court for good cause shown. The effect of such order shall be to restore such person to the status he or she occupied prior to such arrest, plea or conviction, and as if such event had never taken place. No person for whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction, or expungement in response to any inquiry made of him or her for any purpose whatsoever and no such inquiry shall be made for information relating to an expungement under this section. A person shall only be entitled to one expungement under this section. Nothing in this section shall prevent the director of the department of social services from maintaining such records as to ensure that an individual receives only one expungement under this section for the purpose of informing the proper authorities of the contents of any record maintained under this section.

7. During any period that a nonviolent defendant is incarcerated for criminal nonsupport, if the defendant is ready, willing, and able to be gainfully employed during said period of incarceration, the defendant, if he or she meets the criteria established by the department of corrections, may be placed on work release to allow the defendant to satisfy defendant's obligation to pay support. Arrearages shall be satisfied as outlined in the collection agreement.

8. Beginning August 28, 2009, every nonviolent first- and second-time offender then incarcerated for criminal nonsupport, who has not been previously placed on probation or parole for conviction of criminal nonsupport, may be considered for parole, under the conditions set forth in subsection 6 of this section, or work release, under the conditions set forth in subsection 7 of this section.

9. Beginning January 1, 1991, every prosecuting attorney in any county which has entered into a cooperative agreement with the [child support enforcement service of the] family support division [of] **within** the department of social services **regarding child support enforcement services** shall report to the division on a quarterly basis the number of charges filed and the number of convictions obtained under this section by the prosecuting attorney's office on all IV-D cases. The division shall consolidate the reported information into a statewide report by county and make the report available to the general public.

10. Persons accused of committing the offense of nonsupport of the child shall be prosecuted:

- (1) In any county in which the child resided during the period of time for which the defendant is charged; or
- (2) In any county in which the defendant resided during the period of time for which the defendant is charged.";

and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 105

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Molendorp	Moon	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips

Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 048

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hubbard	Hummel	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Webb	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 010

Barnes	Curtis	Fraker	Grisamore	Hodges
Kelly 45	Schatz	Smith 120	Walton Gray	Webber

Representative May moved that **House Amendment No. 3** be adopted.

Which motion was defeated.

Representative McCaherty offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Committee Substitute for Senate Bill No. 73, Page 2, Section 304.152, Line 10, by inserting after all of said section and line the following:

"307.075. 1. Every motor vehicle and every motor-drawn vehicle shall be equipped with at least two rear lamps, not less than fifteen inches or more than seventy-two inches above the ground upon which the vehicle stands, which when lighted will exhibit a red light plainly visible from a distance of five hundred feet to the rear. Either such rear lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration marker and render it clearly legible from a distance of fifty feet to the rear. When the rear registration marker is illuminated by an electric lamp other than the required rear lamps, all such lamps shall be turned on or off only by the same control switch at all times.

2. Every motorcycle registered in this state, when operated on a highway, shall also carry at the rear, either as part of the rear lamp or separately, at least one approved red reflector, which shall be of such size and characteristics and so maintained as to be visible during the times when lighted lamps are required from all distances within three hundred feet to fifty feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps. **A motorcycle may be equipped with a means of varying the brightness of the vehicle's brake light for a duration of not more than five seconds upon application of the vehicle's brakes.**

3. Every new passenger car, new commercial motor vehicle, motor-drawn vehicle and omnibus with a capacity of more than six passengers registered in this state after January 1, 1966, when operated on a highway, shall also carry at the rear at least two approved red reflectors, at least one at each side, so designed, mounted on the vehicle and maintained as to be visible during the times when lighted lamps are required from all distances within five hundred to fifty feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps. Every

such reflector shall meet the requirements of this chapter and shall be mounted upon the vehicle at a height not to exceed sixty inches nor less than fifteen inches above the surface upon which the vehicle stands.

4. Any person who knowingly operates a motor vehicle without the lamps required in this section in operable condition is guilty of an infraction."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Schatz offered House Amendment No. 1 to House Amendment No. 4.

House Amendment No. 1
to
House Amendment No. 4

AMEND House Amendment No. 4 to House Committee Substitute for Senate Bill No. 73, Page 1, Line 30, by inserting after all of said line the following:

'Further amend said bill, Page 2, Section 478.007, Line 23, by inserting after all of said section and line the following:

"302.020. 1. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by section 302.080, to:

(1) Operate any vehicle upon any highway in this state unless the person has a valid license;
(2) Operate a motorcycle or motortricycle upon any highway of this state unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the director. The director may indicate such upon a valid license issued to such person, or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by section 302.173, is conducted on such vehicle;

(3) Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;

(4) Operate a motor vehicle with an instruction permit or license issued to another person.

2. Every person **who is under twenty-one years of age** operating or riding as a passenger on any motorcycle or motortricycle, as defined in section 301.010, upon any highway of this state shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the director.

3. Notwithstanding the provisions of section 302.340 any person convicted of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a misdemeanor. A first violation of subdivision (1) or (2) of subsection 1 of this section shall be punishable by a fine not to exceed three hundred dollars. A second violation of subdivision (1) or (2) of subsection 1 of this section shall be punishable by imprisonment in the county jail for a term not to exceed one year and/or a fine not to exceed one thousand dollars. Any person convicted a third or subsequent time of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class D felony. Notwithstanding the provisions of section 302.340, violation of subdivisions (3) and (4) of subsection 1 of this section is a misdemeanor, the first violation punishable by a fine not to exceed three hundred dollars, a second or subsequent violation of this section punishable as a class C misdemeanor, and the penalty for failure to wear protective headgear as required by subsection 2 of this section is an infraction for which a fine not to exceed twenty-five dollars may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points shall be assessed pursuant to section 302.302 for a failure to wear such protective headgear. Prior pleas of guilty and prior findings of guilty shall be pleaded and proven in the same manner as required by section 558.021."; and

Further amend said bill, section 304.152, Page 2, Lines 5-7, by removing all of said lines; and

Renumber remaining subsection accordingly"; and'; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Schatz, **House Amendment No. 1 to House Amendment No. 4** was adopted by the following vote:

AYES: 092

Allen	Anderson	Bahr	Barnes	Bernskoetter
Brattin	Brown	Burlison	Carpenter	Cierpiot
Conway 10	Cookson	Cox	Cross	Curtman
Davis	Diehl	Dohrman	Elmer	Engler
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Funderburk	Gatschenberger	Gosen
Guernsey	Haefner	Hansen	Harris	Hicks
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeier	Korman	Lair	Lant
Leara	Lichtenegger	Love	Lynch	Marshall
Mayfield	McCaherty	McGaugh	Miller	Molendorp
Moon	Muntzel	Neth	Otto	Parkinson
Pfausch	Pike	Pogue	Redmon	Rehder
Remole	Richardson	Riddle	Ross	Rowland
Scharnhorst	Schatz	Schieber	Schieffer	Solon
Sommer	Spencer	Swearingen	Thomson	Torpey
Walker	Webb	Wieland	Wilson	Wright
Zerr	Mr Speaker			

NOES: 066

Anders	Austin	Berry	Black	Burns
Butler	Colona	Conway 104	Cornejo	Crawford
Curtis	Dugger	Dunn	Ellinger	Ellington
English	Englund	Franklin	Frederick	Gannon
Gardner	Grisamore	Haahr	Hampton	Higdon
Hodges	Hubbard	Hummel	Kirkton	Kratky
LaFaver	Lauer	May	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Messenger
Mims	Mitten	Montecillo	Morgan	Morris
Neely	Newman	Nichols	Norr	Pace
Peters	Phillips	Pierson	Reiboldt	Rhoads
Rizzo	Roorda	Rowden	Runions	Schupp
Shull	Shumake	Smith 85	Stream	Swan
White				

PRESENT: 000

ABSENT WITH LEAVE: 005

Kelly 45	Smith 120	Walton Gray	Webber	Wood
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Representative Korman assumed the Chair.

Representative Brattin offered **House Amendment No. 2 to House Amendment No. 4**.

Representative Roorda raised a point of order that **House Amendment No. 2 to House Amendment No. 4** is not germane to the underlying amendment.

Representative Korman requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

On motion of Representative McCaherty, **House Amendment No. 4, as amended**, was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 096

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Davis	Diehl	Dohrman	Dugger
Engler	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Franklin	Frederick	Funderburk
Gannon	Gosen	Haahr	Haefner	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Justus	Keeney
Kelley 127	Koenig	Kolkmeier	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Moon	Morris	Muntzel	Neely
Neth	Parkinson	Pfausch	Phillips	Pike
Pogue	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Mr Speaker				

NOES: 047

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kirkton	Kratky
LaFaver	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Webb	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 020

Brattin	Curtman	Ellinger	Elmer	Gatschenberger
Grisamore	Guernsey	Hampton	Jones 50	Kelly 45
May	Molendorp	Morgan	Redmon	Rehder
Scharnhorst	Smith 120	Walton Gray	Webber	Zerr

On motion of Representative Cornejo, **HCS SB 73, as amended**, was adopted.

On motion of Representative Cornejo, **HCS SB 73, as amended**, was read the third time and passed by the following vote:

AYES: 096

Allen	Anderson	Bahr	Barnes	Bernskoetter
Brattin	Burlison	Cierpiot	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hansen
Harris	Hicks	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	Mayfield	McCaherty
McGaugh	Messenger	Miller	Moon	Muntzel
Neely	Neth	Parkinson	Pfautsch	Pike
Redmon	Rehder	Reiboldt	Remole	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Schieffer	Shumake	Solon
Sommer	Spencer	Stream	Swearingen	Thomson
Torpey	Walker	Wieland	Wilson	Zerr
Mr Speaker				

NOES: 059

Anders	Austin	Berry	Black	Brown
Burns	Butler	Carpenter	Colona	Curtis
Dunn	Ellinger	Ellington	English	Englund
Entlicher	Franklin	Frederick	Gardner	Hampton
Higdon	Hodges	Hubbard	Hummel	Kirkton
Kratky	LaFaver	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Morris	Newman	Nichols
Norr	Otto	Pace	Peters	Phillips
Pierson	Pogue	Rhoads	Rizzo	Roorda
Runions	Schupp	Shull	Smith 85	Swan
Webb	White	Wood	Wright	

PRESENT: 001

Conway 10

ABSENT WITH LEAVE: 007

Engler	Kelly 45	May	Molendorp	Smith 120
Walton Gray	Webber			

Representative Korman declared the bill passed.

HCS SCS SB 118, relating to the creation of veterans treatment courts, was taken up by Representative Cox.

On motion of Representative Cox, **HCS SCS SB 118** was adopted.

On motion of Representative Cox, **HCS SCS SB 118** was read the third time and passed by the following vote:

AYES: 158

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gardner	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kirkton	Koenig
Kolkmeier	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Montecillo	Moon	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Pace	Parkinson	Peters
Pfautsch	Phillips	Pierson	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Smith 85	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Webb	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Kelly 45	Molendorp	Smith 120	Walton Gray	Webber
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Representative Korman declared the bill passed.

SCS SB 224, relating to law enforcement agencies, was taken up by Representative Rizzo.

Representative Leara offered **House Amendment No. 1**.

House Amendment No. 1

AMEND Senate Committee Substitute for Senate Bill No. 224, Page 1, In the Title, Line 3, by deleting the words, "the Kansas City police department" and inserting in lieu thereof the words, "police departments"; and

Further amend said bill, Page 4, Section 84.510, Line 66, by inserting after all of said line the following:

"86.200. The following words and phrases as used in sections 86.200 to 86.366, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) "Accumulated contributions", the sum of all mandatory contributions deducted from the compensation of a member and credited to the member's individual account, together with members' interest thereon;

(2) "Actuarial equivalent", a benefit of equal value when computed upon the basis of mortality tables and interest assumptions adopted by the board of trustees;

(3) "Average final compensation":

(a) With respect to a member who earns no creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last three years of creditable service as a police officer, or if the member has had less than three years of creditable service, the average earnable compensation of the member's entire period of creditable service;

(b) With respect to a member who is not participating in the DROP pursuant to section 86.251 on October 1, 2001, who did not participate in the DROP at any time before such date, and who earns any creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last two years of creditable service as a policeman, or if the member has had less than two years of creditable service, then the average earnable compensation of the member's entire period of creditable service;

(c) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer for reasons other than death or disability before earning at least two years of creditable service after such return, the portion of the member's benefit attributable to creditable service earned before DROP entry shall be determined using average final compensation as defined in paragraph (a) of this subdivision; and the portion of the member's benefit attributable to creditable service earned after return to active participation in the system shall be determined using average final compensation as defined in paragraph (b) of this subdivision;

(d) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in the DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer after earning at least two years of creditable service after such return, the member's benefit attributable to all of such member's creditable service shall be determined using the member's average final compensation as defined in paragraph (b) of this subdivision;

(e) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and whose employment as a police officer terminates due to death or disability after such return, the member's benefit attributable to all of such member's creditable service shall be determined using the member's average final compensation as defined in paragraph (b) of this subdivision; and

(f) With respect to the surviving spouse or surviving dependent child of a member who earns any creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last two years of creditable service as a police officer or, if the member has had less than two years of creditable service, the average earnable compensation of the member's entire period of creditable service;

(4) "Beneficiary", any person in receipt of a retirement allowance or other benefit;

(5) "Board of police commissioners", any board of police commissioners, police commissioners and any other officials or boards now or hereafter authorized by law to employ and manage a permanent police force in such cities;

(6) "Board of trustees", the board provided in sections 86.200 to 86.366 to administer the retirement system;

(7) "Creditable service", prior service plus membership service as provided in sections 86.200 to 86.366;

(8) "DROP", the deferred retirement option plan provided for in section 86.251;

(9) "Earnable compensation", the annual salary **established under section 84.160** which a member would earn during one year on the basis of the member's rank or position [as specified in the applicable salary matrix] plus any additional compensation for academic work and shift differential that may be provided by any official or board now or hereafter authorized by law to employ and manage a permanent police force in such cities. Such amount shall include the member's deferrals to a deferred compensation plan pursuant to Section 457 of the Internal Revenue Code or to a cafeteria plan pursuant to Section 125 of the Internal Revenue Code or, effective October 1, 2001, to a transportation fringe benefit program pursuant to Section 132(f)(4) of the Internal Revenue Code. Earnable compensation shall not include a member's additional compensation for overtime, standby time, court time, nonuniform time or unused vacation time. Notwithstanding the foregoing, the earnable compensation taken into account under the plan established pursuant to sections 86.200 to 86.366 with respect to a member who is a noneligible participant, as defined in this subdivision, for any plan year beginning on or after October 1, 1996, shall not exceed the amount of compensation that may be taken into account under Section 401(a)(17) of the Internal Revenue Code, as adjusted for increases in the cost of living, for such plan year. For purposes of this subdivision, a "noneligible participant" is an individual who first becomes a member on or after the first day of the first plan year beginning after the earlier of:

(a) The last day of the plan year that includes August 28, 1995; or

(b) December 31, 1995;

(10) "Internal Revenue Code", the federal Internal Revenue Code of 1986, as amended;

(11) "Mandatory contributions", the contributions required to be deducted from the salary of each member who is not participating in DROP in accordance with section 86.320;

(12) **"Medical board", the board of three physicians of different disciplines appointed by the trustees of the police retirement board and responsible for arranging and passing upon all medical examinations required under the provisions of sections 86.200 to 86.366, which board shall investigate all essential statements and certificates made by or on behalf of a member in connection with an application for disability retirement and shall report in writing to the board of trustees its conclusions and recommendations, which can be based upon the opinion of a single member or that of an outside specialist if one is appointed, upon all the matters referred to such medical board;**

(13) "Member", a member of the retirement system as defined by sections 86.200 to 86.366;

[(13)] (14) "Members' interest", interest on accumulated contributions at such rate as may be set from time to time by the board of trustees;

[(14)] (15) "Membership service", service as a policeman rendered since last becoming a member, except in the case of a member who has served in the armed forces of the United States and has subsequently been reinstated as a policeman, in which case "membership service" means service as a policeman rendered since last becoming a member prior to entering such armed service;

[(15)] (16) "Plan year" or "limitation year", the twelve consecutive-month period beginning each October first and ending each September thirtieth;

[(16)] (17) "Policeman" or "police officer", any member of the police force of such cities who holds a rank in such police force;

[(17)] (18) "Prior service", all service as a policeman rendered prior to the date the system becomes operative or prior to membership service which is creditable in accordance with the provisions of sections 86.200 to 86.366;

[(18)] (19) "Reserve officer", any member of the police reserve force of such cities, armed or unarmed, who works less than full time, without compensation, and who, by his or her assigned function or as implied by his or her uniform, performs duties associated with those of a police officer and who currently receives a service retirement as provided by sections 86.200 to 86.366;

[(19)] (20) "Retirement allowance", annual payments for life as provided by sections 86.200 to 86.366 which shall be payable in equal monthly installments or any benefits in lieu thereof granted to a member upon termination of employment as a police officer and actual retirement;

[(20)] (21) "Retirement system", the police retirement system of the cities as defined in sections 86.200 to 86.366;

[(21)] (22) "Surviving spouse", the surviving spouse of a member who was the member's spouse at the time of the member's death.

86.257. 1. Upon the application of [a member in service or of] the board of police commissioners **or any successor body**, any member who has completed ten or more years of creditable service **or upon the police retirement system created by sections 86.200 to 86.366 first attaining, after the effective date of this act, a funded ratio, as defined in section 105.660 and as determined by the system's annual actuarial valuation, of at least eighty percent, a member who has completed five or more years of creditable service** and who has become permanently unable to

perform the duties of a police officer as the result of an injury or illness not exclusively caused or induced by the actual performance of his or her official duties or by his or her own negligence shall be retired by the board of [trustees of the police retirement system] **police commissioners or any successor body** upon certification by the medical [director] **board** of the police retirement system and approval by the board of trustees of the police retirement system that the member is mentally or physically unable to perform the duties of a police officer, that the inability is permanent or likely to become permanent, and that the member should be retired.

2. Once each year during the first five years following such member's retirement, and at least once in every three-year period thereafter, the board of trustees may, and upon the member's application shall, require any nonduty disability beneficiary who has not yet attained sixty years of age to undergo a medical examination at a place designated by the medical [director] **board** or such physicians as the medical [director] **board** appoints. If any nonduty disability beneficiary who has not attained sixty years of age refuses to submit to a medical examination, his or her nonduty disability pension may be discontinued until his or her withdrawal of such refusal, and if his or her refusal continues for one year, all rights in and to such pension may be revoked by the board of trustees.

3. If the medical [director] **board** certifies to the board of trustees that a nonduty disability beneficiary is able to perform the duties of a police officer, and if the board of trustees concurs on the report, then such beneficiary's nonduty disability pension shall cease.

4. If upon cessation of a disability pension under subsection 3 of this section, the former disability beneficiary is restored to active service, he or she shall again become a member, and he or she shall contribute thereafter at the same rate as other members. Upon his or her subsequent retirement, he or she shall be credited with all of his or her active retirement, but not including any time during which the former disability beneficiary received a disability pension under this section.

86.263. 1. Any member **in active service** who is permanently unable to perform the **full and unrestricted** duties of a police officer as the natural, proximate, and exclusive result of an accident occurring within the actual performance of duty at some definite time and place, through no negligence on the member's part, shall[, upon application,] be retired **by the board of police commissioners or any successor body** upon certification by [the medical director of the police retirement system and approval by the board of trustees of the police retirement system] **one or more physicians of the medical board** that the member is mentally or physically unable to perform the **full and unrestricted** duties of a police officer [and], that the inability is permanent or [reasonably] likely to become permanent, **and that the member should be retired. The inability to perform the "full and unrestricted duties of a police officer" means the member is unable to perform all the essential job functions for the position of police officer as established by the board of police commissioners or any successor body.**

2. No member shall be approved for retirement under the provisions of subsection 1 of this section unless the application was made and submitted to the board of [trustees of the police retirement system] **police commissioners or any successor body** no later than five years following the date of accident, provided, that if the accident was reported within five years of the date of the accident and an examination made of the member within thirty days of the date of accident by a health care provider whose services were provided through the board of police commissioners with subsequent examinations made as requested, then an application made more than five years following the date of the accident shall be considered timely.

3. Once each year during the first five years following a member's retirement, and at least once in every three-year period thereafter, the board of trustees may require any disability beneficiary who has not yet attained sixty years of age to undergo a medical examination or medical examinations at a place designated by the medical [director] **board** or such physicians as the medical [director] **board** appoints. If any disability beneficiary who has not attained sixty years of age refuses to submit to a medical examination, his or her disability pension may be discontinued **by the board of trustees of the police retirement system** until his or her withdrawal of such refusal, and if his or her refusal continues for one year, all rights in and to such pension may be revoked by the board of trustees.

4. If the medical [director] **board** certifies to the board of trustees that a disability beneficiary is able to perform the duties of a police officer, [and if the board of trustees concurs with the medical director's determination,] then such beneficiary's disability pension shall cease.

5. If upon cessation of a disability pension under subsection 4 of this section, the former disability beneficiary is restored to active service, he or she shall again become a member, and he or she shall contribute thereafter at the same rate as other members. Upon his or her subsequent retirement, he or she shall be credited with all of his or her active service time as a member including the service time prior to receiving disability retirement, but not including any time during which the former disability beneficiary received a disability pension under this section.

6. If upon cessation of a disability pension under subsection 4 of this section, the former disability beneficiary is not restored to active service, such former disability beneficiary shall be entitled to the retirement benefit to which such

former disability beneficiary would have been entitled if such former disability beneficiary had terminated service for any reason other than dishonesty or being convicted of a felony at the time of such cessation of such former disability beneficiary's disability pension. For purposes of such retirement benefits, such former disability beneficiary shall be credited with all of the former disability beneficiary's active service time as a member, but not including any time during which the former disability beneficiary received a disability beneficiary pension under this section."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Leara, **House Amendment No. 1** was adopted.

Representative May offered **House Amendment No. 2**.

House Amendment No. 2

AMEND Senate Committee Substitute for Senate Bill No. 224, Page 4, Section 84.510, Line 66, by inserting after all of said section and line the following:

"568.040. 1. A person commits the crime of nonsupport if such person knowingly fails to provide adequate support for his or her spouse; a parent commits the crime of nonsupport if such parent knowingly fails to provide adequate support which such parent is legally obligated to provide for his or her child or stepchild who is not otherwise emancipated by operation of law.

2. For purposes of this section:

(1) **"Arrearage":**

(a) The amount of money created by a failure to provide support to a child under an administrative or judicial support order; or

(b) Support to an estranged or former spouse if the judgment or order requiring payment of spousal support also requires payment of child support and such estranged or former spouse is the custodial parent; or

(c) Both paragraphs (a) and (b).

The arrearage shall reflect any retroactive support ordered under a modification, and any judgments entered by a court of competent jurisdiction or any authorized agency and any satisfactions of judgment filed by the custodial parent;

(2) "Child" means any biological or adoptive child, or any child whose paternity has been established under chapter 454, or chapter 210, or any child whose relationship to the defendant has been determined, by a court of law in a proceeding for dissolution or legal separation, to be that of child to parent;

[(2)] (3) "Good cause" means any substantial reason why the defendant is unable to provide adequate support. Good cause does not exist if the defendant purposely maintains his inability to support;

[(3)] (4) "Support" means food, clothing, lodging, and medical or surgical attention;

[(4)] (5) It shall not constitute a failure to provide medical and surgical attention, if nonmedical remedial treatment recognized and permitted under the laws of this state is provided.

3. Inability to provide support for good cause shall be an affirmative defense under this section. A person who raises such affirmative defense has the burden of proving the defense by a preponderance of the evidence.

4. The defendant shall have the burden of injecting the issues raised by subdivision (4) of subsection 2 of this section.

5. Criminal nonsupport is a class A misdemeanor, unless the total arrearage is in excess of an aggregate of twelve monthly payments due under any order of support issued by any court of competent jurisdiction or any authorized administrative agency, in which case it is a class D felony.

6. **(1)** If at any time a defendant convicted of criminal nonsupport **or pleads guilty to a charge of criminal nonsupport** is placed on probation or parole, there may be ordered as a condition of probation or parole that the defendant commence payment of current support as well as satisfy the arrearages. Arrearages may be satisfied first by making such lump sum payment as the defendant is capable of paying, if any, as may be shown after examination of defendant's financial resources or assets, both real, personal, and mixed, and second by making periodic payments. Periodic payments toward satisfaction of arrears when added to current payments due **[may] shall** be in such aggregate sums as is not greater than fifty percent of the defendant's adjusted gross income after deduction of payroll taxes, medical insurance that also covers a dependent spouse or children, and any other court- or administrative-ordered support, only.

(2) If the defendant fails to pay the [current] support and arrearages [as ordered] **under the terms of his or her probation**, the court may revoke probation or parole and then impose an appropriate sentence within the range for the class of offense that the defendant was convicted of as provided by law, unless the defendant proves good cause for the failure to pay as required under subsection 3 of this section.

(3) **After a period of not less than eight years, an individual who has pled guilty to or has been convicted of a first felony offense for criminal nonsupport under this section and who has successfully completed probation after a plea of guilt or was sentenced may petition the court for expungement of all official records all recordations of his or her arrest, plea, trial, or conviction. If the court determines after hearing that such person has not been convicted of any subsequent offense; does not have any other felony pleas of guilt, findings of guilt or convictions; is current on all child support obligations; has paid off all arrearages; and has no other criminal charges or administrative child support actions pending at the time of the hearing on the application for expungement with respect to all children subject to orders of payment of child support or that the defendant has successfully completed a criminal nonsupport courts program under section 478.1000, the court shall enter an order of expungement. Upon granting the order of expungement, the records and files maintained in any court proceeding in an associate or circuit division of the circuit court under this section shall be confidential and only available to the parties or by order of the court for good cause shown. The effect of such order shall be to restore such person to the status he or she occupied prior to such arrest, plea or conviction, and as if such event had never taken place. No person for whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction, or expungement in response to any inquiry made of him or her for any purpose whatsoever and no such inquiry shall be made for information relating to an expungement under this section. A person shall only be entitled to one expungement under this section. Nothing in this section shall prevent the director of the department of social services from maintaining such records as to ensure that an individual receives only one expungement under this section for the purpose of informing the proper authorities of the contents of any record maintained under this section.**

7. During any period that a nonviolent defendant is incarcerated for criminal nonsupport, if the defendant is ready, willing, and able to be gainfully employed during said period of incarceration, the defendant, if he or she meets the criteria established by the department of corrections, may be placed on work release to allow the defendant to satisfy defendant's obligation to pay support. Arrearages shall be satisfied as outlined in the collection agreement.

8. Beginning August 28, 2009, every nonviolent first- and second-time offender then incarcerated for criminal nonsupport, who has not been previously placed on probation or parole for conviction of criminal nonsupport, may be considered for parole, under the conditions set forth in subsection 6 of this section, or work release, under the conditions set forth in subsection 7 of this section.

9. Beginning January 1, 1991, every prosecuting attorney in any county which has entered into a cooperative agreement with the [child support enforcement service of the] family support division [of] **within** the department of social services **regarding child support enforcement services** shall report to the division on a quarterly basis the number of charges filed and the number of convictions obtained under this section by the prosecuting attorney's office on all IV-D cases. The division shall consolidate the reported information into a statewide report by county and make the report available to the general public.

10. Persons accused of committing the offense of nonsupport of the child shall be prosecuted:

- (1) In any county in which the child resided during the period of time for which the defendant is charged; or
- (2) In any county in which the defendant resided during the period of time for which the defendant is charged.";

and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Davis	Diehl	Dohrman
Dugger	Elmer	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Moon	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 048

Anders	Burns	Butler	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kirkton	Kratky
LaFaver	May	Mayfield	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Webb	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 011

Black	Curtman	Engler	Jones 50	Kelly 45
McCann Beatty	Molendorp	Shumake	Smith 120	Walton Gray
Webber				

On motion of Representative May, **House Amendment No. 2** was adopted by the following vote:

AYES: 128

Anders	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Burlison	Burns
Butler	Carpenter	Colona	Conway 10	Conway 104
Cornejo	Cross	Curtis	Curtman	Dunn
Ellinger	Ellington	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gardner
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Hinson	Hodges
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Justus	Keeney	Kelley 127	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Leara	Lichtenegger	Love
Lynch	Marshall	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Montecillo	Moon	Morgan	Morris
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Parkinson	Peters	Pfautsch
Phillips	Pierson	Pike	Redmon	Rehder
Reiboldt	Remole	Rizzo	Roorda	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieffer
Schupp	Shull	Shumake	Smith 85	Solon
Sommer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Webb	White	Wieland
Wilson	Wood	Wright		

NOES: 026

Allen	Brown	Cierpiot	Cookson	Cox
Crawford	Davis	Diehl	Dohrman	Dugger
Elmer	Flanigan	Gatschenberger	Gosen	Higdon
Hoskins	Lauer	Muntzel	Pogue	Rhoads
Richardson	Riddle	Ross	Schieber	Zerr
Mr Speaker				

PRESENT: 000

ABSENT WITH LEAVE: 009

Black	Engler	Jones 50	Kelly 45	Molendorp
Smith 120	Spencer	Walton Gray	Webber	

SCS SB 224, as amended, was laid over.

Speaker Jones resumed the Chair.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate conferees on **HCS HBs 256, 33 & 305 with House Amendment No. 2 and House Amendment No. 3** are allowed to exceed the differences.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS SCS HCS HBs 374 & 434, as amended**, and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Dixon, Schmitt, Emery, Justus and Keaveny.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SS#2 SCS SB 1, as amended**, and has taken up and passed **CCS HCS SS#2 SCS SB 1**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS SB 33, as amended**, and has taken up and passed **CCS SCS SB 33**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SCS SB 45, as amended**: Senators Dixon, Schmitt, Schaefer, Justus and Keaveny.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 51, as amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 99, as amended**, and has taken up and passed **HCS SB 99, as amended**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 110, as amended**, and has taken up and passed **HCS SB 110, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **House Amendment No. 1, as amended**, to **SS SCS SB 114**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **House Amendment No. 1, as amended**, to **SS SCS SB 125**, and has taken up and passed **SS SCS SB 125, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SB 127, as amended**: Senators Sater, Wasson, Romine, Holsman and Sifton.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SB 161, as amended**: Senators Pearce, Rupp, Wallingford, Curls and Walsh.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS SB 248, as amended**: Senators Wasson, Dixon, Cunningham, Justus and McKenna.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SS SB 252, as amended**, and has taken up and passed **HCS SS SB 252, as amended**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SCS SB 256, as amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has re-appointed the following Conference Committee to act with a like committee from the House on **HCS SB 330, as amended**: Senators Wasson, Cunningham, Sater, Keaveny and Sifton.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report No. 2 on **HCS SB 330, as amended**, and has taken up and passed **CCS#2 HCS SB 330**.

APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

SS SCS HCS HBs 374 & 434: Representatives Elmer, Cox and Colona

On motion of Representative Diehl, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Jones.

BILLS CARRYING REQUEST MESSAGES

HCS SB 51, as amended, relating to motor vehicles, was taken up by Representative Guernsey.

Representative Guernsey moved that the House refuse to recede from its position on **HCS SB 51, as amended**, and grant the Senate a conference.

Which motion was adopted.

SS SCS SB 114, with House Amendment No. 1, as amended, relating to intoxicating liquor, was taken up by Representative Jones (50).

Representative Jones (50) moved that the House refuse to recede from its position on **House Amendment No. 1, as amended**, to **SS SCS SB 114** and grant the Senate a conference.

Which motion was adopted.

HCS SCS SB 256, as amended, relating to child abuse and neglect, was taken up by Representative Torpey.

Representative Torpey moved that the House refuse to recede from its position on **HCS SCS SB 256, as amended**, and grant the Senate a conference.

Which motion was adopted.

THIRD READING OF SENATE BILLS

SCS SB 224, as amended, relating to law enforcement agencies, was again taken up by Representative Rizzo.

Representative Neth offered **House Amendment No. 3**.

House Amendment No. 3

AMEND Senate Committee Substitute for Senate Bill No. 224, Page 1, In the Title, Line 3, by deleting the words, "the Kansas City Police Department" and inserting in lieu thereof the words, "public employees"; and

Further amend said bill, Page 4, Section 84.510, Line 66, by inserting after all of said line the following:

"169.270. Unless a different meaning is clearly required by the context, the following words and phrases as used in sections 169.270 to 169.400 shall have the following meanings:

(1) "Accumulated contributions", the sum of all amounts deducted from the compensation of a member or paid on behalf of the member by the employer and credited to the member's individual account together with interest thereon

in the employees' contribution fund. The board of trustees shall determine the rate of interest allowed thereon as provided for in section 169.295;

(2) "Actuarial equivalent", a benefit of equal value when computed upon the basis of formulas and/or tables which have been approved by the board of trustees. The formulas and tables in effect at any time shall be set forth in a written document which shall be maintained at the offices of the retirement system and treated for all purposes as part of the documents governing the retirement system established by section 169.280. The formulas and tables may be changed from time to time if recommended by the retirement system's actuary and approved by the board of trustees;

(3) "Average final compensation", the highest average annual compensation received for any four consecutive years of service. In determining whether years of service are "consecutive", only periods for which creditable service is earned shall be considered, and all other periods shall be disregarded;

(4) "Beneficiary", any person designated by a member for a retirement allowance or other benefit as provided by sections 169.270 to 169.400;

(5) "Board of education", the board of directors or corresponding board, by whatever name, having charge of the public schools of the school district in which the retirement system is established;

(6) "Board of trustees", the board provided for in section 169.291 to administer the retirement system;

(7) "Break in service", an occurrence when a regular employee ceases to be a regular employee for any reason other than retirement (including termination of employment, resignation, or furlough but not including vacation, sick leave, excused absence or leave of absence granted by an employer) and such person does not again become a regular employee until after sixty consecutive calendar days have elapsed, or after fifteen consecutive school or work days have elapsed, whichever occurs later. A break in service also occurs when a regular employee retires under the retirement system established by section 169.280 and does not again become a regular employee until after fifteen consecutive school or work days have elapsed. A "school or work day" is a day on which the employee's employer requires (or if the position no longer exists, would require, based on past practice) employees having the former employee's last job description to report to their place of employment for any reason;

(8) "Charter school", any charter school established pursuant to sections 160.400 to 160.420 and located, at the time it is established, within the school district;

(9) "Compensation", the regular compensation as shown on the salary and wage schedules of the employer, including any amounts paid by the employer on a member's behalf pursuant to subdivision (5) of subsection 1 of section 169.350, but such term is not to include extra pay, overtime pay, consideration for entering into early retirement, or any other payments not included on salary and wage schedules. For any year beginning after December 31, 1988, the annual compensation of each member taken into account under the retirement system shall not exceed the limitation set forth in Section 401(a)(17) of the Internal Revenue Code of 1986, as amended;

(10) "Creditable service", the amount of time that a regular employee is a member of the retirement system and makes contributions thereto in accordance with the provisions of sections 169.270 to 169.400;

(11) "Employee", any person who is classified by the school district, a charter school, the library district or the retirement system established by section 169.280 as an employee of such employer and is reported contemporaneously for federal and state tax purposes as an employee of such employer. A person is not considered to be an employee for purposes of such retirement system with respect to any service for which the person was not reported contemporaneously for federal and state tax purposes as an employee of such employer, regardless of whether the person is or may later be determined to be or to have been a common law employee of such employer, including but not limited to a person classified by the employer as independent contractors and persons employed by other entities which contract to provide staff and services to the employer. In no event shall a person reported for federal tax purposes as an employee of a private, for-profit entity be deemed to be an employee eligible to participate in the retirement system established by section 169.280 with respect to such employment;

(12) "Employer", the school district, any charter school, the library district, or the retirement system established by section 169.280, or any combination thereof, as required by the context to identify the employer of any member, or, for purposes only of subsection 2 of section 169.324, of any retirant;

(13) "Employer's board", the board of education, the governing board of any charter school, the board of trustees of the library district, the board of trustees, or any combination thereof, as required by the context to identify the governing body of an employer;

(14) "Library district", any urban public library district created from or within a school district under the provisions of section 182.703;

(15) "Medical board", the board of physicians provided for in section 169.291;

(16) "Member", any person who is a regular employee after the retirement system has been established hereunder ("active member"), and any person who (i) was an active member, (ii) has vested retirement benefits hereunder, and (iii) is not receiving a retirement allowance hereunder ("inactive member"). **A person shall cease to be**

a member if the person has a break in service before earning any vested retirement benefits or if the person withdraws his or her accumulated contributions from the retirement system;

(17) "Minimum normal retirement age", **for any member who retires before January 1, 2014, or who is a member of the retirement system on December 31, 2013, and remains a member continuously to retirement, the earlier of the date the member attains the age of sixty or the date the member has a total of at least seventy-five credits, with each year of creditable service and each year of age equal to one credit[,] and with both years of creditable service and years of age prorated for fractional years; for any person who becomes a member of the retirement system on or after January 1, 2014, including any person who was previously a member of the retirement system before January 1, 2014, but ceased to be a member for any reason other than retirement, the earlier of the date the member attains the age of sixty-two or the date the member has a total of at least eighty credits, with each year of creditable service and each year of age equal to one credit and with both years of creditable service and years of age prorated for fractional years;**

(18) "Prior service", service prior to the date the system becomes operative which is creditable in accordance with the provisions of section 169.311. Prior service in excess of thirty-eight years shall be considered thirty-eight years;

(19) "Regular employee", any employee who is assigned to an established position which requires service of not less than twenty-five hours per week, and not less than nine calendar months a year. Any regular employee who is subsequently assigned without break in service to a position demanding less service than is required of a regular employee shall continue the employee's status as a regular employee. Except as stated in the preceding sentence, a temporary, part-time, or furloughed employee is not a regular employee;

(20) "Retirant", a former member receiving a retirement allowance hereunder;

(21) "Retirement allowance", annuity payments to a retirant or to such beneficiary as is entitled to same;

(22) "School district", any school district in which a retirement system shall be established under section 169.280.

169.291. 1. The general administration and the responsibility for the proper operation of the retirement system are hereby vested in a board of trustees of twelve persons who shall be resident taxpayers of the school district, as follows:

(1) Four trustees to be appointed for terms of four years by the board of education; provided, however, that the terms of office of the first four trustees so appointed shall begin immediately upon their appointment and shall expire one, two, three and four years from the date the retirement system becomes operative, respectively;

(2) Four trustees to be elected for terms of four years by and from the members of the retirement system; provided, however, that the terms of office of the first four trustees so elected shall begin immediately upon their election and shall expire one, two, three and four years from the date the retirement system becomes operative, respectively;

(3) The ninth trustee shall be the superintendent of schools of the school district;

(4) The tenth trustee shall be one retirant of the retirement system elected for a term of four years beginning the first day of January immediately following August 13, 1986, by the retirants of the retirement system;

(5) The eleventh trustee shall be appointed for a term of four years beginning the first day of January immediately following August 13, 1990, by the board of trustees described in subdivision (3) of section 182.701;

(6) The twelfth trustee shall be a retirant of the retirement system elected for a term of four years beginning the first day of January immediately following August 28, 1992, by the retirants of the retirement system.

2. If a vacancy occurs in the office of a trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled, except that the board of trustees may appoint a qualified person to fill the vacancy in the office of an elected member until the next regular election at which time a member shall be elected for the unexpired term. No vacancy or vacancies on the board of trustees shall impair the power of the remaining trustees to administer the retirement system pending the filling of such vacancy or vacancies.

3. In the event of a lapse of the school district's corporate organization as described in subsections 1 and 4 of section 162.081, the general administration and responsibility for the proper operation of the retirement system shall continue to be vested in a twelve-person board of trustees, all of whom shall be resident taxpayers of a city, other than a city not within a county, of four hundred thousand or more. In such event, if vacancies occur in the offices of the four trustees appointed, prior to the lapse, by the board of education, or in the offices of the four trustees elected, prior to the lapse, by the members of the retirement system, or in the office of trustee held, prior to the lapse, by the superintendent of schools in the school district, as provided in subdivisions (1), (2) and (3) of subsection 1 of this section, the board of trustees shall appoint a qualified person to fill each vacancy and subsequent vacancies in the office of trustee for terms of up to four years, as determined by the board of trustees.

4. Each trustee shall, before assuming the duties of a trustee, take the oath of office before the court of the judicial circuit or one of the courts of the judicial circuit in which the school district is located that so far as it devolves

upon the trustee, such trustee shall diligently and honestly administer the affairs of the board of trustees and that the trustee will not knowingly violate or willingly permit to be violated any of the provisions of the law applicable to the retirement system. Such oath shall be subscribed to by the trustee making it and filed in the office of the clerk of the circuit court.

5. Each trustee shall be entitled to one vote in the board of trustees. Seven trustees shall constitute a quorum at any meeting of the board of trustees. At any meeting of the board of trustees where a quorum is present, the vote of at least seven of the trustees in support of a motion, resolution or other matter is necessary to be the decision of the board; provided, however, that in the event of a lapse in the school district's corporate organization as described in subsections 1 and 4 of section 162.081, a majority of the trustees then in office shall constitute a quorum at any meeting of the board of trustees, and the vote of a majority of the trustees then in office in support of a motion, resolution or other matter shall be necessary to be the decision of the board.

6. The board of trustees shall have exclusive original jurisdiction in all matters relating to or affecting the funds herein provided for, including, in addition to all other matters, all claims for benefits or refunds, and its action, decision or determination in any matter shall be reviewable in accordance with chapter 536 or chapter 621. Subject to the limitations of sections 169.270 to 169.400, the board of trustees shall, from time to time, establish rules and regulations for the administration of funds of the retirement system, for the transaction of its business, and for the limitation of the time within which claims may be filed.

7. The trustees shall serve without compensation. The board of trustees shall elect from its membership a chairman and a vice chairman. The board of trustees shall appoint an executive director who shall serve as the administrative officer of the retirement system and as secretary to the board of trustees. It shall employ one or more persons, firms or corporations experienced in the investment of moneys to serve as investment counsel to the board of trustees. The compensation of all persons engaged by the board of trustees and all other expenses of the board necessary for the operation of the retirement system shall be paid at such rates and in such amounts as the board of trustees shall approve, and shall be paid from the investment income.

8. The board of trustees shall keep in convenient form such data as shall be necessary for actuarial valuations of the various funds of the retirement system and for checking the experience of the system.

9. The board of trustees shall keep a record of all its proceedings which shall be open to public inspection. It shall prepare annually and furnish to the board of education and to each member of the retirement system who so requests a report showing the fiscal transactions of the retirement system for the preceding fiscal year, the amount of accumulated cash and securities of the system, and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the retirement system.

10. The board of trustees shall have, in its own name, power to sue and to be sued, to enter into contracts, to own property, real and personal, and to convey the same; but the members of such board of trustees shall not be personally liable for obligations or liabilities of the board of trustees or of the retirement system.

11. The board of trustees shall arrange for necessary legal advice for the operation of the retirement system.

12. The board of trustees shall designate a medical board to be composed of three or more physicians who shall not be eligible for membership in the system and who shall pass upon all medical examinations required under the provisions of sections 169.270 to 169.400, shall investigate all essential statements and certificates made by or on behalf of a member in connection with an application for disability retirement and shall report in writing to the board of trustees its conclusions and recommendations upon all matters referred to it.

13. The board of trustees shall designate an actuary who shall be the technical advisor of the board of trustees on matters regarding the operation of the retirement system and shall perform such other duties as are required in connection therewith. Such person shall be qualified as an actuary by membership as a Fellow of the Society of Actuaries or by similar objective standards.

14. At least once in each five-year period the actuary shall make an investigation into the actuarial experience of the members, retirants and beneficiaries of the retirement system and, taking into account the results of such investigation, the board of trustees shall adopt for the retirement system such actuarial assumptions as the board of trustees deems necessary for the financial soundness of the retirement system.

15. On the basis of such actuarial assumptions as the board of trustees adopts, the actuary shall make annual valuations of the assets and liabilities of the funds of the retirement system.

16. The rate of contribution payable by the [employer] **employers** shall equal one and ninety-nine one-hundredths percent, effective July 1, 1993; three and ninety-nine one-hundredths percent, effective July 1, 1995; five and ninety-nine one-hundredths percent, effective July 1, 1996; seven and one-half percent effective January 1, 1999, and for [all] subsequent **calendar** years **through 2013. For calendar year 2014 and each subsequent year, the rate of contribution payable by the employers for each year shall be determined by the actuary for the retirement**

system in the manner provided in subsection 4 of section 169.350 and shall be certified by the board of trustees to the employers at least six months prior to the date such rate is to be effective.

17. In the event of a lapse of a school district's corporate organization as described in subsections 1 and 4 of section 162.081, no retirement system, nor any of the assets of any retirement system, shall be transferred to or merged with another retirement system without prior approval of such transfer or merge by the board of trustees of the retirement system.

169.301. 1. Any active member who has completed five or more years of actual (not purchased) creditable service shall be entitled to a vested retirement benefit equal to the annual service retirement allowance provided in sections 169.270 to 169.400 payable after attaining the minimum normal retirement age and calculated in accordance with the law in effect on the last date such person was a regular employee; provided, that such member does not withdraw such person's accumulated contributions pursuant to section 169.328 prior to attaining the minimum normal retirement age.

2. Any member who elected on October 13, 1961, or within thirty days thereafter, to continue to contribute and to receive benefits under sections 169.270 to 169.400 may continue to be a member of the retirement system under the terms and conditions of the plan in effect immediately prior to October 13, 1961, or may, upon written request to the board of trustees, transfer to the present plan, provided that the member pays into the system any additional contributions with interest the member would have credited to the member's account if such person had been a member of the current plan since its inception or, if the person's contributions and interest are in excess of what the person would have paid, such person will receive a refund of such excess. The board of trustees shall adopt appropriate rules and regulations governing the operation of the plan in effect immediately prior to October 13, 1961.

3. Should a retirant again become an active member, such person's retirement allowance payments shall cease during such membership and shall be recalculated upon subsequent retirement to include any creditable service earned during the person's latest period of active membership in accordance with subsection 2 of section 169.324.

4. In the event of the complete termination of the retirement system established by section 169.280 or the complete discontinuance of contributions to such retirement system, the rights of all members to benefits accrued to the date of such termination or discontinuance, to the extent then funded, shall be fully vested and nonforfeitable.

5. If a member leaves employment with an employer to perform qualified military service, as defined in Section 414(u) of the Internal Revenue Code of 1986, as amended, and dies while in such service, the member's survivors shall be entitled to any additional benefits (other than benefit accruals relating to the period of qualified military service) that would have been provided had the member resumed employment with the employer and then terminated on account of death in accordance with the requirements of Sections [407(a)(37)] **401(a)(37)** and 414(u) of the Internal Revenue Code of 1986, as amended. In such event, the member's period of qualified military [services] **service** shall be counted as creditable service for purposes of vesting but not for purposes of determining the amount of the member's retirement allowance.

169.324. 1. The annual service retirement allowance payable pursuant to section 169.320 [in equal monthly installments for life shall be the retirant's number of years of creditable service multiplied by one and three-fourths percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation. For any member who retires as an active member on or after June 30, 1999, the annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life shall be the retirant's number of years of creditable service multiplied by two percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation. Any member whose number of years of creditable service is greater than thirty-four and one-quarter on August 28, 1993, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service as of August 28, 1993, multiplied by one and three-fourths percent of the person's average final compensation but shall not receive a greater annual service retirement allowance based on additional years of creditable service after August 28, 1993. Provided, however, that,] **shall be the retirant's number of years of creditable service multiplied by a percentage of the retirant's average final compensation, determined as follows:**

(1) A retirant whose last employment as a regular employee ended prior to June 30, 1999, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service multiplied by one and three-fourths percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation;

(2) A retirant whose number of years of creditable service is greater than thirty-four and one-quarter on August 28, 1993, shall receive an annual service retirement allowance payable pursuant to section 169.320 in

equal monthly installments for life equal to the retirant's number of years of creditable service as of August 28, 1993, multiplied by one and three-fourths percent of the person's average final compensation but shall not receive a greater annual service retirement allowance based on additional years of creditable service after August 28, 1993;

(3) A retirant who was an active member of the retirement system at any time on or after June 30, 1999, and who either retires before January 1, 2014, or is a member of the retirement system on December 31, 2013, and remains a member continuously to retirement shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service multiplied by two percent of the person's average final compensation, subject to a maximum of sixty percent of the person's final compensation;

(4) A retirant who becomes a member of the retirement system on or after January 1, 2014, including any retirant who was a member of the retirement system before January 1, 2014, but ceased to be a member for any reason other than retirement, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service multiplied by one and three-fourths percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation;

(5) Notwithstanding the provisions of subdivisions (1) to (4) of this subsection, effective January 1, 1996, any [retiree] **retirant** who retired on, before or after January 1, 1996, with at least twenty years of creditable service shall receive at least three hundred dollars each month as a retirement allowance, or the actuarial equivalent thereof if the [retiree] **retirant** elected any of the options available under section 169.326. [Provided, further, any retiree] **Any retirant** who retired with at least ten years of creditable service shall receive at least one hundred fifty dollars each month as a retirement allowance, plus fifteen dollars for each additional full year of creditable service greater than ten years but less than twenty years (or the actuarial equivalent thereof if the [retiree] **retirant** elected any of the options available under section 169.326). Any beneficiary of a deceased [retiree] **retirant** who retired with at least ten years of creditable service and elected one of the options available under section 169.326 shall also be entitled to the actuarial equivalent of the minimum benefit provided by this subsection, determined from the option chosen.

2. Except as otherwise provided in sections 169.331, 169.580 and 169.585, payment of a retirant's retirement allowance will be suspended for any month for which such person receives remuneration from the person's employer or from any other employer in the retirement system established by section 169.280 for the performance of services except any such person other than a person receiving a disability retirement allowance under section 169.322 may serve as a nonregular substitute, part-time or temporary employee for not more than six hundred hours in any school year without becoming a member and without having the person's retirement allowance discontinued, provided that through such substitute, part-time, or temporary employment, the person may earn no more than fifty percent of the annual salary or wages the person was last paid by the employer before the person retired and commenced receiving a retirement allowance, adjusted for inflation. If a person exceeds such hours limit or such compensation limit, payment of the person's retirement allowance shall be suspended for the month in which such limit was exceeded and each subsequent month in the school year for which the person receives remuneration from any employer in the retirement system. If a retirant is reemployed by any employer in any capacity, whether pursuant to this section, or section 169.331, 169.580, or 169.585, or as a regular employee, the amount of such person's retirement allowance attributable to service prior to the person's first retirement date shall not be changed by the reemployment. If the person again becomes an active member and earns additional creditable service, upon the person's second retirement the person's retirement allowance shall be the sum of:

(1) The retirement allowance the person was receiving at the time the person's retirement allowance was suspended, pursuant to the payment option elected as of the first retirement date, plus the amount of any increase in such retirement allowance the person would have received pursuant to subsection 3 of this section had payments not been suspended during the person's reemployment; and

(2) An additional retirement allowance computed using the benefit formula in effect on the person's second retirement date, the person's creditable service following reemployment, and the person's average final annual compensation as of the second retirement date. The sum calculated pursuant to this subsection shall not exceed the greater of sixty percent of the person's average final compensation as of the second retirement date or the amount determined pursuant to subdivision (1) of this subsection. Compensation earned prior to the person's first retirement date shall be considered in determining the person's average final compensation as of the second retirement date if such compensation would otherwise be included in determining the person's average final compensation.

3. The board of trustees shall determine annually whether the investment return on funds of the system can provide for an increase in benefits for retirants eligible for such increase. A retirant shall and will be eligible for an increase awarded pursuant to this section as of the second January following the date the retirant commenced receiving

retirement benefits. Any such increase shall also apply to any monthly joint and survivor retirement allowance payable to such retirant's beneficiaries, regardless of age. The board shall make such determination as follows:

(1) After determination by the actuary of the investment return for the preceding year as of December thirty-first (the "valuation year"), the actuary shall recommend to the board of trustees what portion of the investment return is available to provide such benefits increase, if any, and shall recommend the amount of such benefits increase, if any, to be implemented as of the first day of the thirteenth month following the end of the valuation year, and [the] first payable on or about the first day of the fourteenth month following the end of the valuation year. The actuary shall make such recommendations so as not to affect the financial soundness of the retirement system, recognizing the following safeguards:

(a) The retirement system's funded ratio as of January first of the year preceding the year of a proposed increase shall be at least one hundred percent after adjusting for the effect of the proposed increase. The funded ratio is the ratio of assets to the pension benefit obligation;

(b) The actuarially required contribution rate, after adjusting for the effect of the proposed increase, may not exceed the [statutory] **then applicable employer and member contribution rate as determined under subsection 4 of section 169.350;**

(c) The actuary shall certify to the board of trustees that the proposed increase will not impair the actuarial soundness of the retirement system;

(d) A benefit increase, under this section, once awarded, cannot be reduced in succeeding years;

(2) The board of trustees shall review the actuary's recommendation and report and shall, in their discretion, determine if any increase is prudent and, if so, shall determine the amount of increase to be awarded.

4. This section does not guarantee an annual increase to any retirant.

5. If an inactive member becomes an active member after June 30, 2001, and after a break in service, unless the person earns at least four additional years of creditable service without another break in service, upon retirement the person's retirement allowance shall be calculated separately for each separate period of service ending in a break in service. The retirement allowance shall be the sum of the separate retirement allowances computed for each such period of service using the benefit formula in effect, the person's average final compensation as of the last day of such period of service and the creditable service the person earned during such period of service; provided, however, if the person earns at least four additional years of creditable service without another break in service, all of the person's creditable service prior to and including such service shall be aggregated and, upon retirement, the retirement allowance shall be computed using the benefit formula in effect and the person's average final compensation as of the last day of such period of four or more years and all of the creditable service the person earned prior to and during such period.

6. Notwithstanding anything contained in this section to the contrary, the amount of the annual service retirement allowance payable to any retirant pursuant to the provisions of sections 169.270 to 169.400, including any adjustments made pursuant to subsection 3 of this section, shall at all times comply with the provisions and limitations of Section 415 of the Internal Revenue Code of 1986, as amended, and the regulations thereunder, the terms of which are specifically incorporated herein by reference.

7. All retirement systems established by the laws of the state of Missouri shall develop a procurement action plan for utilization of minority and women money managers, brokers and investment counselors. Such retirement systems shall report their progress annually to the joint committee on public employee retirement and the governor's minority advocacy commission.

169.350. 1. All of the assets of the retirement system (other than tangible real or personal property owned by the retirement system for use in carrying out its duties, such as office supplies and furniture) shall be credited, according to the purpose for which they are held, in either the employees' contribution fund or the general reserve fund.

(1) The employees' contribution fund shall be the fund in which shall be accumulated the contributions of the members. The employer shall, except as provided in subdivision (5) of this subsection, cause to be deducted from the compensation of each member on each and every payroll, for each and every payroll period, the pro rata portion of five and nine-tenths percent of his annualized compensation. Effective January 1, 1999, **through December 31, 2013**, the employer shall deduct an additional one and six-tenths percent of the member's annualized compensation. **For 2014 and for each subsequent year, the employer shall deduct from each member's annualized compensation the rate of contribution determined for such year by the actuary for the retirement system in the manner provided in subsection 4 of this section.**

(2) The employer shall pay all such deductions and any amount it may elect to pay pursuant to subdivision (5) of this subsection to the retirement system at once. The retirement system shall credit such deductions and such amounts to the individual account of each member from whose compensation the deduction was made or with respect to whose compensation the amount was paid pursuant to subdivision (5) of this subsection. In determining the deduction for a

member in any payroll period, the board of trustees may consider the rate of compensation payable to such member on the first day of the payroll period as continuing throughout such period.

(3) The deductions provided for herein are declared to be a part of the compensation of the member and the making of such deductions shall constitute payments by the member out of the person's compensation and such deductions shall be made notwithstanding that the amount actually paid to the member after such deductions is less than the minimum compensation provided by law for any member. Every member shall be deemed to consent to the deductions made and provided for herein, and shall receipt for the person's full compensation, and the making of the deduction and the payment of compensation less the deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for services rendered during the period covered by the payment except as to benefits provided by sections 169.270 to 169.400.

(4) The accumulated contributions with interest of a member withdrawn by the person or paid to the person's estate or designated beneficiary in the event of the person's death before retirement shall be paid from the employees' contribution fund. Upon retirement of a member the member's accumulated contributions with interest shall be transferred from the employees' contribution fund to the general reserve fund.

(5) The employer may elect to pay on behalf of all members all or part of the amount that the members would otherwise be required to contribute to the employees' contribution fund pursuant to subdivision (1) of this subsection. Such amounts paid by the employer shall be in lieu of members' contributions and shall be treated for all purposes of sections 169.270 to 169.400 as contributions made by members. Notwithstanding any other provision of this chapter to the contrary, no member shall be entitled to receive such amounts directly. The election shall be made by a duly adopted resolution of the employer's board and shall remain in effect for at least one year from the effective date thereof. The election may be thereafter terminated only by an affirmative act of the employer's board notwithstanding any limitation in the term thereof in the adopting resolution. Any such termination resolution shall be adopted at least sixty days prior to the effective date thereof, and the effective date thereof shall coincide with a fiscal year-end of the employer. In the absence of such a termination resolution, the election shall remain in effect from fiscal year to fiscal year.

2. The general reserve fund shall be the fund in which shall be accumulated all reserves for the payment of all benefit expenses and other demands whatsoever upon the retirement system except those items heretofore allocated to the employees' contribution fund.

(1) All contributions by the employer, except those the employer elects to make on behalf of the members pursuant to subdivision (5) of subsection 1 of this section, shall be credited to the general reserve fund.

(2) Should a retirant be restored to active service and again become a member of the retirement system, the excess, if any, of the person's accumulated contributions over benefits received by the retirant shall be transferred from the general reserve fund to the employees' contribution fund and credited to the person's account.

3. Gifts, devises, bequests and legacies may be accepted by the board of trustees and deposited in the general reserve fund to be held, invested and used at its discretion for the benefit of the retirement system except where specific direction for the use of a gift is made by a donor.

4. Beginning in 2013, the actuary for the retirement system shall annually calculate the rate of employer contributions and member contributions for 2014 and for each subsequent calendar year, expressed as a level percentage of the annualized compensation of the members, subject to the following:

(1) The rate of contribution for any calendar year shall be determined based on an actuarial valuation of the retirement system as of the first day of the prior calendar year. Such actuarial valuation shall be performed using the actuarial cost method and actuarial assumptions adopted by the board of trustees and in accordance with accepted actuarial standards of practice in effect at the time the valuation is performed, as promulgated by the actuarial standards board or its successor;

(2) The target combined employer and member contribution rate shall be the amount actuarially required to cover the normal cost and amortize any unfunded accrued actuarial liability over a period that shall not exceed thirty years from the date of the valuation;

(3) The target combined rate as so determined shall be allocated equally between the employer contribution rate and the member contribution rate, provided, however, that the level rate of contributions to be paid by the employers and the level rate of contributions to be deducted from the compensation of members for any calendar year shall each be limited as follows:

(a) The contribution rate shall not be less than seven and one-half percent;

(b) The contribution rate shall not exceed nine percent; and

(c) Changes in the contribution rate from year to year shall be in increments of one-half percent such that the contribution rate for any year shall not be greater than or less than the rate in effect for the prior year by more than one-half percent;

(4) The board of trustees shall certify to the employers the contribution rate for the following calendar year no later than six months prior to the date such rate is to be effective."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Roorda raised a point of order that **House Amendment No. 3** amends previously amended material.

The Chair ruled the point of order not well taken.

On motion of Representative Neth, **House Amendment No. 3** was adopted.

Representative McCaherty offered **House Amendment No. 4.**

House Amendment No. 4

AMEND Senate Committee Substitute for Senate Bill No. 224, Page 1, In the Title, Line 3, by deleting the words, "the Kansas City police department" and inserting in lieu thereof the words, "public employees"; and

Further amend said bill, Page 4, Section 84.510, Line 66, by inserting after all of said line the following:

"105.935. 1. Any state employee who has accrued any overtime hours may choose to use those hours as compensatory leave time provided that the leave time is available and agreed upon by both the state employee and his or her supervisor.

2. A state employee who is a nonexempt employee pursuant to the provisions of the Fair Labor Standards Act shall be eligible for payment of overtime in accordance with subsection 4 of this section. A nonexempt state employee who works on a designated state holiday shall be granted equal compensatory time off duty or shall receive, at his or her choice, the employee's straight time hourly rate in cash payment. A nonexempt state employee shall be paid in cash for overtime unless the employee requests compensatory time off at the applicable overtime rate. As used in this section, the term "state employee" means any person who is employed by the state and earns a salary or wage in a position normally requiring the actual performance by him or her of duties on behalf of the state, but shall not include any employee who is exempt under the provisions of the Fair Labor Standards Act or any employee of the general assembly.

3. Beginning on January 1, 2006, and annually thereafter each department shall pay all nonexempt state employees in full for any overtime hours accrued during the previous calendar year which have not already been paid or used in the form of compensatory leave time. [All nonexempt state employees shall have the option of retaining up to a total of eighty compensatory time hours.] **Any nonexempt Missouri department of corrections employee who has accrued any overtime hours may choose to use those hours as compensatory leave time provided that the leave time is available and agreed upon by such employee and his or her supervisor. Compensatory time shall be considered accrued upon completion of time worked in excess of such employee's normal assigned shift and will be the employee's decision whether to take the time off or request payment for such hours. Each nonexempt state employee shall have the right to retain up to eighty hours of compensatory time at any time during the year.**

4. The provisions of subsection 2 of this section shall only apply to nonexempt state employees who are otherwise eligible for compensatory time under the Fair Labor Standards Act, excluding employees of the general assembly. Any nonexempt state employee requesting cash payment for overtime worked shall notify such employee's department in writing of such decision and state the number of hours, no less than twenty, for which payment is desired. The department shall pay the employee within the calendar month following the month in which a valid request is made. Nothing in this section shall be construed as creating a new compensatory benefit for state employees.

5. Each department shall, by November first of each year, notify the commissioner of administration, the house budget committee chair, and the senate appropriations committee chair of the amount of overtime paid in the previous fiscal year and an estimate of overtime to be paid in the current fiscal year. The fiscal year estimate for overtime pay to be paid by each department shall be designated as a separate line item in the appropriations bill for that department. The provisions of this subsection shall become effective July 1, 2005.

6. Each state department shall report quarterly to the house of representatives budget committee chair, the senate appropriations committee chair, and the commissioner of administration the cumulative number of accrued

overtime hours for department employees, the dollar equivalent of such overtime hours, the number of authorized full-time equivalent positions and vacant positions, the amount of funds for any vacant positions which will be used to pay overtime compensation for employees with full-time equivalent positions, and the current balance in the department's personal service fund.

7. This section is applicable to overtime earned under the Fair Labor Standards Act. This section is applicable to employees who are employed in nonexempt positions providing direct client care or custody in facilities operating on a twenty-four-hour seven-day-a-week basis in the department of corrections, the department of mental health, the division of youth services of the department of social services, and the veterans commission of the department of public safety."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative McCaherty, **House Amendment No. 4** was adopted.

Representative Brattin offered **House Amendment No. 5**.

House Amendment No. 5

AMEND Senate Committee Substitute for Senate Bill No. 224, Page 4, Section 84.510, Line 66, by inserting after all of said section and line the following:

"590.205. 1. The POST commission shall establish minimum standards for school protection officer training instructors, training centers, and training programs.

2. The director shall develop and maintain a list of approved school protection officer training instructors, training centers, and training programs. The director shall not place any instructor, training center, or training program on its approved list unless such instructor, training center, or training program meets all of the POST commission requirements under this section and section 590.200. The director shall make this approved list available to every school district in the state. The required training to become a school protection officer shall be provided by those firearm instructors, private and public, who have successfully completed a Department of Public Safety POST certified law enforcement firearms instructor school.

3. Each person seeking entrance into a school protection officer training center or training program shall submit a fingerprint card and authorization for a criminal history background check to include the records of the Federal Bureau of Investigation to the training center or training program where such person is seeking entrance. The training center or training program shall cause a criminal history background check to be made and shall cause the resulting report to be forwarded to the school district where the elementary school teacher or administrator is seeking to be designated as a school protection officer.

4. No person shall be admitted to a school protection officer training center or training program unless such person submits proof to the training center or training program that he or she has a valid concealed carry endorsement.

5. A certificate of school protection officer training program completion may be issued to any applicant by any approved school protection officer training instructor. On the certificate of program completion the approved school protection officer training instructor shall affirm that the individual receiving instruction has taken and passed a school protection officer training program that meets the requirements of this section and section 590.200 and that the individual has a valid concealed carry endorsement. The instructor shall also provide a copy of such certificate to the director of the department of public safety."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Roorda raised a point of order that **House Amendment No. 5** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Rehder offered **House Substitute Amendment No. 1 for House Amendment No. 5.**

*House Substitute Amendment No. 1
for
House Amendment No. 5*

AMEND Senate Committee Substitute for Senate Bill No. 224, Page 4, Section 84.510, Line 66, by inserting after all of said line the following:

"Section 1. No law enforcement agency or organization representing law enforcement officers who are either members or nonmembers of a law enforcement agency shall require the payment of any dues or fees as a condition of employment or continued employment."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 107

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Mr Speaker			

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters

Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Swearingen	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 005

Grisamore	McDonald	Smith 120	Walton Gray	Zerr
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On motion of Representative Rehder, House Substitute Amendment No. 1 for House Amendment No. 5 was adopted by the following vote:

AYES: 085

Allen	Anderson	Austin	Bahr	Bernskoetter
Brattin	Brown	Burlison	Cierpiot	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Entlicher	Fitzpatrick	Flanigan	Fowler
Fraker	Franklin	Frederick	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Hoskins	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeier	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McGaugh
Messenger	Miller	Moon	Morris	Muntzel
Neely	Parkinson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowland	Scharnhorst	Schatz
Schieber	Shumake	Stream	Swan	Thomson
Walker	White	Wilson	Wood	Mr Speaker

NOES: 071

Anders	Barnes	Berry	Black	Burns
Butler	Carpenter	Colona	Conway 10	Curtis
Dunn	Ellinger	Ellington	Engler	English
Englund	Fitzwater	Frame	Funderburk	Gannon
Gardner	Harris	Higdon	Hinson	Hodges
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCaherty	McCann Beatty
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Molendorp	Montecillo	Morgan	Neth
Newman	Nichols	Norr	Otto	Pace
Peters	Pfautsch	Phillips	Pierson	Rizzo
Roorda	Rowden	Runions	Schieffer	Schupp
Shull	Smith 85	Solon	Sommer	Swearingen
Torpey	Webb	Webber	Wieland	Wright
Zerr				

PRESENT: 001

Spencer

ABSENT WITH LEAVE: 006

Gatschenberger
Walton Gray

Hough

Korman

McDonald

Smith 120

Representative Shull offered **House Amendment No. 6.**

House Amendment No. 6

AMEND Senate Committee Substitute for Senate Bill No. 224, Page 4, Section 84.490, Line 66, by inserting after all of said section and line the following:

"313.817. 1. Except as permitted in this section, the licensee licensed to operate gambling games shall permit no form of wagering on gambling games.

2. The licensee may receive wagers only from a person present on a licensed excursion gambling boat.

3. Wagering shall not be conducted with money or other negotiable currency. The licensee shall exchange the money of each wagerer for electronic or physical tokens, chips, or other forms of credit to be wagered on the gambling games. The licensee shall exchange the tokens, chips, or other forms of wagering credit for money at the request of the wagerer.

4. A person under twenty-one years of age shall not make a wager on an excursion gambling boat and shall not be allowed in the area of the excursion boat where gambling is being conducted; provided that employees of the licensed operator of the excursion gambling boat who have attained eighteen years of age shall be permitted in the area in which gambling is being conducted when performing employment-related duties, except that no one under twenty-one years of age may be employed as a dealer or accept a wager on an excursion gambling boat. The governing body of a home dock city or county may restrict the age of entrance onto an excursion gambling boat by passage of a local ordinance.

5. In order to help protect patrons from invasion of privacy and the possibility of identity theft, patrons shall not be required to provide fingerprints, retinal scans, biometric forms of identification, any type of patron-tracking cards, or other types of identification prior to being permitted to enter the area where gambling is being conducted on an excursion gambling boat or to make a wager, except that, for purposes of establishing that a patron is at least twenty-one years of age as provided in subsection 4 above, a licensee operating an excursion gambling boat shall be authorized to request such patron to provide a valid state or federal photo identification or a valid passport. This section shall not prohibit enforcement of identification requirements that are required by federal law. This section shall not prohibit enforcement of any Missouri statute requiring identification of patrons for reasons other than being permitted to enter the area of an excursion gambling boat where gambling is being conducted or to make a wager.

6. A licensee shall only allow wagering and conduct gambling games at the times allowed by the commission.

7. It shall be unlawful for a person **twenty-one years of age or older** to present false identification to a licensee or a gaming agent in order to gain entrance to an excursion gambling boat, cash a check or verify that such person is legally entitled to be present on the excursion gambling boat. Any person who violates the provisions of this subsection shall be guilty of a class B misdemeanor for the first offense and a class A misdemeanor for second and subsequent offenses.

8. It shall be unlawful for a person under twenty-one years of age to present false identification to a licensee or a gaming agent in order to gain entrance to an excursion gambling boat, cash a check or verify that such person is legally entitled to be present on the excursion gambling boat. Any person who violates the provisions of this subsection shall be fined five hundred dollars and guilty of an infraction for the first offense and a class B misdemeanor for second and subsequent offenses."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Shull, **House Amendment No. 6** was adopted.

Representative Cross offered **House Amendment No. 7.**

House Amendment No. 7

AMEND Senate Committee Substitute for Senate Bill No. 224, Page 4, Section 84.510, Line 66, by inserting after all of said section and line the following:

"512.180. 1. Any person aggrieved by a judgment in a civil case tried without a jury before an associate circuit judge, other than an associate circuit judge sitting in the probate division or who has been assigned to hear the case on the record under procedures applicable before circuit judges, shall have the right of a trial de novo in all cases tried before municipal court or under the provisions of chapters 482, 534, and 535, **except in actions between a landlord and a tenant under chapter 535.**

2. In all other contested civil cases tried with or without a jury before an associate circuit judge or on assignment under such procedures applicable before circuit judges or in any misdemeanor case or county ordinance violation case a record shall be kept, and any person aggrieved by a judgment rendered in any such case may have an appeal upon that record to the appropriate appellate court. At the discretion of the judge, but in compliance with the rules of the supreme court, the record may be a stenographic record or one made by the utilization of electronic, magnetic, or mechanical sound or video recording devices.

534.055. If the tenant has an unauthorized pet on the landlord's property, the landlord may contact the appropriate local animal control officer or animal shelter to have the pet removed from the property or may terminate the lease agreement. As used in this section, "unauthorized pet" means:

- (1) A pet prohibited by the lease or any local ordinance; or**
- (2) Any animal deemed aggressive.**

534.060. Forcible entries and detainers, and unlawful detainers, may be heard and determined by any associate circuit judge of the county in which they are committed. Neither the provisions of this section or any other section in this chapter shall preclude adoption of a local circuit court rule providing for the centralized filing of such cases, nor the assignment of such cases to particular associate circuit or circuit judges pursuant to local circuit court rule or action by the presiding judge of the circuit. Such cases shall be heard and determined by associate circuit judges unless a circuit judge is transferred or assigned to hear such case or cases or unless the plaintiff pursuant to subsection 2 of section 478.250 has designated the case as one to be heard under the practice and procedure applicable before circuit judges and the case is heard by a circuit judge. If the case is heard before an associate circuit judge who has not been specially assigned to hear the case on the record, to the extent practice and procedure are not provided in this chapter the practice and procedure provided in chapter 517 shall apply. If the case is heard initially before an associate circuit judge who has been specially assigned to hear the case on a record or before a circuit judge, the case shall be heard and determined under the same practice and procedure as would apply if the case was being heard upon an application for trial de novo **unless the case involves an action between a landlord and a tenant**, and in such instances, notwithstanding the specific references to chapter 517 in this chapter, the practice and procedure provided in the Missouri Rules of Civil Procedure and the extant provisions of The Civil Code of Missouri shall apply instead of those contained in chapter 517.

535.020. 1. Whenever any rent has become due and payable, and payment has been demanded by the landlord or the landlord's agent from the lessee or person occupying the premises, and payment thereof has not been made, the landlord or agent may file a statement, verified by affidavit, with any associate circuit judge in the county in which the property is situated, setting forth the terms on which such property was rented, and the amount of rent actually due to such landlord; that the rent has been demanded from the tenant, lessee or person occupying the premises, and that payment has not been made, and substantially describing the property rented or leased. Giving the notice provided in section 441.060 is not required prior to filing a statement or obtaining the relief provided in this chapter. In such case, the clerk of the court shall immediately issue a summons directed to such tenant or lessee and to all persons occupying the premises, by name, requiring them to appear before the judge upon a day to be therein named, and show cause why possession of the property should not be restored to the plaintiff. The landlord or agent may, in such an action for unpaid rent, join a claim for any other unpaid sums, other than property damages, regardless of how denominated or defined in the lease, to be paid by or on behalf of a tenant to a landlord for any purpose set forth in the lease; provided that such other sums shall not be considered rent for purposes of this chapter, and judgment for the landlord for recovery of such other sums shall not by itself entitle the landlord to an order for recovery of possession of the premises. The provisions of this section providing for the filing of a statement before an associate circuit judge shall not preclude adoption of a local circuit court rule providing for the centralized filing of such cases, nor the assignment of such cases to particular circuit or associate circuit judges pursuant to local circuit court rule or action by the presiding judge of the circuit. The

case shall be heard and determined under the practice and procedure provided in the Missouri rules of civil procedure, except where otherwise provided by this chapter.

2. If a judgment has been entered in favor of the plaintiff under subsection 1 of this section for recovery of the premises, the sheriff of the county in which the premises is located, within ten days of such judgment, may inspect the premises for the sole purpose of determining safety prior to the removal of any contents as required by the court.

535.030. 1. Such summons shall be served as in other civil cases at least four days before the court date in the summons. The summons shall include a court date which shall not be more than twenty-one business days from the date the summons is issued unless at the time of filing the affidavit the plaintiff or plaintiff's attorney consents in writing to a later date.

2. In addition to attempted personal service, the plaintiff may request, and thereupon the clerk of the court shall make an order directing that the officer, or other person empowered to execute the summons, shall also serve the same by securely affixing a copy of such summons and the complaint in a conspicuous place on the dwelling of the premises in question at least ten days before the court date in such summons, and by also mailing a copy of the summons and complaint to the defendant at the defendant's last known address by ordinary mail at least ten days before the court date. If the officer, or other person empowered to execute the summons, shall return that the defendant is not found, or that the defendant has absconded or vacated his or her usual place of abode in this state, and if proof be made by affidavit of the posting and of the mailing of a copy of the summons and complaint, the judge shall at the request of the plaintiff proceed to hear the case as if there had been personal service, and judgment shall be rendered and proceedings had as in other cases, except that no money judgment shall be granted the plaintiff where the defendant is in default and service is by the posting and mailing procedure set forth in this section.

3. If the plaintiff does not request service of the original summons by posting and mailing as provided in subsection 2 of this section, and if the officer, or other person empowered to execute the summons, makes return that the defendant is not found, or that the defendant has absconded or vacated the defendant's usual place of abode in this state, the plaintiff may request the issuance of an alias summons and service of the same by posting and mailing in the time and manner provided in subsection 2 of this section. In addition, the plaintiff or an agent of the plaintiff who is at least eighteen years of age may serve the summons by posting and mailing a copy of the summons in the time and manner provided in subsection 2 of this section. Upon proof by affidavit of the posting and of the mailing of a copy of the summons or alias summons and the complaint, the judge shall proceed to hear the case as if there had been personal service, and judgment shall be rendered and proceedings had as in other cases, except that no money judgment shall be granted the plaintiff where the defendant is in default and service is by the posting and mailing procedure provided in subsection 2 of this section.

4. On the date judgment is rendered as provided in this section where the defendant is in default, the clerk of the court shall mail to the defendant at the defendant's last known address by ordinary mail a notice informing the defendant of the judgment and the date it was entered, and stating that the defendant has ten days from the date of the judgment to file a motion to set aside the judgment [or to file an application for a trial de novo] in the circuit court, as the case may be, and that unless the judgment is set aside [or an application for a trial de novo is filed] within ten days, the judgment will become final and the defendant will be subject to eviction from the premises without further notice.

535.110. Applications for [trials de novo and] appeals shall be allowed and conducted in the manner provided in chapter 512; but no application for [a trial de novo or] **an** appeal shall stay execution unless the defendant give bond, with security sufficient to secure the payment of all damages, costs and rent then due, and with condition to stay waste and to pay all subsequently accruing rent, if any, into court within [ten] **three** days after it becomes due, pending determination of the [trial de novo or] appeal.

535.160. If the defendant, on the date any money judgment is given in any action pursuant to this chapter, either tenders to the landlord, or brings into the court where the suit is pending, all the rent then in arrears, and all the costs, further proceedings in the action shall cease and be stayed. If on any date after the date of any original trial [but before any trial de novo] the defendant shall satisfy such money judgment and pay all costs, any execution for possession of the subject premises shall cease and be stayed; except that the landlord shall not thereby be precluded from making application for appeal from such money judgment. If for any reason no money judgment is entered against the defendant and judgment for the plaintiff is limited only to possession of the subject premises, no stay of execution shall be had, except as provided by the provisions of section 535.110 or the rules of civil procedure or by agreement of the parties.

535.170. After the execution of any judgment for possession pursuant to this chapter, the lessee and the lessee's assignees, and all other persons deriving title under the lease from such lessee, shall be barred from reentry of such premises and from all relief, and except for error in the record or proceedings, the landlord shall from that day hold the demised premises discharged from the lease. Nothing in this section shall preclude an aggrieved party from perfecting an appeal [or securing a trial de novo] as to any judgment rendered, and may as a result of such appeal [or trial de novo] recover any damage incurred, including damages incurred from an unlawful dispossession.

535.190. If a tenant appears before a judge in an action for nonpayment of rent, the court shall inquire, on the record, about the tenant's current residence and current place of employment.

535.200. 1. In the twenty-second judicial circuit, upon adoption of an ordinance by the city of St. Louis providing for expenditure of city funds for such purpose, a majority of the circuit judges, en banc, may establish a landlord-tenant court, which shall be a division of the circuit court, and may authorize the appointment of not more than two landlord-tenant court commissioners. The landlord-tenant court commissioners shall be appointed by a landlord-tenant court judicial commission consisting of the presiding judge of the circuit, who shall be the chair, one circuit judge elected by the circuit judges, one associate circuit judge elected by the associate circuit judges of the circuit, and two members appointed by the mayor of the city of St. Louis, each of whom shall represent one of the two political parties casting the highest number of votes at the next preceding gubernatorial election. The procedures and operations of the landlord-tenant court judicial commission shall be established by circuit court rule.

2. Landlord-tenant commissioners may be authorized to hear in the first instance disputes involving landlords and their tenants. Landlord-tenant commissioners shall be authorized to make findings of fact and conclusions of law, and to issue orders for the payment of money, for the giving or taking of possession of residential property and any other equitable relief necessary to resolve disputes governed by the laws in chapters 441, 524, 534, and this chapter. Landlord-tenant commissioners may not, by ex parte means, hear cases and issue orders.

3. Landlord-tenant commissioners shall be licensed to practice law in this state and shall serve at the pleasure of a majority of the circuit and associate circuit judges, en banc, and shall be residents of the city of St. Louis, and shall receive as annual compensation an amount equal to one-third of the annual compensation of an associate circuit judge. Landlord-tenant commissioners shall not accept or handle cases in their practice of law which are inconsistent with their duties as a landlord-tenant commissioner and shall not be a judge or prosecutor for any other court. Landlord-tenant commissioners shall not be considered state employees and shall not be members of the state employees' or judicial retirement system or be eligible to receive any other employment benefit accorded state employees or judges.

4. A majority of the judges of the circuit, en banc, shall establish operating procedures for the landlord-tenant court. Proceedings in the landlord-tenant court shall be conducted as in cases tried before an associate circuit judge. The hearing shall be before a landlord-tenant commissioner without jury, and the commissioner shall assume an affirmative duty to determine the merits of the evidence presented and the defenses of the defendant and may question parties and witnesses. Clerks and computer personnel shall be assigned as needed for the efficient operation of the court.

5. The parties to a cause of action before a commissioner of the landlord-tenant court are entitled to file with the court a motion for a hearing in associate circuit court within ten days after the mailing, or within ten days after service.

6. Operating procedures shall be provided for electronic recording of proceedings at city expense. Any person aggrieved by a judgment in a case decided under this section shall have a right to [a trial de novo in circuit court, or] an appeal to the appropriate appellate court, in the same manner as would a person aggrieved by a decision of an associate circuit judge under section 535.110. The procedures for perfecting the right of [a trial de novo or] an appeal shall be the same as that provided pursuant to sections 512.180 to 512.320.

7. Any summons issued for the proceedings in the landlord-tenant court shall have a return date of ten days. The sheriff must attempt to serve any summons within four days of the date of issuance.

8. All costs to establish and operate a landlord-tenant court under this section shall be borne by the city of St. Louis.

535.210. 1. In the sixteenth judicial circuit, upon adoption of an ordinance by Jackson County providing for expenditure of county funds for such purpose, a majority of the circuit court judges, en banc, may establish a landlord-tenant court, which shall be a division of the circuit court, and may authorize the appointment of not more than two landlord-tenant court commissioners. The landlord-tenant court commissioners shall be appointed by a landlord-tenant court judicial commission consisting of the presiding judge of the circuit, who shall be the chair, one circuit judge elected by the circuit judges, one associate circuit judge elected by the associate circuit judges of the circuit, and two members appointed by the county executive of Jackson County, each of whom shall represent one of the two political parties

casting the highest number of votes at the next preceding gubernatorial election. The procedures and operations of the landlord-tenant court judicial commission shall be established by circuit court rule.

2. Landlord-tenant commissioners may be authorized to hear in the first instance disputes involving landlords and their tenants. Landlord-tenant commissioners shall be authorized to make findings of fact and conclusions of law, and to issue orders for the payment of money, for the giving or taking of possession of residential property and any other equitable relief necessary to resolve disputes governed by the laws in chapters 441, 524, 534, and this chapter. Landlord-tenant commissioners may not, by ex parte means, hear cases and issue orders.

3. Landlord-tenant commissioners shall be licensed to practice law in this state and shall serve at the pleasure of a majority of the circuit and associate circuit judges, en banc, and shall be residents of Jackson County, and shall receive as annual compensation an amount equal to one-third of the annual compensation of an associate circuit judge. Landlord-tenant commissioners shall not accept or handle cases in their practice of law which are inconsistent with their duties as a landlord-tenant commissioner and shall not be a judge or prosecutor for any other court. Landlord-tenant commissioners shall not be considered state employees and shall not be members of the state employees' or judicial retirement system or be eligible to receive any other employment benefit accorded state employees or judges.

4. A majority of the judges of the circuit court, en banc, shall establish operating procedures for the landlord-tenant court. Proceedings in the landlord-tenant court, shall be conducted as in cases tried before an associate circuit judge. The hearing shall be before a landlord-tenant commissioner without jury, and the commissioner shall assume an affirmative duty to determine the merits of the evidence presented and the defenses of the defendant and may question parties and witnesses. Clerks and computer personnel shall be assigned as needed for the efficient operation of the court.

5. The parties to a cause of action before a commissioner of the landlord-tenant court are entitled to file with the court a motion for a hearing in associate circuit court within ten days after the mailing, or within ten days after service.

6. Operating procedures shall be provided for electronic recording of proceedings at county expense. Any person aggrieved by a judgment in a case decided under this section shall have a right to [a trial de novo in circuit court, or] an appeal to the appropriate appellate court, in the same manner as would a person aggrieved by a decision of an associate circuit judge under section 535.110. The procedures for perfecting the right of [a trial de novo or] **an** appeal shall be the same as that provided pursuant to sections 512.180 to 512.320.

7. Any summons issued for the proceedings in the landlord-tenant court shall have a return date of ten days from the date of service. The sheriff must attempt to serve any summons within four days of the date of issuance.

8. All costs to establish and operate a landlord-tenant court under this section shall be borne by Jackson County."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Cross, **House Amendment No. 7** was adopted.

Representative Scharnhorst offered **House Amendment No. 8**.

House Amendment No. 8

AMEND Senate Committee Substitute for Senate Bill No. 224, Page 4, Section 84.510, Line 66, by inserting after said line the following:

"Section 1. Any quasi-government entity created to provide information management products and services to criminal justice, municipal and county courts and other government agencies whose originating agency identifier was terminated by the federal bureau of investigations shall provide integration access to the contracted data for the political subdivision or its agency in a web service or file transfer protocol format on line in a timely manner upon written request at no additional charge as is required by the political subdivision or its agency."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Scharnhorst, **House Amendment No. 8** was adopted.

On motion of Representative Rizzo, **SCS SB 224, as amended**, was read the third time and passed by the following vote:

AYES: 091

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McGaugh	Messenger
Miller	Moon	Morris	Muntzel	Neely
Parkinson	Pfausch	Pike	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rowland	Scharnhorst	Schatz	Shull	Shumake
Sommer	Spencer	Stream	Swan	Thomson
Walker	White	Wilson	Wood	Zerr
Mr Speaker				

NOES: 068

Anders	Berry	Black	Burns	Butler
Carpenter	Colona	Conway 10	Curtis	Dunn
Ellinger	Ellington	Engler	English	Englund
Frame	Funderburk	Gannon	Gardner	Harris
Higdon	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Korman	Kratky	LaFaver	May
Mayfield	McCaherty	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Molendorp	Montecillo	Morgan	Neth	Newman
Nichols	Norr	Otto	Pace	Peters
Phillips	Pierson	Pogue	Rizzo	Roorda
Rowden	Runions	Schieber	Schieffer	Schupp
Smith 85	Solon	Swearingen	Torpey	Webb
Webber	Wieland	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 004

Gatschenberger	Ross	Smith 120	Walton Gray
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Speaker Jones declared the bill passed.

APPOINTMENT OF CONFERENCE COMMITTEES

The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:

HCS SB 51: Representatives Guernsey, Fraker and Curtis

SS SCS SB 114: Representatives Jones (50), Richardson and Hummel

SCS SB 256: Representatives Torpey, Hinson and McManus

THIRD READING OF HOUSE JOINT RESOLUTION

HJR 17, relating to limits on state appropriations, was taken up by Representative Burlison.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 108

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Parkinson
Pfausch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan

Newman	Nichols	Norr	Otto	Pace
Peters	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 005

Funderburk	Pierson	Smith 120	Swearingen	Walton Gray
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On motion of Representative Burlison, **HJR 17** was read the third time and passed by the following vote:

AYES: 111

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Brattin	Brown
Burlison	Cierpiot	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Elmer	Engler
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Hicks	Higdon
Hinson	Hoskins	Houghton	Hubbard	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Koenig	Kolkmeier	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Moon	Morris	Muntzel	Neely
Neth	Pace	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 050

Black	Burns	Butler	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hough	Hummel	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Molendorp	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 002

Smith 120	Walton Gray
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Speaker Jones declared the bill passed.

Representative Lauer assumed the Chair.

HCS SS SCS SB 83, relating to political subdivisions, was taken up by Representative Jones (50).

Representative Jones (50) offered **House Amendment No. 1**.

House Amendment No. 1 was withdrawn.

Representative Cornejo offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 18, Section 67.469, Line 9, by inserting after all of said section and line, the following:

"67.1009. 1. The governing body of the following cities may impose a tax as provided in this section:

(1) Any city of the fourth classification with more than eight hundred thirty but fewer than nine hundred inhabitants and located in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants;

(2) Any city of the fourth classification with more than four thousand fifty but fewer than four thousand two hundred inhabitants and located in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants.

2. The governing body of any city listed in subsection 1 of this section may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city, which shall be not more than six tenths of one percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general or primary election a proposal to authorize the governing body of the city to impose a tax pursuant to this section. The tax authorized by this section shall be in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law. Such tax shall be stated separately from all other charges and taxes.

3. The ballot of submission for any tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in (name of city) at a rate of (insert rate of percent up to six tenths of one percent)?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

4. As used in this section, "transient guests" means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter."; and

Further amend said bill, Page 22, Section 92.387, Line 2, by inserting after all of said section and line the following:

"94.270. 1. The mayor and board of aldermen shall have power and authority to regulate and to license and to levy and collect a license tax on auctioneers, druggists, hawkers, peddlers, banks, brokers, pawnbrokers, merchants of all kinds, grocers, confectioners, restaurants, butchers, taverns, hotels, public boardinghouses, billiard and pool tables and other tables, bowling alleys, lumber dealers, real estate agents, loan companies, loan agents, public buildings, public

halls, opera houses, concerts, photographers, bill posters, artists, agents, porters, public lecturers, public meetings, circuses and shows, for parades and exhibitions, moving picture shows, horse or cattle dealers, patent right dealers, stockyards, inspectors, gaugers, mercantile agents, gas companies, insurance companies, insurance agents, express companies, and express agents, telegraph companies, light, power and water companies, telephone companies, manufacturing and other corporations or institutions, automobile agencies, and dealers, public garages, automobile repair shops or both combined, dealers in automobile accessories, gasoline filling stations, soft drink stands, ice cream stands, ice cream and soft drink stands combined, soda fountains, street railroad cars, omnibuses, drays, transfer and all other vehicles, traveling and auction stores, plumbers, and all other business, trades and avocations whatsoever, and fix the rate of carriage of persons, drayage and cartage of property; and to license, tax, regulate and suppress ordinaries, money brokers, money changers, intelligence and employment offices and agencies, public masquerades, balls, street exhibitions, dance houses, fortune tellers, pistol galleries, corn doctors, private venereal hospitals, museums, menageries, equestrian performances, horoscopic views, telescopic views, lung testers, muscle developers, magnifying glasses, ten pin alleys, ball alleys, billiard tables, pool tables and other tables, theatrical or other exhibitions, boxing and sparring exhibitions, shows and amusements, tipling houses, and sales of unclaimed goods by express companies or common carriers, auto wrecking shops and junk dealers; to license, tax and regulate hackmen, draymen, omnibus drivers, porters and all others pursuing like occupations, with or without vehicles, and to prescribe their compensation; and to regulate, license and restrain runners for steamboats, cars, and public houses; and to license ferries, and to regulate the same and the landing thereof within the limits of the city, and to license and tax auto liveries, auto drays and jitneys.

2. Notwithstanding any other law to the contrary, no city of the fourth classification with more than eight hundred but less than nine hundred inhabitants and located in any county with a charter form of government and with more than one million inhabitants shall levy or collect a license fee on hotels or motels in an amount in excess of twenty-seven dollars per room per year. No hotel or motel in such city shall be required to pay a license fee in excess of such amount, and any license fee in such city that exceeds the limitations of this subsection shall be automatically reduced to comply with this subsection.

3. Notwithstanding any other law to the contrary, no city of the fourth classification with more than four thousand one hundred but less than four thousand two hundred inhabitants and located in any county with a charter form of government and with more than one million inhabitants shall levy or collect a license fee on hotels or motels in an amount in excess of thirteen dollars and fifty cents per room per year. No hotel or motel in such city shall be required to pay a license fee in excess of such amount, and any license fee in such city that exceeds the limitations of this subsection shall be automatically reduced to comply with this subsection.

4. Notwithstanding any other law to the contrary, on or after January 1, 2006, no city of the fourth classification with more than fifty-one thousand three hundred and eighty but less than fifty-one thousand four hundred inhabitants and located in any county with a charter form of government and with more than two hundred eighty thousand but less than two hundred eighty-five thousand or no city of the fourth classification with more than fifty-one thousand but fewer than fifty-two thousand inhabitants and located in any county with a charter form of government and with more than two hundred eighty thousand but less than two hundred eighty-five thousand shall levy or collect a license fee on hotels or motels in an amount in excess of one thousand dollars per year. No hotel or motel in such city shall be required to pay a license fee in excess of such amount, and any license fee in such city that exceeds the limitation of this subsection shall be automatically reduced to comply with this subsection.

5. Any city under subsection 4 of this section may increase a hotel and motel license tax by five percent per year but the total tax levied under this section shall not exceed one-eighth of one percent of such hotels' or motels' gross revenue.

6. Any city under [subsections] **subsection 1** [, 2, and 3] of this section may increase a hotel and motel license tax by five percent per year but the total tax levied under this section shall not exceed the greater of:

- (1) One-eighth of one percent of such hotels' or motels' gross revenue; or
- (2) The business license tax rate for such hotel or motel on May 1, 2005.

7. The provisions of subsection 6 of this section shall not apply to any tax levied by a city when the revenue from such tax is restricted for use to a project from which bonds are outstanding as of May 1, 2005."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Cornejo, **House Amendment No. 2** was adopted.

Representative Leara offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 43, Section 143.790, Line 255, by inserting after all of said line the following:

"144.011. 1. For purposes of sections 144.010 to 144.525 and 144.600 to 144.748, and the taxes imposed thereby, the definition of "retail sale" or "sale at retail" shall not be construed to include any of the following:

(1) The transfer by one corporation of substantially all of its tangible personal property to another corporation pursuant to a merger or consolidation effected under the laws of the state of Missouri or any other jurisdiction;

(2) The transfer of tangible personal property incident to the liquidation or cessation of a taxpayer's trade or business, conducted in proprietorship, partnership or corporate form, except to the extent any transfer is made in the ordinary course of the taxpayer's trade or business;

(3) The transfer of tangible personal property to a corporation solely in exchange for its stock or securities;

(4) The transfer of tangible personal property to a corporation by a shareholder as a contribution to the capital of the transferee corporation;

(5) The transfer of tangible personal property to a partnership solely in exchange for a partnership interest therein;

(6) The transfer of tangible personal property by a partner as a contribution to the capital of the transferee partnership;

(7) The transfer of tangible personal property by a corporation to one or more of its shareholders as a dividend, return of capital, distribution in the partial or complete liquidation of the corporation or distribution in redemption of the shareholder's interest therein;

(8) The transfer of tangible personal property by a partnership to one or more of its partners as a current distribution, return of capital or distribution in the partial or complete liquidation of the partnership or of the partner's interest therein;

(9) The transfer of reusable containers used in connection with the sale of tangible personal property contained therein for which a deposit is required and refunded on return;

(10) The purchase by persons operating eating or food service establishments, of items of a nonreusable nature which are furnished to the customers of such establishments with or in conjunction with the retail sales of their food or beverage. Such items shall include, but not be limited to, wrapping or packaging materials and nonreusable paper, wood, plastic and aluminum articles such as containers, trays, napkins, dishes, silverware, cups, bags, boxes, straws, sticks and toothpicks;

(11) The purchase by persons operating hotels, motels or other transient accommodation establishments, of items of a nonreusable nature which are furnished to the guests in the guests' rooms of such establishments and such items are included in the charge made for such accommodations. Such items shall include, but not be limited to, soap, shampoo, tissue and other toiletries and food or confectionery items offered to the guests without charge;

(12) The transfer of a manufactured home other than:

(a) A transfer which involves the delivery of the document known as the "Manufacturer's Statement of Origin" to a person other than a manufactured home dealer, as defined in section 700.010, for purposes of allowing such person to obtain a title to the manufactured home from the department of revenue of this state or the appropriate agency or officer of any other state;

(b) A transfer which involves the delivery of a "Reposessed Title" to a resident of this state if the tax imposed by sections 144.010 to 144.525 was not paid on the transfer of the manufactured home described in paragraph (a) of this subdivision;

(c) The first transfer which occurs after December 31, 1985, if the tax imposed by sections 144.010 to 144.525 was not paid on any transfer of the same manufactured home which occurred before December 31, 1985; or

(13) Charges for initiation fees or dues to:

(a) Fraternal beneficiaries societies, or domestic fraternal societies, orders or associations operating under the lodge system a substantial part of the activities of which are devoted to religious, charitable, scientific, literary, educational or fraternal purposes; or

(b) Posts or organizations of past or present members of the Armed Forces of the United States or an auxiliary unit or society of, or a trust or foundation for, any such post or organization substantially all of the members of which are past or present members of the Armed Forces of the United States or who are cadets, spouses, widows, or widowers of past or present members of the Armed Forces of the United States, no part of the net earnings of which inures to the benefit of any private shareholder or individual

(14) The sale of the right under a contract of six months or more for the right of first refusal to purchase tickets for seating in a multi-purpose arena owned by a political subdivision and managed or operated by a private business and located in a city with a population of more than three hundred thousand inhabitants which is located in more than one county, when the contract is not for the sale of the right to enter an event at such arena without the payment of an admission charge.

2. The assumption of liabilities of the transferor by the transferee incident to any of the transactions enumerated in the above subdivisions (1) to (8) of subsection 1 of this section shall not disqualify the transfer from the exclusion described in this section, where such liability assumption is related to the property transferred and where the assumption does not have as its principal purpose the avoidance of Missouri sales or use tax."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 097

Allen	Anderson	Austin	Bahr	Bernskoetter
Brattin	Burlison	Conway 104	Cookson	Cornejo
Cox	Crawford	Davis	Diehl	Dohrman
Dugger	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeier	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Moon	Morris	Neely	Parkinson
Pfausch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 047

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
English	Englund	Frame	Harris	Hodges
Hubbard	Kelly 45	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Runions
Schieffer	Schupp	Smith 85	Swearingen	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 019

Barnes	Berry	Brown	Cierpiot	Cross
Curtman	Ellington	Elmer	Engler	Gardner
Hummel	Mitten	Molendorp	Muntzel	Neth
Roorda	Schatz	Smith 120	Walton Gray	

House Amendment No. 3 was withdrawn.

Representative Jones (110) offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 22, Section 92.387, Line 2, by inserting after all of said line the following:

"135.1670. 1. If any job that qualifies for a tax credit under sections 100.7000 to 100.850, 135.100 to 135.258, 135.950 to 135.973, 620.1023, or 620.1875 to 620.1910 relocates to a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, a county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a city of the fourth classification with more than four thousand five hundred but fewer than five thousand inhabitants as the county seat, a county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants, or a county of the first classification with more than ninety-two thousand but fewer than one hundred one thousand inhabitants from any county outside the state of Missouri which is adjacent to such counties, no tax credits shall be issued for such job under such sections if the state of Kansas prohibits any tax credit for jobs or economic incentive for job creation or does not award any job relocation incentive for any job that relocates from such counties into any county outside the state of Missouri which is adjacent to such counties.

2. Subsection 1 of this section shall become effective only upon the state of Kansas enacting legislation or the governor of Kansas issuing an executive order or similar action which is substantially similar to the provisions contained in subsection 1 of this section.

3. Subsection 1 of this section shall become null and void and thereby considered repealed effective only upon the state of Kansas repealing enacted legislation or the governor of Kansas rescinding an executive order or similar action which is substantially similar to the provisions contained in subsection 1 of this section."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Jones (110), **House Amendment No. 4** was adopted by the following vote:

AYES: 152

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst

Johnson	Jones 50	Justus	Keeney	Kelley 127
Kirkton	Koenig	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	Meredith	Messenger	Miller
Mims	Mitten	Montecillo	Moon	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Parkinson
Peters	Pfausch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Rowden	Rowland	Runions	Scharnhorst	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 85
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Mr Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Cross	Ellington	Grisamore	Kelly 45	McNeil
Molendorp	Ross	Schatz	Smith 120	Walton Gray
Zerr				

Representative Johnson offered **House Amendment No. 5.**

House Amendment No. 5

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 130, Section 577.041, Line 138, by inserting after all of said section and line the following:

"620.1915. 1. There is hereby created in the state treasury the "Missouri International Business Advertising Fund", which shall consist of appropriated moneys, gifts, contributions, grants, or bequests to be used solely for the purpose of attracting international businesses to Missouri. The fund shall be used for advertising the benefits of relocating an international business to Missouri and may be used to advertise in international business magazines, international social media sites, or any search engine that receives international traffic. The fund may be used to promote the existence and purpose of the fund. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the administration of this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. The Missouri international advertising fund shall be administered and managed by the Missouri small business technology and development center and its coordinator, with the primary goal of encouraging any business located outside of the United States to relocate to Missouri.

3. The Missouri small business technology and development center shall establish a committee consisting of no fewer than three but no more than five persons for the purpose of reviewing which international markets are seeing an increase of business relocating to the United States and specifically use the funds that are deposited into the Missouri international advertising fund to create a marketing campaign directed toward the international companies in these markets. The coordinator shall establish its own rules of procedure."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Johnson, **House Amendment No. 5** was adopted.

Representative Hinson offered **House Amendment No. 6.**

House Amendment No. 6

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 22, Section 67.2050, Line 73, by inserting after all of said section and line the following:

"72.401. 1. If a commission has been established pursuant to section 72.400 in any county with a charter form of government where fifty or more cities, towns and villages have been established, any boundary change within the county shall proceed solely and exclusively in the manner provided for by sections 72.400 to 72.423, notwithstanding any statutory provisions to the contrary concerning such boundary changes.

2. In any county with a charter form of government where fifty or more cities, towns and villages have been established, if the governing body of such county has by ordinance established a boundary commission, as provided in sections 72.400 to 72.423, then boundary changes in such county shall proceed only as provided in sections 72.400 to 72.423.

3. The commission shall be composed of eleven members as provided in this subsection. No member, employee or contractor of the commission shall be an elective official, employee or contractor of the county or of any political subdivision within the county or of any organization representing political subdivisions or officers or employees of political subdivisions. Each of the appointing authorities described in subdivisions (1) to (3) of this subsection shall appoint persons who shall be residents of their respective locality so described. The appointing authority making the appointments shall be:

(1) The chief elected officials of all municipalities wholly within the county which have a population of more than twenty thousand persons, who shall name two members to the commission as prescribed in this subsection each of whom is a resident of a municipality within the county of more than twenty thousand persons;

(2) The chief elected officials of all municipalities wholly within the county which have a population of twenty thousand or less but more than ten thousand persons, who shall name one member to the commission as prescribed in this subsection who is a resident of a municipality within the county with a population of twenty thousand or less but more than ten thousand persons;

(3) The chief elected officials of all municipalities wholly within the county which have a population of ten thousand persons or less, who shall name one member to the commission as prescribed in this subsection who is a resident of a municipality within the county with a population of ten thousand persons or less;

(4) An appointive body consisting of the director of the county department of planning, the president of the municipal league of the county, one additional person designated by the county executive, and one additional person named by the board of the municipal league of the county, which appointive body, acting by a majority of all of its members, shall name three members of the commission who are residents of the county; and

(5) The county executive of the county, who shall name four members of the commission, three of whom shall be from the unincorporated area of the county and one of whom shall be from the incorporated area of the county. The seat of a commissioner shall be automatically vacated when the commissioner changes his or her residence so as to no longer conform to the terms of the requirements of the commissioner's appointment. The commission shall promptly notify the appointing authority of such change of residence.

4. Upon the passage of an ordinance by the governing body of the county establishing a boundary commission, the governing body of the county shall, within ten days, send by United States mail written notice of the passage of the ordinance to the chief elected official of each municipality wholly or partly in the county.

5. Each of the appointing authorities described in subdivisions (1) to (4) of subsection 3 of this section shall meet within thirty days of the passage of the ordinance establishing the commission to compile its list of appointees. Each list shall be delivered to the county executive within forty-one days of the passage of such ordinance. The county executive shall appoint members within forty-five days of the passage of the ordinance. If a list is not submitted by the time specified, the county executive shall appoint the members using the criteria of subsection 3 of this section before the sixtieth day from the passage of the ordinance. At the first meeting of the commission appointed after the effective date of the ordinance, the commissioners shall choose by lot the length of their terms. Three shall serve for one year, two for two years, two for three years, two for four years, and two for five years. All succeeding commissioners shall

serve for five years. Terms shall end on December thirty-first of the respective year. No commissioner shall serve more than two consecutive full terms. Full terms shall include any term longer than two years.

6. When a member's term expires, or if a member is for any reason unable to complete his term, the respective appointing authority shall appoint such member's successor. Each appointing authority shall act to ensure that each appointee is secured accurately and in a timely manner, when a member's term expires or as soon as possible when a member is unable to complete his term. A member whose term has expired shall continue to serve until his successor is appointed and qualified.

7. The commission, its employees and subcontractors shall be subject to the regulation of conflicts of interest as defined in sections 105.450 to 105.498 and to the requirements for open meetings and records under chapter 610.

8. Notwithstanding any provisions of law to the contrary, any boundary adjustment approved by the residential property owners and the governing bodies of the affected municipalities or the county, if involved, and any voluntary annexation approved by municipal ordinance provided that the municipality owns the area to be annexed, that the area is contiguous with the municipality, and that the area is utilized only for parks and recreation purposes, shall not be subject to commission review. Such a boundary adjustment or annexation is not prohibited by the existence of an established unincorporated area.

9. Any annexation of property or defined area of properties approved by a majority of property owners residing thereon, and approved by ordinance of any municipality that is a service provider for both water and sanitary sewer service within its municipality, shall be effective as provided in such annexation ordinance and shall not be subject to commission review. Such annexation is not prohibited by the existence of an established unincorporated area."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Jones (50) offered **House Amendment No. 1 to House Amendment No. 6.**

*House Amendment No. 1
to
House Amendment No. 6*

AMEND House Amendment No. 6 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 2, Line 43, by inserting after all of said line the following:

'Further amend said bill, Page 7, Section 32.087, Line 144, by deleting the comma, ",", on said line; and

Further amend said bill, Page 13, Section 52.250, Lines 13-14, by deleting all of said lines and inserting in lieu thereof, the following:

"classification.] Collectors in [third and fourth class] **all** counties are entitled to collect such fees immediately upon an order of the circuit court pursuant to section 139.031. If the protest is later"; and

Further amend said bill, Page 22, Section 92.387, Line 2, by inserting after all of said section and line, the following:

"135.960. 1. Any governing authority that desires to have any portion of a city or unincorporated area of a county under its control designated as an enhanced enterprise zone shall hold a public hearing for the purpose of obtaining the opinion and suggestions of those persons who will be affected by such designation. [The governing authority shall notify the director of such hearing at least thirty days prior thereto and shall publish notice of such hearing in a newspaper of general circulation in the area to be affected by such designation at least twenty days prior to the date of the hearing but not more than thirty days prior to such hearing. Such notice shall state the time, location, date, and purpose of the hearing. The director, or the director's designee, shall attend such hearing.]

2. After a public hearing is held as required in subsection 1 of this section, the governing authority may, **by a majority vote of the members of the governing authority**, [file a petition with the department requesting the designation of] **adopt an ordinance or resolution designating** a specific area as an enhanced enterprise zone. Such [petition] **ordinance** shall include, in addition to a description of the physical, social, and economic characteristics of the area:

(1) A plan to provide adequate police protection within the area;

(2) A specific and practical process for individual businesses to obtain waivers from burdensome local regulations, ordinances, and orders which serve to discourage economic development within the area to be designated an enhanced enterprise zone, except that such waivers shall not substantially endanger the health or safety of the employees of any such business or the residents of the area;

(3) A description of what other specific actions will be taken to support and encourage private investment within the area;

(4) A plan to ensure that resources are available to assist area residents to participate in increased development through self-help efforts and in ameliorating any negative effects of designation of the area as an enhanced enterprise zone;

(5) A statement describing the projected positive and negative effects of designation of the area as an enhanced enterprise zone;

(6) A specific plan to provide assistance to any person or business dislocated as a result of activities within the enhanced enterprise zone. Such plan shall determine the need of dislocated persons for relocation assistance; provide, prior to displacement, information about the type, location, and price of comparable housing or commercial property; provide information concerning state and federal programs for relocation assistance and provide other advisory services to displaced persons. Public agencies may choose to provide assistance under the Uniform Relocation and Real Property Acquisition Act, 42 U.S.C. Section 4601, et seq., to meet the requirements of this subdivision; and

(7) A description or plan that demonstrates the requirements of subsection 4 of section 135.953.

3. An enhanced enterprise zone designation shall [be effective upon such approval by the department and shall] expire in twenty-five years.

4. Each designated enhanced enterprise zone board shall report to the director on an annual basis regarding the status of the zone and business activity within the zone."; and

Further amend said bill, Page 34, Section 143.145, Line 48, by deleting the phrase "**(and if married the taxpayer's spouse)**" on said line and inserting in lieu thereof the phrase "**, and if married the taxpayer's spouse,**"; and

Further amend said bill, page, and section, Lines 53-54, by deleting the phrase "**(or to a former spouse if the transfer is incident to a divorce)**" on said lines and inserting in lieu thereof the phrase "**, or to a former spouse if the transfer is incident to a divorce,**"; and

Further amend said bill, Page 58, Section 144.440, Line 31, by deleting the word "receipts" and inserting in lieu thereof the phrase "[receipt] **receipts**"; and

Further amend said bill, Page 90, Section 302.304, Line 37, by inserting after the phrase "seventy-five", the word "day"; and

Further amend said bill, Page 109, Section 302.525, Line 25, by inserting after the phrase "seventy-five", the word "day"; and

Further amend said bill, Page 130, Section 577.041, Line 138, by inserting after all of said section and line, the following:

"620.2000. Sections 620.2000 to 620.2020 shall be known and may be cited as the "Missouri Works Program".

620.2005. As used in sections 620.2000 to 620.2020, the following terms mean:

(1) "Average wage", the new payroll divided by the number of new jobs, or the payroll of the retained jobs divided by the number of retained jobs;

(2) "Commencement of operations", the starting date for the qualified company's first new employee, which shall be no later than twelve months from the date of the approval;

(3) "County average wage", the average wages in each county as determined by the department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility. The department shall publish the county average wage for each county at least annually. Notwithstanding the provisions of this subdivision to the contrary, for any qualified company that in conjunction with their project is relocating employees from a Missouri county with a higher county average wage,

the company shall obtain the endorsement of the governing body of the community from which jobs are being relocated or the county average wage for their project shall be the county average wage for the county from which the employees are being relocated;

(4) "Department", the Missouri department of economic development;

(5) "Director", the director of the department of economic development;

(6) "Employee", a person employed by a qualified company, excluding:

(a) Owners of the qualified company unless the qualified company is participating in an employee stock ownership plan; or

(b) Owners of a non-controlling interest in stock of a qualified company that is publically traded;

(7) "Existing Missouri business", a qualified company that, for the ten-year period preceding submission of a notice of intent to the department, had a physical location in Missouri and full-time employees who routinely perform job duties within Missouri;

(8) "Full-time employee", an employee of the qualified company that is scheduled to work an average of at least thirty-five hours per week for a twelve-month period, and one for which the qualified company offers health insurance and pays at least fifty percent of such insurance premiums. An employee that spends less than fifty percent of the employee's work time at the facility shall be considered to be located at a facility if the employee receives his or her directions and control from that facility, is on the facility's payroll, one hundred percent of the employee's income from such employment is Missouri income, and the employee is paid at or above the applicable percentage of the county average wage;

(9) "Local incentives", the present value of the dollar amount of direct benefit received by a qualified company for a project facility from one or more local political subdivisions, but this term shall not include loans or other funds provided to the qualified company that shall be repaid by the qualified company to the political subdivision;

(10) "NAICS" or "NAICS industry classification", the classification provided by the most recent edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget;

(11) "New capital investment", shall include costs incurred by the qualified company at the project facility after acceptance by the qualified company of the proposal for benefits from the department or the approval notice of intent, whichever occurs first, for real or personal property, and may include the value of finance or capital leases for real or personal property for the term of such lease at the project facility executed after acceptance by the qualified company of the proposal for benefits from the department or the approval of the notice of intent;

(12) "New direct local revenue", the present value of the dollar amount of direct net new tax revenues of the local political subdivisions likely to be produced by the project over a ten-year period as calculated by the department, excluding local earnings tax, and net new utility revenues, provided the local incentives include a discount or other direct incentives from utilities owned or operated by the political subdivision;

(13) "New job", the number of full-time employees located at the project facility that exceeds the project facility base employment less any decrease in the number of full-time employees at related facilities below the related facility base employment. No job that was created prior to the date of the notice of intent shall be deemed a new job.;

(14) "New payroll", the amount of wages paid for all new jobs, , located at the project facility during the qualified company's tax year that exceeds the project facility base payroll;

(15) "Notice of intent", a form developed by the department and available online, completed by the qualified company, and submitted to the department stating the qualified company's intent to request benefits under this program;

(16) "Percent of local incentives", the amount of local incentives divided by the amount of new direct local revenue;

(17) "Program", the Missouri works program established in sections 620.2000 to 620.2020;

(18) "Project facility", the building or buildings used by a qualified company at which new or retained jobs and any new capital investment are or will be located. A project facility may include separate buildings located within sixty miles of each other such that their purpose and operations are interrelated; provided that where the buildings making up the project facility are not located within the same county, the average wage of the new payroll shall exceed the applicable percentage of the highest county average wage among the counties in which the buildings are located. Upon approval by the department, a subsequent project facility may be designated if the qualified company demonstrates a need to relocate to the subsequent project facility at any time during the project period;

(19) "Project facility base employment", the greater of the number of full-time employees located at the project facility on the date of the notice of intent or, for the twelve-month period prior to the date of the notice of intent, the average number of full-time employees located at the project facility. In the event the project facility has not been in operation for a full twelve-month period, the average number of full-time employees for the number of months the project facility has been in operation prior to the date of the notice of intent;

(20) "Project facility base payroll", the annualized payroll for the project facility base employment or the total amount of wages paid by the qualified company to full-time employees of the qualified company located at the project facility in the twelve months prior to the notice of intent. For purposes of calculating the benefits under this program, the amount of base payroll shall increase each year based on an appropriate measure, as determined by the department;

(21) "Project period", the time period within which benefits are awarded to a qualified company or within which the qualified company is obligated to perform under an agreement with the department, whichever is greater;

(22) "Projected net fiscal benefit", the total fiscal benefit to the state less any state benefits offered to the qualified company, as determined by the department;

(23) "Qualified company", a firm, partnership, joint venture, association, private or public corporation whether organized for profit or not, or headquarters of such entity registered to do business in Missouri that is the owner or operator of a project facility, certifies that it offers health insurance to all full-time employees of all facilities located in this state, and certifies that it pays at least fifty percent of such insurance premiums. For the purposes of sections 620.2000 to 620.2020, the term "qualified company" shall not include:

- (a) Gambling establishments (NAICS industry group 7132);
- (b) Store front consumer-based retail trade establishments (under NAICS sectors 44 and 45), except with respect to any company headquartered in this state with a majority of its full-time employees engaged in operations not within the NAICS codes specified in this subdivision;
- (c) Food and drinking places (NAICS subsector 722);
- (d) Public utilities (NAICS 221 including water and sewer services);
- (e) Any company that is delinquent in the payment of any nonprotested taxes or any other amounts due the state or federal government or any other political subdivision of this state;
- (f) Any company requesting benefits for retained jobs that has filed for or has publicly announced its intention to file for bankruptcy protection. However, a company that has filed for or has publicly announced its intention to file for bankruptcy, may be a qualified company provided that such company:
 - a. Certifies to the department that it plans to reorganize and not to liquidate; and
 - b. After its bankruptcy petition has been filed, it produces proof, in a form and at times satisfactory to the department, that it is not delinquent in filing any tax returns or making any payment due to the state of Missouri, including but not limited to all tax payments due after the filing of the bankruptcy petition and under the terms of the plan of reorganization.

Any taxpayer who is awarded benefits under this subsection and who files for bankruptcy under Chapter 7 of the United States Bankruptcy Code, Title 11 U.S.C., shall immediately notify the department and shall forfeit such benefits and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained;

- (g) Educational services (NAICS sector 61);
- (h) Religious organizations (NAICS industry group 8131);
- (i) Public administration (NAICS sector 92);
- (j) Ethanol distillation or production;
- (k) Biodiesel production; or
- (l) Healthcare and social services (NAICS sector 62).

Notwithstanding any provision of this section to the contrary, the headquarters, administrative offices, or research and development facilities of an otherwise excluded business may qualify for benefits if the offices or facilities serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the jobs and investment of such operation shall be considered eligible for benefits under this section if the other requirements are satisfied;

(24) "Related company", shall mean:

- (a) A corporation, partnership, trust, or association controlled by the qualified company;
- (b) An individual, corporation, partnership, trust, or association in control of the qualified company; or

(c) Corporations, partnerships, trusts or associations controlled by an individual, corporation, partnership, trust, or association in control of the qualified company. As used in this paragraph, "control of a qualified company" shall mean:

a. Ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote in the case of a qualified company that is a corporation;

b. Ownership of at least fifty percent of the capital or profits interest in such qualified company if it is a partnership or association;

c. Ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such qualified company if it is a trust, and ownership shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

(25) "Related facility", a facility operated by the qualified company or a related company located in this state that is directly related to the operations of the project facility or in which operations substantially similar to the operations of the project facility are performed;

(26) "Related facility base employment", the greater of the number of full-time employees located at all related facilities on the date of the notice of intent or, for the twelve-month period prior to the date of the notice of intent, the average number of full-time employees located at all related facilities of the qualified company or a related company located in this state;

(27) "Related facility base payroll", the annualized payroll of the related facility base payroll or the total amount of taxable wages paid by the qualified company to full-time employees of the qualified company located at a related facility in the twelve months prior to the filing of the notice of intent. For purposes of calculating the benefits under this program, the amount of related facility base payroll shall increase each year based on an appropriate measure, as determined by the department;

(28) "Rural area", a county in Missouri with a population less than seventy-five thousand or that does not contain an individual city with a population greater than fifty thousand according to the most recent federal decennial census;

(29) "Tax credits", tax credits issued by the department to offset the state taxes imposed by chapters 143 and 148, or which may be sold or refunded as provided for in this program;

(30) "Withholding tax", the state tax imposed by sections 143.191 to 143.265. For purposes of this program, the withholding tax shall be computed using a schedule as determined by the department based on average wages; and

(31) This section is subject to the provisions of section 196.1127.

620.2010. 1. In exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs created, a qualified company may, for a period of five years from the date the new jobs are created, or for a period of six years from the date the new jobs are created if the qualified company is an existing Missouri business, retain an amount equal to the withholding tax as calculated under subdivision (30) of section 620.2005 from the new jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265 if:

(1) The qualified company creates ten or more new jobs, and the average wage of the new payroll equals or exceeds ninety percent of the county average wage;

(2) The qualified company creates two or more new jobs at a project facility located in a rural area, the average wage of the new payroll equals or exceeds ninety percent of the county average wage, and the qualified company commits to making at least one hundred thousand dollars of new capital investment at the project facility within two years; or

(3) The qualified company creates two or more new jobs at a project facility located within a zone designated under sections 135.950 to 135.963, the average wage of the new payroll equals or exceeds eighty percent of the county average wage, and the qualified company commits to making at least one hundred thousand dollars in new capital investment at the project facility within two years of approval;

2. In addition to any benefits available under subsection 1 of this section, the department may award a qualified company that satisfies subdivision (1) of subsection 1 of this section additional tax credits, issued each year for a period of five years from the date the new jobs are created, or for a period of six years from the date the new jobs are created if the qualified company is an existing Missouri business, in an amount equal to or less than six percent of new payroll; provided that in no event may the total amount of benefits awarded to a qualified company under this section exceed nine percent of new payroll in any calendar year. The amount of tax credits awarded to a qualified company under this subsection shall not exceed the projected net fiscal benefit to the state, as determined by the department, and shall not exceed the least amount necessary to obtain the qualified

company's commitment to initiate the project. In determining the amount of tax credits to award to a qualified company under this subsection, the department shall consider the following factors:

- (1) The significance of the qualified company's need for program benefits;
- (2) The amount of projected net fiscal benefit to the state of the project and the period in which the state would realize such net fiscal benefit;
- (3) The overall size and quality of the proposed project, including the number of new jobs, new capital investment, proposed wages, growth potential of the qualified company, the potential multiplier effect of the project, and similar factors;
- (4) The financial stability and creditworthiness of the qualified company;
- (5) The level of economic distress in the area;
- (6) An evaluation of the competitiveness of alternative locations for the project facility, as applicable; and
- (7) The percent of local incentives committed;

3. Upon approval of a notice of intent to receive tax credits under subsections 2 and 5 of this section, the department and the qualified company shall enter into a written agreement covering the applicable project period. The agreement shall specify, at a minimum:

- (1) The committed number of new jobs, new payroll, and new capital investment for each year during the project period;
- (2) The date or time period during which the tax credits shall be issued, which may be immediately or over a period not to exceed two years from the date of approval of the notice of intent;
- (3) Clawback provisions, as may be required by the department; and
- (4) Any other provisions the department may require.

4. In lieu of the benefits available under sections 1 and 2 of this section, and in exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs created by the program, a qualified company may, for a period of five years from the date the new jobs are created, or for a period of six years from the date the new jobs are created if the qualified company is an existing Missouri business, retain an amount equal to the withholding tax as calculated under subdivision (30) of section 620.2005 from the new jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265 equal to:

- (1) Six percent of new payroll for a period of five years from the date the required number of new jobs were created if the qualified company creates one hundred or more new jobs and the average wage of the new payroll equals or exceeds one hundred twenty percent of the county average wage of the county in which the project facility is located; or
- (2) Seven percent of new payroll for a period of five years from the date the required number of jobs were created if the qualified company creates one hundred or more new jobs and the average wage of the new payroll equals or exceeds one hundred forty percent of the county average wage of the county in which the project facility is located.

The department shall issue a refundable tax credit for any difference between the amount of benefit allowed under this subsection and the amount of withholding tax retained by the company, in the event the withholding tax is not sufficient to provide the entire amount of benefit due to the qualified company under this subsection.

5. In addition to the benefits available under subsections 4 of this section, the department may award a qualified company that satisfies the provisions of subsection 4 of this section additional tax credits, issued each year for a period of five years from the date the new jobs are created, or for a period of six years from the date the new jobs are created if the qualified company is an existing Missouri business, in an amount equal to or less than three percent of new payroll; provided that in no event may the total amount of benefits awarded to a qualified company under this section exceed nine percent of new payroll in any calendar year. The amount of tax credits awarded to a qualified company under this subsection shall not exceed the projected net fiscal benefit to the state, as determined by the department, and shall not exceed the least amount necessary to obtain the qualified company's commitment to initiate the project. In determining the amount of tax credits to award to a qualified company under this subsection, the department shall consider the factors provided under subsection 2 of this section.

6. No benefits shall be available under this section for any qualified company that has performed significant, project-specific site work at the project facility, purchased machinery or equipment related to the project, or has publicly announced its intention to make new capital investment at the project facility prior to approval of its notice of intent.

620.2015. 1. In exchange for the consideration provided by the tax revenues and other economic stimuli that will be generated by the retention of jobs and the making of new capital investment in this state, a qualified company may be eligible to receive the benefits described in this section if the department determines that there is a significant probability that the qualified company would relocate to another state in the absence of the benefits authorized under this section. In no event shall the total amount of benefits available to all qualified companies under this section exceed six million dollars in any fiscal year.

2. A qualified company meeting the requirements of this section may be authorized to retain an amount not to exceed one hundred percent of the withholding tax from full-time jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265, for a period of ten years if the average wage of the retained jobs equals or exceeds ninety percent of the county average wage. In order to receive benefits under this section, a qualified company shall enter into written agreement with the department containing detailed performance requirements and repayment penalties in event of nonperformance. The amount of benefits awarded to a qualified company under this section shall not exceed the projected net fiscal benefit and shall not exceed the least amount necessary to obtain the qualified company's commitment to retain the necessary number of jobs and make the required new capital investment.

3. In order to be eligible to receive benefits under this section, the qualified company shall meet each of the following conditions:

(1) The qualified company shall agree to retain, for a period of ten years from the date of approval of the notice of intent, at least fifty retained jobs; and

(2) The qualified company shall agree to make a new capital investment at the project facility within three years of the approval in an amount equal to one-half the total benefits, available under this section, which are offered to the qualified company by the department.

4. In awarding benefits under this section, the department shall consider the factors set forth in subsection 2 of section 620.2010.

5. Upon approval of a notice of intent to request benefits under this section, the department and the qualified company shall enter into a written agreement covering the applicable project period. The agreement shall specify, at a minimum:

(1) The committed number of retained jobs, payroll, and new capital investment for each year during the project period;

(2) Clawback provisions, as may be required by the department; and

(3) Any other provisions the department may require.

620.2020. 1. The department shall respond to a written request, by or on behalf of a qualified company, for a proposed benefit award under the provisions of this program within five business days of receipt of such request. Such response shall contain either a proposal of benefits for the qualified company, or a written response refusing to provide such a proposal and stating the reasons for such refusal. A qualified company that intends to seek benefits under the program shall submit to the department a notice of intent. The department shall respond within thirty days to a notice of intent with an approval or a rejection, provided that the department may withhold approval or provide a contingent approval until it is satisfied that proper documentation of eligibility has been provided. Failure to respond on behalf of the department shall result in the notice of intent being deemed approved. A qualified company receiving approval for program benefits may receive additional benefits for subsequent new jobs at the same facility after the full initial project period if the applicable minimum job requirements are met. There shall be no limit on the number of project periods a qualified company may participate in the program, and a qualified company may elect to file a notice of intent to begin a new project period concurrent with an existing project period if the applicable minimum job requirements are achieved, the qualified company provides the department with the required annual reporting, and the qualified company is in compliance with this program and any other state programs in which the qualified company is currently or has previously participated. However, the qualified company shall not receive any further program benefits under the original approval for any new jobs created after the date of the new notice of intent, and any jobs created before the new notice of intent shall not be included as new jobs for purposes of the benefit calculation for the new approval. When a qualified company has filed and received approval of a notice of intent and subsequently files another notice of intent, the department shall apply the definition of project facility under subdivision (18) of section 620.2005 to the new notice of intent as well as all previously approved notices of intent and shall determine the application of the definitions of new job, new payroll, project facility base employment, and project facility base payroll accordingly.

2. Notwithstanding any provision of law to the contrary, the benefits available to the qualified company under any other state programs for which the company is eligible and which utilize withholding tax from the new or retained jobs of the company shall first be credited to the other state program before the withholding retention level applicable under this program will begin to accrue. If any qualified company also participates in a job training program utilizing withholding tax, the company shall retain no withholding tax under this program, but the department shall issue a refundable tax credit for the full amount of benefit allowed under this program. The calendar year annual maximum amount of tax credits which may be issued to a qualifying company that also participates in a job training program shall be increased by an amount equivalent to the withholding tax retained by that company under a jobs training program.

3. A qualified company receiving benefits under this program shall provide an annual report of the number of jobs and such other information as may be required by the department to document the basis for program benefits available no later than 90 days prior to the end of the qualified company's tax year immediately following the tax year for which the benefits provided under the program are attributed. In such annual report, if the average wage is below the applicable percentage of the county average wage, the qualified company has not maintained the employee insurance as required, or if the number of jobs is below the number required, the qualified company shall not receive tax credits or retain the withholding tax for the balance of the project period. Failure to timely file the annual report required under this section shall result in the forfeiture of tax credits attributable to the year for which the reporting was required and a recapture of withholding taxes retained by the qualified company during such year.

4. The department may withhold the approval of any benefits under this program until it is satisfied that proper documentation has been provided, and shall reduce the benefits to reflect any reduction in full-time employees or payroll. Upon approval by the department, the qualified company may begin the retention of the withholding taxes when it reaches the required number of jobs and the average wage meets or exceeds the applicable percentage of county average wage. Tax credits, if any, may be issued upon satisfaction by the department that the qualified company has exceeded the applicable percentage of county average wage and the required number of jobs.

5. Any qualified company approved for benefits under this program shall provide to the department, upon request, any and all information and records reasonably required to monitor compliance with program requirements. This program shall be considered a business recruitment tax credit under subdivision (4) of subsection 2 of section 135.800, and any qualified company approved for benefits under this program shall be subject to the provisions of section 135.800 to 135.830.

6. Any taxpayer who is awarded benefits under this program who knowingly hires individuals who are not allowed to work legally in the United States shall immediately forfeit such benefits and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained.

7. The maximum amount of tax credits that may be authorized under this program for any fiscal year shall be limited as follows, less the amount of any tax credits previously obligated for that fiscal year under any of the tax credit programs referenced in subsection 13 of this section:

(1) For the fiscal year beginning on July 1, 2013, but ending on or before June 30, 2014, no more than one hundred and six million dollars in tax credits may be authorized;

(2) For the fiscal year beginning on July 1, 2014, but ending on or before June 30, 2015, no more than one hundred and eleven million dollars in tax credits may be authorized; and

(3) For any fiscal year beginning on or after July 1, 2015, no more than one hundred and sixteen million dollars in tax credits may be authorized for each fiscal year.

8. For tax credits for the creation of new jobs under section 620.2010, the department shall allocate the annual tax credits based on the date of the approval, reserving such tax credits based on the department's best estimate of new jobs and new payroll of the project, and any other applicable factors in determining the amount of benefits available to the qualified company under this program. However, the annual issuance of tax credits shall be subject to annual verification of actual payroll by the department. Any authorization of tax credits shall expire if, within two years from the date of commencement of operations, or approval if applicable, the qualified company has failed to meet the applicable minimum job requirements. The qualified company may retain authorized amounts from the withholding tax under the project once the applicable minimum job requirements have been met for the duration of the project period. No benefits shall be provided under this program until the qualified company meets the applicable minimum new job requirements. In the event the qualified company does not meet the applicable minimum new job requirements, the qualified company may submit a new notice of intent or the department may provide a new approval for a new project of the qualified company at the project facility or other facilities.

9. Tax credits provided under this program may be claimed against taxes otherwise imposed by chapters 143 and 148, and may not be carried forward, but shall be claimed within one year of the close of the taxable year for which they were issued. Tax credits provided under this program may be transferred, sold, or assigned by filing a notarized endorsement thereof with the department that names the transferee, the amount of tax credit transferred, and the value received for the credit, as well as any other information reasonably requested by the department. For a qualified company with flow-through tax treatment to its members, partners, or shareholders, the tax credit shall be allowed to members, partners, or shareholders in proportion to their share of ownership on the last day of the qualified company's tax period.

10. Prior to the issuance of tax credits or the qualified company beginning to retain withholding taxes, the department shall verify through the department of revenue and any other applicable state department, that the tax credit applicant does not owe any delinquent income, sales, or use tax or interest or penalties on such taxes, or any delinquent fees or assessments levied by any state department and through the department of insurance, financial institutions and professional registration that the applicant does not owe any delinquent insurance taxes or other fees. Such delinquency shall not affect the approval, except that any tax credits issued shall be first applied to the delinquency and any amount issued shall be reduced by the applicant's tax delinquency. If the department of revenue, the department of insurance, financial institutions and professional registration, or any other state department concludes that a taxpayer is delinquent after June fifteenth but before July first of any year and the application of tax credits to such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the deficiency in which interest, penalties, and additions to tax shall be tolled. After applying all available credits toward a tax delinquency, the administering agency shall notify the appropriate department and that department shall update the amount of outstanding delinquent tax owed by the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions of other provisions of law.

11. The director of revenue shall issue a refund to the qualified company to the extent that the amount of tax credits allowed under this program exceeds the amount of the qualified company's tax liability under chapter 143 or 148.

12. An employee of a qualified company shall receive full credit for the amount of tax withheld as provided in section 143.211.

13. Notwithstanding any provision of law to the contrary, beginning August 28, 2013, no new benefits shall be authorized for any project that had not received from the department a proposal or approval for such benefits prior to August 28, 2013, under the development tax credit program created under sections 32.100 to 32.125, , the rebuilding communities tax credit program created under section 135.535, the enhanced enterprise zone tax credit program created under sections 135.950 to 135.973, and the Missouri quality jobs program created under sections 620.1875 to 620.1890. The provisions of this subsection shall not be construed to limit or impair the ability of any administering agency to authorize or issue benefits for any project that had received an approval or a proposal from the department under any of the programs referenced in this subsection prior to August 28, 2013, or the ability of any taxpayer to redeem any such tax credits or to retain any withholding tax under an approval issued prior to that date. The provisions of this subsection shall not be construed to limit or in any way impair the ability of any governing authority to provide any local abatement or designate a new zone under the enhanced enterprise zone program created by sections 135.950 to 135.963. Notwithstanding any provision of law to the contrary, no qualified company that is awarded benefits under this program shall:

(1) Simultaneously receive benefits under the programs referenced in this subsection at the same capital investment; or

(2) Receive benefits under the provisions of section 620.1910 for the same jobs.

14. If any provision of sections 620.2000 to 620.2020 or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of these sections which can be given effect without the invalid provisions or application, and to this end, the provisions of sections 620.2000 to 620.2020 are hereby declared severable.

15. By no later than January 1, 2014, and the first day of each calendar quarter thereafter, the department shall present a quarterly report to the general assembly detailing the benefits authorized under this program during the immediately preceding calendar quarter to the extent such information may be disclosed under state and federal law. The report shall include, at a minimum:

(1) A list of all approved and disapproved applicants for each tax credit;

(2) A list of the aggregate amount of new or retained jobs that are directly attributable to the tax credits authorized;

(3) A statement of the aggregate amount of new capital investment directly attributable to the tax credits authorized;

(4) Documentation of the estimated net state fiscal benefit for each authorized project and, to the extent available, the actual benefit realized upon completion of such project or activity; and

(5) The department's response time for each request for a proposed benefit award under this program.

16. The department may adopt such rules, statements of policy, procedures, forms, and guidelines as may be necessary to carry out the provisions of sections 620.2000 to 620.2020. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

17. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under sections 620.2000 to 620.2020 shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of this reauthorization of sections 620.2000 to 620.2020; and

(3) Sections 620.2000 to 620.2020 shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under sections 620.2000 to 620.2020 is sunset."; and"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Jones (50), **House Amendment No. 1 to House Amendment No. 6** was adopted.

On motion of Representative Hinson, **House Amendment No. 6, as amended**, was adopted.

Representative Rowden offered **House Amendment No. 7**.

House Amendment No. 7

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 9, Section 32.087, Line 191, by inserting after all of said section and line the following:

"32.150. 1. Each taxing jurisdiction in the state shall report to the department of revenue all tax rate and revenue collection information pertaining to the jurisdiction.

2. The department of revenue shall display, in an itemized fashion, any non-confidential information regarding each jurisdiction's tax rates and revenue collections submitted by the taxing jurisdictions on its website. The information obtained from the taxing jurisdictions shall also be used by the department for oversight purposes, including verification of compliance, completeness, and accuracy in reporting with any applicable provisions of law.

3. The department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Rowden, **House Amendment No. 7** was adopted.

Representative Stream offered House Amendment No. 8.

House Amendment No. 8

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 22, Section 92.387, Line 2, by inserting after all of said section and line the following:

"135.010. As used in sections 135.010 to 135.030 the following words and terms mean:

(1) "Claimant", a person or persons claiming a credit under sections 135.010 to 135.030. If the persons are eligible to file a joint federal income tax return and reside at the same address at any time during the taxable year, then the credit may only be allowed if claimed on a combined Missouri income tax return or a combined claim return reporting their combined incomes and property taxes. A claimant shall not be allowed a property tax credit unless the claimant or spouse has attained the age of sixty-five on or before the last day of the calendar year and the claimant or spouse was a resident of Missouri for the entire year, or the claimant or spouse is a veteran of any branch of the Armed Forces of the United States or this state who became one hundred percent disabled as a result of such service, or the claimant or spouse is disabled as defined in subdivision (2) of this section, and such claimant or spouse provides proof of such disability in such form and manner, and at such times, as the director of revenue may require, or if the claimant has reached the age of sixty on or before the last day of the calendar year and such claimant received surviving spouse Social Security benefits during the calendar year and the claimant provides proof, as required by the director of revenue, that the claimant received surviving spouse Social Security benefits during the calendar year for which the credit will be claimed. A claimant shall not be allowed a property tax credit if the claimant filed a valid claim for a credit under section 137.106 in the year following the year for which the property tax credit is claimed. The residency requirement shall be deemed to have been fulfilled for the purpose of determining the eligibility of a surviving spouse for a property tax credit if a person of the age of sixty-five years or older who would have otherwise met the requirements for a property tax credit dies before the last day of the calendar year. The residency requirement shall also be deemed to have been fulfilled for the purpose of determining the eligibility of a claimant who would have otherwise met the requirements for a property tax credit but who dies before the last day of the calendar year;

(2) "Disabled", the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months. A claimant shall not be required to be gainfully employed prior to such disability to qualify for a property tax credit;

(3) ["Gross rent", amount paid by a claimant to a landlord for the rental, at arm's length, of a homestead during the calendar year, exclusive of charges for health and personal care services and food furnished as part of the rental agreement, whether or not expressly set out in the rental agreement. If the director of revenue determines that the landlord and tenant have not dealt at arm's length, and that the gross rent is excessive, then he shall determine the gross rent based upon a reasonable amount of rent. Gross rent shall be deemed to be paid only if actually paid prior to the date a return is filed. The director of revenue may prescribe regulations requiring a return of information by a landlord receiving rent, certifying for a calendar year the amount of gross rent received from a tenant claiming a property tax credit and shall, by regulation, provide a method for certification by the claimant of the amount of gross rent paid for any calendar year for which a claim is made. The regulations authorized by this subdivision may require a landlord or a tenant or both to provide data relating to health and personal care services and to food. Neither a landlord nor a tenant may be required to provide data relating to utilities, furniture, home furnishings or appliances;

(4)] "Homestead", the dwelling in Missouri owned or rented by the claimant and not to exceed five acres of land surrounding it as is reasonably necessary for use of the dwelling as a home. It may consist of part of a multidwelling or multipurpose building and part of the land upon which it is built. "Owned" includes a vendee in possession under a land contract and one or more tenants by the entireties, joint tenants, or tenants in common and includes a claimant actually in possession if he was the immediate former owner of record, if a lineal descendant is presently the owner of record, and if the claimant actually pays all taxes upon the property. It may include a mobile home;

[(5)] (4) "Income", Missouri adjusted gross income as defined in section 143.121 less two thousand dollars, or in the case of a homestead owned and occupied, for the entire year, by the claimant, less four thousand dollars as an exemption for the claimant's spouse residing at the same address, and increased, where necessary, to reflect the following:

(a) Social Security, railroad retirement, and veterans payments and benefits unless the claimant is a one hundred percent service-connected, disabled veteran or a spouse of a one hundred percent service-connected, disabled veteran. The one hundred percent service-connected disabled veteran shall not be required to list veterans payments and benefits;

- (b) The total amount of all other public and private pensions and annuities;
- (c) Public relief, public assistance, and unemployment benefits received in cash, other than benefits received under this chapter;
- (d) No deduction being allowed for losses not incurred in a trade or business;
- (e) Interest on the obligations of the United States, any state, or any of their subdivisions and instrumentalities;
- [(6)] **(5)** "Property taxes accrued", property taxes paid, exclusive of special assessments, penalties, interest, and charges for service levied on a claimant's homestead in any calendar year. Property taxes shall qualify for the credit only if actually paid prior to the date a return is filed. The director of revenue shall require a tax receipt or other proof of property tax payment. If a homestead is owned only partially by claimant, then "property taxes accrued" is that part of property taxes levied on the homestead which was actually paid by the claimant. For purposes of this subdivision, property taxes are "levied" when the tax roll is delivered to the director of revenue for collection. If a claimant owns a homestead part of the preceding calendar year and rents it or a different homestead for part of the same year, "property taxes accrued" means only taxes levied on the homestead both owned and occupied by the claimant, multiplied by the percentage of twelve months that such property was owned and occupied as the homestead of the claimant during the year. When a claimant owns and occupies two or more different homesteads in the same calendar year, property taxes accrued shall be the sum of taxes allocable to those several properties occupied by the claimant as a homestead for the year. If a homestead is an integral part of a larger unit such as a farm, or multipurpose or multidwelling building, property taxes accrued shall be that percentage of the total property taxes accrued as the value of the homestead is of the total value. For purposes of this subdivision "unit" refers to the parcel of property covered by a single tax statement of which the homestead is a part[;
- (7) "Rent constituting property taxes accrued", twenty percent of the gross rent paid by a claimant and spouse in the calendar year].

135.025. 1. The property taxes accrued [and rent constituting property taxes accrued] on each return shall be totaled. This total, up to [seven hundred fifty dollars in rent constituting property taxes actually paid or] eleven hundred dollars in actual property tax paid, shall be used in determining the property tax credit. The director of revenue shall prescribe regulations providing for allocations where part of a claimant's homestead is rented to another or used for nondwelling purposes or where a homestead is owned [or rented] or used as a dwelling for part of a year.

2. Notwithstanding any other provision of law, beginning in fiscal year 2014, the state treasurer shall annually deposit from state revenue that otherwise would have been deposited into the general revenue fund an amount equal to fifty-five million one hundred thousand dollars into the Missouri senior services protection fund established in subsection 3 of this section. Moneys in the fund shall be allocated for services for low-income seniors and people with disabilities.

3. There is hereby created in the state treasury the "Missouri Senior Services Protection Fund", which shall consist of money collected under subsection 2 of this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely for the administration of subsection 2 of this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

135.030. 1. As used in this section:

(1) The term "maximum upper limit" shall, for each calendar year after December 31, 1997, but before calendar year 2008, be the sum of twenty-five thousand dollars. For all calendar years beginning on or after January 1, 2008, the maximum upper limit shall be the sum of twenty-seven thousand five hundred dollars. In the case of a homestead owned and occupied for the entire year by the claimant, the maximum upper limit shall be the sum of thirty thousand dollars;

(2) The term "minimum base" shall, for each calendar year after December 31, 1997, but before calendar year 2008, be the sum of thirteen thousand dollars. For all calendar years beginning on or after January 1, 2008, the minimum base shall be the sum of fourteen thousand three hundred dollars.

2. If the income on a return is equal to or less than the maximum upper limit for the calendar year for which the return is filed, the property tax credit shall be determined from a table of credits based upon the amount by which the total property tax described in section 135.025 exceeds the percent of income in the following list:

If the income on the return is
Not over the minimum base

The percent is:
0 percent with credit
not to exceed \$1,100 in actual property tax

[or rent equivalent paid up to \$750]

Over the minimum base but
not over the maximum upper
limit

1/16 percent accumulative
per \$300 from 0 percent to 4 percent.

The director of revenue shall prescribe a table based upon the preceding sentences. The property tax shall be in increments of twenty-five dollars and the income in increments of three hundred dollars. The credit shall be the amount rounded to the nearest whole dollar computed on the basis of the property tax and income at the midpoints of each increment. As used in this subsection, the term "accumulative" means an increase by continuous or repeated application of the percent to the income increment at each three hundred dollar level.

3. Notwithstanding subsection 4 of section 32.057, the department of revenue or any duly authorized employee or agent shall determine whether any taxpayer filing a report or return with the department of revenue who has not applied for the credit allowed pursuant to section 135.020 may qualify for the credit, and shall notify any qualified claimant of the claimant's potential eligibility, where the department determines such potential eligibility exists."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Crawford
Cross	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Moon	Morris	Muntzel
Neely	Parkinson	Pfausch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

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NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
English	Englund	Frame	Harris	Hodges
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 009

Cox	Curtman	Ellington	Gardner	Molendorp
Neth	Ross	Smith 120	Walton Gray	

On motion of Representative Stream, **House Amendment No. 8** was adopted by the following vote:

AYES: 085

Allen	Anderson	Austin	Bahr	Barnes
Brattin	Brown	Burlison	Cierpiot	Conway 104
Cookson	Cornejo	Crawford	Cross	Curtman
Diehl	Dohrman	Dugger	Elmer	Engler
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Lair
Leara	Lichtenegger	Love	Lynch	Messenger
Miller	Moon	Morris	Muntzel	Neely
Parkinson	Pfausch	Phillips	Pike	Redmon
Reiboldt	Remole	Rhoads	Riddle	Rowland
Scharnhorst	Schatz	Schieber	Shull	Sommer
Spencer	Stream	Swan	Thomson	Walker
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 066

Anders	Berry	Black	Burns	Butler
Carpenter	Colona	Conway 10	Curtis	Davis
Dunn	Ellinger	Ellington	English	Englund
Fowler	Frame	Hampton	Harris	Hodges
Hubbard	Hummel	Kirkton	Korman	Kratky
LaFaver	Lauer	Marshall	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Pierson	Pogue
Rehder	Rizzo	Roorda	Rowden	Runions

Schieffer	Schupp	Shumake	Smith 85	Solon
Swearingen	Torpey	Webb	Webber	White
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 012

Bernskoetter	Cox	Gardner	Grisamore	Kelly 45
Lant	Molendorp	Neth	Richardson	Ross
Smith 120	Walton Gray			

Representative Burlison offered **House Amendment No. 9.**

House Amendment No. 9

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 33, Section 140.730, Line 28, by inserting after all of said section the following:

"143.121. 1. The Missouri adjusted gross income of a resident individual shall be the taxpayer's federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer's federal adjusted gross income:

(1) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit;

(2) Interest on certain governmental obligations excluded from federal gross income by Section 103 of the Internal Revenue Code. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (1) of subsection 3 of this section. The amount added pursuant to this subdivision shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of Section 265 of the Internal Revenue Code. The reduction shall only be made if it is at least five hundred dollars;

(3) The amount of any deduction that is included in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount that would have been deductible pursuant to Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002;

(4) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by Section 172 of the Internal Revenue Code of 1986, as amended, other than the deduction allowed by Section 172(b)(1)(G) and Section 172(i) of the Internal Revenue Code of 1986, as amended, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period of more than twenty years and carries backward for more than two years. Any amount of net operating loss taken against federal taxable income but disallowed for Missouri income tax purposes pursuant to this subdivision after June 18, 2002, may be carried forward and taken against any income on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss; and

(5) For nonresident individuals in all taxable years ending on or after December 31, 2006, the amount of any property taxes paid to another state or a political subdivision of another state for which a deduction was allowed on such nonresident's federal return in the taxable year unless such state, political subdivision of a state, or the District of Columbia allows a subtraction from income for property taxes paid to this state for purposes of calculating income for the income tax for such state, political subdivision of a state, or the District of Columbia.

3. There shall be subtracted from the taxpayer's federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(1) Interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes pursuant to the laws of the United States. The amount subtracted pursuant to this subdivision shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this subdivision. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining the taxpayer's federal

adjusted gross income or included in the taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(2) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;

(3) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or other amount of income or gain which was properly included in income or gain and was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(4) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(5) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(6) The portion of capital gain specified in section 135.357 that would otherwise be included in federal adjusted gross income;

(7) The amount that would have been deducted in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002;

(8) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, "combat zone" means any area which the President of the United States by Executive Order designates as an area in which Armed Forces of the United States are or have engaged in combat. Service is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone; [and]

(9) For all tax years ending on or after July 1, 2002, with respect to qualified property that is sold or otherwise disposed of during a taxable year by a taxpayer and for which an addition modification was made under subdivision (3) of subsection 2 of this section, the amount by which addition modification made under subdivision (3) of subsection 2 of this section on qualified property has not been recovered through the additional subtractions provided in subdivision (7) of this subsection;

(10) For all tax years beginning on or after January 1, 2013, one-half of the amount of any capital gains to the extent such capital gains are included in federal adjusted gross income. This subdivision shall not apply to any capital gains that are subtracted under subdivision (2) or (6) of this subsection.

4. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the modifications provided in section 143.411.

6. In addition to the modifications to a taxpayer's federal adjusted gross income in this section, to calculate Missouri adjusted gross income there shall be subtracted from the taxpayer's federal adjusted gross income any gain recognized pursuant to Section 1033 of the Internal Revenue Code of 1986, as amended, arising from compulsory or involuntary conversion of property as a result of condemnation or the imminence thereof.

7. (1) As used in this subsection, "qualified health insurance premium" means the amount paid during the tax year by such taxpayer for any insurance policy primarily providing health care coverage for the taxpayer, the taxpayer's spouse, or the taxpayer's dependents.

(2) In addition to the subtractions in subsection 3 of this section, one hundred percent of the amount of qualified health insurance premiums shall be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for such premiums is included in federal taxable income. The taxpayer shall provide the department of revenue with proof of the amount of qualified health insurance premiums paid.

8. (1) Beginning January 1, 2009, in addition to the subtractions provided in this section, one hundred percent of the cost incurred by a taxpayer for a home energy audit conducted by an entity certified by the department of natural resources under section 640.153 or the implementation of any energy efficiency recommendations made in such an audit shall be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for any such activity is included in federal taxable income. The taxpayer shall provide the department of revenue with a summary of any

recommendations made in a qualified home energy audit, the name and certification number of the qualified home energy auditor who conducted the audit, and proof of the amount paid for any activities under this subsection for which a deduction is claimed. The taxpayer shall also provide a copy of the summary of any recommendations made in a qualified home energy audit to the department of natural resources.

(2) At no time shall a deduction claimed under this subsection by an individual taxpayer or taxpayers filing combined returns exceed one thousand dollars per year or cumulatively exceed two thousand dollars per taxpayer or taxpayers filing combined returns.

(3) Any deduction claimed under this subsection shall be claimed for the tax year in which the qualified home energy audit was conducted or in which the implementation of the energy efficiency recommendations occurred. If implementation of the energy efficiency recommendations occurred during more than one year, the deduction may be claimed in more than one year, subject to the limitations provided under subdivision (2) of this subsection.

(4) A deduction shall not be claimed for any otherwise eligible activity under this subsection if such activity qualified for and received any rebate or other incentive through a state-sponsored energy program or through an electric corporation, gas corporation, electric cooperative, or municipally owned utility.

9. The provisions of subsection 8 of this section shall expire on December 31, 2013."; and

Further amend said bill, Page 35, Section 143.145, Line 78, by inserting after all of said section the following:

"143.451. 1. Missouri taxable income of a corporation shall include all income derived from sources within this state.

2. A corporation described in subdivision (1) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income from sources within this state, including that from the transaction of business in this state and that from the transaction of business partly done in this state and partly done in another state or states. However:

(1) Where income results from a transaction partially in this state and partially in another state or states, and income and deductions of the portion in the state cannot be segregated, then such portions of income and deductions shall be allocated in this state and the other state or states as will distribute to this state a portion based upon the portion of the transaction in this state and the portion in such other state or states.

(2) The taxpayer may elect to compute the portion of income from all sources in this state in the following manner, **or the manner set forth in subdivision (3) of this subsection:**

(a) The income from all sources shall be determined as provided, excluding therefrom the figures for the operation of any bridge connecting this state with another state.

(b) The amount of sales which are transactions wholly in this state shall be added to one-half of the amount of sales which are transactions partly within this state and partly without this state, and the amount thus obtained shall be divided by the total sales or in cases where sales do not express the volume of business, the amount of business transacted wholly in this state shall be added to one-half of the amount of business transacted partly in this state and partly outside this state and the amount thus obtained shall be divided by the total amount of business transacted, and the net income shall be multiplied by the fraction thus obtained, to determine the proportion of income to be used to arrive at the amount of Missouri taxable income. The investment or reinvestment of its own funds, or sale of any such investment or reinvestment, shall not be considered as sales or other business transacted for the determination of said fraction.

[(3)] (c) For the purposes of this [section] **subdivision**, a transaction involving the sale of tangible property is:

[(a)] a. "Wholly in this state" if both the seller's shipping point and the purchaser's destination point are in this state;

[(b)] b. "Partly within this state and partly without this state" if the seller's shipping point is in this state and the purchaser's destination point is outside this state, or the seller's shipping point is outside this state and the purchaser's destination point is in this state;

[(c)] c. Not "wholly in this state" or not "partly within this state and partly without this state" only if both the seller's shipping point and the purchaser's destination point are outside this state[;] .

(d) For purposes of this subdivision:

a. The purchaser's destination point shall be determined without regard to the FOB point or other conditions of the sale[;] ; and

b. The seller's shipping point is determined without regard to the location of the seller's principle office or place of business.

(3) The taxpayer may elect to compute the portion of income from all sources in this state in the following manner:

(a) The income from all sources shall be determined as provided, excluding therefrom the figures for the operation of any bridge connecting this state with another state;

(b) The amount of sales which are transactions in this state shall be divided by the total sales, and the net income shall be multiplied by the fraction thus obtained, to determine the proportion of income to be used to arrive at the amount of Missouri taxable income. The investment or reinvestment of its own funds, or sale of any such investment or reinvestment, shall not be considered as sales or other business transacted for the determination of said fraction;

(c) For the purposes of this subdivision, a transaction involving the sale of tangible property is:

a. "In this state" if the purchaser's destination point is in this state;

b. Not "in this state" if the purchaser's destination point is outside this state;

(d) For purposes of this subdivision, the purchaser's destination point shall be determined without regard to the FOB point or other conditions of the sale and shall not be in this state if the purchaser received the tangible personal property from the seller in this state for delivery to the purchaser's location outside this state.

(4) For purposes of this subsection, the following words shall, unless the context otherwise requires, have the following meaning:

(a) "Administration services" include, but are not limited to, clerical, fund or shareholder accounting, participant record keeping, transfer agency, bookkeeping, data processing, custodial, internal auditing, legal and tax services performed for an investment company;

(b) "Affiliate", the meaning as set forth in 15 U.S.C. Section 80a-2(a)(3)(C), as may be amended from time to time;

(c) "Distribution services" include, but are not limited to, the services of advertising, servicing, marketing, underwriting or selling shares of an investment company, but, in the case of advertising, servicing or marketing shares, only where such service is performed by a person who is, or in the case of a closed end company, was, either engaged in the services of underwriting or selling investment company shares or affiliated with a person that is engaged in the service of underwriting or selling investment company shares. In the case of an open end company, such service of underwriting or selling shares must be performed pursuant to a contract entered into pursuant to 15 U.S.C. Section 80a-15(b), as from time to time amended;

(d) "Investment company", any person registered under the federal Investment Company Act of 1940, as amended from time to time, (the act) or a company which would be required to register as an investment company under the act except that such person is exempt to such registration pursuant to Section 80a-3(c)(1) of the act;

(e) "Investment funds service corporation" includes any corporation or S corporation doing business in the state which derives more than fifty percent of its gross income in the ordinary course of business from the provision directly or indirectly of management, distribution or administration services to or on behalf of an investment company or from trustees, sponsors and participants of employee benefit plans which have accounts in an investment company. An investment funds service corporation shall include any corporation or S corporation providing management services as an investment advisory firm registered under Section 203 of the Investment Advisors Act of 1940, as amended from time to time, regardless of the percentage of gross revenues consisting of fees from management services provided to or on behalf of an investment company;

(f) "Management services" include but are not limited to, the rendering of investment advice directly or indirectly to an investment company making determinations as to when sales and purchases of securities are to be made on behalf of the investment company, or the selling or purchasing of securities constituting assets of an investment company, and related activities, but only where such activity or activities are performed:

a. Pursuant to a contract with the investment company entered into pursuant to 15 U.S.C. Section 80a-15(a), as from time to time amended;

b. For a person that has entered into such contract with the investment company; or

c. For a person that is affiliated with a person that has entered into such contract with an investment company;

(g) "Qualifying sales", gross income derived from the provision directly or indirectly of management, distribution or administration services to or on behalf of an investment company or from trustees, sponsors and participants of employee benefit plans which have accounts in an investment company. For purposes of this section, gross income is defined as that amount of income earned from qualifying sources without deduction of expenses related to the generation of such income;

(h) "Residence", presumptively the fund shareholder's mailing address on the records of the investment company. If, however, the investment company or the investment funds service corporation has actual knowledge that the fund shareholder's primary residence or principal place of business is different than the fund shareholder's mailing address such presumption shall not control. To the extent an investment funds service corporation does not have access

to the records of the investment company, the investment funds service corporation may employ reasonable methods to determine the investment company fund shareholder's residence.

(5) Notwithstanding other provisions of law to the contrary, qualifying sales of an investment funds service corporation, or S corporation, shall be considered wholly in this state only to the extent that the fund shareholders of the investment companies, to which the investment funds service corporation, or S corporation, provide services, are resided in this state. Wholly in this state qualifying sales of an investment funds service corporation, or S corporation, shall be determined as follows:

(a) By multiplying the investment funds service corporation's total dollar amount of qualifying sales from services provided to each investment company by a fraction, the numerator of which shall be the average of the number of shares owned by the investment company's fund shareholders resided in this state at the beginning of and at the end of the investment company's taxable year that ends with or within the investment funds service corporation's taxable year, and the denominator of which shall be the average of the number of shares owned by the investment company's fund shareholders everywhere at the beginning of and at the end of the investment company's taxable year that ends with or within the investment funds service corporation's taxable year;

(b) A separate computation shall be made to determine the wholly in this state qualifying sales from each investment company. The qualifying sales for each investment company shall be multiplied by the respective percentage of each fund, as calculated pursuant to paragraph (a) of this subdivision. The product of this equation shall result in the wholly in this state qualifying sales. The qualifying sales for each investment company which are not wholly in this state will be considered wholly without this state;

(c) To the extent an investment funds service corporation has sales which are not qualifying sales, those nonqualified sales shall be apportioned to this state based on the methodology utilized by the investment funds service corporation without regard to this subdivision.

3. Any corporation described in subdivision (1) of subsection 1 of section 143.441 organized in this state or granted a permit to operate in this state for the transportation or care of passengers shall report its gross earnings within the state on intrastate business and shall also report its gross earnings on all interstate business done in this state which report shall be subject to inquiry for the purpose of determining the amount of income to be included in Missouri taxable income. The previous sentence shall not apply to a railroad.

4. A corporation described in subdivision (2) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income arising from all sources in this state and all income from each transportation service wholly within this state, from each service where the only lines of such corporation used are those in this state, and such proportion of revenue from each service where the facilities of such corporation in this state and in another state or states are used, as the mileage used over the lines of such corporation in the state shall bear to the total mileage used over the lines of such corporation. The taxpayer may elect to compute the portion of income from all sources within this state in the following manner:

(1) The income from all sources shall be determined as provided;

(2) The amount of investment of such corporation on December thirty-first of each year in this state in fixed transportation facilities, real estate and improvements, plus the value on December thirty-first of each year of any fixed transportation facilities, real estate and improvements in this state leased from any other railroad shall be divided by the sum of the total amount of investment of such corporation on December thirty-first of each year in fixed transportation facilities, real estate and improvements, plus the value on December thirty-first of each year, of any fixed transportation facilities, real estate and improvements leased from any other railroad. Where any fixed transportation facilities, real estate or improvements are leased by more than one railroad, such portion of the value shall be used by each railroad as the rental paid by each shall bear to the rental paid by all lessees. The income shall be multiplied by the fraction thus obtained to determine the proportion to be used to arrive at the amount of Missouri taxable income.

5. A corporation described in subdivision (3) of subsection 1 of section 143.441 shall include in its Missouri taxable income one-half of the net income from the operation of a bridge between this and another state. If any such bridge is owned or operated by a railroad corporation or corporations, or by a corporation owning a railroad corporation using such bridge, then the figures for operation of such bridge may be included in the return of such railroad or railroads; or if such bridge is owned or operated by any other corporation which may now or hereafter be required to file an income tax return, one-half of the income or loss to such corporation from such bridge may be included in such return by adding or subtracting same to or from another net income or loss shown by the return.

6. A corporation described in subdivision (4) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income arising from all sources within this state. Income shall include revenue from each telephonic or telegraphic service rendered wholly within this state; from each service rendered for which the only facilities of such corporation used are those in this state; and from each service rendered over the facilities of such corporation in this state and in other state or states, such proportion of such revenue as the mileage involved in this state shall bear to the total

mileage involved over the lines of said company in all states. The taxpayer may elect to compute the portion of income from all sources within this state in the following manner:

- (1) The income from all sources shall be determined as provided;
- (2) The amount of investment of such corporation on December thirty-first of each year in this state in telephonic or telegraphic facilities, real estate and improvements thereon, shall be divided by the amount of the total investment of such corporation on December thirty-first of each year in telephonic or telegraphic facilities, real estate and improvements. The income of the taxpayer shall be multiplied by fraction thus obtained to determine the proportion to be used to arrive at the amount of Missouri taxable income.

7. From the income determined in subsections 2, 3, 4, 5 and 6 of this section to be from all sources within this state shall be deducted such of the deductions for expenses in determining Missouri taxable income as were incurred in this state to produce such income and all losses actually sustained in this state in the business of the corporation.

8. If a corporation derives only part of its income from sources within Missouri, its Missouri taxable income shall only reflect the effect of the following listed deductions to the extent applicable to Missouri. The deductions are: (a) its deduction for federal income taxes pursuant to section 143.171, and (b) the effect on Missouri taxable income of the deduction for net operating loss allowed by Section 172 of the Internal Revenue Code. The extent applicable to Missouri shall be determined by multiplying the amount that would otherwise affect Missouri taxable income by the ratio for the year of the Missouri taxable income of the corporation for the year divided by the Missouri taxable income for the year as though the corporation had derived all of its income from sources within Missouri. For the purpose of the preceding sentence, Missouri taxable income shall not reflect the listed deductions.

9. Any investment funds service corporation organized as a corporation or S corporation which has any shareholders resided in this state shall be subject to Missouri income tax as provided in this chapter."; and

Further amend said bill, Page 43, Section 143.790, Line 255, by inserting after all of said section the following:

"144.010. 1. The following words, terms, and phrases when used in sections 144.010 to 144.525 have the meanings ascribed to them in this section, except when the context indicates a different meaning:

(1) "Admission" includes seats and tables, reserved or otherwise, and other similar accommodations and charges made therefor and amount paid for admission, exclusive of any admission tax imposed by the federal government or by sections 144.010 to 144.525;

(2) "Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either direct or indirect, and the classification of which business is of such character as to be subject to the terms of sections 144.010 to 144.525. The isolated or occasional sale of tangible personal property, service, substance, or thing, by a person not engaged in such business, does not constitute engaging in business within the meaning of sections 144.010 to 144.525 unless the total amount of the gross receipts from such sales, exclusive of receipts from the sale of tangible personal property by persons which property is sold in the course of the partial or complete liquidation of a household, farm or nonbusiness enterprise, exceeds three thousand dollars in any calendar year. The provisions of this subdivision shall not be construed to make any sale of property which is exempt from sales tax or use tax on June 1, 1977, subject to that tax thereafter;

(3) "Captive wildlife", includes but is not limited to exotic partridges, gray partridge, northern bobwhite quail, ring-necked pheasant, captive waterfowl, captive white-tailed deer, captive elk, and captive furbearers held under permit issued by the Missouri department of conservation for hunting purposes. The provisions of this subdivision shall not apply to sales tax on a harvested animal;

(4) "Gross receipts", except as provided in section 144.012, means the total amount of the sale price of the sales at retail including any services other than charges incident to the extension of credit that are a part of such sales made by the businesses herein referred to, capable of being valued in money, whether received in money or otherwise; except that, the term "gross receipts" shall not include the sale price of property returned by customers when the full sale price thereof is refunded either in cash or by credit. In determining any tax due under sections 144.010 to 144.525 on the gross receipts, charges incident to the extension of credit shall be specifically exempted. For the purposes of sections 144.010 to 144.525 the total amount of the sale price above mentioned shall be deemed to be the amount received. It shall also include the lease or rental consideration where the right to continuous possession or use of any article of tangible personal property is granted under a lease or contract and such transfer of possession would be taxable if outright sale were made and, in such cases, the same shall be taxable as if outright sale were made and considered as a sale of such article, and the tax shall be computed and paid by the lessee upon the rentals paid;

(5) "Livestock", cattle, calves, sheep, swine, ratite birds, including but not limited to, ostrich and emu, aquatic products as defined in section 277.024, llamas, alpaca, buffalo, elk documented as obtained from a legal source and not from the wild, goats, horses, other equine, or rabbits raised in confinement for human consumption;

(6) "Motor vehicle leasing company" shall be a company obtaining a permit from the director of revenue to operate as a motor vehicle leasing company. Not all persons renting or leasing trailers or motor vehicles need to obtain such a permit; however, no person failing to obtain such a permit may avail itself of the optional tax provisions of subsection 5 of section 144.070, as hereinafter provided;

(7) "Person" includes any individual, firm, copartnership, joint adventure, association, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or agency, except the state transportation department, estate, trust, business trust, receiver or trustee appointed by the state or federal court, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number;

(8) "Purchaser" means a person who purchases tangible personal property or to whom are rendered services, receipts from which are taxable under sections 144.010 to 144.525;

(9) "Research or experimentation activities" are the development of an experimental or pilot model, plant process, formula, invention or similar property, and the improvement of existing property of such type. Research or experimentation activities do not include activities such as ordinary testing or inspection of materials or products for quality control, efficiency surveys, advertising promotions or research in connection with literary, historical or similar projects;

(10) "Sale" or "sales" includes installment and credit sales, and the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale, and means any transfer, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for valuable consideration and the rendering, furnishing or selling for a valuable consideration any of the substances, things and services herein designated and defined as taxable under the terms of sections 144.010 to 144.525;

(11) "Sale at retail" means any transfer made by any person engaged in business as defined herein of the ownership of, or title to, tangible personal property to the purchaser, for use or consumption and not for resale in any form as tangible personal property, for a valuable consideration; except that, for the purposes of sections 144.010 to 144.525 and the tax imposed thereby: (i) purchases of tangible personal property made by duly licensed physicians, dentists, optometrists and veterinarians and used in the practice of their professions shall be deemed to be purchases for use or consumption and not for resale; and (ii) the selling of computer printouts, computer output or microfilm or microfiche and computer-assisted photo compositions to a purchaser to enable the purchaser to obtain for his or her own use the desired information contained in such computer printouts, computer output on microfilm or microfiche and computer-assisted photo compositions shall be considered as the sale of a service and not as the sale of tangible personal property. Where necessary to conform to the context of sections 144.010 to 144.525 and the tax imposed thereby, the term "sale at retail" shall be construed to embrace:

(a) Sales of admission tickets, cash admissions, charges and fees to or in places of amusement, entertainment and recreation, games and athletic events **including dance, theater, orchestra and other performing arts productions, commercial sports, spectator sports, gambling, racetracks, arcades, theme and amusement parks, water parks, circuses, carnivals, festivals, air shows, museums, marinas, motion picture theaters, and other commercial tourist attractions;**

(b) Sales of electricity, electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(c) Sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations, and the sale, rental or leasing of all equipment or services pertaining or incidental thereto;

(d) Sales of service for transmission of messages by telegraph companies;

(e) Sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist camp, tourist cabin, or other place in which rooms, meals or drinks are regularly served to the public;

(f) Sales of tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane, and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(12) "Seller" means a person selling or furnishing tangible personal property or rendering services, on the receipts from which a tax is imposed pursuant to section 144.020;

(13) The noun "tax" means either the tax payable by the purchaser of a commodity or service subject to tax, or the aggregate amount of taxes due from the vendor of such commodities or services during the period for which he or she is required to report his or her collections, as the context may require;

(14) "Telecommunications service", for the purpose of this chapter, the transmission of information by wire, radio, optical cable, coaxial cable, electronic impulses, or other similar means. As used in this definition, "information"

means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. Telecommunications service does not include the following if such services are separately stated on the customer's bill or on records of the seller maintained in the ordinary course of business:

- (a) Access to the internet, access to interactive computer services or electronic publishing services, except the amount paid for the telecommunications service used to provide such access;
- (b) Answering services and one-way paging services;
- (c) Private mobile radio services which are not two-way commercial mobile radio services such as wireless telephone, personal communications services or enhanced specialized mobile radio services as defined pursuant to federal law; or
- (d) Cable or satellite television or music services; and

(15) "Product which is intended to be sold ultimately for final use or consumption" means tangible personal property, or any service that is subject to state or local sales or use taxes, or any tax that is substantially equivalent thereto, in this state or any other state.

2. For purposes of the taxes imposed under sections 144.010 to 144.525, and any other provisions of law pertaining to sales or use taxes which incorporate the provisions of sections 144.010 to 144.525 by reference, the term "manufactured homes" shall have the same meaning given it in section 700.010.

3. Sections 144.010 to 144.525 may be known and quoted as the "Sales Tax Law".

144.018. 1. Notwithstanding any other provision of law to the contrary, except as provided under subsection 2 or 3 of this section, when a purchase of tangible personal property or service subject to tax is made for the purpose of resale, such purchase shall be either exempt or excluded under this chapter if the subsequent sale is:

- (1) Subject to a tax in this or any other state;
- (2) For resale;
- (3) Excluded from tax under this chapter;
- (4) Subject to tax but exempt under this chapter; or
- (5) Exempt from the sales tax laws of another state, if the subsequent sale is in such other state.

The purchase of tangible personal property by a taxpayer shall not be deemed to be for resale if such property is used or consumed by the taxpayer in providing a service on which tax is not imposed by subsection 1 of section 144.020, except purchases made in fulfillment of any obligation under a defense contract with the United States government.

2. For purposes of subdivision (2) of subsection 1 of section 144.020, a place of amusement, entertainment or recreation, including games or athletic events, **dance, theater, orchestra and other performing arts productions, commercial sports, spectator sports, gambling, racetracks, arcades, theme and amusement parks, water parks, circuses, carnivals, festivals, air shows, museums, marinas, motion picture theaters, and other commercial tourist attractions**, shall remit tax on the amount paid for admissions or seating accommodations, or fees paid to, or in such place of amusement, entertainment or recreation. Any subsequent sale of such admissions or seating accommodations shall not be subject to tax if the initial sale was an arms length transaction for fair market value with an unaffiliated entity. If the sale of such admissions or seating accommodations is exempt or excluded from payment of sales and use taxes, the provisions of this subsection shall not require the place of amusement, entertainment, or recreation to remit tax on that sale.

3. For purposes of subdivision (6) of subsection 1 of section 144.020, a hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp, or other place in which rooms, meals, or drinks are regularly served to the public shall remit tax on the amount of sales or charges for all rooms, meals, and drinks furnished at such hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp, or other place in which rooms, meals, or drinks are regularly served to the public. Any subsequent sale of such rooms, meals, or drinks shall not be subject to tax if the initial sale was an arms length transaction for fair market value with an unaffiliated entity. If the sale of such rooms, meals, or drinks is exempt or excluded from payment of sales and use taxes, the provisions of this subsection shall not require the hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp, or other place in which rooms, meals, or drinks are regularly served to the public to remit tax on that sale.

4. The provisions of this section are intended to reject and abrogate earlier case law interpretations of the state's sales and use tax law with regard to sales for resale as extended in *Music City Centre Management, LLC v. Director of Revenue*, 295 S.W.3d 465, (Mo. 2009) and *ICC Management, Inc. v. Director of Revenue*, 290 S.W.3d 699, (Mo. 2009). The provisions of this section are intended to clarify the exemption or exclusion of purchases for resale from sales and use taxes as originally enacted in this chapter."; and

Further amend said bill, Page 43, Section 144.020, Lines 16-17, by deleting all of said lines and inserting in lieu thereof the following:

"accommodations, or fees paid to, or in any place of amusement, entertainment or recreation, **or** games and athletic events **including dance, theater, orchestra and other performing arts productions, commercial sports, spectator sports, gambling, racetracks, arcades, theme and amusement parks, water parks, circuses, carnivals, festivals, air shows, museums, marinas, motion picture theaters, and other commercial tourist attractions;**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 099

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Engler	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
McCaherty	McGaugh	Messenger	Miller	Moon
Morris	Muntzel	Neely	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rowden
Rowland	Scharnhorst	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Webb	Webber	Wright

PRESENT: 000

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ABSENT WITH LEAVE: 014

Barnes	Cox	Ellington	Elmer	Justus
Marshall	McDonald	Molendorp	Neth	Parkinson
Ross	Schatz	Smith 120	Walton Gray	

On motion of Representative Burlison, **House Amendment No. 9** was adopted by the following vote:

AYES: 099

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Miller	Moon
Morris	Muntzel	Neely	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rowden	Rowland	Scharnhorst	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 053

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
English	Englund	Fowler	Frame	Gardner
Hampton	Harris	Hodges	Hubbard	Hummel
Kelly 45	Kirkton	Kratky	LaFaver	May
Mayfield	McCann Beatty	McKenna	McManus	McNeil
Meredith	Messenger	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Runions
Schieffer	Schupp	Smith 85	Swearingen	Webb
Webber	White	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 011

Cox	Ellington	Justus	McDonald	Molendorp
Neth	Roorda	Ross	Schatz	Smith 120
Walton Gray				

Representative Scharnhorst offered **House Amendment No. 10.**

House Amendment No. 10

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 111, Section 302.525, Line 60, by inserting after all of said section and line the following:

"313.800. 1. As used in sections 313.800 to 313.850, unless the context clearly requires otherwise, the following terms mean:

(1) "Adjusted gross receipts", the gross receipts from licensed gambling games and devices less winnings paid to wagerers;

(2) "Applicant", any person applying for a license authorized under the provisions of sections 313.800 to 313.850;

(3) "Bank", the elevations of ground which confine the waters of the Mississippi or Missouri Rivers at the ordinary high water mark as defined by common law;

(4) "Capital, cultural, and special law enforcement purpose expenditures" shall include any disbursement, including disbursements for principal, interest, and costs of issuance and trustee administration related to any indebtedness, for the acquisition of land, land improvements, buildings and building improvements, vehicles, machinery, equipment, works of art, intersections, signing, signalization, parking lot, bus stop, station, garage, terminal, hanger, shelter, dock, wharf, rest area, river port, airport, light rail, railroad, other mass transit, pedestrian shopping malls and plazas, parks, lawns, trees, and other landscape, convention center, roads, traffic control devices, sidewalks, alleys, ramps, tunnels, overpasses and underpasses, utilities, streetscape, lighting, trash receptacles, marquees, paintings, murals, fountains, sculptures, water and sewer systems, dams, drainage systems, creek bank restoration, any asset with a useful life greater than one year, cultural events, and any expenditure related to a law enforcement officer deployed as horse-mounted patrol, school resource or drug awareness resistance education (D.A.R.E) officer;

(5) "Cheat", to alter the selection of criteria which determine the result of a gambling game or the amount or frequency of payment in a gambling game;

(6) "Commission", the Missouri gaming commission;

(7) **"Credit instrument", a written check, negotiable instrument, automatic bank draft or other authorization from a qualified person to an excursion gambling boat licensee or any of its affiliated companies licensed by the commission authorizing the licensee to withdraw the amount of credit extended by the licensee to such person from the qualified person's banking account on or after a date certain of not more than thirty days from the date the credit was extended, and includes any such writing taken in consolidation, redemption or payment of a previous credit instrument, but does not include any interest-bearing installment loan or other extension of credit secured by collateral;**

(8) "Dock", the location in a city or county authorized under subsection 10 of section 313.812 which contains any natural or artificial space, inlet, hollow, or basin, in or adjacent to a bank of the Mississippi or Missouri Rivers, next to a wharf or landing devoted to the embarking of passengers on and disembarking of passengers from a gambling excursion but shall not include any artificial space created after May 20, 1994, and is located more than one thousand feet from the closest edge of the main channel of the river as established by the United States Army Corps of Engineers;

[(8)] (9) "Excursion gambling boat", a boat, ferry or other floating facility licensed by the commission on which gambling games are allowed;

[(9)] (10) "Fiscal year" shall for the purposes of subsections 3 and 4 of section 313.820 mean the fiscal year of a home dock city or county;

[(10)] (11) "Floating facility", any facility built or originally built as a boat, ferry or barge licensed by the commission on which gambling games are allowed;

[(11)] (12) "Gambling excursion", the time during which gambling games may be operated on an excursion gambling boat whether docked or during a cruise;

[(12)] (13) "Gambling game" includes, but is not limited to, games of skill or games of chance on an excursion gambling boat but does not include gambling on sporting events; provided such games of chance are approved by amendment to the Missouri Constitution;

[(13)] (14) "Games of chance", any gambling game in which the player's expected return is not favorably increased by his or her reason, foresight, dexterity, sagacity, design, information or strategy;

[(14)] (15) "Games of skill", any gambling game in which there is an opportunity for the player to use his or her reason, foresight, dexterity, sagacity, design, information or strategy to favorably increase the player's expected return; including, but not limited to, the gambling games known as "poker", "blackjack" (twenty-one), "craps", "Caribbean stud", "pai gow poker", "Texas hold'em", "double down stud", and any video representation of such games;

[(15)] (16) "Gross receipts", the total sums wagered by patrons of licensed gambling games;

[(16)] (17) "Holder of occupational license", a person licensed by the commission to perform an occupation within excursion gambling boat operations which the commission has identified as requiring a license;

[(17)] (18) "Licensee", any person licensed under sections 313.800 to 313.850;

[(18)] (19) "Mississippi River" and "Missouri River", the water, bed and banks of those rivers, including any space filled by the water of those rivers for docking purposes in a manner approved by the commission but shall not include any artificial space created after May 20, 1994, and is located more than one thousand feet from the closest edge of the main channel of the river as established by the United States Army Corps of Engineers;

[(19)] (20) "Supplier", a person who sells or leases gambling equipment and gambling supplies to any licensee.

2. In addition to the games of skill [referred to in subdivision (14) of] **defined in** subsection 1 of this section, the commission may approve other games of skill upon receiving a petition requesting approval of a gambling game from any applicant or licensee. The commission may set the matter for hearing by serving the applicant or licensee with written notice of the time and place of the hearing not less than five days prior to the date of the hearing and posting a public notice at each commission office. The commission shall require the applicant or licensee to pay the cost of placing a notice in a newspaper of general circulation in the applicant's or licensee's home dock city or county. The burden of proof that the gambling game is a game of skill is at all times on the petitioner. The petitioner shall have the affirmative responsibility of establishing his or her case by a preponderance of evidence including:

- (1) Is it in the best interest of gaming to allow the game; and
- (2) Is the gambling game a game of chance or a game of skill?

All testimony shall be given under oath or affirmation. Any citizen of this state shall have the opportunity to testify on the merits of the petition. The commission may subpoena witnesses to offer expert testimony. Upon conclusion of the hearing, the commission shall evaluate the record of the hearing and issue written findings of fact that shall be based exclusively on the evidence and on matters officially noticed. The commission shall then render a written decision on the merits which shall contain findings of fact, conclusions of law and a final commission order. The final commission order shall be within thirty days of the hearing. Copies of the final commission order shall be served on the petitioner by certified or overnight express mail, postage prepaid, or by personal delivery.

313.812. 1. The commission may issue licenses pursuant to subsection 1 of section 313.807 when it is satisfied that the applicant has complied with all rules and regulations, including an update of all information provided to the commission in the licensee's initial application. The commission shall decide the number, location and type of excursion gambling boat in a city or county under subsection 10 of this section. The license shall set forth the name of the licensee, the type of license granted, the place where the excursion gambling boat will operate and dock, including the docking of an excursion gambling boat which is continuously docked, and other information the commission deems appropriate. The commission shall have the ultimate responsibility of deciding the number, location, and type of excursion gambling boats licensed in a city or county; however, any city or county which has complied with the provisions of subsection 10 of this section shall submit to the commission a plan outlining the following:

- (1) The recommended number of licensed excursion gambling boats operating in such city or county;
- (2) The recommended licensee or licensees operating in such city or county;
- (3) The community's economic development or impact and affirmative action plan concerning minorities' and women's ownership, contracting and employment for the waterfront development;
- (4) The city or county proposed sharing of revenue with any other municipality;
- (5) Any other information such city or county deems necessary; and
- (6) Any other information the commission may determine is necessary.

The commission shall provide for due dates for receiving such plan from the city or county.

2. A license to operate an excursion gambling boat shall only be granted to an applicant upon the express conditions that:

(1) The applicant shall not, by a lease, contract, understanding, or arrangement of any kind, grant, assign, or turn over to a person the operation of an excursion gambling boat licensed under this section or of the system of wagering described in section 313.817. This section does not prohibit a management contract with a person licensed by the commission; and

(2) The applicant shall not in any manner permit a person other than the licensee and the management licensee to have a share, percentage, or proportion of the money received for admissions to the excursion gambling boat.

3. The commission shall require, as a condition of granting a license, that an applicant operate an excursion gambling boat which, as nearly as practicable, resembles or is a part of Missouri's or the home dock city's or county's riverboat history.

4. The commission shall encourage through its rules and regulations the use of Missouri resources, goods and services in the operation of any excursion gambling boat.

5. The excursion gambling boat shall provide for nongaming areas, food service and a Missouri theme gift shop. The amount of space used for gaming shall be determined in accordance with all rules and regulations of the commission and the United States Coast Guard safety regulations.

6. A license to operate gambling games or to operate an excursion gambling boat shall not be granted unless the applicant has, through clear and convincing evidence, demonstrated financial responsibility sufficient to meet adequately the requirements of the proposed enterprise.

7. Each applicant shall establish by clear and convincing evidence its fitness to be licensed. Without limitation, the commission may deny a license based solely on the fact that there is evidence that any of the following apply:

(1) The applicant has been suspended from operating an excursion gambling boat or a game of chance or gambling operation in another jurisdiction by a board or commission of that jurisdiction;

(2) The applicant is not the true owner of the enterprise proposed;

(3) The applicant is not the sole owner, and other persons have ownership in the enterprise, which fact has not been disclosed;

(4) The applicant is a corporation that is not publicly traded and ten percent or more of the stock of the corporation is subject to a contract or option to purchase at any time during the period for which the license is to be issued unless the contract or option was disclosed to the commission and the commission approved the sale or transfer during the period of the license;

(5) The applicant has knowingly made a false statement of a material fact to the commission; or

(6) The applicant has failed to meet a valid, bona fide monetary obligation in connection with an excursion gambling boat.

8. A license shall not be granted if the applicant has not established [his] **the applicant's** good repute and moral character or if the applicant has pled guilty to, or has been convicted of, a felony. No licensee shall employ or contract with any person who has pled guilty to, or has been convicted of, a felony to perform any duties directly connected with the licensee's privileges under a license granted pursuant to this section, except that employees performing nongaming related occupations as determined by the commission shall be exempt from the requirements of this subsection.

9. **Except as provided in section 313.817**, a licensee shall not lend to any person money or any other thing of value for the purpose of permitting that person to wager on any gambling game authorized by law. This does not prohibit credit card or debit card transactions or cashing of checks. Any check cashed, **other than a credit instrument**, must be deposited within twenty-four hours. **Except for any credit instrument**, the commission may require licensees to verify a sufficient account balance exists before cashing any check. Any licensee who violates the provisions of this subsection shall be subject to an administrative penalty of five thousand dollars for each violation. Such administrative penalties shall be assessed and collected by the commission.

10. Gambling excursions including the operation of gambling games on an excursion gambling boat which is not continuously docked shall be allowed only on the Mississippi River and the Missouri River. No license to conduct gambling games on an excursion gambling boat in a city or county shall be issued unless and until the qualified voters of the city or county approve such activities pursuant to this subsection. The question shall be submitted to the qualified voters of the city or county at a general, primary or special election upon the motion of the governing body of the city or county or upon the petition of fifteen percent of the qualified voters of the city or county determined on the basis of the number of votes cast for governor in the city or county at the last election held prior to the filing of the petition. The question shall be submitted in substantially the following form:

Shall the City (County) of allow the licensing of excursion gambling boats or floating facilities as now or hereafter provided by Missouri gaming law in the city (county)?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the commission may license excursion gambling boats in that city or county and such boats may operate on the Mississippi River and the Missouri River. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the commission shall not license such excursion gambling boats in such city or county unless and until the question is again submitted to and approved by a majority of the qualified voters of the city or county at a later election. Excursion gambling boats may only dock in a city or unincorporated area of a county which approves licensing of such excursion gambling boats pursuant to this subsection, but gambling operations may be conducted at any point on the Mississippi River or the Missouri River during an excursion. Those cities and counties which have approved by election pursuant to this subsection, except those cities or counties which have subsequently rejected by election, the licensing of any type of excursion gambling boats in the city or county prior to April 6, 1994, are exempt

from any local election requirement of this section as such previous election shall have the same effect as if held after May 20, 1994.

11. If a docking fee is charged by a city or a county, a licensee operating an excursion gambling boat shall pay the docking fee prior to the start of the excursion season.

12. Any licensee shall not be delinquent in the payment of property taxes or other taxes or fees or in the payment of any other contractual obligation or debt due or owed to the state or a political subdivision of the state.

13. An excursion gambling boat licensed by the state shall meet all of the requirements of chapter 306 and is subject to an inspection of its sanitary facilities to protect the environment and water quality by the commission or its designee before a license to operate an excursion gambling boat is issued by the commission. Licensed excursion gambling boats shall also be subject to such inspections during the period of the license as may be deemed necessary by the commission. The cost of such inspections shall be paid by the licensee.

14. A holder of any license shall be subject to imposition of penalties, suspension or revocation of such license, or if the person is an applicant for licensure, the denial of the application, for any act or failure to act by himself or his agents or employees, that is injurious to the public health, safety, morals, good order and general welfare of the people of the state of Missouri, or that would discredit or tend to discredit the Missouri gaming industry or the state of Missouri unless the licensee proves by clear and convincing evidence that it is not guilty of such action. The commission shall take appropriate action against any licensee who violates the law or the rules and regulations of the commission. Without limiting other provisions of this subsection, the following acts or omissions may be grounds for such discipline:

(1) Failing to comply with or make provision for compliance with sections 313.800 to 313.850, the rules and regulations of the commission or any federal, state or local law or regulation;

(2) Failing to comply with any rule, order or ruling of the commission or its agents pertaining to gaming;

(3) Receiving goods or services from a person or business entity who does not hold a supplier's license but who is required to hold such license by the provisions of sections 313.800 to 313.850 or the rules and regulations of the commission;

(4) Being suspended or ruled ineligible or having a license revoked or suspended in any state of gaming jurisdiction;

(5) Associating with, either socially or in business affairs, or employing persons of notorious or unsavory reputation or who have extensive police records, or who have failed to cooperate with any officially constituted investigatory or administrative body and would adversely affect public confidence and trust in gaming;

(6) Employing in any gambling games' operation or any excursion gambling boat operation, any person known to have been found guilty of cheating or using any improper device in connection with any gambling game;

(7) Use of fraud, deception, misrepresentation or bribery in securing any permit or license issued pursuant to sections 313.800 to 313.850;

(8) Obtaining or attempting to obtain any fee, charge, or other compensation by fraud, deception, or misrepresentation;

(9) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties regulated by sections 313.800 to 313.850.

313.817. 1. Except as permitted in this section, the licensee licensed to operate gambling games shall permit no form of wagering on gambling games.

2. The licensee may receive wagers only from a person present on a licensed excursion gambling boat.

3. Wagering shall not be conducted with money or other negotiable currency. The licensee shall exchange the money **or credit instrument** of each wagerer for electronic or physical tokens, chips, or other forms of credit to be wagered on the gambling games. The licensee shall exchange the tokens, chips, or other forms of wagering credit for money at the request of the wagerer.

4. A person under twenty-one years of age shall not make a wager on an excursion gambling boat and shall not be allowed in the area of the excursion boat where gambling is being conducted; provided that employees of the licensed operator of the excursion gambling boat who have attained eighteen years of age shall be permitted in the area in which gambling is being conducted when performing employment-related duties, except that no one under twenty-one years of age may be employed as a dealer or accept a wager on an excursion gambling boat. The governing body of a home dock city or county may restrict the age of entrance onto an excursion gambling boat by passage of a local ordinance.

5. In order to help protect patrons from invasion of privacy and the possibility of identity theft, patrons shall not be required to provide fingerprints, retinal scans, biometric forms of identification, any type of patron-tracking cards, or other types of identification prior to being permitted to enter the area where gambling is being conducted on an excursion gambling boat or to make a wager, except that, for purposes of establishing that a patron is at least twenty-one

years of age as provided in subsection 4 above, a licensee operating an excursion gambling boat shall be authorized to request such patron to provide a valid state or federal photo identification or a valid passport. This section shall not prohibit enforcement of identification requirements that are required by federal law. This section shall not prohibit enforcement of any Missouri statute requiring identification of patrons for reasons other than being permitted to enter the area of an excursion gambling boat where gambling is being conducted or to make a wager.

6. A licensee shall only allow wagering and conduct gambling games at the times allowed by the commission.

7. It shall be unlawful for a person to present false identification to a licensee or a gaming agent in order to gain entrance to an excursion gambling boat, cash a check or verify that such person is legally entitled to be present on the excursion gambling boat. Any person who violates the provisions of this subsection shall be guilty of a class B misdemeanor for the first offense and a class A misdemeanor for second and subsequent offenses.

8. Credit instruments executed on or after August 28, 2013, are valid contracts creating debt that is enforceable by legal process. A licensee may accept credit instruments from a qualified person in exchange for chips, tokens, or electronic tokens that can be wagered on gambling games at the licensee's excursion gambling boat. For the purposes of this subsection, "qualified person" means a person who has completed a credit application provided by the licensee and who is determined by the licensee, after performing a credit check and applying usual standards to establish creditworthiness, to qualify for a line of credit of at least five thousand dollars. Once the licensee makes the determination that a person is a qualified person, additional credit checks are not required. Approval to accept a credit instrument from a qualified person shall be made by the holder of an occupational license. A licensee may accept multiple credit instruments from the same person to consolidate or redeem a previous credit instrument. A lost or destroyed credit instrument shall remain valid and enforceable if the party seeking enforcement can prove its existence and terms. Any person who violates this subsection is subject only to the penalties provided in section 313.812. The commission shall have no authority to determine the validity or enforceability of a credit instrument or the enforceability of the debt that the credit instrument represents. Failure to comply with any regulation promulgated by the commission shall not impact the validity or enforceability of the credit instrument or the debt that the credit instrument represents.

313.830. 1. A person is guilty of a class D felony for any of the following:

(1) Operating a gambling excursion where wagering is used or to be used without a license issued by the commission;

(2) Operating a gambling excursion where wagering is permitted other than in the manner specified by section 313.817; or

(3) Acting, or employing a person to act, as a shill or decoy to encourage participation in a gambling game.

2. A person is guilty of a class B misdemeanor for the first offense and a class A misdemeanor for the second and subsequent offenses for any of the following:

(1) Permitting a person under the age of twenty-one to make a wager while on an excursion gambling boat;

(2) Making or attempting to make a wager while on an excursion gambling boat when such person is under the age of twenty-one years; or

(3) Aiding a person who is under the age of twenty-one in entering an excursion gambling boat or in making or attempting to make a wager while on an excursion gambling boat.

3. A person wagering or accepting a wager at any location outside the excursion gambling boat is in violation of section 572.040.

4. A person commits a class D felony and, in addition, shall be barred for life from excursion gambling boats under the jurisdiction of the commission, if the person:

(1) Offers, promises, or gives anything of value or benefit to a person who is connected with an excursion gambling boat operator including, but not limited to, an officer or employee of a licensee or holder of an occupational license pursuant to an agreement or arrangement or with the intent that the promise or thing of value or benefit will influence the actions of the person to whom the offer, promise, or gift was made in order to affect or attempt to affect the outcome of a gambling game, or to influence official action of a member of the commission;

(2) Solicits or knowingly accepts or receives a promise of anything of value or benefit while the person is connected with an excursion gambling boat including, but not limited to, an officer or employee of a licensee, or holder of an occupational license, pursuant to an understanding or arrangement or with the intent that the promise or thing of value or benefit will influence the actions of the person to affect or attempt to affect the outcome of a gambling game, or to influence official action of a member of the commission;

(3) Uses a device to assist in any of the following:

(a) In projecting the outcome of the game;

(b) In keeping track of the cards played;

- (c) In analyzing the probability of the occurrence of an event relating to the gambling game; or
 - (d) In analyzing the strategy for playing or betting to be used in the game, except as permitted by the commission;
 - (4) Cheats at a gambling game;
 - (5) Manufactures, sells, or distributes any cards, chips, dice, game or device which is intended to be used to violate any provision of sections 313.800 to 313.850;
 - (6) Instructs a person in cheating or in the use of a device for that purpose with the knowledge or intent that the information or use conveyed may be employed to violate any provision of sections 313.800 to 313.850;
 - (7) Alters or misrepresents the outcome of a gambling game on which wagers have been made after the outcome is made sure but before it is revealed to the players;
 - (8) Places a bet after acquiring knowledge, not available to all players, of the outcome of the gambling game which is the subject of the bet or to aid a person in acquiring the knowledge for the purpose of placing a bet contingent on that outcome;
 - (9) Claims, collects, or takes, or attempts to claim, collect, or take, money or anything of value in or from the gambling games, with intent to defraud, without having made a wager contingent on winning a gambling game, or claims, collects, or takes an amount of money or thing of value of greater value than the amount won;
 - (10) Knowingly entices or induces a person to go to any place where a gambling game is being conducted or operated in violation of the provisions of sections 313.800 to 313.850 with the intent that the other person plays or participates in that gambling game;
 - (11) Uses counterfeit chips or tokens in a gambling game;
 - (12) Knowingly uses, other than chips, tokens, coin, of other methods of credit approved by the commission, legal tender of the United States of America, or to use coin not of the denomination as the coin intended to be used in the gambling games;
 - (13) Has in the person's possession any device intended to be used to violate a provision of sections 313.800 to 313.850;
 - (14) Has in the person's possession, except a gambling licensee or employee of a gambling licensee acting in furtherance of the employee's employment, any key or device designed for the purpose of opening, entering, or affecting the operation of a gambling game, drop box, or an electronic or mechanical device connected with the gambling game or for removing coins, tokens, chips or other contents of the gambling game; or
 - (15) Knowingly makes a false statement of any material fact to the commission, its agents or employees.
5. The possession of one or more of the devices described in subdivision (3), (5), (13) or (14) of subsection 4 of this section permits a rebuttable inference that the possessor intended to use the devices for cheating.
6. Except for wagers on gambling games or exchanges for money **or a credit instrument** as provided in section 313.817, or as payment for food or beverages on the excursion gambling boat, a licensee who exchanges tokens, chips, or other forms of credit to be used on gambling games for anything of value commits a class B misdemeanor.
7. If the commission determines that reasonable grounds to believe that a violation of sections 313.800 to 313.850 has occurred or is occurring which is a criminal offense, the commission shall refer such matter to both the state attorney general and the prosecuting attorney or circuit attorney having jurisdiction. The state attorney general and the prosecuting attorney or circuit attorney with such jurisdiction shall have concurrent jurisdiction to commence actions for violations of sections 313.800 to 313.850 where such violations have occurred.
8. Venue for all crimes committed on an excursion gambling boat shall be the jurisdiction of the home dock city or county or such county where a home dock city is located."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Hough offered **House Amendment No. 1 to House Amendment No. 10.**

*House Amendment No. 1
to
House Amendment No. 10*

AMEND House Amendment No. 10 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 10, Line 13, by inserting after all of said line the following:

‘AMEND House Committee Substitute for Senate Bill No. 24, Page 111, Section 302.525, Line 60, by inserting immediately after said line the following:

"311.055. 1. No person at least twenty-one years of age shall be required to obtain a license to manufacture intoxicating liquor, as defined in section 311.020, for personal or family use. The aggregate amount of intoxicating liquor manufactured per household shall not exceed two hundred gallons per calendar year if there are two or more persons over the age of twenty-one years in such household, or one hundred gallons per calendar year if there is only one person over the age of twenty-one years in such household. **Any intoxicating liquor manufactured under this section may not be offered for sale.**

2. Beer brewed under this section may be removed from the premises where brewed for personal or family use, including use at organized affairs, exhibitions, or competitions, such as home brewer contests, tastings, or judging. The use may occur off licensed retail premises, on any premises under a temporary retail license issued under sections 311.218, 311.482, 311.485, 311.486, or 311.487, or on any tax exempt organization's licensed premises as described in section 311.090.

311.091. 1. **Except as provided under subsection 2 of this section and** notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter and who meets the requirements of and complies with the provisions of this chapter may apply for and the supervisor of [liquor] **alcohol and tobacco** control may issue a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail for consumption on the premises of any boat, or other vessel licensed by the United States Coast Guard to carry one hundred or more passengers for hire on navigable waters in or adjacent to this state, which has a regular place of mooring in a location in this state or within two hundred yards of a location which would otherwise be licensable under this chapter. The license shall be valid even though the boat, or other vessel, leaves its regular place of mooring during the course of its operation.

2. Any person who possesses the qualifications required by this chapter and who meets the requirements of, and complies with the provisions of, this chapter may apply for, and the supervisor of alcohol and tobacco control may issue, a license to sell intoxicating liquor by the drink at retail for consumption on the premises of any boat or other vessel licensed by the United States Coast Guard to carry forty-five to ninety-nine passengers for hire on a lake with a shoreline that is in three counties, one of which is any county of the third classification without a township form of government and with more than thirty-three thousand but fewer than thirty-seven thousand inhabitants and with a city of the fourth classification with more than three thousand but fewer than three thousand seven hundred inhabitants as the county seat, one of which is any county of the third classification without a township form of government and with more than twenty-nine thousand but fewer than thirty-three thousand inhabitants and with a city of the fourth classification with more than four hundred but fewer than four hundred fifty inhabitants as the county seat, and one of which is any county of the first classification with more than fifty thousand but fewer than seventy thousand inhabitants. The boat must have a regular place of mooring in a location in this state or within two hundred yards of a location which would otherwise be licensable under this chapter. The license shall be valid even though the boat, or other vessel, leaves its regular place of mooring during the course of its operation.

3. For every license for sale of liquor by the drink at retail for consumption on the premises of any boat or other vessel issued under the provisions of this section, the licensee shall pay to the director of revenue the sum of three hundred dollars per year.”; and

Further amend said bill, Page 131, Section D, Line 3, by inserting after all of said section the following:

"Section E. Because of the need to clarify the laws relating to beer brewed for personal or family use, the repeal and reenactment of section 311.055 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the

repeal and reenactment of section 311.055 of this act shall be in full force and effect upon its passage and approval."; and'; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hough, **House Amendment No. 1 to House Amendment No. 10** was adopted.

On motion of Representative Scharnhorst, **House Amendment No. 10, as amended**, was adopted.

Representative Hinson offered **House Amendment No. 11**.

House Amendment No. 11

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 13, Section 52.250, Line 19, by inserting after all of said section and line the following:

"64.170. 1. For the purpose of promoting the public safety, health and general welfare, to protect life and property and to prevent the construction of fire hazardous buildings, the county commission in all counties [of the first and second classification], as provided by law, is for this purpose empowered, subject to the provisions of subsections 2 and 3 of this section, to adopt by order or ordinance regulations to control the construction, reconstruction, alteration or repair of any building or structure and any electrical wiring or electrical installation, plumbing or drain laying therein, and provide for the issuance of building permits and adopt regulations licensing persons, firms or corporations other than federal, state or local governments, public utilities and their contractors engaged in the business of electrical wiring or installations and provide for the inspection thereof and establish a schedule of permit, license and inspection fees and appoint a building commission to prepare the regulations, as herein provided.

2. Any county which has not adopted a building code prior to August 28, 2001, pursuant to sections 64.170 to 64.200, shall not have the authority to adopt a building code pursuant to such sections unless the authority is approved by voters, subject to the provisions of subsection 3 of this section.

The ballot of submission for authority pursuant to this subsection shall be in substantially the following form:

Shall (insert name of county) have authority to create, adopt and impose a county building code?

☐ YES

☐ NO

3. The proposal of the authority to adopt a building code shall be voted on only by voters in the area affected by the proposed code, such that a code affecting a county shall not be voted upon by citizens of any incorporated territory.

4. No structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising or agricultural commodities, including the raising of livestock, shall be subject to any code adopted under this section."; and

Further amend said bill, Page 130, Section 1, Line 6, by inserting after all of said section and line the following:

"[64.205. Sections 64.170 to 64.200 shall apply to all counties of the first and second class.]"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hinson, **House Amendment No. 11** was adopted.

Representative Gatschenberger offered **House Amendment No. 12**.

House Amendment No. 12

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 81, Section 184.865, Line 7, by inserting after said line the following:

"188.125. 1. It is the intent of the general assembly to acknowledge the rights of an alternatives-to-abortion agency and its officers, agents, employees, and volunteers to freely assemble and to freely engage in religious practices and speech without governmental interference, and that the constitutions and laws of the United States and the state of Missouri shall be interpreted, construed, applied, and enforced to fully protect such rights.

2. A political subdivision of this state is preempted from enacting, adopting, maintaining, or enforcing any order, ordinance, rule, regulation, policy, or other similar measure that prohibits, restricts, limits, controls, directs, interferes with, or otherwise adversely affects an alternatives-to-abortion agency or its officers, agents, employees, or volunteers' assembly, religious practices, or speech, including but not limited to counseling, referrals, or education of, advertising or information to, or other communications with, clients, patients, other persons, or the public.

3. Nothing in this section shall preclude or preempt a political subdivision of this state from exercising its lawful authority to regulate zoning or land use or to enforce a building or fire code regulation, provided that such political subdivision treats an alternatives-to-abortion agency in the same manner as a similarly situated agency and that such authority is not used to circumvent the intent of this section.

4. In any action to enforce the provisions of this section, a court of competent jurisdiction may order injunctive relief, recovery of damages, or both, as well as payment of reasonable attorney's fees, costs, and expenses. The remedies set forth shall not be deemed exclusive and shall be in addition to any other remedies permitted by law.

5. As used in this section, "alternatives-to-abortion agency" means:

- (1) A maternity home as defined in section 135.600;**
- (2) A pregnancy resource center as defined in section 135.630; or**
- (3) An agency or entity that has the primary purpose of providing services or counseling to pregnant women to assist such women in carrying their unborn children to term instead of having abortions, and to assist such women in caring for their dependent children or placing their children for adoption, as described in section 188.325."; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 096

Allen	Anderson	Austin	Bahr	Barnes
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Justus	Keeney
Kelley 127	Koenig	Kolkmeier	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
McCaherty	McGaugh	Messenger	Miller	Moon
Morris	Muntzel	Neely	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rowden

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Rowland	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson
Walker	White	Wieland	Wilson	Wood
Mr Speaker				

NOES: 045

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
English	Englund	Harris	Hodges	Hubbard
Hummel	Kelly 45	Kirkton	Kratky	LaFaver
Mayfield	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 022

Bernskoetter	Cornejo	Ellington	Frame	Gardner
Jones 50	Korman	Marshall	May	Molendorp
Neth	Parkinson	Ross	Scharnhorst	Schatz
Smith 85	Smith 120	Swearingen	Torpey	Walton Gray
Webb	Zerr			

On motion of Representative Gatschenberger, **House Amendment No. 12** was adopted.

Representative Haefner offered **House Amendment No. 13**.

House Amendment No. 13

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 22, Section 92.387, Line 2, by inserting after all of said section and line the following:

"99.845. 1. A municipality, either at the time a redevelopment project is approved or, in the event a municipality has undertaken acts establishing a redevelopment plan and redevelopment project and has designated a redevelopment area after the passage and approval of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by passing an ordinance providing that after the total equalized assessed valuation of the taxable real property in a redevelopment project exceeds the certified total initial equalized assessed valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such redevelopment project by taxing districts and tax rates determined in the manner provided in subsection 2 of section 99.855 each year after the effective date of the ordinance until redevelopment costs have been paid shall be divided as follows:

(1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

(2) (a) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the municipality for the

purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable. The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula provided for in section 163.031 until such time as all redevelopment costs have been paid as provided for in this section and section 99.850;

(b) Notwithstanding any provisions of this section to the contrary, for purposes of determining the limitation on indebtedness of local government pursuant to article VI, section 26(b) of the Missouri Constitution, the current equalized assessed value of the property in an area selected for redevelopment attributable to the increase above the total initial equalized assessed valuation shall be included in the value of taxable tangible property as shown on the last completed assessment for state or county purposes;

(c) The county assessor shall include the current assessed value of all property within the taxing district in the aggregate valuation of assessed property entered upon the assessor's book and verified pursuant to section 137.245, and such value shall be utilized for the purpose of the debt limitation on local government pursuant to article VI, section 26(b) of the Missouri Constitution;

(3) For purposes of this section, "levies upon taxable real property in such redevelopment project by taxing districts" shall not include the blind pension fund tax levied under the authority of article III, section 38(b) of the Missouri Constitution, or the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of section 6 of article X of the Missouri Constitution, except in redevelopment project areas in which tax increment financing has been adopted by ordinance pursuant to a plan approved by vote of the governing body of the municipality taken after August 13, 1982, and before January 1, 1998.

2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing districts, which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section 94.660, for the purpose of public transportation, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Any provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of other municipal revenues to the special allocation fund shall be and remain enforceable.

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, taxes levied for the purpose of public transportation pursuant to section 94.660, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, [or] any sales tax imposed by a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, for the purpose of sports stadium improvement or levied by such county under section 238.410 for the purpose of the county transit authority operating transportation facilities, **or for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 28, 2013, taxes imposed on sales under section 650.399 for the purpose of emergency communication systems**, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund.

4. Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance and which have complied with subsections 4 to 12 of this section, in addition to the payments in lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues, as defined in subsection 8 of this section, estimated for the businesses within the project area and identified by the municipality in the application required by subsection 10 of this section, over and above the amount of such taxes reported by businesses within the project area as identified by the municipality in their application prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, may be available for appropriation by the general assembly as provided in subsection 10 of this section to the department of economic development supplemental tax increment financing fund, from the general revenue fund, for distribution to the treasurer or other designated financial officer of the municipality with approved plans or projects.

5. The treasurer or other designated financial officer of the municipality with approved plans or projects shall deposit such funds in a separate segregated account within the special allocation fund established pursuant to section 99.805.

6. No transfer from the general revenue fund to the Missouri supplemental tax increment financing fund shall be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any state revenues prior to an appropriation being made for that project. For all redevelopment plans or projects adopted or approved after December 23, 1997, appropriations from the new state revenues shall not be distributed from the Missouri supplemental tax increment financing fund into the special allocation fund unless the municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs while tax increment financing remains in effect. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.

7. In order for the redevelopment plan or project to be eligible to receive the revenue described in subsection 4 of this section, the municipality shall comply with the requirements of subsection 10 of this section prior to the time the project or plan is adopted or approved by ordinance. The director of the department of economic development and the commissioner of the office of administration may waive the requirement that the municipality's application be submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or project's approval by ordinance.

8. For purposes of this section, "new state revenues" means:

(1) The incremental increase in the general revenue portion of state sales tax revenues received pursuant to section 144.020, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. In no event shall the incremental increase include any amounts attributable to retail sales unless the municipality or authority has proven to the Missouri development finance board and the department of economic development and such entities have made a finding that the sales tax increment attributable to retail sales is from new sources which did not exist in the state during the baseline year. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10 of this section; or

(2) The state income tax withheld on behalf of new employees by the employer pursuant to section 143.221 at the business located within the project as identified by the municipality. The state income tax withholding allowed by this section shall be the municipality's estimate of the amount of state income tax withheld by the employer within the redevelopment area for new employees who fill new jobs directly created by the tax increment financing project.

9. Subsection 4 of this section shall apply only to blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time of approval of the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old; and

(1) Suffered from generally declining population or property taxes over the twenty-year period immediately preceding the area's designation as a project area by ordinance; or

(2) Was a historic hotel located in a county of the first classification without a charter form of government with a population according to the most recent federal decennial census in excess of one hundred fifty thousand and containing a portion of a city with a population according to the most recent federal decennial census in excess of three hundred fifty thousand.

10. The initial appropriation of up to fifty percent of the new state revenues authorized pursuant to subsections 4 and 5 of this section shall not be made to or distributed by the department of economic development to a municipality until all of the following conditions have been satisfied:

(1) The director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee have approved a tax increment financing application made by the municipality for the appropriation of the new state revenues. The municipality shall include in the application the following items in addition to the items in section 99.810:

(a) The tax increment financing district or redevelopment area, including the businesses identified within the redevelopment area;

(b) The base year of state sales tax revenues or the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the project area prior to approval of the redevelopment project;

(c) The estimate of the incremental increase in the general revenue portion of state sales tax revenue or the estimate for the state income tax withheld by the employer on behalf of new employees expected to fill new jobs created within the redevelopment area after redevelopment;

(d) The official statement of any bond issue pursuant to this subsection after December 23, 1997;

(e) An affidavit that is signed by the developer or developers attesting that the provisions of subdivision (1) of subsection 1 of section 99.810 have been met and specifying that the redevelopment area would not be reasonably anticipated to be developed without the appropriation of the new state revenues;

(f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal impact on the state of Missouri; and

(g) The statement of election between the use of the incremental increase of the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;

(h) The name, street and mailing address, and phone number of the mayor or chief executive officer of the municipality;

(i) The street address of the development site;

(j) The three-digit North American Industry Classification System number or numbers characterizing the development project;

(k) The estimated development project costs;

(l) The anticipated sources of funds to pay such development project costs;

(m) Evidence of the commitments to finance such development project costs;

(n) The anticipated type and term of the sources of funds to pay such development project costs;

(o) The anticipated type and terms of the obligations to be issued;

(p) The most recent equalized assessed valuation of the property within the development project area;

(q) An estimate as to the equalized assessed valuation after the development project area is developed in accordance with a development plan;

(r) The general land uses to apply in the development area;

(s) The total number of individuals employed in the development area, broken down by full-time, part-time, and temporary positions;

(t) The total number of full-time equivalent positions in the development area;

(u) The current gross wages, state income tax withholdings, and federal income tax withholdings for individuals employed in the development area;

(v) The total number of individuals employed in this state by the corporate parent of any business benefitting from public expenditures in the development area, and all subsidiaries thereof, as of December thirty-first of the prior fiscal year, broken down by full-time, part-time, and temporary positions;

(w) The number of new jobs to be created by any business benefitting from public expenditures in the development area, broken down by full-time, part-time, and temporary positions;

(x) The average hourly wage to be paid to all current and new employees at the project site, broken down by full-time, part-time, and temporary positions;

(y) For project sites located in a metropolitan statistical area, as defined by the federal Office of Management and Budget, the average hourly wage paid to nonmanagerial employees in this state for the industries involved at the project, as established by the United States Bureau of Labor Statistics;

(z) For project sites located outside of metropolitan statistical areas, the average weekly wage paid to nonmanagerial employees in the county for industries involved at the project, as established by the United States Department of Commerce;

(aa) A list of other community and economic benefits to result from the project;

(bb) A list of all development subsidies that any business benefitting from public expenditures in the development area has previously received for the project, and the name of any other granting body from which such subsidies are sought;

(cc) A list of all other public investments made or to be made by this state or units of local government to support infrastructure or other needs generated by the project for which the funding pursuant to this section is being sought;

(dd) A statement as to whether the development project may reduce employment at any other site, within or without the state, resulting from automation, merger, acquisition, corporate restructuring, relocation, or other business activity;

(ee) A statement as to whether or not the project involves the relocation of work from another address and if so, the number of jobs to be relocated and the address from which they are to be relocated;

(ff) A list of competing businesses in the county containing the development area and in each contiguous county;

(gg) A market study for the development area;

(hh) A certification by the chief officer of the applicant as to the accuracy of the development plan;

(2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;

(3) The appropriation shall be either a portion of the estimate of the incremental increase in the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the estimate of the state income tax withheld by the employer on behalf of new employees who fill new jobs created in the redevelopment area as indicated in the municipality's application, approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. At no time shall the annual amount of the new state revenues approved for disbursements from the Missouri supplemental tax increment financing fund exceed thirty-two million dollars;

(4) Redevelopment plans and projects receiving new state revenues shall have a duration of up to fifteen years, unless prior approval for a longer term is given by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee; except that, in no case shall the duration exceed twenty-three years.

11. In addition to the areas authorized in subsection 9 of this section, the funding authorized pursuant to subsection 4 of this section shall also be available in a federally approved levee district, where construction of a levee begins after December 23, 1997, and which is contained within a county of the first classification without a charter form of government with a population between fifty thousand and one hundred thousand inhabitants which contains all or part of a city with a population in excess of four hundred thousand or more inhabitants.

12. There is hereby established within the state treasury a special fund to be known as the "Missouri Supplemental Tax Increment Financing Fund", to be administered by the department of economic development. The department shall annually distribute from the Missouri supplemental tax increment financing fund the amount of the new state revenues as appropriated as provided in the provisions of subsections 4 and 5 of this section if and only if the conditions of subsection 10 of this section are met. The fund shall also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. Moneys in the Missouri supplemental tax increment financing fund shall be disbursed per project pursuant to state appropriations.

13. Redevelopment project costs may include, at the prerogative of the state, the portion of salaries and expenses of the department of economic development and the department of revenue reasonably allocable to each redevelopment project approved for disbursements from the Missouri supplemental tax increment financing fund for the ongoing administrative functions associated with such redevelopment project. Such amounts shall be recovered from new state revenues deposited into the Missouri supplemental tax increment financing fund created under this section.

14. For redevelopment plans or projects approved by ordinance that result in net new jobs from the relocation of a national headquarters from another state to the area of the redevelopment project, the economic activity taxes and new state tax revenues shall not be based on a calculation of the incremental increase in taxes as compared to the base year or prior calendar year for such redevelopment project, rather the incremental increase shall be the amount of total taxes generated from the net new jobs brought in by the national headquarters from another state. In no event shall this

subsection be construed to allow a redevelopment project to receive an appropriation in excess of up to fifty percent of the new state revenues."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Kelly (45) offered **House Amendment No. 1 to House Amendment No. 13.**

*House Amendment No. 1
to
House Amendment No. 13*

AMEND House Amendment No. 13 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 1, Line 31, by inserting after the word, "applicable" the following:

", except that if a political subdivision increases its rate of property taxation after the adoption of the redevelopment project said additional taxation revenues shall not be considered to be payment in lieu of taxes subject to capture under this section."; and

Further amend said amendment, Page 7, Line 9, by deleting all of said line and inserting in lieu thereof the following:

"of up to fifty percent of the new state revenues.

99.848. Notwithstanding subsection 1 of section 99.847, any district providing emergency services pursuant to chapter 190 or 321 shall be entitled to reimbursement from the special allocation fund in the amount of at least fifty percent nor more than one hundred percent of the district's tax increment **and the ambulance district board, as defined in chapter 190, or fire protection district board, as defined in chapter 321, or 911 emergency services board, as defined in chapter 190, shall set the refund amount rate prior to when the assessment is paid into the special allocation fund.** This section shall not apply to tax increment financing projects or districts approved prior to August 28, 2004."; and

Further amend said bill, Page 112, Section 321.017, Lines 1-6, by removing all of said section from the bill"; and"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Kelly (45), **House Amendment No. 1 to House Amendment No. 13** was adopted.

Representative Hough offered **House Amendment No. 2 to House Amendment No. 13.**

House Amendment No. 2 to House Amendment No. 13 was withdrawn.

Representative Hough offered **House Amendment No. 3 to House Amendment No. 13.**

*House Amendment No. 3
to
House Amendment No. 13*

AMEND House Amendment No. 13 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 7, Line 9, by inserting immediately after the "." on said line the following:

"144.011. 1. For purposes of sections 144.010 to 144.525 and 144.600 to 144.748, and the taxes imposed thereby, the definition of "retail sale" or "sale at retail" shall not be construed to include any of the following:

(1) The transfer by one corporation of substantially all of its tangible personal property to another corporation pursuant to a merger or consolidation effected under the laws of the state of Missouri or any other jurisdiction;

(2) The transfer of tangible personal property incident to the liquidation or cessation of a taxpayer's trade or business, conducted in proprietorship, partnership or corporate form, except to the extent any transfer is made in the ordinary course of the taxpayer's trade or business;

(3) The transfer of tangible personal property to a corporation solely in exchange for its stock or securities;

(4) The transfer of tangible personal property to a corporation by a shareholder as a contribution to the capital of the transferee corporation;

(5) The transfer of tangible personal property to a partnership solely in exchange for a partnership interest therein;

(6) The transfer of tangible personal property by a partner as a contribution to the capital of the transferee partnership;

(7) The transfer of tangible personal property by a corporation to one or more of its shareholders as a dividend, return of capital, distribution in the partial or complete liquidation of the corporation or distribution in redemption of the shareholder's interest therein;

(8) The transfer of tangible personal property by a partnership to one or more of its partners as a current distribution, return of capital or distribution in the partial or complete liquidation of the partnership or of the partner's interest therein;

(9) The transfer of reusable containers used in connection with the sale of tangible personal property contained therein for which a deposit is required and refunded on return;

(10) The purchase by persons operating eating or food service establishments, of items of a nonreusable nature which are furnished to the customers of such establishments with or in conjunction with the retail sales of their food or beverage. Such items shall include, but not be limited to, wrapping or packaging materials and nonreusable paper, wood, plastic and aluminum articles such as containers, trays, napkins, dishes, silverware, cups, bags, boxes, straws, sticks and toothpicks;

(11) The purchase by persons operating hotels, motels or other transient accommodation establishments, of items of a nonreusable nature which are furnished to the guests in the guests' rooms of such establishments and such items are included in the charge made for such accommodations. Such items shall include, but not be limited to, soap, shampoo, tissue and other toiletries and food or confectionery items offered to the guests without charge;

(12) The transfer of a manufactured home other than:

(a) A transfer which involves the delivery of the document known as the "Manufacturer's Statement of Origin" to a person other than a manufactured home dealer, as defined in section 700.010, for purposes of allowing such person to obtain a title to the manufactured home from the department of revenue of this state or the appropriate agency or officer of any other state;

(b) A transfer which involves the delivery of a "Reposessed Title" to a resident of this state if the tax imposed by sections 144.010 to 144.525 was not paid on the transfer of the manufactured home described in paragraph (a) of this subdivision;

(c) The first transfer which occurs after December 31, 1985, if the tax imposed by sections 144.010 to 144.525 was not paid on any transfer of the same manufactured home which occurred before December 31, 1985; or

(13) Charges for initiation fees or dues to:

(a) Fraternal beneficiaries societies, or domestic fraternal societies, orders or associations operating under the lodge system a substantial part of the activities of which are devoted to religious, charitable, scientific, literary, educational or fraternal purposes; or

(b) Posts or organizations of past or present members of the Armed Forces of the United States or an auxiliary unit or society of, or a trust or foundation for, any such post or organization substantially all of the members of which are past or present members of the Armed Forces of the United States or who are cadets, spouses, widows, or widowers

of past or present members of the Armed Forces of the United States, no part of the net earnings of which inures to the benefit of any private shareholder or individual

(14) The sale of the right under a contract of six months or more for the right of first refusal to purchase tickets for seating in a multi-purpose arena owned by a political subdivision and managed or operated by a private business and located in a city with a population of more than three hundred thousand inhabitants which is located in more than one county, when the contract is not for the sale of the right to enter an event at such arena without the payment of an admission charge.

2. The assumption of liabilities of the transferor by the transferee incident to any of the transactions enumerated in the above subdivisions (1) to (8) of subsection 1 of this section shall not disqualify the transfer from the exclusion described in this section, where such liability assumption is related to the property transferred and where the assumption does not have as its principal purpose the avoidance of Missouri sales or use tax."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hough, **House Amendment No. 3 to House Amendment No. 13** was adopted.

On motion of Representative Haefner, **House Amendment No. 13, as amended**, was adopted.

Representative Crawford offered **House Amendment No. 14**.

House Amendment No. 14

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Pages 24 and 25, Sections 139.160 and 139.170, by removing all of said sections from the bill; and

Further amend said bill, Pages 32-33, Section 140.730, Lines 1-28, by removing all of said section from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Austin offered **House Amendment No. 1 to House Amendment No. 14**.

House Amendment No. 1

to

House Amendment No. 14

AMEND House Amendment No. 14 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 1, Line 6, by inserting after said line the following:

‘Further amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 123, Section 348.274, Line 140, by inserting after said line the following:

"407.312. 1. As used in this section, the following terms shall mean:

(1) "Florist", any business that derives fifty percent or more of its gross income from the sale or arranging for the sale of flowers or floral arrangements;

(2) "Local telephone number", a specific telephone number with area code and prefix assigned for the purpose of completing local calls between a calling party or station and any other party or station within a designated exchange or all of its designated local calling areas. The term "local telephone number" shall not mean long distance telephone numbers or any toll-free telephone numbers listed in a local telephone directory;

(3) "Person", shall have the same meaning as in section 407.010.

2. A person shall not misrepresent the geographical location of a florist in a contact listing:

(1) In a telephone directory or other directory assistance database;

- (2) On an internet website; or
- (3) In a print advertisement.

3. A person is considered to misrepresent the geographical location of a florist for purposes of this section if the name of the florist indicates that the florist is located in a geographical area and:

- (1) The florist is not physically located within the geographical area indicated;
- (2) The listing fails to identify the municipality and state of the florist's actual physical geographical location; and
- (3) A telephone call to the local telephone number provided for the florist that is:
 - (a) Listed in the directory or database is routinely forwarded or transferred to a location that is outside the calling area covered by the directory or database in which the number is listed; or
 - (b) Provided on the internet website or in a print advertisement is routinely forwarded or transferred to a location that is outside the calling area of the geographical area indicated by the name of the florist.

4. A person may place a contact listing for a florist under this section when the name of the florist indicates that it is located in a geographical area that is different from the geographical area in which the florist is actually physically located if a conspicuous notice in the listing states the municipality and state in which the florist is actually physically located.

5. This section shall not apply to:

- (1) A publisher of a telephone directory or other publication, or a provider of a directory assistance service publishing or providing information about another business;
- (2) An internet website that aggregates and provides information about other businesses;
- (3) An owner or publisher of a print medium providing information about other businesses;
- (4) An internet service provider; or
- (5) An internet service that displays or distributes advertisements for other businesses.

6. A violation of this section shall be considered an unlawful practice under 407.020 and may be prosecuted in the same manner as any unlawful practice under that section."; and'; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Austin, **House Amendment No. 1 to House Amendment No. 14** was adopted.

On motion of Representative Crawford, **House Amendment No. 14, as amended**, was adopted.

Representative Lichtenegger offered **House Amendment No. 15**.

House Amendment No. 15

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 11, Section 34.040, Line 58, by inserting after all of said section and line the following:

"44.080. 1. Each political subdivision of this state shall establish a local organization for disaster planning in accordance with the state emergency operations plan and program. The executive officer of the political subdivision shall appoint a coordinator who shall have direct responsibility for the organization, administration and operation of the local emergency management operations, subject to the direction and control of the executive officer or governing body. Each local organization for emergency management shall be responsible for the performance of emergency management functions within the territorial limits of its political subdivision, and may conduct these functions outside of the territorial limits as may be required pursuant to the provisions of this law.

2. In carrying out the provisions of this law, each political subdivision may:

(1) Appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons; the safety of property; and direct and coordinate the development of disaster plans and programs in accordance with the policies and plans of the federal and state governments; [and]

(2) Appoint, provide, or remove rescue teams, auxiliary fire and police personnel and other emergency operations teams, units or personnel who may serve without compensation[.]; **and**

(3) Adopt orders or resolutions with penalties as these specifically relate to the actual or impending occurrence of a natural disaster of major proportions within the county when the safety and welfare of the inhabitants of such county are jeopardized. Such orders or resolutions may include the issuance of burn ban orders carrying penalties as specified in subsection 2 of section 44.130 if the U.S. Drought Monitor has designated the county as an area of severe, extreme, or exceptional drought. The political subdivision may consult the state fire marshal regarding the necessity for a burn ban order. The violations of such order or resolution shall be an infraction, except that state agencies responsible for fire management or suppression activities and persons conducting agricultural burning using best management practices shall not be subject to the provisions of this subsection. The ability of an individual, organization, or corporation to sell fireworks shall not be affected by the issuance of a burn ban order.

49.266. 1. The county commission in all counties of the first, second or fourth classification may by order or ordinance promulgate reasonable regulations concerning the use of county property, the hours, conditions, methods and manner of such use and the regulation of pedestrian and vehicular traffic and parking thereon.

2. The county commission in all counties may, by order, promulgate reasonable regulations concerning its emergency management functions and operations and conditions controls, as they specifically relate to the actual occurrence of a natural disaster within the county when the safety or welfare of the inhabitants of such county are threatened by actual or impending circumstances. The regulations may include the issuance of burn ban orders carrying penalties as specified in subsection 2 of section 44.130 and monetary fines as established by the county commission, if the U.S. Drought Monitor has designated the county as an area of severe, extreme, or exceptional drought. The political subdivision may consult the state fire marshal regarding the necessity for a burn ban order. State agencies responsible for fire management or suppression activities and persons conducting agricultural burning using best management practices shall not be subject to the provisions of this subsection. The ability of an individual, organization, or corporation to sell fireworks shall not be affected by the issuance of a burn ban order.

3. Violation of any regulation so adopted is an infraction or may be as provided in subsection 2 of section 44.130 as specified in the adopted regulation.

[3.] 4. The regulations so adopted shall be codified, printed and made available for public use and adequate signs concerning smoking, traffic and parking regulations shall be posted."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Lichtenegger, **House Amendment No. 15** was adopted.

Representative Jones (50) offered **House Amendment No. 16**.

House Amendment No. 16

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Pages 123-124, Section 407.485, Lines 1-47, by deleting all of said section and lines from the bill and inserting in lieu thereof, the following:

"407.485. 1. It shall be an unfair business practice in violation of section 407.020 for a for-profit entity or natural person to collect [donations of] unwanted household items via a public receptacle and resell the [donated] **deposited** items for profit unless the [donation] **deposited item** receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: "[DONATIONS] **DEPOSITED ITEMS ARE NOT FOR CHARITABLE ORGANIZATIONS AND WILL BE RESOLD FOR PROFIT. DEPOSITED ITEMS ARE NOT TAX DEDUCTIBLE**".

2. It shall be an unfair business practice in violation of section 407.020 for a for-profit entity or natural person to collect donations of unwanted household items via a public receptacle and resell the donated items where some or all of the proceeds from the sale are directly given to a not-for-profit entity unless the donation receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: "DONATIONS TO THE FOR-PROFIT COMPANY: (name of the company) ARE SOLD FOR PROFIT AND (% of proceeds donated to the not-for-profit) % OF ALL PROCEEDS ARE DONATED TO (name of the nonprofit beneficiary organization's name)."

3. It shall be an unfair business practice in violation of section 407.020 for a for-profit entity or natural person to collect donations of unwanted household items via a public receptacle and resell the donated items, where such for-profit entity is paid a flat fee, not contingent upon the proceeds generated by the sale of the collected goods, and one hundred percent of the proceeds from the sale of the items are given directly to the not-for-profit, unless the donation receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: "THIS DONATION RECEPTACLE IS OPERATED BY THE FOR-PROFIT ENTITY: (name of the for-profit/individual) ON BEHALF of (name of the nonprofit beneficiary organization's name)".

4. It shall be an unfair business practice in violation of section 407.020 for a not-for-profit entity to collect donations of unwanted household items via a public receptacle and resell the donated items unless the donation receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: "THIS RECEPTACLE IS OWNED AND OPERATED BY THE NOT-FOR-PROFIT ENTITY: (name of the not-for-profit/charity) AND (% of proceeds donated to the not-for-profit) % OF THE PROCEEDS FROM THE SALE OF ANY DONATIONS SHALL BE USED FOR THE CHARITABLE MISSION OF (charity name/charitable cause)".

[4.] 5. The term "bold letters" as used in subsections 1, 2, and 3 of this section shall mean a primary color on a white background so as to be clearly visible to the public.

[5.] 6. Nothing in this section shall apply to paper, glass, or aluminum products that are donated for the purpose of being recycled in the manufacture of other products.

[6.] 7. Any entity which, on or before June 1, 2009, has distributed one hundred or more separate public receptacles within the state of Missouri to which the provisions of subsection 2 or 3 of this section would apply shall be deemed in compliance with the signage requirements imposed by this section for the first six months after August 28, 2009, provided such entity has made or is making good faith efforts to bring all signage in compliance with the provisions of this section and all such signage is in complete compliance no later than six months after August 28, 2009.

8. All donation receptacles described in this section shall conspicuously display the name, address, and telephone number of the owner and operator of the receptacle. For any receptacles covered in this section, the owner or operator of the receptacle shall maintain permission to place the receptacle on the property from the property owner or agent of the owner of the property where the receptacle is located. Such permission shall be in writing and clearly identify the owner of the receptacle and property owner or his or her agent in addition to the nature of the collections and where proceeds will be accrued. Failure to secure such permission shall constitute an unfair business practice in addition to any other statutory conditions. Unless otherwise agreed to in writing, the property owner or his or her agent may remove the receptacle and any charges incurred in such removal shall be the responsibility of the owner of the receptacle. Unless the receptacle owner pays such charges within thirty calendar days of the sending of a written certified letter from the property owner stating his or her intent to remove the receptacle, the receptacle owner shall relinquish any right to the receptacle. If the receptacle does not conspicuously display the name, address, and telephone number of the owner and operator of the receptacle, the receptacle shall be considered abandoned property and may be destroyed or permanently possessed by the property owner or their agent.

9. Any owner and operator of a receptacle that does not display the address of the owner and operator, but does display the website of the owner and operator, shall make the address easily accessible on such website for the property owner to send the letter specified in subsection 8 of this section. The provisions of this subsection shall expire on September 1, 2014."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Jones (50), **House Amendment No. 16** was adopted.

Representative Funderburk offered **House Amendment No. 17**.

House Amendment No. 17

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 3, Section 32.029, Line 17, by inserting after all of said section the following:

"32.070. 1. This act shall be known and may be cited as the "Streamlined Sales and Use Tax Agreement Act".

2. The director of the department of revenue shall enter into the streamlined sales and use tax agreement with one or more states to simplify and modernize sales and use tax administration in order to substantially reduce the burden of tax compliance for all sellers and for all types of commerce. In furtherance of the streamlined sales and use tax agreement, the director of the department of revenue may act jointly with other states that are members of the streamlined sales and use tax agreement to establish standards for certification of a certified service provider and certified automated system and establish performance standards for multistate sellers.

3. In the first year after any federal legislation requiring vendors to collect sales and use tax uniformly on sales in all states has been adopted and in which the amount of state sales and use tax revenue collected under such federal legislation exceeds the amount of such revenues collected in the immediately preceding year by at least two hundred million dollars, the highest rate of the tax imposed on the Missouri taxable income of residents under chapter 143 shall be decreased from six percent to five and one half percent. The director of the department of revenue shall notify the revisor of statutes when such federal legislation is adopted and becomes effective in all states.

4. The director of the department of revenue may take other action reasonably required to implement the provisions set forth in the streamlined sales and use tax administration act, including, but not limited to, the promulgation of rules and the joint procurement, with other member states, of goods and services in furtherance of the streamlined sales and use tax agreement.

5. For the purposes of representing the state as a member of the agreement and, if necessary, amending the agreement, the state shall be represented by three delegates, one of whom shall be appointed by the governor, one shall be a member of the general assembly appointed by mutual agreement of the president pro tem of the senate and the speaker of the house of representatives, with the director of the department of revenue or the director's designee as the third delegate. The delegates shall recommend to the committees responsible for reviewing tax issues in the senate and the house of representatives each year any amendment of state statutes required to be substantially in compliance with the agreement. Such delegates shall make a written report by the fifteenth day of January each year regarding the status of the agreement.

6. The department of revenue shall promulgate rules necessary to implement the provisions of the streamlined sales and use tax agreement.

32.086. Notwithstanding any other provision of law, for all local sales and use taxes collected by the department and remitted to a political jurisdiction or taxing district, the department shall remit one percent of the amount collected to the general revenue fund to offset the cost of collection, unless a greater amount is specified in the local sales and use tax law. The department shall not commingle the remaining amounts collected with general revenues and shall remit the remaining amounts collected to the political jurisdiction or taxing district less any credits for erroneous payments, overpayments, and dishonored checks."; and

Further amend said bill, Page 4, Section 32.087, Line 8, by deleting all of said line and inserting in lieu thereof the following:

"except as provided in subsection [18] 17 of this section, and shall be imposed on all transactions"; and

Further amend said bill, page, section, Lines 17-20, by deleting all of said lines and inserting in lieu thereof the following:

4. [The brackets required to be established by the director of revenue under the provisions of section 144.285 shall be based upon the sum of the combined rate of the state sales tax and all local sales taxes imposed under the provisions of the local sales tax law.

5.] (1) The ordinance or order imposing a local sales tax under the local sales tax law"; and

Further amend said bill, Pages 6-9, section, Lines 91-191, by deleting all of said lines and inserting in lieu thereof the following:

“[6.] 5. On and after the effective date of any local sales tax imposed under the provisions of the local sales tax law, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri all additional local sales taxes authorized under the authority of the local sales tax law. All local sales taxes imposed under the local sales tax law together with all taxes imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

[7.] 6. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of any local sales tax imposed under the local sales tax law except as modified by the local sales tax law.

[8.] 7. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.525, as these sections now read and as they may hereafter be amended, it being the intent of this general assembly to ensure that the same sales tax exemptions granted from the state sales tax law also be granted under the local sales tax law, are hereby made applicable to the imposition and collection of all local sales taxes imposed under the local sales tax law.

[9.] 8. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of the local sales tax law, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from any local sales tax imposed by the local sales tax law.

[10.] 9. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under the provisions of the state sales tax law are hereby allowed and made applicable to any local sales tax collected under the provisions of the local sales tax law.

[11.] 10. The penalties provided in section 32.057 and sections 144.010 to 144.525 for a violation of the provisions of those sections are hereby made applicable to violations of the provisions of the local sales tax law.

[12. (1)] 11. (1) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales[, except the sale of motor vehicles, trailers, boats, and outboard motors, shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's agent or employee shall be deemed to be consummated at the place of business from which he works.

(2) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales of motor vehicles, trailers, boats, and outboard motors shall be deemed to be consummated at the residence of the purchaser and not at the place of business of the retailer, or the place of business from which the retailer's agent or employee works.

(3) For the purposes of any local tax imposed by an ordinance or under the local sales tax law on charges for mobile telecommunications services, all taxes of mobile telecommunications service shall be imposed as provided in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended] **shall be sourced as provided by sections 144.040 to 144.043.**

[13.] 12. Local sales taxes imposed pursuant to the local sales tax law on the purchase and sale of motor vehicles, trailers, boats, and outboard motors shall not be collected and remitted by the seller, but shall be collected **from the purchaser** by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a taxing entity imposing a local sales tax under the local sales tax law.

[14.] 13. The director of revenue and any of [his] **the director's** deputies, assistants and employees who have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of the local sales tax law shall enter a surety bond or bonds payable to any and all taxing entities in whose behalf such funds have been collected under the local sales tax law in the amount of one hundred thousand dollars for each such tax; but the director of revenue may enter into a blanket bond covering [himself] **the director** and all such deputies, assistants and employees. The cost of any premium for such bonds shall be paid by the director of revenue from the share of the collections under the sales tax law retained by the director of revenue for the benefit of the state.

[15.] **14.** The director of revenue shall annually report on [his] **the director's** management of each trust fund which is created under the local sales tax law and administration of each local sales tax imposed under the local sales tax law. [He] **The director** shall provide each taxing entity imposing one or more local sales taxes authorized by the local sales tax law with a detailed accounting of the source of all funds received by [him] **the director** for the taxing entity. Notwithstanding any other provisions of law, the state auditor shall annually audit each trust fund. A copy of the director's report and annual audit shall be forwarded to each taxing entity imposing one or more local sales taxes.

[16.] **15.** Within the boundaries of any taxing entity where one or more local sales taxes have been imposed, if any person is delinquent in the payment of the amount required to be paid by [him] **such person** under the local sales tax law or in the event a determination has been made against [him] **such person** for taxes and penalty under the local sales tax law, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under the local sales tax law, the director of revenue shall notify the taxing entity in the event any person fails or refuses to pay the amount of any local sales tax due so that appropriate action may be taken by the taxing entity.

[17.] **16.** Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by the local sales tax law, the director of revenue shall permit the taxing entity to join in any sale of property to pay the delinquent taxes and penalties due the state and to the taxing entity under the local sales tax law. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such taxing entity.

[18.] **17.** If a local sales tax has been in effect for at least one year under the provisions of the local sales tax law and voters approve reimposition of the same local sales tax at the same rate at an election as provided for in the local sales tax law prior to the date such tax is due to expire, the tax so reimposed shall become effective the first day of the first calendar quarter after the director receives a certified copy of the ordinance, order or resolution accompanied by a map clearly showing the boundaries thereof and the results of such election, provided that such ordinance, order or resolution and all necessary accompanying materials are received by the director at least thirty days prior to the expiration of such tax. Any administrative cost or expense incurred by the state as a result of the provisions of this subsection shall be paid by the city or county reimposing such tax.

18. If the boundaries of a city in which a sales tax or use tax has been imposed shall thereafter be changed or altered, the city clerk shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the city within ten days of adoption of the ordinance. The ordinance shall reflect the effective date of the ordinance and shall be accompanied by a map of the city clearly showing the territory added or detached from the city boundaries. Upon receipt of the ordinance and map, the tax imposed under the local sales tax law or local use tax law shall be effective in the added territory or abolished in the detached territory on the first day of a calendar quarter after one hundred twenty days' notice to sellers.

19. Any change to any local sales tax or local use tax boundary or rate shall be effective on the first day of a calendar quarter after one hundred twenty days' notice to sellers."; and

Further amend said bill, Page 13, Section 52.250, Line 19, by inserting after all of said section the following:

"66.620. 1. All county sales taxes collected by the director of revenue under sections 66.600 to 66.630 on behalf of any county[, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited in a special trust fund, which is hereby created, to be known as the "County Sales Tax Trust Fund". [The moneys in the county sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a county sales tax, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax; such funds shall be deposited with the county treasurer of the county and all expenditures of funds arising from the county sales tax trust fund shall be by an appropriation act to be enacted by the legislative council of the county, and to the cities, towns and villages located wholly or partly within the county which levied the tax in the manner as set forth in sections 66.600 to 66.630.

2. In any county not adopting an additional sales tax and alternate distribution system as provided in section 67.581, for the purposes of distributing the county sales tax, the county shall be divided into two groups, "Group A" and

"Group B". Group A shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which had a city sales tax in effect under the provisions of sections 94.500 to 94.550 on the day prior to the adoption of the county sales tax ordinance, except that beginning January 1, 1980, group A shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which had a city sales tax approved by the voters of such city under the provisions of sections 94.500 to 94.550 on the day prior to the effective date of the county sales tax. For the purposes of determining the location of consummation of sales for distribution of funds to cities, towns and villages in group A, the boundaries of any such city, town or village shall be the boundary of that city, town or village as it existed on March 19, 1984. Group B shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which did not have a city sales tax in effect under the provisions of sections 94.500 to 94.550 on the day prior to the adoption of the county sales tax ordinance, and shall also include all unincorporated areas of the county which levied the tax; except that, beginning January 1, 1980, group B shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which did not have a city sales tax approved by the voters of such city under the provisions of sections 94.500 to 94.550 on the day prior to the effective date of the county sales tax and shall also include all unincorporated areas of the county which levied the tax.

3. Until January 1, 1994, the director of revenue shall distribute to the cities, towns and villages in group A the taxes based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087. Except for distribution governed by section 66.630, after deducting the distribution to the cities, towns and villages in group A, the director of revenue shall distribute the remaining funds in the county sales tax trust fund to the cities, towns and villages and the county in group B as follows: To the county which levied the tax, a percentage of the distributable revenue equal to the percentage ratio that the population of the unincorporated areas of the county bears to the total population of group B; and to each city, town or village in group B located wholly within the taxing county, a percentage of the distributable revenue equal to the percentage ratio that the population of such city, town or village bears to the total population of group B; and to each city, town or village located partly within the taxing county, a percentage of the distributable revenue equal to the percentage ratio that the population of that part of the city, town or village located within the taxing county bears to the total population of group B.

4. From and after January 1, 1994, the director of revenue shall distribute to the cities, towns and villages in group A a portion of the taxes based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087 in accordance with the formula described in this subsection. After deducting the distribution to the cities, towns and villages in group A, the director of revenue shall distribute funds in the county sales tax trust fund to the cities, towns and villages and the county in group B as follows: To the county which levied the tax, ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated since April 1, 1993, multiplied by the total of all sales tax revenues countywide, and a percentage of the remaining distributable revenue equal to the percentage ratio that the population of unincorporated areas of the county bears to the total population of group B; and to each city, town or village in group B located wholly within the taxing county, a percentage of the remaining distributable revenue equal to the percentage ratio that the population of such city, town or village bears to the total population of group B; and to each city, town or village located partly within the taxing county, a percentage of the remaining distributable revenue equal to the percentage ratio that the population of that part of the city, town or village located within the taxing county bears to the total population of group B.

5. (1) For purposes of administering the distribution formula of subsection 4 of this section, the revenues arising each year from sales occurring within each group A city, town or village shall be distributed as follows: Until such revenues reach the adjusted county average, as hereinafter defined, there shall be distributed to the city, town or village all of such revenues reduced by the percentage which is equal to ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993; and once revenues exceed the adjusted county average, total revenues shall be shared in accordance with the redistribution formula as defined in this subsection.

(2) For purposes of this subsection, the "adjusted county average" is the per capita countywide average of all sales tax distributions during the prior calendar year reduced by the percentage which is equal to ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993; the "redistribution formula" is as follows: During 1994, each group A city, town and village shall receive that portion of the revenues arising from sales occurring within the municipality that remains after deducting therefrom an amount equal to the cumulative sales tax revenues arising from sales within the municipality multiplied by the percentage which is the sum of ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993, and the percentage, if greater than zero, equal to the product of 8.5 multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of cumulative per capita sales taxes arising from sales within the municipality less the adjusted county average. During 1995, each group A city, town

and village shall receive that portion of the revenues arising from sales occurring within the municipality that remains after deducting therefrom an amount equal to the cumulative sales tax revenues arising from sales within the municipality multiplied by the percentage which is the sum of ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993, and the percentage, if greater than zero, equal to the product of seventeen multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of cumulative per capita sales taxes arising from sales within the municipality less the adjusted county average. From January 1, 1996, until January 1, 2000, each group A city, town and village shall receive that portion of the revenues arising from sales occurring within the municipality that remains after deducting therefrom an amount equal to the cumulative sales tax revenues arising from sales within the municipality multiplied by the percentage which is the sum of ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993, and the percentage, if greater than zero, equal to the product of 25.5 multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of cumulative per capita sales taxes arising from sales within the municipality less the adjusted county average. From and after January 1, 2000, the distribution formula covering the period from January 1, 1996, until January 1, 2000, shall continue to apply, except that the percentage computed for sales arising within the municipalities shall be not less than 7.5 percent for municipalities within which sales tax revenues exceed the adjusted county average, nor less than 12.5 percent for municipalities within which sales tax revenues exceed the adjusted county average by at least twenty-five percent.

(3) For purposes of applying the redistribution formula to a municipality which is partly within the county levying the tax, the distribution shall be calculated alternately for the municipality as a whole, except that the factor for annexed portion of the county shall not be applied to the portion of the municipality which is not within the county levying the tax, and for the portion of the municipality within the county levying the tax. Whichever calculation results in the larger distribution to the municipality shall be used.

(4) Notwithstanding any other provision of this section, the fifty percent of additional sales taxes as described in section 99.845 arising from economic activities within the area of a redevelopment project established after July 12, 1990, pursuant to sections 99.800 to 99.865, while tax increment financing remains in effect shall be deducted from all calculations of countywide sales taxes, shall be distributed directly to the municipality involved, and shall be disregarded in calculating the amounts distributed or distributable to the municipality. Further, any agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of incremental sales tax revenues to the special allocation fund of a tax increment financing project while tax increment financing remains in effect shall continue to be in full force and effect and the sales taxes so appropriated shall be deducted from all calculations of countywide sales taxes, shall be distributed directly to the municipality involved, and shall be disregarded in calculating the amounts distributed or distributable to the municipality. In addition, and notwithstanding any other provision of this chapter to the contrary, economic development funds shall be distributed in full to the municipality in which the sales producing them were deemed consummated. Additionally, economic development funds shall be deducted from all calculations of countywide sales taxes and shall be disregarded in calculating the amounts distributed or distributable to the municipality. As used in this subdivision, the term "economic development funds" means the amount of sales tax revenue generated in any fiscal year by projects authorized pursuant to chapter 99 or chapter 100 in connection with which such sales tax revenue was pledged as security for, or was guaranteed by a developer to be sufficient to pay, outstanding obligations under any agreement authorized by chapter 100, entered into or adopted prior to September 1, 1993, between a municipality and another public body. The cumulative amount of economic development funds allowed under this provision shall not exceed the total amount necessary to amortize the obligations involved.

6. If the qualified voters of any city, town or village vote to change or alter its boundaries by annexing any unincorporated territory included in group B or if the qualified voters of one or more city, town or village in group A and the qualified voters of one or more city, town or village in group B vote to consolidate, the area annexed or the area consolidated which had been a part of group B shall remain a part of group B after annexation or consolidation. After the effective date of the annexation or consolidation, the annexing or consolidated city, town or village shall receive a percentage of the group B distributable revenue equal to the percentage ratio that the population of the annexed or consolidated area bears to the total population of group B and such annexed area shall not be classified as unincorporated area for determination of the percentage allocable to the county. If the qualified voters of any two or more cities, towns or villages in group A each vote to consolidate such cities, towns or villages, then such consolidated cities, towns or villages shall remain a part of group A. For the purpose of sections 66.600 to 66.630, population shall be as determined by the last federal decennial census or the latest census that determines the total population of the county and all political subdivisions therein. For the purpose of calculating the adjustment based on the percentage of unincorporated county population which is annexed after April 1, 1993, the accumulated percentage immediately before each census shall be used as the new percentage base after such census. After any annexation, incorporation or other municipal boundary

change affecting the unincorporated area of the county, the chief elected official of the county shall certify the new population of the unincorporated area of the county and the percentage of the population which has been annexed or incorporated since April 1, 1993, to the director of revenue. After the adoption of the county sales tax ordinance, any city, town or village in group A may by adoption of an ordinance by its governing body cease to be a part of group A and become a part of group B. Within ten days after the adoption of the ordinance transferring the city, town or village from one group to the other, the clerk of the transferring city, town or village shall forward to the director of revenue, by registered mail, a certified copy of the ordinance. Distribution to such city as a part of its former group shall cease and as a part of its new group shall begin on the first day of January of the year following notification to the director of revenue, provided such notification is received by the director of revenue on or before the first day of July of the year in which the transferring ordinance is adopted. If such notification is received by the director of revenue after the first day of July of the year in which the transferring ordinance is adopted, then distribution to such city as a part of its former group shall cease and as a part of its new group shall begin the first day of July of the year following such notification to the director of revenue. Once a group A city, town or village becomes a part of group B, such city may not transfer back to group A.

7. If any city, town or village shall hereafter change or alter its boundaries, the city clerk of the municipality shall forward to the director of revenue, by registered mail, a certified copy of the ordinance adding or detaching territory from the municipality. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the municipality clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by sections 66.600 to 66.630 shall be redistributed and allocated in accordance with the provisions of this section on the effective date of the change of the municipal boundary so that the proper percentage of group B distributable revenue is allocated to the municipality in proportion to any annexed territory. If any area of the unincorporated county elects to incorporate subsequent to the effective date of the county sales tax as set forth in sections 66.600 to 66.630, the newly incorporated municipality shall remain a part of group B. The city clerk of such newly incorporated municipality shall forward to the director of revenue, by registered mail, a certified copy of the incorporation election returns and a map of the municipality clearly showing the boundaries thereof. The certified copy of the incorporation election returns shall reflect the effective date of the incorporation. Upon receipt of the incorporation election returns and map, the tax imposed by sections 66.600 to 66.630 shall be distributed and allocated in accordance with the provisions of this section on the effective date of the incorporation.

8. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

9. Except as modified in sections 66.600 to 66.630, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under sections 66.600 to 66.630.

67.395. 1. All sales taxes collected by the director of revenue under sections 67.391 to 67.395 on behalf of any county[, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087] shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County AntiDrug Sales Tax Trust Fund". [The moneys in the county antidrug sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a sales tax under sections 67.391 to 67.395, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax. Such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from the county antidrug sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county.

2. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of

revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

3. Except as modified in sections 67.391 to 67.395, all provisions of sections 32.085 [and] **to** 32.087 shall apply to the tax imposed under sections 67.391 to 67.395."; and

Further amend said bill, Page 18, Section 67.469, Line 9, by inserting after all of said section the following:

"67.525. 1. All county sales taxes collected by the director of revenue under sections 67.500 to 67.545 on behalf of any county[, less one percent for cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a county sales tax trust fund, which fund shall be separate and apart from the county sales tax trust fund established by section 66.620. [The moneys in such county sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a county sales tax, and the records shall be open to the inspection of officers of the county and to the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month by distributing to the county treasurer, or such other officer as may be designated by the county ordinance or order, of each county imposing the tax authorized by sections 67.500 to 67.545, the sum due the county as certified by the director of revenue.

2. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

3. Except as modified in sections 67.500 to 67.545, all provisions of sections 32.085 [and] **to** 32.087 shall apply to the tax imposed under sections 67.500 to 67.545.

67.571. 1. The governing body of any county of the first classification with a population of more than eighty-two thousand inhabitants and less than ninety thousand inhabitants may, in addition to any tourism sales tax imposed pursuant to sections 67.671 to 67.685, by a majority vote, impose a sales tax for the funding of museums and festivals. For purposes of this section, the term "funding of museums and festivals" shall mean:

(1) Funding of museums operating in the county, which are registered with the United States Internal Revenue Service as a 501(C)(3) corporation and which are considered by the board to be tourism attractions; and

(2) Funding of organizations that are registered as 501(C)(3) corporations which promote cultural heritage tourism including festivals and the arts.

2. Any question submitted to the voters of such county to establish a sales tax pursuant to this section shall be submitted in substantially the following form:

Shall the county of (insert the name of the county) impose a sales tax of (insert rate of percent) percent to be used to fund (museums, cultural heritage, festivals) in certain areas of the county?

☐ YES

☐ NO

3. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, and the tax takes effect pursuant to this section, the museums and festivals board appointed pursuant to subsection 5 of this section shall determine in what manner the tax revenue moneys will be expended, and disbursements of these moneys shall be made strictly in accordance with directions of the board which are consistent with the provisions of sections 67.571 to 67.577. Expenditures of these tax moneys may be made for the employment of personnel selected by the board to assist in carrying out the duties of the board, and the board is expressly authorized to employ such personnel. Expenditures of these tax moneys may be made directly to corporations pursuant to subsection 1 of this

section. No such tax revenue moneys shall be disbursed to or on behalf of any corporation, organization or entity that is not duly registered with the Internal Revenue Service as a 501(C)(3) organization.

4. Any sales tax imposed pursuant to this section shall be imposed at a rate not to exceed two-tenths of one percent on receipts from the sale of certain tangible personal property or taxable services within the county pursuant to sections 67.571 to 67.577.

5. The governing body of any county which imposes a sales tax pursuant to this section may establish a museums and festivals board for the purpose of expending funds collected from any sales tax submitted and approved by the county's voters pursuant to this section. The board shall be comprised of six members who are appointed by the governing body of the county from a list of candidates supplied by the chair of each of the two major political parties of the county. The board shall be comprised of three members from each of the two political parties. Members shall serve for three-year terms, but of the members first appointed, one shall be appointed for a term of one year, two shall be appointed for a term of two years, and two shall be appointed for a term of three years. Each member shall be a resident of the county from which he or she is appointed. The members of the board shall not receive compensation for service on the board, but shall be reimbursed from the tax revenue money for any reasonable and necessary expenses incurred in service on the board.

6. In the area of each county in which a sales tax has been imposed in the manner provided by sections 67.571 to 67.577, every retailer within such area shall add the tax imposed by the provisions of sections 67.571 to 67.577 to his sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

7. In counties imposing a tax under the provisions of sections 67.571 to 67.577, in order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing body may authorize the use of a bracket system similar to that authorized by the provisions of section 144.285, and notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions.

8. Except as modified in this section, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under this section.

67.576. 1. The following provisions shall govern the collection of the tax imposed by the provisions of sections 67.571 to 67.577:

(1) All applicable provisions contained in sections 144.010 to 144.510 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by the provisions of sections 67.571 to 67.577;

(2) All exemptions granted to agencies of government, organizations, and persons under the provisions of sections 144.010 to 144.510 are hereby made applicable to the imposition and collection of the tax imposed by sections 67.571 to 67.577.

2. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.510 for the administration and collection of the state sales tax shall satisfy the requirements of sections 67.571 to 67.577, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax imposed by sections 67.571 to 67.577.

3. All discounts allowed the retailer pursuant to the provisions of the state sales tax law for the collection of and for payment of taxes pursuant to that act are hereby allowed and made applicable to any taxes collected pursuant to the provisions of sections 67.571 to 67.577.

4. The penalties provided in section 32.057 and sections 144.010 to 144.510 for a violation of those acts are hereby made applicable to violations of the provisions of sections 67.571 to 67.577.

5. [For the purposes of the sales tax imposed by an order pursuant to sections 67.571 to 67.577, all retail sales shall be deemed to be consummated at the place of business of the retailer] **Except as provided in sections 67.571 to 67.577, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under sections 67.571 to 67.577.**

67.578. 1. The governing authority of any county of the third classification without a township form of government and with more than sixteen thousand four hundred but less than sixteen thousand five hundred inhabitants may impose a sales tax in an amount not to exceed one-fifth of one percent on all retail sales made in the county which are subject to taxation pursuant to sections 144.010 to 144.525, to be used solely for the funding of museums. For purposes of this section, the term "museums" means museums operating in the county, which are registered with the United States Internal Revenue Service as a 501(c)(3) corporation and which are considered by the board to be a tourism

attraction. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax shall be imposed pursuant to this section unless the governing authority submits to the voters of the county, at a county or state general, primary, or special election, a proposal to authorize the governing authority to impose the tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the county of (insert the name of the county) impose a sales tax of (insert rate of percent) percent for the funding of museums? "Museums" means museums operating in the county, which are registered with the United States Internal Revenue Service as a 501(c)(3) corporation and which are considered by the museum board to be a tourism attraction.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO". If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the sales tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of the tax. If the proposal receives less than the required majority of votes, then the governing authority shall have no power to impose the tax unless and until the governing authority has again submitted another proposal to authorize the governing authority to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon.

3. On or after the effective date of the tax, the director of revenue shall be responsible for the administration, collection, enforcement, and operation of the tax, and sections 32.085 [and] to 32.087 shall apply. The director may retain an amount not to exceed one percent for deposit in the general revenue fund to offset the costs of collection. In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing authority may authorize the use of a bracket system similar to that authorized in section 144.285, and notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions. Beginning with the effective date of the tax, every retailer in the county shall add the sales tax to the sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. For purposes of this section, all retail sales shall be deemed to be consummated at the place of business of the retailer.

4. All applicable provisions in sections 144.010 to 144.525 governing the state sales tax, and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax, and all exemptions granted to agencies of government, organizations, and persons pursuant to sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax. The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax. All discounts allowed the retailer pursuant to the state sales tax law for the collection of and for payment of taxes are hereby allowed and made applicable to the tax. The penalties for violations provided in section 32.057 and sections 144.010 to 144.525 are hereby made applicable to violations of this section. If any person is delinquent in the payment of the amount required to be paid pursuant to this section, or in the event a determination has been made against the person for taxes and penalty pursuant to this section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525.

5. The governing authority may authorize any museum board already existing in the county, or may establish a museum board, to expend revenue collected pursuant to this section. In the event that no museum board already exists, the board established pursuant to this section shall consist of six members who are appointed by the governing authority from a list of candidates supplied by the chair of each of the two major political parties of the county, with three members from each of the two parties. Members shall serve for three-year terms, but of the members first appointed, [one] **two** shall be appointed for a term of one year, two shall be appointed for a term of two years, and two shall be appointed for a term of three years. Each member shall be a resident of the county. The members shall not receive compensation for service on the board, but shall be reimbursed from the revenues collected pursuant to this section for any reasonable and necessary expenses incurred in service on the board. The board shall determine in what manner the revenues will be expended, and disbursements of these moneys shall be made strictly in accordance with this section. Expenditures may be made for the employment of personnel selected by the board to assist in carrying out the duties of the board, and the board is expressly authorized to employ such personnel.

6. The governing authority may submit the question of repeal of the tax to the voters at any county or state general, primary, or special election. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the county of (insert name of county) repeal the sales tax of (insert rate of percent) percent for the funding of museums?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES".

If you are opposed to the question, place an "X" in the box opposite "NO". [If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which the repeal was approved.]

67.581. 1. In addition to the sales tax permitted by sections 66.600 to 66.630, any county of the first class having a charter form of government and having a population of nine hundred thousand or more may impose an additional countywide sales tax upon approval by a vote of the qualified voters of the county. The proposal may be submitted to the voters by the governing body of the county and shall be submitted to the voters at the next general election upon petitions signed by a number of qualified voters residing in the county equal to at least eight percent of the votes cast in the county in the next preceding gubernatorial election filed with the governing body of the county. The submission shall include the levying of a sales tax at a rate of not to exceed two hundred seventy-five one-thousandths of one percent on the receipts from the sale at retail of all tangible personal property or taxable services within the county which are also taxable under the provisions of sections 66.600 to 66.630, and shall provide for the distribution of the proceeds in the manner provided in either subsection 4 or subsection 5 of this section. If either of the alternative distribution systems as provided in subsection 4 or subsection 5 of this section is approved by the voters, then the alternative system of distribution may not be submitted to the voters for at least three years from the date of such voter approval.

2. The ballot of submission shall contain, but is not limited to, the following language:

Shall the County of levy an additional sales tax at the rate of (insert rate) and distribute the proceeds in the manner provided in (insert proper reference) (subsection 4)(subsection 5) of section 67.581, RSMo?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, the additional sales tax shall be levied and collected and the proceeds from the additional tax shall be distributed as provided in either subsection 4 or subsection 5 of this section. If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal, then the governing body of the county shall have no power to impose the additional sales tax authorized by this section unless and until a proposal for the levy of such tax is submitted to and approved by the voters of the county.

3. The provisions of sections 66.600 to 66.630 and sections 32.085 [and] **to** 32.087, except to the extent otherwise provided in this section, shall govern the levy, collection, distribution and other procedures related to an additional sales tax imposed pursuant to this section.

4. In any county adopting an additional sales tax pursuant to the provisions of this section, and selecting the method of distribution provided in this subsection, the proceeds from the sales tax imposed pursuant to this section, less one percent collection cost, shall be distributed first to those municipalities that did not receive during the preceding calendar year ninety-five percent of the amount the municipality would have received by multiplying the population of the municipality by the average per capita sales tax receipt for such county in an amount which will bring each municipality receipt of sales tax moneys up to ninety-five percent of the average per capita receipts from the proceeds of the sales tax imposed pursuant to sections 66.600 to 66.630. Any remainder of the money received from the sales tax imposed pursuant to this section shall be distributed to all municipalities on the ratio that the population of each municipality bears to the total population of the county. The average per capita sales tax distribution shall be calculated by dividing the sum of the total sales tax revenue derived from the tax imposed pursuant to sections 66.600 to 66.630 by the total population of the county. Population of each municipality, of the unincorporated area of the county, and the total population of the county shall be determined on the basis of the most recent federal decennial census. For the purposes of this subsection, any city, town, village or the unincorporated area of the county shall be considered a municipality.

5. In any county adopting an additional sales tax pursuant to the provisions of this section and selecting the method of distribution provided in this subsection, the proceeds from the sales tax imposed pursuant to this section, less one percent collection cost, shall be distributed to all cities, towns and villages, and the unincorporated areas of the county in group B and to such cities, towns and villages in group A as necessary so that no city, town, or village in group A receives from the combined proceeds of both the sales tax imposed pursuant to this section and the sales tax imposed pursuant to sections 66.600 to 66.630, less than the per capita amount received by the cities, towns and villages and the unincorporated area of the county in group B receives from the total proceeds from both sales taxes.

6. The governing body of any county which is imposing a sales tax under the provisions of sections 66.600 to 66.630 may on its own motion and shall, upon petitions filed with the governing body of the county signed by a number of qualified voters residing in the county equal to at least eight percent of the votes cast in the county at the next preceding gubernatorial election, submit to the qualified voters of the county a proposal to change the method of distribution of sales tax proceeds from the manner provided in subsection 2 of section 66.620 to the method provided in this subsection. The ballot of submission shall be in substantially the following form:

Shall the proceeds from the county sales tax be distributed among the county of and the various cities, towns and villages therein in the manner provided in subdivisions (1) and (2) of subsection 6 of section 67.581, RSMo, in lieu of the present manner of distribution?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters of the county voting thereon are in favor of the proposal, the sales tax imposed by the county under the provisions of sections 66.600 to 66.630 shall be distributed in the manner provided in this subsection and not in the manner provided in subsection 2 of section 66.620. If a majority of the votes cast by the qualified voters of the county voting thereon are opposed to the proposal, then the governing body of the county shall have no power to order the proceeds from the sales tax imposed pursuant to the provisions of sections 66.600 to 66.630 in the manner provided in this subsection in lieu of the method provided in subsection 2 of section 66.620, unless and until a proposal authorizing such method of distribution is submitted to and approved by the voters of the county. If the voters approve the change in the method of distribution of the sales tax proceeds in the manner provided in this subsection, the county clerk of the county shall notify the director of revenue of the change in the method of distribution within ten days after adoption of the proposal and shall inform the director of the effective date of the change in the method of distribution, which shall be on the first day of the third calendar quarter after the director of revenue receives notice. After the effective date of the change in the manner of distribution, the director of revenue shall distribute the proceeds of the sales tax imposed by such county under the provisions of sections 66.600 to 66.630 in the manner provided in this subsection in lieu of the manner of distribution provided in subsection 2 of section 66.620. The proceeds of the sales tax imposed under the provisions of sections 66.600 to 66.630 in any county which elects to have the proceeds distributed in the manner provided in this subsection shall be distributed in the following manner:

(1) The proceeds from the sales taxes shall be distributed to the cities, towns and villages in group A and to the cities, towns and villages, and the county in group B as defined in section 66.620 in the manner provided in subsection 2 of section 66.620, until an amount equal to the total amount distributed under section 66.620, for the twelve-month period immediately preceding the effective date of the tax levied pursuant to the provisions of this section has been distributed;

(2) All moneys received in excess of the total amount distributed under section 66.620 for the twelve-month period immediately preceding the effective date of the tax levied pursuant to the provisions of this section shall be distributed to all cities, towns and villages and to the county on the basis that the population of each city, town or village, and in the case of the county the basis that the population of the unincorporated area of the county, bears to the total population of the county. The average per capita sales tax distribution shall be calculated by dividing the sum of the remaining amount of the total sales tax revenues by the total population of the county. Population of each city, town or village, of the unincorporated area of the county, and the total population of the county shall be determined on the basis of the most recent federal decennial census.

7. No municipality incorporated after the adoption of the tax authorized by this section shall be included as other than part of the unincorporated area of the county nor receive any share of either the proceeds from the tax levied pursuant to the provisions of this section or the tax levied pursuant to the provisions of sections 66.600 to 66.630 unless, at the time of incorporation, such municipality had a population of ten thousand or more.

8. The county sales tax imposed pursuant to this section on the purchase and sale of motor vehicles shall not be collected and remitted by the seller, but shall be collected by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within the county imposing the additional sales tax. [The amounts so collected, less one percent collection cost, shall be deposited in the county sales tax trust fund to be

distributed in accordance with section 66.620. The purchase or sale of motor vehicles shall be deemed to be consummated at the address of the applicant for a certificate of title.]

9. No tax shall be imposed pursuant to this section for the purpose of funding in whole or in part the construction, operation or maintenance of a sports stadium, field house, indoor or outdoor recreational facility, center, playing field, parking facility or anything incidental or necessary to a complex suitable for any type of professional sport, either upon, above or below the ground.

10. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

67.582. 1. The governing body of any county, except a county of the first class with a charter form of government with a population of greater than four hundred thousand inhabitants, is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of one percent on all retail sales made in such county which are subject to taxation under the provisions of sections 144.010 to 144.525 for the purpose of providing law enforcement services for such county. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax under the provisions of this section shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the governing body of the county to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

(1) If the proposal submitted involves only authorization to impose the tax authorized by this section the ballot shall contain substantially the following:

Shall the county of (county's name) impose a countywide sales tax of (insert amount) for the purpose of providing law enforcement services for the county?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No"; or

(2) If the proposal submitted involves authorization to enter into agreements to form a regional jail district and obligates the county to make payments from the tax authorized by this section the ballot shall contain substantially the following:

Shall the county of (county's name) be authorized to enter into agreements for the purpose of forming a regional jail district and obligating the county to impose a countywide sales tax of (insert amount) to fund dollars of the costs to construct a regional jail and to fund the costs to operate a regional jail, with any funds in excess of that necessary to construct and operate such jail to be used for law enforcement purposes?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to subdivision (1) of this subsection, then the ordinance or order and any amendments thereto shall be in effect [on the first day of the second quarter immediately following the election approving the proposal] **as provided by section 32.087**. If the constitutionally required percentage of the voters voting thereon are in favor of the proposal submitted pursuant to subdivision (2) of this subsection, then the ordinance or order and any amendments thereto shall be in effect [on the first day of the second quarter immediately following the election approving the proposal] **as provided by section 32.087**. If a proposal receives less than the required majority, then the governing body of the county shall have no power to impose the sales tax herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon.

However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. All revenue received by a county from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for providing law enforcement services for such county for so long as the tax shall remain in effect. Revenue placed in the special trust fund may also be utilized for capital improvement projects for law enforcement facilities and for the payment of any interest and principal on bonds issued for said capital improvement projects.

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for providing law enforcement services for the county. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue under this section on behalf of any county[, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited in a special trust fund, which is hereby created, to be known as the "County Law Enforcement Sales Tax Trust Fund". [The moneys in the county law enforcement sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust and which was collected in each county imposing a sales tax under this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax; such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from the county law enforcement sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county. Expenditures may be made from the fund for any law enforcement functions authorized in the ordinance or order adopted by the governing body submitting the law enforcement tax to the voters.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, **the repeal of such tax shall become effective as provided in section 32.087.** The county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

7. Except as modified in this section, all provisions of sections 32.085 [and] **to 32.087** shall apply to the tax imposed under this section.

67.583. 1. The governing body of any county of the second class with a population of more than forty thousand but less than sixty thousand and which contains institutions operated by the department of corrections and by the department of mental health is hereby authorized to impose, by ordinance or order, a sales tax in the amount of one-eighth of one percent on all retail sales made in such county which are subject to taxation under the provisions of sections 144.010 to 144.525. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law; provided, however, that no ordinance or order imposing a sales tax under the provisions of this section shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the governing body of the county to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the county of (county's name) impose a countywide sales tax of (insert amount) for the purpose of providing retirement and health care benefits for county employees and their dependents?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to impose the sales

tax herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. All revenue received by a county from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for providing retirement and health care benefits for county employees and their dependents.

4. All sales taxes collected by the director of revenue under this section on behalf of any county[, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited in a special trust fund, which is hereby created, to be known as the "County Employee Benefit Sales Tax Trust Fund". [The moneys in the county employee benefit sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust and which was collected in each county imposing a sales tax under this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax. Such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from the county employee benefit sales tax trust fund shall be for the provision of retirement benefits or health care benefits for employees of the county and their dependents and for no other purpose.

5. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

6. Except as modified in this section, all provisions of sections 32.085 [and] **to** 32.087 shall apply to the tax imposed under this section.

67.584. 1. The governing body of any county of the first classification with more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half percent on all retail sales made in such county which are subject to taxation pursuant to sections 144.010 to 144.525 for the purpose of providing law enforcement services for such county. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to this section shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary, or special election, a proposal to authorize the governing body of the county to impose a tax.

2. If the proposal submitted involves only authorization to impose the tax authorized by this section, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the county of (county's name) impose a countywide sales tax of (insert amount) for the purpose of providing law enforcement services for the county?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to this subsection, then the ordinance or order and any amendments thereto shall be in effect [on the first day of the second quarter immediately following the election approving the proposal] **as provided by section 32.087**. If a proposal receives less than the required majority, then the governing body of the county shall have no power to impose the sales tax herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a

proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. Twenty-five percent of the revenue received by a county treasurer from the tax authorized pursuant to this section shall be deposited in a special trust fund and shall be used solely by a prosecuting attorney's office for such county for so long as the tax shall remain in effect. The remainder of revenue shall be deposited in the county law enforcement sales tax trust fund established pursuant to section 67.582 of the county levying the tax pursuant to this section. The revenue derived from the tax imposed pursuant to this section shall be used for public law enforcement services only. No revenue derived from the tax imposed pursuant to this section shall be used for any private contractor providing law enforcement services or for any private jail.

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the prosecuting attorney's trust fund shall be used solely by a prosecuting attorney's office for the county. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue pursuant to this section on behalf of any county[, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited in a special trust fund, which is hereby created, to be known as the "County Prosecuting Attorney's Office Sales Tax Trust Fund" or in the county law enforcement sales tax trust fund, pursuant to the deposit ratio in subsection 3 of this section. [The moneys in the trust funds shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trusts and which was collected in each county imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust funds during the preceding month to the county which levied the tax; such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from either trust fund shall be by an appropriation act to be enacted by the governing body of each such county. Expenditures may be made from the funds for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust funds and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, **the repeal of such tax shall become effective as provided in section 32.087.** The county shall notify the director of revenue of the action at least ninety days before the effective date of the repeal and the director of revenue may order retention in the appropriate trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayments of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county established pursuant to this section. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

7. Except as modified in this section, all provisions of sections 32.085 [and] **to 32.087** shall apply to the tax imposed pursuant to this section.

67.712. 1. All sales taxes collected by the director of revenue under sections 67.700 to 67.727 on behalf of any county[, less one percent for the cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Alternate Sales Tax Trust Fund". [The moneys in the county alternate sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a sales tax under sections 67.700 to 67.727, and the records shall be open to the inspection of officers of each county and the general public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month by distributing to the county treasurer, or such other officer as may be designated by the county ordinance or order, of each county imposing the tax authorized by sections 67.700 to 67.727, the sum, as certified by the director of revenue, due the county.

2. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county repeals the tax authorized by sections 67.700 to 67.727, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and **the repeal shall be effective as provided in section 32.087.** The director of revenue may order retention in the trust

fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of repeal of the tax authorized by sections 67.700 to 67.727 in such county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

3. Except as modified in sections 67.700 to 67.727, all provisions of sections 32.085 [and] to 32.087 shall apply to the tax imposed under sections 67.700 to 67.727.

67.713. 1. Notwithstanding the provisions of section 67.712, as to the disposition of any other sales tax imposed under the provisions of sections 67.700 to 67.727, one-fifth of the sales taxes collected by the director of revenue from the tax authorized by section 67.701 on behalf of any county of the first class having a charter form of government and having a population of nine hundred thousand or more[, less one percent for cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in sections 67.700 to 67.727,] shall be deposited in a special trust fund, which is hereby created, to be known as the "County-Municipal Storm Water and Public Works Sales Tax Trust Fund". [The moneys in the county-municipal storm water and public works sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county and the records shall be open to the inspection of officers of the county and of the municipalities within the county and the public. Not later than the tenth day of each month, the director of the department of revenue shall distribute all moneys deposited in the county-municipal storm water and public works sales tax trust fund during the preceding month to the county which levied the tax, and the municipalities which are located wholly or partially within such county as follows:

(1) The county which levied the sales tax shall receive a percentage of the distributable revenue equal to the percentage ratio that the population of the unincorporated areas of the county bears to the total population of the county;

(2) Each municipality located wholly within the county which levied the tax shall receive a percentage of the distributable revenue equal to the percentage ratio that the population of such municipality bears to the total population of the county; and

(3) Each municipality located partially within the county which levied the tax shall receive a percentage of the distributable revenue equal to the percentage ratio that the population of that part of the municipality located within the county bears to the total population of the county.

2. The director of revenue may make refunds from the amounts in the county-municipal storm water and public works sales tax trust fund and credited to any county or municipality for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such county or municipality. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the county-municipal storm water and public works sales tax trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county or municipality and close the account of that county or municipality. The director of revenue shall notify each county or municipality of each instance of any amount refunded or any check redeemed from receipts due the county or municipality.

3. If the governing body of any municipality located wholly or partially within the county so requests by resolution, no funds shall be expended from the proceeds of any tax imposed under section 67.701 within the corporate boundaries of the requesting municipality for the construction, reconstruction or widening of any road established or to be established pursuant to section 137.558, the total cost of which exceeds one hundred thousand dollars unless: (a) a public hearing is first held at a place near such proposed action; and (b) plans and specifications of such proposed action are prepared and a cost-benefit analysis prepared in accordance with accepted accounting principles of such proposed action is presented to such public hearing. Such cost-benefit analysis and its work papers shall be a public document and subject to inspection as provided in chapter 610. The provisions of this subsection shall not apply to proposed projects in unincorporated areas of the county.

67.729. 1. Any county except any first class county having a charter form of government and having a population of nine hundred thousand or more may, in the same manner and by the same procedure and subject to the same penalties as set out in sections 67.700 to 67.727, impose a sales tax of not more than one-tenth of one percent for

the purpose of funding storm water control and public works projects other than stadiums or other sports facilities. This sales tax shall be in addition to any other sales tax authorized by law.

2. Notwithstanding the provisions of section 67.712 as to the disposition of any other sales tax imposed under the provisions of sections 67.700 to 67.727, all sales taxes collected by the director of revenue from the tax authorized by this section on behalf of any county[, less one percent for cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Storm Water and Public Works Sales Tax Trust Fund". [The moneys in the county storm water and public works sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a sales tax under this section and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the county storm water and public works sales tax trust fund during the preceding month to the county which levied the tax, and the municipalities which are located wholly or partially within such county as follows:

(1) The county which levied the sales tax shall receive a percentage of the distributable revenue equal to the percentage ratio that the population of the unincorporated areas of the county bears to the total population of the county;

(2) Each municipality located wholly within the county which levied the tax shall receive a percentage of the distributable revenue equal to the percentage ratio that the population of such municipality bears to the total population of the county; and

(3) Each municipality located partially within the county which levied the tax shall receive a percentage of the distributable revenue equal to the percentage ratio that the population of that part of the municipality located within the county bears to the total population of the county.

3. The director of revenue may authorize the state treasurer to make refunds from the amounts in the county storm water and public works sales tax trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the county storm water and public works sales tax trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

67.737. Except as modified in sections 67.730 to 67.739, all provisions of sections 32.085 [and] **to 32.087** shall apply to the tax imposed under sections 67.730 to 67.739.

67.738. 1. All sales taxes collected by the director of revenue under sections 67.730 to 67.739 on behalf of any county[, less one percent for the cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Capital Improvement Bond Sales Tax Trust Fund". [The moneys in the county capital improvement bond sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a sales tax under sections 67.730 to 67.739, and the records shall be open to the inspection of officers of each county and the general public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month by distributing to the county treasurer, or such other officer as may be designated by the county ordinance or order, of each county imposing the tax authorized by sections 67.730 to 67.739, the sum, as certified by the director of revenue, due the county.

2. The director of revenue may authorize the state treasurer to make refund from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county repeals the tax authorized by sections 67.730 to 67.739, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal or expiration and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit

of such accounts. After one year has elapsed after the effective date of repeal or expiration of the tax authorized by sections 67.730 to 67.739 in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

67.745. 1. Any county of the third classification without a township form of government and with more than eleven thousand seven hundred fifty but fewer than eleven thousand eight hundred fifty inhabitants may impose a sales tax throughout the county for public recreational projects and programs, but the sales tax authorized by this section shall not become effective unless the governing body of such county submits to the qualified voters of the county a proposal to authorize the county to impose the sales tax.

2. The ballot submission shall be in substantially the following form:

Shall the County of impose a sales tax of up to one percent for the purpose of funding the financing, acquisition, construction, operation, and maintenance of recreational projects and programs, including the acquisition of land for such purposes?

☐ YES

☐ NO

3. If approved by a majority of qualified voters **voting on the issue** in the county, the governing body of the county shall appoint a board of directors consisting of nine members. Of the initial members appointed to the board, three members shall be appointed for a term of three years, three members shall be appointed for a term of two years, and three members shall be appointed for a term of one year. After the initial appointments, board members shall be appointed to three-year terms.

4. The sales tax may be imposed at a rate of up to one percent on the receipts from the retail sale of all tangible personal property or taxable service within the county, if such property and services are subject to taxation by the state of Missouri under sections 144.010 to 144.525.

5. All revenue collected from the sales tax under this section by the director of revenue on behalf of a county[, less one percent for the cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Recreation Sales Trust Fund". [Moneys in the fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund collected in each county imposing a sales tax under this section, and the records shall be open to the inspection of officers of such county and the general public. Not later than the tenth day of each calendar month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding calendar month by distributing to the county treasurer, or such officer as may be designated by county ordinance or order, of each county imposing the tax under this section the sum due the county as certified by the director of revenue.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. Each county shall notify the director of revenue at least ninety days prior to the effective date of the expiration of the sales tax authorized by this section and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the trust fund for a period of one year of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayments of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the date of expiration of the tax authorized by this section in a county, the director of revenue shall remit the balance in the account to the county and close the account of such county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due such county.

7. The tax authorized under this section may be imposed in accordance with this section by a county in addition to or in lieu of the tax authorized in sections 67.750 to 67.780.

8. The sales tax imposed under this section shall expire twenty years from the effective date thereof unless an extension of the tax is submitted to and approved by the qualified voters in the county in the manner provided in this section. Each extension of the sales tax shall be for a period of ten years.

9. The provisions of this section shall not in any way affect or limit the powers granted to any county to establish, maintain, and conduct parks and other recreational grounds for public recreation.

10. Except as modified in this section, the provisions of sections 32.085 [and] **to** 32.087 shall apply to the tax imposed under this section.

67.782. 1. Any county of the third class having a population of more than ten thousand and less than fifteen thousand and any county of the second class having a population of more than fifty-eight thousand and less than seventy

thousand adjacent to such third class county, both counties making up the same judicial circuit, may jointly impose a sales tax throughout each of their respective counties for public recreational purposes including the financing, acquisition, construction, operation and maintenance of recreational projects and programs, but the sales taxes authorized by this section shall not become effective unless the governing body of each such county submits to the voters of their respective counties a proposal to authorize the counties to impose the sales tax.

2. The ballot of submission shall be in substantially the following form:

Shall the County of impose a sales tax of percent in conjunction with the county of for the purpose of funding the financing, acquisition, construction, operation and maintenance of recreational projects and programs, including the acquisition of land for such purposes?

☐ YES

☐ NO

If a separate majority of the votes cast on the proposal by the qualified voters voting thereon in each county are in favor of the proposal, then the tax shall be in effect in both counties. If a majority of the votes cast by the qualified voters voting thereon in either county are opposed to the proposal, then the governing body of neither county shall have power to impose the sales tax authorized by this section unless or until the governing body of the county that has not approved the tax shall again have submitted another proposal to authorize the governing body to impose the tax, and the proposal is approved by a majority of the qualified voters voting thereon in that county.

3. The sales tax may be imposed at a rate of one percent on the receipts from the sale at retail of all tangible personal property or taxable service at retail within the county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525.

4. All sales taxes collected by the director of revenue under this section on behalf of any county[, less one percent for the cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Recreation Sales Tax Trust Fund". [The moneys in the county recreation sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a sales tax under this section, and the records shall be open to the inspection of officers of each county and the general public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month by distributing to the county treasurer, or such other officer as may be designated by the county ordinance or order, of each county imposing the tax authorized by this section, the sum, as certified by the director of revenue, due the county.

5. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. Each county shall notify the director of revenue at least ninety days prior to the effective date of the expiration of the sales tax authorized by this section and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the date of expiration of the tax authorized by this section in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

6. The tax authorized by this section may be imposed, in accordance with this section, by a county in addition to or in lieu of the tax authorized by sections 67.750 to 67.780.

7. Any county imposing a sales tax pursuant to the provisions of this section may contract with the authority of any other county or with any city or political subdivision for the financing, acquisition, operation, construction, maintenance, or utilization of any recreation facility or project or program funded in whole or in part from revenues derived from the tax levied pursuant to the provisions of this section.

8. The sales tax imposed pursuant to the provisions of this section shall expire twenty-five years from the effective date thereof unless an extension of the tax is submitted to and approved by the voters in each county in the manner provided in this section. Each extension of the sales tax shall be for a period of ten years.

9. The governing body of each of the counties imposing a sales tax under the provisions of this section may cooperate with the governing body of any county or other political subdivision of this state in carrying out the provisions of this section, and may establish and conduct jointly a system of public recreation. The respective governing bodies administering programs jointly may provide by agreement among themselves for all matters connected with the programs and determine what items of cost and expense shall be paid by each.

10. The provisions of this section shall not in any way repeal, affect or limit the powers granted to any county to establish, maintain and conduct parks and other recreational grounds for public recreation.

11. Except as modified in this section, all provisions of sections 32.085 [and] to 32.087 shall apply to the tax imposed under this section.

67.799. 1. A regional recreational district may, by a majority vote of its board of directors, impose an annual property tax for the establishment and maintenance of public parks and recreational facilities and grounds within the boundaries of the regional recreational district not to exceed sixty cents per year on each one hundred dollars of assessed valuation on all property within the district, except that no such tax shall become effective unless the board of directors of the district submits to the voters of the district, at a county or state general, primary or special election, a proposal to authorize the tax.

2. The question shall be submitted in substantially the following form:

Shall a cent tax per one hundred dollars assessed valuation be levied for public parks and recreational facilities?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall become effective. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors shall have no power to impose the tax unless and until the board of directors of the district submits another proposal to authorize the tax and such proposal is approved by a majority of the qualified voters voting thereon.

3. The property tax authorized in subsections 1 and 2 of this section shall be levied and collected in the same manner as other ad valorem property taxes are levied and collected.

4. (1) A regional recreational district may, by a majority vote of its board of directors, impose a tax not to exceed one-half of one cent on all retail sales subject to taxation pursuant to sections 144.010 to 144.525 for the purpose of funding the creation, operation and maintenance of public parks, recreational facilities and grounds within the boundaries of a regional recreational district. The tax authorized by this subsection shall be in addition to all other sales taxes allowed by law. No tax pursuant to this subsection shall become effective unless the board of directors submits to the voters of the district, at a county or state general, primary or special election, a proposal to authorize the tax, and such tax shall become effective only after the majority of the voters voting on such tax approve such tax.

(2) In the event the district seeks to impose a sales tax pursuant to this subsection, the question shall be submitted in substantially the following form:

Shall a cent sales tax be levied on all retail sales within the district for public parks and recreational facilities?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall become effective. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors shall have no power to impose the tax unless and until another proposal to authorize the tax is submitted to the voters of the district and such proposal is approved by a majority of the qualified voters voting thereon. The provisions of sections 32.085 [and] to 32.087 shall apply to any tax approved pursuant to this subsection.

5. As used in this section, "qualified voters" or "voters" means any individuals residing within the proposed district who are eligible to be registered voters and who have registered to vote under chapter 115 or, if no individuals eligible and registered to vote reside within the proposed district, all of the owners of real property located within the proposed district who have unanimously petitioned for or consented to the adoption of an ordinance by the governing body imposing a tax authorized in this section. If the owner of the property within the proposed district is a political subdivision or corporation of the state, the governing body of such political subdivision or corporation shall be considered the owner for purposes of this section.

67.997. 1. The governing body of any county of the third classification without a township form of government and with more than eighteen thousand one hundred but fewer than eighteen thousand two hundred inhabitants may impose, by order or ordinance, a sales tax on all retail sales made within the county which are subject to sales tax under chapter 144. The tax authorized in this section shall not exceed one-fourth of one percent, and shall be imposed solely for the purpose of funding senior services and youth programs provided by the county. One-half of all revenue collected under this section[, less one-half the cost of collection,] shall be used solely to fund any service or activity deemed necessary by the senior service tax commission established in this section, and one-half of all revenue collected under

this section[, less one-half the cost of collection,] shall be used solely to fund all youth programs administered by an existing county community task force. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The order or ordinance shall not become effective unless the governing body of the county submits to the voters residing within the county at a state general, primary, or special election a proposal to authorize the governing body of the county to impose a tax under this section.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the county) impose a sales tax at a rate of (insert rate of percent) percent, with half of the revenue from the tax, less one-half the cost of collection, to be used solely to fund senior services provided by the county and half of the revenue from the tax, less one-half the cost of collection, to be used solely to fund youth programs provided by the county?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter immediately following the approval of the tax or notification to the department of revenue if such tax will be administered by the department of revenue. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. [On or after the effective date of any tax authorized under this section, the county which imposed the tax shall enter into an agreement with the director of the department of revenue for the purpose of collecting the tax authorized in this section. On or after the effective date of the tax the director of revenue shall be responsible for the administration, collection, enforcement, and operation of the tax, and] Sections 32.085 [and] to 32.087 shall apply. All revenue collected under this section by the director of the department of revenue on behalf of any county[, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund,] shall be deposited in a special trust fund, which is hereby created and shall be known as the "Senior Services and Youth Programs Sales Tax Trust Fund", and shall be used solely for the designated purposes. [Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state.] The director may make refunds from the amounts in the trust fund and credited to the county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such county. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. [In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing body of the county may authorize the use of a bracket system similar to that authorized in section 144.285 and notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions.] Beginning with the effective date of the tax, every retailer in the county shall add the sales tax to the sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. For purposes of this section, all retail sales shall be deemed to be consummated at the place of business of the retailer.

5. All applicable provisions in sections 144.010 to 144.525 governing the state sales tax, and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax[, and all exemptions granted to agencies of government, organizations, and persons under sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax. The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax. All discounts allowed the retailer under the state sales tax for the collection of and for payment of taxes are hereby allowed and made applicable to the tax. The penalties for violations provided in section 32.057 and sections 144.010 to 144.525 are hereby made applicable to violations of this section. If any person is delinquent in the payment of the amount required to be paid under this section, or in the event a determination has been made against the person for taxes and penalty under this section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525].

6. The governing body of any county that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the county. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the county) repeal the sales tax imposed at a rate of
(insert rate of percent) percent for the purpose of funding senior services and youth programs provided by the county?
☐ YES ☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of repeal, that repeal shall become effective [on December thirty-first of the calendar year in which such repeal was approved] **as provided by section 32.087**. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

7. Whenever the governing body of any county that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the county voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the county a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective [on December thirty-first of the calendar year in which such repeal was approved] **as provided by section 32.087**. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

8. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the county shall notify the director of the department of revenue of the action at least thirty days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director shall remit the balance in the account to the county and close the account of that county. The director shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

9. Each county imposing the tax authorized in this section shall establish a senior services tax commission to administer the portion of the sales tax revenue dedicated to providing senior services. Such commission shall consist of seven members appointed by the county commission. The county commission shall determine the qualifications, terms of office, compensation, powers, duties, restrictions, procedures, and all other necessary functions of the commission.

67.1300. 1. The governing body of any of the contiguous counties of the third classification without a township form of government enumerated in subdivisions (1) to (5) of this subsection or in any county of the fourth classification acting as a county of the second classification, having a population of at least forty thousand but less than forty-five thousand with a state university, and adjoining a county of the first classification with part of a city with a population of three hundred fifty thousand or more inhabitants or a county of the third classification with a township form of government and with a population of at least eight thousand but less than eight thousand four hundred inhabitants or a county of the third classification with more than fifteen townships having a population of at least twenty-one thousand inhabitants or a county of the third classification without a township form of government and with a population of at least seven thousand four hundred but less than eight thousand inhabitants or any county of the third classification with a population greater than three thousand but less than four thousand or any county of the third classification with a population greater than six thousand one hundred but less than six thousand four hundred or any county of the third classification with a population greater than six thousand eight hundred but less than seven thousand or any county of the third classification with a population greater than seven thousand eight hundred but less than seven thousand nine hundred or any county of the third classification with a population greater than eight thousand four hundred sixty but less than eight thousand five hundred or any county of the third classification with a population greater than nine thousand but less than nine thousand two hundred or any county of the third classification with a population greater than ten thousand five hundred but less than ten thousand six hundred or any county of the third classification with a population greater than twenty-three thousand five hundred but less than twenty-three thousand seven hundred or a county of the third classification with a population greater than thirty-three thousand but less than thirty-four thousand

or a county of the third classification with a population greater than twenty thousand eight hundred but less than twenty-one thousand or a county of the third classification with a population greater than fourteen thousand one hundred but less than fourteen thousand five hundred or a county of the third classification with a population greater than twenty thousand eight hundred fifty but less than twenty-two thousand or a county of the third classification with a population greater than thirty-nine thousand but less than forty thousand or a county of the third classification with a township form of organization and a population greater than twenty-eight thousand but less than twenty-nine thousand or a county of the third classification with a population greater than fifteen thousand but less than fifteen thousand five hundred or a county of the third classification with a population greater than eighteen thousand but less than nineteen thousand seven hundred or a county of the third classification with a population greater than thirteen thousand nine hundred but less than fourteen thousand four hundred or a county of the third classification with a population greater than twenty-seven thousand but less than twenty-seven thousand five hundred or a county of the first classification without a charter form of government and a population of at least eighty thousand but not greater than eighty-three thousand or a county of the third classification with a population greater than fifteen thousand but less than fifteen thousand nine hundred without a township form of government which does not adjoin any county of the first, second or fourth classification or a county of the third classification with a population greater than twenty-three thousand but less than twenty-five thousand without a township form of government which does not adjoin any county of the second or fourth classification and does adjoin a county of the first classification with a population greater than one hundred twenty thousand but less than one hundred fifty thousand or in any county of the fourth classification acting as a county of the second classification, having a population of at least forty-eight thousand or any governing body of a municipality located in any of such counties may impose, by ordinance or order, a sales tax on all retail sales made in such county or municipality which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525:

- (1) A county with a population of at least four thousand two hundred inhabitants but not more than four thousand five hundred inhabitants;
- (2) A county with a population of at least four thousand seven hundred inhabitants but not more than four thousand nine hundred inhabitants;
- (3) A county with a population of at least seven thousand three hundred inhabitants but not more than seven thousand six hundred inhabitants;
- (4) A county with a population of at least ten thousand one hundred inhabitants but not more than ten thousand three hundred inhabitants; and
- (5) A county with a population of at least four thousand three hundred inhabitants but not more than four thousand five hundred inhabitants.

2. The maximum rate for a sales tax pursuant to this section shall be one percent for municipalities and one-half of one percent for counties.

3. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to the provisions of this section shall be effective unless the governing body of the county or municipality submits to the voters of the county or municipality, at a regularly scheduled county, municipal or state general or primary election, a proposal to authorize the governing body of the county or municipality to impose a tax. Any sales tax imposed pursuant to this section shall not be authorized for a period of more than five years.

4. Such proposal shall be submitted in substantially the following form:

Shall the (city, town, village or county) of impose a sales tax of (insert amount) for the purpose of economic development in the (city, town, village or county)?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter after the director of revenue receives notice of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county or municipality shall not impose the sales tax authorized in this section until the governing body of the county or municipality resubmits another proposal to authorize the governing body of the county or municipality to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon; however no such proposal shall be resubmitted to the voters sooner than twelve months from the date of the submission of the last such proposal.

5. All revenue received by a county or municipality from the tax authorized pursuant to the provisions of this section shall be deposited in a special trust fund and shall be used solely for economic development purposes within such county or municipality for so long as the tax shall remain in effect.

6. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for economic development purposes within the county or municipality. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county or municipal funds.

7. All sales taxes collected by the director of revenue pursuant to this section on behalf of any county or municipality[, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited in a special trust fund, which is hereby created, to be known as the "Local Economic Development Sales Tax Trust Fund".

8. [The moneys in the local economic development sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund and which was collected in each county or municipality imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the county or municipality and the public.

9. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county or municipality which levied the tax. Such funds shall be deposited with the county treasurer of each such county or the appropriate municipal officer in the case of a municipal tax, and all expenditures of funds arising from the local economic development sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county or municipality. Expenditures may be made from the fund for any economic development purposes authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.

10. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county or municipality for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties and municipalities.

11. If any county or municipality abolishes the tax, the county or municipality shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county or municipality, the director of revenue shall remit the balance in the account to the county or municipality and close the account of that county or municipality. The director of revenue shall notify each county or municipality of each instance of any amount refunded or any check redeemed from receipts due the county or municipality.

12. Except as modified in this section, all provisions of sections 32.085 [and] **to 32.087** shall apply to the tax imposed pursuant to this section.

13. For purposes of this section, the term "economic development" is limited to the following:

- (1) Operations of economic development or community development offices, including the salaries of employees;
- (2) Provision of training for job creation or retention;
- (3) Provision of infrastructure and sites for industrial development or for public infrastructure projects; and
- (4) Refurbishing of existing structures and property relating to community development.

67.1303. 1. The governing body of any home rule city with more than one hundred fifty-one thousand five hundred but less than one hundred fifty-one thousand six hundred inhabitants, any home rule city with more than forty-five thousand five hundred but less than forty-five thousand nine hundred inhabitants and the governing body of any city within any county of the first classification with more than one hundred four thousand six hundred but less than one hundred four thousand seven hundred inhabitants and the governing body of any county of the third classification without a township form of government and with more than forty thousand eight hundred but less than forty thousand nine hundred inhabitants or any city within such county may impose, by order or ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax under chapter 144. In addition, the governing body of any county of the first classification with more than eighty-five thousand nine hundred but less than eighty-six thousand inhabitants or the governing body of any home rule city with more than seventy-three thousand but less than seventy-five thousand inhabitants may impose, by order or ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax under chapter 144. The tax authorized in this section shall not be more than one-half of one percent. The order or ordinance imposing the tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general or primary election a proposal to authorize the governing body to impose a tax under this section. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:
 Shall (insert the name of the city or county) impose a sales tax at a rate of (insert rate of percent) percent for economic development purposes?
☐ YES ☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective [on the first day of the second calendar quarter following the calendar quarter in which the election was held] **as provided by section 32.087**. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question, provided that no proposal shall be resubmitted to the voters sooner than twelve months from the date of the submission of the last proposal.

3. No revenue generated by the tax authorized in this section shall be used for any retail development project. At least twenty percent of the revenue generated by the tax authorized in this section shall be used solely for projects directly related to long-term economic development preparation, including, but not limited to, the following:

- (1) Acquisition of land;
- (2) Installation of infrastructure for industrial or business parks;
- (3) Improvement of water and wastewater treatment capacity;
- (4) Extension of streets;
- (5) Providing matching dollars for state or federal grants;
- (6) Marketing;
- (7) Construction and operation of job training and educational facilities; and
- (8) Providing grants and low-interest loans to companies for job training, equipment acquisition, site development, and infrastructure. Not more than twenty-five percent of the revenue generated may be used annually for administrative purposes, including staff and facility costs.

4. All revenue generated by the tax shall be deposited in a special trust fund and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city or county funds.

5. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city or county for erroneous payments in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any city or county abolishes the tax authorized under this section, the repeal of such tax shall become effective December thirty-first of the calendar year in which such abolishment was approved. Each city or county shall notify the director of revenue at least ninety days prior to the effective date of the expiration of the sales tax authorized by this section and the repeal shall be effective as provided by section 32.087. The director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the date of expiration of the tax authorized by this section in such city or county, the director of revenue shall remit the balance in the account to the city or county and close the account of that city or county. The director of revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county.

6. Any city or county imposing the tax authorized in this section shall establish an economic development tax board. The board shall consist of eleven members, to be appointed as follows:

- (1) Two members shall be appointed by the school boards whose districts are included within any economic development plan or area funded by the sales tax authorized in this section. Such members shall be appointed in any manner agreed upon by the affected districts;
- (2) One member shall be appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for an economic development project or area funded by the sales tax authorized in this section, excluding representatives of the governing body of the city or county;
- (3) One member shall be appointed by the largest public school district in the city or county;
- (4) In each city or county, five members shall be appointed by the chief elected officer of the city or county with the consent of the majority of the governing body of the city or county;

(5) In each city, two members shall be appointed by the governing body of the county in which the city is located. In each county, two members shall be appointed by the governing body of the county. At the option of the members appointed by a city or county the members who are appointed by the school boards and other taxing districts may serve on the board for a term to coincide with the length of time an economic development project, plan, or designation of an economic development area is considered for approval by the board, or for the definite terms as provided in this subsection. If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time an economic development project, plan, or area is approved, such term shall terminate upon final approval of the project, plan, or designation of the area by the governing body of the city or county. If any school district or other taxing jurisdiction fails to appoint members of the board within thirty days of receipt of written notice of a proposed economic development plan, economic development project, or designation of an economic development area, the remaining members may proceed to exercise the power of the board. Of the members first appointed by the city or county, three shall be designated to serve for terms of two years, three shall be designated to serve for a term of three years, and the remaining members shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the city or county shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

[6.] 7. The board, subject to approval of the governing body of the city or county, shall develop economic development plans, economic development projects, or designations of an economic development area, and shall hold public hearings and provide notice of any such hearings. The board shall vote on all proposed economic development plans, economic development projects, or designations of an economic development area, and amendments thereto, within thirty days following completion of the hearing on any such plan, project, or designation, and shall make recommendations to the governing body within ninety days of the hearing concerning the adoption of or amendment to economic development plans, economic development projects, or designations of an economic development area.

[7.] 8. The board shall report at least annually to the governing body of the city or county on the use of the funds provided under this section and on the progress of any plan, project, or designation adopted under this section.

[8.] 9. The governing body of any city or county that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city or county. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city or county) repeal the sales tax imposed at a rate of (insert rate of percent) percent for economic development purposes?

☐ YES

☐ NO

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters of the city or county, and the repeal is approved by a majority of the qualified voters voting on the question.

[9.] 10. Whenever the governing body of any city or county that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city or county voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective [on December thirty-first of the calendar year in which such repeal was approved] **as provided by section 32.087**. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question. **If the city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least one hundred twenty days prior to the effective date of the repeal.**

11. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

12. Except as provided in this section, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under this section.

67.1305. 1. As used in this section, the term "city" shall mean any incorporated city, town, or village.

2. In lieu of the sales taxes authorized under sections 67.1300 and 67.1303, the governing body of any city or county may impose, by order or ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax under chapter 144. The tax authorized in this section shall not be more than one-half of one percent. The order or ordinance imposing the tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at any citywide, county or state general, primary or special election a proposal to authorize the governing body to impose a tax under this section. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The tax authorized in this section shall not be imposed by any city or county that has imposed a tax under section 67.1300 or 67.1303 unless the tax imposed under those sections has expired or been repealed.

3. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city or county) impose a sales tax at a rate of (insert rate of percent) percent for economic development purposes?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question, provided that no proposal shall be resubmitted to the voters sooner than twelve months from the date of the submission of the last proposal.

4. All sales taxes collected by the director of revenue under this section on behalf of any county or municipality[, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited in a special trust fund, which is hereby created, to be known as the "Local Option Economic Development Sales Tax Trust Fund".

5. [The moneys in the local option economic development sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund and which was collected in each city or county imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the city or county and the public.

6. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city or county which levied the tax. Such funds shall be deposited with the county treasurer of each such county or the appropriate municipal officer in the case of a municipal tax, and all expenditures of funds arising from the local economic development sales tax trust fund shall be in accordance with this section.

7. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities and counties.

8. If any county or municipality abolishes the tax, the city or county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and **the repeal shall be effective as provided by section 32.087.** The director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city or county, the director of revenue shall remit the balance in the account to the city or county and close the account of that city or county. The director of revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county.

9. Except as modified in this section, all provisions of sections 32.085 [and] to 32.087 shall apply to the tax imposed pursuant to this section.

10. (1) No revenue generated by the tax authorized in this section shall be used for any retail development project, except for the redevelopment of downtown areas and historic districts. Not more than twenty-five percent of the revenue generated shall be used annually for administrative purposes, including staff and facility costs.

(2) At least twenty percent of the revenue generated by the tax authorized in this section shall be used solely for projects directly related to long-term economic development preparation, including, but not limited to, the following:

- (a) Acquisition of land;
- (b) Installation of infrastructure for industrial or business parks;
- (c) Improvement of water and wastewater treatment capacity;

- (d) Extension of streets;
 - (e) Public facilities directly related to economic development and job creation; and
 - (f) Providing matching dollars for state or federal grants relating to such long-term projects.
- (3) The remaining revenue generated by the tax authorized in this section may be used for, but shall not be limited to, the following:
- (a) Marketing;
 - (b) Providing grants and loans to companies for job training, equipment acquisition, site development, and infrastructures;
 - (c) Training programs to prepare workers for advanced technologies and high skill jobs;
 - (d) Legal and accounting expenses directly associated with the economic development planning and preparation process;
 - (e) Developing value-added and export opportunities for Missouri agricultural products.

11. All revenue generated by the tax shall be deposited in a special trust fund and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city or county funds.

12. (1) Any city or county imposing the tax authorized in this section shall establish an economic development tax board. The volunteer board shall receive no compensation or operating budget.

(2) The economic development tax board established by a city shall consist of at least five members, but may be increased to nine members. Either a five-member or nine-member board shall be designated in the order or ordinance imposing the sales tax authorized by this section, and the members are to be appointed as follows:

(a) One member of a five-member board, or two members of a nine-member board, shall be appointed by the school districts included within any economic development plan or area funded by the sales tax authorized in this section. Such member or members shall be appointed in any manner agreed upon by the affected districts;

(b) Three members of a five-member board, or five members of a nine-member board, shall be appointed by the chief elected officer of the city with the consent of the majority of the governing body of the city;

(c) One member of a five-member board, or two members of a nine-member board, shall be appointed by the governing body of the county in which the city is located.

(3) The economic development tax board established by a county shall consist of seven members, to be appointed as follows:

(a) One member shall be appointed by the school districts included within any economic development plan or area funded by the sales tax authorized in this section. Such member shall be appointed in any manner agreed upon by the affected districts;

(b) Four members shall be appointed by the governing body of the county; and

(c) Two members from the cities, towns, or villages within the county appointed in any manner agreed upon by the chief elected officers of the cities or villages.

Of the members initially appointed, three shall be designated to serve for terms of two years, except that when a nine-member board is designated, seven of the members initially appointed shall be designated to serve for terms of two years, and the remaining members shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

(4) If an economic development tax board established by a city is already in existence on August 28, 2012, any increase in the number of members of the board shall be designated in an order or ordinance. The four board members added to the board shall be appointed to a term with an expiration coinciding with the expiration of the terms of the three board member positions that were originally appointed to terms of two years. Thereafter, the additional members appointed shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the additional appointments.

13. The board, subject to approval of the governing body of the city or county, shall consider economic development plans, economic development projects, or designations of an economic development area, and shall hold public hearings and provide notice of any such hearings. The board shall vote on all proposed economic development plans, economic development projects, or designations of an economic development area, and amendments thereto, within thirty days following completion of the hearing on any such plan, project, or designation, and shall make recommendations to the governing body within ninety days of the hearing concerning the adoption of or amendment to economic development plans, economic development projects, or designations of an economic development area. The

governing body of the city or county shall have the final determination on use and expenditure of any funds received from the tax imposed under this section.

14. The board may consider and recommend using funds received from the tax imposed under this section for plans, projects or area designations outside the boundaries of the city or county imposing the tax if, and only if:

(1) The city or county imposing the tax or the state receives significant economic benefit from the plan, project or area designation; and

(2) The board establishes an agreement with the governing bodies of all cities and counties in which the plan, project or area designation is located detailing the authority and responsibilities of each governing body with regard to the plan, project or area designation.

15. Notwithstanding any other provision of law to the contrary, the economic development sales tax imposed under this section when imposed within a special taxing district, including but not limited to a tax increment financing district, neighborhood improvement district, or community improvement district, shall be excluded from the calculation of revenues available to such districts, and no revenues from any sales tax imposed under this section shall be used for the purposes of any such district unless recommended by the economic development tax board established under this section and approved by the governing body imposing the tax.

16. The board and the governing body of the city or county imposing the tax shall report at least annually to the governing body of the city or county on the use of the funds provided under this section and on the progress of any plan, project, or designation adopted under this section and shall make such report available to the public.

17. Not later than the first day of March each year the board shall submit to the joint committee on economic development a report, not exceeding one page in length, which must include the following information for each project using the tax authorized under this section:

(1) A statement of its primary economic development goals;

(2) A statement of the total economic development sales tax revenues received during the immediately preceding calendar year;

(3) A statement of total expenditures during the preceding calendar year in each of the following categories:

(a) Infrastructure improvements;

(b) Land and/or buildings;

(c) Machinery and equipment;

(d) Job training investments;

(e) Direct business incentives;

(f) Marketing;

(g) Administration and legal expenses; and

(h) Other expenditures.

18. The governing body of any city or county that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city or county. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city or county) repeal the sales tax imposed at a rate of (insert rate of percent) percent for economic development purposes?

☐ YES

☐ NO

If a majority of the votes cast on the proposal are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters of the city or county, and the repeal is approved by a majority of the qualified voters voting on the question.

19. Whenever the governing body of any city or county that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city or county voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

20. If any provision of this section or section 67.1303 or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of this section or section 67.1303 which can

be given effect without the invalid provision or application, and to this end the provisions of this section and section 67.1303 are declared severable."; and

Further amend said bill, Page 20, Section 67.1521, Line 59, by inserting after all of said section the following:

"67.1545. 1. Any district formed as a political subdivision may impose by resolution a district sales and use tax on all retail sales made in such district which are subject to taxation pursuant to sections 144.010 to 144.525, except sales of [motor vehicles, trailers, boats or outboard motors and sales to or by public utilities and providers of communications, cable, or video services] **fuel used to power motor vehicles, aircraft, locomotives, or watercraft, or sales of electricity, piped natural or artificial gas, or other fuels delivered by the seller, and the retail sale or transfer of motor vehicles, aircraft, watercraft, modular homes, manufactured homes, or mobile homes.** Any sales and use tax imposed pursuant to this section may be imposed in increments of one-eighth of one percent, up to a maximum of one percent. Such district sales and use tax may be imposed for any district purpose designated by the district in its ballot of submission to its qualified voters; except that, no resolution adopted pursuant to this section shall become effective unless the board of directors of the district submits to the qualified voters of the district, by mail-in ballot, a proposal to authorize a sales and use tax pursuant to this section. If a majority of the votes cast by the qualified voters on the proposed sales tax are in favor of the sales tax, then the resolution is adopted. If a majority of the votes cast by the qualified voters are opposed to the sales tax, then the resolution is void.

2. The ballot shall be substantially in the following form:

Shall the (insert name of district) Community Improvement District impose a community improvement districtwide sales and use tax at the maximum rate of (insert amount) for a period of (insert number) years from the date on which such tax is first imposed for the purpose of providing revenue for (insert general description of the purpose)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

3. Within ten days after the qualified voters have approved the imposition of the sales and use tax, the district shall, in accordance with section 32.087, notify the director of the department of revenue. The sales and use tax authorized by this section shall become effective on the first day of the second calendar quarter after the director of the department of revenue receives notice of the adoption of such tax.

4. [The director of the department of revenue shall collect any tax adopted pursuant to this section pursuant to section 32.087] **After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.**

5. In each district in which a sales and use tax is imposed pursuant to this section, every retailer shall add such additional tax imposed by the district to such retailer's sale price, and when so added such tax shall constitute a part of the purchase price, shall be a debt of the purchaser to the retailer until paid and shall be recoverable at law in the same manner as the purchase price.

6. [In order to allow retailers to collect and report the sales and use tax authorized by this section as well as all other sales and use taxes required by law in the simplest and most efficient manner possible, a district may establish appropriate brackets to be used in the district imposing a tax pursuant to this section in lieu of the brackets provided in section 144.285.

7.] The penalties provided in sections 144.010 to 144.525 shall apply to violations of this section.

[8.] 7. All revenue received by the district from a sales and use tax imposed pursuant to this section which is designated for a specific purpose shall be deposited into a special trust fund and expended solely for such purpose. Upon the expiration of any sales and use tax adopted pursuant to this section, all funds remaining in the special trust fund shall continue to be used solely for the specific purpose designated in the resolution adopted by the qualified voters. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors pursuant to applicable laws relating to the investment of other district funds.

[9.] 8. A district may repeal by resolution any sales and use tax imposed pursuant to this section before the expiration date of such sales and use tax unless the repeal of such sales and use tax will impair the district's ability to

repay any liabilities the district has incurred, moneys the district has borrowed or obligation the district has issued to finance any improvements or services rendered for the district.

[10.] 9. Notwithstanding the provisions of chapter 115, an election for a district sales and use tax under this section shall be conducted in accordance with the provisions of this section.

10. Except as provided in this section, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under this section.

67.1712. 1. The governing body of any county located within the proposed metropolitan district is hereby authorized to impose by ordinance a one-tenth of one cent sales tax on all retail sales subject to taxation pursuant to sections 144.010 to 144.525 for the purpose of funding the creation, operation and maintenance of a metropolitan park and recreation district.

2. In addition to the tax authorized in subsection 1 of this section, the governing body of any county located within the metropolitan district as of January 1, 2012, is authorized to impose by ordinance an incremental sales tax of up to three-sixteenths of one cent on all retail sales subject to taxation under sections 144.010 to 144.525 for the purpose of funding the operation and maintenance of the metropolitan park and recreation district. Such incremental sales tax shall not be implemented unless approved by the voters of the county with the largest population within the district and at least one other such county under subsection 2 of section 67.1715.

3. The taxes authorized by sections 67.1700 to 67.1769 shall be in addition to all other sales taxes allowed by law. The governing body of any county within the metropolitan district enacting such an ordinance shall submit to the voters of such county a proposal to approve its ordinance imposing or increasing the tax. Such ordinance shall become effective only after the majority of the voters voting on such ordinance approve such ordinance. The provisions of sections 32.085 [and] to 32.087 shall apply to any tax and increase in tax approved pursuant to this section and sections 67.1715 to 67.1721.

67.1775. 1. The governing body of a city not within a county, or any county of this state may, after voter approval under this section, levy a sales tax not to exceed one-quarter of a cent in the county or city, or city not within a county, for the purpose of providing services described in section 210.861, including counseling, family support, and temporary residential services to persons nineteen years of age or less. The question shall be submitted to the qualified voters of the county or city, or city not within a county, at a county or city or state general, primary or special election upon the motion of the governing body of the county or city, or city not within a county or upon the petition of eight percent of the qualified voters of the county or city, or city not within a county, determined on the basis of the number of votes cast for governor in such county at the last gubernatorial election held prior to the filing of the petition. The election officials of the county or city, or city not within a county, shall give legal notice as provided in chapter 115. The question shall be submitted in substantially the following form:

Shall County or City, solely for the purpose of establishing a community children's services fund for the purpose of providing services to protect the well-being and safety of children and youth nineteen years of age or less and to strengthen families, be authorized to levy a sales tax of (not to exceed one-quarter of a cent) in the city or county?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second calendar quarter after the director receives notification of the local sales tax. If a question receives less than the required majority, then the governing authority of the city or county, or city not within a county, shall have no power to impose the sales tax unless and until the governing authority of the city or county, or city not within a county, has submitted another question to authorize the imposition of the sales tax authorized by this section and such question is approved by the required majority of the qualified voters voting thereon. However, in no event shall a question under this section be submitted to the voters sooner than twelve months from the date of the last question under this section.

2. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and the director of revenue shall collect in addition to the sales tax for the state of Missouri the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

3. All sales taxes collected by the director of revenue under this section on behalf of any city or county, or city not within a county[, less one percent for the cost of collection, which shall be deposited in the state's general revenue

fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a special fund, which is hereby created, to be known as the "Community Children's Services Fund". [The moneys in the city or county, or city not within a county, community children's services fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the fund which was collected in each city or county, or city not within a county, imposing a sales tax under this section, and the records shall be open to the inspection of officers of each city or county, or city not within a county, and the general public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the fund during the preceding month by distributing to the city or county treasurer, or the treasurer of a city not within a county, or such other officer as may be designated by a city or county ordinance or order, or ordinance or order of a city not within a county, of each city or county, or city not within a county, imposing the tax authorized by this section, the sum, as certified by the director of revenue, due the city or county.

4. The director of revenue may authorize the state treasurer to make refunds from the amounts in the fund and credited to any city or county, or city not within a county, for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. Each city or county, or city not within a county, shall notify the director of revenue at least ninety days prior to the effective date of the expiration of the sales tax authorized by this section and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the date of expiration of the tax authorized by this section in such city not within a county or such city or county, the director of revenue shall remit the balance in the account to the city or county, or city not within a county, and close the account of that city or county, or city not within a county. The director of revenue shall notify each city or county, or city not within a county, of each instance of any amount refunded or any check redeemed from receipts due the city or county.

5. Except as modified in this section, all provisions of sections 32.085 [and] **to 32.087** shall apply to the tax imposed under this section.

6. All revenues generated by the tax prescribed in this section shall be deposited in the county treasury or, in a city not within a county, to the board established by law to administer such fund to the credit of a special community children's services fund to accomplish the purposes set out herein and in section 210.861, and shall be used for no other purpose. Such fund shall be administered by a board of directors, established under section 210.861.

67.1959. 1. The board, by a majority vote, may submit to the residents of such district a tax of not more than one percent on all retail sales, except sales of [food as defined in section 144.014, sales of] new or used motor vehicles, trailers, boats, or other outboard motors, [all utilities, telephone and wireless services,] and sales of funeral services, made **on or after January 1, 2014**, within the district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525. Upon the written request of the board to the election authority of the county in which a majority of the area of the district is situated, such election authority shall submit a proposition to the residents of such district at a municipal or statewide primary or general election, or at a special election called for that purpose. Such election authority shall give legal notice as provided in chapter 115.

2. Such proposition shall be submitted to the voters of the district in substantially the following form at such election:

Shall the Tourism Community Enhancement District impose a sales tax of (insert amount) for the purpose of promoting tourism in the district?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters of the proposed district voting thereon are in favor of the proposal, then the order shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the tax. If the proposal receives less than the required majority, then the board shall have no power to impose the sales tax authorized pursuant to this section unless and until the board shall again have submitted another proposal to authorize the board to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters of the district.

67.2000. 1. This section shall be known as the "Exhibition Center and Recreational Facility District Act".

2. An exhibition center and recreational facility district may be created under this section in the following counties:

(1) Any county of the first classification with more than seventy-one thousand three hundred but less than seventy-one thousand four hundred inhabitants;

(2) Any county of the first classification with more than one hundred ninety-eight thousand but less than one hundred ninety-nine thousand two hundred inhabitants;

(3) Any county of the first classification with more than eighty-five thousand nine hundred but less than eighty-six thousand inhabitants;

(4) Any county of the second classification with more than fifty-two thousand six hundred but less than fifty-two thousand seven hundred inhabitants;

(5) Any county of the first classification with more than one hundred four thousand six hundred but less than one hundred four thousand seven hundred inhabitants;

(6) Any county of the third classification without a township form of government and with more than seventeen thousand nine hundred but less than eighteen thousand inhabitants;

(7) Any county of the first classification with more than thirty-seven thousand but less than thirty-seven thousand one hundred inhabitants;

(8) Any county of the third classification without a township form of government and with more than twenty-three thousand five hundred but less than twenty-three thousand six hundred inhabitants;

(9) Any county of the third classification without a township form of government and with more than nineteen thousand three hundred but less than nineteen thousand four hundred inhabitants;

(10) Any county of the first classification with more than two hundred forty thousand three hundred but less than two hundred forty thousand four hundred inhabitants;

(11) Any county of the third classification with a township form of government and with more than eight thousand nine hundred but fewer than nine thousand inhabitants;

(12) Any county of the third classification without a township form of government and with more than eighteen thousand nine hundred but fewer than nineteen thousand inhabitants;

(13) Any county of the third classification with a township form of government and with more than eight thousand but fewer than eight thousand one hundred inhabitants;

(14) Any county of the third classification with a township form of government and with more than eleven thousand five hundred but fewer than eleven thousand six hundred inhabitants.

3. Whenever not less than fifty owners of real property located within any county listed in subsection 2 of this section desire to create an exhibition center and recreational facility district, the property owners shall file a petition with the governing body of each county located within the boundaries of the proposed district requesting the creation of the district. The district boundaries may include all or part of the counties described in this section. The petition shall contain the following information:

(1) The name and residence of each petitioner and the location of the real property owned by the petitioner;

(2) A specific description of the proposed district boundaries, including a map illustrating the boundaries; and

(3) The name of the proposed district.

4. Upon the filing of a petition pursuant to this section, the governing body of any county described in this section may, by resolution, approve the creation of a district. Any resolution to establish such a district shall be adopted by the governing body of each county located within the proposed district, and shall contain the following information:

(1) A description of the boundaries of the proposed district;

(2) The time and place of a hearing to be held to consider establishment of the proposed district;

(3) The proposed sales tax rate to be voted on within the proposed district; and

(4) The proposed uses for the revenue generated by the new sales tax.

5. Whenever a hearing is held as provided by this section, the governing body of each county located within the proposed district shall:

(1) Publish notice of the hearing on two separate occasions in at least one newspaper of general circulation in each county located within the proposed district, with the first publication to occur not more than thirty days before the hearing, and the second publication to occur not more than fifteen days or less than ten days before the hearing;

(2) Hear all protests and receive evidence for or against the establishment of the proposed district; and

(3) Rule upon all protests, which determinations shall be final.

6. Following the hearing, if the governing body of each county located within the proposed district decides to establish the proposed district, it shall adopt an order to that effect; if the governing body of any county located within

the proposed district decides to not establish the proposed district, the boundaries of the proposed district shall not include that county. The order shall contain the following:

- (1) The description of the boundaries of the district;
- (2) A statement that an exhibition center and recreational facility district has been established;
- (3) The name of the district;
- (4) The uses for any revenue generated by a sales tax imposed pursuant to this section; and
- (5) A declaration that the district is a political subdivision of the state.

7. A district established pursuant to this section may, at a general, primary, or special election, submit to the qualified voters within the district boundaries a sales tax of one-fourth of one percent, for a period not to exceed twenty-five years, on all retail sales within the district, which are subject to taxation pursuant to sections 144.010 to 144.525, to fund the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition center and recreational facilities. The ballot of submission shall be in substantially the following form:

Shall the (name of district) impose a sales tax of one-fourth of one percent to fund the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition center and recreational facilities, for a period of (insert number of years)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast in the portion of any county that is part of the proposed district favor the proposal, then the sales tax shall become effective in that portion of the county [that is part of the proposed district on the first day of the first calendar quarter immediately following the election] **as provided by section 32.087**. If a majority of the votes cast in the portion of a county that is a part of the proposed district oppose the proposal, then that portion of such county shall not impose the sales tax authorized in this section until after the county governing body has submitted another such sales tax proposal and the proposal is approved by a majority of the qualified voters voting thereon. However, if a sales tax proposal is not approved, the governing body of the county shall not resubmit a proposal to the voters pursuant to this section sooner than twelve months from the date of the last proposal submitted pursuant to this section. If the qualified voters in two or more counties that have contiguous districts approve the sales tax proposal, the districts shall combine to become one district.

8. There is hereby created a board of trustees to administer any district created and the expenditure of revenue generated pursuant to this section consisting of four individuals to represent each county approving the district, as provided in this subsection. The governing body of each county located within the district, upon approval of that county's sales tax proposal, shall appoint four members to the board of trustees; at least one shall be an owner of a nonlodging business located within the taxing district, or their designee, at least one shall be an owner of a lodging facility located within the district, or their designee, and all members shall reside in the district except that one nonlodging business owner, or their designee, and one lodging facility owner, or their designee, may reside outside the district. Each trustee shall be at least twenty-five years of age and a resident of this state. Of the initial trustees appointed from each county, two shall hold office for two years, and two shall hold office for four years. Trustees appointed after expiration of the initial terms shall be appointed to a four-year term by the governing body of the county the trustee represents, with the initially appointed trustee to remain in office until a successor is appointed, and shall take office upon being appointed. Each trustee may be reappointed. Vacancies shall be filled in the same manner in which the trustee vacating the office was originally appointed. The trustees shall not receive compensation for their services, but may be reimbursed for their actual and necessary expenses. The board shall elect a chair and other officers necessary for its membership. Trustees may be removed if:

- (1) By a two-thirds vote, the board moves for the member's removal and submits such motion to the governing body of the county from which the trustee was appointed; and
- (2) The governing body of the county from which the trustee was appointed, by a majority vote, adopts the motion for removal.

9. The board of trustees shall have the following powers, authority, and privileges:

- (1) To have and use a corporate seal;
- (2) To sue and be sued, and be a party to suits, actions, and proceedings;
- (3) To enter into contracts, franchises, and agreements with any person or entity, public or private, affecting the affairs of the district, including contracts with any municipality, district, or state, or the United States, and any of their agencies, political subdivisions, or instrumentalities, for the funding, including without limitation interest rate exchange or swap agreements, planning, development, construction, acquisition, maintenance, or operation of a single exhibition

center and recreational facilities or to assist in such activity. "Recreational facilities" means locations explicitly designated for public use where the primary use of the facility involves participation in hobbies or athletic activities;

(4) To borrow money and incur indebtedness and evidence the same by certificates, notes, or debentures, to issue bonds and use any one or more lawful funding methods the district may obtain for its purposes at such rates of interest as the district may determine. Any bonds, notes, and other obligations issued or delivered by the district may be secured by mortgage, pledge, or deed of trust of any or all of the property and income of the district. Every issue of such bonds, notes, or other obligations shall be payable out of property and revenues of the district and may be further secured by other property of the district, which may be pledged, assigned, mortgaged, or a security interest granted for such payment, without preference or priority of the first bonds issued, subject to any agreement with the holders of any other bonds pledging any specified property or revenues. Such bonds, notes, or other obligations shall be authorized by resolution of the district board, and shall bear such date or dates, and shall mature at such time or times, but not in excess of thirty years, as the resolution shall specify. Such bonds, notes, or other obligations shall be in such denomination, bear interest at such rate or rates, be in such form, either coupon or registered, be issued as current interest bonds, compound interest bonds, variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such manner, be payable in such place or places, and be subject to redemption as such resolution may provide, notwithstanding section 108.170. The bonds, notes, or other obligations may be sold at either public or private sale, at such interest rates, and at such price or prices as the district shall determine;

(5) To acquire, transfer, donate, lease, exchange, mortgage, and encumber real and personal property in furtherance of district purposes;

(6) To refund any bonds, notes, or other obligations of the district without an election. The terms and conditions of refunding obligations shall be substantially the same as those of the original issue, and the board shall provide for the payment of interest at not to exceed the legal rate, and the principal of such refunding obligations in the same manner as is provided for the payment of interest and principal of obligations refunded;

(7) To have the management, control, and supervision of all the business and affairs of the district, and the construction, installation, operation, and maintenance of district improvements therein; to collect rentals, fees, and other charges in connection with its services or for the use of any of its facilities;

(8) To hire and retain agents, employees, engineers, and attorneys;

(9) To receive and accept by bequest, gift, or donation any kind of property;

(10) To adopt and amend bylaws and any other rules and regulations not in conflict with the constitution and laws of this state, necessary for the carrying on of the business, objects, and affairs of the board and of the district; and

(11) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted by this section.

10. There is hereby created the "Exhibition Center and Recreational Facility District Sales Tax Trust Fund", which shall consist of all sales tax revenue collected pursuant to this section. The director of revenue shall be custodian of the trust fund, and moneys in the trust fund shall be used solely for the purposes authorized in this section. [Moneys in the trust fund shall be considered nonstate funds pursuant to section 15, article IV, Constitution of Missouri.] The director of revenue shall invest moneys in the trust fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the trust fund. All sales taxes collected by the director of revenue pursuant to this section on behalf of the district, less one percent for the cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in the trust fund. The director of revenue shall keep accurate records of the amount of moneys in the trust fund which was collected in the district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of the officers of each district and the general public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the district. The director of revenue may authorize refunds from the amounts in the trust fund and credited to the district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of the district.

11. The sales tax authorized by this section is in addition to all other sales taxes allowed by law. **After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.**

12. Except as modified in this section, all provisions of sections 32.085 [and] to 32.087 apply to the sales tax imposed pursuant to this section.

[12.] 13. Any sales tax imposed pursuant to this section shall not extend past the initial term approved by the voters unless an extension of the sales tax is submitted to and approved by the qualified voters in each county in the manner provided in this section. Each extension of the sales tax shall be for a period not to exceed twenty years. The ballot of submission for the extension shall be in substantially the following form:

Shall the (name of district) extend the sales tax of one-fourth of one percent for a period of (insert number of years) years to fund the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition center and recreational facilities?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast favor the extension, then the sales tax shall remain in effect at the rate and for the time period approved by the voters. If a sales tax extension is not approved, the district may submit another sales tax proposal as authorized in this section, but the district shall not submit such a proposal to the voters sooner than twelve months from the date of the last extension submitted.

[13.] 14. Once the sales tax authorized by this section is abolished or terminated by any means, all funds remaining in the trust fund shall be used solely for the purposes approved in the ballot question authorizing the sales tax. The sales tax shall not be abolished or terminated while the district has any financing or other obligations outstanding; provided that any new financing, debt, or other obligation or any restructuring or refinancing of an existing debt or obligation incurred more than ten years after voter approval of the sales tax provided in this section or more than ten years after any voter-approved extension thereof shall not cause the extension of the sales tax provided in this section or cause the final maturity of any financing or other obligations outstanding to be extended. Any funds in the trust fund which are not needed for current expenditures may be invested by the district in the securities described in subdivisions (1) to (12) of subsection 1 of section 30.270 or repurchase agreements secured by such securities. If the district abolishes the sales tax, the district shall notify the director of revenue of the action at least ninety days before the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the sales tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the sales tax in the district, the director of revenue shall remit the balance in the account to the district and close the account of the district. The director of revenue shall notify the district of each instance of any amount refunded or any check redeemed from receipts due the district.

[14.] 15. In the event that the district is dissolved or terminated by any means, the governing bodies of the counties in the district shall appoint a person to act as trustee for the district so dissolved or terminated. Before beginning the discharge of duties, the trustee shall take and subscribe an oath to faithfully discharge the duties of the office, and shall give bond with sufficient security, approved by the governing bodies of the counties, to the use of the dissolved or terminated district, for the faithful discharge of duties. The trustee shall have and exercise all powers necessary to liquidate the district, and upon satisfaction of all remaining obligations of the district, shall pay over to the county treasurer of each county in the district and take receipt for all remaining moneys in amounts based on the ratio the levy of each county bears to the total levy for the district in the previous three years or since the establishment of the district, whichever time period is shorter. Upon payment to the county treasurers, the trustee shall deliver to the clerk of the governing body of any county in the district all books, papers, records, and deeds belonging to the dissolved district.

67.2030. 1. The governing authority of any city of the fourth classification with more than one thousand six hundred but less than one thousand seven hundred inhabitants and located in any county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants is hereby authorized to impose, by ordinance or order, a sales tax in the amount not to exceed one-half of one percent on all retail sales made in such city which are subject to taxation pursuant to sections 144.010 to 144.525 for the promotion of tourism in such city. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to this section shall be effective unless the governing authority of the city submits to the qualified voters of the city, at any municipal or state general, primary, or special election, a proposal to authorize the governing authority of the city to impose a tax.

2. The ballot of submission shall be in substantially the following form:

Shall the city of (city's name) impose a citywide sales tax of (insert amount) for the purpose of promoting tourism in the city?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect [on the first day of the first calendar quarter immediately following notification to the director of the department of revenue of the election approving the proposal] **as provided by section 32.087.** If a proposal receives less than the required majority, then the governing authority of the city shall have no power to impose the sales tax unless and until the governing authority of the city has submitted another proposal to authorize the imposition of the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. [On and after the effective date of any tax authorized in this section, the city may adopt one of the two following provisions for the collection and administration of the tax:

(1) The city may adopt rules and regulations for the internal collection of such tax by the city officers usually responsible for collection and administration of city taxes; or

(2) The city may enter into an agreement with the director of revenue of the state of Missouri for the purpose of collecting the tax authorized in this section. In the event any city enters into an agreement with the director of revenue of the state of Missouri for the collection of the tax authorized in this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of such tax, and the director of revenue shall collect the additional tax authorized in this section. The tax authorized in this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue, and the director of revenue shall retain an amount not to exceed one percent for cost of collection.

4. If a tax is imposed by a city pursuant to this section, the city may collect a penalty of one percent and interest not to exceed two percent per month on unpaid taxes which shall be considered delinquent thirty days after the last day of each quarter] **After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.**

[5.] 4. (1) The governing authority of any city that has adopted any sales tax pursuant to this section shall, upon filing of a petition calling for the repeal of such sales tax signed by at least ten percent of the qualified voters in the city, submit the question of repeal of the sales tax to the qualified voters at any primary or general election. The ballot of submission shall be in substantially the following form:

Shall (insert name of city) repeal the sales tax of (insert rate of percent) percent for tourism purposes now in effect in (insert name of city)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. **If the city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least one hundred twenty days prior to the effective date of the repeal.**

(2) Once the tax is repealed as provided in this section, all funds remaining in any trust fund or account established to receive revenues generated by the tax shall be used solely for the original stated purpose of the tax. Any funds which are not needed for current expenditures may be invested by the governing authority in accordance with applicable laws relating to the investment of other city funds.

(3) The governing authority of a city repealing a tax pursuant to this section shall notify the director of revenue of the action at least forty-five days before the effective date of the repeal and the director of revenue may order retention in any trust fund created in the state treasury associated with the tax, for a period of one year, of two percent of the amount collected after receipt of such notice to cover refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of repeal of the tax in the city, the director of revenue shall remit the balance in the trust fund to the city and close the account of that

city. The director of revenue shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

(4) In the event that the repeal of a sales tax pursuant to this section dissolves or terminates a taxing district, the governing authority of the city shall appoint a person to act as trustee for the district so dissolved or terminated. Before beginning the discharge of duties, the trustee shall take and subscribe an oath to faithfully discharge the duties of the office, and shall give bond with sufficient security, approved by the governing authority of the city, to the use of the dissolved or terminated district, for the faithful discharge of duties. The trustee shall have and exercise all powers necessary to liquidate the district, and upon satisfaction of all remaining obligations of the district, shall pay over to the city treasurer or the equivalent official and take receipt for all remaining moneys. Upon payment to the city treasurer, the trustee shall deliver to the clerk of the governing authority of the city all books, papers, records, and deeds belonging to the dissolved district.

[6.] 5. Except as modified in this section, all provisions of sections 32.085 [and] ~~to~~ 32.087 shall apply to the tax imposed pursuant to this section."; and

Further amend said bill, Page 22, Section 67.2050, Line 73, by inserting after all of said section the following:

"67.2525. 1. Each member of the board of directors shall have the following qualifications:

(1) As to those subdistricts in which there are registered voters, a resident registered voter in the subdistrict that he or she represents, or be a property owner or, as to those subdistricts in which there are not registered voters who are residents, a property owner or representative of a property owner in the subdistrict he or she represents;

(2) Be at least twenty-one years of age and a registered voter in the district.

2. The district shall be subdivided into at least five but not more than fifteen subdistricts, which shall be represented by one representative on the district board of directors. All board members shall have terms of four years, including the initial board of directors. All members shall take office upon being appointed and shall remain in office until a successor is appointed by the mayor or chairman of the municipality in which the district is located, or elected by the property owners in those subdistricts without registered voters.

3. For those subdistricts which contain one or more registered voters, the mayor or chairman of the city, town, or village shall, with the consent of the governing body, appoint a registered voter residing in the subdistrict to the board of directors.

4. For those subdistricts which contain no registered voters, the property owners who collectively own one or more parcels of real estate comprising more than half of the land situated in each subdistrict shall meet and shall elect a representative to serve upon the board of directors. The clerk of the city, town, or village in which the petition was filed shall, unless waived in writing by all property owners in the subdistrict, give notice by causing publication to be made once a week for two consecutive weeks in a newspaper of general circulation in the county, the last publication of which shall be at least ten days before the day of the meeting required by this section, to call a meeting of the owners of real property within the subdistrict at a day and hour specified in a public place in the city, town, or village in which the petition was filed for the purpose of electing members of the board of directors.

5. The property owners, when assembled, shall organize by the election of a temporary chairman and secretary of the meeting who shall conduct the election. An election shall be conducted for each subdistrict, with the eligible property owners voting in that subdistrict. At the election, each acre of real property within the subdistrict shall represent one share, and each owner, including corporations and other entities, may have one vote in person or for every acre of real property owned by such person within the subdistrict. Each voter which is not an individual shall determine how to cast its vote as provided for in its articles of incorporation, articles of organization, articles of partnership, bylaws, or other document which sets forth an appropriate mechanism for the determination of the entity's vote. If a voter has no such mechanism, then its vote shall be cast as determined by a majority of the persons who run the day-to-day affairs of the voter. The results of the meeting shall be certified by the temporary chairman and secretary to the municipal clerk if the district is established by a municipality described in this section, or to the circuit clerk if the district is established by a circuit court.

6. Successor boards shall be appointed or elected, depending upon the presence or absence of resident registered voters, by the mayor or chairman of a city, town, or village described in this section, or the property owners as set forth above; provided, however, that elections held by the property owners after the initial board is elected shall be certified to the municipal clerk of the city, town, or village where the district is located and the board of directors of the district.

7. Should a vacancy occur on the board of directors, the mayor or chairman of the city, town, or village if there are registered voters within the subdistrict, or a majority of the owners of real property in a subdistrict if there are not

registered voters in the subdistrict, shall have the authority to appoint or elect, as set forth in this section, an interim director to complete any unexpired term of a director caused by resignation or disqualification.

8. The board shall possess and exercise all of the district's legislative and executive powers, including:

(1) The power to fund, promote and provide educational, civic, musical, theatrical, cultural, concerts, lecture series, and related or similar entertainment events or activities, and fund, promote, plan, design, construct, improve, maintain, and operate public improvements, transportation projects, and related facilities within the district;

(2) The power to accept and disburse tax or other revenue collected in the district; and

(3) The power to receive property by gift or otherwise.

9. Within thirty days after the selection of the initial directors, the board shall meet. At its first meeting and annually thereafter the board shall elect a chairman from its members.

10. The board shall appoint an executive director, district secretary, treasurer, and such other officers or employees as it deems necessary.

11. At the first meeting, the board, by resolution, shall define the first and subsequent fiscal years of the district, and shall adopt a corporate seal.

12. A simple majority of the board shall constitute a quorum. If a quorum exists, a majority of those voting shall have the authority to act in the name of the board, and approve any board resolution.

13. At the first meeting, the board, by resolution, shall receive the certification of the election regarding the sales tax, and may impose the sales tax in all subdistricts approving the imposing sales tax. In those subdistricts that approve the sales tax, the sales tax shall become effective [on the first day of the first calendar quarter immediately following the action by the district board of directors imposing the tax] **as provided by section 32.087.**

14. Each director shall devote such time to the duties of the office as the faithful discharge thereof may require and be reimbursed for his or her actual expenditures in the performance of his or her duties on behalf of the district. Directors may be compensated, but such compensation shall not exceed one hundred dollars per month.

15. In addition to all other powers granted by sections 67.2500 to 67.2530, the district shall have the following general powers:

(1) To sue and be sued in its own name, and to receive service of process, which shall be served upon the district secretary;

(2) To fix compensation of its employees and contractors;

(3) To enter into contracts, franchises, and agreements with any person or entity, public or private, affecting the affairs of the district, including contracts with any municipality, district, or state, or the United States, and any of their agencies, political subdivisions, or instrumentalities, for the funding, including without limitation, interest rate exchange or swap agreements, planning, development, construction, acquisition, maintenance, or operation of a district facility or to assist in such activity;

(4) To acquire, develop, construct, equip, transfer, donate, lease, exchange, mortgage, and encumber real and personal property in furtherance of district purposes;

(5) To collect and disburse funds for its activities;

(6) To collect taxes and other revenues;

(7) To borrow money and incur indebtedness and evidence the same by certificates, notes, bonds, debentures, or refunding of any such obligations for the purpose of paying all or any part of the cost of land, construction, development, or equipping of any facilities or operations of the district;

(8) To own or lease real or personal property for use in connection with the exercise of powers pursuant to this subsection;

(9) To provide for the election or appointment of officers, including a chairman, treasurer, and secretary. Officers shall not be required to be residents of the district, and one officer may hold more than one office;

(10) To hire and retain agents, employees, engineers, and attorneys;

(11) To enter into entertainment contracts binding the district and artists, agencies, or performers, management contracts, contracts relating to the booking of entertainment and the sale of tickets, and all other contracts which relate to the purposes of the district;

(12) To contract with a local government, a corporation, partnership, or individual regarding funding, promotion, planning, designing, constructing, improving, maintaining, or operating a project or to assist in such activity;

(13) To contract for transfer to a city, town, or village such district facilities and improvements free of cost or encumbrance on such terms set forth by contract;

(14) To exercise such other powers necessary or convenient for the district to accomplish its purposes which are not inconsistent with its express powers.

16. A district may at any time authorize or issue notes, bonds, or other obligations for any of its powers or purposes. Such notes, bonds, or other obligations:

- (1) Shall be in such amounts as deemed necessary by the district, including costs of issuance thereof;
- (2) Shall be payable out of all or any portion of the revenues or other assets of the district;
- (3) May be secured by any property of the district which may be pledged, assigned, mortgaged, or otherwise encumbered for payment;
- (4) Shall be authorized by resolution of the district, and if issued by the district, shall bear such date or dates, and shall mature at such time or times, but not in excess of forty years, as the resolution shall specify;
- (5) Shall be in such denomination, bear interest at such rates, be in such form, be issued as current interest bonds, compound interest bonds, variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such manner, be payable in such place or places and subject to redemption as such resolution may provide; and
- (6) May be sold at either public or private sale, at such interest rates, and at such price or prices as the district shall determine.

The provisions of this subsection are applicable to the district notwithstanding the provisions of section 108.170.

67.2530. 1. Any note, bond, or other indebtedness of the district may be refunded at any time by the district by issuing refunding bonds in such amount as the district may deem necessary. Such bonds shall be subject to and shall have the benefit of the foregoing provisions regarding notes, bonds, and other obligations. Without limiting the generality of the foregoing, refunding bonds may include amounts necessary to finance any premium, unpaid interest, and costs of issuance in connection with the refunding bonds. Any such refunding may be effected whether the bonds to be refunded then shall have matured or thereafter shall mature, either by sale of the refunding bonds and the application of the proceeds thereof to the payment of the obligations being refunded or the exchange of the refunding bonds for the obligations being refunded with the consent of the holders of the obligations being refunded.

2. Notes, bonds, or other indebtedness of the district shall be exclusively the responsibility of the district payable solely out of the district funds and property and shall not constitute a debt or liability of the state of Missouri or any agency or political subdivision of the state. Any notes, bonds, or other indebtedness of the district shall state on their face that they are not obligations of the state of Missouri or any agency or political subdivision thereof other than the district.

3. Any district may by resolution impose a district sales tax of up to one-half of one percent on all retail sales made in such district that are subject to taxation pursuant to the provisions of sections 144.010 to 144.525. Upon voter approval, and receiving the necessary certifications from the governing body of the municipality in which the district is located, or from the circuit court if the district was formed by the circuit court, the board of directors shall have the power to impose a sales tax at its first meeting, or any meeting thereafter. Voter approval of the question of the imposing sales tax shall be in accordance with section 67.2520. [The sales tax shall become effective in those subdistricts that approve the sales tax on the first day of the first calendar quarter immediately following the passage of a resolution by the board of directors imposing the sales tax.

4. In each district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the district pursuant to this section to the retailer's sale price, and when so added, such tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

5. In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the district may establish appropriate brackets which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided in section 144.285.

6.] 4. All revenue received by a district from the sales tax authorized by this section shall be deposited in a special trust fund and shall be used solely for the purposes of the district. Any funds in such special trust fund which are not needed for the district's current expenditures may be invested by the district board of directors in accordance with applicable laws relating to the investment of other district funds.

[7.] 5. The sales tax may be imposed at a rate of up to one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525. Any district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the subdistricts approving the sales tax.

[8. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525 and the rules and regulations of the director of revenue

issued pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax and the tax shall be reported and returned to and collected by the district.

9. (1) On and after the effective date of any sales tax imposed pursuant to this section, the district shall perform all functions incident to the administration, collection, enforcement, and operation of the tax. The sales tax imposed pursuant to this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the district.

(2)] 6. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

7. All [such] sales taxes [collected by the district] shall be deposited by the district in a special fund to be expended for the purposes authorized in this section. The district shall keep accurate records of the amount of money which was collected pursuant to this section, and the records shall be open to the inspection of officers of each district and the general public.

[(3) The district may contract with the municipality that the district is within for the municipality to collect any revenue received by the district and, after deducting the cost of such collection, but not to exceed one percent of the total amount collected, deposit such revenue in a special trust account. Such revenue and interest may be applied by the municipality to expenses, costs, or debt service of the district at the direction of the district as set forth in a contract between the municipality and the district.

10. (1) All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax, sections 32.085 and 32.087, and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section.

(2) All exemptions granted to agencies of government, organizations, persons, and to the sale of certain articles and items of tangible personal property and taxable services pursuant to the provisions of sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax imposed by this section.

(3) The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

(4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws for the collection of and for payment of taxes pursuant to such laws are hereby allowed and made applicable to any taxes collected pursuant to the provisions of this section.

(5) The penalties provided in section 32.057 and sections 144.010 to 144.525 for violation of those sections are hereby made applicable to violations of this section.

(6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment, or billing.

A sale by a retailer's employee shall be deemed to be consummated at the place of business from which the employee works.

(7)] 8. Subsequent to the initial approval by the voters and implementation of a sales tax in the district, the rate of the sales tax may be increased, but not to exceed a rate of one-half of one percent on retail sales as provided in this subsection. The election shall be conducted in accordance with section 67.2520; provided, however, that the district board of directors may place the question of the increase of the sales tax before the voters of the district by resolution, and the municipal clerk of the city, town, or village which originally conducted the incorporation of the district, or the circuit clerk of the court which originally conducted the incorporation of the district, shall conduct the subsequent election. In subsequent elections, the election judges shall certify the election results to the district board of directors. The ballot of submission shall be in substantially the following form:

Shall (name of district) increase the (insert amount) percent district sales tax now in effect to..... (insert amount) in the (name of district)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon are in favor of the increase, the increase shall become effective [December thirty-first of the calendar year in which such increase was approved] **as provided by section 32.087.**

[11.] **9.** (1) There shall not be any election as provided for in this section while the district has any financing or other obligations outstanding.

(2) The board, when presented with a petition signed by at least one-third of the registered voters in a district that voted in the last gubernatorial election, or signed by at least two-thirds of property owners of the district, calling for an election to dissolve and repeal the tax shall submit the question to the voters using the same procedure by which the imposing tax was voted. The ballot of submission shall be in substantially the following form:

Shall (name of district) dissolve and repeal the (insert amount) percent district sales tax now in effect in the (name of district)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

Such subsequent elections for the repeal of the sales tax shall be conducted in accordance with section 67.2520; provided, however, that the district board of directors may place the question of the repeal of the sales tax before the voters of the district, and the municipal clerk of the city, town, or village which originally conducted the incorporation of the district, or the circuit clerk of the court which originally conducted the incorporation of the district, shall conduct the subsequent election. In subsequent elections the election judges shall certify the election results to the district board of directors.

(3) If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon are in favor of repeal, that repeal shall become effective December thirty-first of the calendar year in which such repeal was approved or after the repayment of the district's indebtedness, whichever occurs later. **If the district abolishes the tax, the district shall notify the director of revenue of the action at least one hundred twenty days prior to the effective date of the repeal.**

[12.] **10.** (1) At such time as the board of directors of the district determines that further operation of the district is not in the best interests of the inhabitants of the district, and that the district should dissolve, the board shall submit for a vote in an election held throughout the district the question of whether the district should be abolished. The question shall be submitted in substantially the following form:

Shall the theater, cultural arts, and entertainment district be abolished?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(2) The district board shall not propose the question to abolish the district while there are outstanding claims or causes of action pending against the district, while the district liabilities exceed its assets, while indebtedness of the district is outstanding, or while the district is insolvent, in receivership or under the jurisdiction of the bankruptcy court. Prior to submitting the question to abolish the district to a vote of the entire district, the state auditor shall audit the district to determine the financial status of the district, and whether the district may be abolished pursuant to law. The vote on the abolition of the district shall be conducted by the municipal clerk of the city, town, or village in which the district is located. The procedure shall be the same as in section 67.2520, except that the question shall be determined by the qualified voters of the entire district. No individual subdistrict may be abolished, except at such time as the district is abolished.

(3) While the district still exists, it shall continue to accrue all revenues to which it is entitled at law.

(4) Upon receipt by the board of directors of the district of the certification by the city, town, or village in which the district is located that the majority of those voting within the entire district have voted to abolish the district, and if the state auditor has determined that the district's financial condition is such that it may be abolished pursuant to law, then the board of directors of the district shall:

(a) Sell any remaining district real or personal property it wishes, and then transfer the proceeds and any other real or personal property owned by the district to the city, town, or village in which the district is located, including revenues due and owing the district, for its further use and disposition;

(b) Terminate the employment of any remaining district employees, and otherwise conclude its affairs;

(c) At a public meeting of the district, declare by a resolution of the board of directors passed by a majority vote that the district has been abolished effective that date;

(d) Cause copies of that resolution under seal to be filed with the secretary of state and the city, town, or village in which the district is located. Upon the completion of the final act specified in this subsection, the legal existence of the district shall cease.

(5) The legal existence of the district shall not cease for a period of two years after voter approval of the abolition.

11. Except as provided in this section, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under this section."; and

Further amend said bill, Page 22, Section 92.387, Line 2, by inserting after all of said section the following:

"94.578. 1. In addition to the sales tax authorized in section 94.577, the governing body of any home rule city with more than one hundred fifty-one thousand five hundred but less than one hundred fifty-one thousand six hundred inhabitants is hereby authorized to impose, by order or ordinance, a sales tax on all retail sales made within the city which are subject to sales tax under chapter 144. The tax authorized in this section may be imposed at a rate of one-eighth, one-fourth, three-eighths, or one-half of one percent, but shall not exceed one-half of one percent, shall not be imposed for longer than three years, and shall be imposed solely for the purpose of funding the construction, operation, and maintenance of capital improvements in the city's center city. The governing body may issue bonds for the funding of such capital improvements, which will be retired by the revenues received from the sales tax authorized by this section. The order or ordinance shall not become effective unless the governing body of the city submits to the voters residing within the city at a state or municipal general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. The ballot submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city) impose a sales tax at a rate of(insert rate of percent) percent for [a] capital improvements purposes in the city's center city for a period of (insert number of years, not to exceed three) years?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of the sales tax. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question. In no case shall a tax be resubmitted to the qualified voters of the city sooner than twelve months from the date of the proposal under this section.

3. Any sales tax imposed under this section shall be administered, collected, enforced, and operated as required in [section] **sections 32.085 to 32.087**. All revenue generated by the tax shall be deposited in a special trust fund and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes the tax, the city shall notify the director of revenue of the action at least ninety days before the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director of revenue shall remit the balance in the account to the city and close the account of that city. The director of revenue shall notify each city of each instance of any amount refunded.

5. The governing body of any city that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city) repeal the sales tax imposed at a rate of (insert rate of percent) percent for capital improvements purposes in the city's center city?

☐ YES

☐ NO

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters, and the repeal is approved by a majority of the qualified voters voting on the question. **If the city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least one hundred twenty days prior to the effective date of the repeal.**

6. Whenever the governing body of any city that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

7. Except as provided in this section, all provisions of sections 32.085 to 32.087 apply to the sales tax imposed under this section.

94.605. 1. Any city as defined in section 94.600 may by a majority vote of its governing body impose a sales tax for transportation purposes enumerated in sections 94.600 to 94.655.

2. The sales tax may be imposed at a rate not to exceed one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any city adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525.

3. With respect to any tax increment financing plan originally approved by ordinance of the city council after March 31, 2009, in any home rule city with more than four hundred thousand inhabitants and located in more than one county, any three-eighths of one cent sales tax imposed under sections 94.600 to 94.655 shall not be considered economic activity taxes as such term is defined under sections 99.805 and 99.918, and tax revenues derived from such taxes shall not be subject to allocation under the provisions of subsection 3 of section 99.845 or subsection 4 of section 99.957. Any one-eighth of one cent sales tax imposed in such city under sections 94.600 to 94.655 for constructing and operating a light-rail transit system shall not be considered economic activity taxes as such term is defined under sections 99.805 and 99.918, and tax revenues derived from such tax shall not be subject to allocation under the provisions of subsection 3 of section 99.845 or subsection 4 of section 99.957.

[4. If the boundaries of a city in which such sales tax has been imposed shall thereafter be changed or altered, the city or county clerk shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the city. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the city clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by sections 94.600 to 94.655 shall be effective in the added territory or abolished in the detached territory on the effective date of the change of the city boundary.]

94.660. 1. The governing body of any city not within a county and any county of the first classification having a charter form of government with a population of over nine hundred thousand inhabitants may propose, by ordinance or order, a transportation sales tax of up to one percent for submission to the voters of that city or county at an authorized election date selected by the governing body.

2. Any sales tax approved under this section shall be imposed on the receipts from the sale at retail of all tangible personal property or taxable services within the city or county adopting the tax, if such property and services are subject to taxation by the state of Missouri under sections 144.010 to 144.525.

3. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the county/city of (county's or city's name) impose a county/citywide sales tax of percent for the purpose of providing a source of funds for public transportation purposes?

☐ YES

☐ NO

Except as provided in subsection 4 of this section, if a majority of the votes cast in that county or city not within a county on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall go into effect [on the first day of the next calendar quarter beginning after its adoption and notice to the director of revenue, but no sooner than thirty days after such adoption and notice] **as provided by section 32.087**. If a majority of the votes cast in that county or city not within a county by the qualified voters voting are opposed to the proposal, then the additional sales tax shall not be imposed in that county or city not within a county unless and until the governing body of that county or city not within a county shall have submitted another proposal to authorize the local option transportation sales tax authorized in this section, and such proposal is approved by a majority of the qualified voters voting on it. In no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal.

4. No tax shall go into effect under this section in any city not within a county or any county of the first classification having a charter form of government with a population over nine hundred thousand inhabitants unless and until both such city and such county approve the tax.

5. The provisions of subsection 4 of this section requiring both the city and county to approve a transportation sales tax before a transportation sales tax may go into effect in either jurisdiction shall not apply to any transportation sales tax submitted to and approved by the voters in such city or such county on or after August 28, 2007.

6. All sales taxes collected by the director of revenue under this section on behalf of any city or county, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds, shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Public Transit Sales Tax Trust Fund". The sales taxes shall be collected as provided in section 32.087. The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each city or county approving a sales tax under this section, and the records shall be open to inspection by officers of the city or county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city or county which levied the tax, and such funds shall be deposited with the treasurer of each such city or county and all expenditures of funds arising from the county public transit sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county or city not within a county.

7. The revenues derived from any transportation sales tax under this section shall be used only for the planning, development, acquisition, construction, maintenance and operation of public transit facilities and systems other than highways.

8. The director of revenue may authorize the state treasurer to make refunds from the amount in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities or counties. If any city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city or county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the city or county and close the account of that city or county. The director of revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county.

94.705. 1. Any city may by a majority vote of its governing body impose a sales tax for transportation purposes enumerated in sections 94.700 to 94.755, and issue bonds for transportation purposes which shall be retired by the revenues received from the sales tax authorized by this section. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law. No ordinance imposing a sales tax pursuant to the provisions of this section shall become effective unless the council or other governing body submits to the voters of the city, at a city or state general, primary, or special election, a proposal to authorize the council or other governing body of the city to impose such a sales tax and, if such tax is to be used to retire bonds authorized pursuant to this section, to authorize such bonds and their retirement by such tax; except that no vote shall be required in any city that imposed and collected such tax under sections 94.600 to 94.655, before January 5, 1984. The ballot of the submission shall contain, but is not limited to, the following language:

(1) If the proposal submitted involves only authorization to impose the tax authorized by this section, the following language:

Shall the city of (city's name) impose a sales tax of (insert amount) for transportation purposes?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No";

(2) If the proposal submitted involves authorization to issue bonds and repay such bonds with revenues from the tax authorized by this section, the following language:

Shall the city of (city's name) issue bonds in the amount of (insert amount) for transportation purposes and impose a sales tax of (insert amount) to repay such bonds?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal, provided in subdivision (1) of this subsection, by the qualified voters voting thereon are in favor of the proposal, then the ordinance and any amendments thereto shall be in effect. If the four-sevenths majority of the votes, as required by the Missouri Constitution, article VI, section 26, cast on the proposal, provided in subdivision (2) of this subsection to issue bonds and impose a sales tax to retire such bonds, by the qualified voters voting thereon are in favor of the proposal, then the ordinance and any amendments thereto shall be in effect. If a majority of the votes cast on the proposal, as provided in subdivision (1) of this subsection, by the qualified voters voting thereon are opposed to the proposal, then the council or other governing body of the city shall have no power to impose the tax authorized in subdivision (1) of this subsection unless and until the council or other governing body of the city submits another proposal to authorize the council or other governing body of the city to impose the tax and such proposal is approved by a majority of the qualified voters voting thereon. If more than three-sevenths of the votes cast by the qualified voters voting thereon are opposed to the proposal, as provided in subdivision (2) of this subsection to issue bonds and impose a sales tax to retire such bonds, then the council or other governing body of the city shall have no power to issue any bonds or to impose the tax authorized in subdivision (2) of this subsection unless and until the council or other governing body of the city submits another proposal to authorize the council or other governing body of the city to issue such bonds or impose the tax to retire such bonds and such proposal is approved by four-sevenths of the qualified voters voting thereon.

2. No incorporated municipality located wholly or partially within any first class county operating under a charter form of government and having a population of over nine hundred thousand inhabitants shall impose such a sales tax for that part of the city, town or village that is located within such first class county, in the event such a first class county imposes a sales tax under the provisions of sections 94.600 to 94.655.

3. The sales tax may be imposed at a rate not to exceed one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any city adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525.

4. [If the boundaries of a city in which such sales tax has been imposed shall thereafter be changed or altered, the city clerk shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the city. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the city clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by sections 94.700 to 94.755 shall be effective in the added territory or abolished in the detached territory on the effective date of the change of the city boundary.

5.] No tax imposed pursuant to this section for the purpose of retiring bonds issued pursuant to this section may be terminated until all of such bonds have been retired."; and

Further amend said bill, Page 43, Section 143.790, Line 255, by inserting after all of said section the following:

"144.010. 1. The following words, terms, and phrases when used in [sections 144.010 to 144.525] **this chapter shall** have the meanings ascribed to them in this section, except when the context indicates a different meaning:

(1) "Admission" includes seats and tables, reserved or otherwise, and other similar accommodations and charges made therefor and amount paid for admission, exclusive of any admission tax imposed by the federal government or by sections 144.010 to 144.525;

(2) "Advertising and promotional direct mail", **printed material that meets the definition of direct mail, the primary purpose of which is to attract public attention to a product, person, business, or organization, or to**

attempt to sell, popularize, or secure financial support for a product, person, business, or organization. As used in this subdivision, the word "product" means tangible personal property, a product transferred electronically or a service;

(3) "Agreement", the streamlined sales and use tax agreement, as amended from time to time;

(4) "Air-to-ground radiotelephone service", a radio service, as that term is defined in 47 CFR 22.99, in which common carriers are authorized to offer and provide radio telecommunications service for hire to subscribers in aircraft;

(5) "Alcoholic beverages", beverages that are suitable for human consumption and contain one-half of one percent or more of alcohol by volume;

(6) "Ancillary services", services that are associated with or incidental to the provisions of telecommunications services, including but not limited to, detailed telecommunications billing, directory assistance, vertical service, and voice mail services. Ancillary services shall not include specified digital products, digital audio-visual works, digital audio works, or digital books;

(7) "Appliance", clothes washer and dryer, water heater, trash compactor, dishwasher, conventional oven, range, stove, air conditioner, furnace, refrigerator and freezer;

(8) "Bottled water", water that is placed in a safety sealed container or package for human consumption. Bottled water is calorie free and does not contain sweeteners or other additives except that it may contain:

(a) Antimicrobial agents;

(b) Fluoride;

(c) Carbonation;

(d) Vitamins, minerals, and electrolytes;

(e) Oxygen;

(f) Preservatives; and

(g) Only those flavors, extracts, or essences derived from a spice or fruit.

Bottled water includes water that is delivered to the buyer in a reusable container that is not sold with the water;

(9) "Bundled transaction":

(a) The retail sale of two or more products, except real property and services to real property, where the products are otherwise distinct and identifiable, and the products are sold for one nonitemized price. A bundled transaction shall not include the sale of any products in which the sales price varies, or is negotiable, based on the selection by the purchaser of the products included in the transaction;

(b) As used in this paragraph, the term "distinct and identifiable products" shall not include:

a. Packaging, such as containers, boxes, sacks, bags, and bottles, or other materials, such as wrapping, labels, tags, and instruction guides, that accompany the retail sale of the products and are incidental or immaterial to the retail sale thereof;

b. A product provided free of charge with the required purchase of another product. A product is provided free of charge if the sales price of the product purchased does not vary depending on the inclusion of the product provided free of charge;

c. Items included in the definition of the term sales price;

(c) As used in this paragraph, the term "one nonitemized price" shall not include a price that is separately identified by product on binding sales or other supporting sales-related documentation made available to the customer in paper or electronic form, including but not limited to an invoice, bill of sale, receipt, contract, service agreement, lease agreement, periodic notice of rates and services, rate card, or price list;

(d) a. A transaction that otherwise meets the definition of a bundled transaction as defined in this subdivision shall not constitute a bundled transaction if it is:

(i) A retail sale of tangible personal property and a service where the tangible personal property is essential to the use of the service, and is provided exclusively in connection with the service, and the true object of the transaction is the service; or

(ii) A retail sale of services where one service is provided that is essential to the use or receipt of a second service and the first service is provided exclusively in connection with the second service and the true object of the transaction is the second service; or

(iii) A transaction that includes taxable products and nontaxable products and the sales price of the taxable products is de minimis.

b. "De minimis" means the sales price of the taxable product is ten percent or less of the total sales price of the bundled products.

c. Sellers shall use the sales price of the products to determine if the taxable products are de minimis.

d. (i) Sellers shall use the full term of a service contract to determine if the taxable products are de minimis; or

(ii) A retail sale of exempt tangible personal property and taxable tangible personal property where:

i. The transaction includes food and food ingredients, drugs, durable medical equipment, mobility enhancing equipment, over-the-counter drugs, prosthetic devices, or medical supplies; and

ii. The seller's purchase price or sales price of the taxable tangible personal property is fifty percent or less of the total sales price of the bundled tangible personal property. Sellers shall not use a combination of the purchase price and sales price of the tangible personal property when making the fifty percent determination for a transaction;

(10) "Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either direct or indirect, and the classification of which business is of such character as to be subject to the terms of sections 144.010 to 144.525. A person is "engaging in business" in this state for purposes of sections 144.010 to 144.525 if such person "engages in business in this state" or "maintains a place of business in this state" under section 144.605. The isolated or occasional sale of tangible personal property, service, substance, or thing, by a person not engaged in such business, does not constitute engaging in business within the meaning of sections 144.010 to 144.525 unless the total amount of the gross receipts from such sales, exclusive of receipts from the sale of tangible personal property by persons which property is sold in the course of the partial or complete liquidation of a household, farm or nonbusiness enterprise, exceeds three thousand dollars in any calendar year. The provisions of this subdivision shall not be construed to make any sale of property which is exempt from sales tax or use tax on June 1, 1977, subject to that tax thereafter;

[(3)] (11) "Calendar quarter", the period of three consecutive calendar months ending on March thirty-first, June thirtieth, September thirtieth or December thirty-first;

(12) "Call-by-call basis", any method of charging for telecommunications services where the price is measured by individual calls;

(13) "Candy", a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts or other ingredients or flavorings in the form of bars, drops, or pieces. Candy shall not include any preparation containing flour and shall require no refrigeration;

(14) "Captive wildlife", includes but is not limited to exotic partridges, gray partridge, northern bobwhite quail, ring-necked pheasant, captive waterfowl, captive white-tailed deer, captive elk, and captive furbearers held under permit issued by the Missouri department of conservation for hunting purposes. The provisions of this subdivision shall not apply to sales tax on a harvested animal;

(15) "Certified automated system" or "CAS", software certified under the streamlined sales and use tax agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state, and maintain a record of the transaction;

(16) "Certified service provider" or "CSP", an agent certified under the streamlined sales and use tax agreement to perform all the seller's sales and use tax functions, other than the seller's obligation to remit tax on its own purchases;

(17) "Clothing":

(a) All human wearing apparel suitable for general use;

(b) Clothing shall include:

a. Aprons, household and shop;

b. Athletic supporters;

c. Baby receiving blankets;

d. Bathing suits and caps;

e. Beach capes and coats;

f. Belts and suspenders;

g. Boots;

h. Coats and jackets;

i. Costumes;

j. Diapers, children and adult, including disposable diapers;

k. Ear muffs;

l. Footlets;

m. Formal wear;

n. Garters and garter belts;

o. Girdles;

p. Gloves and mittens for general use;

- q. Hats and caps;
- r. Hosiery;
- s. Insoles for shoes;
- t. Lab coats;
- u. Neckties;
- v. Overshoes;
- w. Pantyhose;
- x. Rainwear;
- y. Rubber pants;
- z. Sandals;
- aa. Scarves;
- bb. Shoes and shoelaces;
- cc. Slippers;
- dd. Sneakers;
- ee. Socks and stockings;
- ff. Steel toed-shoes;
- gg. Underwear;
- hh. Uniforms, athletic and nonathletic; and
- ii. Wedding apparel;
- (c) Clothing shall not include:
 - a. Belt buckles sold separately;
 - b. Costume masks sold separately;
 - c. Patches and emblems sold separately;
 - d. Sewing equipment and supplies, including but not limited to, knitting needles, patterns, pins, scissors, sewing machines, sewing needles, tape measures, and thimbles; and
 - e. Sewing materials that become part of clothing, including but not limited to buttons, fabric, lace, thread, yarn, and zippers;
- (18) "Clothing accessories and equipment", incidental items worn on the person or in conjunction with clothing. Clothing accessories and equipment are mutually exclusive of clothing, sport or recreational equipment, and protective equipment;
- (19) "Coin-operated telephone service", a telecommunications service paid for by inserting money into a telephone accepting direct deposits of money to operate;
- (20) "Communications channel", a physical or virtual path of communications over which signals are transmitted between or among customer channel termination points;
- (21) "Computer", an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions;
- (22) "Computer software", a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task. Computer software shall not include specified digital products, digital audio-visual works, digital audio works, or digital books;
- (23) "Conference bridging service", an ancillary service that links two or more participants of an audio or video conference call and may include the provision of a telephone number. Conference bridging service does not include the telecommunications services used to reach the conference bridge;
- (24) "Customer", the person or entity that contracts with the seller of telecommunications services. If the end user of telecommunications services is not the contracting party, the end user of the telecommunications service is the customer of the telecommunication service, but this definition only applies to the purpose of sourcing sales of telecommunications services under section 144.043. Customer shall not include a reseller of telecommunications service or for mobile telecommunications service of a serving carrier under an agreement to serve the customer outside the home service provider's licensed service area;
- (25) "Customer channel termination point", the location where the customer either inputs or receives the communication;
- (26) "Delivered electronically", delivered to the purchaser by means other than tangible storage media;
- (27) "Delivery charges", charges by the seller of personal property or services for preparation and delivery to a location designated by the purchaser of personal property or services, including but not limited to transportation, shipping, postage, handling, crating, and packing;
- (28) "Detailed telecommunications billing service", an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement;

(29) "Dietary supplement", any product, other than tobacco, intended to supplement the diet that contains one or more of the following dietary ingredients: a vitamin; a mineral; an herb or other botanical; an amino acid; a dietary substance for use by humans to supplement the diet by increasing the total dietary intake; or a concentrate, metabolite, constituent, extract, or combination of any ingredient described above; and that is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or if not intended for ingestion in such a form, is not represented as a conventional food and is not represented for use as a sole item of a meal or of the diet; and that is required to be labeled as a dietary supplement, identifiable by the supplemental facts box found on the label and as required under 21 CFR Section 101.36;

(30) "Digital audio works", works that result from the fixation of a series of musical, spoken, or other sounds, including ringtones;

(31) "Digital audio-visual works", a series of related images which, when shown in succession, impart an impression of motion, together with accompanying sounds, if any;

(32) "Digital books", works that are generally recognized in the ordinary and usual sense as books;

(33) "Direct mail", printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addressees on a mailing list provided by the purchaser or at the direction of the purchaser when the cost of the items is not billed directly to the recipients. Direct mail shall include tangible personal property supplied directly or indirectly by the purchaser to the direct mail seller for inclusion in the package containing the printed material. Direct mail shall not include multiple items of printed material delivered to a single address;

(34) "Directory assistance", an ancillary service of providing telephone number information, or address information;

(35) "Drug":

(a) A compound, substance, or preparation, and any component of a compound, substance, or preparation, other than food and food ingredients, dietary supplements, alcoholic beverages, or grooming and hygiene products:

a. Recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or supplement to any of them;

b. Intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or

c. Intended to affect the structure or any function of the body;

(b) Drug shall include insulin and medical oxygen;

(36) "Durable medical equipment", equipment including repair and replacement parts for same, excluding mobility enhancing equipment. Durable medical equipment:

(a) Can withstand repeated use;

(b) Is primarily and customarily used to serve a medical purpose;

(c) Generally is not useful to a person in the absence of illness or injury;

(d) Is not worn in or on the body;

(e) Is for home use;

(f) Is within the classification of devices eligible for MO HealthNet and Medicare reimbursement;

(g) Shall not include:

a. Kidney dialysis equipment not worn in or on the body, including repair and replacement parts; and

b. Enteral feeding systems not worn in or on the body, including repair and replacement parts.

As used in this subdivision, repair and replacement parts shall include all components or attachments used in conjunction with the durable medical equipment;

(37) "Electronic", relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;

(38) "End user", the person who utilizes the telecommunication service. In case of an entity, "end user" means the individual who utilizes the service on behalf of the entity;

(39) "Energy star qualified product", a product that meets the energy efficient guidelines set by the United States Environmental Protection Agency and the United States Department of Energy that is authorized to carry the Energy Star label. Covered products are those listed at www.energystar.gov or successor address;

(40) "Engages in business activities within this state", includes:

(a) Purposefully or systematically exploiting the market provided by this state by any media-assisted, media-facilitated, or media-solicited means, including but not limited to direct mail advertising, distribution of catalogs, computer-assisted shopping, telephone, television, radio, or other electronic media, or magazine or newspaper advertisements, or other media; or

(b) Being owned or controlled by the same interests which own or control any seller engaged in the same or similar line of business in this state; or

(c) Maintaining or having a franchisee or licensee operating under the seller's trade name in this state if the franchisee or licensee is required to collect sales tax under sections 144.010 to 144.525; or

(d) Soliciting sales or taking orders by sales agents or traveling representatives;

(41) "Food and food ingredients", substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. Food and food ingredients shall not include alcoholic beverages, tobacco, or dietary supplements;

(42) "Food sold through a vending machine", food dispensed from a machine or other mechanical device that accepts payment;

(43) "Grooming and hygiene products", soaps and cleaning solutions, shampoo, toothpaste, mouthwash, antiperspirants, and suntan lotions and screens, regardless of whether the items meet the definition of over-the-counter drugs;

[(4)] (44) "Gross receipts"[,] or "sales price":

(a) Except as provided in section 144.012, [means the total amount of the sale price of the sales at retail including any services other than charges incident to the extension of credit that are a part of such sales made by the businesses herein referred to, capable of being valued in money, whether received in money or otherwise; except that, the term "gross receipts" shall not include the sale price of property returned by customers when the full sale price thereof is refunded either in cash or by credit. In determining any tax due under sections 144.010 to 144.525 on the gross receipts, charges incident to the extension of credit shall be specifically exempted. For the purposes of sections 144.010 to 144.525 the total amount of the sale price above mentioned shall be deemed to be the amount received. It shall also include the lease or rental consideration where the right to continuous possession or use of any article of tangible personal property is granted under a lease or contract and such transfer of possession would be taxable if outright sale were made and, in such cases, the same shall be taxable as if outright sale were made and considered as a sale of such article, and the tax shall be computed and paid by the lessee upon the rentals paid;] **applies to the measure subject to sales tax and means the total amount of consideration, including cash, credit, property, and services, for which personal property or services are sold, leased, or rented, valued in money, whether received in money or otherwise, without any deduction for the following:**

a. The seller's cost of the property sold;

b. The cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller;

c. Charges by the seller for any services necessary to complete the sale, other than delivery and installation charges;

d. Delivery charges; and

e. Credit for any trade-in;

(b) Shall not include:

a. Discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a seller and taken by a purchaser on a sale;

b. Interest, financing, and carrying charges from credit extended on the sale of personal property or services, if the amount is separately stated on the invoice, bill of sale or similar document given to the purchaser; and

c. Any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale or similar document given to the purchaser;

(c) Shall include consideration received by the seller from third parties if:

a. The seller actually receives consideration from a party other than the purchaser and the consideration is directly related to a price reduction or discount on the sale;

b. The seller has an obligation to pass the price reduction or discount through to the purchaser;

c. The amount of the consideration attributable to the sale is fixed and determinable by the seller at the time of the sale of the item to the purchaser; and

d. One of the following criteria is met:

(i) The purchaser presents a coupon, certificate or other documentation to the seller to claim a price reduction or discount where the coupon, certificate or documentation is authorized, distributed, or granted by a third party with the understanding that the third party will reimburse any seller to whom the coupon, certificate or documentation is presented;

(ii) The purchaser identifies himself or herself to the seller as a member of a group or organization entitled to a price reduction or discount (a preferred customer card that is available to any patron does not constitute membership in such a group); or

(iii) The price reduction or discount is identified as a third-party price reduction or discount on the invoice received by the purchaser or on a coupon, certificate or other documentation presented by the purchaser;

(45) "Home service provider", the same as such term is defined in Section 124(5) of Public Law 106-252, Mobile Telecommunications Sourcing Act;

(46) "Lease or rental":

(a) Any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration. A lease or rental may include future options to purchase or extend;

(b) Lease or rental shall not include:

a. A transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments;

b. A transfer of possession or control of property under an agreement that requires the transfer of title upon completion of required payments and where any payment of an option price does not exceed the greater of one hundred dollars or one percent of the total required payments;

c. Providing tangible personal property along with an operator for a fixed or indeterminate period of time provided that the operator is necessary for the equipment to perform as designed and the operator does more than maintain, inspect, or set up the tangible personal property;

(c) Lease or rental includes agreements covering motor vehicles and trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon sale or disposition of the property as defined in 26 U.S.C. Section 7701(h)(1), as amended;

(47) "Light aircraft", a light airplane that seats no more than four persons, with a gross weight of three thousand pounds or less, which is primarily used for recreational flying or flight training;

(48) "Light aircraft kit", factory manufactured light aircraft parts and components, including engine, propeller, instruments, wheels, brakes, and air frame parts which make up a complete aircraft kit or partial kit designed to be assembled into a light aircraft and then operated by a qualified light aircraft purchaser for recreational and educational purposes;

(49) "Light aircraft parts and components", manufactured light aircraft parts, including air frame and engine parts, that are required by the qualified light aircraft purchaser to complete a light aircraft kit, or spare or replacement parts for an already completed light aircraft;

[(5)] (50) "Livestock", cattle, calves, sheep, swine, ratite birds, including but not limited to, ostrich and emu, aquatic products as defined in section 277.024, llamas, alpaca, buffalo, elk documented as obtained from a legal source and not from the wild, goats, horses, other equine, or rabbits raised in confinement for human consumption;

[(6)] (51) "Load and leave", delivery to the purchaser by use of a tangible storage media where the tangible storage media is not physically transferred to the purchaser;

(52) "Maintains a place of business in this state", includes maintaining, occupying, or using, permanently or temporarily, directly or indirectly, or through a subsidiary, or agent, by whatever name called, an office, place of distribution, sales or sample room or place, warehouse or storage place, or other place of business;

(53) "Mobile telecommunications service", the same as such term is defined in Section 124(7) of Public Law 106-252, Mobile Telecommunications Sourcing Act;

(54) "Mobility enhancing equipment", equipment, including repair and replacement parts to same, which:

(a) Is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either in a home or a motor vehicle; and

(b) Is not generally used by persons with normal mobility; and

(c) Is within the classification of devices eligible for MO HealthNet and Medicare reimbursement.

Mobility enhancement equipment shall not include durable medical equipment or any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer;

(55) "Model 1 seller", a seller registered under the agreement that has selected a certified service provider as its agent to perform all the seller's sales and use tax functions, other than the seller's obligation to remit tax on its own purchases;

(56) "Model 2 seller", a seller that has selected a certified automated system (CAS) to perform part of its sales and use tax functions, but retains responsibility for remitting the tax;

(57) "Model 3 seller", a seller registered under the agreement that has sales in at least five member states, has total annual sales revenue of at least five hundred million dollars, has a proprietary system that calculates the amount of tax due each jurisdiction, and has entered into a performance agreement with the member states that establishes a tax performance standard for the seller. As used in this subdivision, a seller shall include an affiliated group of sellers using the same proprietary system;

(58) "Model 4 seller", a seller that is registered under the agreement and is not a Model 1 Seller, a Model 2 Seller or a Model 3 Seller;

(59) "Motor vehicle leasing company" [shall be], a company obtaining a permit from the director of revenue to operate as a motor vehicle leasing company. Not all persons renting or leasing trailers or motor vehicles need to obtain such a permit; however, no person failing to obtain such a permit may avail itself of the optional tax provisions of subsection 5 of section 144.070, as hereinafter provided;

[(7)] (60) "Other direct mail", any direct mail that is not advertising and promotional direct mail regardless of whether advertising and promotional direct mail is included in the same mailing. Other direct mail includes, but is not limited to:

(a) Transactional direct mail that contains personal information specific to the one addressee including, but not limited to, invoices, bills, statements of account, and payroll advices;

(b) Any legally required mailings including, but not limited to, privacy notices, tax reports, and stockholder reports; and

(c) Other nonpromotional direct mail delivered to existing or former shareholders, customers, employees, or agents including, but not limited to, newsletters and informational pieces.

Other direct mail shall not include the development of billing information or the provision of any data processing service that is more than incidental;

(61) "Over-the-counter drug", a drug, excluding grooming and hygiene products, that contains a label that identifies the product as a drug as required by 21 CFR Section 201.66 and includes:

(a) A drug facts panel; or

(b) A statement of the active ingredients with a list of those ingredients contained in the compound, substance, or preparation;

(62) "Person" includes any individual, firm, copartnership, joint adventure, association, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or agency, [except the state transportation department,] estate, trust, business trust, receiver or trustee appointed by the state or federal court, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number, or any other legal entity;

[(8)] (63) "Place of primary use", the street address representative of where the customer's use of the telecommunications service primarily occurs, which shall be the residential street address or the primary business street address of the customer. In the case of mobile telecommunications services, place of primary use shall be within the licensed service area of the home service provider;

(64) "Post-paid calling service", the telecommunications service obtained by making a payment on a call-by-call basis either through the use of a credit card or payment mechanism such as a bank card, travel card, credit card, or debit card, or by charge made to a telephone number which is not associated with the origination or termination of the telecommunications service. A post-paid calling service includes a telecommunications service, except a prepaid wireless calling service, that would be a prepaid calling service except it is not exclusively a telecommunications service;

(65) "Prepaid calling service", the right to access exclusively telecommunications services, which must be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount;

(66) "Prepaid wireless calling service", a telecommunications service that provides the right to utilize mobile wireless services as well as other nontelecommunications services, including the download of digital products delivered electronically, content and ancillary services, which must be paid for in advance and that is sold in predetermined units or dollars of which the number declines with use in a known amount;

(67) "Prepared food", food sold in a heated state or heated by the seller; two or more food ingredients mixed or combined by the seller for sale as a single item; or food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws. A plate shall not include a container or packaging used to transport the food. Prepared food shall not include food that is only cut, repackaged, or pasteurized by the seller and eggs, fish, meat, poultry, and foods containing these raw animal foods requiring

cooking by the consumer as recommended by the Food and Drug Administration in Chapter 3, Part 401.11 of the Food Code so as to prevent food borne illnesses;

(68) "Prescription", an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized by the laws of the state;

(69) "Prewritten computer software", computer software, including prewritten upgrades, which is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten portions thereof shall not cause the combination to be other than prewritten computer software. Prewritten computer software shall include software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the specific purchaser. Where a person modifies or enhances computer software of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person's modifications or enhancements. Prewritten computer software or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains prewritten computer software; provided, however, that where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for such modification or enhancement, such modification or enhancement shall not constitute prewritten computer software;

(70) "Private communication service", a telecommunications service that entitles the customer to exclusive or priority use of a communications channel or group of channels between or among termination points, regardless of the manner in which such channel or channels are connected, and includes switching capacity, extension lines, stations, and any other associated services that are provided in connection with the use of such channel or channels;

(71) "Product-based exemption", an exemption based on the description of the product and not based on who purchases the product or how the purchaser intends to use the product;

(72) "Product which is intended to be sold ultimately for final use or consumption", tangible personal property, or any service that is subject to state or local sales or use taxes, or any tax that is substantially equivalent to these taxes, in this state or any other state;

(73) "Prosthetic device", a replacement, corrective, or supportive device including repair and replacement parts for same worn on or in the body to artificially replace a missing portion of the body, prevent or correct physical deformity or malfunction, or support a weak or deformed portion of the body. The term "prosthetic device" shall not include corrective eyeglasses or contact lenses and shall be limited to the classification of devices eligible for MO HealthNet and Medicare reimbursement;

(74) "Protective equipment", items for human wear and designed as protection of the wearer against injury or disease or as protection against damage or injury of other persons or property but not suitable for general use. Protective equipment is mutually exclusive of clothing, clothing accessories or equipment, and sport or recreational equipment;

(75) "Purchase", the acquisition of the ownership of, or title to, tangible personal property, through a sale, as defined herein, for the purpose of storage, use or consumption in this state;

(76) "Purchase price", applies to the measure subject to use tax and has the same meaning as sales price;

(77) "Purchaser" [means], a person [who purchases tangible] to whom a sale of personal property is made or to whom [are rendered services, receipts from which are taxable under sections 144.010 to 144.525] a service is furnished;

[(9)] (78) "Qualified light aircraft purchaser", a purchaser of a light aircraft, light aircraft kit, light aircraft parts or components who is a nonresident of this state, who will transport the light aircraft, light aircraft kit, light aircraft parts or components outside this state within ten days after the date of purchase, and who will register any light aircraft so purchased in another state or country. Such purchaser shall not base such aircraft in this state and such purchaser shall not be a resident of the state unless such purchaser has paid sales or use tax on such aircraft in another state;

(79) "Receive" or "receipt", taking possession of tangible personal property; making first use of services; or taking possession or making first use of digital goods, whichever comes first. Receive and receipt shall not include possession by a shipping company on behalf of the purchaser;

(80) "Registered under the agreement", registration by a seller with the member states under the central registration system provided in Article IV of the agreement;

(81) "Research or experimentation activities" are the development of an experimental or pilot model, plant process, formula, invention or similar property, and the improvement of existing property of such type. Research or experimentation activities do not include activities such as ordinary testing or inspection of materials or products for

quality control, efficiency surveys, advertising promotions or research in connection with literary, historical or similar projects;

[(10) "Sale" or "sales" includes installment and credit sales, and the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale, and means any transfer, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for valuable consideration and the rendering, furnishing or selling for a valuable consideration any of the substances, things and services herein designated and defined as taxable under the terms of sections 144.010 to 144.525;

(11)] **(82) "Sale at retail"** [means any transfer made by any person engaged in business as defined herein of the ownership of, or title to, tangible personal property to the purchaser, for use or consumption and not for resale in any form as tangible personal property, for a valuable consideration; except that, for the purposes of sections 144.010 to 144.525 and the tax imposed thereby: (i) purchases of tangible personal property made by duly licensed physicians, dentists, optometrists and veterinarians and used in the practice of their professions shall be deemed to be purchases for use or consumption and not for resale; and (ii) the selling of computer printouts, computer output or microfilm or microfiche and computer-assisted photo compositions to a purchaser to enable the purchaser to obtain for his or her own use the desired information contained in such computer printouts, computer output on microfilm or microfiche and computer-assisted photo compositions shall be considered as the sale of a service and not as the sale of tangible personal property] **or "retail sale" means any sale, lease, or rental for any purpose other than for resale, sublease, or subrent. Purchases of tangible personal property made by duly licensed physicians, dentists, optometrists, and veterinarians and used in the practice of their professions shall be deemed to be purchases for use or consumption and not for resale.** Where necessary to conform to the context of sections 144.010 to 144.525 and the tax imposed thereby, the term "sale at retail" shall be construed to embrace:

(a) Sales of admission tickets, cash admissions, charges and fees to or in places of amusement, entertainment and recreation, games and athletic events;

(b) Sales of electricity, electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(c) Sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations, and the sale, rental or leasing of all equipment or services pertaining or incidental thereto;

(d) Sales of service for transmission of messages by telegraph companies;

(e) Sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist camp, tourist cabin, or other place in which rooms, meals or drinks are regularly served to the public;

(f) Sales of tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane, and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(g) Sales or charges for video programming service described in Public Law No. 104-104, Title VI, Section 602, 110 Stat. 144 (1996).

(83) "School art supply":

(a) An item commonly used by a student in a course of study for artwork. The term is mutually exclusive of the terms school supply, school instructional material, and school computer supply;

(b) The following is an all-inclusive list:

a. Clay and glazes;

b. Paints, acrylic, tempora, and oil;

c. Paintbrushes for artwork;

d. Sketch and drawing pads; and

e. Watercolors;

(84) "School computer supply":

(a) An item commonly used by a student in a course of study in which a computer is used. The term is mutually exclusive of the terms school supply, school art supply, and school instructional material.

(b) The following is an all-inclusive list:

a. Computer storage media, diskettes, compact disks;

b. Handheld electronic schedulers, except devices that are cellular phones;

c. Personal digital assistants, except devices that are cellular phones; and

d. Computer printers and printer supplies for computers, printer paper, and printer ink;

(85) "School instructional material":

(a) Written material commonly used by a student in a course of study as a reference and to learn the subject being taught. The term is mutually exclusive of the terms school supply, school art supply, and school computer supply;

(b) The following is an all-inclusive list:

- a. Reference books;
- b. Reference maps and globes;
- c. Textbooks; and
- d. Workbooks;

(86) "School supply":

(a) An item commonly used by a student in a course of study. The term is mutually exclusive of the terms school art supply, school instructional material, and school computer supply;

(b) The following is an all-inclusive list:

- a. Binders;
- b. Book bags;
- c. Calculators;
- d. Cellophane tape;
- e. Blackboard chalk;
- f. Compasses;
- g. Composition books;
- h. Crayons;
- i. Erasers;
- j. Folders, expandable, pocket, plastic, and manila;
- k. Glue, paste, and paste sticks;
- l. Highlighters;
- m. Index cards;
- n. Index card boxes;
- o. Legal pads;
- p. Lunch boxes;
- q. Markers;
- r. Notebooks;
- s. Paper, loose leaf notebook paper, copy paper, graph paper, tracing paper, manila paper, colored paper, poster board, and construction paper;
- t. Pencil boxes and other school supply boxes;
- u. Pencil sharpeners;
- v. Pencils;
- w. Pens;
- x. Protractors;
- y. Rulers;
- z. Scissors; and
- aa. Writing tablets;

[(12)] (87) "Seller" means a person [selling or furnishing tangible] **making sales, leases, or rentals of personal property or [rendering services, on the receipts from which a tax is imposed pursuant to section 144.020] services;**

(88) "Selling agent", every person acting as a representative of a principal, when such principal is not registered with the director of revenue of the state of Missouri for the collection of the taxes imposed under this chapter and who receives compensation by reason of the sale of tangible personal property of the principal, if such property is to be stored, used, or consumed in this state;

(89) "Service address":

(a) The location of the telecommunications equipment to which a customer's call is charged and from which the call originates or terminates, regardless of where the call is billed or paid;

(b) If the location in paragraph (a) of this subdivision is not known, "service address" means the origination point of the signal of the telecommunications services first identified by either the seller's telecommunications system or in information received by the seller from its service provider, where the system used to transport such signals is not that of the seller;

(c) If the location in paragraphs (a) and (b) of this subdivision are not known, the service address shall be the location of the customer's place of primary use;

(90) "Specified digital products", electronically transferred digital audio-visual works, digital audio works, and digital books;

(91) "Sport or recreational equipment", items designed for human use and worn in conjunction with an athletic or recreational activity that are not suitable for general use. Sport or recreational equipment are mutually exclusive of clothing, clothing accessories or equipment, and protective equipment;

(92) "State", any state of the United States, the District of Columbia, and the Commonwealth of Puerto Rico;

(93) "Storage", any keeping or retention in this state of tangible personal property purchased from a vendor, except property for sale or property that is temporarily kept or retained in this state for subsequent use outside the state;

(94) "Tangible personal property", personal property that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses. Tangible personal property shall include electricity, water, gas, steam, and prewritten computer software. Tangible personal property shall not include specified digital products, digital audio-visual works, digital audio works, or digital books;

[(13) The noun] (95) "Tax" [means], either the tax payable by the purchaser of a commodity or service subject to tax, or the aggregate amount of taxes due from the vendor of such commodities or services during the period for which he or she is required to report his or her collections, as the context may require;

(96) "Taxpayer", any person remitting the tax or who should remit the tax levied by this chapter;

(97) "Telecommunications nonrecurring charges", an amount billed for the installation, connection, change or initiation of telecommunications service received by the customer;

[(14)] (98) "Telecommunications service"[, for the purpose of this chapter, the transmission of information by wire, radio, optical cable, coaxial cable, electronic impulses, or other similar means. As used in this definition, "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. Telecommunications service does not include the following if such services are separately stated on the customer's bill or on records of the seller maintained in the ordinary course of business:

(a) Access to the internet, access to interactive computer services or electronic publishing services, except the amount paid for the telecommunications service used to provide such access;

(b) Answering services and one-way paging services;

(c) Private mobile radio services which are not two-way commercial mobile radio services such as wireless telephone, personal communications services or enhanced specialized mobile radio services as defined pursuant to federal law; or

(d) Cable or satellite television or music services; and

(15) "Product which is intended to be sold ultimately for final use or consumption" means tangible personal property, or any service that is subject to state or local sales or use taxes, or any tax that is substantially equivalent thereto, in this state or any other state.];

(a) The electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points;

(b) Telecommunications service shall include such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether such service is referred to as voice over internet protocol services or is classified by the Federal Communications Commission as enhanced or value added;

(c) Telecommunications service shall include air-to-ground radiotelephone service, mobile telecommunications service, post-paid calling service, prepaid calling service, prepaid wireless calling service, and private communication service;

(d) Telecommunications service shall not include:

a. Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a purchaser where such purchaser's primary purpose for the underlying transaction is the processed data or information;

b. Installation or maintenance of wiring or equipment on a customer's premises;

c. Tangible personal property;

d. Advertising, including but not limited to directory advertising;

e. Billing and collection services provided to third parties;

f. Internet access service;

g. Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services shall include but not be limited to cable service, as defined

in 47 U.S.C. Section 522(6), as amended, and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 CFR 20.3;

h. Ancillary services; or

i. Digital products delivered electronically, including, but not limited to, software, music, video, reading materials, or ring tones;

(99) "Transportation equipment", any of the following:

(a) Locomotives and railcars that are utilized for the carriage of persons or property in interstate commerce;

(b) Trucks and truck-tractors with a gross vehicle weight rating (GVWR) of ten thousand one pounds or greater, trailers, semitrailers, or passenger buses that are:

a. Registered through the International Registration Plan; and

b. Operated under authority of a carrier authorized and certificated by the United States Department of Transportation or another federal authority to engage in the carriage of persons or property in interstate commerce;

(c) Aircraft that are operated by air carriers authorized and certificated by the United States Department of Transportation or another federal or a foreign authority to engage in the carriage of persons or property in interstate or foreign commerce;

(d) Containers designed for use on and component parts attached or secured on the items set forth in paragraphs (a) to (c) of this subdivision;

(100) "Tobacco", cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco;

(101) "Use", the exercise of any right or power over tangible personal property incident to the ownership or control of that property, except that it does not include the temporary storage of property in this state for subsequent use outside the state, or the sale of the property in the regular course of business;

(102) "Use-based exemption", an exemption based on a specified use of the product by the purchaser;

(103) "Vendor", every person engaged in making sales of tangible personal property by mail order, by advertising, by agent or peddling tangible personal property, soliciting or taking orders for sales of tangible personal property, for storage, use or consumption in this state, all salesmen, solicitors, hawkers, representatives, consignees, peddlers or canvassers, as agents of the dealers, distributors, consignors, supervisors, principals or employers under whom they operate or from whom they obtain the tangible personal property sold by them, and every person who maintains a place of business in this state, maintains a stock of goods in this state, or engages in business activities within this state and every person who engages in this state in the business of acting as a selling agent for persons not otherwise vendors as defined in this subdivision. Irrespective of whether they are making sales on their own behalf or on behalf of the dealers, distributors, consignors, supervisors, principals or employers, they shall be regarded as vendors and the dealers, distributors, consignors, supervisors, principals or employers shall be regarded as vendors for the purposes of sections 144.600 to 144.745. A person shall not be considered a vendor for the purposes of sections 144.600 to 144.745 if all of the following apply:

(a) The person's total gross receipts did not exceed five hundred thousand dollars in this state, or twelve and one-half million dollars in the entire United States, in the immediately preceding calendar year;

(b) The person maintains no place of business in this state; and

(c) The person has no selling agents in this state.

2. For purposes of the taxes imposed under sections 144.010 to 144.525, and any other provisions of law pertaining to sales or use taxes which incorporate the provisions of sections 144.010 to 144.525 by reference, the term "manufactured homes" shall have the same meaning given it in section 700.010.

3. Sections 144.010 to 144.525 may be known and quoted as the "Sales Tax Law".

144.014. 1. Notwithstanding other provisions of law to the contrary, beginning October 1, 1997, the tax levied and imposed pursuant to sections 144.010 to 144.525 and sections 144.600 to 144.746 on all retail sales of food **and food ingredients** shall be at the rate of one percent. The revenue derived from the one percent rate pursuant to this section shall be deposited by the state treasurer in the school district trust fund and shall be distributed as provided in section 144.701.

2. [For the purposes of this section, the term "food" shall include only those products and types of food for which food stamps may be redeemed pursuant to the provisions of the Federal Food Stamp Program as contained in 7 U.S.C. Section 2012, as that section now reads or as it may be amended hereafter, and shall include food dispensed by or through vending machines. For the purpose of this section,] Except for **food sold through** vending [machine sales, the term "food"] **machines, subsection 1 of this section** shall not [include] **apply to** food or drink sold by any establishment where the gross receipts derived from the sale of food prepared by such establishment for immediate

consumption on or off the premises of the establishment constitutes more than eighty percent of the total gross receipts of that establishment, regardless of whether such prepared food is consumed on the premises of that establishment, including, but not limited to, sales of food by any restaurant, fast food restaurant, delicatessen, eating house, or café."; and

Further amend said bill, Page 45, Section 144.021, Line 13, by inserting after all of said section the following:

"144.022. 1. In the case of a bundled transaction that includes any of the following: telecommunication service, ancillary service, internet access, or audio or video programming service:

(1) If the price is attributable to products that are taxable and products that are nontaxable, the portion of the price attributable to the nontaxable products may be subject to tax unless the provider can identify by reasonable and verifiable standards such portion from its books and records that are kept in the regular course of business for other purposes, including, but not limited to, nontax purposes;

(2) If the price is attributable to products that are subject to tax at different tax rates, the total price shall be treated as attributable to the products subject to tax at the highest tax rate unless the provider can identify by reasonable and verifiable standards the portion of the price attributable to the products subject to tax at the lower rate from its books and records that are kept in the regular course of business for other purposes, including, but not limited to, nontax purposes;

(3) The provisions of this section shall apply unless otherwise provided by federal law.

2. In the case of a transaction that includes an optional computer software maintenance contract for prewritten computer software, the following provisions apply:

(1) If an optional computer software maintenance contract only obligates the vendor to provide upgrades and updates, it shall be characterized as a sale of prewritten computer software;

(2) If an optional computer software maintenance contract only obligates the vendor to provide support services, it shall be characterized as a sale of services and not a sale of tangible personal property;

(3) If an optional computer software maintenance contract is a bundled transaction in which both taxable and nontaxable or exempt products that are not separately itemized on the invoice or similar billing document, the purchase price under the contract shall be taxable."; and

Further amend said bill, Pages 48-49, Section 144.030, Lines 115-132, by deleting all of said lines and inserting in lieu thereof the following:

"(19) All sales of [insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales or rental of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and ambulatory aids, all sales or rental of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales or rental of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of] over-the-counter [or nonprescription] drugs to individuals with disabilities, all sales of kidney dialysis equipment and enteral feeding systems, all sales of durable medical equipment, prosthetic devices, and mobility enhancing equipment, and [drugs required by the Food and Drug Administration to meet the] all sales of over-the-counter [drug product labeling requirements in 21 CFR 201.66, or its successor,] drugs as prescribed by a health care practitioner licensed to prescribe;" and

Further amend said bill, Pages 50-51, Section 144.030, Lines 180-222, by deleting all of said lines and inserting in lieu thereof the following:

"(24) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, [electrical current, natural, artificial or propane gas, wood, coal or home heating oil] piped natural or artificial gas, or other fuels delivered by the seller for domestic use [and in any city not within a county, all sales of metered or unmetered water service for domestic use]:

(a) "Domestic use" means that portion of metered water service, electricity, [electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service,] **piped natural or artificial gas, or other fuels delivered by the seller** which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of [services or property] **electricity, piped natural or artificial gas, or other fuels delivered by the seller** and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of [services or property] **electricity, piped natural or artificial gas, or other fuels delivered by the seller** and who uses any portion of the [services or property] **electricity, piped natural or artificial gas, or other fuels delivered by the seller** so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(25) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(26) Excise taxes, collected on sales at retail, imposed by Sections 4041, [4061,] 4071, 4081, [4091,] 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local sales taxes on such excise taxes;"; and

Further amend said bill, Page 53, Section 144.030, Line 291, by deleting the word, "event." and inserting in lieu thereof the following:

"event;

(43) All sales of new light aircraft, light aircraft kits, light aircraft parts or components manufactured or substantially completed within this state, when such new light aircraft, light aircraft kits, light aircraft parts or components are sold by the manufacturer to a qualified purchaser. The director of revenue shall prescribe the manner for a purchaser of a light aircraft, light aircraft kit, parts or components to establish that such person is a qualified purchaser and is eligible for the exemption established in this section;

(44) All sales of computer printouts, computer output or microfilm or microfiche and computer-assisted photo compositions to a purchaser to enable the purchaser to obtain for his or her own use the desired information contained in such computer printouts, computer output on microfilm or microfiche and computer-assisted photo compositions.

3. Any ruling, agreement, or contract, whether written or oral, express or implied, between a person and this state's executive branch, or any other state agency or department, stating, agreeing, or ruling that such person is not required to collect sales and use tax in this state despite the presence of a warehouse, distribution center, or fulfillment center in this state that is owned or operated by the person or an affiliated person shall be null and void unless it is specifically approved by a majority vote of each of the houses of the general assembly. For purposes of this subsection, an "affiliated person" means any person that is a member of the same "controlled group of corporations" as defined in Section 1563(a) of the Internal Revenue Code of 1986, as amended, as the vendor or any other entity that, notwithstanding its form of organization, bears the same ownership relationship

to the vendor as a corporation that is a member of the same "controlled group of corporations" as defined in Section 1563(a) of the Internal Revenue Code, as amended.

144.032. The provisions of section 144.030 to the contrary notwithstanding, any city imposing a sales tax under the provisions of sections 94.500 to 94.570, or any county imposing a sales tax under the provisions of sections 66.600 to 66.635, or any county imposing a sales tax under the provisions of sections 67.500 to 67.729, or any hospital district imposing a sales tax under the provisions of section 205.205 may by ordinance impose a sales tax upon all sales of [metered water services,] electricity, [electrical current and natural, artificial or propane gas, wood, coal, or home heating oil] **pipd natural or artificial gas, or other fuels delivered by the seller** for domestic use only. Such tax shall be administered by the department of revenue and assessed by the retailer in the same manner as any other city, county, or hospital district sales tax. Domestic use shall be determined in the same manner as the determination of domestic use for exemption of such sales from the state sales tax under the provisions of section 144.030.

144.040. 1. (1) All retail sales in Missouri, excluding leases and rentals, of tangible personal property or digital goods shall be sourced to the location where the order is received by the seller.

(2) This subsection shall apply only if:

(a) The location where receipt of the product by the purchaser occurs is determined in accordance with subsection 2 of this section; and

(b) At the time the order is received, the record keeping system of the seller used to calculate the proper amount of sales or use tax to be imposed captures the location where the order is received.

(3) When the sale is sourced under this section to the location where the order is received by the seller, only the sales tax for the location where the order is received by the seller may be levied. No additional sales or use tax based on the location where the product is delivered to the purchaser may be levied on that sale. The purchaser shall not be entitled to any refund if the combined state and local rate or rates at the location where the product is received by the purchaser is lower than the rate where the order is received by the seller.

(4) A purchaser shall have no additional liability to the state for tax, penalty or interest on a sale for which the purchaser remits tax to the seller in the amount invoiced by the seller if such invoice amount is calculated at either the rate applicable to the location where receipt by the purchaser occurs or at the rate applicable to the location where the order is received by the seller. A purchaser may rely on a written representation by the seller as to the location where the order for such sale was received by the seller. When the purchaser does not have a written representation by the seller as to the location where the order for such sale was received by the seller, the purchaser may use a location indicated by a business address for the seller that is available from the business records of the purchaser that are maintained in the ordinary course of the purchaser's business to determine the rate applicable to the location where the order was received.

(5) The location where the order is received by or on behalf of the seller means the physical location of a seller or third party such as an established outlet, office location or automated order receipt system operated by or on behalf of the seller where an order is initially received by or on behalf of the seller and not where the order may be subsequently accepted, completed or fulfilled. An order is received when all of the information from the purchaser necessary to the determination whether the order can be accepted has been received by or on behalf of the seller. The location from which a product is shipped shall not be used in determining the location where the order is received by the seller.

(6) When taxable services are sold with tangible personal property or digital products pursuant to a single contract or in the same transaction, are billed on the same billing statement or statements, and, because of the application of this section, would be sourced to different jurisdictions, this subsection shall apply to determine the source for tax.

2. Except as provided in subsection 7 of this section, when the location where the order is received by the seller and the location where the receipt of the product by the purchaser (or the purchaser's donee, designated as such by the purchaser) occurs are in different states, the retail sale, excluding lease or rental, of a product shall be sourced as follows:

(1) When the product is received by the purchaser at a business location of the seller, the sale shall be sourced to such business location;

(2) When the product is not received by the purchaser at a business location of the seller, the sale shall be sourced to the location where receipt by the purchaser (or the purchaser's donee, designated as such by the purchaser) occurs, including the location indicated by instructions for delivery to the purchaser or donee, known to the seller;

(3) When subdivisions (1) and (2) of this subsection do not apply, the sale shall be sourced to the location indicated by an address for the purchaser that is available from the business records of the seller that are maintained in the ordinary course of the seller's business when use of this address does not constitute bad faith;

(4) When subdivisions (1), (2), and (3) of this subsection do not apply, the sale shall be sourced to the location indicated by an address for the purchaser obtained during the consummation of the sale, including the address of a purchaser's payment instrument, if no other address is available, when use of this address does not constitute bad faith;

(5) When none of the previous rules of subdivisions (1), (2), (3), and (4) of this subsection do not apply, including the circumstances in which the seller is without sufficient information to apply the previous rules, then the location will be determined by the address from which tangible personal property was shipped, from which the digital good or computer software delivered electronically was first available for transmission from the seller, or from which the service was provided (disregarding for these purposes any location that merely provided the digital transfer of the product sold).

3. Notwithstanding subsections 1 and 2 of this section, all sales of motor vehicles, trailers, semitrailers, watercraft and aircraft that do not qualify as transportation equipment shall be sourced to the address of the owner thereof.

4. The lease or rental of tangible personal property, other than property identified in subsection 2 or 3 of this section or transactions regulated under sections 407.660 to 407.665, shall be sourced as follows:

(1) For a lease or rental that requires recurring periodic payments, the first periodic payment is sourced the same as a retail sale in accordance with the provisions of subsection 1 of this section. Periodic payments made subsequent to the first payment are sourced to the primary property location for each period covered by the payment. The primary property location shall be as indicated by an address for the property provided by the lessee that is available to the lessor from its records maintained in the ordinary course of business, when use of this address does not constitute bad faith. The property location shall not be altered by intermittent use at different locations, such as use of business property that accompanies employees on business trips and service calls;

(2) For a lease or rental that does not require recurring periodic payments, the payment is sourced the same as a retail sale in accordance with the provisions of subsection 1 of this section;

(3) This subsection does not affect the imposition or computation of sales or use tax on leases or rentals based on a lump sum or accelerated basis, or on the acquisition of property for lease.

5. The lease or rental of motor vehicles, trailers, semitrailers, or aircraft that do not qualify as transportation equipment, as defined in section 144.010, shall be sourced as follows:

(1) For a lease or rental that requires recurring periodic payments, each periodic payment is sourced to the primary property location. The primary property location shall be as indicated by an address for the property provided by the lessee that is available to the lessor from its records maintained in the ordinary course of business, when use of such address does not constitute bad faith. Such location shall not be altered by intermittent use at different locations;

(2) For a lease or rental that does not require recurring periodic payments, the payment is sourced the same as a retail sale in accordance with the provisions of subsection 1 of this section;

(3) This subsection does not affect the imposition or computation of sales or use tax on leases or rentals based on a lump sum or accelerated basis, or on the acquisition of property for lease.

6. The retail sale, including lease or rental, of transportation equipment shall be sourced the same as a retail sale in accordance with the provisions of subsection 1 of this section, notwithstanding the exclusion of lease or rental in subsection 1 of this section.

7. (1) The retail sale of a product shall be sourced in accordance with this section. The provisions of this section shall apply regardless of the characterization of a product as tangible personal property, a digital good, or a service. The provisions of this section shall only apply to determine a seller's obligation to pay or collect and remit sales or use tax with respect to the seller's retail sale of a product. The provisions of this subsection shall not affect the obligation of a purchaser or lessee to remit tax on the use of the product to the taxing jurisdictions of that use.

(2) This section shall not apply to sales or use taxes levied on the following:

- (a) Retail sales or transfers of watercraft, modular homes, manufactured homes, or mobile homes; and
- (b) Telecommunications services and ancillary services.

144.042. 1. (1) A purchaser of advertising and promotional direct mail may provide the seller with either:

- (a) A direct pay permit;
- (b) An agreement certificate of exemption claiming direct mail (or other written statement approved, authorized or accepted by the state); or
- (c) Information showing the jurisdictions to which the advertising and promotional direct mail is to be delivered to recipients.

(2) If the purchaser provides the permit, certificate or statement referred to in paragraph (a) or (b) of subdivision (1) of subsection 1 of this section, the seller, in the absence of bad faith, is relieved of all obligations to collect, pay, or remit any tax on any transaction involving advertising and promotional direct mail to which the permit, certificate or statement applies. The purchaser shall source the sale to the jurisdictions to which the advertising and promotional direct mail is to be delivered to the recipients and shall report and pay any applicable tax due.

(3) If the purchaser provides the seller information showing the jurisdictions to which the advertising and promotional direct mail is to be delivered to recipients, the seller shall source the sale to the jurisdictions to which the advertising and promotional direct mail is to be delivered and shall collect and remit the applicable tax. In the absence of bad faith, the seller is relieved of any further obligation to collect any additional tax on the sale of advertising and promotional direct mail where the seller has sourced the sale according to the delivery information provided by the purchaser.

(4) If the purchaser does not provide the seller with any of the items listed in paragraph (a), (b) or (c) of subdivision (1) of subsection 1 of this section, the sale shall be sourced according to subdivision (5) of subsection 2 of section 144.040. The state to which the advertising and promotional direct mail is delivered may disallow credit for tax paid on sales sourced under this subdivision.

(5) Notwithstanding section 144.040, this subsection shall apply to sales of advertising and promotional direct mail.

2. (1) Except as otherwise provided in this subsection, sales of other direct mail are sourced in accordance with subdivision (3) of subsection 2 of section 144.040.

- (2) A purchaser of other direct mail may provide the seller with either:
- (a) A direct pay permit; or
 - (b) An agreement certificate of exemption claiming direct mail (or other written statement approved, authorized or accepted by the state).

(3) If the purchaser provides the permit, certificate or statement referred to in paragraph (a) or (b) of subdivision (2) of this subsection, the seller, in the absence of bad faith, is relieved of all obligations to collect, pay or remit any tax on any transaction involving other direct mail to which the permit, certificate or statement apply. Notwithstanding subdivision (1) of this subsection, the sale shall be sourced to the jurisdictions to which the other direct mail is to be delivered to the recipients and the purchaser shall report and pay applicable tax due.

(4) Notwithstanding section 144.040, this subsection shall apply to sales of other direct mail.

3. (1) (a) This section applies to a transaction characterized under state law as the sale of services only if the service is an integral part of the production and distribution of printed material that meets the definition of direct mail.

(b) This section does not apply to any transaction that includes the development of billing information or the provision of any data processing service that is more than incidental regardless of whether advertising and promotional direct mail is included in the same mailing.

(2) If a transaction is a bundled transaction that includes advertising and promotion direct mail, this section applies only if the primary purpose of the transaction is the sale of products or services that meet the definition of advertising and promotional direct mail.

- (3) Nothing in this section shall limit any purchaser's:
- (a) Obligation for sales or use tax to any state to which the direct mail is delivered;
 - (b) Right under local, state, federal or constitutional law, to a credit for sales or use taxes legally due and paid to other jurisdictions; or
 - (c) Right to a refund of sales or use taxes overpaid to any jurisdiction.
- (4) This section applies for purposes of uniformly sourcing direct mail transactions and does not impose requirements on states regarding the taxation of products that meet the definition of direct mail or to the application of sales for resale or other exemptions.

144.043. 1. [As used in this section, the following terms mean:

(1) "Light aircraft", a light airplane that seats no more than four persons, with a gross weight of three thousand pounds or less, which is primarily used for recreational flying or flight training;

(2) "Light aircraft kit", factory manufactured parts and components, including engine, propeller, instruments, wheels, brakes, and air frame parts which make up a complete aircraft kit or partial kit designed to be assembled into a light aircraft and then operated by a qualified purchaser for recreational and educational purposes;

(3) "Parts and components", manufactured light aircraft parts, including air frame and engine parts, that are required by the qualified purchaser to complete a light aircraft kit, or spare or replacement parts for an already completed light aircraft;

(4) "Qualified purchaser", a purchaser of a light aircraft, light aircraft kit, parts or components who is nonresident of this state, who will transport the light aircraft, light aircraft kit, parts or components outside this state within ten days after the date of purchase, and who will register any light aircraft so purchased in another state or country. Such purchaser shall not base such aircraft in this state and such purchaser shall not be a resident of the state unless such purchaser has paid sales or use tax on such aircraft in another state.

2. In addition to the exemptions granted under the provisions of section 144.030, there shall also be specifically exempted from the provisions of sections 144.010 to 144.525, sections 144.600 to 144.748, section 238.235, and from the provisions of any local sales tax law, as defined in section 32.085, and from the computation of the tax levied, assessed or payable under sections 144.010 to 144.525, sections 144.600 to 144.748, section 238.235, and under any local sales tax law, as defined in section 32.085, all sales of new light aircraft, light aircraft kits, parts or components manufactured or substantially completed within this state, when such new light aircraft, light aircraft kits, parts or components are sold by the manufacturer to a qualified purchaser. The director of revenue shall prescribe the manner for a purchaser of a light aircraft, light aircraft kit, parts or components to establish that such person is a qualified purchaser and is eligible for the exemption established in this section] **Except for the defined telecommunication services in subsection 3 of this section, the sale of telecommunication service sold on a call-by-call basis shall be sourced to:**

(1) Each level of taxing jurisdiction where the call originates and terminates in that jurisdiction; or

(2) Each level of taxing jurisdiction where the call either originates or terminates and in which the service address is also located.

2. **Except for the defined telecommunication services in subsection 3 of this section, a sale of telecommunications services sold on a basis other than a call-by-call basis is sourced to the customer's place of primary use.**

3. **The sale of the following telecommunication services shall be sourced to each level of taxing jurisdiction as follows:**

(1) A sale of mobile telecommunications services other than air-to-ground radiotelephone service and prepaid calling service is sourced to the customer's place of primary use as required by the Mobile Telecommunications Sourcing Act;

(2) A sale of post-paid calling service is sourced to the origination point of the telecommunications signal as first identified by either:

(a) The seller's telecommunications system; or

(b) Information received by the seller from its service provider, where the system used to transport such signals is not that of the seller;

(3) A sale of prepaid calling service or a sale of a prepaid wireless calling service is sourced in accordance with section 144.040, provided however, in the case of a sale of prepaid wireless calling service, the rule provided in subdivision (5) of subsection 2 of section 144.040 shall include as an option the location associated with the mobile telephone number;

(4) A sale of a private communication service is sourced as follows:

(a) Service for a separate charge related to a customer channel termination point is sourced to each level of jurisdiction in which such customer channel termination point is located;

(b) Service where all customer termination points are located entirely within one jurisdiction or levels of jurisdiction is sourced in such jurisdiction in which the customer channel termination points are located;

(c) Service for segments of a channel between two customer channel termination points located in different jurisdictions and which segment of channel are separately charged is sourced fifty percent in each level of jurisdiction in which the customer channel termination points are located; and

(d) Service for segments of a channel located in more than one jurisdiction or levels of jurisdiction and which segments are not separately billed is sourced in each jurisdiction based on the percentage determined by

dividing the number of customer channel termination points in such jurisdiction by the total number of customer channel termination points.

4. The sale of internet access service is sourced to the customer's place of primary use.

5. The sale of an ancillary service is sourced to the customer's place of primary use.

144.049. 1. [For purposes of this section, the following terms mean:

(1) "Clothing", any article of wearing apparel, including footwear, intended to be worn on or about the human body. The term shall include but not be limited to cloth and other material used to make school uniforms or other school clothing. Items normally sold in pairs shall not be separated to qualify for the exemption. The term shall not include watches, watchbands, jewelry, handbags, handkerchiefs, umbrellas, scarves, ties, headbands, or belt buckles; and

(2) "Personal computers", a laptop, desktop, or tower computer system which consists of a central processing unit, random access memory, a storage drive, a display monitor, and a keyboard and devices designed for use in conjunction with a personal computer, such as a disk drive, memory module, compact disk drive, daughterboard, digitalizer, microphone, modem, motherboard, mouse, multimedia speaker, printer, scanner, single-user hardware, single-user operating system, soundcard, or video card;

(3) "School supplies", any item normally used by students in a standard classroom for educational purposes, including but not limited to textbooks, notebooks, paper, writing instruments, crayons, art supplies, rulers, book bags, backpacks, handheld calculators, chalk, maps, and globes. The term shall not include watches, radios, CD players, headphones, sporting equipment, portable or desktop telephones, copiers or other office equipment, furniture, or fixtures. School supplies shall also include computer software having a taxable value of three hundred fifty dollars or less.

2.] In each year beginning on or after January 1, 2005, there is hereby specifically exempted from state sales tax law all retail sales of any article of clothing having a taxable value of one hundred dollars or less[.]; all retail sales of school supplies, **school art supplies, and school instructional materials** not to exceed fifty dollars per purchase[.]; all **prewritten** computer software with a taxable value of three hundred fifty dollars or less[.]; and all retail sales of [personal] computers [or computer peripheral devices] **and school computer supplies** not to exceed three thousand five hundred dollars, during a three-day period beginning at 12:01 a.m. on the first Friday in August and ending at midnight on the Sunday following.

[3. If the governing body of any political subdivision adopted an ordinance that applied to the 2004 sales tax holiday to prohibit the provisions of this section from allowing the sales tax holiday to apply to such political subdivision's local sales tax, then, notwithstanding any provision of a local ordinance to the contrary, the 2005 sales tax holiday shall not apply to such political subdivision's local sales tax. However, any such political subdivision may enact an ordinance to allow the 2005 sales tax holiday to apply to its local sales taxes. A political subdivision must notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any ordinance or order rescinding an ordinance or order to opt out.

4.] **2.** This section shall not apply to any sales which take place within the Missouri state fairgrounds.

[5.] **3.** This section applies to sales of items bought for personal use only.

[6. After the 2005 sales tax holiday, any political subdivision may, by adopting an ordinance or order, choose to prohibit future annual sales tax holidays from applying to its local sales tax. After opting out, the political subdivision may rescind the ordinance or order. The political subdivision must notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any ordinance or order rescinding an ordinance or order to opt out.

7.] **4.** This section may not apply to any retailer when less than two percent of the retailer's merchandise offered for sale qualifies for the sales tax holiday. The retailer shall offer a sales tax refund in lieu of the sales tax holiday.”; and

Further amend said bill, Page 53, Section 144.069, Line 10, by inserting after all of said section the following:

"144.070. 1. At the time the owner of any new or used motor vehicle, trailer, boat, or outboard motor which was acquired in a transaction subject to sales tax under the Missouri sales tax law makes application to the director of revenue for an official certificate of title and the registration of the motor vehicle, trailer, boat, or outboard motor as otherwise provided by law, the owner shall present to the director of revenue evidence satisfactory to the director of revenue showing the purchase price exclusive of any charge incident to the extension of credit paid by or charged to the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, or that no sales tax was incurred in its acquisition, and if sales tax was incurred in its acquisition, the applicant shall pay or cause to be paid to the director of revenue the sales tax provided by the Missouri sales tax law in addition to the registration fees now or hereafter required according to law, and the director of revenue shall not issue a certificate of title for any new or used motor vehicle, trailer, boat, or outboard motor subject to sales tax as provided in the Missouri sales tax law until the tax levied for the

sale of the same under sections 144.010 to 144.510 has been paid as provided in this section or is registered under the provisions of subsection 5 of this section.

2. [As used in subsection 1 of this section, the term "purchase price" shall mean the total amount of the contract price agreed upon between the seller and the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, regardless of the medium of payment therefor.

3.] In the event that the purchase price is unknown or undisclosed, or that the evidence thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisement by the director.

[4.] 3. The director of the department of revenue shall endorse upon the official certificate of title issued by the director upon such application an entry showing that such sales tax has been paid or that the motor vehicle, trailer, boat, or outboard motor represented by such certificate is exempt from sales tax and state the ground for such exemption.

[5.] 4. Any person, company, or corporation engaged in the business of renting or leasing motor vehicles, trailers, boats, or outboard motors, which are to be used exclusively for rental or lease purposes, and not for resale, may apply to the director of revenue for authority to operate as a leasing company. Any company approved by the director of revenue may pay the tax due on any motor vehicle, trailer, boat, or outboard motor as required in section 144.020 at the time of registration thereof or in lieu thereof may pay a sales tax as provided in sections 144.010, 144.020, 144.070 and 144.440. A sales tax shall be charged to and paid by a leasing company which does not exercise the option of paying in accordance with section 144.020, on the amount charged for each rental or lease agreement while the motor vehicle, trailer, boat, or outboard motor is domiciled in this state. Any motor vehicle, trailer, boat, or outboard motor which is leased as the result of a contract executed in this state shall be presumed to be domiciled in this state.

[6.] 5. Any corporation may have one or more of its divisions separately apply to the director of revenue for authorization to operate as a leasing company, provided that the corporation:

- (1) Has filed a written consent with the director authorizing any of its divisions to apply for such authority;
- (2) Is authorized to do business in Missouri;
- (3) Has agreed to treat any sale of a motor vehicle, trailer, boat, or outboard motor from one of its divisions to another of its divisions as a sale at retail;
- (4) Has registered under the fictitious name provisions of sections 417.200 to 417.230 each of its divisions doing business in Missouri as a leasing company; and
- (5) Operates each of its divisions on a basis separate from each of its other divisions. However, when the transfer of a motor vehicle, trailer, boat or outboard motor occurs within a corporation which holds a license to operate as a motor vehicle or boat dealer pursuant to sections 301.550 to 301.573 the provisions in subdivision (3) of this subsection shall not apply.

[7.] 6. If the owner of any motor vehicle, trailer, boat, or outboard motor desires to charge and collect sales tax as provided in this section, the owner shall make application to the director of revenue for a permit to operate as a motor vehicle, trailer, boat, or outboard motor leasing company. The director of revenue shall promulgate rules and regulations determining the qualifications of such a company, and the method of collection and reporting of sales tax charged and collected. Such regulations shall apply only to owners of motor vehicles, trailers, boats, or outboard motors, electing to qualify as motor vehicle, trailer, boat, or outboard motor leasing companies under the provisions of subsection 5 of this section, and no motor vehicle renting or leasing, trailer renting or leasing, or boat or outboard motor renting or leasing company can come under sections 144.010, 144.020, 144.070 and 144.440 unless all motor vehicles, trailers, boats, and outboard motors held for renting and leasing are included.

[8.] 7. Beginning July 1, 2010, any motor vehicle dealer licensed under section 301.560 engaged in the business of selling motor vehicles or trailers may apply to the director of revenue for authority to collect and remit the sales tax required under this section on all motor vehicles sold by the motor vehicle dealer. A motor vehicle dealer receiving authority to collect and remit the tax is subject to all provisions under sections 144.010 to 144.525. Any motor vehicle dealer authorized to collect and remit sales taxes on motor vehicles under this subsection shall be entitled to deduct and retain an amount equal to two percent of the motor vehicle sales tax pursuant to section 144.140. Any amount of the tax collected under this subsection that is retained by a motor vehicle dealer pursuant to section 144.140 shall not constitute state revenue. In no event shall revenues from the general revenue fund or any other state fund be utilized to compensate motor vehicle dealers for their role in collecting and remitting sales taxes on motor vehicles. In the event this subsection or any portion thereof is held to violate article IV, section 30(b) of the Missouri Constitution, no motor vehicle dealer shall be authorized to collect and remit sales taxes on motor vehicles under this section. No motor vehicle dealer shall seek compensation from the state of Missouri or its agencies if a court of competent jurisdiction declares that the retention of two percent of the motor vehicle sales tax is unconstitutional and orders the return of such revenues."; and

Further amend said bill, Page 54, Section 144.071, Line 17, by inserting after all of said section the following:

"144.080. 1. Every person receiving any payment or consideration upon the sale of property or rendering of service, subject to the tax imposed by the provisions of sections 144.010 to 144.525, is exercising the taxable privilege of selling the property or rendering the service at retail and is subject to the tax levied in section 144.020. The person shall be responsible not only for the collection of the amount of the tax imposed on the sale or service to the extent possible under the provisions of section 144.285, but shall, on or before the last day of the month following each calendar quarterly period of three months, file a return with the director of revenue showing the person's gross receipts and the amount of tax levied in section 144.020 for the preceding quarter, and shall remit to the director of revenue, with the return, the taxes levied in section 144.020, except as provided in subsections 2 and 3 of this section. The director of revenue may promulgate rules or regulations changing the filing and payment requirements of sellers, but shall not require any seller to file and pay more frequently than required in this section.

2. [Where the aggregate amount levied and imposed upon a seller by section 144.020 is in excess of two hundred and fifty dollars for either the first or second month of a calendar quarter, the seller shall file a return and pay such aggregate amount for such months to the director of revenue by the twentieth day of the succeeding month.

3.] Where the aggregate amount levied and imposed upon a seller by section 144.020 is less than forty-five dollars in a calendar quarter, the director of revenue shall by regulation permit the seller to file a return for a calendar year. The return shall be filed and the taxes paid on or before January thirty-first of the succeeding year.

[4.] 3. The seller of any property or person rendering any service, subject to the tax imposed by sections 144.010 to 144.525, shall collect the tax from the purchaser of such property or the recipient of the service to the extent possible under the provisions of section 144.285, but the seller's inability to collect any part or all of the tax does not relieve the seller of the obligation to pay to the state the tax imposed by section 144.020; except that the collection of the tax imposed by sections 144.010 to 144.525 on motor vehicles and trailers shall be made as provided in sections 144.070 and 144.440.

[5.] 4. It shall be unlawful for any person to advertise or hold out or state to the public or to any customer directly or indirectly that the tax or any part thereof imposed by sections 144.010 to 144.525, and required to be collected by the person, will be assumed or absorbed by the person, or that it will not be separately stated and added to the selling price of the property sold or service rendered, or if added, that it or any part thereof will be refunded. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

144.082. 1. The director shall participate in an online registration system that will allow sellers to register in this state and other member states.

2. By registering, the seller agrees to collect and remit sales and use taxes for all taxable sales into this state as well as the other member states, including member states joining after the seller's registration. Withdrawal or revocation of this state from the agreement shall not relieve a seller of its responsibility to remit taxes previously or subsequently collected on behalf of this state.

3. If the seller has a requirement to register prior to registering under the agreement, such seller shall obtain a retail sales license under section 144.083 and register under section 144.650.

4. Registration with the central registration system and the collection of sales and use taxes in this state shall not be used as a factor in determining whether the seller has nexus with this state for any tax at any time.

144.083. 1. The director of revenue shall require all persons who are responsible for the collection of taxes under the provisions of section 144.080 to procure a retail sales license at no cost to the licensee which shall be prominently displayed at the licensee's place of business, and the license is valid until revoked by the director or surrendered by the person to whom issued when sales are discontinued. The director shall issue the retail sales license within ten working days following the receipt of a properly completed application. Any person applying for a retail sales license or reinstatement of a revoked sales tax license who owes any tax under sections 144.010 to 144.510 or sections 143.191 to 143.261 must pay the amount due plus interest and penalties before the department may issue the applicant a license or reinstate the revoked license. All persons beginning business subsequent to August 13, 1986, and who are required to collect the sales tax shall secure a retail sales license prior to making sales at retail. Such license may, after ten days' notice, be revoked by the director of revenue only in the event the licensee shall be in default for a period of sixty days in the payment of any taxes levied under section 144.020 or sections 143.191 to 143.261. Notwithstanding the provisions of section 32.057 in the event of revocation, the director of revenue may publish the status of the business account including the date of revocation in a manner as determined by the director.

2. The possession of a retail sales license and a statement from the department of revenue that the licensee owes no tax due under sections 144.010 to 144.510 or sections 143.191 to 143.261 shall be a prerequisite to the issuance or

renewal of any city or county occupation license or any state license which is required for conducting any business where goods are sold at retail. The date of issuance on the statement that the licensee owes no tax due shall be no more than ninety days before the date of submission for application or renewal of the local license. The revocation of a retailer's license by the director shall render the occupational license or the state license null and void.

3. No person responsible for the collection of taxes under section 144.080 shall make sales at retail unless such person is the holder of a valid retail sales license. After all appeals have been exhausted, the director of revenue may notify the county or city law enforcement agency representing the area in which the former licensee's business is located that the retail sales license of such person has been revoked, and that any county or city occupation license of such person is also revoked. The county or city may enforce the provisions of this section, and may prohibit further sales at retail by such person.

4. In addition to the provisions of subsection 2 of this section, beginning January 1, 2009, the possession of a statement from the department of revenue stating no tax is due under sections 143.191 to 143.265 or sections 144.010 to 144.510 shall also be a prerequisite to the issuance or renewal of any city or county occupation license or any state license required for conducting any business where goods are sold at retail. The statement of no tax due shall be dated no longer than ninety days before the date of submission for application or renewal of the city or county license.

[5. Notwithstanding any law or rule to the contrary, sales tax shall only apply to the sale price paid by the final purchaser and not to any off-invoice discounts or other pricing discounts or mechanisms negotiated between manufacturers, wholesalers, and retailers.]

144.084. 1. The director shall promulgate rules and regulations for remittance of returns. Such rules shall:

- (1) Allow for electronic payments by all remitters by both ACH credit and ACH debit;**
- (2) Provide an alternative method for making "same day" payments if an electronic funds transfer fails;**
- (3) Provide that if a due date falls on a legal banking holiday in the state, the taxes shall be due on the next succeeding business day; and**
- (4) Require that any data that accompanies a remittance be formatted using uniform tax type and payment type codes approved by the streamlined sales and use tax governing board.**

2. All model 1, model 2, and model 3 sellers shall file returns electronically. Any model 1, model 2, or model 3 seller shall submit its sales and use tax returns in a simplified format approved by the director at such times as may be prescribed by the director.

144.100. 1. Every person making any taxable sales of property or service, except transactions provided for in sections 144.070 and 144.440, individually or by duly authorized officer or agent, shall make and file a written return with the director of revenue in such manner as he may prescribe.

2. The returns shall be on blanks designed and furnished by the director of the department of revenue and shall be filed at the times provided in sections 144.080 and 144.090. The returns shall [show the amount of gross receipts from sales of taxable property and services by the person and the amount of tax due thereon by that person during and for the period covered by the return] **state:**

- (1) The name and address of the retailer;**
- (2) The total amount of gross sales of all tangible personal property and taxable services rendered by the retailer during the period for which the return is made;**
- (3) The total amount received during the period for which the return is made on charge and time sales of tangible personal property made and taxable services rendered prior to the period for which the return is made;**
- (4) Deductions allowed by law from such total amount of gross sales and from total amount received during the period for which the return is made on such charge and time sales;**
- (5) Receipts during the period for which the return is made from the total amount of sales of tangible personal property and taxable services rendered during such period in the course of such business, after deductions allowed by law have been made;**
- (6) Receipts during the period for which the return is made from charge and time sales of tangible personal property made and taxable services rendered prior to such period in the course of such business, after deductions allowed by law have been made;**
- (7) Gross receipts during the period for which the return is made from sales of tangible personal property and taxable services rendered in the course of such business upon the basis of which the tax is imposed; and**
- (8) Such other pertinent information as the director may require.**

3. In making such return, the retailer shall determine the market value of any consideration, other than money, received in connection with the sale of any tangible personal property in the course of the business and shall include such value in the return. Such value shall be subject to review and revision by the director as hereinafter provided. Refunds made by a retailer during the period for which the return is made on account of tangible personal property returned to the retailer shall be allowed as a deduction under subdivision (4) of subsection 2 of this section in case the retailer has included the receipts from such sale in a return made by such retailer and paid taxes on such sale. The retailer shall, at the time of making such return, pay to the director the amount of tax owed, except as otherwise provided in this section. The director may extend the time for making returns and paying the tax required by this section for any period not to exceed sixty days under such rules and regulations as the director of revenue may prescribe.

4. The director shall only require a single tax return for each taxing period and such return shall include only the taxing jurisdictions in which the seller makes sales within the state. With each return, the person shall remit to the director of revenue the full amount of the tax due.

[3.] **5.** In case of charge and time sales the gross receipts thereof shall be included as sales in the returns as and when payments are received by the person, without any deduction therefrom whatsoever.

[4.] **6.** If an error or omission is discovered in a return or a change be necessary to show the true facts, the error may be corrected, the omission supplied, or the change made in the return next filed with the director for the filing period immediately following the filing period in which the error was made or the omission occurred, as prescribed by law, except that no refund under this chapter shall be allowed for any amount of tax paid by a seller which is based upon charges incident to credit card discounts. Any other omission or error must be corrected by filing an amended return for the erroneously reported period if the amount of tax is less than that originally reported, or an additional return if the amount of tax is greater than that originally reported. An additional return shall be deemed filed on the date the envelope in which it is mailed is postmarked or the date it is received by the director, whichever is earlier. Any payment of tax, interest, penalty or additions to tax shall be deemed filed on the date the envelope containing the payment is postmarked or the date the payment is received by the director, whichever is earlier. If a refund or credit results from the filing of an amended return, no refund or credit shall be allowed unless an application for refund or credit is properly completed and submitted to the director pursuant to section 144.190.

[5.] **7.** The amount of gross receipts from sales and the amount of tax due returned by the person, as well as all matters contained in the return, is subject to review and revision in the manner herein provided for the correction of the returns.

144.104. 1. A seller shall be allowed a deduction from taxable sales for bad debts attributable to taxable sales of such seller that have become uncollectable. Any deduction taken that is attributed to bad debts shall not include interest.

2. The amount of the bad debt deduction shall be calculated pursuant to 26 U.S.C. Section 166(b), as amended, except that such amount shall be adjusted to exclude financing charges or interest, sales, or use taxes charged on the purchase price, uncollectable amounts on property that remain in the possession of the seller until the full purchase price is paid, and expenses incurred in attempting to collect any debt or repossessed property.

3. Bad debts may be deducted on the return for the period during which the bad debt is written off as uncollectable in the seller's books and records and is eligible to be deducted for federal income tax purposes. For purposes of this subsection, a seller who is not required to file federal income tax returns may deduct a bad debt on a return filed for the period in which the bad debt is written off as uncollectable in the seller's books and records and would be eligible for a bad debt deduction for federal income tax purposes if the seller was required to file a federal income tax return.

4. If a deduction is taken for a bad debt and the debt is subsequently collected in whole or in part, the tax on the amount so collected shall be paid and reported on the return filed for the period in which the collection is made.

5. When the amount of bad debt exceeds the amount of taxable sales for the period during which the bad debt is written off, a refund claim may be filed by the seller within the applicable statute of limitations for refund claim; however, the statute of limitations shall be measured from the due date of the return on which the bad debt could first be claimed.

6. Where filing responsibilities have been assumed by a certified service provider, such service provider may claim, on behalf of the seller, any bad debt allowance provided by this section. The certified service provider shall credit or refund the full amount of any bad debt allowance or refund received to the seller.

7. For the purposes of reporting a payment received on a previously claimed bad debt, any payments made on a debt or account shall first be applied proportionally to the taxable price of the property or service and the sales tax thereon, and secondly to interest, service charges, and any other charges.

8. In situations where the books and records of the seller, or certified service provider on behalf of the seller, claiming the bad debt allowance support an allocation of the bad debts among the member states, such an allocation shall be permitted.

144.105. 1. The state shall review software submitted to the streamlined sales and use tax governing board for certification as a certified automated system (CAS) under Section 501 of the streamlined sales and use tax agreement. Such review shall include a review to determine that the program adequately classifies the state's product-based exemptions. Upon completion of the review, the state shall certify to the governing board its acceptance of the classifications made by the system. The state shall relieve a certified service provider (CSP) or model 2 seller from liability to this state and its local jurisdictions for failure to collect sales or use taxes resulting from the CSP or model 2 seller's reliance on the certification provided by the state.

2. The streamlined sales and use tax governing board and this state shall not be responsible for classification of an item or transaction with the product-based exemptions. The relief from liability provided in this section shall not be available for a CSP or model 2 seller that has incorrectly classified an item or transaction into a product-based exemption certified by this state. This subsection shall apply to the individual listing of items or transactions within a product definition approved by the governing board or the state.

3. If the state determines that an item or transaction is incorrectly classified as to its taxability, it shall notify the CSP or model 2 seller of the incorrect classification. The CSP or model 2 seller shall have ten days to revise the classification after receipt of notice from the state of the determination. Upon expiration of the ten days, such CSP or model 2 seller shall be liable for failure to collect the correct amount of sales or use taxes due and owing to the state.

144.123. 1. The director shall provide and maintain a database that describes boundary changes for all taxing jurisdictions and the effective dates of such changes for sales and use tax purposes.

2. The director shall provide and maintain a database of all sales and use tax rates for all taxing jurisdictions. For the identification of counties and cities, codes corresponding to the rates shall be provided according to Federal Information Processing Standards (FIPS) as developed by the National Institute of Standards and Technology. For the identification of all other jurisdictions, codes corresponding to the rates shall be in a format determined by the director.

3. The director shall provide and maintain a database that assigns each five- and nine-digit zip code to the proper rates and taxing jurisdictions. The lowest combined tax rate imposed in the zip code area shall apply if the area includes more than one tax rate in any level of taxing jurisdiction. If a nine-digit zip code designation is not available for a street address, or if a seller or a certified service provider (CSP) is unable to determine the nine-digit zip code designation applicable to a purchase after exercising due diligence to determine the designation, the seller or CSP may apply the rate for the five-digit zip code area. For purposes of this section, there shall be a rebuttable presumption that a seller or CSP has exercised due diligence if the seller has attempted to determine the nine-digit zip code designation by utilizing software approved by the secretary that makes this designation from the street address and the five-digit zip code applicable to a purchase.

4. The director may provide address-based boundary database records for assigning taxing jurisdictions and associated rates which shall be in addition to the requirements of subsection 3 of this section. The database records shall be in the same approved format as the database records required under subsection 3 of this section and shall meet the requirements developed under the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. Section 119(a), as amended. If the director develops address-based assignment database records under the agreement, sellers that register under the agreement shall be required to use such database. A seller or CSP shall use such database records in place of the five- and nine-digit zip code database records provided for in subsection 3 of this section. If a seller or CSP is unable to determine the applicable rate and jurisdiction using an address-based database record after exercising due diligence, the seller or CSP may apply the nine-digit zip code designation applicable to a purchase. If a nine-digit zip code designation is not available for a street address or if a seller or CSP is unable to determine the nine-digit zip code designation applicable to a purchase after exercising due diligence to determine the designation, the seller or CSP may apply the rate for the five-digit zip code area. For the purposes of this section, there shall be a rebuttable presumption that a seller or CSP has exercised due diligence if the seller or CSP has attempted to determine the tax rate and jurisdiction by utilizing software approved by the director and makes the assignment from the address and zip code information

applicable to the purchase. If the director has met the requirements of subsection 3 of this section, the director may also elect to certify vendor provided address-based databases for assigning tax rates and jurisdictions. The databases shall be in the same approved format as the database records under this section and meet the requirements developed under the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. Section 119(a), as amended. If the director certifies a vendor address-based database, a seller or CSP may use such database in place of the database provided for in this subsection.

5. The electronic databases provided for in subsections 1, 2, 3, and 4 of this section shall be in downloadable format as determined by the director. The databases may be directly provided by the director or provided by a vendor as designated by the director. A database provided by a vendor as designated by the director shall be applicable and subject to the provisions of section 144.1031 and this section. The databases shall be provided at no cost to the user of the database. The provisions of subsections 3 and 4 of this section shall not apply when the purchased product is received by the purchaser at the business location of the seller.

6. No seller or CSP shall be liable for reliance upon erroneous data provided by the director on tax rates, boundaries, or taxing jurisdiction assignments.

144.124. 1. The director shall complete a taxability matrix. The state's entries in the matrix shall be provided and maintained by the director in a database that is in a downloadable format.

2. The director shall provide reasonable notice of changes in the taxability of the products or services listed in the taxability matrix.

3. A seller or certified service provider (CSP) shall be relieved from liability to this state or any local taxing jurisdiction for having charged and collected the incorrect amount of state or local sales or use tax resulting from such seller's or CSP's reliance upon erroneous data provided by the director in the taxability matrix.

144.125. 1. (1) Amnesty shall be granted for uncollected or unpaid sales or use tax to a seller who registers to pay or to collect and remit applicable sales or use tax on sales made to purchasers in this state in accordance with the terms of the agreement, provided that the seller was not so registered in this state in the twelve-month period preceding the effective date of this state's participation in the agreement.

(2) Amnesty shall preclude assessment for uncollected or unpaid sales or use tax together with penalty or interest for sales made during the period the seller was not registered in this state, provided registration occurs within twelve months of the effective date of this state's participation in the agreement.

(3) Amnesty shall be provided if this state joins the agreement after the seller has registered.

2. Amnesty shall not be available to a seller with respect to any matter or matters for which the seller received notice of the commencement of an audit and which audit is not yet finally resolved including any related administrative and judicial processes. The amnesty shall not be available for sales or use taxes already paid or remitted to this state or to taxes collected by the seller.

3. Amnesty provided under this section shall be fully effective, absent the seller's fraud or intentional misrepresentation of a material fact, as long as the seller continues registration and payment or collection and remittance of applicable sales or use taxes for a period of at least thirty-six months. The statute of limitations applicable to asserting a tax liability during this thirty-six month period shall be tolled.

4. Amnesty provided under this section shall be applicable only to sales or use taxes due from a seller in its capacity as a seller and not to sales or use taxes due from a seller in its capacity as a purchaser.

5. The provisions of this section shall become effective as of the date that the state joins and becomes a member state of the agreement.

144.140. 1. From every remittance to the director of revenue made on or before the date when the same becomes due, the person required to remit the same shall be entitled to deduct and retain an amount equal to two percent thereof.

2. If the director of the department of revenue enters into the streamlined sales and use tax agreement under section 32.070, the director shall provide a monetary allowance from the taxes collected to each of the following:

(1) A certified service provider, in accordance with the agreement and under the terms of the contract signed with the provider, provided that such allowance shall not exceed two percent of the amount collected;

(2) Any vendor registered under the agreement that selects a certified automated system to perform part of its sales or use tax functions;

(3) Any vendor registered under the agreement that uses a proprietary system to calculate taxes due and has entered into a performance agreement with states that are members to the streamlined sales and use tax agreement.

3. The monetary allowance provided for vendors in subdivision (2) or (3) of subsection 2 of this section shall be in an amount equal to two percent of the taxes collected.

4. Any vendor receiving an allowance under subsection 2 of this section shall not be entitled simultaneously to deduct the allowance provided for in subsection 1 of this section.”; and

Further amend said bill, Page 57, Section 144.190, Line 122, by inserting after all of said section the following:

"144.210. 1. The burden of proving that a sale of tangible personal property, services, substances or things was not a sale at retail shall be upon the person who made the sale, except that with respect to sales, services, or transactions provided for in section 144.070. [The seller shall obtain and maintain exemption certificates signed by the purchaser or his agent as evidence for any exempt sales claimed; provided, however, that before any administrative tribunal of this state, a seller may prove that sale is exempt from tax under this chapter in accordance with proof admissible under the applicable rules of evidence; except that when a purchaser has purchased tangible personal property or services sales tax free under a claim of exemption which is found to be improper, the director of revenue may collect the proper amount of tax, interest, additions to tax and penalty from the purchaser directly. Any tax, interest, additions to tax or penalty collected by the director from the purchaser shall be credited against the amount otherwise due from the seller on the purchases or sales where the exemption was claimed.]

2. If the director of revenue is not satisfied with the return and payment of the tax made by any person, he is hereby authorized and empowered to make an additional assessment of tax due from such person, based upon the facts contained in the return or upon any information within his possession or that shall come into his possession.

3. The director of revenue shall give to the person written notice of such additional or revised assessment by certified or registered mail to the person at his or its last known address.

144.212. 1. In addition to all other provisions of law provided for exemptions, when an exemption is claimed by a purchaser:

(1) The seller shall obtain identifying information of the purchaser and the reason for claiming a tax exemption at the time of the purchase;

(2) A purchaser shall not be required to provide a signature to claim an exemption from tax unless a paper exemption certificate is used;

(3) The seller shall use the standard form for claiming an exemption electronically prescribed by the director of the department of revenue and acceptable to the streamlined sales and use tax governing board;

(4) The seller shall obtain the same information for proof of a claimed exemption regardless of the medium in which the transaction occurred;

(5) The seller shall maintain proper records of exempt transactions and provide such records to the director of the department of revenue or the director's designee upon request;

(6) In the case of drop shipment sales, a third-party vendor, such as a drop shipper, may claim a resale exemption based on an exemption certificate provided by its customer or any other acceptable information available to the third-party vendor evidencing qualification for a resale exemption, regardless of whether the customer is registered to collect and remit sales and use tax in the state where the sale is sourced.

2. Sellers that comply with the requirements of this section shall be relieved from collecting and remitting tax otherwise applicable if it is determined that the purchaser improperly claimed an exemption and such purchaser shall be liable for the nonpayment of tax. Relief from liability provided under this section shall not apply to a seller who fraudulently fails to collect tax; to a seller who solicits purchasers to participate in the unlawful claim of an exemption; to a seller who accepts an exemption certificate when the purchaser claims an entity-based exemption when the subject of the transaction sought to be covered by the exemption certificate is actually received by the purchaser at a location operated by the seller and the state in which that location resides provides an exemption certificate that clearly and affirmatively indicates that the claimed exemption is not available in such state; or to a seller who accepts an exemption certificate claiming multiple points of use for tangible personal property other than computer software for which an exemption claiming multiple points of use not available in such state.

(1) A seller shall be relieved from collecting and remitting tax otherwise applicable if the seller obtains a fully completed exemption certificate or captures the relevant data elements required under the agreement within ninety days subsequent to the date of sale.

(2) If a seller fails to obtain an exemption certificate or all relevant data elements as provided in this section, the seller may, within one hundred twenty days subsequent to a request for substantiation by the director of the department of revenue or the director's designee, either prove that the transaction was not subject to tax by other means or obtain a fully completed exemption certificate from the purchaser, taken in good faith.

3. Nothing in this section shall affect the ability of the director of the department of revenue or the director's designee to require purchasers to update exemption certificate information or to reapply with the state to claim certain exemptions.

4. Notwithstanding the provisions of subsection 2 of this section to the contrary, the director shall relieve a seller of the tax otherwise applicable if the seller obtains a blanket exemption certificate for a purchaser with which the seller has a recurring business relationship. The director shall not request from the seller renewal of blanket certificates or updates of exemption certificate information or data elements when there is a recurring business relationship between the buyer and seller. For purposes of this section, a recurring business relationship exists when a period of no more than twelve months elapses between sales transactions.

144.285. 1. [In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the director of revenue shall establish brackets, showing the amounts of tax to be collected on sales of specified amounts, which shall be applicable to all taxable transactions] **When the seller is computing the amount of tax owed by the purchaser and remitted to the state:**

(1) Tax computation shall be carried to the third decimal place; and

(2) The tax shall be rounded to a whole cent using a method that rounds up to the next cent whenever the third decimal place is greater than four.

2. [In all instances where statements covering taxable purchases are rendered to the taxpayer on a monthly or other periodic basis, the amount of tax shall be determined by applying the applicable tax rate to the taxable purchases represented on the statement, rounded to the nearest whole cent, or by application of the brackets established by the director of revenue, at the option of the retail vendor] **Sellers may elect to compute the tax due on a transaction on an item or an invoice basis. The provision of this subsection may be applied to the aggregated state and local taxes.**

3. No vendor or seller shall knowingly charge or receive from a purchaser as a sales tax any sum in excess of the sums provided for in this section.

4. [A vendor may, at his option, determine the amount charged to and received from each purchaser by use of a formula which applies the applicable tax rate to each taxable purchase, rounded to the nearest whole cent. The formula shall be uniformly and consistently applied to all purchases similarly situated.

5.] Amounts which a vendor charges to and receives from the purchaser in accordance with this section shall not be includable in his gross receipts if the amounts are separately charged or stated.

[6.] **5.** If sales tax for one or more local political subdivisions is owed by a taxpayer pursuant to chapter 66, 67, 92, or 94 and that taxpayer remits less than all sales tax due for a filing period specified in section 144.080, the director of revenue shall deposit the tax remitted proportionately to each taxing jurisdiction in accordance with the percentage that each such jurisdiction's share of the tax due for the filing period bears to the total tax due from such taxpayer for such period. The unpaid balance due along with penalties and interest shall be similarly prorated among the state and all local jurisdictions for which tax was due during the filing period for which an underpayment occurs. The provisions of this subsection shall apply to all returns or remittances relating to sales made on or after January 1, 1984."; and

Further amend said bill, Page 60, Section 144.525, Line 9, by inserting after all of said section the following:

"144.526. 1. This section shall be known and may be cited as the "Show Me Green Sales Tax Holiday".

2. [For purposes of this section, the following terms mean:

(1) "Appliance", clothes washers and dryers, water heaters, trash compactors, dishwashers, conventional ovens, ranges, stoves, air conditioners, furnaces, refrigerators and freezers; and

(2) "Energy star certified", any appliance approved by both the United States Environmental Protection Agency and the United States Department of Energy as eligible to display the energy star label, as amended from time to time.

3.] In each year beginning on or after January 1, 2009, there is hereby specifically exempted from state sales tax law all retail sales of any [energy star certified] new appliance **that is an energy star qualified product**, up to one thousand five hundred dollars per appliance, during a seven-day period beginning at 12:01 a.m. on April nineteenth and ending at midnight on April twenty-fifth.

[4. A political subdivision may allow the sales tax holiday under this section to apply to its local sales taxes by enacting an ordinance to that effect. Any such political subdivision shall notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any such ordinance or order.

5. This section may not apply to any retailer when less than two percent of the retailer's merchandise offered for sale qualifies for the sales tax holiday. The retailer shall offer a sales tax refund in lieu of the sales tax holiday.]" and

Further amend said bill, Page 61, Section 144.615, Line 21, by inserting after all of said section the following:

"144.655. 1. Every vendor, on or before the last day of the month following each calendar quarterly period of three months, shall file with the director of revenue a return of all taxes collected for the preceding quarter in the form prescribed by the director of revenue, showing the total sales price of the tangible personal property sold by the vendor, the storage, use or consumption of which is subject to the tax levied by this law, and other information the director of revenue deems necessary. The return shall be accompanied by a remittance of the amount of the tax required to be collected by the vendor during the period covered by the return. Returns shall be signed by the vendor or the vendor's authorized agent. The director of revenue may promulgate rules or regulations changing the filing and payment requirements of vendors, but shall not require any vendor to file and pay more frequently than required in this section.

2. Where the aggregate amount of tax required to be collected by a vendor is in excess of two hundred and fifty dollars for either the first or second month of a calendar quarter, the vendor shall pay such aggregate amount for such months to the director of revenue by the twentieth day of the succeeding month. The amount so paid shall be allowed as a credit against the liability shown on the vendor's quarterly return required by this section.

3. Where the aggregate amount of tax required to be collected by a vendor is less than forty-five dollars in a calendar quarter, the director of revenue shall by regulation permit the vendor to file a return for a calendar year. The return shall be filed and the taxes paid on or before January thirty-first of the succeeding year.

4. Except as provided in subsection 5 of this section, every person purchasing tangible personal property, the storage, use or consumption of which is subject to the tax levied by sections 144.600 to 144.748, who has not paid the tax due to a vendor registered in accordance with the provisions of section 144.650, shall file with the director of revenue a return for the preceding reporting period in the form and manner that the director of revenue prescribes, showing the total sales price of the tangible property purchased during the preceding reporting period and any other information that the director of revenue deems necessary for the proper administration of sections 144.600 to 144.748. The return shall be accompanied by a remittance of the amount of the tax required by sections 144.600 to 144.748 to be paid by the person. Returns shall be signed by the person liable for the tax or such person's duly authorized agent. For purposes of this subsection, the reporting period shall be determined by the director of revenue and may be a calendar quarter or a calendar year. Annual returns and payments required by the director pursuant to this subsection shall be due on or before April fifteenth of the year for the preceding calendar year and quarterly returns and payments shall be due on or before the last day of the month following each calendar period of three months. Upon the taxpayer's request, the director may allow the filing of such returns and payments on a monthly basis. If a taxpayer elects to file a monthly return and payment, such return and payment shall be due on or before the twentieth day of the succeeding month.

5. Any person purchasing tangible personal property subject to the taxes imposed by sections 144.600 to 144.748 shall not be required to file a use tax return with the director of revenue if such purchases on which such taxes were not paid do not exceed in the aggregate two thousand dollars in any calendar year.

6. Nothing in subsection 5 of this section shall relieve a vendor of liability to collect the tax imposed pursuant to sections 144.600 to 144.748 on the total gross receipts of all sales of tangible personal property used, stored or consumed in this state and to remit all taxes collected to the director of revenue in accordance with the provisions of this section nor shall it relieve a purchaser from paying such taxes to a vendor registered in accordance with the provisions of section 144.650.

7. Any out-of-state seller which is not legally required to register for use tax in this state but chooses to collect and remit use tax under sections 144.600 to 144.761 shall file a return for the calendar year. The return shall be filed and the taxes paid on or before January thirty-first of the succeeding year. In the event that any out-of-state seller which is not legally required to register for use tax in this state but chooses to collect and remit use tax under sections 144.600 to 144.761 has accumulated state and local use tax funds in an amount equal to one thousand dollars or more, such vendor shall file a return and remit the amount due for the month in which the accumulated state and local use tax funds equal or exceed one thousand dollars.

144.710. [From every remittance made by a vendor as required by sections 144.600 to 144.745 to the director of revenue on or before the date when the remittance becomes due, the vendor may deduct and retain an amount equal

to two percent thereof.] Sections 144.210 and 144.212, pertaining to the allowance for timely remittance of payment, are applicable to the tax levied by this law."; and

Further amend said bill, Page 81, Section 184.865, Line 7, by inserting after all of said section the following:

"221.407. 1. The commission of any regional jail district may impose, by order, a sales tax in the amount of one-eighth of one percent, one-fourth of one percent, three-eighths of one percent, or one-half of one percent on all retail sales made in such region which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525 for the purpose of providing jail services and court facilities and equipment for such region. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no order imposing a sales tax pursuant to this section shall be effective unless the commission submits to the voters of the district, on any election date authorized in chapter 115, a proposal to authorize the commission to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the regional jail district of (counties' names) impose a region-wide sales tax of (insert amount) for the purpose of providing jail services and court facilities and equipment for the region?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon are in favor of the proposal, then the order and any amendment to such order shall be in effect on the first day of the second **calendar** quarter [immediately following the election approving the proposal] **after the director of revenue receives notification of adoption of the local sales tax**. If the proposal receives less than the required majority, the commission shall have no power to impose the sales tax authorized pursuant to this section unless and until the commission shall again have submitted another proposal to authorize the commission to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters of the district voting on such proposal; however, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last submission of a proposal pursuant to this section.

3. All revenue received by a district from the tax authorized pursuant to this section shall be deposited in a special trust fund and shall be used solely for providing jail services and court facilities and equipment for such district for so long as the tax shall remain in effect.

4. Once the tax authorized by this section is abolished or terminated by any means, all funds remaining in the special trust fund shall be used solely for providing jail services and court facilities and equipment for the district. Any funds in such special trust fund which are not needed for current expenditures may be invested by the commission in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue pursuant to this section on behalf of any district, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created, to be known as the "Regional Jail District Sales Tax Trust Fund". The moneys in the regional jail district sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of each member county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the district which levied the tax. Such funds shall be deposited with the treasurer of each such district, and all expenditures of funds arising from the regional jail district sales tax trust fund shall be paid pursuant to an appropriation adopted by the commission and shall be approved by the commission. Expenditures may be made from the fund for any function authorized in the order adopted by the commission submitting the regional jail district tax to the voters.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such districts. If any district abolishes the tax, the commission shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such district, the director

of revenue shall remit the balance in the account to the district and close the account of that district. The director of revenue shall notify each district in each instance of any amount refunded or any check redeemed from receipts due the district.

7. Except as provided in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed pursuant to this section.

8. The provisions of this section shall expire September 30, 2015.

238.235. 1. (1) Any transportation development district may by resolution impose a transportation development district sales tax on all retail sales made in such transportation development district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, except such transportation development district sales tax shall not apply to the sale or use of [motor vehicles, trailers, boats or outboard motors nor to all sales of electricity or electrical current, water and gas, natural or artificial, nor to sales of service to telephone subscribers, either local or long distance] **fuel used to power motor vehicles, aircraft, locomotives, or watercraft, or to electricity, piped natural or artificial gas, or other fuels delivered by the seller, and the retail sale or transfer of motor vehicles, aircraft, watercraft, modular homes, manufactured homes, or mobile homes.** Such transportation development district sales tax may be imposed for any transportation development purpose designated by the transportation development district in its ballot of submission to its qualified voters, except that no resolution enacted pursuant to the authority granted by this section shall be effective unless:

(a) The board of directors of the transportation development district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of this section; or

(b) The voters approved the question certified by the petition filed pursuant to subsection 5 of section 238.207.

(2) If the transportation district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of paragraph (a) of subdivision (1) of this subsection, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the transportation development district of (transportation development district's name) impose a transportation development district-wide sales tax at the rate of (insert amount) for a period of (insert number) years from the date on which such tax is first imposed for the purpose of (insert transportation development purpose)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors of the transportation development district shall have no power to impose the sales tax authorized by this section unless and until the board of directors of the transportation development district shall again have submitted another proposal to authorize it to impose the sales tax pursuant to the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon.

(3) [The sales tax authorized by this section shall become effective on the first day of the second calendar quarter after the department of revenue receives notification of the tax.

(4) In each transportation development district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the transportation development district pursuant to this section to the retailer's sale price, and when so added such tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

(5) In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the transportation development district may establish appropriate brackets which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided in section 144.285.

(6) All revenue received by a transportation development district from the tax authorized by this section which has been designated for a certain transportation development purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. Upon the expiration of the period of years approved by the qualified voters pursuant to subdivision (2) of this subsection or if the tax authorized by this section is repealed pursuant to subsection

6 of this section, all funds remaining in the special trust fund shall continue to be used solely for such designated transportation development purpose. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other transportation development district funds.

[(7)] (4) The sales tax may be imposed in increments of one-eighth of one percent, up to a maximum of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the transportation development district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to public utilities. Any transportation development district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.

2. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax and the tax shall be reported and returned to and collected by the transportation development district.

3. [On and after the effective date of any tax imposed pursuant to this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect, in addition to all other sales taxes imposed by law, the additional tax authorized pursuant to this section. The tax imposed pursuant to this section and the taxes imposed pursuant to all other laws of the state of Missouri shall be collected together and reported upon such forms and pursuant to such administrative rules and regulations as may be prescribed by the director of revenue.

4. (1) All applicable provisions contained in sections 144.010 to 144.525, governing the state sales tax, sections 32.085 and 32.087 and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section.

(2) All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services pursuant to the provisions of sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax imposed by this section.

(3) The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the transportation development district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

(4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws for the collection of and for payment of taxes pursuant to such laws are hereby allowed and made applicable to any taxes collected pursuant to the provisions of this section.

(5) The penalties provided in section 32.057 and sections 144.010 to 144.525 for violation of those sections are hereby made applicable to violations of this section.

(6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which the employee works.

5.] All sales taxes received by the transportation development district shall be deposited by the director of revenue in a special fund to be expended for the purposes authorized in this section. The director of revenue shall keep accurate records of the amount of money which was collected pursuant to this section, and the records shall be open to the inspection of officers of each transportation development district and the general public.

[6.] 4. (1) No transportation development district imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects.

(2) Whenever the board of directors of any transportation development district in which a transportation development sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent

of the qualified voters calling for an election to repeal such transportation development sales tax, the board of directors shall, if such repeal will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects, submit to the qualified voters of such transportation development district a proposal to repeal the transportation development sales tax imposed pursuant to the provisions of this section. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal to repeal the transportation development sales tax, then the resolution imposing the transportation development sales tax, along with any amendments thereto, is repealed. If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal to repeal the transportation development sales tax, then the ordinance or resolution imposing the transportation development sales tax, along with any amendments thereto, shall remain in effect.

[7.] 5. Notwithstanding any provision of sections 99.800 to 99.865 and this section to the contrary, the sales tax imposed by a district whose project is a public mass transportation system shall not be considered economic activity taxes as such term is defined under sections 99.805 and 99.918 and shall not be subject to allocation under the provisions of subsection 3 of section 99.845, or subsection 4 of section 99.957.

6. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

7. Except as provided in this section, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under this section.

238.410. 1. Any county transit authority established pursuant to section 238.400 may impose a sales tax of up to one percent on all retail sales made in such county which are subject to taxation under the provisions of sections 144.010 to 144.525. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax imposed under the provisions of this section shall be effective unless the governing body of the county, on behalf of the transit authority, submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the transit authority to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the Transit Authority impose a countywide sales tax of (insert amount) in order to provide revenues for the operation of transportation facilities operated by the transit authority?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO". If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall become effective on the first day of the second calendar quarter following notification to the department of revenue of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the transit authority shall have no power to impose the sales tax authorized by this section unless and until another proposal to authorize the transit authority to impose the sales tax authorized by this section has been submitted and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by the transit authority from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely by the transit authority for construction, purchase, lease, maintenance and operation of transportation facilities located within the county for so long as the tax shall remain in effect. Any funds in such special trust fund which are not needed for current expenditures may be invested by the transit authority in accordance with applicable laws relating to the investment of county funds.

4. No transit authority imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment is submitted to and approved by the voters of the county in the same manner as provided in subsection 1 of this section for approval of such tax. Whenever the governing body of any county in which a sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the registered voters of such county voting in the last gubernatorial election, calling for an election to repeal such sales tax, the governing body shall submit to the voters of such county a proposal to repeal the sales tax imposed under the provisions of this section. If a majority of the votes cast on the proposal by the registered voters voting thereon are in favor of the proposal to repeal the sales tax, then such sales tax is repealed. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal the sales tax, then such sales tax shall remain in effect.

5. The sales tax imposed under the provisions of this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525 and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate approved pursuant to this section. The amount reported and returned to the director of revenue by the seller shall be computed on the basis of the combined rate of the tax imposed by sections 144.010 to 144.525 and the tax imposed by this section, plus any amounts imposed under other provisions of law.

6. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue. In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the applicable provisions of section 144.285 shall apply to all taxable transactions.

7. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax imposed by this section. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from the tax imposed by this section. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under chapter 144 are hereby allowed and made applicable to any taxes collected under the provisions of this section. The penalties provided in section 32.057 and sections 144.010 to 144.525 for a violation of those sections are hereby made applicable to violations of this section.

8. [For the purposes of a sales tax imposed pursuant to this section, all retail sales shall be deemed to be consummated at the place of business of the retailer, except for tangible personal property sold which is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination and except for the sale of motor vehicles, trailers, boats and outboard motors, which is provided for in subsection 12 of this section. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which he works.

9.] All sales taxes collected by the director of revenue under this section on behalf of any transit authority, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in this section, shall be deposited in the state treasury in a special trust fund, which is hereby created, to be known as the "County Transit Authority Sales Tax Trust Fund". The moneys in the county transit authority sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each transit authority imposing a sales tax under this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the transit authority which levied the tax.

[10.] 9. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any transit authority for erroneous payments and overpayments made, and may authorize the state treasurer to redeem dishonored checks and drafts deposited to the credit of such transit authorities. If any transit authority abolishes the tax, the transit authority shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such transit authority, the director of revenue shall authorize the state treasurer to remit the balance in the account to the transit authority and close the account of that transit authority. The director of revenue shall notify each transit authority of each instance of any amount refunded or any check redeemed from

receipts due the transit authority. The director of revenue shall annually report on his management of the trust fund and administration of the sales taxes authorized by this section. He shall provide each transit authority imposing the tax authorized by this section with a detailed accounting of the source of all funds received by him for the transit authority.

[11.] **10.** The director of revenue and any of his deputies, assistants and employees who shall have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of this section shall enter a surety bond or bonds payable to any and all transit authorities in whose behalf such funds have been collected under this section in the amount of one hundred thousand dollars; but the director of revenue may enter into a blanket bond or bonds covering himself and all such deputies, assistants and employees. The cost of the premium or premiums for the surety bond or bonds shall be paid by the director of revenue from the share of the collection retained by the director of revenue for the benefit of the state.

[12.] **11.** Sales taxes imposed pursuant to this section and use taxes on the purchase and sale of motor vehicles, trailers, boats, and outboard motors shall not be collected and remitted by the seller, but shall be collected by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a county where a sales tax is imposed under this section. The amounts so collected, less the one percent collection cost, shall be deposited in the county transit authority sales tax trust fund. The purchase or sale of motor vehicles, trailers, boats, and outboard motors shall be deemed to be consummated at the address of the applicant. As used in this subsection, the term "boat" shall only include motorboats and vessels as the terms "motorboat" and "vessel" are defined in section 306.010.

[13.] **12.** In any county where the transit authority sales tax has been imposed, if any person is delinquent in the payment of the amount required to be paid by him under this section or in the event a determination has been made against him for taxes and penalty under this section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under this section, the director of revenue shall notify the transit authority to which delinquent taxes are due under this section by United States registered mail or certified mail at least ten days before turning the case over to the attorney general. The transit authority, acting through its attorney, may join in such suit as a party plaintiff to seek a judgment for the delinquent taxes and penalty due such transit authority. In the event any person fails or refuses to pay the amount of any sales tax due under this section, the director of revenue shall promptly notify the transit authority to which the tax would be due so that appropriate action may be taken by the transit authority.

[14.] **13.** Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by this section, the director of revenue shall permit the transit authority to join in any sale of property to pay the delinquent taxes and penalties due the state and to the transit authority under this section. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such transit authority under this section.

[15.] The transit authority created under the provisions of sections 238.400 to 238.412 shall notify any and all affected businesses of the change in tax rate caused by the imposition of the tax authorized by sections 238.400 to 238.412.

16.] **14.** In the event that any transit authority in any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants submits a proposal in any election to increase the sales tax under this section, and such proposal is approved by the voters, the county shall be reimbursed for the costs of submitting such proposal from the funds derived from the tax levied under this section.

15. Except as provided in sections 238.400 to 238.412, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under sections 238.410 to 238.412."; and

Further amend said bill, Page 130, Section 577.041, Line 138, by inserting after all of said section the following:

"644.032. 1. The governing body of any municipality or county may impose, by ordinance or order, a sales tax in an amount not to exceed one-half of one percent on all retail sales made in such municipality or county which are subject to taxation under the provisions of sections 144.010 to 144.525. The tax authorized by this section and section 644.033 shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax under the provisions of this section and section 644.033 shall be effective unless the governing body of the municipality or county submits to the voters of the municipality or county, at a municipal, county or state general, primary or special election, a proposal to authorize the governing body of the municipality or county to impose a tax[,

provided, that the tax authorized by this section shall not be imposed on the sales of food, as defined in section 144.014, when imposed by any county with a charter form of government and with more than one million inhabitants].

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the municipality (county) of impose a sales tax of (insert amount) for the purpose of providing funding for (insert either storm water control, or local parks, or storm water control and local parks) for the municipality (county)?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter after the director of revenue receives notice of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the municipality or county shall not impose the sales tax authorized in this section and section 644.033 until the governing body of the municipality or county resubmits another proposal to authorize the governing body of the municipality or county to impose the sales tax authorized by this section and section 644.033 and such proposal is approved by a majority of the qualified voters voting thereon; however, in no event shall a proposal pursuant to this section and section 644.033 be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section and section 644.033.

3. All revenue received by a municipality or county from the tax authorized under the provisions of this section and section 644.033 shall be deposited in a special trust fund and shall be used to provide funding for storm water control or for local parks, or both, within such municipality or county, provided that such revenue may be used for local parks outside such municipality or county if the municipality or county is engaged in a cooperative agreement pursuant to section 70.220.

4. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other municipal or county funds.”; and

Further amend said bill, Page 130, Section 1, Line 6, by inserting after all of said section the following:

“[66.601. The duties of the director of revenue with respect to the allocation, division and distribution of sales and use tax proceeds determined to be due any county of the first classification having a charter form of government and having a population of nine hundred thousand or more inhabitants and all municipalities within such county, resulting from taxes levied or imposed under the authority of sections 66.600 to 66.630, section 144.748, and sections 94.850 to 94.857, may be delegated to the county levying the county sales tax under sections 66.600 to 66.630, at the discretion of the director of revenue and with the consent of the county. Notwithstanding the provisions of section 32.057 to the contrary, if such duties are so assigned, the director of revenue shall furnish the county with sufficient information to perform such duties in such form as may be agreed upon by the director and the county at no cost to the county. The county shall be bound by the provisions of section 32.057, and shall use any information provided by the director of revenue under the provisions of this section solely for the purpose of allocating, dividing and distributing such sales and use tax revenues. The county shall exercise all of the director's powers and duties with respect to such allocation, division and distribution, and shall receive no fee for carrying out such powers and duties.]

[67.1713. Beginning January 1, 2002, there is hereby specifically exempted from the tax imposed pursuant to section 67.1712 all sales of food as defined by section 144.014.]

[67.1971. All entities remitting the sales tax authorized pursuant to section 67.1959 shall have their liability reduced by an amount equal to twenty-five percent of any taxes collected and remitted pursuant to sections 94.802 to 94.805.]

[144.069. All sales of motor vehicles, trailers, boats and outboard motors shall be deemed to be consummated at the address of the owner thereof, and all leases of over sixty-day duration of motor vehicles, trailers, boats and outboard motors subject to sales taxes under this chapter shall be deemed to be consummated unless the vehicle, trailer, boat or motor has been registered and sales taxes have been paid prior to the consummation of the lease agreement at the address of the lessee thereof on the date the lease is consummated, and all applicable sales taxes levied by any political subdivision shall be collected on such sales by the state department of revenue on that basis.]

[144.517. In addition to the exemptions granted pursuant to section 144.030, there shall also be exempted from state sales and use taxes all sales of textbooks, as defined by section 170.051, when such textbook is purchased by a student who possesses proof of current enrollment at any Missouri public or private university, college or other postsecondary institution of higher learning offering a course of study leading to a degree in the liberal arts, humanities or sciences or in a professional, vocational or technical field, provided that the books which are exempt from state sales tax are those required or recommended for a class. Upon request the institution or department must provide at least one list of textbooks to the bookstore each semester. Alternately, the student may provide to the bookstore a list from the instructor, department or institution of his or her required or recommended textbooks. This exemption shall not apply to any locally imposed sales or use tax.]

[144.605. The following words and phrases as used in sections 144.600 to 144.745 mean and include:

(1) "Calendar quarter", the period of three consecutive calendar months ending on March thirty-first, June thirtieth, September thirtieth or December thirty-first;

(2) "Engages in business activities within this state" includes:

(a) Purposefully or systematically exploiting the market provided by this state by any media-assisted, media-facilitated, or media-solicited means, including, but not limited to, direct mail advertising, distribution of catalogs, computer-assisted shopping, telephone, television, radio, or other electronic media, or magazine or newspaper advertisements, or other media; or

(b) Being owned or controlled by the same interests which own or control any seller engaged in the same or similar line of business in this state; or

(c) Maintaining or having a franchisee or licensee operating under the seller's trade name in this state if the franchisee or licensee is required to collect sales tax pursuant to sections 144.010 to 144.525; or

(d) Soliciting sales or taking orders by sales agents or traveling representatives;

(3) "Maintains a place of business in this state" includes maintaining, occupying, or using, permanently or temporarily, directly or indirectly, or through a subsidiary, or agent, by whatever name called, an office, place of distribution, sales or sample room or place, warehouse or storage place, or other place of business;

(4) "Person", any individual, firm, copartnership, joint venture, association, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or agency, except the state transportation department, estate, trust, business trust, receiver or trustee appointed by the state or federal court, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number;

(5) "Purchase", the acquisition of the ownership of, or title to, tangible personal property, through a sale, as defined herein, for the purpose of storage, use or consumption in this state;

(6) "Purchaser", any person who is the recipient for a valuable consideration of any sale of tangible personal property acquired for use, storage or consumption in this state;

(7) "Sale", any transfer, barter or exchange of the title or ownership of tangible personal property, or the right to use, store or consume the same, for a consideration paid or to be paid, and any transaction whether called leases, rentals, bailments, loans, conditional sales or otherwise, and notwithstanding that the title or possession of the property or both is retained for security. For the purpose of this law the place of delivery of the property to the purchaser, user, storer or consumer is deemed to be the place of sale, whether the delivery be by the vendor or by common carriers, private contractors, mails, express, agents, salesmen, solicitors, hawkers, representatives, consignors, peddlers, canvassers or otherwise;

(8) "Sales price", the consideration including the charges for services, except charges incident to the extension of credit, paid or given, or contracted to be paid or given, by the purchaser to the vendor for the tangible personal property, including any services that are a part of the sale, valued in money, whether paid in money or otherwise, and any amount for which credit is given to the purchaser by the vendor, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service cost, losses or any other expenses whatsoever, except that cash discounts allowed and taken on sales shall not be included and "sales price" shall not include the amount charged for property returned by customers upon rescission of the contract of sales when

the entire amount charged therefor is refunded either in cash or credit or the amount charged for labor or services rendered in installing or applying the property sold, the use, storage or consumption of which is taxable pursuant to sections 144.600 to 144.745. In determining the amount of tax due pursuant to sections 144.600 to 144.745, any charge incident to the extension of credit shall be specifically exempted;

(9) "Selling agent", every person acting as a representative of a principal, when such principal is not registered with the director of revenue of the state of Missouri for the collection of the taxes imposed pursuant to sections 144.010 to 144.525 or sections 144.600 to 144.745 and who receives compensation by reason of the sale of tangible personal property of the principal, if such property is to be stored, used, or consumed in this state;

(10) "Storage", any keeping or retention in this state of tangible personal property purchased from a vendor, except property for sale or property that is temporarily kept or retained in this state for subsequent use outside the state;

(11) "Tangible personal property", all items subject to the Missouri sales tax as provided in subdivisions (1) and (3) of section 144.020;

(12) "Taxpayer", any person remitting the tax or who should remit the tax levied by sections 144.600 to 144.745;

(13) "Use", the exercise of any right or power over tangible personal property incident to the ownership or control of that property, except that it does not include the temporary storage of property in this state for subsequent use outside the state, or the sale of the property in the regular course of business;

(14) "Vendor", every person engaged in making sales of tangible personal property by mail order, by advertising, by agent or peddling tangible personal property, soliciting or taking orders for sales of tangible personal property, for storage, use or consumption in this state, all salesmen, solicitors, hawkers, representatives, consignees, peddlers or canvassers, as agents of the dealers, distributors, consignors, supervisors, principals or employers under whom they operate or from whom they obtain the tangible personal property sold by them, and every person who maintains a place of business in this state, maintains a stock of goods in this state, or engages in business activities within this state and every person who engages in this state in the business of acting as a selling agent for persons not otherwise vendors as defined in this subdivision. Irrespective of whether they are making sales on their own behalf or on behalf of the dealers, distributors, consignors, supervisors, principals or employers, they must be regarded as vendors and the dealers, distributors, consignors, supervisors, principals or employers must be regarded as vendors for the purposes of sections 144.600 to 144.745. A person shall not be considered a vendor for the purposes of sections 144.600 to 144.745 if all of the following apply:

(a) The person's total gross receipts did not exceed five hundred thousand dollars in this state, or twelve and one-half million dollars in the entire United States, in the immediately preceding calendar year;

(b) The person maintains no place of business in this state; and

(c) The person has no selling agents in this state.]

[144.1000. Sections 144.1000 to 144.1015 shall be known as and referred to as the "Simplified Sales and Use Tax Administration Act".]

[144.1003. As used in sections 144.1000 to 144.1015, the following terms shall mean:

(1) "Agreement", the streamlined sales and use tax agreement;

(2) "Certified automated system", software certified jointly by the states that are signatories to the agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state and maintain a record of the transaction;

(3) "Certified service provider", an agent certified jointly by the states that are signatories to the agreement to perform all of the seller's sales tax functions;

(4) "Person", an individual, trust, estate, fiduciary, partnership, limited liability company, limited liability partnership, corporation or any other legal entity;

(5) "Sales tax", any sales tax levied pursuant to this chapter, section 32.085, or any other sales tax authorized by statute and levied by this state or its political subdivisions;

(6) "Seller", any person making sales, leases or rentals of personal property or services;

- (7) "State", any state of the United States and the District of Columbia;
- (8) "Use tax", the use tax levied pursuant to this chapter.]

[144.1006. For the purposes of reviewing and, if necessary, amending the agreement embodying the simplification recommendations contained in section 144.1015, the state may enter into multistate discussions. For purposes of such discussions, the state shall be represented by seven delegates, one of whom shall be appointed by the governor, two members appointed by the speaker of the house of representatives, one member appointed by the minority leader of the house of representatives, two members appointed by the president pro tempore of the senate and one member appointed by the minority leader of the senate. The delegates need not be members of the general assembly and at least one of the delegates appointed by the speaker of the house of representatives and one member appointed by the president pro tempore of the senate shall be from the private sector and represent the interests of Missouri businesses. The delegates shall recommend to the committees responsible for reviewing tax issues in the senate and the house of representatives each year any amendment of state statutes required to be substantially in compliance with the agreement. Such delegates shall make a written report by the fifteenth day of January each year regarding the status of the multistate discussions and upon final adoption of the terms of the sales and use tax agreement by the multistate body.]

[144.1009. No provision of the agreement authorized by sections 144.1000 to 144.1015 in whole or in part invalidates or amends any provision of the law of this state. Implementation of any condition of this agreement in this state, whether adopted before, at, or after membership of this state in the agreement, must be by action of the general assembly. Such report shall be delivered to the governor, the secretary of state, the president pro tempore of the senate and the speaker of the house of representatives and shall simultaneously be made publicly available by the secretary of state to any person requesting a copy.]

[144.1012. Unless five of the seven delegates agree, the delegates shall not enter into or vote for any streamlined sales and use tax agreement that:

- (1) Requires adoption of a definition of any term that would cause any item or transaction that is now excluded or exempted from sales or use tax to become subject to sales or use tax;
- (2) Requires the state of Missouri to fully exempt or fully apply sales taxes to the sale of food or any other item;
- (3) Restricts the ability of local governments under statutes in effect on August 28, 2002, to enact one or more local taxes on one or more items without application of the tax to all sales within the taxing jurisdiction, however, restriction of any such taxes allowed by statutes effective after August 28, 2002, may be supported;
- (4) Provides for adoption of any uniform rate structure that would result in a tax increase for any Missouri taxpayer;
- (5) Affects the sourcing of sales tax transactions; or
- (6) Prohibits limitations or thresholds on the application of sales and use tax rates or prohibits any current sales or use tax exemption in the state of Missouri, including exemptions that are based on the value of the transaction or item.]

[144.1015. In addition to the requirements of section 144.1012, the delegates should consider the following features when deciding whether or not to enter into any streamlined sales and use tax agreement:

- (1) The agreement should address the limitation of the number of state rates over time;
- (2) The agreement should establish uniform standards for administration of exempt sales and the form used for filing sales and use tax returns and remittances;
- (3) The agreement should require the state to provide a central, electronic registration system that allows a seller to register to collect and remit sales and use taxes for all signatory states;
- (4) The agreement should provide that registration with the central registration system and the collection of sales and use taxes in the signatory states will not be used as a factor in determining whether the seller has nexus with a state for any tax;

(5) The agreement should provide for reduction of the burdens of complying with local sales and use taxes through the following so long as they do not conflict with the provisions of section 144.1012:

- (a) Restricting variances between the state and local tax bases;
- (b) Requiring states to administer any sales and use taxes levied by local jurisdictions within the state so that sellers collecting and remitting these taxes will not have to register or file returns with, remit funds to, or be subject to independent audits from local taxing jurisdictions;
- (c) Restricting the frequency of changes in the local sales and use tax rates and setting effective dates for the application of local jurisdictional boundary changes to local sales and use taxes; and

(d) Providing notice of changes in local sales and use tax rates and of changes in the boundaries of local taxing jurisdictions;

(6) The agreement should outline any monetary allowances that are to be provided by the states to sellers or certified service providers. The agreement must allow for a joint public and private sector study of the compliance cost on sellers and certified service providers to collect sales and use taxes for state and local governments under various levels of complexity to be completed by July 1, 2003;

(7) The agreement should require each state to certify compliance with the terms of the agreement prior to joining and to maintain compliance, under the laws of the member state, with all provisions of the agreement while a member, only if the agreement and any amendment thereto complies with the provisions of section 144.1012;

(8) The agreement should require each state to adopt a uniform policy for certified service providers that protects the privacy of consumers and maintains the confidentiality of tax information; and

(9) The agreement should provide for the appointment of an advisory council of private sector representatives and an advisory council of nonmember state representatives to consult with in the administration of the agreement.]; and

Further amend said bill, Page 131, Section D, Line 3, by inserting after all of said section the following:

"Section E. The provisions of the streamlined sales and use tax agreement act shall become effective January 1, 2015."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Funderburk, **House Amendment No. 17** was adopted.

Representative Fraker offered **House Amendment No. 18**.

House Amendment No. 18

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 16, Section 67.457, Line 91, by striking the word "**or**" on said line and inserting in lieu thereof the word "**and**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Fraker, **House Amendment No. 18** was adopted.

Representative Torpey offered **House Amendment No. 19**.

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Pages 113-123, Sections 348.273 and 348.274, by deleting all of said sections from the bill and inserting in lieu thereof, the following:

"348.273. 1. This section and section 348.274 shall be known and may be cited as the "Missouri Angel Investment Incentive Act".

2. As used in this section and section 348.274, the following terms mean:

- (1) "Cash investment", money or money equivalent contribution;**
- (2) "Coordinator", the SBTDC home office;**
- (3) "Investor":**
 - (a) A natural person who is an accredited investor as defined in 17 CFR 230.501(a)(5) or 230.501(a)(6), as in effect on August 28, 2013; or**
 - (b) A permitted entity investor who is an accredited investor as defined in 17 CFR 230.501(a)(8), as in effect on August 28, 2013; or**
 - (c) A natural person or permitted entity investor making an investment who qualifies under the Jumpstart Our Business Startups (JOBS) Act, Pub.L.No. 112-106, as in effect on August 23, 2013.**

A person who serves as an executive, officer, or employee of the business in which an otherwise qualified cash investment is made is not an investor, and such person shall not qualify for the issuance of tax credits for such investment;

(4) "Owner", any natural person who is, directly or indirectly, a partner, stockholder, or member in a permitted entity investor;

(5) "Permitted entity investor", any general partnership, limited partnership, corporation that has in effect a valid election to be taxed as an S corporation under the Internal Revenue Code of 1986, as amended, revocable living trust, nonprofit corporation, or limited liability company that has elected to be taxed as a partnership under the United States Internal Revenue Code of 1986, as amended, and that was established and is operated for the purpose of making investments in other entities;

(6) "Qualified knowledge-based company", a company based on the use of ideas and information to provide innovative technologies, products, and services;

(7) "Qualified Missouri business", a Missouri business that is approved and certified as qualified knowledge-based company by the regional SBTDC that meet at least one of the following criteria:

- (a) Any business owned by an individual;**
- (b) Any partnership, association, or corporation domiciled in Missouri; or**
- (c) Any corporation, even if a wholly owned subsidiary of a foreign corporation, that does business primarily in Missouri or does substantially all of such business's production in Missouri;**

(8) "Qualified securities", a cash investment through any one or more forms of financial assistance as provided in this subdivision and that have been approved in form and substance by the coordinator. Forms of such financial assistance include:

- (a) Any form of equity, such as:**
 - a. A general or limited partnership interest;**
 - b. Common stock;**
 - c. Preferred stock, with or without voting rights, without regard to seniority position, and whether or not convertible into common stock; or**

d. Any form of subordinate or convertible debt, or both, with warrants or other means of equity conversion attached; or

(b) A debt instrument, such as a note or debenture that is secured or unsecured, subordinated to the general creditors of the debtor and requiring no payments of principal, other than principal payments required to be made out of any future profits of the debtor, for at least a seven-year period after commencement of such debt instrument's term;

(9) "SBTDC", the Missouri small business and technology development center; and

(10) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or otherwise due under chapter 147, 148, or 153.

3. The Missouri angel investment incentive act shall be administered by the regional SBTDCs and the coordinator, with the primary goal of encouraging individuals to provide seed-capital financing for emerging

Missouri businesses engaged in the development, implementation, and commercialization of innovative technologies, products, and services. Each regional SBTDC shall establish a regional committee consisting of no fewer than three but no more than five persons for the purpose of reviewing applications from businesses requesting designation as a qualified Missouri business and allocating the amount of available tax credits among the qualified investors that make cash investments in such qualified Missouri businesses. The coordinator shall establish its own rules of procedure, including the form and substance of applications to be used by each regional SBTDC and the criteria to be considered by each regional SBTDC when evaluating a qualified Missouri business. Such applications and criteria are to be not less than the minimum requirements set forth in subsection 5 of this section. The coordinator shall issue tax credits to qualified investors who make cash investments in qualified Missouri businesses that have been allocated available tax credits by a regional SBTDC.

4. (1) A tax credit shall be allowed for an investor's cash investment in the qualified securities of a qualified Missouri business. The credit shall be in a total amount equal to fifty percent of such investor's cash investment in any qualified Missouri business, subject to the limitations set forth in this subsection. This tax credit may be used in its entirety in the taxable year in which the cash investment is made, but no tax credit shall be allowed prior to the year beginning August 28, 2013. If the amount by which that portion of the credit allowed by this section exceeds the investor's tax liability in any one taxable year, beginning in the calendar year 2013, the remaining portion of the credit may be carried forward five years or until the total amount of the credit is used, whichever occurs first. If the investor is a permitted entity investor, the credit provided by this section shall be claimed by the owners of the permitted entity investor in proportion to their equity investment in the permitted entity investor.

(2) A cash investment in a qualified security shall be deemed to have been made on the date of acquisition of the qualified security, as such date is determined in accordance with the provisions of the Internal Revenue Code of 1986, as amended.

(3) The SBTDC shall not allow tax credits of more than fifty thousand dollars for a single qualified Missouri business per investor who is a natural person or permitted entity investor or a total of two hundred fifty thousand dollars in tax credits for a single year per investor who is a natural person or owner of a permitted entity investor. No tax credits authorized by this section and section 348.274 shall be allowed for any cash investments in qualified securities for any year beginning after December 31, 2023. The total amount of tax credits allowed under this section shall not exceed six million dollars.

(4) The tax credits shall be administered by the regional SBTDCs. At the beginning of each calendar year, the coordinator shall equally designate the tax credits available during that year to each regional SBTDC. At the beginning of each calendar quarter, the coordinator shall allocate to each regional SBTDC one-fourth of the total tax credits designated to such regional SBTDC for the calendar year such that the regional SBTDC can allocate tax credits among the qualified Missouri businesses. The coordinator shall then issue tax credits to qualified investors for cash investments in such qualified Missouri businesses during that calendar quarter.

(5) At the end of each calendar quarter, each regional SBTDC shall report to the coordinator any unallocated tax credits for the preceding quarter. Such report shall meet the requirements set forth in section 348.274. The coordinator shall aggregate all such tax credits and reallocate them equally among the regional SBTDCs as soon as possible during the next consecutive calendar quarter. Each regional SBTDC shall receive such reallocation in addition to the new allocation of designated tax credits for such quarter.

(6) During the fourth calendar quarter, a regional SBTDC in need of additional tax credits for transactions closing in the fourth calendar quarter may request that another regional SBTDC with unallocated tax credits permit such unallocated tax credits to be allocated by the requesting SBTDC. No regional SBTDC shall be required to grant such request. When a granting SBTDC transfers the allocation of the unallocated tax credits to a requesting SBTDC under this subdivision, the granting SBTDC shall provide to the requesting SBTDC a written confirmation authorizing such transfer, the granting SBTDC shall include a copy of such written confirmation in its reports provided under section 348.274, and the requesting SBTDC shall include a copy of such written confirmation in its reports provided under section 348.274.

5. (1) Before an investor may be entitled to receive tax credits under this section and section 348.274, such investor shall have made a cash investment in a qualified security of a qualified Missouri business. The business shall have been approved by a regional SBTDC as a qualified Missouri business before the date on which the cash investment was made. To be designated as a qualified Missouri business, a business shall apply to a regional SBTDC in accordance with the provisions of this section.

(2) The application by a business to a regional SBTDC shall be in the form and substance as required by the coordinator, but shall include at least the following:

(a) The name of the business and certified copies of the organizational documents of the business;

(b) A business plan, including a description of the business and the management, product, market, and financial plan of the business;

(c) A statement of the potential economic impact of the enterprise, including the number, location, and types of jobs expected to be created;

(d) A description of the qualified securities to be issued, the consideration to be paid for the qualified securities, and the amount of any tax credits requested;

(e) A statement of the amount, timing, and projected use of the proceeds to be raised from the proposed sale of qualified securities; and

(f) Such other information as the regional SBTDC or the coordinator may reasonably request.

(3) The designation of a business as a qualified Missouri business shall be made by the regional SBTDC, and such designation shall be renewed annually. A business shall be so designated if the regional SBTDC determines, based upon the application submitted by the business and any additional investigation the regional SBTDC shall undertake, that such business meets the criteria established by the coordinator. Such criteria shall include at least the following:

(a) The business shall not have had annual gross revenues of more than five million dollars in the most recent tax year of the business;

(b) Businesses that are not bioscience businesses shall have been in operation for less than five years, and bioscience businesses shall have been in operation for less than ten years;

(c) The ability of investors in the business to receive tax credits for cash investments in qualified securities of the business is beneficial, because funding otherwise available for the business is not available on commercially reasonable terms;

(d) The business shall not have ownership interests including, but not limited to, common or preferred shares of stock that can be traded via a public stock exchange before the date that a qualifying investment is made;

(e) The business shall not be engaged primarily in any one or more of the following enterprises:

a. The business of banking, savings and loan or lending institutions, credit or finance, or financial brokerage or investments;

b. The provision of professional services, such as legal, accounting, or engineering services;

c. Governmental, charitable, religious, or trade organizations;

d. The ownership, development brokerage, sales, or leasing of real estate;

e. Insurance;

f. Construction or construction management or contracting;

g. Business consulting or brokerage;

h. Any business engaged primarily as a passive business, having irregular or noncontiguous operations, or deriving substantially all of the income of the business from passive investments that generate interest, dividends, royalties, or capital gains, or any business arrangements the effect of which is to immunize an investor from risk of loss;

i. Any activity that is in violation of the law;

j. Any business raising money primarily to purchase real estate, land, or fixtures; and

k. Any gambling-related business;

(f) The business has a reasonable chance of success;

(g) The business has the reasonable potential to create measurable employment within the region, this state, or both;

(h) The business has an innovative and proprietary technology, product, or service;

(i) The existing owners of the business and other founders have made or are committed to making a substantial financial and time commitment to the business;

(j) The securities to be issued and purchased are qualified securities;

(k) The business has the reasonable potential to address the needs and opportunities specific to the region, this state, or both;

(l) The business has made binding commitments to the regional SBTDC for adequate reporting of financial data, including a requirement for an annual report, or, if required by the regional SBTDC, an annual audit of the financial and operational records of the business, the right of access to the financial records of the business, and the right of the regional SBTDC to record and publish normal and customary data and information related to the issuance of tax credits that are not otherwise determined to be trade or business secrets; and

(m) The business shall satisfy all other requirements of this section and section 348.274;

(n) This section and all referenced sections herein are subject to the provisions of section 196.1127.

(4) Notwithstanding the requirements of subdivision (3) of this subsection, a business may be considered as a qualified Missouri business under the provisions of this section and section 348.274 if such business falls within a standard industrial classification code established by the coordinator.

(5) A qualified Missouri business shall have the burden of proof to demonstrate to the regional SBTDC the qualifications of the business under this section.

348.274. 1. (1) Each regional SBTDC is authorized to allocate tax credits to qualified Missouri businesses. The coordinator is authorized to issue tax credits to qualified investors in such qualified Missouri businesses. Such tax credits shall be allocated to those qualified Missouri businesses which, as determined by the regional SBTDC, are most likely to provide the greatest economic benefit to the region or the state, or both. The regional SBTDC may allocate, and the coordinator may issue, whole or partial tax credits based on the regional SBTDC's assessment of the qualified Missouri businesses. The regional SBTDC may consider numerous factors in such assessment including, but not limited to, the quality and experience of the management team, the size of the estimated market opportunity, the risk from current or future competition, the ability to defend intellectual property, the quality and utility of the business model, and the quality and reasonableness of financial projections for the business.

(2) Each qualified Missouri business for which a regional SBTDC has allocated tax credits such that the coordinator can issue tax credits to the qualified investors of such qualified Missouri business shall submit to the regional SBTDC a report before such tax credits are issued. The regional SBTDC shall provide copies of this report to the coordinator. Such report shall include the following:

(a) The name, address, and taxpayer identification number of each investor who has made cash investment in the qualified securities of the qualified Missouri business;

(b) Proof of such investment, including copies of the securities' purchase agreements and cancelled checks or wire transfer receipts; and

(c) Any additional information as the regional SBTDC may reasonably require under this section and section 348.273.

2. (1) The state of Missouri shall not be held liable for any damages to any investor that makes an investment in any qualified security of a qualified Missouri business, any business that applies to be designated as a qualified Missouri business and is turned down, or any investor that makes an investment in a business that applies to be designated as a qualified Missouri business and is turned down.

(2) Each qualified Missouri business shall have the obligation to notify the regional SBTDC that allocated the tax credits to the qualified Missouri business and the coordinator in a timely manner of any changes in the qualifications of the business or in the eligibility of investors to claim a tax credit for cash investment in a qualified security.

(3) The coordinator shall provide the information specified in subdivision (3) of subsection 4 of this section to the department of revenue on an annual basis. The coordinator shall conduct an annual review of the activities undertaken under this section and section 348.273 to ensure that tax credits issued under this section and section 348.273 are issued in compliance with the provisions of this section and section 348.273 or rules and regulations promulgated by each regional SBTDC or the coordinator with respect to this section and section 348.273. The reasonable costs of the annual review shall be paid by the coordinator according to a reasonable fee schedule adopted by the coordinator.

(4) If the coordinator determines that a business is not in substantial compliance with the requirements of this section and section 348.273 to maintain its designation, the coordinator, by written notice, may inform the business that such business will lose its designation as a qualified Missouri business one hundred twenty days from the date of mailing of the notice unless such business corrects the deficiencies and is once again in compliance with the requirements for designation.

(5) At the end of the one hundred twenty days period, if the qualified Missouri business is still not in substantial compliance, the coordinator may send a notice of loss of designation to the business, each regional SBTDC, the director of the department of revenue, and to all known investors in the business.

(6) A business may lose its designation as a qualified Missouri business under this section and section 348.273 by moving its operations outside Missouri within ten years after receiving financial assistance under this section and section 348.273.

(7) In the event that a business loses its designation as a qualified Missouri business, such business shall be precluded from being issued any additional tax credits with respect to the business, shall be precluded from being approved as a qualified Missouri business, and shall repay any financial assistance to the regional SBTDC, in an amount to be determined by the regional SBTDC. Each qualified Missouri business that loses its designation

as a qualified Missouri business shall enter into a repayment agreement, with the regional SBTDC specifying the terms of such repayment obligation.

(8) Investors in a qualified Missouri business shall be entitled to keep all of the tax credits properly issued to such investors under this section and section 348.273.

(9) The portions of documents and other materials submitted to any regional SBTDC or the coordinator that contain trade secrets shall be kept confidential and shall be maintained in a secured environment by the regional SBTDC and the coordinator, as applicable. For the purposes of this section and section 348.273, such portions of trade secrets, documents, and other materials means any customer lists; any formula, compound, production data, or compilation of information that will allow certain individuals within a commercial concern using such portions of documents and other material the means to fabricate, produce, or compound an article of trade; or any service having commercial value which gives the user an opportunity to obtain a business advantage over competitors who do not know or use such service.

(10) Each regional SBTDC and the coordinator may prepare and adopt procedures concerning the performance of the duties placed upon each respective entity by this section and section 348.273.

3. Any qualified investor who makes a cash investment in a qualified security of a qualified Missouri business may transfer the tax credits such qualified investor may receive under subsection 4 of section 348.273 to any natural person. Such transferee may claim the tax credit against the transferee's Missouri income tax liability as provided in subdivision (1) of subsection 4 of section 348.273, subject to all restrictions and limitations set forth in this section and section 348.273. Only the full credit for any one investment shall be transferred and this interest shall only be transferred one time. Documentation of any tax credit transfer under this section shall be provided by the qualified investor in the manner required by the coordinator.

4. (1) Each qualified Missouri business for which tax credits have been issued under this section and section 348.273 shall report to the applicable regional SBTDC on an annual basis, on or before February first. The regional SBTDC shall provide copies of the reports to the coordinator. Such reports shall include the following:

(a) The name, address, and taxpayer identification number of each investor who has made a cash investment in the qualified securities of the qualified Missouri business and has received tax credits for this investment during the preceding year;

(b) The amounts of these cash investments by each investor and a description of the qualified securities issued in consideration of such cash investments; and

(c) Any additional information as the regional SBTDC or the coordinator may reasonably require under this section and section 348.273.

(2) Each regional SBTDC shall report quarterly to the coordinator on the allocation of the tax credits in the preceding calendar quarter. Such reports shall include:

(a) The amount of applications the regional SBTDC received;

(b) The number and ratio of successful applications to unsuccessful applications;

(c) The amount of tax credits allocated but not issued in the previous quarter, including the percentage that was allocated to individuals and the percentage that was allocated to investment firms;

(d) The amount of tax credits issued in the previous quarter, including the percentage that was issued to individuals and the percentage that was issued to investment firms;

(e) The amount of unallocated tax credits; and

(f) Such other information as reasonably agreed upon by each regional SBTDC and the coordinator.

(3) Each regional SBTDC and the coordinator, as applicable, shall also report annually to the governor; the director of the department of economic development; the senate committee on commerce, consumer protection, energy and the environment; the house committee on economic development; and any successor committees thereto, and to the coordinator, on or before April first, on the allocation and issuance of the tax credits. Such reports shall include:

(a) The amount of tax credits issued in the previous fiscal year, including what percentage was issued to individuals and what percentage was issued to investment firms;

(b) The types of businesses that benefitted from the tax credits;

(c) The amount of allocated but unissued tax credits and the information about the unissued tax credits set forth in subdivision (2) of this subsection;

(d) Any aggregate job creation or capital investment in the region that resulted from the use of the tax credits for a period of five years beginning from the date on which the tax credits were awarded;

(e) The manner in which the purpose of this section and section 348.273 has been carried out with regard to the region;

(f) The total cash investments made for the purchase of qualified securities of qualified Missouri businesses within the region during the preceding year and cumulatively since the effective date of this section and section 348.273;

(g) An estimate of jobs created and jobs preserved by cash investments made in qualified Missouri businesses within the region;

(h) An estimate of the multiplier effect on the economy of the region of the cash investments made under this section and section 348.273;

(i) Information regarding which businesses derived benefit from the tax credits remained in the region, which businesses ceased business, which businesses were purchased, and which businesses may have moved out of the region or state and why.

(4) Any violation of the reporting requirements of this subsection by a qualified Missouri business may be grounds for the loss of designation of such qualified Missouri business, and any business that loses its designation as a qualified Missouri business shall be subject to the restrictions upon loss of designation set forth in subsection 2 of this section.

5. Sections 348.273 and 348.274 shall expire on December 31, 2023."; and

Further amend said bill, Page 130, Section 577.041, Line 138, by inserting after all of said line the following:

"620.2700. 1. Beginning in fiscal year 2014, for four consecutive fiscal years, the state shall pay the sum of eight million dollars per year to the Missouri department of economic development (DED) for the sole purpose of paying such funds to no more than five Early Stage Business Development Corporations (ESBDCs), which are Missouri not-for-profit corporations designated by DED under this section, in amounts as follows:

(1) Two million dollars for each fiscal year to one ESBDC operating in each of the three largest metropolitan statistical areas (MSAs) in the state if designated by DED as an ESBDC.

(2) One million dollars for each fiscal year to two ESBDCs operating in either rural areas of Missouri or in MSAs other than the three largest MSAs in the state if designated by DED as an ESBDC.

2. An ESBDC is a Missouri not-for-profit corporation designated by DED as a recipient of funds under this section that provides grants to winners of a national or international competition for early stage businesses with substantial operations in Missouri or that begin operating in Missouri and have potential national or international sales, or potential development of new technologies. To be eligible for designation under this section, the Missouri not-for-profit corporation must provide grants to early stage for-profit companies without taking an equity interest in the for-profit companies. The grants shall not be in the form of loans, except in the case of Missouri not-for-profit companies operating in rural areas or in MSAs other than the three largest MSAs in the state. Grants provided by an ESBDC to for-profit early stage companies must not exceed two hundred thousand dollars per company. Notwithstanding anything else herein to the contrary, ESBDCs designated by the DED which operate in rural areas or in MSAs other than the three largest in the state may, in addition to other purposes, provide grants to early stage companies for marketing agricultural products, conducting agricultural research or providing services to improve crop or livestock production.

3. In order to be eligible for designation by DED under this section, a Missouri not-for-profit corporation operating in one of the three largest MSAs must have raised at least two million dollars to be used for grants as set forth in subsection 2 of this section from sources other than the state at any point before applying. Failure to raise this required sum makes a Missouri not-for-profit corporation ineligible for DED designation under this section. Once such sum is raised, there shall be no further requirement to raise additional funds in order to be designated or continue to be designated by DED under this section.

4. In order to be eligible for designation by DED under this section, a Missouri not-for-profit corporation operating in rural areas or in MSAs other than the three largest in the state must have raised at least the sum of one hundred fifty thousand dollars to be used for grants as set forth in subsection 2 of this section in funds at any point before applying. Failure to raise this required sum makes a Missouri not-for-profit corporation ineligible for DED designation under this section. For such a Missouri not-for-profit corporation operating in rural areas or in MSAs outside the three largest in Missouri, once such sum is raised, there shall be no further requirement to raise additional funds in order to be designated or continue to be designated by DED under this section.

5. Each Missouri not-for-profit corporation seeking to be designated by the DED under this section as an ESBDC must apply for such designation by no later than October fifteenth of the fiscal year for which funds are sought or it shall not be designated. The DED shall make a decision regarding whether or not to approve such application for designation within sixty days of the date of application and can extend the time for decision a maximum of an additional thirty days. Designation by DED shall not be unreasonably withheld or delayed.

6. Designation by DED under this section of an ESBDC shall be for a period of two consecutive years of funding.

(1) No more than one Missouri not-for-profit corporation, if any, shall be designated by DED as an ESBDC in an MSA which is one of the three largest in Missouri, and no other ESBDC shall be designated by DED for that MSA for such two-year period.

(2) No more than two Missouri not-for-profit corporations, if any, shall be designated by DED as an ESBDC in rural areas or in MSAs other than the three largest in the state and if two in such areas are designated by DED, no other ESBDC shall be designated by DED from rural areas or from MSAs other than the three largest in the state during that period.

7. If, in any year, no Missouri not-for-profit corporation is designated under this section by the DED as an ESBDC for one of the three largest MSAs in a year, the two million dollars in funds for that year, which otherwise would have gone to an ESBDC in such area, shall be paid by DED to the ESBDCs designated in the remaining two largest MSAs in equal amounts. In the event that, for any year in which there is no designation by DED of an ESBDC in two of the largest MSAs, the two million dollars in funds for that year for each such MSA shall be paid by DED to the ESBDC which has been designated by DED in the remaining MSA, which is one of the three largest in the state. In the event no Missouri not-for-profit corporation is designated for any year in any of the three largest MSAs, the funds, which otherwise would have gone to ESBDCs in such MSAs, shall be paid by DED to the ESBDCs operating in rural areas or in an MSA outside the three largest in the state.

8. In the event only one ESBDC is designated by the DED operating in rural areas or in a MSA other than the three largest MSAs, the one million dollars otherwise payable to a second ESBDC in such areas shall be paid by DED to the designated ESBDC operating in rural areas or in an MSA other than the three largest. In the event no ESBDC is designated by the DED in rural areas or in an MSA other than the three largest, the two million dollars for such ESBDCs in such areas shall be paid by DED to those ESBDCs that have been designated, in one or more of the three largest MSAs, in equal amounts.

9. Missouri not-for-profit corporations meeting the requirements of this section, including those previously designated under this section by the DED, may apply for designation for an additional two-year period following the first two-year period. The same standards for designation and requirements for ESBDCs and timing of applications and DED designations set forth in this section shall apply to the second two-year period.

10. The DED shall evaluate the following criteria in determining whether to designate a Missouri not-for-profit corporation under this section:

- (1) Potential growth of jobs in Missouri;
- (2) Development of Missouri early stage businesses which can lead to national or international sales;
- (3) Level of business support services provided to grant recipients by the community in which the applicant operates; and
- (4) Level of funds raised from sources other than the state.

11. In the event multiple applications are submitted to DED by Missouri not-for-profit corporations for designation under this section for the same area, and, if such Missouri not-for-profit corporations comply with the requirements set forth in this section, then the DED shall designate as the ESBDC for that area the Missouri not-for-profit applicant that has a history of having raised the largest total of funds, other than from the state, as of the date of the application.

12. DED shall be required to pay the sum as required by this section to those ESBDCs as set forth in this section and shall have no discretion to withhold all or any portion of the payments received by DED under this section to such ESBDCs.

13. Funds provided by this section may be used by the ESBDC for administrative expenses, grants, operations, and building a long-term endowment for grants.

14. Funding under this section shall end unless renewed, after the sum of thirty-two million dollars has been paid to DED for payment to ESBDCs under this section. In the event that eight million dollars in funding is paid to DED for payment to ESBDCs under this section in four consecutive years, then no further funding under this section shall be approved without this section being renewed."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Torpey, **House Amendment No. 19** was adopted.

Representative Barnes offered **House Amendment No. 20**.

House Amendment No. 20

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 13, Section 52.250, Line 19, by inserting after all of said line the following:

"Nothing in this section shall allow any county collector of a county that becomes a first class county after December 31, 2013 to collect a percentage in excess of the percentage during the year proceeding the change to first class status."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Barnes, **House Amendment No. 20** was adopted.

Representative Guernsey offered **House Amendment No. 21**.

House Amendment No. 21

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 130, Section 1, Line 6, by inserting after all of said section and line, the following:

"Section 2. 1. The department of economic development through Missouri career centers shall partner with Missouri staffing agencies to accomplish their goals.

2. As used in this section, "Missouri staffing agencies" shall mean any person, firm, partnership, or corporation doing business within the state that supplies, on a temporary, temp-to hire or permanent basis, personnel to meet a client's staffing needs."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Guernsey, **House Amendment No. 21** was adopted.

Representative Johnson offered **House Amendment No. 22**.

House Amendment No. 22

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 130, Section 577.041, Line 138, by inserting after all of said section and line the following:

"620.2450. 1. There is hereby established the "Missouri Jobs for Education Program". The program is established for the purpose of providing credit toward tuition to award Missouri and out-of-state business owners and companies responsible for the creation of new jobs in the state. Credit toward tuition awarded under this section entitles the credit holder to credit towards tuition at any approved public institution of higher education in the state as defined in section 173.1102.

2. Under the Missouri jobs for education program, business owners and companies may apply for credit toward tuition redeemable for study at public institutions of higher education in the state. A qualifying business owner or company shall receive credits, equal to the amount of the withholding taxes withheld, toward tuition for every qualifying job created. In order to qualify for credit toward tuition under this section, the new job shall:

(1) Pay wages that meet or exceed the county average wage;

(2) Be maintained for at least one year before the claimant is eligible to receive the credit toward tuition;

and

(3) Be a full-time position, including at a minimum two thousand hours per year, with one hundred sixty hours per month for ten of the twelve calendar months.

3. Credit toward tuition awarded under this section may be used by employees of the business owner or company, by any relatives of the business owner, or may be gifted to any person of the business owner's choosing.

Credit toward tuition received shall expire if not used within ten years of the date awarded. Unused credit toward tuition shall not be refunded and shall be deposited into general revenue.

4. There is hereby created in the state treasury the "Missouri Jobs for Education Fund", which shall consist of money collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180 the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely for the administration of this section. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

5. The department of economic development shall administer the program established in this section. The department shall create an employer application process, and place the withheld taxes on the new jobs created for a period of one year, up to a maximum of three million dollars, and deposit the money into the Missouri jobs for education fund established in subsection 4 of this section. Funding for credit toward tuition shall be equal to the amount of the withholding tax withheld and begin on the day the new job is created. The department shall track employer contributions and ensure that the credit toward tuition granted does not exceed the amount that has been deposited by the employer. If an employee tax withheld is more than the cost of tuition, no money shall be refunded.

6. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset four years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Solon offered **House Amendment No. 1 to House Amendment No. 22.**

*House Amendment No. 1
to
House Amendment No. 22*

AMEND House Amendment No. 22 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 2, Line 16, by inserting after said line the following:

'Further amend said bill, Pages 35 through 43, Section 143.790, by removing said section from the bill."; and ';

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Solon, **House Amendment No. 1 to House Amendment No. 22** was adopted by the following vote:

AYES: 103

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cox	Crawford	Davis	Diehl	Dohrman
Dugger	Ellinger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gosen
Grisamore	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hodges	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Jones 50

Justus	Keeney	Kelley 127	Kirkton	Kratky
Lair	Lant	Leara	Lichtenegger	Love
Lynch	Marshall	McDonald	McNeil	Miller
Montecillo	Moon	Morris	Muntzel	Neely
Nichols	Norr	Pace	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Reiboldt
Remole	Rhoads	Richardson	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wilson	Zerr	Mr Speaker		

NOES: 039

Anders	Burlison	Burns	Butler	Carpenter
Cross	Curtis	Curtman	Dunn	English
Englund	Gatschenberger	Harris	Hinson	Johnson
Koenig	Kolkmeyer	LaFaver	Lauer	Mayfield
McCann Beatty	McGaugh	McKenna	McManus	Meredith
Molendorp	Morgan	Neth	Newman	Otto
Peters	Pierson	Rehder	Rizzo	Roorda
Runions	Webber	Wieland	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 021

Cornejo	Ellington	Frame	Gardner	Guernsey
Kelly 45	Korman	May	McCaherty	Messenger
Mims	Mitten	Riddle	Ross	Shumake
Smith 85	Smith 120	Swearingen	Walton Gray	Webb
Wood				

Representative Diehl assumed the Chair.

Representative Shull offered **House Amendment No. 2 to House Amendment No. 22.**

House Amendment No. 2
to
House Amendment No. 22

AMEND House Amendment No. 22 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 2, Line 16, by inserting after said line the following:

‘Further amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 22, Section 92.387, Line 2, by inserting after all of said line and section the following:

"135.766. An eligible small business, as defined in Section 44 of the Internal Revenue Code, shall be allowed a credit against the tax otherwise due pursuant to chapter 143, not including sections 143.191 to 143.265, in an amount equal to any amount paid by the eligible small business to the United States Small Business Administration as a guaranty fee pursuant to obtaining Small Business Administration guaranteed financing and to programs administered by the United States Department of Agriculture for rural development or farm service agencies. [No tax credits provided under this section shall be authorized on or after the thirtieth day following the effective date of this act.] The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized prior to the thirtieth day following the effective date of this act, or a taxpayer's ability to redeem such tax credits. **Tax**

credits issued under this section shall not be transferable. Unused tax credits may be carried forward for up to ten subsequent taxable years."; and'; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Shull, **House Amendment No. 2 to House Amendment No. 22** was adopted by the following vote:

AYES: 087

Allen	Anders	Anderson	Austin	Bahr
Bernskoetter	Berry	Brown	Cierpiot	Conway 104
Cox	Crawford	Cross	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Haahr	Haefner	Hansen	Hicks
Higdon	Hoskins	Hough	Houghton	Johnson
Jones 50	Justus	Kelley 127	Kolkmeier	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	May	McCaherty	McGaugh	Messenger
Miller	Molendorp	Moon	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Redmon	Reiboldt	Remole	Riddle
Rowland	Scharnhorst	Schatz	Schupp	Shull
Shumake	Solon	Sommer	Spencer	Swan
Thomson	Torpey	Walker	Wieland	Wilson
Zerr	Mr Speaker			

NOES: 062

Black	Brattin	Burlison	Burns	Butler
Carpenter	Colona	Conway 10	Cookson	Curtis
Curtman	Dunn	Ellinger	English	Englund
Fowler	Gardner	Guernsey	Hampton	Harris
Hinson	Hodges	Hubbard	Hummel	Hurst
Keeney	Kirkton	Koenig	Kratky	LaFaver
Marshall	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Pogue	Rehder
Richardson	Rizzo	Roorda	Rowden	Runions
Schieber	Schieffer	Smith 85	Webb	Webber
White	Wright			

PRESENT: 001

Barnes

ABSENT WITH LEAVE: 013

Cornejo	Ellington	Frame	Kelly 45	Korman
Mims	Rhoads	Ross	Smith 120	Stream
Swearingen	Walton Gray	Wood		

On motion of Representative Johnson, **House Amendment No. 22, as amended**, was adopted.

Representative Rizzo offered **House Amendment No. 23**.

House Amendment No. 23

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 48, Section 144.030, Lines 109-114, by deleting all of said lines and inserting in lieu thereof the following:

"corporation;"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Grisamore offered **House Substitute Amendment No. 1 for House Amendment No. 23**.

*House Substitute Amendment No. 1
for
House Amendment No. 23*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 48, Section 144.030, Line 114, by inserting after the word "**agreement**" the following:

". This subdivision shall not apply to any county sports complex authority in a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants"; and

Further amend said bill, Page 81, Section 184.847, Line 28, by inserting after all of said line the following:

"This section shall not apply to any county sports complex authority in a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Grisamore, **House Substitute Amendment No. 1 for House Amendment No. 23** was adopted.

Representative Brattin offered **House Amendment No. 24**.

House Amendment No. 24

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 3, Section A, Line 36, by inserting after all of said section and line the following:

"9.015. No state or local governmental entity, public building, public park, public school, or public setting or place shall ban or otherwise restrict the practice, mention, celebration, or discussion of any federal holiday."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Brattin, **House Amendment No. 24** was adopted.

Representative Lauer offered **House Amendment No. 25.**

House Amendment No. 25

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Section 184.865, Page 81, Line 7, by inserting after all of said line the following:

"190.300. As used in sections 190.300 to [190.320] **190.340**, the following terms and phrases mean:

- (1) "Emergency telephone service", a telephone system utilizing a single three digit number "911" for reporting police, fire, medical or other emergency situations;
- (2) "Emergency telephone tax", a tax to finance the operation of emergency telephone service;
- (3) "Exchange access facilities", all facilities provided by the service supplier for local telephone exchange access to a service user;
- (4) "Governing body", the legislative body for a city, county or city not within a county;
- (5) "Person", any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, estate, trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, or any other service user;
- (6) "Public agency", any city, county, city not within a county, municipal corporation, public district or public authority located in whole or in part within this state which provides or has authority to provide fire fighting, law enforcement, ambulance, emergency medical, or other emergency services;
- (7) "Service supplier", any person providing exchange telephone services to any service user in this state;
- (8) "Service user", any person, other than a person providing pay telephone service pursuant to the provisions of section 392.520 not otherwise exempt from taxation, who is provided exchange telephone service in this state;
- (9) "Tariff rate", the rate or rates billed by a service supplier to a service user as stated in the service supplier's tariffs, approved by the Missouri public service commission which represent the service supplier's recurring charges for exchange access facilities or their equivalent, exclusive of all taxes, fees, licenses or similar charges whatsoever.

190.308. 1. In any county that has established an emergency telephone service pursuant to sections 190.300 to [190.320] **190.340**, it shall be unlawful for any person to misuse the emergency telephone service. For the purposes of this section, "emergency" means any incident involving danger to life or property that calls for an emergency response dispatch of police, fire, EMS or other public safety organization, "misuse the emergency telephone service" includes, but is not limited to, repeatedly calling the "911" for nonemergency situations causing operators or equipment to be in use when emergency situations may need such operators or equipment and "repeatedly" means three or more times within a one-month period.

2. Any violation of this section is a class B misdemeanor.

3. No political subdivision shall impose any fine or penalty on the owner of a pay telephone or on the owner of any property upon which a pay telephone is located for calls to the emergency telephone service made from the pay telephone. Any such fine or penalty is hereby void.

190.400. As used in sections 190.400 to 190.440, the following words and terms shall mean:

- (1) ["911", the primary emergency telephone number within the wireless system;
- (2) "Board", the wireless service provider enhanced 911 advisory board;
- (3)] "Public safety agency", a functional division of a public agency which provides fire fighting, police, medical or other emergency services. For the purpose of providing wireless service to users of 911 emergency services, as expressly provided in this section, the department of public safety and state highway patrol shall be considered a public safety agency;
- [(4)] (2) "Public safety answering point", the location at which 911 calls are [initially] answered;
- [(5)] (3) "Wireless service provider", a provider of commercial mobile service pursuant to Section 332(d) of the Federal Telecommunications Act of 1996 (47 U.S.C. Section 151 et seq).

190.420. 1. There is hereby established a **special trust** fund to be known as the "[Wireless Service Provider Enhanced] **Missouri 911 Service Trust Fund**". All fees collected pursuant to sections 190.400 to 190.440 **and sections 190.450 and 190.451** by wireless service providers shall be remitted to the director of the department of revenue.

2. The director of the department of revenue shall deposit such payments into the [wireless service provider enhanced] **Missouri 911 service trust** fund. Moneys in the fund shall be used for the purpose of reimbursing

expenditures actually incurred in the implementation and operation of the [wireless service provider enhanced] **Missouri 911 [system] systems.**

3. Any unexpended balance in the fund shall be exempt from the provisions of section 33.080, relating to the transfer of unexpended balances to the general revenue fund, and shall remain in the fund. Any interest earned on the moneys in the fund shall be deposited into the fund.

4. The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county pursuant to sections 190.400 to 190.440 and sections 190.450 and 190.451 and the records shall be open to the inspection of officers of a participating county and the public.

190.450. 1. Except as provided under subsections 9 and 10 of this section, in lieu of the tax levy authorized under section 190.305 or the sales tax imposed under section 190.335, the governing body of any county may impose, by order or ordinance, a monthly fee on any device capable of contacting 911. The fee authorized in this section shall not exceed one dollar and fifty cents per any such device capable of contacting 911, and shall be imposed solely for the purpose of funding 911 service in such county. The fee authorized in this section shall be in addition to all other taxes and fees imposed by law, and shall be stated separately from all other charges and taxes.

2. No such order or ordinance adopted under this section shall become effective unless the governing body of the county submits to the voters residing within the county at a state general, primary, or special election a proposal to authorize the governing body to impose a fee under this section. The question submitted shall be in substantially the following form:

"Shall (insert county name) County impose a monthly fee of (insert amount) per any such device capable of contacting 911 on each such device for the purpose of funding 911 service in the county?"

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the fee shall become effective on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the fee. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the fee shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the fee imposed under this section.

4. All revenue collected under this section by the director of the department of revenue on behalf of any county, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in the Missouri 911 service trust fund created in section 190.420. The director of the department of revenue shall remit such funds to the county on a monthly basis. The county commission shall control such funds remitted to the county unless the county has established an elected board for the purpose of administering such funds. In the event that any county has established a board under any other provision of state law for the purpose of administering funds for 911 service, such existing board may continue to perform such functions after the county has adopted the monthly fee under this section.

5. Notwithstanding any other provision of law to the contrary, no proprietary information submitted under this section shall be subject to subpoena or otherwise released to any person other than to the submitting 911 communications service provider without the express permission of such 911 communications service provider. General information collected under this section shall only be released or published in aggregate amounts that do not identify or allow identification of numbers of subscribers or revenues attributable to an individual 911 communications service provider.

6. Notwithstanding any other provision of law to the contrary, in no event shall any 911 communications service provider, its officers, employees, assigns, or agents, be liable for any form of civil damages or criminal liability that directly or indirectly result from, or is caused by, an act or omission in the development, design, installation, operation, maintenance, performance, or provision of a public safety answering point, or that directly or indirectly result from, or is caused by, the release of subscriber information to any governmental entity as required under this section unless such acts, release of subscriber information, or omissions constitute gross negligence, recklessness, or intentional misconduct. No cause of action shall lie in any court of law against any provider of telecommunications service, commercial mobile service, or other communications-related service, or its officers, employees, agents, or other persons acting on behalf of them, for providing call location information concerning the user of any such service, in an emergency situation, to a law enforcement official or agency in

order to respond to a call for emergency service by a subscriber, customer, or user of such service or for providing caller location information or doing a ping locate in an emergency situation that involves danger of death or serious physical injury to any person where disclosure of communications relating to the emergency is required without delay, whether such providing of information is required by law or voluntarily.

7. The fee imposed under this section shall not be imposed upon customers who pay for service prospectively, known as prepaid wireless telecommunications service customers.

8. The fee imposed under this section shall not be imposed in conjunction with any tax imposed under section 190.305 or 190.335. No fee imposed under this section shall be imposed on more than one hundred exchange access facilities or their equivalent per person per location.

9. No county of the third or fourth classification shall submit a proposal to the voters of the county under this section until either:

(1) All providers of emergency telephone service as defined in section 190.300 and public safety answering point operations within the county are consolidated into one public agency as defined in section 190.300 that provides emergency telephone service for the county; or

(2) The county develops a plan for consolidation of emergency telephone service as defined in section 190.300 and public safety answering point operations within the county that includes either consolidation or entering into a shared services agreement for such services, which shall be implemented upon approval of the fee by the voters. The plan shall be filed with the Missouri 911 service board pursuant to subsection 4 of section 650.330. The director of the department of revenue shall not remit any funds as provided under this section until it receives notification from the board that the county has filed a plan that is ready for implementation.

10. Each county of the third classification that does not have a public agency as defined in section 190.300 that provides emergency telephone service as defined in section 190.300 for the county shall either:

(1) Enter into a shared services agreement for providing emergency telephone services with a public agency that provides emergency telephone service if such an agreement is feasible; or

(2) Form an emergency telephone services district in conjunction with any county with a public agency that provides emergency telephone service within such adjoining county. If such a district is formed under this subdivision, the governing body of such district shall be the county commissioners of each county within the district, and each county within such district shall submit to the voters of the county a proposal to impose the fee under this section.

11. A county of the third classification operating joint or shared emergency telephone service as defined in section 190.300 may submit to the voters of the county a proposal to impose the fee to support joint operations and further consolidation under this section.

190.451. 1. As used in this section, the following terms mean:

(1) "Board", the Missouri 911 service board established under section 650.325;

(2) "Consumer", a person who purchases prepaid wireless telecommunications service in a retail transaction;

(3) "Department", the department of revenue;

(4) "Prepaid wireless telecommunications service", a wireless telecommunications service that allows a caller to dial 911 to access the 911 system, which service shall be paid for in advance and is sold in predetermined units or dollars of which the number declines with use in a known amount;

(5) "Provider", a person or business that provides prepaid wireless telecommunications service under a license issued by the Federal Communications Commission;

(6) "Retail transaction", the purchase of prepaid wireless telecommunications service from a seller for any purpose other than resale. The purchase of more than one item that provides prepaid wireless telecommunication service, when such items are sold separately, constitutes more than one retail transaction;

(7) "Seller", a person who sells prepaid wireless telecommunications service to another person;

(8) "Wireless telecommunications service", commercial mobile radio service as defined by Section 20.3 of Title 47 of the Code of Federal Regulations, as amended.

2. (1) Beginning January 1, 2014, except as provided in subsection 6 of this section, there is hereby imposed a prepaid wireless emergency telephone service charge on each retail transaction. The amount of such charge shall be equal to three percent of each retail transaction. However, if a minimal amount of prepaid wireless telecommunications service is sold with a prepaid wireless device for a single nonitemized price, then the seller may elect not to apply such service charge to such transaction. For purposes of this subdivision, an amount of service denominated as ten or fewer minutes, or five dollars or less, is minimal.

(2) The prepaid wireless emergency telephone service charge shall be collected by the seller from the consumer with respect to each retail transaction occurring in this state. The amount of the prepaid wireless emergency telephone service charge shall be either separately stated on an invoice, receipt, or other similar document that is provided to the consumer by the seller, or otherwise disclosed to the consumer.

(3) For purposes of this subsection, a retail transaction that is effected in person by a consumer at a business location of the seller shall be treated as occurring in this state if that business location is in this state, and any other retail transaction shall be treated as occurring in this state if the retail transaction is treated as occurring in this state under state law.

(4) The prepaid wireless emergency telephone service charge is the liability of the consumer and not of the seller or of any provider, except that the seller shall be liable to remit all charges that the seller is deemed to collect where the amount of the charge has not been separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller.

(5) The amount of the prepaid wireless emergency telephone service charge that is collected by a seller from a consumer, if such amount is separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller, shall not be included in the base for measuring any tax, fee, surcharge, or other charge that is imposed by this state, any political subdivision of this state, or any intergovernmental agency.

3. (1) Prepaid wireless emergency telephone service charges collected by sellers shall be remitted to the department at the times and in the manner provided by state law with respect to the sales and use taxes. The department shall establish registration and payment procedures that substantially coincide with the registration and payment procedures that apply under state law.

(2) Beginning on January 1, 2014, and ending on January 31, 2014, when a consumer purchases prepaid wireless telecommunications service in a retail transaction from a seller under this section, the seller shall be allowed to retain one hundred percent of the prepaid wireless emergency telephone service charges that are collected by the seller from the consumer. Beginning on February 1, 2014, a seller shall be permitted to deduct and retain two percent of prepaid wireless emergency telephone service charges that are collected by the seller from consumers.

(3) The department shall establish procedures by which a seller of prepaid wireless telecommunications service may document that a sale is not a retail transaction, which procedures shall substantially coincide with the procedures for documenting sale for resale transactions for sales and use purposes under state law.

(4) The department shall deposit all remitted prepaid wireless emergency telephone service charges into the Missouri 911 service trust fund created in section 190.420 within thirty days of receipt, for use by the board. The department may deduct an amount, not to exceed one percent of collected charges, to be retained by the department to reimburse its direct costs of administering the collection and remittance of prepaid wireless emergency telephone service charges.

(5) Ten percent of remitted prepaid wireless emergency telephone service charges under subdivision (4) of this subsection shall be deposited in the Missouri 911 service trust fund created in section 190.420 and shall be dedicated to the Missouri regional poison information center established in section 190.353. The amount allocated under this subdivision shall not exceed one million dollars in any twelve-month period, nor shall the Missouri regional poison information center receive more than one million dollars from the Missouri 911 service trust fund in any one calendar year under this subdivision.

4. (1) A seller that is not a provider shall be entitled to the immunity and liability protections under section 190.450, notwithstanding any requirement in state law regarding compliance with Federal Communications Commission Order 05-116.

(2) A provider shall be entitled to the immunity and liability protections under section 190.450.

(3) In addition to the protection from liability provided in subdivisions (1) and (2) of this subsection, each provider and seller shall be entitled to the further protection from liability, if any, that is provided to providers and sellers of wireless telecommunications service that is not prepaid wireless telecommunications service under section 190.450.

5. The prepaid wireless emergency telephone service charge imposed by this section shall be in addition to any other tax, fee, surcharge, or other charge imposed by this state, any political subdivision of this state, or any intergovernmental agency for 911 funding purposes.

6. This section shall not apply to any county with a charter form of government."; and

Further amend said bill, Page 130, Section 577.041, Line 138, by inserting after all of said line the following:

"650.320. For the purposes of sections 650.320 to 650.340, the following terms mean:

(1) ["Committee"] **"Board"**, the [advisory committee for] **Missouri 911 service [oversight] board** established in section 650.325;

(2) "Public safety answering point", the location at which 911 calls are [initially] answered;

(3) "Telecommunicator", any person employed as an emergency telephone worker, call taker or public safety dispatcher whose duties include receiving, processing or transmitting public safety information received through a 911 public safety answering point.

650.325. There is hereby established within the department of public safety the ["Advisory Committee for 911 Service Oversight"] **"Missouri 911 Service Board"** which is charged with assisting and advising the state in ensuring the availability, implementation and enhancement of a statewide emergency telephone number common to all jurisdictions through research, planning, training and education. The [committee for 911 service oversight] **board** shall represent all entities and jurisdictions before appropriate policy-making authorities and the general assembly and shall strive toward the immediate access to emergency services for all citizens of this state.

650.330. 1. The [committee for 911 service oversight] **board** shall consist of [sixteen] **twelve** members, one of which shall be chosen from the department of public safety [who shall serve as chair of the committee and only vote in the instance of a tie vote among the other members], and the other members shall be selected as follows:

(1) One member chosen to represent an association domiciled in this state whose primary interest relates to [counties] **municipalities**;

(2) One member chosen to represent the Missouri [public service commission] **911 directors association**;

(3) One member chosen to represent emergency medical services **and physicians**;

(4) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to a national emergency number;

(5) One member chosen to represent an association whose primary interest relates to issues pertaining to fire chiefs;

(6) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to issues pertaining to public safety communications officers;

(7) One member chosen to represent an association whose primary interest relates to issues pertaining to police chiefs;

(8) [One member chosen to represent a league or association domiciled in this state whose primary interest relates to issues pertaining to municipalities;

(9)] One member chosen to represent an association domiciled in this state whose primary interest relates to issues pertaining to sheriffs;

[(10)] (9) One member chosen to represent [911 service providers in counties of the second, third and fourth classification;

(11) One member chosen to represent 911 service providers in] counties [of the first classification, with and] without charter forms of government[, and cities not within a county];

[(12)] (10) One member chosen to represent telecommunications service providers [with at least one hundred thousand access lines located within Missouri];

[(13)] (11) One member chosen to represent **wireless** telecommunications service providers [with less than one hundred thousand access lines located within Missouri];

(14) One member chosen to represent a professional association of physicians who conduct with emergency care; and

(15) One member chosen to represent the general public of Missouri who represents an association whose primary interest relates to education and training, including that of 911, police and fire dispatchers].

2. Each of the members of the [committee for 911 service oversight] **board** shall be appointed by the governor with the advice and consent of the senate for a term of four years; except that, of those members first appointed, four members shall be appointed to serve for one year, four members shall be appointed to serve for two years, four members shall be appointed to serve for three years and four members shall be appointed to serve for four years. Members of the committee may serve multiple terms.

3. The [committee for 911 service oversight] **board** shall meet at least quarterly at a place and time specified by the chairperson of the committee and it shall keep and maintain records of such meetings, as well as the other

activities of the committee. Members shall not be compensated but shall receive actual and necessary expenses for attending meetings of the committee.

4. The [committee for 911 service oversight] **board** shall:
 - (1) Organize and adopt standards governing the committee's formal and informal procedures;
 - (2) Provide recommendations for primary answering points and secondary answering points on [statewide] technical and operational standards for 911 services;
 - (3) Provide recommendations to public agencies concerning model systems to be considered in preparing a 911 service plan;
 - (4) Provide requested mediation services to political subdivisions involved in jurisdictional disputes regarding the provision of 911 services, except that such committee shall not supersede decision-making authority of local political subdivisions in regard to 911 services;
 - (5) Provide assistance to the governor and the general assembly regarding 911 services;
 - (6) Review existing and proposed legislation and make recommendations as to changes that would improve such legislation;
 - (7) Aid and assist in the timely collection and dissemination of information relating to the use of a universal emergency telephone number;
 - (8) Perform other duties as necessary to promote successful development, implementation and operation of 911 systems across the state; [and]
 - (9) Advise the department of public safety on establishing rules and regulations necessary to administer the provisions of sections 650.320 to 650.340;
 - (10) Elect the chair from its membership;**
 - (11) Designate a state 911 coordinator;**
 - (12) Apply for and receive private and federal grants;**
 - (13) Prepare and present a report to the governor and general assembly on the state of the state's 911 systems;**
 - (14) Administer and authorize grants and loans to counties, other than counties with a charter form of government, that demonstrate a commitment to improving 911. The purpose of grants from the 911 service trust fund shall include:**
 - (a) Implementation of 911 services in counties of the state where services do not exist;**
 - (b) Promotion of consolidation where appropriate;**
 - (c) Mapping and addressing all county locations;**
 - (d) Ensuring primary access and texting abilities to 911 services for disabled residents;**
 - (15) Report to the governor and the general assembly every five years on the status of 911 services statewide as well as specific efforts to improve efficiency, cost effectiveness, and levels of service;**
 - (16) Conduct a survey every five years of public safety answering points in Missouri to evaluate potential for improved services, coordination, and feasibility of consolidation;**
 - (17) Make and execute contracts or any other instruments and agreements necessary or convenient for the exercise of its powers and functions;**
 - (18) Retain in its records proposed county plans developed pursuant to subsection 9 of section 190.450 and notify the department of revenue that the county has filed a plan that is ready for implementation.**

5. The department of public safety shall provide staff assistance to the [committee for 911 service oversight] **board** as necessary in order for the [committee] **board** to perform its duties pursuant to sections 650.320 to 650.340.

6. The department of public safety is authorized to adopt those rules that are reasonable and necessary to accomplish the limited duties specifically delegated within section 650.340. Any rule or portion of a rule, as that term is defined in section 536.010, shall become effective only if it has been promulgated pursuant to the provisions of chapter 536. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."; and

Further amend said bill, Page 130, Section 1, Line 6, by inserting after all of said line the following:

"[190.410. 1. There is hereby created in the department of public safety the "Wireless Service Provider Enhanced 911 Advisory Board", consisting of eight members as follows:

(1) The director of the department of public safety or the director's designee who shall hold a position of authority in such department of at least a division director;

(2) The chairperson of the public service commission or the chairperson's designee; except that such designee shall be a commissioner of the public service commission or hold a position of authority in the commission of at least a division director;

(3) Three representatives and one alternate from the wireless service providers, elected by a majority vote of wireless service providers licensed to provide service in this state; and

(4) Three representatives from public safety answering point organizations, elected by the members of the state chapter of the associated public safety communications officials and the state chapter of the National Emergency Numbering Association.

2. Immediately after the board is established the initial term of membership for a member elected pursuant to subdivision (3) of subsection 1 of this section shall be one year and all subsequent terms for members so elected shall be two years. The membership term for a member elected pursuant to subdivision (4) of subsection 1 of this section shall initially and subsequently be two years. Each member shall serve no more than two successive terms unless the member is on the board pursuant to subdivision (1) or (2) of subsection 1 of this section. Members of the board shall serve without compensation, however, the members may receive reimbursement of actual and necessary expenses. Any vacancies on the board shall be filled in the manner provided for in this subsection.

3. The board shall do the following:

(1) Elect from its membership a chair and other such officers as the board deems necessary for the conduct of its business;

(2) Meet at least one time per year for the purpose of discussing the implementation of Federal Communications Commission order 94-102;

(3) Advise the office of administration regarding implementation of Federal Communications Commission order 94-102; and

(4) Provide any requested mediation service to a political subdivision which is involved in a jurisdictional dispute regarding the providing of wireless 911 services. The board shall not supersede decision-making authority of any political subdivision in regard to 911 services.

4. The director of the department of public safety shall provide and coordinate staff and equipment services to the board to facilitate the board's duties.]; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Lauer, **House Amendment No. 25** was adopted.

Representative Zerr offered **House Amendment No. 26**.

House Amendment No. 26

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 22, Section 92.387, Line 2, by inserting after all of said line the following:

"99.1205. 1. This section shall be known and may be cited as the "Distressed Areas Land Assemblage Tax Credit Act".

2. As used in this section, the following terms mean:

(1) "Acquisition costs", the purchase price for the eligible parcel, costs of environmental assessments, closing costs, real estate brokerage fees, reasonable demolition costs of vacant structures **or any portion thereof, together with site and redevelopment area planning and engineering costs regarding one or more eligible parcels**, and reasonable maintenance costs incurred to maintain an acquired eligible parcel for a period of [five] **twelve** years after the acquisition of such eligible parcel. Acquisition costs shall not include costs for [title insurance and survey], attorney's fees, relocation costs, fines, or bills from a municipality;

(2) "Applicant", any person, firm, partnership, trust, limited liability company, or corporation which has:

(a) Incurred, within an eligible project area, acquisition costs for the acquisition of land sufficient to satisfy the requirements under subdivision (8) of this subsection; and

(b) Been appointed or selected, pursuant to a redevelopment agreement by a municipal authority, as a redeveloper or similar designation, under an economic incentive law, to redevelop an urban renewal area or a redevelopment area that includes all of an eligible project area or whose redevelopment plan or redevelopment area,

which encompasses all of an eligible project area, has been approved or adopted under an economic incentive law. In addition to being designated the redeveloper, the applicant shall have been designated to receive economic incentives only after the municipal authority has considered the amount of the tax credits in adopting such economic incentives as provided in subsection 8 of this section. The redevelopment agreement shall provide that:

a. the funds generated through the use or sale of the tax credits issued under this section shall be used to redevelop the eligible project area;

b. No more than seventy-five percent of the urban renewal area identified in the urban renewal plan or the redevelopment area identified in the redevelopment plan may be redeveloped by the applicant; and

c. The remainder of the urban renewal area or the redevelopment area shall be redeveloped by co-redevelopers or redevelopers to whom the applicant has assigned its redevelopment rights and obligations under the urban renewal plan or the redevelopment plan;

(3) "Certificate", a tax credit certificate issued under this section;

(4) "Condemnation proceedings", any action taken by, or on behalf of, an applicant to initiate an action in a court of competent jurisdiction to use the power of eminent domain to acquire a parcel within the eligible project area. Condemnation proceedings shall include any and all actions taken after the submission of a notice of intended acquisition to an owner of a parcel within the eligible project area by a municipal authority or any other person or entity under section 523.250;

(5) "Department", the Missouri department of economic development;

(6) "Economic incentive laws", any provision of Missouri law pursuant to which economic incentives are provided to redevelopers of a parcel or parcels to redevelop the land, such as tax abatement or payments in lieu of taxes, or redevelopment plans or redevelopment projects approved or adopted which include the use of economic incentives to redevelop the land. Economic incentive laws include, but are not limited to, the land clearance for redevelopment authority law under sections 99.300 to 99.660, the real property tax increment allocation redevelopment act under sections 99.800 to 99.865, the Missouri downtown and rural economic stimulus act under sections 99.915 to 99.1060, and the downtown revitalization preservation program under sections 99.1080 to 99.1092;

(7) "Eligible parcel", a parcel:

(a) Which is located within an eligible project area;

(b) Which is to be redeveloped;

(c) On which the applicant has not commenced construction prior to November 28, 2007;

(d) Which has been acquired **either directly by the applicant, or on behalf of the applicant through one or more affiliated companies controlled by the applicant or under common ownership with the applicant;**

(e) Which has been acquired without the commencement of any condemnation proceedings with respect to such parcel brought by or on behalf of the applicant. Any parcel acquired **before August 28, 2007**, by the applicant from a municipal authority shall not constitute an eligible parcel; and

[(e)] (f) On which all outstanding taxes, fines, and bills levied by municipal governments that were levied by the municipality during the time period that the applicant held title to the eligible parcel have been paid in full;

(8) "Eligible project area", an area which shall have satisfied the following requirements:

(a) The eligible project area shall consist of at least seventy-five acres and may include parcels within its boundaries that do not constitute an eligible parcel;

(b) At least eighty percent of the eligible project area shall be located within a Missouri qualified census tract area, as designated by the United States Department of Housing and Urban Development under 26 U.S.C. Section 42, or within a distressed community as that term is defined in section 135.530.

c. Any area including and within one quarter mile of property formerly utilized by the state of Missouri as a penitentiary located in any home rule city with more than forty-one thousand but fewer than forty-seven thousand inhabitants and partially located in any county of the first classification with more than seventy thousand but fewer than eighty-three thousand inhabitants.

(c) The eligible parcels acquired by the applicant within the eligible project area shall total at least fifty acres, which may consist of contiguous and noncontiguous parcels, **but shall not include any parcel acquired by the applicant from a municipal authority;**

(d) The average number of parcels per acre in an eligible project area shall be four or more;

(e) Less than five percent of the acreage within the boundaries of the eligible project area shall consist of owner-occupied residences which the applicant has identified for acquisition under the urban renewal plan or the redevelopment plan pursuant to which the applicant was appointed or selected as the redeveloper or by which the person or entity was qualified as an applicant under this section on the date of the approval or adoption of such plan;

(9) "Interest costs", interest, loan fees, and closing costs, **any of which relate to or arise out of loans relating to acquisition costs, including without limitation, interest, loan fees and closing costs associated with the refinancing of loans relating to acquisition costs.** Interest costs shall not include attorney's fees;

(10) "Maintenance costs", costs of boarding up and securing vacant structures, costs of removing trash, and costs of cutting grass and weeds;

(11) "Municipal authority", any city, town, village, county, public body corporate and politic, political subdivision, or land trust of this state established and authorized to own land within the state;

(12) "Municipality", any city, town, village, or county;

(13) "Parcel", a single lot or tract of land, and the improvements thereon, owned by, or recorded as the property of, one or more persons or entities;

(14) "Redeveloped", the process of undertaking and carrying out a redevelopment plan or urban renewal plan pursuant to which the conditions which provided the basis for an eligible project area to be included in a redevelopment plan or urban renewal plan are to be reduced or eliminated by redevelopment or rehabilitation; and

(15) "Redevelopment agreement", the redevelopment agreement or similar agreement into which the applicant entered with a municipal authority and which is the agreement for the implementation of the urban renewal plan or redevelopment plan pursuant to which the applicant was appointed or selected as the redeveloper or by which the person or entity was qualified as an applicant under this section; and such appointment or selection shall have been approved by an ordinance of the governing body of the municipality, or municipalities, or in the case of any city not within a county, the board of aldermen, in which the eligible project area is located. The redevelopment agreement shall include a time line for redevelopment of the eligible project area, **including deadlines for commencement of work and for project completion, and shall provide the municipal authority the right to terminate the rights of the redeveloper under the redevelopment agreement if such deadlines are not met.** The redevelopment agreement shall state that the named developer shall be subject to the provisions of chapter 290.

3. **Subject to the limitations provided in subsection 7 of this section,** any applicant shall be entitled to a tax credit against the taxes imposed under chapters 143, 147, and 148, except for sections 143.191 to 143.265, in an amount equal to fifty percent of the acquisition costs, and one hundred percent of the interest costs incurred for a period of [five] **twelve** years after the acquisition of an eligible parcel. [No tax credits shall be issued under this section until after January 1, 2008.]

4. If the amount of such tax credit exceeds the total tax liability for the year in which the applicant is entitled to receive a tax credit, the amount that exceeds the state tax liability may be carried forward for credit against the taxes imposed under chapters 143, 147, and 148 for the succeeding six years, or until the full credit is used, whichever occurs first. The applicant shall not be entitled to a tax credit for taxes imposed under sections 143.191 to 143.265. Applicants entitled to receive such tax credits may transfer, sell, or assign the tax credits. Tax credits granted to a partnership, a limited liability company taxed as a partnership, or multiple owners of property shall be passed through to the partners, members, or owners respectively pro rata or pursuant to an executed agreement among the partners, members, or owners documenting an alternate distribution method.

5. A purchaser, transferee, or assignee of the tax credits authorized under this section may use acquired tax credits to offset up to one hundred percent of the tax liabilities otherwise imposed under chapters 143, 147, and 148, except for sections 143.191 to 143.265. A seller, transferor, or assignor shall perfect such transfer by notifying the department in writing within thirty calendar days following the effective date of the transfer and shall provide any information as may be required by the department to administer and carry out the provisions of this section.

6. To claim tax credits authorized under this section, an applicant shall submit to the department an application for a certificate. An applicant shall identify the boundaries of the eligible project area in the application. The department shall verify that the applicant has submitted a valid application in the form and format required by the department. The department shall verify that the municipal authority held the requisite hearings and gave the requisite notices for such hearings in accordance with the applicable economic incentive act, and municipal ordinances. On [an annual] **a quarterly** basis, an applicant may file for the tax credit for the acquisition costs, and for the tax credit for the interest costs, subject to the limitations of this section. If an applicant applying for the tax credit meets the criteria required under this section, the department shall issue a certificate in the appropriate amount. If an applicant receives a tax credit for maintenance costs as a part of the applicant's acquisition costs, the department shall post on its internet website the amount and type of maintenance costs and a description of the redevelopment project for which the applicant received a tax credit within thirty days after the department issues the certificate to the applicant.

7. The total aggregate amount of tax credits authorized under this section shall not exceed ninety-five million dollars. At no time shall the annual amount of the tax credits issued under this section exceed twenty million dollars. If the tax credits that are to be issued under this section exceed, in any year, the twenty million dollar limitation, the department shall either:

(1) Issue tax credits to the applicant in the amount of twenty million dollars, if there is only one applicant entitled to receive tax credits in that year; or

(2) Issue the tax credits on a pro rata basis to all applicants entitled to receive tax credits in that year **as provided in this subdivision. The department shall determine on an ongoing basis during the course of each calendar year the amount of tax credits that have been issued to each applicant for each eligible project area during such year, and the amount of tax credits remaining available for issuance with respect to such calendar year, if any.** Any amount of tax credits, which an applicant is, or applicants are, entitled to receive on an annual basis and are not issued due to the twenty million dollar limitation, shall be carried forward for the benefit of the applicant or applicants to subsequent years. No tax credits provided under this section shall be authorized after August 28, [2013] **2019**. Any tax credits which have been authorized on or before August 28, [2013] **2019**, but not issued, may be issued, subject to the limitations provided under this subsection, until all such authorized tax credits have been issued.

8. Upon issuance of any tax credits pursuant to this section, the department shall report to the municipal authority the applicant's name and address, the parcel numbers of the eligible parcels for which the tax credits were issued, the itemized acquisition costs and interest costs for which tax credits were issued, and the total value of the tax credits issued. The municipal authority and the state shall not consider the amount of the tax credits as an applicant's cost, but shall include [the] **issued** tax credits in any **subsequent** sources and uses and cost benefit analysis reviewed or created for the purpose of awarding other economic incentives. The amount of the tax credits shall not be considered an applicant's cost in the evaluation of the amount of any award of any other economic incentives, but shall be considered in measuring the reasonableness of the rate of return to the applicant with respect to such award of other economic incentives. The municipal authority shall provide the report to any relevant commission, board, or entity responsible for the evaluation and recommendation or approval of other economic incentives to assist in the redevelopment of the eligible project area. Tax credits authorized under this section shall constitute redevelopment tax credits, as such term is defined under section 135.800, and shall be subject to all provisions applicable to redevelopment tax credits provided under sections 135.800 to 135.830.

9. **Following its initial application for tax credits under this section for eligible costs incurred in 2013 or any following year, and during the period it continues to seek tax credits under this section, an applicant shall submit to the department on a quarterly basis at the end of each calendar quarter a report affirming such applicant's continued qualification as an applicant under this section, describing the applicant's progress toward meeting the deadlines for commencement of work and for project completion established under its redevelopment agreement with the applicable municipal authority, and including copies of any written notices from such municipal authority asserting or threatening a termination of such development agreement due to a breach or default in the performance of such applicant's obligations under such redevelopment agreement. The department shall review annually the eligibility of each applicant to receive tax credits under this section. The department shall not issue to an applicant any tax credits provided under this section after the date upon which the governing body of the municipality, or municipalities, or in the case of any city not within a county, the board of aldermen, makes a finding that the applicant has failed to comply with deadlines regarding project commencement or completion or other material provisions of its redevelopment agreement with an applicant, and in furtherance of such finding the governing body validly adopts an ordinance terminating its redevelopment agreement with the applicant, with the result that such applicant no longer satisfies the requirements of paragraph (b) of subdivision (2) of subsection 2 of this section. The governing body shall notify the department of the governing body's findings and shall deliver to the department a certified copy of the ordinance terminating such redevelopment agreement as soon as practicable.**

10. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 36.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Zerr, **House Amendment No. 26** was adopted.

Representative Dugger offered **House Amendment No. 27**.

House Amendment No. 27

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 22, Section 92.387, Line 2, by inserting after all of said section and line the following:

"115.121. 1. The general election day shall be the first Tuesday after the first Monday in November of even-numbered years.

2. The primary election day shall be the first Tuesday after the first Monday in August of even-numbered years.

3. The election day for the election of political subdivision and special district officers shall be the first Tuesday after the first Monday in April each year; and shall be known as the general municipal election day.

4. In addition to the primary election day provided for in subsection 2 of this section, for the year 2003, the first Tuesday after the first Monday in August, 2003, also shall be a primary election day for the purpose of permitting school districts and other political subdivisions of Missouri to incur debt in accordance with the provisions of article VI, section 26(a) through 26(g) of the Missouri Constitution, with the approval of four-sevenths of the eligible voters of such school district or other political subdivision voting thereon, to provide funds for the acquisition, construction, equipping, improving, restoration, and furnishing of facilities to replace, repair, reconstruct, reequip, restore, and refurnish facilities damaged, destroyed, or lost due to severe weather, including, without limitation, windstorms, hail storms, flooding, tornadic winds, rainstorms and the like which occurred during the month of April or May, 2003.

5. Notwithstanding the provisions of subsection 1 of section 115.125, the officer or agency calling an election on the first Tuesday after the first Monday of August, 2003, shall notify the election authorities responsible for conducting the election not later than 5:00 p.m. on the sixth Tuesday prior to the election. For purposes of any such election, all references in section 115.125 to the tenth Tuesday prior to such election shall be deemed to refer to the sixth Tuesday prior to such election.

6. In addition to the general election day provided for in subsection 1 of this section, for the year 2009 the first Tuesday after the first Monday in November shall be a general election day for the purpose of permitting school districts to incur debt in accordance with the provisions of article VI, section 26(a) through 26(g) of the Missouri Constitution, with the approval of four-sevenths of the eligible voters of such school district, to provide funds for school districts to acquire, construct, equip, improve, restore, and furnish public school facilities in accordance with the provisions of Section 54F of the Internal Revenue Code of 1986, as amended, which provides for qualified school construction bonds and the provisions of Section 54AA of the Internal Revenue Code of 1986, as amended, which provides for build America bonds, as well as in accordance with the provisions of Section 103 of the Internal Revenue Code of 1986, as amended, which provides for traditional government bonds.

7. Notwithstanding the provisions of subsection 3 of this section to the contrary, if the general municipal election date falls on Passover, the general municipal election may be conducted on the Tuesday following the last day of Passover at the discretion of the election authority. For political subdivisions falling under the jurisdiction of more than one election authority, all election authorities shall agree to move the election to the Tuesday following the last day of Passover or, failing to do so, shall hold the election according to the provisions of subsection 3 of this section."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Dugger, **House Amendment No. 27** was adopted.

Representative Bahr offered **House Amendment No. 28**.

House Amendment No. 28

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 22, Section 92.387, Line 2, by inserting after all of said section and line the following:

"99.807.1. For redevelopment projects or plans approved after December 31, 2013, which involve a retail establishment occupying at least fifteen thousand square feet of gross floor space and engaging in retail food activities, other than food or drink sold for immediate consumption, the economic activity taxes generated by said retail food establishment shall be limited to a maximum of three million dollars per redevelopment project as defined in section 99.805.

2. This section shall be limited to:

(1) Any county with a charter form of government and with more than nine hundred fifty thousand inhabitants;

(2) Any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants;

(3) Any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants;

(4) Any municipality located in any county listed in subdivisions (1) to (3) of this subsection."; and

Further amend said bill by amending the title, enacting clause, and intersectional references by accordingly.

On motion of Representative Bahr, **House Amendment No. 28** was adopted.

Representative Leara offered **House Amendment No. 29.**

House Amendment No. 29

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 112, Section 321.017, Lines 1-6, by removing all of said section from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Leara, **House Amendment No. 29** was adopted.

Representative Riddle offered **House Amendment No. 30.**

House Amendment No. 30

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 123, Section 348.274, Line 140, by inserting after all of said section and line the following:

"393.760. 1. Each participating municipality shall, in accordance with the provisions of chapter 115, order an election to be held whereby the qualified electors in such participating municipality shall approve or disapprove the issuance of its bonds to finance its individual interest in the project. The participating municipality may not order such an election until it has received a report from an independent consulting engineer as defined in section 327.181 for the purpose of determining the economic and engineering feasibility of any proposed project the costs of which are to be financed through the issuance of bonds. The report of the consulting engineer shall be provided to and approved by the legislative body and executive of each such participating municipality and such report shall be open to public inspection and shall be the subject of a public hearing in each participating municipality. Notice of the time and place of each such hearing shall be published in a daily newspaper of general circulation within each such participating municipality. Interested parties may appear and fully participate in such hearings.

2. Each participating municipality shall notify the election authority or authorities responsible for conducting elections within such participating municipality in accordance with chapter 115.

3. The question shall be submitted in substantially the following form:

OFFICIAL BALLOT

Shall (name of participating municipality) issue its (type) revenue bonds in an amount not to exceed \$..... for the purpose of paying its share of the cost of participating in (describe project)?

☐ YES

☐ NO

If you are in favor of the resolution, place an "X" in the box opposite "Yes".

If you are opposed to the question, place an "X" in the box opposite "No".

4. If the issuance of the bonds is approved by at least a majority of the qualified electors voting thereon in the participating municipality, the participating municipality shall declare the result of the election and cause the bonds to be issued.

5. Each participating municipality shall bear all expenses associated with the elections in such participating municipality.

6. [In lieu of the public voting procedure set forth in subsections 1 to 5 of this section, in] **In** the case of purchasing or leasing, constructing, installing, and operating reservoirs, pipelines, wells, check dams, pumping stations, water purification plants, and other facilities for the production, wholesale distribution, and utilization of water, the commission may provide for a vote by the governing body of each contracting municipality. Such vote shall require the approval of three-quarters of all governing bodies of the contracting municipalities. The commission may not order such a vote until it has engaged and received a report from an independent consulting engineer as defined in section 327.181 for the purpose of determining the economic and engineering feasibility of any proposed project the costs of which are to be financed through the issuance of bonds. The report of the consulting engineer shall be provided to and approved by the legislative body and executive of each contracting municipality participating in the project and such report shall be open to public inspection and shall be the subject of a public hearing in each municipality participating in the project. Notice of the time and place of each such hearing shall be published in a daily newspaper of general circulation within each municipality. Interested parties may appear and fully participate in such hearings. Each contracting municipality shall vote by ordinance or resolution and such ordinance or resolution shall approve the issuance of revenue bonds by the joint municipal water commission in an amount not to exceed a specified amount."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Riddle, **House Amendment No. 30** was adopted.

Representative Richardson offered **House Amendment No. 31**.

House Amendment No. 31

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 81, Section 184.865, Line 7, by inserting after all of said section and line the following:

"228.369. 1. For any private road subject to the use of more than one homeowner, in the absence of a prior order or written agreement for the maintenance of the private road, including covenants contained in deeds or state or local permits providing for the maintenance of a private road, when adjoining homeowners who are benefited by the use of an abutting private road, or homeowners who have an easement to use a private road, collectively owners or benefited owners are unable to agree in writing upon a plan of maintenance for the maintenance, repair, or improvement of the private road and including the assessment and apportionment of costs for the plan of maintenance, one or more of the owners may petition the circuit court for an order establishing a plan of maintenance.

2. The cost of a plan of maintenance for a private road shall be apportioned among the owners of residences abutting the private road and holders of easements to use the private road, with the cost apportioned commensurate with the use and benefit to residences benefited by the access, as mutually agreed by the benefited homeowners or as ordered by the court with such method of apportionment as agreed by the homeowners or ordered by the court, including, but not limited to, equal division, or proportionate to the residential assessed value, or to front footage, or to usage or benefit.

3. The court may implement the same procedures to order and subsequently determine a plan of maintenance for a private road as provided in this chapter for establishing or widening a private road, including the appointment and compensation of disinterested commissioners to determine the plan and the apportionment of costs.

4. Where the homeowners who are benefited by the private road are not able to agree upon the designation of a supervisor to complete the plan of maintenance, the commissioners appointed by the court shall designate a supervisor who shall be compensated for his or her services in the same manner as the commissioners.

5. Any agreement executed by all the homeowners, or final order approving, a plan of maintenance for a private road shall be recorded with the county recorder of deeds.

6. One or more adjoining homeowners or holders of any easement to use a private road may bring an action to enforce the plan of maintenance for a private road, whether as mutually agreed or as ordered by the court.

7. A plan of maintenance shall be a direct agreement among the homeowners who abut or have easement rights over a private road. No homeowner shall be required to join a homeowner or subdivision association, or

be subject to any use or development restrictions on the homeowner's property or the private road, as part of the plan of maintenance for the private road."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Richardson, **House Amendment No. 31** was adopted.

Representative Redmon offered **House Amendment No. 32**.

House Amendment No. 32

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 53, Section 144.030, Line 291, by inserting after all of said line the following:

"144.055. 1. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, electrical energy and gas, whether natural, artificial, or propane, water, coal, and energy sources, chemicals, machinery, equipment, supplies, parts and materials used or consumed in testing, installing, calibrating, maintaining, repairing, or restoring any machinery or equipment that is exempted from sales and use taxes in accordance with section 144.054.

2. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, electrical energy and gas, whether natural, artificial, or propane, water, coal, and energy sources, chemicals, machinery, equipment, supplies, parts and materials used or consumed in the manufacturing, processing, preparing, furnishing, compounding, or producing of food, or used in research and development related to manufacturing, processing, preparing, furnishing, compounding or producing food. For the purposes of this subsection, the term "processing" shall mean any mode of treatment, act, or series of acts performed upon materials or food products to transform or reduce them to a different state, thing or product, including treatment necessary to maintain or preserve such processing by the producer at the location at which the food product is produced."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Redmon, **House Amendment No. 32** was adopted.

Representative Reiboldt offered **House Amendment No. 33**.

House Amendment No. 33

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 111, Section 302.525, Line 60, by inserting after all of said line the following:

"304.180. 1. No vehicle or combination of vehicles shall be moved or operated on any highway in this state having a greater weight than twenty thousand pounds on one axle, no combination of vehicles operated by transporters of general freight over regular routes as defined in section 390.020 shall be moved or operated on any highway of this state having a greater weight than the vehicle manufacturer's rating on a steering axle with the maximum weight not to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved or operated on any state highway of this state having a greater weight than thirty-four thousand pounds on any tandem axle; the term "tandem axle" shall mean a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart.

2. An "axle load" is defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

3. Subject to the limit upon the weight imposed upon a highway of this state through any one axle or on any tandem axle, the total gross weight with load imposed by any group of two or more consecutive axles of any vehicle or combination of vehicles shall not exceed the maximum load in pounds as set forth in the following table:

Distance in feet between the extremes of any group of two or more consecutive axles, measured to the nearest foot, except where indicated otherwise		Maximum load in pounds			
feet	2 axles	3 axles	4 axles	5 axles	6 axles
4	34,000				
5	34,000				
6	34,000				
7	34,000				
8	34,000	34,000			
More than 8	38,000	42,000			
9	39,000	42,500			
10	40,000	43,500			
11	40,000	44,000			
12	40,000	45,000	50,000		
13	40,000	45,500	50,500		
14	40,000	46,500	51,500		
15	40,000	47,000	52,000		
16	40,000	48,000	52,500	58,000	
17	40,000	48,500	53,500	58,500	
18	40,000	49,500	54,000	59,000	
19	40,000	50,000	54,500	60,000	
20	40,000	51,000	55,500	60,500	66,000
21	40,000	51,500	56,000	61,000	66,500
22	40,000	52,500	56,500	61,500	67,000
23	40,000	53,000	57,500	62,500	68,000
24	40,000	54,000	58,000	63,000	68,500
25	40,000	54,500	58,500	63,500	69,000
26	40,000	55,500	59,500	64,000	69,500
27	40,000	56,000	60,000	65,000	70,000
28	40,000	57,000	60,500	65,500	71,000
29	40,000	57,500	61,500	66,000	71,500
30	40,000	58,500	62,000	66,500	72,000
31	40,000	59,000	62,500	67,500	72,500
32	40,000	60,000	63,500	68,000	73,000
33	40,000	60,000	64,000	68,500	74,000
34	40,000	60,000	64,500	69,000	74,500
35	40,000	60,000	65,500	70,000	75,000
36		60,000	66,000	70,500	75,500
37		60,000	66,500	71,000	76,000
38		60,000	67,500	72,000	77,000
39		60,000	68,000	72,500	77,500
40		60,000	68,500	73,000	78,000
41		60,000	69,500	73,500	78,500
42		60,000	70,000	74,000	79,000
43		60,000	70,500	75,000	80,000
44		60,000	71,500	75,500	80,000
45		60,000	72,000	76,000	80,000
46		60,000	72,500	76,500	80,000

47	60,000	73,500	77,500	80,000
48	60,000	74,000	78,000	80,000
49	60,000	74,500	78,500	80,000
50	60,000	75,500	79,000	80,000
51	60,000	76,000	80,000	80,000
52	60,000	76,500	80,000	80,000
53	60,000	77,500	80,000	80,000
54	60,000	78,000	80,000	80,000
55	60,000	78,500	80,000	80,000
56	60,000	79,500	80,000	80,000
57	60,000	80,000	80,000	80,000

Notwithstanding the above table, two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

4. Whenever the state highways and transportation commission finds that any state highway bridge in the state is in such a condition that use of such bridge by vehicles of the weights specified in subsection 3 of this section will endanger the bridge, or the users of the bridge, the commission may establish maximum weight limits and speed limits for vehicles using such bridge. The governing body of any city or county may grant authority by act or ordinance to the state highways and transportation commission to enact the limitations established in this section on those roadways within the purview of such city or county. Notice of the weight limits and speed limits established by the commission shall be given by posting signs at a conspicuous place at each end of any such bridge.

5. Nothing in this section shall be construed as permitting lawful axle loads, tandem axle loads or gross loads in excess of those permitted under the provisions of Section 127 of Title 23 of the United States Code.

6. Notwithstanding the weight limitations contained in this section, any vehicle or combination of vehicles operating on highways other than the interstate highway system may exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two thousand pounds. However, total gross weight shall not exceed eighty thousand pounds, except as provided in subsections 9 and 10 of this section.

7. Notwithstanding any provision of this section to the contrary, the department of transportation shall issue a single-use special permit, or upon request of the owner of the truck or equipment, shall issue an annual permit, for the transporting of any concrete pump truck or well-drillers' equipment. The department of transportation shall set fees for the issuance of permits pursuant to this subsection. Notwithstanding the provisions of section 301.133, concrete pump trucks or well-drillers' equipment may be operated on state-maintained roads and highways at any time on any day.

8. Notwithstanding the provision of this section to the contrary, the maximum gross vehicle limit and axle weight limit for any vehicle or combination of vehicles equipped with an idle reduction technology may be increased by a quantity necessary to compensate for the additional weight of the idle reduction system as provided for in 23 U.S.C. Section 127, as amended. In no case shall the additional weight increase allowed by this subsection be greater than four hundred pounds. Upon request by an appropriate law enforcement officer, the vehicle operator shall provide proof that the idle reduction technology is fully functional at all times and that the gross weight increase is not used for any purpose other than for the use of idle reduction technology.

9. **(1)** Notwithstanding subsection 3 of this section or any other provision of law to the contrary, the total gross weight of any vehicle or combination of vehicles hauling livestock **or agricultural products not including local log trucks as defined in section 301.010** may be as much as, but shall not exceed, eighty-five thousand five hundred pounds [while operating on U.S. Highway 36 from St. Joseph to U.S. Highway 63, on U.S. Highway 65 from the Iowa state line to U.S. Highway 36, and on U.S. Highway 63 from the Iowa state line to U.S. Highway 36, and on U.S. Highway 63 from U.S. Highway 36 to Missouri Route 17]. The provisions of this subsection shall not apply to vehicles operated on the Dwight D. Eisenhower System of Interstate and Defense Highways.

(2) Any vehicle hauling greater than eighty thousand pounds under the provisions of this subsection shall apply yearly to the department of transportation for a permit and upon payment of a twenty-five dollar fee, the department shall grant the applicant a permit. Upon renewal of the permit, an applicant shall submit to the department a list of roads traveled and the number of miles traveled on each road during the year.

10. Notwithstanding any provision of this section or any other law to the contrary, the total gross weight of any vehicle or combination of vehicles hauling milk from a farm to a processing facility may be as much as, but shall not exceed, eighty-five thousand five hundred pounds while operating on highways other than the interstate highway system. The provisions of this subsection shall not apply to vehicles operated and operating on the Dwight D. Eisenhower System of Interstate and Defense Highways."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Reiboldt, **House Amendment No. 33** was adopted.

Representative Lauer offered **House Amendment No. 34**.

House Amendment No. 34

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 22, Section 92.387, Line 2, by inserting after all of said section and line the following:

"100.293. 1. This section, section 100.277, **and** sections 135.950 to 135.973[, and sections 178.760 to 178.764] shall be known and may be cited as the "Jobs Now Act".

2. There shall be created a "Jobs Now Recommendation Committee", comprised of representatives of the department of economic development, the department of agriculture, the department of natural resources, and the department of transportation. The committee shall establish application materials and procedures for development agencies to apply to the board for grants or low-interest or interest-free loans for the purpose of funding jobs now projects.

3. Applications shall be submitted simultaneously to the committee and the board. The committee shall review the applications and prepare and submit analyses and recommendations to the board for a determination as to approval or denial of grants or loans from the jobs now fund.

4. In reviewing applications, the board shall give preference to redevelopment projects that protect natural resources or rehabilitate existing dilapidated or inadequate infrastructure in areas defined under section 135.530.

5. After reviewing applications and such other information as the board may require, the board may grant all or a part of a grant or loan request, provided the board determines:

(1) The jobs now project:

(a) Will not happen without the grant or loan from the board; or

(b) Will have a significant local economic impact; or

(c) Demonstrates high levels of job creation;

(2) In the case of a low-interest or interest-free loan, the jobs now project will generate sufficient revenues or the borrower will otherwise have sufficient revenues available to enable the borrower to repay the loan to the jobs now fund, along with any interest to be charged; and

(3) No loan or grant may exceed two million dollars.

135.284. 1. The repeal and reenactment of sections 100.710[, **and** 100.840, [and 178.892,] and the enactment of sections 135.276, 135.277, 135.279, 135.281, and 135.283 shall expire on January 1, 2006, if no essential industry retention projects have been approved by the department of economic development by December 31, 2005. If an essential industry retention project has been approved by the department of economic development by December 31, 2005, the repeal and reenactment of sections 100.710[, **and** 100.840, [and 178.892,] and the enactment of sections 135.276, 135.277, 135.279, 135.281, and 135.283 shall expire on January 1, 2020.

2. Notwithstanding any other provision of law to the contrary, the time for approval of essential industry retention projects as identified in subsection 1 of this section is extended until December 31, 2007, and if an essential industry retention project has been approved by the department of economic development by December 31, 2007, the provisions of subsection 1 of this section shall expire on January 1, 2020.

135.800. 1. The provisions of sections 135.800 to 135.830 shall be known and may be cited as the "Tax Credit Accountability Act of 2004".

2. As used in sections 135.800 to 135.830, the following terms mean:

(1) "Administering agency", the state agency or department charged with administering a particular tax credit program, as set forth by the program's enacting statute; where no department or agency is set forth, the department of revenue;

(2) "Agricultural tax credits", the agricultural product utilization contributor tax credit created pursuant to section 348.430, the new generation cooperative incentive tax credit created pursuant to section 348.432, the family farm breeding livestock loan tax credit created under section 348.505, the qualified beef tax credit created under section 135.679, and the wine and grape production tax credit created pursuant to section 135.700;

(3) "All tax credit programs", or "any tax credit program", the tax credit programs included in the definitions of agricultural tax credits, business recruitment tax credits, community development tax credits, domestic and social tax credits, entrepreneurial tax credits, environmental tax credits, financial and insurance tax credits, housing tax credits, redevelopment tax credits, and training and educational tax credits;

(4) "Business recruitment tax credits", the business facility tax credit created pursuant to sections 135.110 to 135.150 and section 135.258, the enterprise zone tax benefits created pursuant to sections 135.200 to 135.270, the business use incentives for large-scale development programs created pursuant to sections 100.700 to 100.850, the development tax credits created pursuant to sections 32.100 to 32.125, the rebuilding communities tax credit created pursuant to section 135.535, the film production tax credit created pursuant to section 135.750, the enhanced enterprise zone created pursuant to sections 135.950 to 135.975, and the Missouri quality jobs program created pursuant to sections 620.1875 to 620.1900;

(5) "Community development tax credits", the neighborhood assistance tax credit created pursuant to sections 32.100 to 32.125, the family development account tax credit created pursuant to sections 208.750 to 208.775, the dry fire hydrant tax credit created pursuant to section 320.093, and the transportation development tax credit created pursuant to section 135.545;

(6) "Domestic and social tax credits", the youth opportunities tax credit created pursuant to section 135.460 and sections 620.1100 to 620.1103, the shelter for victims of domestic violence created pursuant to section 135.550, the senior citizen or disabled person property tax credit created pursuant to sections 135.010 to 135.035, the special needs adoption tax credit and children in crisis tax credit created pursuant to sections 135.325 to 135.339, the maternity home tax credit created pursuant to section 135.600, the surviving spouse tax credit created pursuant to section 135.090, the residential treatment agency tax credit created pursuant to section 135.1150, the pregnancy resource center tax credit created pursuant to section 135.630, the food pantry tax credit created pursuant to section 135.647, the health care access fund tax credit created pursuant to section 135.575, the residential dwelling access tax credit created pursuant to section 135.562, and the shared care tax credit created pursuant to section 660.055;

(7) "Entrepreneurial tax credits", the capital tax credit created pursuant to sections 135.400 to 135.429, the certified capital company tax credit created pursuant to sections 135.500 to 135.529, the seed capital tax credit created pursuant to sections 348.300 to 348.318, the new enterprise creation tax credit created pursuant to sections 620.635 to 620.653, the research tax credit created pursuant to section 620.1039, the small business incubator tax credit created pursuant to section 620.495, the guarantee fee tax credit created pursuant to section 135.766, and the new generation cooperative tax credit created pursuant to sections 32.105 to 32.125;

(8) "Environmental tax credits", the charcoal producer tax credit created pursuant to section 135.313, the wood energy tax credit created pursuant to sections 135.300 to 135.311, and the alternative fuel stations tax credit created pursuant to section 135.710;

(9) "Financial and insurance tax credits", the bank franchise tax credit created pursuant to section 148.030, the bank tax credit for S corporations created pursuant to section 143.471, the exam fee tax credit created pursuant to section 148.400, the health insurance pool tax credit created pursuant to section 376.975, the life and health insurance guaranty tax credit created pursuant to section 376.745, the property and casualty guaranty tax credit created pursuant to section 375.774, and the self-employed health insurance tax credit created pursuant to section 143.119;

(10) "Housing tax credits", the neighborhood preservation tax credit created pursuant to sections 135.475 to 135.487, the low-income housing tax credit created pursuant to sections 135.350 to 135.363, and the affordable housing tax credit created pursuant to sections 32.105 to 32.125;

(11) "Recipient", the individual or entity who is the original applicant for and who receives proceeds from a tax credit program directly from the administering agency, the person or entity responsible for the reporting requirements established in section 135.805;

(12) "Redevelopment tax credits", the historic preservation tax credit created pursuant to sections 253.545 to 253.561, the brownfield redevelopment program tax credit created pursuant to sections 447.700 to 447.718, the community development corporations tax credit created pursuant to sections 135.400 to 135.430, the infrastructure tax credit created pursuant to subsection 6 of section 100.286, the bond guarantee tax credit created pursuant to section 100.297, the disabled access tax credit created pursuant to section 135.490, the new markets tax credit created pursuant to section 135.680, and the distressed areas land assemblage tax credit created pursuant to section 99.1205;

(13) "Training and educational tax credits", the [community college] **Missouri works** new jobs tax credit **and Missouri works retained jobs credit** created pursuant to sections [178.892 to 178.896] **620.800 to 620.809.**"; and

Further amend said bill, Page 130, Section 577.041, Line 138, by inserting after all of said section and line the following:

"620.800. The following additional terms used in sections 620.800 to 620.809 shall mean:

(1) **"Agreement", the agreement between a qualified company, a community college district, and the department concerning a training project. Any such agreement shall comply with the provisions of section 620.017;**

(2) **"Board of trustees", the board of trustees of a community college district established under the provisions of chapter 178;**

(3) **"Certificate", a new or retained jobs training certificate issued under section 620.809;**

(4) **"Committee", the Missouri works job training joint legislative oversight committee, established under the provisions of section 620.803;**

(5) **"Department", the Missouri department of economic development;**

(6) **"Employee", a person employed by a qualified company;**

(7) **"Full-time employee", an employee of the qualified company who is scheduled to work an average of at least thirty-five hours per week for a twelve-month period, and one to whom the qualified company offers health insurance and pays at least fifty percent of such insurance premiums;**

(8) **"Local education agency", a community college, two-year state technical college, or technical career education center;**

(9) **"Missouri works training program", the training program established under sections 620.800 to 620.809;**

(10) **"New capital investment", costs incurred by the qualified company at the project facility after acceptance by the qualified company of the proposal for benefits from the department or the approval of the notice of intent, whichever occurs first, for real or personal property, that may include the value of finance or capital leases for real or personal property for the term of such lease at the project facility executed after acceptance by the qualified company of the proposal for benefits from the department or approval of the notice of intent;**

(11) **"New job", the number of full-time employees located at the project facility that exceeds the project facility base employment less any decrease in the number of full-time employees at related facilities below the related facility base employment. No job that was created prior to the date of the notice of intent shall be deemed a new job. An employee who spends less than fifty percent of his or her work time at the facility is still considered to be located at a facility if he or she receives his or her directions and control from that facility, is on the facility's payroll, one hundred percent of the employee's income from such employment is Missouri income, and the employee is paid at or above the applicable percentage of the county's average wage;**

(12) **"New jobs credit", the credit from withholding remitted by a qualified company provided under subsection 6 of section 620.809;**

(13) **"Notice of intent", a form developed by the department, completed by the qualified company, and submitted to the department that states the qualified company's intent to request benefits under this program;**

(14) **"Project facility", the building or buildings used by a qualified company at which new or retained jobs and any new capital investment are or will be located. A project facility may include separate buildings located within sixty miles of each other such that their purpose and operations are interrelated, provided that, if the buildings making up the project facility are not located within the same county, the average wage of the new payroll must exceed the applicable percentage of the highest county average wage among the counties in which the buildings are located. Upon approval by the department, a subsequent project facility may be designated if the qualified company demonstrates a need to relocate to the subsequent project facility at any time during the project period;**

(15) **"Project facility base employment", the greater of the number of full-time employees located at the project facility on the date of the notice of intent or, for the twelve-month period prior to the date of the notice of intent, the average number of full-time employees located at the project facility. In the event the project facility has not been in operation for a full twelve-month period, the average number of full-time employees for the number of months the project facility has been in operation prior to the date of the notice of intent;**

(16) **"Qualified company", a firm, partnership, joint venture, association, private or public corporation whether organized for profit or not, or headquarters of such entity registered to do business in Missouri that is the owner or operator of a project facility, offers health insurance to all full-time employees of all facilities located in this state, and pays at least fifty percent of such insurance premiums. For the purposes of sections 620.800 to 620.809, the term "qualified company" shall not mean:**

- (a) Gambling establishments (NAICS industry group 7132);
- (b) Retail trade establishments (NAICS sectors 44 and 45), except with respect to any company headquartered in this state with a majority of its full-time employees engaged in operations not within the NAICS codes specified in this subdivision;
- (c) Food and drinking places (NAICS subsector 722);
- (d) Public utilities (NAICS 221 including water and sewer services);
- (e) Any company that is delinquent in the payment of any nonprotested taxes or any other amounts due the state or federal government or any other political subdivision of this state;
- (f) Any company requesting benefits for retained jobs that has filed for or has publicly announced its intention to file for bankruptcy protection. However, a company that has filed for or has publicly announced its intention to file for bankruptcy may be a qualified company provided that such company:
 - a. Certifies to the department that it plans to reorganize and not to liquidate; and
 - b. After its bankruptcy petition has been filed, it produces proof, in a form and at times satisfactory to the department, that it is not delinquent in filing any tax returns or making any payment due to the state of Missouri, including but not limited to all tax payments due after the filing of the bankruptcy petition and under the terms of the plan of reorganization.

Any taxpayer who is awarded benefits under sections 620.800 to 620.809 and who files for bankruptcy under Chapter 7 of the United States Bankruptcy Code, Title 11 U.S.C., as amended shall immediately notify the department, shall forfeit such benefits, and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained;

- (g) Educational services (NAICS sector 61);
- (h) Religious organizations (NAICS industry group 8131);
- (i) Public administration (NAICS sector 92);
- (j) Ethanol distillation or production; or
- (k) Biodiesel production.

Notwithstanding any provision of this section to the contrary, the headquarters, administrative offices, or research and development facilities of an otherwise excluded business may qualify for benefits if the offices or facilities serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the jobs and investment of such operation shall be considered eligible for benefits under this section if the other requirements are satisfied;

(17) "Related company":

- (a) A corporation, partnership, trust, or association controlled by the qualified company;
- (b) An individual, corporation, partnership, trust, or association in control of the qualified company;

or

(c) Corporations, partnerships, trusts, or associations controlled by an individual, corporation, partnership, trust, or association in control of the qualified company. As used in this subdivision, "control of a corporation" shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote; "control of a partnership or association" shall mean ownership of at least fifty percent of the capital or profits interest in such partnership or association; "control of a trust" shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust; and "ownership" shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

(18) "Related facility", a facility operated by the qualified company or a related company located in this state that is directly related to the operations of the project facility or in which operations substantially similar to the operations of the project facility are performed;

(19) "Related facility base employment", the greater of the number of full-time employees located at all related facilities on the date of the notice of intent or, for the twelve-month period prior to the date of the notice of intent, the average number of full-time employees located at all related facilities of the qualified company or a related company located in this state;

(20) "Retained jobs", the average number of full-time employees of a qualified company located at the project facility during each month for the calendar year preceding the year in which the notice of intent is submitted;

(21) "Retained jobs credit", the credit from withholding remitted by a qualified company provided under subsection 6 of section 620.809;

(22) "Targeted industry", an industry or one of a cluster of industries identified by the department by rule following a strategic planning process as being critical to the state's economic security and growth;

(23) "Training program", the Missouri works training program established under sections 620.800 to 620.809;

(24) "Training project", the project or projects established through the Missouri works training program for the creation or retention of jobs by providing education and training of workers;

(25) "Training project costs", all necessary and incidental costs of providing program services through the training program, including:

(a) Training materials and supplies;

(b) Wages and benefits of instructors, who may or may not be employed by the eligible industry, and the cost of training such instructors;

(c) Subcontracted services;

(d) On-the-job training;

(e) Training facilities and equipment;

(f) Skill assessment;

(g) Training project and curriculum development;

(h) Travel directly to the training project, including a coordinated transportation program for training if the training can be more effectively provided outside the community where the jobs are to be located;

(i) Payments to third-party training providers and to the eligible industry;

(j) Teaching and assistance provided by educational institutions in the state of Missouri;

(k) In-plant training analysis, including fees for professionals and necessary travel and expenses;

(l) Assessment and preselection tools;

(m) Publicity;

(n) Instructional services;

(o) Rental of instructional facilities with necessary utilities; and

(p) Payment of the principal, premium, and interest on certificates, including capitalized interest, issued to finance a project, and the funding and maintenance of a debt service reserve fund to secure such certificates;

(26) "Training project services", includes, but shall not be limited to, the following:

(a) Job training, which may include, but not be limited to, preemployment training, analysis of the specified training needs for a qualified company, development of training plans, and provision of training through qualified training staff;

(b) Adult basic education and job-related instruction;

(c) Vocational and skill-assessment services and testing;

(d) Training facilities, equipment, materials, and supplies;

(e) On-the-job training;

(f) Administrative expenses equal to fifteen percent of the total training costs;

(g) Subcontracted services with state institutions of higher education, private colleges or universities, or other federal, state, or local agencies;

(h) Contracted or professional services; and

(i) Issuance of certificates, when applicable.

620.803. 1. The department shall establish a "Missouri Works Training Program" to assist qualified companies in the training of employees in new jobs and the retraining or upgrading of skills of full-time employees in retained jobs as provided in sections 620.800 to 620.809. The training program shall be funded through appropriations to the funds established under sections 620.806 and 620.809. The department shall, to the maximum extent practicable, prioritize funding under the training program to assist qualified companies in targeted industries.

2. There is hereby created the "Missouri Works Job Training Joint Legislative Oversight Committee". The committee shall consist of three members of the Missouri senate appointed by the president pro tem of the senate and three members of the house of representatives appointed by the speaker of the house. No more than two of the members of the senate and two of the members of the house of representatives shall be from the same political party. Members of the committee shall report to the governor, the president pro tem of the senate, and the speaker of the house of representatives on all assistance to industries under the provisions of sections 620.800 to 620.809 provided during the preceding fiscal year. The report of the committee shall be delivered no later than October first of each year. The director of the department shall report to the committee such information as the committee may deem necessary for its annual report. Members of the committee shall receive no compensation

in addition to their salary as members of the general assembly but may receive their necessary expenses while attending the meetings of the committee, to be paid out of the joint contingent fund.

3. The department shall publish guidelines and may promulgate rules and regulations governing the training program. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

4. The department shall make program applications and guidelines available online.

5. The department may contract with other entities for the purposes of carrying out the provisions of the training program established in sections 620.800 to 620.809. Any assistance through the training program shall be provided under an agreement.

6. Prior to the authorization of any application submitted through the training program, the department shall verify the applicant's tax payment status and offset any delinquencies as provided in section 135.815.

620.806. 1. The Missouri job development fund, formerly established in the state treasury by section 620.478, shall now be known as the "Missouri Works Job Development Fund" and shall be administered by the department for the training program. The fund shall consist of all moneys which may be appropriated to it by the general assembly and also any gifts, contributions, grants, or bequests received from federal, private or other sources, including, but not limited to, any block grant or other sources of funding relating to job training, school-to-work transition, welfare reform, vocational and technical training, housing, infrastructure, development, and human resource investment programs which may be provided by the federal government or other sources.

2. The department may provide financial assistance through the training program to qualified companies that create new jobs which will result in the need for training, or that make new capital investment relating directly to the retention of jobs in an amount at least five times greater than the amount of any financial assistance. Financial assistance may also be provided to a consortium of qualified companies organized to provide common training to the consortium members' employees. Funds in the Missouri works job development fund shall be appropriated, for financial assistance through the training program, by the general assembly to the department and shall be administered by a local educational agency certified by the department for such purpose. Except for state-sponsored preemployment training, no qualified company shall receive more than fifty percent of its training program costs from the Missouri works job development fund. No funds shall be awarded or reimbursed to any qualified company for the training, retraining, or upgrading of skills of potential employees with the purpose of replacing or supplanting employees engaged in an authorized work stoppage. Upon approval by the department, training project costs, except the purchase of training equipment and training facilities, shall be eligible for reimbursement with funds from the Missouri works job development fund. Notwithstanding any provision of law to the contrary, no qualified company within a service industry shall be eligible for assistance under this subsection unless such qualified company provides services in interstate commerce, which shall mean that the qualified company derives a majority of its annual revenues from out of the state.

3. The department may provide assistance, through appropriations made from the Missouri works job development fund, to business and technology centers. Such assistance shall not include the lending of the state's credit for the payment of any liability of the fund. Such centers may be established by Missouri community colleges, or state-owned postsecondary technical colleges, to provide business and training services for growth industries as determined by current labor market information.

620.809. 1. The Missouri community college job training program fund, formerly established in the state treasury by section 178.896, shall now be known as the "Missouri Works Community College New Jobs Training Fund" and shall be administered by the department for the training program. The department of revenue shall credit to the fund, as received, all new jobs credits. The fund shall also consist of any gifts, contributions, grants, or bequests received from federal, private, or other sources. The general assembly, however, shall not provide for any transfer of general revenue funds into the fund. Moneys in the fund shall be disbursed to the department under regular appropriations by the general assembly. The department shall disburse such appropriated funds in a timely manner into the special funds established by community college districts for training projects, which funds shall be used to pay training project costs. Such disbursements shall be made to the special fund for each training project in the same proportion as the new jobs credit remitted by the qualified company participating in such project bears to the total new jobs credit from withholding remitted by all qualified companies

participating in projects during the period for which the disbursement is made. All moneys remaining in the fund at the end of any fiscal year shall not lapse to the general revenue fund, as provided in section 33.080, but shall remain in the fund.

2. The Missouri community college job retention training program fund, formerly established in the state treasury by section 178.764, shall now be known as the "Missouri Works Community College Job Retention Training Fund" and shall be administered by the department for the Missouri works training program. The department of revenue shall credit to the fund, as received, all retained jobs credits. The fund shall also consist of any gifts, contributions, grants, or bequests received from federal, private, or other sources. The general assembly, however, shall not provide for any transfer of general revenue funds into the fund. Moneys in the fund shall be disbursed to the department under regular appropriations by the general assembly. The department shall disburse such appropriated funds in a timely manner into the special funds established by community college districts for projects, which funds shall be used to pay training program costs, including the principal, premium, and interest on certificates issued by the district to finance or refinance, in whole or in part, a project. Such disbursements by the department shall be made to the special fund for each project in the same proportion as the retained jobs credit from withholding remitted by the qualified company participating in such project bears to the total retained jobs credit from withholding remitted by qualified companies participating in projects during the period for which the disbursement is made. All moneys remaining in the fund at the end of any fiscal year shall not lapse to the general revenue fund, as provided in section 33.080, but shall remain in the fund.

3. The department of revenue shall develop such forms as are necessary to demonstrate accurately each qualified company's new jobs credit paid into the Missouri works community college new jobs training fund or retained jobs credit paid into the Missouri works community college job retention training fund. The new or retained jobs credits shall be accounted as separate from the normal withholding tax paid to the department of revenue by the qualified company. Reimbursements made by all qualified companies to the Missouri works community college new jobs training fund and the Missouri works community college job retention training fund shall be no less than all allocations made by the department to all community college districts for all projects. The qualified company shall remit the amount of the new or retained jobs credit, as applicable, to the department of revenue in the same manner as provided in sections 143.191 to 143.265.

4. A community college district, with the approval of the department in consultation with the office of administration, may enter into an agreement to establish a training project and provide training project services to a qualified company. As soon as possible after initial contact between a community college district and a potential qualified company regarding the possibility of entering into an agreement, the district shall inform the department of the potential training project. The department shall evaluate the proposed training project within the overall job training efforts of the state to ensure that the training project will not duplicate other job training programs. The department shall have fourteen days from receipt of a notice of intent to approve or disapprove a training project. If no response is received by the qualified company within fourteen days, the training project shall be deemed approved. Disapproval of any training project shall be made in writing and state the reasons for such disapproval. If an agreement is entered into, the district and the qualified company shall notify the department of revenue within fifteen calendar days. In addition to any provisions required under subsection 5 of this section for a qualified company applying to receive a retained job credit, an agreement may provide, but shall not be limited to:

(1) Payment of training project costs, which may be paid from one or a combination of the following sources:

(a) Funds appropriated by the general assembly to the Missouri works community college new jobs training program fund or Missouri works community college job retention training program fund, as applicable, and disbursed by the department for the purposes consistent with sections 620.800 to 620.809;

(b) Tuition, student fees, or special charges fixed by the board of trustees to defray training project costs in whole or in part;

(2) Payment of training project costs which shall not be deferred for a period longer than eight years;

(3) Costs of on-the-job training for employees which shall include wages or salaries of participating employees. Payments for on-the-job training shall not exceed the average of fifty percent of the total wages paid by the qualified company to each participant during the period of training. Payment for on-the-job training may continue for up to six months from the date the training begins;

(4) A provision which fixes the minimum amount of new or retained jobs credits, or tuition and fee payments which shall be paid for training project costs; and

(5) Any payment required to be made by a qualified company. This payment shall constitute a lien upon the qualified company's business property until paid, shall have equal priority with ordinary taxes and shall not

be divested by a judicial sale. Property subject to such lien may be sold for sums due and delinquent at a tax sale, with the same forfeitures, penalties, and consequences as for the nonpayment of ordinary taxes. The purchasers at tax sale shall obtain the property subject to the remaining payments.

5. Any qualified company that submits a notice of intent for retained job credits shall enter into an agreement, providing that the qualified company has:

(1) Maintained at least one hundred full-time employees per year at the project facility for the calendar year preceding the year in which the application is made;

(2) Retained, at the project facility, the same number of employees that existed in the taxable year immediately preceding the year in which application is made; and

(3) Made or agrees to make a new capital investment of greater than five times the amount of any award under this training program at the project facility over a period of two consecutive calendar years, as certified by the qualified company and:

(a) Has made substantial investment in new technology requiring the upgrading of employee skills; or

(b) Is located in a border county of the state and represents a potential risk of relocation from the state;

or

(c) Has been determined to represent a substantial risk of relocation from the state by the director of the department of economic development.

6. If an agreement provides that all or part of the training program costs are to be met by receipt of new or retained jobs credit, such new or retained jobs credit from withholding shall be determined and paid as follows:

(1) New or retained jobs credit shall be based upon the wages paid to the employees in the new or retained jobs;

(2) A portion of the total payments made by the qualified companies under sections 143.191 to 143.265 shall be designated as the new or retained jobs credit from withholding. Such portion shall be an amount equal to two and one-half percent of the gross wages paid by the qualified company for each of the first one hundred jobs included in the project and one and one-half percent of the gross wages paid by the qualified company for each of the remaining jobs included in the project. If business or employment conditions cause the amount of the new or retained jobs credit from withholding to be less than the amount projected in the agreement for any time period, then other withholding tax paid by the qualified company under sections 143.191 to 143.265 shall be credited to the applicable fund by the amount of such difference. The qualified company shall remit the amount of the new or retained jobs credit to the department of revenue in the manner prescribed in sections 143.191 to 143.265. When all training program costs have been paid, the new or retained jobs credits shall cease;

(3) The community college district participating in a project shall establish a special fund for and in the name of the training project. All funds appropriated by the general assembly from the funds established under subsections 1 and 2 of this section and disbursed by the department for the training project and other amounts received by the district for training project costs as required by the agreement shall be deposited in the special fund. Amounts held in the special fund shall be used and disbursed by the district only to pay training project costs for such training project. The special fund may be divided into such accounts and subaccounts as shall be provided in the agreement, and amounts held therein may be invested in the same manner as the district's other funds;

(4) Any disbursement for training project costs received from the department under sections 620.800 to 620.809 and deposited into the training project's special fund may be irrevocably pledged by a community college district for the payment of the principal, premium, and interest on the certificate issued by a community college district to finance or refinance, in whole or in part, such training project;

(5) The qualified company shall certify to the department of revenue that the new or retained jobs credit is in accordance with an agreement and shall provide other information the department of revenue may require;

(6) An employee participating in a training project shall receive full credit under section 143.211 for the amount designated as a new or retained jobs credit;

(7) If an agreement provides that all or part of training program costs are to be met by receipt of new or retained jobs credit, the provisions of this subsection shall also apply to any successor to the original qualified company until the principal and interest on the certificates have been paid.

7. To provide funds for the present payment of the training project costs of new or retained jobs training project through the training program, a community college district may borrow money and issue and sell certificates payable from a sufficient portion of the future receipts of payments authorized by the agreement including disbursements from the Missouri works community college new jobs training fund or the Missouri works community college job retention training fund, to the special fund established by the district for each

project. The total amount of outstanding certificates sold by all community college districts shall not exceed the total amount authorized under law as of January 1, 2013, unless an increased amount is authorized in writing by a majority of members of the committee. The certificates shall be marketed through financial institutions authorized to do business in Missouri. The receipts shall be pledged to the payment of principal of and interest on the certificates. Certificates may be sold at public sale or at private sale at par, premium, or discount of not less than ninety-five percent of the par value thereof, at the discretion of the board of trustees, and may bear interest at such rate or rates as the board of trustees shall determine, notwithstanding the provisions of section 108.170 to the contrary. However, the provisions of chapter 176 shall not apply to the issuance of such certificates. Certificates may be issued with respect to a single project or multiple projects and may contain terms or conditions as the board of trustees may provide by resolution authorizing the issuance of the certificates.

8. Certificates issued to refund other certificates may be sold at public sale or at private sale as provided in this section, with the proceeds from the sale to be used for the payment of the certificates being refunded. The refunding certificates may be exchanged in payment and discharge of the certificates being refunded, in installments at different times or an entire issue or series at one time. Refunding certificates may be sold or exchanged at any time on, before, or after the maturity of the outstanding certificates to be refunded. They may be issued for the purpose of refunding a like, greater, or lesser principal amount of certificates and may bear a rate of interest that is higher, lower, or equivalent to that of the certificates being renewed or refunded.

9. Before certificates are issued, the board of trustees shall publish once a notice of its intention to issue the certificates, stating the amount, the purpose, and the project or projects for which the certificates are to be issued. A person with standing may, within fifteen days after the publication of the notice, by action in the circuit court of a county in the district, appeal the decision of the board of trustees to issue the certificates. The action of the board of trustees in determining to issue the certificates shall be final and conclusive unless the circuit court finds that the board of trustees has exceeded its legal authority. An action shall not be brought which questions the legality of the certificates, the power of the board of trustees to issue the certificates, the effectiveness of any proceedings relating to the authorization of the project, or the authorization and issuance of the certificates from and after fifteen days from the publication of the notice of intention to issue.

10. The board of trustees shall make a finding based on information supplied by the qualified company that revenues provided in the agreement are sufficient to secure the faithful performance of obligations in the agreement.

11. Certificates issued under this section shall not be deemed to be an indebtedness of the state, the community college district, or any other political subdivision of the state, and the principal and interest on any certificates shall be payable only from the sources provided in subdivision (1) of subsection 4 of this section which are pledged in the agreement.

12. The provisions of the new program authorized under sections 620.800 to 620.809 shall sunset automatically on July 1, 2019, unless reauthorized by an act of the general assembly.

620.1881. 1. The department of economic development shall respond within thirty days to a company who provides a notice of intent with either an approval or a rejection of the notice of intent. The department shall give preference to qualified companies and projects targeted at an area of the state which has recently been classified as a disaster area by the federal government. Failure to respond on behalf of the department of economic development shall result in the notice of intent being deemed an approval for the purposes of this section. A qualified company who is provided an approval for a project shall be allowed a benefit as provided in this program in the amount and duration provided in this section. A qualified company may receive additional periods for subsequent new jobs at the same facility after the full initial period if the minimum thresholds are met as set forth in sections 620.1875 to 620.1890. There is no limit on the number of periods a qualified company may participate in the program, as long as the minimum thresholds are achieved and the qualified company provides the department with the required reporting and is in proper compliance for this program or other state programs. A qualified company may elect to file a notice of intent to start a new project period concurrent with an existing project period if the minimum thresholds are achieved and the qualified company provides the department with the required reporting and is in proper compliance for this program and other state programs; however, the qualified company may not receive any further benefit under the original approval for jobs created after the date of the new notice of intent, and any jobs created before the new notice of intent may not be included as new jobs for the purpose of benefit calculation in relation to the new approval. When a qualified company has filed and received approval of a notice of intent and subsequently files another notice of intent, the department shall apply the definition of project facility under subdivision (19) of section 620.1878 to the new notice of intent as well as all previously approved notices of intent and shall determine the application of the definitions of new job, new payroll, project facility base employment, and project facility base payroll accordingly.

2. Notwithstanding any provision of law to the contrary, any qualified company that is awarded benefits under this program may not simultaneously receive tax credits or exemptions under sections 135.100 to 135.150, sections 135.200 to 135.286, section 135.535, or sections 135.900 to 135.906 at the same project facility. The benefits available to the company under any other state programs for which the company is eligible and which utilize withholding tax from the new jobs of the company must first be credited to the other state program before the withholding retention level applicable under the Missouri quality jobs act will begin to accrue. These other state programs include, but are not limited to, the [new] **Missouri works** jobs training program under sections [178.892 to 178.896] **620.800 to 620.809**, [the job retention program under sections 178.760 to 178.764,] the real property tax increment allocation redevelopment act, sections 99.800 to 99.865, or the Missouri downtown and rural economic stimulus act under sections 99.915 to 99.980. If any qualified company also participates in the [new] **Missouri works** jobs training program in sections [178.892 to 178.896] **620.800 to 620.809**, the company shall retain no withholding tax, but the department shall issue a refundable tax credit for the full amount of benefit allowed under this subdivision. The calendar year annual maximum amount of tax credits which may be issued to a qualifying company that also participates in the new job training program shall be increased by an amount equivalent to the withholding tax retained by that company under the new jobs training program. However, if the combined benefits of the quality jobs program and the new jobs training program exceed the projected state benefit of the project, as determined by the department of economic development through a cost-benefit analysis, the increase in the maximum tax credits shall be limited to the amount that would not cause the combined benefits to exceed the projected state benefit. Any taxpayer who is awarded benefits under this program who knowingly hires individuals who are not allowed to work legally in the United States shall immediately forfeit such benefits and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained.

3. The types of projects and the amount of benefits to be provided are:

(1) Small and expanding business projects: in exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs created by the program, a qualified company may retain an amount equal to the withholding tax as calculated under subdivision (33) of section 620.1878 from the new jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265 for a period of three years from the date the required number of new jobs were created if the average wage of the new payroll equals or exceeds the county average wage or for a period of five years from the date the required number of new jobs were created if the average wage of the new payroll equals or exceeds one hundred twenty percent of the county average wage;

(2) Technology business projects: in exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs created by the program, a qualified company may retain an amount equal to a maximum of five percent of new payroll for a period of five years from the date the required number of jobs were created from the withholding tax of the new jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265 if the average wage of the new payroll equals or exceeds the county average wage. An additional one-half percent of new payroll may be added to the five percent maximum if the average wage of the new payroll in any year exceeds one hundred twenty percent of the county average wage in the county in which the project facility is located, plus an additional one-half percent of new payroll may be added if the average wage of the new payroll in any year exceeds one hundred forty percent of the average wage in the county in which the project facility is located. The department shall issue a refundable tax credit for any difference between the amount of benefit allowed under this subdivision and the amount of withholding tax retained by the company, in the event the withholding tax is not sufficient to provide the entire amount of benefit due to the qualified company under this subdivision;

(3) High impact projects: in exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs created by the program, a qualified company may retain an amount from the withholding tax of the new jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265, equal to three percent of new payroll for a period of five years from the date the required number of jobs were created if the average wage of the new payroll equals or exceeds the county average wage of the county in which the project facility is located. For high-impact projects in a facility located within two adjacent counties, the new payroll shall equal or exceed the higher county average wage of the adjacent counties. The percentage of payroll allowed under this subdivision shall be three and one-half percent of new payroll if the average wage of the new payroll in any year exceeds one hundred twenty percent of the county average wage in the county in which the project facility is located. The percentage of payroll allowed under this subdivision shall be four percent of new payroll if the average wage of the new payroll in any year exceeds one hundred forty percent of the county average wage in the county in which the project facility is located. An additional one percent of new payroll may be added to these percentages if local incentives equal between ten percent and twenty-four percent of the new

direct local revenue; an additional two percent of new payroll is added to these percentages if the local incentives equal between twenty-five percent and forty-nine percent of the new direct local revenue; or an additional three percent of payroll is added to these percentages if the local incentives equal fifty percent or more of the new direct local revenue. The department shall issue a refundable tax credit for any difference between the amount of benefit allowed under this subdivision and the amount of withholding tax retained by the company, in the event the withholding tax is not sufficient to provide the entire amount of benefit due to the qualified company under this subdivision;

(4) Job retention projects: a qualified company may receive a tax credit for the retention of jobs in this state, provided the qualified company and the project meets all of the following conditions:

(a) For each of the twenty-four months preceding the year in which application for the program is made the qualified company must have maintained at least one thousand full-time employees at the employer's site in the state at which the jobs are based, and the average wage of such employees must meet or exceed the county average wage;

(b) The qualified company retained at the project facility the level of full-time employees that existed in the taxable year immediately preceding the year in which application for the program is made;

(c) The qualified company is considered to have a significant statewide effect on the economy, and has been determined to represent a substantial risk of relocation from the state by the quality jobs advisory task force established in section 620.1887; provided, however, until such time as the initial at-large members of the quality jobs advisory task force are appointed, this determination shall be made by the director of the department of economic development;

(d) The qualified company in the project facility will cause to be invested a minimum of seventy million dollars in new investment prior to the end of two years or will cause to be invested a minimum of thirty million dollars in new investment prior to the end of two years and maintain an annual payroll of at least seventy million dollars during each of the years for which a credit is claimed; and

(e) The local taxing entities shall provide local incentives of at least fifty percent of the new direct local revenues created by the project over a ten-year period. The quality jobs advisory task force may recommend to the department of economic development that appropriate penalties be applied to the company for violating the agreement. The amount of the job retention credit granted may be equal to up to fifty percent of the amount of withholding tax generated by the full-time jobs at the project facility for a period of five years. The calendar year annual maximum amount of tax credit that may be issued to any qualified company for a job retention project or combination of job retention projects shall be seven hundred fifty thousand dollars per year, but the maximum amount may be increased up to one million dollars if such action is proposed by the department and approved by the quality jobs advisory task force established in section 620.1887; provided, however, until such time as the initial at-large members of the quality jobs advisory task force are appointed, this determination shall be made by the director of the department of economic development. In considering such a request, the task force shall rely on economic modeling and other information supplied by the department when requesting the increased limit on behalf of the job retention project. In no event shall the total amount of all tax credits issued for the entire job retention program under this subdivision exceed three million dollars annually. Notwithstanding the above, no tax credits shall be issued for job retention projects approved by the department after August 30, 2013;

(5) Small business job retention and flood survivor relief: a qualified company may receive a tax credit under sections 620.1875 to 620.1890 for the retention of jobs and flood survivor relief in this state for each job retained over a three-year period, provided that:

(a) The qualified company did not receive any state or federal benefits, incentives, or tax relief or abatement in locating its facility in a flood plain;

(b) The qualified company and related companies have fewer than one hundred employees at the time application for the program is made;

(c) The average wage of the qualified company's and related companies' employees must meet or exceed the county average wage;

(d) All of the qualified company's and related companies' facilities are located in this state;

(e) The facilities at the primary business site in this state have been directly damaged by floodwater rising above the level of a five hundred year flood at least two years, but fewer than eight years, prior to the time application is made;

(f) The qualified company made significant efforts to protect the facilities prior to any impending danger from rising floodwaters;

(g) For each year it receives tax credits under sections 620.1875 to 620.1890, the qualified company and related companies retained, at the company's facilities in this state, at least the level of full-time, year-round employees that existed in the taxable year immediately preceding the year in which application for the program is made; and

(h) In the years it receives tax credits under sections 620.1875 to 620.1890, the company cumulatively invests at least two million dollars in capital improvements in facilities and equipment located at such facilities that are not

located within a five hundred year flood plain as designated by the Federal Emergency Management Agency, and amended from time to time. The amount of the small business job retention and flood survivor relief credit granted may be equal to up to one hundred percent of the amount of withholding tax generated by the full-time jobs at the project facility for a period of three years. The calendar year annual maximum amount of tax credit that may be issued to any qualified company for a small business job retention and survivor relief project shall be two hundred fifty thousand dollars per year, but the maximum amount may be increased up to five hundred thousand dollars if such action is proposed by the department and approved by the quality jobs advisory task force established in section 620.1887. In considering such a request, the task force shall rely on economic modeling and other information supplied by the department when requesting an increase in the limit on behalf of the small business job retention and flood survivor relief project. In no event shall the total amount of all tax credits issued for the entire small business job retention and flood survivor relief program under this subdivision exceed five hundred thousand dollars annually. Notwithstanding the provisions of this subdivision to the contrary, no tax credits shall be issued for small business job retention and flood survivor relief projects approved by the department after August 30, 2010.

4. The qualified company shall provide an annual report of the number of jobs and such other information as may be required by the department to document the basis for the benefits of this program. The department may withhold the approval of any benefits until it is satisfied that proper documentation has been provided, and shall reduce the benefits to reflect any reduction in full-time employees or new payroll. Upon approval by the department, the qualified company may begin the retention of the withholding taxes when it reaches the minimum number of new jobs and the average wage exceeds the county average wage. Tax credits, if any, may be issued upon satisfaction by the department that the qualified company has exceeded the county average wage and the minimum number of new jobs. In such annual report, if the average wage is below the county average wage, the qualified company has not maintained the employee insurance as required, or if the number of new jobs is below the minimum, the qualified company shall not receive tax credits or retain the withholding tax for the balance of the benefit period. In the case of a qualified company that initially filed a notice of intent and received an approval from the department for high-impact benefits and the minimum number of new jobs in an annual report is below the minimum for high-impact projects, the company shall not receive tax credits for the balance of the benefit period but may continue to retain the withholding taxes if it otherwise meets the requirements of a small and expanding business under this program.

5. The maximum calendar year annual tax credits issued for the entire program shall not exceed eighty million dollars. Notwithstanding any provision of law to the contrary, the maximum annual tax credits authorized under section 135.535 are hereby reduced from ten million dollars to eight million dollars, with the balance of two million dollars transferred to this program. There shall be no limit on the amount of withholding taxes that may be retained by approved companies under this program.

6. The department shall allocate the annual tax credits based on the date of the approval, reserving such tax credits based on the department's best estimate of new jobs and new payroll of the project, and the other factors in the determination of benefits of this program. However, the annual issuance of tax credits is subject to the annual verification of the actual new payroll. The allocation of tax credits for the period assigned to a project shall expire if, within two years from the date of commencement of operations, or approval if applicable, the minimum thresholds have not been achieved. The qualified company may retain authorized amounts from the withholding tax under this section once the minimum new jobs thresholds are met for the duration of the project period. No benefits shall be provided under this program until the qualified company meets the minimum new jobs thresholds. In the event the qualified company does not meet the minimum new job threshold, the qualified company may submit a new notice of intent or the department may provide a new approval for a new project of the qualified company at the project facility or other facilities.

7. For a qualified company with flow-through tax treatment to its members, partners, or shareholders, the tax credit shall be allowed to members, partners, or shareholders in proportion to their share of ownership on the last day of the qualified company's tax period.

8. Tax credits may be claimed against taxes otherwise imposed by chapters 143 and 148, and may not be carried forward but shall be claimed within one year of the close of the taxable year for which they were issued, except as provided under subdivision (4) of subsection 3 of this section.

9. Tax credits authorized by this section may be transferred, sold, or assigned by filing a notarized endorsement thereof with the department that names the transferee, the amount of tax credit transferred, and the value received for the credit, as well as any other information reasonably requested by the department.

10. Prior to the issuance of tax credits, the department shall verify through the department of revenue, or any other state department, that the tax credit applicant does not owe any delinquent income, sales, or use tax or interest or penalties on such taxes, or any delinquent fees or assessments levied by any state department and through the department of insurance, financial institutions and professional registration that the applicant does not owe any delinquent insurance

taxes. Such delinquency shall not affect the authorization of the application for such tax credits, except that at issuance credits shall be first applied to the delinquency and any amount issued shall be reduced by the applicant's tax delinquency. If the department of revenue or the department of insurance, financial institutions and professional registration, or any other state department, concludes that a taxpayer is delinquent after June fifteenth but before July first of any year and the application of tax credits to such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the deficiency in which interest, penalties, and additions to tax shall be tolled. After applying all available credits toward a tax delinquency, the administering agency shall notify the appropriate department and that department shall update the amount of outstanding delinquent tax owed by the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions of other provisions of law.

11. Except as provided under subdivision (4) of subsection 3 of this section, the director of revenue shall issue a refund to the qualified company to the extent that the amount of credits allowed in this section exceeds the amount of the qualified company's income tax.

12. An employee of a qualified company will receive full credit for the amount of tax withheld as provided in section 143.211.

13. If any provision of sections 620.1875 to 620.1890 or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of these sections which can be given effect without the invalid provisions or application, and to this end, the provisions of sections 620.1875 to 620.1890 are hereby declared severable.

620.1910. 1. This section shall be known and may be cited as the "Manufacturing Jobs Act".

2. As used in this section, the following terms mean:

(1) "Approval", a document submitted by the department to the qualified manufacturing company or qualified supplier that states the benefits that may be provided under this section;

(2) "Capital investment", expenditures made by a qualified manufacturing company to retool or reconfigure a manufacturing facility directly related to the manufacturing of a new product or the expansion or modification of the manufacture of an existing product;

(3) "County average wage", the same meaning as such term is defined in section 620.1878;

(4) "Department", the department of economic development;

(5) "Facility", a building or buildings located in Missouri at which the qualified manufacturing company manufactures a product;

(6) "Full-time job", a job for which a person is compensated for an average of at least thirty-five hours per week for a twelve-month period, and one for which the qualified manufacturing company or qualified supplier offers health insurance and pays at least fifty percent of such insurance premiums;

(7) "NAICS industry classification", the most recent edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget;

(8) "New job", the same meaning as such term is defined in section 620.1878;

(9) "New product", a new model or line of a manufactured good that has not been manufactured in Missouri by the qualified manufacturing company at any time prior to the date of the notice of intent, or an existing brand, model, or line of a manufactured good that is redesigned with more than seventy-five percent new exterior body parts and incorporates new powertrain options;

(10) "Notice of intent", a form developed by the department, completed by the qualified manufacturing company or qualified supplier and submitted to the department which states the qualified manufacturing company's or qualified supplier's intent to create new jobs or retain current jobs and make additional capital investment, as applicable, and request benefits under this section. The notice of intent shall specify the minimum number of such new or retained jobs and the minimum amount of such capital investment;

(11) "Qualified manufacturing company", a business with a NAICS code of 33611 that:

(a) Manufactures goods at a facility in Missouri;

(b) In the case of the manufacture of a new product, commits to make a capital investment of at least seventy-five thousand dollars per retained job within no more than two years of the date the qualified manufacturing company begins to retain withholding tax under this section, or in the case of the modification or expansion of the manufacture of an existing product, commits to make a capital investment of at least fifty thousand dollars per retained job within no more than two years of the date the qualified manufacturing company begins to retain withholding tax under this section;

(c) Manufactures a new product or has commenced making capital improvements to the facility necessary for the manufacturing of such new product, or modifies or expands the manufacture of an existing product or has

commenced making capital improvements to the facility necessary for the modification or expansion of the manufacture of such existing product; and

(d) Continues to meet the requirements of paragraphs (a) to (c) of this subdivision for the withholding period;

(12) "Qualified supplier", a manufacturing company that:

(a) Attests to the department that it derives more than ten percent of the total annual sales of the company from sales to a qualified manufacturing company;

(b) Adds five or more new jobs;

(c) Has an average wage, as defined in section 135.950, for such new jobs that are equal to or exceed the lower of the county average wage for Missouri as determined by the department using NAICS industry classifications, but not lower than sixty percent of the statewide average wage; and

(d) Provides health insurance for all full-time jobs and pays at least fifty percent of the premiums of such insurance;

(13) "Retained job", the number of full-time jobs of persons employed by the qualified manufacturing company located at the facility that existed as of the last working day of the month immediately preceding the month in which notice of intent is submitted;

(14) "Statewide average wage", an amount equal to the quotient of the sum of the total gross wages paid for the corresponding four calendar quarters divided by the average annual employment for such four calendar quarters, which shall be computed using the Quarterly Census of Employment and Wages Data for All Private Ownership Businesses in Missouri, as published by the Bureau of Labor Statistics of the United States Department of Labor;

(15) "Withholding period", the seven- or ten-year period in which a qualified manufacturing company may receive benefits under this section;

(16) "Withholding tax", the same meaning as such term is defined in section 620.1878.

3. The department shall respond within thirty days to a qualified manufacturing company or a qualified supplier who provides a notice of intent with either an approval or a rejection of the notice of intent. Failure to respond on behalf of the department shall result in the notice of intent being deemed an approval for the purposes of this section.

4. A qualified manufacturing company that manufactures a new product may, upon the department's approval of a notice of intent and the execution of an agreement that meets the requirements of subsection 9 of this section, but no earlier than January 1, 2012, retain one hundred percent of the withholding tax from full-time jobs at the facility for a period of ten years. A qualified manufacturing company that modifies or expands the manufacture of an existing product may, upon the department's approval of a notice of intent and the execution of an agreement that meets the requirements of subsection 9 of this section, but no earlier than January 1, 2012, retain fifty percent of the withholding tax from full-time jobs at the facility for a period of seven years. Except as otherwise allowed under subsection 7 of this section, the commencement of the withholding period may be delayed by no more than twenty-four months after execution of the agreement at the option of the qualified manufacturing company. Such qualified manufacturing company shall be eligible for participation in the Missouri quality jobs program in sections 620.1875 to 620.1890 for any new jobs for which it does not retain withholding tax under this section, provided all qualifications for such program are met.

5. A qualified supplier may, upon approval of a notice of intent by the department, retain all withholding tax from new jobs for a period of three years from the date of approval of the notice of intent or for a period of five years if the supplier pays wages for the new jobs equal to or greater than one hundred twenty percent of county average wage. Notwithstanding any other provision of law to the contrary, a qualified supplier that is awarded benefits under this section shall not receive any tax credit or exemption or be entitled to retain withholding under sections 100.700 to 100.850, sections 135.100 to 135.150, sections 135.200 to 135.286, section 135.535, sections 135.900 to 135.906, sections 135.950 to 135.970, or section 620.1881 for the same jobs.

6. Notwithstanding any other provision of law to the contrary, the maximum amount of withholding tax that may be retained by any one qualified manufacturing company under this section shall not exceed ten million dollars per calendar year. The aggregate amount of withholding tax that may be retained by all qualified manufacturing companies under this section shall not exceed fifteen million dollars per calendar year.

7. Notwithstanding any other provision of law to the contrary, any qualified manufacturing company that is awarded benefits under this section shall not simultaneously receive tax credits or exemptions under sections 100.700 to 100.850, sections 135.100 to 135.150, sections 135.200 to 135.286, section 135.535, or sections 135.900 to 135.906 for the jobs created or retained or capital improvement which qualified for benefits under this section. The benefits available to the qualified manufacturing company under any other state programs for which the qualified manufacturing company is eligible and which utilize withholding tax from the jobs at the facility shall first be credited to the other state program before the applicable withholding period for benefits provided under this section shall begin. These other state programs include, but are not limited to, the [new] **Missouri works** jobs training program under sections [178.892 to

178.896] **620.800 to 620.809**, [the job retention program under sections 178.760 to 178.764,] the real property tax increment allocation redevelopment act under sections 99.800 to 99.865, or the Missouri downtown and rural economic stimulus act under sections 99.915 to 99.980. If any qualified manufacturing company also participates in the [new] **Missouri works** jobs training program in sections [178.892 to 178.896] **620.800 to 620.809**, such qualified manufacturing company shall not retain any withholding tax that has already been allocated for use in the new jobs training program. Any qualified manufacturing company or qualified supplier that is awarded benefits under this program and knowingly hires individuals who are not allowed to work legally in the United States shall immediately forfeit such benefits and shall repay the state an amount equal to any withholding taxes already retained. Subsection 5 of section 285.530 shall not apply to qualified manufacturing companies or qualified suppliers which are awarded benefits under this program.

8. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.

9. Within six months of completion of a notice of intent required under this section, the qualified manufacturing company shall enter into an agreement with the department that memorializes the content of the notice of intent, the requirements of this section, and the consequences for failing to meet such requirements, which shall include the following:

(1) If the amount of capital investment made by the qualified manufacturing company is not made within the two-year period provided for such investment, the qualified manufacturing company shall immediately cease retaining any withholding tax with respect to jobs at the facility and it shall forfeit all rights to retain withholding tax for the remainder of the withholding period. In addition, the qualified manufacturing company shall repay any amounts of withholding tax retained plus interest of five percent per annum. However, in the event that such capital investment shortfall is due to economic conditions beyond the control of the qualified manufacturing company, the director may, at the qualified manufacturing company's request, suspend rather than terminate its privilege to retain withholding tax under this section for up to three years. Any such suspension shall extend the withholding period by the same amount of time. No more than one such suspension shall be granted to a qualified manufacturing company;

(2) If the qualified manufacturing company discontinues the manufacturing of the new product and does not replace it with a subsequent or additional new product manufactured at the facility at any time during the withholding period, the qualified manufacturing company shall immediately cease retaining any withholding tax with respect to jobs at that facility and it shall forfeit all rights to retain withholding tax for the remainder of the withholding period.

10. Prior to March first each year, the department shall provide a report to the general assembly including the names of participating qualified manufacturing companies or qualified suppliers, location of such companies or suppliers, the annual amount of benefits provided, the estimated net state fiscal impact including direct and indirect new state taxes derived, and the number of new jobs created or jobs retained.

11. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset October 12, 2016, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset."; and

Further amend said bill, Page 130, Section 1, Line 6, by inserting after all of said section and line the following:

"[178.760. As used in sections 178.760 to 178.764, the following terms mean:

(1) "Agreement", the agreement between an employer and a community college district concerning a project. An agreement may be for a period not to exceed ten years when the program services associated with a project are not in excess of five hundred thousand dollars. For a project where the associated program costs are greater than five hundred thousand dollars, the agreement may not exceed a period of eight years;

(2) "Board of trustees", the board of trustees of a community college district;

(3) "Capital investment", an investment in research and development, working capital, and real and tangible personal business property except inventory or property intended for sale to customers. Trucks, truck trailers, truck semi-trailers, rail and barge vehicles and other rolling stock for hire, track, switches, barges, bridges, tunnels, rail yards, and spurs shall not qualify as a capital investment. The amount of such investment shall be the original cost of the property if owned, or eight times the net annual rental rate if leased;

(4) "Certificate", industrial retained jobs training certificates issued under section 178.763;

(5) "Date of commencement of the project", the date of the agreement;

(6) "Employee", the person employed in a retained job;

(7) "Employer", the person maintaining retained jobs in conjunction with a project;

(8) "Industry", a business located within this state which enters into an agreement with a community college district and which is engaged in interstate or intrastate commerce for the purpose of manufacturing, processing, or assembling products, conducting research and development, or providing services in interstate commerce, but excluding retail services;

(9) "Program costs", all necessary and incidental costs of providing program services, including payment of the principal, premium, and interest on certificates, including capitalized interest, issued to finance a project, funding and maintenance of a debt service reserve fund to secure such certificates and wages, salaries and benefits of employees participating in on-the-job training;

(10) "Program services" includes, but is not limited to, the following:

(a) Retained jobs training;

(b) Adult basic education and job-related instruction;

(c) Vocational and skill-assessment services and testing;

(d) Training facilities, equipment, materials, and supplies;

(e) On-the-job training;

(f) Administrative expenses equal to seventeen percent of the total training costs, two percent to be paid to the department of economic development for deposit into the Missouri job development fund created under section 620.478;

(g) Subcontracted services with state institutions of higher education, private colleges or universities, or other federal, state, or local agencies;

(h) Contracted or professional services; and

(i) Issuance of certificates;

(11) "Project", a training arrangement which is the subject of an agreement entered into between the community college district and an employer to provide program services that is not also the subject of an agreement entered into between a community college district and an employer to provide program services under sections 178.892 to 178.896;

(12) "Retained job", a job in a stable industry, not including jobs for recalled workers, which was in existence for at least two consecutive calendar years preceding the year in which the application for the retained jobs training program was made;

(13) "Retained jobs credit from withholding", the credit as provided in section 178.762;

(14) "Retained jobs training program", or "program", the project or projects established by a community college district for the retention of jobs, by providing education and training of workers for existing jobs for stable industry in the state;

(15) "Stable industry", a business that otherwise meets the definition of industry and retains existing jobs. To be a stable industry, the business shall have:

(a) Maintained at least one hundred employees per year at the employer's site in the state at which the jobs are based, for each of the two calendar years preceding the year in which application for the program is made;

(b) Retained at that site the level of employment that existed in the taxable year immediately preceding the year in which application for the program is made; and

(c) Made or agree to make a capital investment aggregating at least one million dollars to acquire or improve long-term assets (including leased facilities) such as property, plant, or equipment (excluding program costs) at the employer's site in the state at which jobs are based over a period of three consecutive calendar years, as certified by the employer and:

a. Have made substantial investment in new technology requiring the upgrading of worker's skills; or

b. Be located in a border county of the state and represent a potential risk of relocation from the state; or

c. Be determined to represent a substantial risk of relocation from the state by the director of the department of economic development;

(16) "Total training costs", costs of training, including supplies, wages and benefits of instructors, subcontracted services, on-the-job training, training facilities, equipment, skill assessment, and all program services excluding issuance of certificates.]

[178.761. A community college district, with the approval of the department of economic development in consultation with the office of administration, may enter into an agreement to establish a project and provide program services to an employer. As soon as possible after initial contact between a community college district and a potential employer regarding the possibility of entering into an agreement, the district shall inform the division of workforce development of the department of economic development and the office of administration about the potential project. The division of workforce development shall evaluate the proposed project within the overall job training efforts of the state to ensure that the project will not duplicate other job training programs. The department of economic development shall have fourteen days from receipt of the application to approve or disapprove projects. If no response is received by the community college within fourteen days, the projects are approved. Any project that is disapproved must be in writing stating the reasons for the disapproval. If an agreement is entered into, the district and the employer shall notify the department of revenue within fifteen calendar days. An agreement may provide, but is not limited to:

(1) Payment of program costs, including deferred costs, which may be paid from one or a combination of the following sources:

(a) Funds appropriated by the general assembly from the Missouri community college job retention program fund and disbursed by the division of workforce development in respect of retained jobs credit from withholding to be received or derived from retained employment resulting from the project;

(b) Tuition, student fees, or special charges fixed by the board of trustees to defray program costs in whole or in part;

(c) Guarantee of payments to be received under paragraph (a) or (b) of this subdivision;

(2) Payment of program costs shall not be deferred for a period longer than ten years if program costs do not exceed five hundred thousand dollars, or eight years if program costs exceed five hundred thousand dollars from the date of commencement of the project;

(3) Costs of on-the-job training for employees shall include wages or salaries of participating employees. Payments for on-the-job training shall not exceed the average of fifty percent of the total percent of the total wages paid by the employer to each participant during the period of training. Payment for on-the-job training may continue for up to six months from the date of the employer's capital investment;

(4) A provision which fixes the minimum amount of retained jobs credit from withholding, or tuition and fee payments which shall be paid for program costs;

(5) Any payment required to be made by an employer is a lien upon the employer's business property until paid and has equal precedence with ordinary taxes and shall not be divested by a judicial sale. Property subject to the lien may be sold for sums due and delinquent at a tax sale, with the same forfeitures, penalties, and consequences as for the nonpayment of ordinary taxes. The purchasers at tax sale obtain the property subject to the remaining payments.]

[178.762. If an agreement provides that all or part of program costs are to be met by receipt of retained jobs credit from withholding, such retained jobs credit from withholding shall be determined and paid as follows:

(1) Retained jobs credit from withholding shall be based upon the wages paid to the employees in the retained jobs;

(2) A portion of the total payments made by the employer under section 143.221 shall be designated as the retained jobs credit from withholding. Such portion shall be an amount equal to two and one-half percent of the gross wages paid by the employer for each of the first one hundred jobs included in the project and one and one-half percent of the gross wages paid by the employer for each of the remaining jobs included in the project. If business or employment conditions cause the amount

of the retained jobs credit from withholding to be less than the amount projected in the agreement for any time period, then other withholding tax paid by the employer under section 143.221 shall be credited to the Missouri community college retained job training fund by the amount of such difference. The employer shall remit the amount of the retained jobs credit to the department of revenue in the manner prescribed in section 178.764. When all program costs, including the principal, premium, and interest on the certificates have been paid, the employer credits shall cease;

(3) The community college district participating in a project shall establish a special fund for and in the name of the project. All funds appropriated by the general assembly from the Missouri community college job training retention program fund and disbursed by the division of workforce development for the project and other amounts received by the district in respect of the project and required by the agreement to be used to pay program costs for the project shall be deposited in the special fund. Amounts held in the special fund may be used and disbursed by the district only to pay program costs for the project. The special fund may be divided into such accounts and subaccounts as shall be provided in the agreement, and amounts held therein may be invested in investments which are legal for the investment of the district's other funds;

(4) Any disbursement in respect of a project received from the division of workforce development under sections 178.760 to 178.764 and the special fund into which it is paid may be irrevocably pledged by a community college district for the payment of the principal, premium, and interest on the certificate issued by a community college district to finance or refinance, in whole or in part, the project;

(5) The employer shall certify to the department of revenue that the credit from withholding is in accordance with an agreement and shall provide other information the department may require;

(6) An employee participating in a project will receive full credit for the amount designated as a retained jobs credit from withholding and withheld as provided in section 143.221;

(7) If an agreement provides that all or part of program costs are to be met by receipt of retained jobs credit from withholding, the provisions of this subsection shall also apply to any successor to the original employer until such time as the principal and interest on the certificates have been paid.]

[178.763. 1. To provide funds for the present payment of the costs of retained jobs training programs, a community college district may borrow money and issue and sell certificates payable from a sufficient portion of the future receipts of payments authorized by the agreement including disbursements from the Missouri community college job retention training program to the special fund established by the district for each project. The total amount of outstanding certificates sold by all community college districts shall not exceed fifteen million dollars, unless an increased amount is authorized in writing by a majority of members of the Missouri job training joint legislative oversight committee. The certificates shall be marketed through financial institutions authorized to do business in Missouri. The receipts shall be pledged to the payment of principal of and interest on the certificates. Certificates may be sold at public sale or at private sale at par, premium, or discount of not less than ninety-five percent of the par value thereof, at the discretion of the board of trustees, and may bear interest at such rate or rates as the board of trustees shall determine, notwithstanding the provisions of section 108.170 to the contrary. However, chapter 176 does not apply to the issuance of these certificates. Certificates may be issued with respect to a single project or multiple projects and may contain terms or conditions as the board of trustees may provide by resolution authorizing the issuance of the certificates.

2. Certificates issued to refund other certificates may be sold at public sale or at private sale as provided in this section with the proceeds from the sale to be used for the payment of the certificates being refunded. The refunding certificates may be exchanged in payment and discharge of the certificates being refunded, in installments at different times or an entire issue or series at one time. Refunding certificates may be sold or exchanged at any time on, before, or after the maturity of the outstanding certificates to be refunded. They may be issued for the purpose of refunding a like, greater, or lesser principal amount of certificates and may bear a higher, lower, or equivalent rate of interest than the certificates being renewed or refunded.

3. Before certificates are issued, the board of trustees shall publish once a notice of its intention to issue the certificates, stating the amount, the purpose, and the project or projects for which the certificates are to be issued. A person may, within fifteen days after the publication of the notice,

by action in the circuit court of a county in the district, appeal the decision of the board of trustees to issue the certificates. The action of the board of trustees in determining to issue the certificates is final and conclusive unless the circuit court finds that the board of trustees has exceeded its legal authority. An action shall not be brought which questions the legality of the certificates, the power of the board of trustees to issue the certificates, the effectiveness of any proceedings relating to the authorization of the project, or the authorization and issuance of the certificates from and after fifteen days from the publication of the notice of intention to issue.

4. The board of trustees shall make a finding based on information supplied by the employer that revenues provided in the agreement are sufficient to secure the faithful performance of obligations in the agreement.

5. Certificates issued under this section shall not be deemed to be an indebtedness of the state or the community college district or of any other political subdivision of the state, and the principal and interest on such certificates shall be payable only from the sources provided in subdivision (1) of section 178.761 which are pledged in the agreement.

6. The department of economic development shall coordinate the retained jobs training program, and may promulgate rules that districts will use in developing projects with industrial retained jobs training proposals which shall include rules providing for the coordination of such proposals with the service delivery areas established in the state to administer federal funds pursuant to the federal Workforce Investment Act. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536.

7. No community college district may sell certificates as described in this section after July 1, 2014.]

[178.764. 1. There is hereby established within the state treasury a special fund, to be known as the "Missouri Community College Job Retention Training Program Fund", to be administered by the division of workforce development. The department of revenue shall credit to the community college job retention training program fund, as received, all retained jobs credit from withholding remitted by employers pursuant to section 178.762. The fund shall also consist of any gifts, contributions, grants, or bequests received from federal, private, or other sources. The general assembly, however, shall not provide for any transfer of general revenue funds into the community college job retention training program fund. Moneys in the Missouri community college job retention training program fund shall be disbursed to the division of workforce development pursuant to regular appropriations by the general assembly. The division shall disburse such appropriated funds in a timely manner into the special funds established by community college districts for projects, which funds shall be used to pay program costs, including the principal, premium, and interest on certificates issued by the district to finance or refinance, in whole or in part, a project. Such disbursements by the division of workforce development shall be made to the special fund for each project in the same proportion as the retained jobs credit from withholding remitted by the employer participating in such project bears to the total retained jobs credit from withholding remitted by all employers participating in projects during the period for which the disbursement is made. Moneys for retained jobs training programs established under sections 178.760 to 178.764 shall be obtained from appropriations made by the general assembly from the Missouri community college job retention training program fund. All moneys remaining in the Missouri community college job retention training program fund at the end of any fiscal year shall not lapse to the general revenue fund, as provided in section 33.080, but shall remain in the Missouri community college job retention training program fund.

2. The department of revenue shall develop such forms as are necessary to demonstrate accurately each employer's retained jobs credit from withholding paid into the Missouri community college job retention training program fund. The retained jobs credit from withholding shall be accounted as separate from the normal withholding tax paid to the department of revenue by the employer. Reimbursements made by all employers to the Missouri community college job retention training program fund shall be no less than all allocations made by the division of workforce development to all community college districts for all job retention projects. The employer shall remit the amount of the retained job credit to the department of revenue in the same manner as provided in sections 143.191 to 143.265.]

[178.892. As used in sections 178.892 to 178.896, the following terms mean:

(1) "Agreement", the agreement, between an employer and a community college district, concerning a project. An agreement may be for a period not to exceed ten years when the program services associated with a project are not in excess of five hundred thousand dollars. For a project where associated program costs are greater than five hundred thousand dollars, the agreement may not exceed a period of eight years. No agreement shall be entered into between an employer and a community college district which involves the training of potential employees with the purpose of replacing or supplanting employees engaged in an authorized work stoppage;

(2) "Board of trustees", the board of trustees of a community college district;

(3) "Certificate", industrial new jobs training certificates issued pursuant to section 178.895;

(4) "Date of commencement of the project", the date of the agreement;

(5) "Employee", the person employed in a new job;

(6) "Employer", the person providing new jobs in conjunction with a project;

(7) "Essential industry", a business that otherwise meets the definition of industry but instead of creating new jobs maintains existing jobs. To be an essential industry, the business must have maintained at least two thousand jobs each year for a period of four years preceding the year in which application for the program authorized by sections 178.892 to 178.896 is made and must be located in a home rule city with more than twenty-six thousand but less than twenty-seven thousand inhabitants located in any county with a charter form of government and with more than one million inhabitants;

(8) "Existing job", a job in an essential industry that pays wages or salary greater than the average of the county in which the project will be located;

(9) "Industry", a business located within the state of Missouri which enters into an agreement with a community college district and which is engaged in interstate or intrastate commerce for the purpose of manufacturing, processing, or assembling products, conducting research and development, or providing services in interstate commerce, but excluding retail services. "Industry" does not include a business which closes or substantially reduces its operation in one area of the state and relocates substantially the same operation in another area of the state. This does not prohibit a business from expanding its operations in another area of the state provided that existing operations of a similar nature are not closed or substantially reduced;

(10) "New job", a job in a new or expanding industry not including jobs of recalled workers, or replacement jobs or other jobs that formerly existed in the industry in the state. For an essential industry, an existing job shall be considered a new job for the purposes of the new job training programs;

(11) "New jobs credit from withholding", the credit as provided in section 178.894;

(12) "New jobs training program" or "program", the project or projects established by a community college district for the creation of jobs by providing education and training of workers for new jobs for new or expanding industry in the state;

(13) "Program costs", all necessary and incidental costs of providing program services including payment of the principal of, premium, if any, and interest on certificates, including capitalized interest, issued to finance a project, funding and maintenance of a debt service reserve fund to secure such certificates and wages, salaries and benefits of employees participating in on-the-job training;

(14) "Program services" includes, but is not limited to, the following:

(a) New jobs training;

(b) Adult basic education and job-related instruction;

(c) Vocational and skill-assessment services and testing;

(d) Training facilities, equipment, materials, and supplies;

(e) On-the-job training;

(f) Administrative expenses equal to fifteen percent of the total training costs;

(g) Subcontracted services with state institutions of higher education, private colleges or universities, or other federal, state, or local agencies;

(h) Contracted or professional services; and (i) Issuance of certificates;

(15) "Project", a training arrangement which is the subject of an agreement entered into between the community college district and an employer to provide program services;

(16) "Total training costs", costs of training, including supplies, wages and benefits of instructors, subcontracted services, on-the-job training, training facilities, equipment, skill assessment and all program services excluding issuance of certificates.]

[178.893. A community college district, with the approval of the department of economic development in consultation with the office of administration, may enter into an agreement to establish a project and provide program services to an employer. As soon as possible after initial contact between a community college district and a potential employer regarding the possibility of entering into an agreement, the district shall inform the division of job development and training of the department of economic development and the office of administration about the potential project. The division of job development and training shall evaluate the proposed project within the overall job training efforts of the state to ensure that the project will not duplicate other job training programs. The department of economic development shall have fourteen days from receipt of the application to approve or disapprove projects. If no response is received by the community college within fourteen days the projects are approved. Any project that is disapproved must be in writing stating the reasons for the disapproval. If an agreement is entered into, the district and the employer shall notify the department of revenue within fifteen calendar days. An agreement may provide, but is not limited to:

(1) Payment of program costs, including deferred costs, which may be paid from one or a combination of the following sources:

(a) Funds appropriated by the general assembly from the Missouri community college job training program fund and disbursed by the division of job development and training in respect of new jobs credit from withholding to be received or derived from new employment resulting from the project;

(b) Tuition, student fees, or special charges fixed by the board of trustees to defray program costs in whole or in part;

(c) Guarantee of payments to be received under paragraph (a) or (b) of this subdivision;

(2) Payment of program costs shall not be deferred for a period longer than ten years if program costs do not exceed five hundred thousand dollars, or eight years if program costs exceed five hundred thousand dollars from the date of commencement of the project;

(3) Costs of on-the-job training for employees, shall include wages or salaries of participating employees. Payments for on-the-job training shall not exceed the average of fifty percent of the total percent of the total wages paid by the employer to each participant during the period of training.

Payment for on-the-job training may continue for up to six months after the placement of the participant in the new job;

(4) A provision which fixes the minimum amount of new jobs credit from withholding, or tuition and fee payments which shall be paid for program costs;

(5) Any payment required to be made by an employer is a lien upon the employer's business property until paid and has equal precedence with ordinary taxes and shall not be divested by a judicial sale. Property subject to the lien may be sold for sums due and delinquent at a tax sale, with the same forfeitures, penalties, and consequences as for the nonpayment of ordinary taxes. The purchasers at tax sale obtain the property subject to the remaining payments.].

[178.894. If an agreement provides that all or part of program costs are to be met by receipt of new jobs credit from withholding, such new jobs credit from withholding shall be determined and paid as follows:

(1) New jobs credit from withholding shall be based upon the wages paid to the employees in the new jobs;

(2) A portion of the total payments made by the employer pursuant to section 143.221 shall be designated as the new jobs credit from withholding. Such portion shall be an amount equal to two and one-half percent of the gross wages paid by the employer for each of the first one hundred jobs included in the project and one and one-half percent of the gross wages paid by the employer for each of the remaining jobs included in the project. If business or employment conditions cause the amount of the new jobs credit from withholding to be less than the amount projected in the agreement for any time period, then other withholding tax paid by the employer pursuant to section 143.221 shall be credited to the Missouri community college job training fund by the amount of such difference. The

employer shall remit the amount of the new jobs credit to the department of revenue in the manner prescribed in section 178.896. When all program costs, including the principal of, premium, if any, and interest on the certificates have been paid, the employer credits shall cease;

(3) The community college district participating in a project shall establish a special fund for and in the name of the project. All funds appropriated by the general assembly from the Missouri community college job training program fund and disbursed by the division of job development and training for the project and other amounts received by the district in respect of the project and required by the agreement to be used to pay program costs for the project shall be deposited in the special fund. Amounts held in the special fund may be used and disbursed by the district only to pay program costs for the project. The special fund may be divided into such accounts and subaccounts as shall be provided in the agreement, and amounts held therein may be invested in investments which are legal for the investment of the district's other funds;

(4) Any disbursement in respect of a project received from the division of job development and training under the provisions of sections 178.892 to 178.896 and the special fund into which it is paid may be irrevocably pledged by a community college district for the payment of the principal of, premium, if any, and interest on the certificate issued by a community college district to finance or refinance, in whole or in part, the project;

(5) The employer shall certify to the department of revenue that the credit from withholding is in accordance with an agreement and shall provide other information the department may require;

(6) An employee participating in a project will receive full credit for the amount designated as a new jobs credit from withholding and withheld as provided in section 143.221;

(7) If an agreement provides that all or part of program costs are to be met by receipt of new jobs credit from withholding, the provisions of this subsection shall also apply to any successor to the original employer until such time as the principal and interest on the certificates have been paid.]

[178.895. 1. To provide funds for the present payment of the costs of new jobs training programs, a community college district may borrow money and issue and sell certificates payable from a sufficient portion of the future receipts of payments authorized by the agreement including disbursements from the Missouri community college job training program to the special fund established by the district for each project. The total amount of outstanding certificates sold by all community college districts shall not exceed twenty million dollars, unless an increased amount is authorized in writing by a majority of members of the Missouri job training joint legislative oversight committee. The certificates shall be marketed through financial institutions authorized to do business in Missouri. The receipts shall be pledged to the payment of principal of and interest on the certificates. Certificates may be sold at public sale or at private sale at par, premium, or discount of not less than ninety-five percent of the par value thereof, at the discretion of the board of trustees, and may bear interest at such rate or rates as the board of trustees shall determine, notwithstanding the provisions of section 108.170 to the contrary. However, chapter 176 does not apply to the issuance of these certificates. Certificates may be issued with respect to a single project or multiple projects and may contain terms or conditions as the board of trustees may provide by resolution authorizing the issuance of the certificates.

2. Certificates issued to refund other certificates may be sold at public sale or at private sale as provided in this section with the proceeds from the sale to be used for the payment of the certificates being refunded. The refunding certificates may be exchanged in payment and discharge of the certificates being refunded, in installments at different times or an entire issue or series at one time. Refunding certificates may be sold or exchanged at any time on, before, or after the maturity of the outstanding certificates to be refunded. They may be issued for the purpose of refunding a like, greater, or lesser principal amount of certificates and may bear a higher, lower, or equivalent rate of interest than the certificates being renewed or refunded.

3. Before certificates are issued, the board of trustees shall publish once a notice of its intention to issue the certificates, stating the amount, the purpose, and the project or projects for which the certificates are to be issued. A person may, within fifteen days after the publication of the notice, by action in the circuit court of a county in the district, appeal the decision of the board of trustees to issue the certificates. The action of the board of trustees in determining to issue the certificates is final and conclusive unless the circuit court finds that the board of trustees has exceeded its legal authority. An action shall not be brought which questions the legality of the certificates, the power of the board

of trustees to issue the certificates, the effectiveness of any proceedings relating to the authorization of the project, or the authorization and issuance of the certificates from and after fifteen days from the publication of the notice of intention to issue.

4. The board of trustees shall determine if revenues provided in the agreement are sufficient to secure the faithful performance of obligations in the agreement.

5. Certificates issued under this section shall not be deemed to be an indebtedness of the state or the community college district or of any other political subdivision of the state and the principal and interest on such certificates shall be payable only from the sources provided in subdivision (1) of section 178.893 which are pledged in the agreement.

6. The department of economic development shall coordinate the new jobs training program, and may promulgate rules that districts will use in developing projects with new and expanding industrial new jobs training proposals which shall include rules providing for the coordination of such proposals with the service delivery areas established in the state to administer federal funds pursuant to the federal Job Training Partnership Act. No rule or portion of a rule promulgated under the authority of sections 178.892 to 178.896 shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. All rulemaking authority delegated prior to June 27, 1997, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to June 27, 1997, if such rule complied with the provisions of chapter 536. The provisions of this section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.

7. No community college district may sell certificates as described in this section after July 1, 2018.]

[178.896. 1. There is hereby established within the state treasury a special fund, to be known as the "Missouri Community College Job Training Program Fund", to be administered by the division of job development and training. The department of revenue shall credit to the community college job training program fund, as received, all new jobs credit from withholding remitted by employers pursuant to section 178.894. The fund shall also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. The general assembly, however, shall not provide for any transfer of general revenue funds into the community college job training program fund. Moneys in the Missouri community college job training program fund shall be disbursed to the division of job development and training pursuant to regular appropriations by the general assembly. The division shall disburse such appropriated funds in a timely manner into the special funds established by community college districts for projects, which funds shall be used to pay program costs, including the principal of, premium, if any, and interest on certificates issued by the district to finance or refinance, in whole or in part, a project. Such disbursements by the division of job development and training shall be made to the special fund for each project in the same proportion as the new jobs credit from withholding remitted by the employer participating in such project bears to the total new jobs credit from withholding remitted by all employers participating in projects during the period for which the disbursement is made. Moneys for new jobs training programs established under the provisions of sections 178.892 to 178.896 shall be obtained from appropriations made by the general assembly from the Missouri community college job training program fund. All moneys remaining in the Missouri community college job training program fund at the end of any fiscal year shall not lapse to the general revenue fund, as provided in section 33.080, but shall remain in the Missouri community college job training program fund.

2. The department of revenue shall develop such forms as are necessary to demonstrate accurately each employer's new jobs credit from withholding paid into the Missouri community college job training program fund. The new jobs credit from withholding shall be accounted as separate from the normal withholding tax paid to the department of revenue by the employer. Reimbursements made by all employers to the Missouri community college job training program fund shall be no less than all allocations made by the division of job development and training to all community college districts for all projects. The employer shall remit the amount of the new job credit to the department of revenue in the same manner as provided in sections 143.191 to 143.265.

3. Sections 178.892 to 178.896 shall expire July 1, 2028.]

[620.470. As used in sections 620.470 to 620.481, unless the context clearly requires otherwise, the following terms mean:

- (1) "Department", the Missouri department of economic development;
- (2) "Fund", the Missouri job development fund as established by section 620.478;
- (3) "Industry", an entity the objective of which is to supply a service or the objective of which is the commercial production and sale of an article of trade or commerce. The term includes a consortium of such entities organized for the purpose of providing for common training to the member entities' employees, provided that the consortium as a whole meets the requirements for participation in this program;
- (4) "Manufacturing", the making or processing of raw materials into a finished product, especially by means of large-scale machines of industry.]

[620.472. 1. The department shall establish a new or expanding industry training program, the purpose of which is to provide assistance for new or expanding industries for the training, retraining or upgrading of the skills of potential employees. Training may include preemployment training, and services may include analysis of the specified training needs for such company, development of training plans, and provision of training through qualified training staff. Such program may fund in-plant training analysis, curriculum development, assessment and preselection tools, publicity for the program, instructional services, rental of instructional facilities with necessary utilities, access to equipment and supplies, other necessary services, overall program direction, and an adequate staff to carry out an effective training program. In addition, the program may fund a coordinated transportation program for trainings if the training can be more effectively provided outside the community where the jobs are to be located. In-plant training analysis shall include fees for professionals and necessary travel and expenses. Such program may also provide assistance in the locating of skilled employees and in the locating of additional sources of job training funds. Such program shall be operated with appropriations made by the general assembly from the fund.

2. Assistance under the new or expanding industry training program may be available only for industries who certify to the department that their investments relate directly to a projected increase in employment which will result in the need for training of newly hired employees or the retraining or upgrading of the skills of existing employees for new jobs created by the new or expanding industry's investment.

3. The department shall issue rules and regulations governing the awarding of funds administered through the new or expanding industry training program. When promulgating these rules and regulations, the department shall consider such factors as the potential number of new permanent jobs to be created, the amount of private sector investment in new facilities and equipment, the significance of state funding to the industry's decision to locate or expand in Missouri, the economic need of the affected community, and the importance of the industry to the economic development of Missouri.]

[620.474. 1. The department shall establish a basic industry retraining program, the purpose of which is to provide assistance for industries in Missouri for the retraining and upgrading of employees' skills which are required to support new investment. Such program shall be operated with appropriations made by the general assembly from the fund.

2. Assistance under the basic industry retraining program may be made available for industries in Missouri which make new investments without the creation of new employment.

3. The department shall issue rules and regulations governing the awarding of funds administered through the basic industry retraining fund. When promulgating these rules and regulations, the department shall consider such factors as the number of jobs in jeopardy of being lost if retraining does not occur, the amount of private sector investment in new facilities and equipment, the ratio of jobs retained versus investment, the cost of normal, ongoing training required for the industry, the economic need of the affected community, and the importance of the industry to the economic development of Missouri.]

[620.475. 1. The department shall establish an industry quality and productivity improvement program to help industries and businesses evaluate and enhance quality and productivity, and to encourage the private sector to develop long-range goals to improve quality and productivity and improve the competitive position of private businesses. The quality and productivity improvement program shall include seminars, workshops and short courses on subjects such as long-range planning, new management techniques, automated manufacturing, innovative uses of new materials and the latest philosophies of management and quality improvement. The program shall be available to existing Missouri manufacturing, distribution and service businesses.

2. The department may develop quality and productivity improvement centers at university and community college campuses throughout the state as the demand and need is determined. The department shall have the authority to contract with individuals who possess particular knowledge, ability and expertise in the various subjects which may be essential to the program's goals. Seminars, workshops, short courses and specific not for credit classes shall be developed on and off campus for personnel engaged in manufacturing, distribution and service businesses. At the discretion of the department, the University of Missouri and Lincoln University extension services, the continuing education offices of the regional universities and community colleges may be used for the promotion and coordination of the off-campus courses that are offered.

3. Activities eligible for reimbursement in the industry quality and productivity program shall include:

- (1) The cost of seminars, workshops, short courses and specific not for credit classes;
- (2) The wages of instructors;
- (3) Productivity materials and supplies, including the purchase of packaged productivity programs when appropriate;
- (4) Travel directly related to the program;
- (5) Tuition payments to third-party productivity providers and to businesses; and
- (6) Teaching and assistance provided by educational institutions in the state.

4. No industry receiving assistance under the industry quality and productivity improvement program shall be reimbursed for more than fifty percent of the total costs of its participation in the program.]

[620.476. Activities eligible for reimbursement by funds administered through the new or expanding industry program and the basic industry retraining program shall include: the wages of instructors, who may or may not be employees of the industry; training development costs, including the cost of training of instructors; training materials and supplies, including the purchase of packaged training programs when appropriate; travel directly related to the training program; tuition payments to third-party training providers and to the industry; teaching and assistance provided by educational institutions in the state of Missouri; on-the-job training; and the leasing, but not the purchase, of training equipment and space.]

[620.478. 1. There is hereby established in the state treasury a special fund to be known as the "Missouri Job Development Fund". The fund shall consist of all moneys which may be appropriated to it by the general assembly and also any gifts, contributions, grants or bequests received from federal, private or other sources. Appropriations made from the fund shall be for the purpose of providing contractual services through the department of elementary and secondary education for vocational related training or retraining provided by public or private training institutions within Missouri; and for contracted services through the department of economic development for vocational related training or retraining provided by public or private training institutions located outside of Missouri; and for vocational related training or retraining provided on site, within Missouri, by any proprietorship, partnership or corporate entity. Except for state-sponsored preemployment training, no applicant shall receive more than fifty percent of its project training or retraining costs from the development fund. Moneys to operate the new or expanding industry training program, the basic industry retraining program, the industry quality and productivity improvement program and assistance to community college business and technology centers shall be obtained from appropriations made by the general assembly from the fund. No funds shall be awarded or reimbursed to any industry for the training, retraining or upgrading of skills of potential employees with the purpose of replacing or supplanting employees engaged in an authorized work stoppage.

2. The Missouri job development fund shall be able to receive any block grant or other sources of funding relating to job training, school-to-work transition, welfare reform, vocational and technical training, housing, infrastructure development and human resource investment programs which may be provided by the federal government or other sources.]

[620.479. The department is authorized to contract with other entities, including businesses, industries, other state agencies and the political subdivisions of the state, for the purpose of carrying out the provisions of sections 620.470 to 620.481.]

[620.480. To efficiently carry out the responsibilities of the division of job development and training and to improve job training program coordination, the commissioner of administration shall authorize the division to directly negotiate with and contract for job training and related services with administrative entities designated pursuant to the requirements of the Job Training Partnership Act and any subsequent amendments and any other agencies or entities which may be designated to administer job training and related services pursuant to any succeeding federal or state legislative or regulatory requirements.]

[620.481. There is hereby created the "Missouri Job Training Joint Legislative Oversight Committee". The committee shall consist of three members of the Missouri senate appointed by the president pro tem of the senate; three members of the house of representatives appointed by the speaker of the house. No more than two of the members of the senate and two of the members of the house of representatives shall be from the same political party. Members of the Missouri job training joint legislative oversight committee shall report to the governor, the president pro tem of the senate and the speaker of the house of representatives on all assistance to industries under the provisions of sections 620.470 to 620.481 provided during the preceding fiscal year and the customized job training program administered by the department of elementary and secondary education. The report of the committee shall be delivered no later than October first of each year. The director of the department of economic development shall report to the committee such information as the committee may deem necessary for its annual report. Members of the committee shall receive no compensation in addition to their salary as members of the general assembly, but may receive their necessary expenses while attending the meetings of the committee, to be paid out of the joint contingent fund.]

[620.482. 1. The department may provide assistance, through appropriations made from the Missouri job development fund, to business and technology centers. Such assistance may not include the lending of the state's credit for the payment of any liability of the fund. Such centers may be established by Missouri community colleges, or a state-owned postsecondary technical college, to provide business and training services in disciplines which shall include, but not be limited to, environmental health and safety, industrial electrical technology, machine tool technology, industrial management and technology, computer consulting and computer-aided drafting, microcomputer training and telecommunications training.

2. The department of economic development shall promulgate rules and regulations as are necessary to implement the provisions of sections 620.470 to 620.482. No rule or portion of a rule promulgated under the authority of sections 620.470 to 620.482 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.]"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Lauer, **House Amendment No. 34** was adopted.

Representative McManus offered **House Amendment No. 35**.

House Amendment No. 35

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 126, Section 476.385, Line 85, by inserting after all of said line the following:

"488.2230. 1. In addition to all other court costs for municipal ordinance violations, any home rule city with more than four hundred thousand inhabitants and located in more than one county may provide for additional court costs in an amount up to seven dollars per case for each municipal ordinance violation case, except that no such additional cost shall be collected in any proceeding involving a violation of an ordinance when the proceeding or defendant has been dismissed by the court.

2. The judge may waive the assessment of the cost in those cases where the defendant is found by the judge to be indigent and unable to pay the costs.

3. Such cost shall be calculated by the clerk and disbursed to the city at least monthly. The city shall use such additional costs exclusively to fund special mental health, drug, and veterans courts, including indigent defense and ancillary services associated with such specialized courts."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative McManus, **House Amendment No. 35** was adopted.

Representative Kelley (127) offered **House Amendment No. 36.**

House Amendment No. 36

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 111, Section 302.525, Line 61, by inserting after all of said section and line the following:

"304.180. 1. No vehicle or combination of vehicles shall be moved or operated on any highway in this state having a greater weight than twenty thousand pounds on one axle, no combination of vehicles operated by transporters of general freight over regular routes as defined in section 390.020 shall be moved or operated on any highway of this state having a greater weight than the vehicle manufacturer's rating on a steering axle with the maximum weight not to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved or operated on any state highway of this state having a greater weight than thirty-four thousand pounds on any tandem axle; the term "tandem axle" shall mean a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart.

2. An "axle load" is defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

3. Subject to the limit upon the weight imposed upon a highway of this state through any one axle or on any tandem axle, the total gross weight with load imposed by any group of two or more consecutive axles of any vehicle or combination of vehicles shall not exceed the maximum load in pounds as set forth in the following table:

Distance in feet
between the extremes
of any group of two or
more consecutive axles,
measured to the nearest
foot, except where
indicated otherwise

		Maximum load in pounds			
feet	2 axles	3 axles	4 axles	5 axles	6 axles
4	34,000				
5	34,000				
6	34,000				
7	34,000				
8	34,000	34,000			
More than 8	38,000	42,000			
9	39,000	42,500			

10	40,000	43,500			
11	40,000	44,000			
12	40,000	45,000	50,000		
13	40,000	45,500	50,500		
14	40,000	46,500	51,500		
15	40,000	47,000	52,000		
16	40,000	48,000	52,500	58,000	
17	40,000	48,500	53,500	58,500	
18	40,000	49,500	54,000	59,000	
19	40,000	50,000	54,500	60,000	
20	40,000	51,000	55,500	60,500	66,000
21	40,000	51,500	56,000	61,000	66,500
22	40,000	52,500	56,500	61,500	67,000
23	40,000	53,000	57,500	62,500	68,000
24	40,000	54,000	58,000	63,000	68,500
25	40,000	54,500	58,500	63,500	69,000
26	40,000	55,500	59,500	64,000	69,500
27	40,000	56,000	60,000	65,000	70,000
28	40,000	57,000	60,500	65,500	71,000
29	40,000	57,500	61,500	66,000	71,500
30	40,000	58,500	62,000	66,500	72,000
31	40,000	59,000	62,500	67,500	72,500
32	40,000	60,000	63,500	68,000	73,000
33	40,000	60,000	64,000	68,500	74,000
34	40,000	60,000	64,500	69,000	74,500
35	40,000	60,000	65,500	70,000	75,000
36		60,000	66,000	70,500	75,500
37		60,000	66,500	71,000	76,000
38		60,000	67,500	72,000	77,000
39		60,000	68,000	72,500	77,500
40		60,000	68,500	73,000	78,000
41		60,000	69,500	73,500	78,500
42		60,000	70,000	74,000	79,000
43		60,000	70,500	75,000	80,000
44		60,000	71,500	75,500	80,000
45		60,000	72,000	76,000	80,000
46		60,000	72,500	76,500	80,000
47		60,000	73,500	77,500	80,000
48		60,000	74,000	78,000	80,000
49		60,000	74,500	78,500	80,000
50		60,000	75,500	79,000	80,000
51		60,000	76,000	80,000	80,000
52		60,000	76,500	80,000	80,000
53		60,000	77,500	80,000	80,000
54		60,000	78,000	80,000	80,000
55		60,000	78,500	80,000	80,000
56		60,000	79,500	80,000	80,000
57		60,000	80,000	80,000	80,000

Notwithstanding the above table, two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

4. Whenever the state highways and transportation commission finds that any state highway bridge in the state is in such a condition that use of such bridge by vehicles of the weights specified in subsection 3 of this section will endanger the bridge, or the users of the bridge, the commission may establish maximum weight limits and speed limits for vehicles using such bridge. The governing body of any city or county may grant authority by act or ordinance to the

state highways and transportation commission to enact the limitations established in this section on those roadways within the purview of such city or county. Notice of the weight limits and speed limits established by the commission shall be given by posting signs at a conspicuous place at each end of any such bridge.

5. Nothing in this section shall be construed as permitting lawful axle loads, tandem axle loads or gross loads in excess of those permitted under the provisions of Section 127 of Title 23 of the United States Code.

6. Notwithstanding the weight limitations contained in this section, any vehicle or combination of vehicles operating on highways other than the interstate highway system may exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two thousand pounds. However, total gross weight shall not exceed eighty thousand pounds, except as provided in subsections 9 and 10 of this section.

7. Notwithstanding any provision of this section to the contrary, the department of transportation shall issue a single-use special permit, or upon request of the owner of the truck or equipment, shall issue an annual permit, for the transporting of any concrete pump truck or well-drillers' equipment. The department of transportation shall set fees for the issuance of permits pursuant to this subsection. Notwithstanding the provisions of section 301.133, concrete pump trucks or well-drillers' equipment may be operated on state-maintained roads and highways at any time on any day.

8. Notwithstanding the provision of this section to the contrary, the maximum gross vehicle limit and axle weight limit for any vehicle or combination of vehicles equipped with an idle reduction technology may be increased by a quantity necessary to compensate for the additional weight of the idle reduction system as provided for in 23 U.S.C. Section 127, as amended. In no case shall the additional weight increase allowed by this subsection be greater than four hundred pounds. Upon request by an appropriate law enforcement officer, the vehicle operator shall provide proof that the idle reduction technology is fully functional at all times and that the gross weight increase is not used for any purpose other than for the use of idle reduction technology.

9. Notwithstanding subsection 3 of this section or any other provision of law to the contrary, the total gross weight of any vehicle or combination of vehicles hauling livestock may be as much as, but shall not exceed, eighty-five thousand five hundred pounds while operating on U.S. Highway 36 from St. Joseph to U.S. Highway 63, on U.S. Highway 65 from the Iowa state line to U.S. Highway 36, and on U.S. Highway 63 from the Iowa state line to U.S. Highway 36, and on U.S. Highway 63 from U.S. Highway 36 to Missouri Route 17. The provisions of this subsection shall not apply to vehicles operated on the Dwight D. Eisenhower System of Interstate and Defense Highways.

10. Notwithstanding any provision of this section or any other law to the contrary, the total gross weight of any vehicle or combination of vehicles hauling milk from a farm to a processing facility may be as much as, but shall not exceed, eighty-five thousand five hundred pounds while operating on highways other than the interstate highway system. The provisions of this subsection shall not apply to vehicles operated and operating on the Dwight D. Eisenhower System of Interstate and Defense Highways.

11. Notwithstanding any provision of this section or any other law to the contrary, the department of transportation shall issue emergency utility response permits for the transporting of utility wires or cables, poles, and equipment needed for repair work immediately following a disaster where utility service has been disrupted. Under exigent circumstances, verbal approval of such operation may be made either by the motor carrier compliance supervisor or other designated motor carrier services representative. Utility vehicles and equipment used to assist utility companies granted special permits under this subsection may be operated and transported on state-maintained roads and highways at any time on any day. The department of transportation shall promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Kelley (127), **House Amendment No. 36** was adopted.

Representative Gatschenberger offered **House Amendment No. 37**.

House Amendment No. 37

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Section 67.2050, Page 22, Line 73, by inserting after all of said Line the following:

"71.012. 1. Notwithstanding the provisions of sections 71.015 and 71.860 to 71.920, the governing body of any city, town or village may annex unincorporated areas which are contiguous and compact to the existing corporate limits of the city, town or village pursuant to this section. The term "contiguous and compact" does not include a situation whereby the unincorporated area proposed to be annexed is contiguous to the annexing city, town or village only by a railroad line, trail, pipeline or other strip of real property less than one-quarter mile in width within the city, town or village so that the boundaries of the city, town or village after annexation would leave unincorporated areas between the annexed area and the prior boundaries of the city, town or village connected only by such railroad line, trail, pipeline or other such strip of real property. The term "contiguous and compact" does not prohibit voluntary annexations pursuant to this section merely because such voluntary annexation would create an island of unincorporated area within the city, town or village, so long as the owners of the unincorporated island were also given the opportunity to voluntarily annex into the city, town or village. Notwithstanding the provisions of this section, the governing body of any city, town or village in any county of the third classification which borders a county of the fourth classification, a county of the second classification and the Mississippi River may annex areas along a road or highway up to two miles from existing boundaries of the city, town or village or the governing body in any city, town or village in any county of the third classification without a township form of government with a population of at least twenty-four thousand inhabitants but not more than thirty thousand inhabitants and such county contains a state correctional center may voluntarily annex such correctional center pursuant to the provisions of this section if the correctional center is along a road or highway within two miles from the existing boundaries of the city, town or village.

2. (1) When a [verified] **notarized** petition, requesting annexation and signed by the owners of all fee interests of record in all tracts of real property located within the area proposed to be annexed, or a request for annexation signed under the authority of the governing body of any common interest community and approved by a majority vote of unit owners located within the area proposed to be annexed is presented to the governing body of the city, town or village, the governing body shall hold a public hearing concerning the matter not less than fourteen nor more than sixty days after the petition is received, and the hearing shall be held not less than seven days after notice of the hearing is published in a newspaper of general circulation qualified to publish legal matters and located within the boundary of the petitioned city, town or village. If no such newspaper exists within the boundary of such city, town or village, then the notice shall be published in the qualified newspaper nearest the petitioned city, town or village. For the purposes of this subdivision, the term "common-interest community" shall mean a condominium as said term is used in chapter 448, or a common-interest community, a cooperative, or a planned community.

(a) A "common-interest community" shall be defined as real property with respect to which a person, by virtue of such person's ownership of a unit, is obliged to pay for real property taxes, insurance premiums, maintenance or improvement of other real property described in a declaration. "Ownership of a unit" does not include a leasehold interest of less than twenty years in a unit, including renewal options;

(b) A "cooperative" shall be defined as a common-interest community in which the real property is owned by an association, each of whose members is entitled by virtue of such member's ownership interest in the association to exclusive possession of a unit;

(c) A "planned community" shall be defined as a common-interest community that is not a condominium or a cooperative. A condominium or cooperative may be part of a planned community.

(2) At the public hearing any interested person, corporation or political subdivision may present evidence regarding the proposed annexation.

If, after holding the hearing, the governing body of the city, town or village determines that the annexation is reasonable and necessary to the proper development of the city, town or village, and the city, town or village has the ability to furnish normal municipal services to the area to be annexed within a reasonable time, it may, subject to the provisions of subdivision (3) of this subsection, annex the territory by ordinance without further action.

(3) If a written objection to the proposed annexation is filed with the governing body of the city, town or village not later than fourteen days after the public hearing by at least five percent of the qualified voters of the city, town or village, or two qualified voters of the area sought to be annexed if the same contains two qualified voters, the provisions of sections 71.015 and 71.860 to 71.920, shall be followed.

3. If no objection is filed, the city, town or village shall extend its limits by ordinance to include such territory, specifying with accuracy the new boundary lines to which the city's, town's or village's limits are extended. Upon duly

enacting such annexation ordinance, the city, town or village shall cause three certified copies of the same to be filed with the county assessor and the clerk of the county wherein the city, town or village is located, and one certified copy to be filed with the election authority, if different from the clerk of the county which has jurisdiction over the area being annexed, whereupon the annexation shall be complete and final and thereafter all courts of this state shall take judicial notice of the limits of that city, town or village as so extended.

4. That a petition requesting annexation is not or was not verified or notarized shall not affect the validity of an annexation heretofore or hereafter undertaken in accordance with this section.

5. Any action of any kind seeking to deannex from any city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within five years of the date of adoption of the annexation ordinance.

71.014. 1. Notwithstanding the provisions of section 71.015, the governing body of any city, town, or village which is located within a county which borders a county of the first classification with a charter form of government with a population in excess of six hundred fifty thousand, proceeding as otherwise authorized by law or charter, may annex unincorporated areas which are contiguous and compact to the existing corporate limits upon [verified] **notarized** petition requesting such annexation signed by the owners of all fee interests of record in all tracts located within the area to be annexed. **That a petition requesting annexation is not or was not verified or notarized shall not affect the validity of an annexation heretofore or hereafter undertaken in accordance with this section.**

2. Any action of any kind seeking to deannex from any city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within five years of the date of adoption of the annexation ordinance.

71.015. 1. Should any city, town, or village, not located in any county of the first classification which has adopted a constitutional charter for its own local government, seek to annex an area to which objection is made, the following shall be satisfied:

(1) Before the governing body of any city, town, or village has adopted a resolution to annex any unincorporated area of land, such city, town, or village shall first as a condition precedent determine that the land to be annexed is contiguous to the existing city, town, or village limits and that the length of the contiguous boundary common to the existing city, town, or village limit and the proposed area to be annexed is at least fifteen percent of the length of the perimeter of the area proposed for annexation.

(2) The governing body of any city, town, or village shall propose an ordinance setting forth the following:

(a) The area to be annexed and affirmatively stating that the boundaries comply with the condition precedent referred to in subdivision (1) above;

(b) That such annexation is reasonable and necessary to the proper development of the city, town, or village;

(c) That the city has developed a plan of intent to provide services to the area proposed for annexation;

(d) That a public hearing shall be held prior to the adoption of the ordinance;

(e) When the annexation is proposed to be effective, the effective date being up to thirty-six months from the date of any election held in conjunction thereto.

(3) The city, town, or village shall fix a date for a public hearing on the ordinance and make a good faith effort to notify all fee owners of record within the area proposed to be annexed by certified mail, not less than thirty nor more than sixty days before the hearing, and notify all residents of the area by publication of notice in a newspaper of general circulation qualified to publish legal matters in the county or counties where the proposed area is located, at least once a week for three consecutive weeks prior to the hearing, with at least one such notice being not more than twenty days and not less than ten days before the hearing.

(4) At the hearing referred to in subdivision (3), the city, town, or village shall present the plan of intent and evidence in support thereof to include:

(a) A list of major services presently provided by the city, town, or village including, but not limited to, police and fire protection, water and sewer systems, street maintenance, parks and recreation, **and** refuse collection[, etc.];

(b) A proposed time schedule whereby the city, town, or village plans to provide such services to the residents of the proposed area to be annexed within three years from the date the annexation is to become effective;

(c) The level at which the city, town, or village assesses property and the rate at which it taxes that property;

(d) How the city, town, or village proposes to zone the area to be annexed;

(e) When the proposed annexation shall become effective.

(5) Following the hearing, and either before or after the election held in subdivision (6) of this subsection, should the governing body of the city, town, or village vote favorably by ordinance to annex the area, the governing body of the city, town or village shall file an action in the circuit court of the county in which such unincorporated area is situated, under the provisions of chapter 527, praying for a declaratory judgment authorizing such annexation. The petition in such action shall state facts showing:

(a) The area to be annexed and its conformity with the condition precedent referred to in subdivision (1) of this subsection;

(b) That such annexation is reasonable and necessary to the proper development of the city, town, or village; and

(c) The ability of the city, town, or village to furnish normal municipal services of the city, town, or village to the unincorporated area within a reasonable time not to exceed three years after the annexation is to become effective. Such action shall be a class action against the inhabitants of such unincorporated area under the provisions of section 507.070.

(6) Except as provided in subsection 3 of this section, if the court authorizes the city, town, or village to make an annexation, the legislative body of such city, town, or village shall not have the power to extend the limits of the city, town, or village by such annexation until an election is held at which the proposition for annexation is approved by a majority of the total votes cast in the city, town, or village and by a separate majority of the total votes cast in the unincorporated territory sought to be annexed. However, should less than a majority of the total votes cast in the area proposed to be annexed vote in favor of the proposal, but at least a majority of the total votes cast in the city, town, or village vote in favor of the proposal, then the proposal shall again be voted upon in not more than one hundred twenty days by both the registered voters of the city, town, or village and the registered voters of the area proposed to be annexed. If at least two-thirds of the qualified electors voting thereon are in favor of the annexation, then the city, town, or village may proceed to annex the territory. If the proposal fails to receive the necessary majority, no part of the area sought to be annexed may be the subject of another proposal to annex for a period of two years from the date of the election, except that, during the two-year period, the owners of all fee interests of record in the area or any portion of the area may petition the city, town, or village for the annexation of the land owned by them pursuant to the procedures in section 71.012. The elections shall if authorized be held, except as herein otherwise provided, in accordance with the general state law governing special elections, and the entire cost of the election or elections shall be paid by the city, town, or village proposing to annex the territory.

(7) Failure to comply in providing services to the said area or to zone in compliance with the plan of intent within three years after the effective date of the annexation, unless compliance is made unreasonable by an act of God, shall give rise to a cause of action for deannexation which may be filed in the circuit court by any resident of the area who was residing in the area at the time the annexation became effective.

(8) No city, town, or village which has filed an action under this section as this section read prior to May 13, 1980, which action is part of an annexation proceeding pending on May 13, 1980, shall be required to comply with subdivision (5) of this subsection in regard to such annexation proceeding.

(9) If the area proposed for annexation includes a public road or highway but does not include all of the land adjoining such road or highway, then such fee owners of record, of the lands adjoining said highway shall be permitted to intervene in the declaratory judgment action described in subdivision (5) of this subsection.

2. Notwithstanding any provision of subsection 1 of this section, for any annexation by any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county that becomes effective after August 28, 1994, if such city has not provided water and sewer service to such annexed area within three years of the effective date of the annexation, a cause of action shall lie for deannexation, unless the failure to provide such water and sewer service to the annexed area is made unreasonable by an act of God. The cause of action for deannexation may be filed in the circuit court by any resident of the annexed area who is presently residing in the area at the time of the filing of the suit and was a resident of the annexed area at the time the annexation became effective. If the suit for deannexation is successful, the city shall be liable for all court costs and attorney fees.

3. Notwithstanding the provisions of subdivision (6) of subsection 1 of this section, all cities, towns, and villages located in any county of the first classification with a charter form of government with a population of two hundred thousand or more inhabitants which adjoins a county with a population of nine hundred thousand or more inhabitants shall comply with the provisions of this subsection. If the court authorizes any city, town, or village subject to this subsection to make an annexation, the legislative body of such city, town or village shall not have the power to extend the limits of such city, town, or village by such annexation until an election is held at which the proposition for annexation is approved by a majority of the total votes cast in such city, town, or village and by a separate majority of the total votes cast in the unincorporated territory sought to be annexed; except that:

(1) In the case of a proposed annexation in any area which is contiguous to the existing city, town or village and which is within an area designated as flood plain by the Federal Emergency Management Agency and which is inhabited by no more than thirty registered voters and for which a final declaratory judgment has been granted prior to January 1, 1993, approving such annexation and where notarized affidavits expressing approval of the proposed annexation are obtained from a majority of the registered voters residing in the area to be annexed, the area may be annexed by an ordinance duly enacted by the governing body and no elections shall be required; and

(2) In the case of a proposed annexation of unincorporated territory in which no qualified electors reside, if at least a majority of the qualified electors voting on the proposition are in favor of the annexation, the city, town or village may proceed to annex the territory and no subsequent election shall be required. If the proposal fails to receive the necessary separate majorities, no part of the area sought to be annexed may be the subject of any other proposal to annex for a period of two years from the date of such election, except that, during the two-year period, the owners of all fee interests of record in the area or any portion of the area may petition the city, town, or village for the annexation of the land owned by them pursuant to the procedures in section 71.012 or 71.014. The election shall, if authorized, be held, except as otherwise provided in this section, in accordance with the general state laws governing special elections, and the entire cost of the election or elections shall be paid by the city, town, or village proposing to annex the territory. Failure of the city, town or village to comply in providing services to the area or to zone in compliance with the plan of intent within three years after the effective date of the annexation, unless compliance is made unreasonable by an act of God, shall give rise to a cause of action for deannexation which may be filed in the circuit court **not later than four years after the effective date of the annexation** by any resident of the area who was residing in such area at the time the annexation became effective or by any nonresident owner of real property in such area. **Except for a cause of action for deannexation under this subdivision (2) of this subsection, any action of any kind seeking to deannex from any city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within five years of the date of the adoption of the annexation ordinance.**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Gatschenberger, **House Amendment No. 37** was adopted.

On motion of Representative Jones (50), **HCS SS SCS SB 83, as amended**, was adopted.

Representative Jones (50) moved that **HCS SS SCS SB 83, as amended**, be read the third time and passed.

Which motion was defeated by the following vote:

AYES: 037

Allen	Bernskoetter	Brown	Cox	Crawford
Cross	Diehl	Flanigan	Fraker	Funderburk
Gatschenberger	Grisamore	Hicks	Hinson	Hoskins
Hubbard	Kelley 127	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Neth
Pfautsch	Pike	Redmon	Reiboldt	Rhoads
Riddle	Rowland	Shull	Sommer	Stream
Walker	Zerr			

NOES: 115

Anders	Anderson	Austin	Bahr	Barnes
Berry	Black	Brattin	Burlison	Burns
Butler	Carpenter	Cierpiot	Colona	Conway 10
Conway 104	Cookson	Cornejo	Curtis	Curtman
Davis	Dohrman	Dugger	Dunn	Ellinger
Ellington	Elmer	Engler	English	Englund

Entlicher	Fitzpatrick	Fitzwater	Fowler	Frame
Franklin	Frederick	Gannon	Gardner	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Higdon	Hodges	Hough	Houghton
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Marshall	May	Mayfield
McCaherty	McCann Beatty	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Montecillo	Moon	Morgan	Morris
Muntzel	Neely	Newman	Nichols	Norr
Otto	Pace	Parkinson	Peters	Phillips
Pogue	Rehder	Remole	Richardson	Rizzo
Rowden	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shumake	Smith 85	Solon
Spencer	Swan	Thomson	Torpey	Webb
Webber	White	Wieland	Wood	Wright

PRESENT: 000

ABSENT WITH LEAVE: 011

Kelly 45	McDonald	Molendorp	Pierson	Roorda
Ross	Smith 120	Swearingen	Walton Gray	Wilson
Mr Speaker				

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HB 142**, entitled:

An act to repeal sections 386.370, 393.190, 393.320, 393.760, and 393.1075, RSMo, and to enact in lieu thereof five new sections relating to utilities, with a penalty provision.

With Senate Amendment No. 1.

Senate Amendment No. 1

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 142, Page 1, Section A, Line 4, by inserting immediately after said line the following:

"137.100. The following subjects are exempt from taxation for state, county or local purposes:

- (1) Lands and other property belonging to this state;
- (2) Lands and other property belonging to any city, county or other political subdivision in this state, including market houses, town halls and other public structures, with their furniture and equipments, and on public squares and lots kept open for health, use or ornament;
- (3) Nonprofit cemeteries;
- (4) The real estate and tangible personal property which is used exclusively for agricultural or horticultural societies organized in this state, including not-for-profit agribusiness associations;
- (5) All property, real and personal, actually and regularly used exclusively for religious worship, for schools and colleges, or for purposes purely charitable and not held for private or corporate profit, except that the exemption herein granted does not include real property not actually used or occupied for the purpose of the organization but held or used as investment even though the income or rentals received therefrom is used wholly for religious, educational or charitable purposes;

(6) Household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place;

(7) Motor vehicles leased for a period of at least one year to this state or to any city, county, or political subdivision or to any religious, educational, or charitable organization which has obtained an exemption from the payment of federal income taxes, provided the motor vehicles are used exclusively for religious, educational, or charitable purposes;

(8) Real or personal property leased or otherwise transferred by an interstate compact agency created pursuant to sections 70.370 to 70.430 or sections 238.010 to 238.100 to another for which or whom such property is not exempt when immediately after the lease or transfer, the interstate compact agency enters into a leaseback or other agreement that directly or indirectly gives such interstate compact agency a right to use, control, and possess the property; provided, however, that in the event of a conveyance of such property, the interstate compact agency must retain an option to purchase the property at a future date or, within the limitations period for reversioners, the property must revert back to the interstate compact agency. Property will no longer be exempt under this subdivision in the event of a conveyance as of the date, if any, when:

(a) The right of the interstate compact agency to use, control, and possess the property is terminated;

(b) The interstate compact agency no longer has an option to purchase or otherwise acquire the property; and

(c) There are no provisions for reversion of the property within the limitation period for reversioners;

(9) All property, real and personal, belonging to veterans' organizations. As used in this section, "veterans' organization" means any organization of veterans with a congressional charter, that is incorporated in this state, and that is exempt from taxation under section 501(c)(19) of the Internal Revenue Code of 1986, as amended;

(10) Solar energy systems not held for resale."; and

Further amend said bill, Page 13, Section 393.760, Line 26 of said page, by inserting after all of said line the following:

"393.1030. 1. The commission shall, in consultation with the department, prescribe by rule a portfolio requirement for all electric utilities to generate or purchase electricity generated from renewable energy resources. Such portfolio requirement shall provide that electricity from renewable energy resources shall constitute the following portions of each electric utility's sales:

(1) No less than two percent for calendar years 2011 through 2013;

(2) No less than five percent for calendar years 2014 through 2017;

(3) No less than ten percent for calendar years 2018 through 2020; and

(4) No less than fifteen percent in each calendar year beginning in 2021.

At least two percent of each portfolio requirement shall be derived from solar energy. The portfolio requirements shall apply to all power sold to Missouri consumers whether such power is self-generated or purchased from another source in or outside of this state. A utility may comply with the standard in whole or in part by purchasing RECs. Each kilowatt-hour of eligible energy generated in Missouri shall count as 1.25 kilowatt-hours for purposes of compliance.

2. The commission, in consultation with the department and within one year of November 4, 2008, shall select a program for tracking and verifying the trading of renewable energy credits. An unused credit may exist for up to three years from the date of its creation. A credit may be used only once to comply with sections 393.1020 to 393.1030 and may not also be used to satisfy any similar nonfederal requirement. An electric utility may not use a credit derived from a green pricing program. Certificates from net-metered sources shall initially be owned by the customer-generator. The commission, except where the department is specified, shall make whatever rules are necessary to enforce the renewable energy standard. Such rules shall include:

(1) A maximum average retail rate increase of one percent determined by estimating and comparing the electric utility's cost of compliance with least-cost renewable generation and the cost of continuing to generate or purchase electricity from entirely nonrenewable sources, taking into proper account future environmental regulatory risk including the risk of greenhouse gas regulation. **Notwithstanding the foregoing, until June 30, 2020, if the maximum average retail rate increase would be less than or equal to one percent if an electric utility's investment in solar-related projects initiated, owned or operated by the electric utility is ignored for purposes of calculating the increase, then additional solar rebates shall be paid and included in rates in an amount up to the amount that would produce a retail rate increase equal to the difference between a one percent retail rate increase and the retail rate increase calculated when ignoring an electric utility's investment in solar-related projects initiated, owned, or operated by the electric utility. Notwithstanding any provision to the contrary in this section, even if the payment of additional solar rebates will produce a maximum average retail rate increase of greater than one percent when**

an electric utility's investment in solar-related projects initiated, owned or operated by the electric utility are included in the calculation, the additional solar rebate costs shall be included in the prudently incurred costs to be recovered as contemplated by subdivision (4) of this subsection;

(2) Penalties of at least twice the average market value of renewable energy credits for the compliance period for failure to meet the targets of subsection 1 **of this section**. An electric utility will be excused if it proves to the commission that failure was due to events beyond its reasonable control that could not have been reasonably mitigated, or that the maximum average retail rate increase has been reached. Penalties shall not be recovered from customers. Amounts forfeited under this section shall be remitted to the department to purchase renewable energy credits needed for compliance. Any excess forfeited revenues shall be used by the department's energy center solely for renewable energy and energy efficiency projects;

(3) Provisions for an annual report to be filed by each electric utility in a format sufficient to document its progress in meeting the targets;

(4) Provision for recovery outside the context of a regular rate case of prudently incurred costs and the pass-through of benefits to customers of any savings achieved by an electrical corporation in meeting the requirements of this section.

3. As provided for in this section, except for those electrical corporations that qualify for an exemption under section 393.1050, each electric utility shall make available to its retail customers a [standard] solar rebate [offer of at least two dollars per installed watt] for new or expanded solar electric systems sited on customers' premises, up to a maximum of twenty-five kilowatts per system, measured in direct current that [become operational after 2009] were confirmed by the electric utility to have become operational in compliance with the provisions of section 386.890. The solar rebates shall be two dollars per watt for systems becoming operational on or before June 30, 2014; one dollar and fifty cents per watt for systems becoming operational between July 1, 2014, and June 30, 2015; one dollar per watt for systems becoming operational between July 1, 2015, and June 30, 2016; fifty cents per watt for systems becoming operational between July 1, 2016, and June 30, 2017; fifty cents per watt for systems becoming operational between July 1, 2017, and June 30, 2019; twenty-five cents per watt for systems becoming operational between July 1, 2019, and June 30, 2020; and zero cents per watt for systems becoming operational after June 30, 2020. An electric utility may, through its tariffs, require applications for rebates to be submitted up to one hundred eighty-two days prior to the June 30 operational date. Nothing in this section shall prevent an electrical corporation from offering rebates after July 1, 2020, through an approved tariff. If the electric utility determines the maximum average retail rate increase provided for in subdivision (1) of subsection 2 of this section will be reached in any calendar year, the electric utility shall be entitled to cease paying rebates to the extent necessary to avoid exceeding the maximum average retail rate increase if the electrical corporation files with the commission to suspend its rebate tariff for the remainder of that calendar year at least sixty days prior to the change taking effect. The filing with the commission to suspend the electrical corporation's rebate tariff shall include the calculation reflecting that the maximum average retail rate increase will be reached and supporting documentation reflecting that the maximum average retail rate increase will be reached. The commission shall rule on the suspension filing within sixty days of the date it is filed. If the commission determines that the maximum average retail rate increase will be reached the commission shall approve the tariff suspension. The electric utility shall continue to process and pay applicable solar rebates until a final commission ruling; however, if the continued payment causes the electric utility to pay rebates that cause it to exceed the maximum average retail rate increase, the expenditures shall be considered prudently incurred costs as contemplated by subdivision (4) of subsection 2 of this section and shall be recoverable as such by the electric utility. As a condition of receiving a rebate, customers shall transfer to the electric utility all right, title, and interest in and to the renewable energy credits associated with the new or expanded solar electric system that qualified the customer for the solar rebate for a period of ten years from the date the electric utility confirmed that the solar electric system was installed and operational.

4. The department shall, in consultation with the commission, establish by rule a certification process for electricity generated from renewable resources and used to fulfill the requirements of subsection 1 of this section. Certification criteria for renewable energy generation shall be determined by factors that include fuel type, technology, and the environmental impacts of the generating facility. Renewable energy facilities shall not cause undue adverse air, water, or land use impacts, including impacts associated with the gathering of generation feedstocks. If any amount of fossil fuel is used with renewable energy resources, only the portion of electrical output attributable to renewable energy resources shall be used to fulfill the portfolio requirements.

5. In carrying out the provisions of this section, the commission and the department shall include methane generated from the anaerobic digestion of farm animal waste and thermal depolymerization or pyrolysis for converting waste material to energy as renewable energy resources for purposes of this section.

6. The commission shall have the authority to promulgate rules for the implementation of this section, but only to the extent such rules are consistent with, and do not delay the implementation of, the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 196**, entitled:

An act to repeal sections 100.293, 135.284, 135.800, 178.760, 178.761, 178.762, 178.763, 178.764, 178.892, 178.893, 178.894, 178.895, 178.896, 288.040, 620.470, 620.472, 620.474, 620.475, 620.476, 620.478, 620.479, 620.480, 620.481, 620.482, 620.1881, and 620.1910, RSMo, and to enact in lieu thereof ten new sections relating to job training programs, with an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HB 345**, entitled:

An act to repeal section 67.5103 as truly agreed to and finally passed by senate substitute for house bill no. 331, ninety-seventh general assembly, first regular session, and to enact in lieu thereof three new sections relating to telecommunications.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has dissolved the conference on **SB 77, as amended**, and requests the House to recede from its position on **House Amendment No. 1** and take up and pass **SB 77**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SB 161, as amended**, and has taken up and passed **CCS HCS SB 161**.

On motion of Representative Cierpiot, the House recessed until 7:45 p.m.

EVENING SESSION

The hour of recess having expired, the House was called to order by Speaker Jones.

THIRD READING OF SENATE BILL

HCS SB 342, relating to agriculture, was taken up by Representative Guernsey.

Representative McGaugh offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 342, Page 11, Section 267.655, Line 14, by inserting after all of said section and line the following:

"273.327. **1.** No person shall operate an animal shelter, pound or dog pound, boarding kennel, commercial kennel, contract kennel, pet shop, or exhibition facility, other than a limited show or exhibit, or act as a dealer or commercial breeder, unless such person has obtained a license for such operations from the director. An applicant shall obtain a separate license for each separate physical facility subject to sections 273.325 to 273.357 which is operated by the applicant. Any person exempt from the licensing requirements of sections 273.325 to 273.357 may voluntarily apply for a license. Application for such license shall be made in the manner provided by the director. The license shall expire annually unless revoked. As provided by rules to be promulgated by the director, the license fee shall range from one hundred to two thousand five hundred dollars per year, **except for commercial breeders for which the license fee shall range from one hundred to one thousand dollars per year.** Each licensee subject to sections 273.325 to 273.357 shall pay an additional annual fee of twenty-five dollars to be used by the department of agriculture for the purpose of administering operation bark alert or any successor program. Pounds or dog pounds shall be exempt from payment of the fees under this section. License fees shall be levied for each license issued or renewed on or after January 1, 1993.

2. Effective January 1, 2014, an animal shelter shall be exempt from the payment of any and all fees set out in this section.

3. Prior to January 1, 2014, the director, upon promulgation of rules, may exempt any animal shelter from payment of any or all fees set out in this section.

4. In addition to other duties imposed by this section, the director may also deny any applicant of an animal shelter license or revoke the license of any animal shelter licensee, if it is determined by the director that the applicant or the licensee unreasonably profits from the charges for adoption or sales of its animals."; and

Further amend said bill, Page 19, Section 578.009, Lines 3-4, by deleting all of said lines and inserting in lieu thereof the words "substantial harm to the animal]."; and

Further amend said bill, Section 578.011, Lines 3-4, by deleting all of said lines and inserting in lieu thereof the words "**exceeding twelve hours.**"; and

Further amend said bill, Page 20, Section 578.012, Lines 6-9, by deleting all of said lines and inserting in lieu thereof the words "[or adequate control] **which results in substantial harm to the animal.**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Dugger offered **House Amendment No. 1 to House Amendment No. 1**.

House Amendment No. 1
to
House Amendment No. 1

AMEND House Amendment No. 1 to House Committee Substitute for Senate Bill No. 342, Page 1, Lines 12-14, by deleting all of said lines and inserting in lieu thereof the following:

"fee shall range from one hundred to [two thousand] five hundred dollars per year. Each licensee subject to sections 273.325 to 273.357 shall pay an additional annual fee of"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 096

Allen	Anderson	Austin	Bahr	Barnes
Berry	Brattin	Burlison	Cierpiot	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Davis	Dohrman	Dugger	Elmer	Entlicher
Fitzpatrick	Fitzwater	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Molendorp	Moon	Morris	Muntzel	Neely
Neth	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Riddle	Ross	Rowden	Rowland	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Mr Speaker				

NOES: 040

Anders	Burns	Butler	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	English
Englund	Harris	Hubbard	Hummel	Kirkton
Kratky	LaFaver	Mayfield	McCann Beatty	McKenna
McNeil	Meredith	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Swearingen	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 027

Bernskoetter	Black	Brown	Curtman	Diehl
Ellington	Engler	Flanigan	Frame	Gardner
Grisamore	Higdon	Hodges	Kelly 45	May

McDonald	McManus	Miller	Mims	Parkinson
Pierson	Richardson	Scharnhorst	Smith 120	Walton Gray
Webb	Zerr			

On motion of Representative Dugger, **House Amendment No. 1 to House Amendment No. 1** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hicks	Hoskins
Hough	Houghton	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Love
Lynch	McCaherty	McGaugh	Messenger	Miller
Molendorp	Moon	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 049

Anders	Burns	Butler	Carpenter	Colona
Conway 10	Curtis	Dunn	English	Englund
Frame	Franklin	Gardner	Harris	Hodges
Hubbard	Hummel	Hurst	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 014

Black	Brattin	Curtman	Ellinger	Ellington
Hansen	Higdon	Hinson	Kelly 45	Lichtenegger
Marshall	Pierson	Smith 120	Walton Gray	

On motion of Representative McGaugh, **House Amendment No. 1, as amended**, was adopted.

Representative Guernsey offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for Senate Bill No. 342, Pages 4-5, Section 192.300, Lines 1-35, by deleting all of said section and lines from the bill and inserting in lieu thereof the following:

"192.300. **1.** The county commissions [and] **or** the county health center boards of the several counties **with the concurrence of their respective county commission** may make and promulgate orders, ordinances, rules or regulations, respectively as will tend to enhance the public health and prevent the entrance of infectious, contagious, communicable or dangerous diseases into such county, but any orders, ordinances, rules or regulations shall not be in conflict with any rules or regulations authorized and made by the department of health and senior services in accordance with this chapter, **or by the department of natural resources under chapters 640, 643, and 644**, or by the department of social services under chapter 198. The county commissions [and] **or** the county health center boards of the several counties **with the concurrence of their respective county commission** may establish reasonable fees to pay for any costs incurred in carrying out such orders, ordinances, rules or regulations, however, the establishment of such fees shall not deny personal health services to those individuals who are unable to pay such fees or impede the prevention or control of communicable disease. Fees generated shall be deposited in the county treasury. All fees generated under the provisions of this section shall be used to support the public health activities for which they were generated. After the promulgation and adoption of such orders, ordinances, rules or regulations by such county commission or county health board, such commission or county health board shall make and enter an order or record declaring such orders, ordinances, rules or regulations to be printed and available for distribution to the public in the office of the county clerk, and shall require a copy of such order to be published in some newspaper in the county in three successive weeks, not later than thirty days after the entry of such order, ordinance, rule or regulation. Any person, firm, corporation or association which violates any of the orders or ordinances adopted, promulgated and published by such county commission is guilty of a misdemeanor and shall be prosecuted, tried and fined as otherwise provided by law. The county commission or county health board of any such county has full power and authority to initiate the prosecution of any action under this section.

2. In regards to any orders, ordinances, rules, or regulations pertaining to the production, harvesting, storage, drying or raising of agricultural commodities, including the raising of livestock, the county commissions or the county health center boards with the concurrence of their respective county commission shall:

(1) Not assess a fee greater than two hundred dollars to carry out such orders, ordinances, rules, or regulations; or

(2) Not impose requirements on land application that are more stringent than imposed by a permit issued by the department of natural resources.

3. Any orders, ordinances, rules, or regulations pertaining to the production or raising of livestock, adopted by the county commissions or the county health center boards with the concurrence of their respective county commission shall be administered by county staff who are certified as concentrated animal feeding operators by the department of natural resources."; and

Further amend said bill, Page 10, Section 262.795, Line 2, by deleting the word "**agricultural**" and inserting in lieu thereof the word "**agriculture**"; and

Further amend said bill and page, Section 267.655, Line 3, by inserting immediately after the first occurrence of the word "**the**" the word "**department**"; and

Further amend said bill, Pages 11-15, Sections 304.180 and 304.184, by deleting all of said sections from the bill; and

Further amend said bill, Page 15, Section 442.571, Line 4, by deleting the words "**one-half of**"; and

Further amend said bill, page, section, and line, by inserting after the word "**no**" the word "**such**"; and

Further amend said bill and section, Page 16, Line 13, by inserting after the word "**All**" the word "**such**"; and

Further amend said bill and section, Page 16, Line 16, by deleting the words "**one-half of**"; and

Further amend said bill, Page 18, Section 570.030, Line 37, by placing an opening bracket "[" before the word "Any"; and

Further amend said bill, page and section, Line 38, by placing a closing bracket "]" immediately after "(k)"; and

Further amend said bill, section, and page, by renumbering the paragraphs accordingly; and

Further amend said bill, Page 20, Section 1 and Section 2, by deleting all of said sections from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Reiboldt offered **House Amendment No. 1 to House Amendment No. 2.**

House Amendment No. 1

to

House Amendment No. 2

AMEND House Amendment No. 2 to House Committee Substitute for Senate Bill No. 342, Page 2, Lines 22-28, by deleting all of said lines from the amendment; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Reiboldt, **House Amendment No. 1 to House Amendment No. 2** was adopted.

Representative Hoskins assumed the Chair.

Representative Torpey moved the previous question.

Which motion was adopted by the following vote:

AYES: 101

Allen	Anderson	Austin	Bahr	Barnes
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Hampton	Hansen	Hicks	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz

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Schieber	Shull	Shumake	Solon	Sommer
Spencer	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 048

Anders	Burns	Butler	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Harris	Hodges
Hubbard	Hummel	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 014

Bernskoetter	Black	Curtman	Funderburk	Gardner
Haefner	Higdon	Jones 50	Kelly 45	McCaherty
Pierson	Smith 120	Stream	Walton Gray	

On motion of Representative Guernsey, **House Amendment No. 2, as amended**, was adopted.

Representative Schatz offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Committee Substitute for Senate Bill No. 342, Page 20, Section 578.012, Line 13, by inserting after all of said section and line the following:

"644.029. The department shall allow an appropriate schedule of compliance for a permittee to make upgrades or changes to its facilities that are necessary to meet new water quality requirements. For publicly owned treatment works, schedules of compliance shall be consistent with affordability findings made under section 644.145. For privately owned treatment works, schedules of compliance shall be negotiated with the facilities recognizing their financial capabilities and shall reflect statewide performance expectations. The department shall incorporate new water quality requirements into existing permits at the time of permit renewal unless there are compelling reasons to implement these requirements earlier through permit modifications. All new permit applicants may be required to meet any new water quality standards or classifications prescribed by the commission."; and

Further amend said bill, Page 20, Section 2, Line 6, by inserting after all of said section and line the following:

"Section 3. The provisions of section 444.771 shall not apply to any business entity located in any county of the first classification with more than seventy thousand but fewer than eighty-three thousand inhabitants and with a city of the fourth classification with more than thirteen thousand five hundred but fewer than sixteen thousand inhabitants as the county seat."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Schatz, **House Amendment No. 3** was adopted.

Representative Kolkmeier offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for Senate Bill No. 342, Page 1, Section A, Line 5, by inserting after all of said section and line, the following:

"64.196. **1.** After August 28, 2001, any county seeking to adopt a building code in a manner set forth in section 64.180 shall, in creating or amending such code, adopt a current, calendar year 1999 or later edition, nationally recognized building code, as amended.

2. No county building ordinance adopted under this section shall conflict with liquefied petroleum gas installations regulations established under section 323.020.

135.710. **1.** As used in this section, the following terms mean:

(1) "Alternative fuels", any motor fuel at least seventy percent of the volume of which consists of one or more of the following:

- (a) Ethanol;
- (b) Natural gas;
- (c) Compressed natural gas, **or CNG**;
- (d) Liquefied natural gas, **or LNG**;
- (e) Liquefied petroleum gas, **LP gas, propane, or autogas**;
- (f) Any mixture of biodiesel and diesel fuel, without regard to any use of kerosene;
- (g) Hydrogen;

(2) "Department", the department of natural resources;

(3) "Eligible applicant", a business entity that is the owner of a qualified alternative fuel vehicle refueling property **or makes more than twenty-five qualified conversions in a one-year period**;

(4) **"Motor vehicle", any automobile, truck, truck-tractor, or any motor bus or self propelled vehicle not exclusively operated or driven upon fixed rails or tracks. The term does not include:**

(a) Farm tractors or machinery including tractors and machinery designed for off-road use but capable of movement on roads at low speeds; or

(b) A vehicle solely operated on rails;

(5) "Qualified alternative fuel vehicle refueling property", property in this state owned by an eligible applicant and used for storing alternative fuels and for dispensing such alternative fuels into fuel tanks of motor vehicles owned by such eligible applicant or private citizens which, if constructed after August 28, 2008, was constructed with at least fifty-one percent of the costs being paid to qualified Missouri contractors for the:

- (a) Fabrication of premanufactured equipment or process piping used in the construction of such facility;
- (b) Construction of such facility; and
- (c) General maintenance of such facility during the time period in which such facility receives any tax credit under this section.

If no qualified Missouri contractor is located within seventy-five miles of the property, the requirement that fifty-one percent of the costs shall be paid to qualified Missouri contractors shall not apply;

[(5)] **(6)** "Qualified Missouri contractor", a contractor whose principal place of business is located in Missouri and has been located in Missouri for a period of not less than five years.

2. For all tax years beginning on or after January 1, [2009] **2014**, but before January 1, [2012] **2017**, any eligible applicant who installs and operates a qualified alternative fuel vehicle refueling property shall be allowed a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or due under chapter 147 or chapter 148 for any tax year in which the applicant is constructing the refueling property. The credit allowed in this [section] **subsection** per eligible applicant shall not exceed the lesser of twenty thousand dollars or twenty percent of the total costs directly associated with the purchase and installation of any alternative fuel storage and dispensing equipment on any qualified alternative fuel vehicle refueling property, which shall not include the following:

(1) Costs associated with the purchase of land upon which to place a qualified alternative fuel vehicle refueling property;

- (2) Costs associated with the purchase of an existing qualified alternative fuel vehicle refueling property; or
- (3) Costs for the construction or purchase of any structure.

3. Tax credits allowed by this section shall be claimed by the eligible applicant at the time such applicant files a return for the tax year in which the storage and dispensing facilities were placed in service at a qualified alternative fuel vehicle refueling property, and shall be applied against the income tax liability imposed by chapter 143, chapter 147, or chapter 148 after all other credits provided by law have been applied. The cumulative amount of tax credits which may be claimed by eligible applicants claiming all credits authorized in this section shall not exceed [the following amounts:

- (1) In taxable year 2009, three million dollars;
- (2) In taxable year 2010, two million dollars; and
- (3) In taxable year 2011,] one million dollars **per year**.

4. If the amount of the tax credit exceeds the eligible applicant's tax liability, the difference shall not be refundable. Any amount of credit that an eligible applicant is prohibited by this section from claiming in a taxable year may be carried forward to any of such applicant's two subsequent taxable years. Tax credits allowed under this section may be assigned, transferred, sold, or otherwise conveyed.

5. An alternative fuel vehicle refueling property, for which an eligible applicant receives tax credits under this section, which ceases to sell alternative fuel shall cause the forfeiture of such eligible applicant's tax credits provided under this section for the taxable year in which the alternative fuel vehicle refueling property ceased to sell alternative fuel and for future taxable years with no recapture of tax credits obtained by an eligible applicant with respect to such applicant's tax years which ended before the sale of alternative fuel ceased.

6. The director of revenue shall establish the procedure by which the tax credits in this section may be claimed, and shall establish a procedure by which the cumulative amount of tax credits is apportioned equally among all eligible applicants claiming the credit. To the maximum extent possible, the director of revenue shall establish the procedure described in this subsection in such a manner as to ensure that eligible applicants can claim all the tax credits possible up to the cumulative amount of tax credits available for the taxable year. No eligible applicant claiming a tax credit under this section shall be liable for any interest or penalty for filing a tax return after the date fixed for filing such return as a result of the apportionment procedure under this subsection.

7. Any eligible applicant desiring to claim a tax credit under this section shall submit the appropriate application for such credit with the department. The application for a tax credit under this section shall include any information required by the department. The department shall review the applications and certify to the department of revenue each eligible applicant that qualifies for the tax credit.

8. The department and the department of revenue may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

9. Pursuant to section 23.253 of the Missouri sunset act:

- (1) The provisions of the new program authorized under this section shall automatically sunset six years after August 28, [2008] **2013**, unless reauthorized by an act of the general assembly; and
- (2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and
- (3) This section shall terminate on December thirty-first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

137.010. The following words, terms and phrases when used in laws governing taxation and revenue in the state of Missouri shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

(1) "Grain and other agricultural crops in an unmanufactured condition" shall mean grains and feeds including, but not limited to, soybeans, cow peas, wheat, corn, oats, barley, kafir, rye, flax, grain sorghums, cotton, and such other products as are usually stored in grain and other elevators and on farms; but excluding such grains and other agricultural crops after being processed into products of such processing, when packaged or sacked. The term "processing" shall not include hulling, cleaning, drying, grating, or polishing;

(2) "Hydroelectric power generating equipment", very-low-head turbine generators with a nameplate generating capacity of at least four hundred kilowatts but not more than six hundred kilowatts and machinery and equipment used

directly in the production, generation, conversion, storage, or conveyance of hydroelectric power to land-based devices and appurtenances used in the transmission of electrical energy;

(3) "Intangible personal property", for the purpose of taxation, shall include all property other than real property and tangible personal property, as defined by this section;

(4) "Real property" includes land itself, whether laid out in town lots or otherwise, and all growing crops, buildings, structures, improvements and fixtures of whatever kind thereon, hydroelectric power generating equipment, the installed poles used in the transmission or reception of electrical energy, audio signals, video signals or similar purposes, provided the owner of such installed poles is also an owner of a fee simple interest, possessor of an easement, holder of a license or franchise, or is the beneficiary of a right-of-way dedicated for public utility purposes for the underlying land; attached wires, transformers, amplifiers, substations, and other such devices and appurtenances used in the transmission or reception of electrical energy, audio signals, video signals or similar purposes when owned by the owner of the installed poles, otherwise such items are considered personal property; and stationary property used for **generation, transportation or storage** of liquid and gaseous products, including, but not limited to, petroleum products, natural gas, **propane or LP gas, solar or wind power equipment**, water, and sewage;

(5) "Tangible personal property" includes every tangible thing being the subject of ownership or part ownership whether animate or inanimate, other than money, and not forming part or parcel of real property as herein defined, but does not include household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place.

137.100. The following subjects are exempt from taxation for state, county or local purposes:

(1) Lands and other property belonging to this state;

(2) Lands and other property belonging to any city, county or other political subdivision in this state, including market houses, town halls and other public structures, with their furniture and equipments, and on public squares and lots kept open for health, use or ornament;

(3) Nonprofit cemeteries;

(4) The real estate and tangible personal property which is used exclusively for agricultural or horticultural societies organized in this state, including not-for-profit agribusiness associations;

(5) All property, real and personal, actually and regularly used exclusively for religious worship, for schools and colleges, or for purposes purely charitable and not held for private or corporate profit, except that the exemption herein granted does not include real property not actually used or occupied for the purpose of the organization but held or used as investment even though the income or rentals received therefrom is used wholly for religious, educational or charitable purposes;

(6) Household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place;

(7) Motor vehicles leased for a period of at least one year to this state or to any city, county, or political subdivision or to any religious, educational, or charitable organization which has obtained an exemption from the payment of federal income taxes, provided the motor vehicles are used exclusively for religious, educational, or charitable purposes;

(8) Real or personal property leased or otherwise transferred by an interstate compact agency created pursuant to sections 70.370 to 70.430 or sections 238.010 to 238.100 to another for which or whom such property is not exempt when immediately after the lease or transfer, the interstate compact agency enters into a leaseback or other agreement that directly or indirectly gives such interstate compact agency a right to use, control, and possess the property; provided, however, that in the event of a conveyance of such property, the interstate compact agency must retain an option to purchase the property at a future date or, within the limitations period for reverts, the property must revert back to the interstate compact agency. Property will no longer be exempt under this subdivision in the event of a conveyance as of the date, if any, when:

(a) The right of the interstate compact agency to use, control, and possess the property is terminated;

(b) The interstate compact agency no longer has an option to purchase or otherwise acquire the property; and

(c) There are no provisions for reverter of the property within the limitation period for reverts;

(9) All property, real and personal, belonging to veterans' organizations. As used in this section, "veterans' organization" means any organization of veterans with a congressional charter, that is incorporated in this state, and that is exempt from taxation under section 501(c)(19) of the Internal Revenue Code of 1986, as amended;

(10) Equipment or property with a retail value of fifty thousand dollars or less required for the use, transmission, generation or storage of alternative or renewable energy as used in an eligible alternative energy operation as defined under section 30.750 or alternative fuels as defined under section 135.710 and section 414.400, used either for fleet, transportation, power generation, heat or other such application. Said equipment

shall be exempt from the assessment of any state, county or local property taxes for such time as the equipment, property or installation is in working order

142.800. As used in this chapter, the following words, terms and phrases have the meanings given:

(1) **"Additive", a substance designed to increase engine power or performance introduced by injection or other means into a fuel system but which is not capable of propelling the vehicle without the primary fuel. Use of additives fuels does not require compliance with subsection 1 of section 142.869;**

(2) "Agricultural purposes", clearing, terracing or otherwise preparing the ground on a farm; preparing soil for planting and fertilizing, cultivating, raising and harvesting crops; raising and feeding livestock and poultry; building fences; pumping water for any and all uses on the farm, including irrigation; building roads upon any farm by the owner or person farming the same; operating milking machines; sawing wood for use on a farm; producing electricity for use on a farm; movement of tractors, farm implements and nonlicensed equipment from one field to another;

[(2)] (3) "Alternative fuel", electricity, liquefied petroleum gas (LPG [or] , LP gas, **propane or autogas**), compressed natural gas product (**CNG, liquified natural gas or LNG**), or a combination of liquefied petroleum gas and a compressed natural gas or electricity product used in an internal combustion engine or motor to propel any form of vehicle, machine, or mechanical contrivance. It includes all forms of fuel commonly or commercially known or sold as butane, propane, or compressed natural gas;

[(3)] (4) "Aviation fuel", any motor fuel specifically compounded for use in reciprocating aircraft engines;

[(4)] (5) "Blend stock", any petroleum product component of motor fuel, such as naphtha, reformat, toluene or kerosene, that can be blended for use in a motor fuel without further processing. The term includes those petroleum products presently defined by the Internal Revenue Service in regulations pursuant to 26 U.S.C., Sections 4081 and 4082, as amended. However, the term does not include any substance that:

(a) Will be ultimately used for consumer nonmotor fuel use; and

(b) Is sold or removed in drum quantities (fifty-five gallons) or less at the time of the removal or sale;

[(5)] (6) "Blended fuel", a mixture composed of motor fuel and another liquid including blend stock, other than a de minimis amount of a product such as carburetor detergent or oxidation inhibitor, that can be used as a fuel in a highway vehicle. This term includes but is not limited to gasohol, ethanol, methanol, fuel grade alcohol, diesel fuel enhancers and resulting blends;

[(6)] (7) "Blender", any person that produces blended motor fuel outside the bulk transfer/terminal system;

[(7)] (8) "Blending", the mixing of one or more petroleum products, with or without another product, regardless of the original character of the product blended, if the product obtained by the blending is capable of use or otherwise sold for use in the generation of power for the propulsion of a motor vehicle, an airplane, or a motorboat. The term does not include the blending that occurs in the process of refining by the original refiner of crude petroleum or the blending of products known as lubricating oil and greases;

[(8)] (9) "Bulk plant", a bulk motor fuel storage and distribution facility that is not a terminal within the bulk transfer system and from which motor fuel may be removed by truck;

[(9)] (10) "Bulk transfer", any transfer of motor fuel from one location to another by pipeline tender or marine delivery within the bulk transfer/terminal system;

[(10)] (11) "Bulk transfer/terminal system", the motor fuel distribution system consisting of refineries, pipelines, vessels, and terminals. Motor fuel in a refinery, pipeline, boat, barge or terminal is in the bulk transfer/terminal system. Motor fuel in the fuel supply tank of any engine, or in any tank car, rail car, trailer, truck, or other equipment suitable for ground transportation is not in the bulk transfer/terminal system;

[(11)] (12) "Consumer", the user of the motor fuel;

[(12)] (13) "Delivery", the placing of motor fuel or any liquid into the fuel tank of a motor vehicle or bulk storage facility;

[(13)] (14) "Department", the department of revenue;

[(14)] (15) "Destination state", the state, territory, or foreign country to which motor fuel is directed for delivery into a storage facility, a receptacle, a container, or a type of transportation equipment for the purpose of resale or use;

[(15)] (16) "Diesel fuel", any liquid that is commonly or commercially known or sold as a fuel that is suitable for use in a diesel-powered highway vehicle. A liquid meets this requirement if, without further processing or blending, the liquid has practical and commercial fitness for use in the propulsion engine of a diesel-powered highway vehicle. "Diesel fuel" does not include jet fuel sold to a buyer who is registered with the Internal Revenue Service to purchase jet fuel and remit taxes on its sale or use to the Internal Revenue Service. "Diesel fuel" does not include biodiesel commonly referred to as B100 and defined in ASTM D6751, B99, or B99.9 until such biodiesel is blended with other diesel fuel or sold for highway use;

[(16)] (17) "Diesel-powered highway vehicle", a motor vehicle operated on a highway that is propelled by a diesel-powered engine;

[(17)] (18) "Director", the director of revenue;

[(18)] (19) "Distributor", a person who either produces, refines, blends, compounds or manufactures motor fuel, imports motor fuel into a state or exports motor fuel out of a state, or who is engaged in distribution of motor fuel;

[(19)] (20) "Dyed fuel", diesel fuel or kerosene that is required to be dyed pursuant to United States Environmental Protection Agency rules or is dyed pursuant to Internal Revenue Service rules or pursuant to any other requirements subsequently set by the United States Environmental Protection Agency or Internal Revenue Service including any invisible marker requirements;

[(20)] (21) "Eligible purchaser", a distributor who has been authorized by the director to purchase motor fuel on a tax-deferred basis;

[(21)] (22) "Export", to obtain motor fuel in this state for sale or other distribution outside of this state. In applying this definition, motor fuel delivered out of state by or for the seller constitutes an export by the seller, and motor fuel delivered out of state by or for the purchaser constitutes an export by the purchaser;

[(22)] (23) "Exporter", any person, other than a supplier, who purchases motor fuel in this state for the purpose of transporting or delivering the fuel outside of this state;

[(23)] (24) "Farm tractor", all tractor-type, motorized farm implements and equipment but shall not include motor vehicles of the truck-type, pickup truck-type, automobiles, and other motor vehicles required to be registered and licensed each year pursuant to the provisions of the motor vehicle license and registration laws of this state;

[(24)] (25) "Fuel grade alcohol", a methanol or ethanol with a proof of not less than one hundred ninety degrees (determined without regard to denaturants) and products derived from such alcohol for blending with motor fuel;

[(25)] (26) "Fuel transportation vehicle", any vehicle designed for highway use which is also designed or used to transport motor fuels and includes transport trucks and tank wagons;

[(26)] (27) "Gasoline", all products commonly or commercially known or sold as gasoline that are suitable for use as a motor fuel. Gasoline does not include products that have an American Society for Testing and Materials (ASTM) octane number of less than seventy-five as determined by the motor method;

[(27)] (28) "Gross gallons", the total measured motor fuel, exclusive of any temperature or pressure adjustments, in U.S. gallons;

[(28)] (29) "Heating oil", a motor fuel that is burned in a boiler, furnace, or stove for heating or industrial processing purposes;

[(29)] (30) "Import", to bring motor fuel into this state by any means of conveyance other than in the fuel supply tank of a motor vehicle. In applying this definition, motor fuel delivered into this state from out-of-state by or for the seller constitutes an import by the seller, and motor fuel delivered into this state from out-of-state by or for the purchaser constitutes an import by the purchaser;

[(30)] (31) "Import verification number", the number assigned by the director with respect to a single transport truck delivery into this state from another state upon request for an assigned number by an importer or the transporter carrying motor fuel into this state for the account of an importer;

[(31)] (32) "Importer" includes any person who is the importer of record, pursuant to federal customs law, with respect to motor fuel. If the importer of record is acting as an agent, the person for whom the agent is acting is the importer. If there is no importer of record of motor fuel entered into this state, the owner of the motor fuel at the time it is brought into this state is the importer;

[(32)] (33) "Interstate motor fuel user", any person who operates a motor fuel-powered motor vehicle with a licensed gross weight exceeding twenty-six thousand pounds that travels from this state into another state or from another state into this state;

[(33)] (34) "Invoiced gallons", the gallons actually billed on an invoice for payment to a supplier which shall be either gross or net gallons on the original manifest or bill of lading;

[(34)] (35) "K-1 kerosene", a petroleum product having an A.P.I. gravity of not less than forty degrees, at a temperature of sixty degrees Fahrenheit and a minimum flash point of one hundred degrees Fahrenheit with a sulfur content not exceeding four one-hundredths percent by weight;

[(35)] (36) "Kerosene", the petroleum fraction containing hydrocarbons that are slightly heavier than those found in gasoline and naphtha, with a boiling range of one hundred forty-nine to three hundred degrees Celsius;

[(36)] (37) "Liquid", any substance that is liquid in excess of sixty degrees Fahrenheit and at a pressure of fourteen and seven-tenths pounds per square inch absolute;

[(37)] (38) "Motor fuel", gasoline, diesel fuel, kerosene and blended fuel;

[(38)] (39) "Motor vehicle", any automobile, truck, truck-tractor or any motor bus or self-propelled vehicle not exclusively operated or driven upon fixed rails or tracks. The term does not include:

(a) Farm tractors or machinery including tractors and machinery designed for off-road use but capable of movement on roads at low speeds, or

(b) A vehicle solely operated on rails;

[(39)] (40) "Net gallons", the motor fuel, measured in U.S. gallons, when corrected to a temperature of sixty degrees Fahrenheit and a pressure of fourteen and seven-tenths pounds per square inch absolute (psi);

[(40)] (41) "Permissive supplier", an out-of-state supplier that elects, but is not required, to have a supplier's license pursuant to this chapter;

[(41)] (42) "Person", natural persons, individuals, partnerships, firms, associations, corporations, estates, trustees, business trusts, syndicates, this state, any county, city, municipality, school district or other political subdivision of the state, federally recognized Indian tribe, or any corporation or combination acting as a unit or any receiver appointed by any state or federal court;

[(42)] (43) "Position holder", the person who holds the inventory position in motor fuel in a terminal, as reflected on the records of the terminal operator. A person holds the inventory position in motor fuel when that person has a contract with the terminal operator for the use of storage facilities and terminating services for motor fuel at the terminal. The term includes a terminal operator who owns motor fuel in the terminal;

[(43)] (44) "Propel", the operation of a motor vehicle, whether it is in motion or at rest;

[(44)] (45) "Public highway", every road, toll road, highway, street, way or place generally open to the use of the public as a matter of right for the purposes of vehicular travel, including streets and alleys of any town or city notwithstanding that the same may be temporarily closed for construction, reconstruction, maintenance or repair;

[(45)] (46) "Qualified terminal", a terminal which has been assigned a terminal control number ("tcn") by the Internal Revenue Service;

[(46)] (47) "Rack", a mechanism for delivering motor fuel from a refinery or terminal into a railroad tank car, a transport truck or other means of bulk transfer outside of the bulk transfer/terminal system;

[(47)] (48) "Refiner", any person that owns, operates, or otherwise controls a refinery;

[(48)] (49) "Refinery", a facility used to produce motor fuel from crude oil, unfinished oils, natural gas liquids, or other hydrocarbons and from which motor fuel may be removed by pipeline, by boat or barge, or at a rack;

[(49)] (50) "Removal", any physical transfer of motor fuel from a terminal, manufacturing plant, customs custody, pipeline, boat or barge, refinery or any facility that stores motor fuel;

[(50)] (51) "Retailer", a person that engages in the business of selling or dispensing to the consumer within this state;

[(51)] (52) "Supplier", a person that is:

(a) Registered or required to be registered pursuant to 26 U.S.C., Section 4101, for transactions in motor fuels in the bulk transfer/terminal distribution system; and

(b) One or more of the following:

a. The position holder in a terminal or refinery in this state;

b. Imports motor fuel into this state from a foreign country;

c. Acquires motor fuel from a terminal or refinery in this state from a position holder pursuant to either a two-party exchange or a qualified buy-sell arrangement which is treated as an exchange and appears on the records of the terminal operator; or

d. The position holder in a terminal or refinery outside this state with respect to motor fuel which that person imports into this state. A terminal operator shall not be considered a supplier based solely on the fact that the terminal operator handles motor fuel consigned to it within a terminal. "Supplier" also means a person that produces fuel grade alcohol or alcohol-derivative substances in this state, produces fuel grade alcohol or alcohol-derivative substances for import to this state into a terminal, or acquires upon import by truck, rail car or barge into a terminal, fuel grade alcohol or alcohol-derivative substances. "Supplier" includes a permissive supplier unless specifically provided otherwise;

[(52)] (53) "Tank wagon", a straight truck having multiple compartments designed or used to carry motor fuel;

[(53)] (54) "Terminal", a bulk storage and distribution facility which includes:

(a) For the purposes of motor fuel, is a qualified terminal;

(b) For the purposes of fuel grade alcohol, is supplied by truck, rail car, boat, barge or pipeline and the products are removed at a rack;

[(54)] (55) "Terminal bulk transfers" include but are not limited to the following:

(a) Boat or barge movement of motor fuel from a refinery or terminal to a terminal;

(b) Pipeline movements of motor fuel from a refinery or terminal to a terminal;

(c) Book transfers of product within a terminal between suppliers prior to completion of removal across the rack; and

(d) Two-party exchanges or buy-sell supply arrangements within a terminal between licensed suppliers;

[(55)] **(56)** "Terminal operator", any person that owns, operates, or otherwise controls a terminal. A terminal operator may own the motor fuel that is transferred through or stored in the terminal;

[(56)] **(57)** "Transmix", the buffer or interface between two different products in a pipeline shipment, or a mix of two different products within a refinery or terminal that results in an off-grade mixture;

[(57)] **(58)** "Transport truck", a semitrailer combination rig designed or used to transport motor fuel over the highways;

[(58)] **(59)** "Transporter", any operator of a pipeline, barge, railroad or transport truck engaged in the business of transporting motor fuels;

[(59)] **(60)** "Two-party exchange", a transaction in which the motor fuel is transferred from one licensed supplier or licensed permissive supplier to another licensed supplier or licensed permissive supplier and:

(a) Which transaction includes a transfer from the person that holds the original inventory position for motor fuel in the terminal as reflected on the records of the terminal operator; and

(b) The exchange transaction is simultaneous with removal from the terminal by the receiving exchange partner. However, in any event, the terminal operator in its books and records treats the receiving exchange party as the supplier which removes the product across a terminal rack for purposes of reporting such events to this state;

[(60)] **(61)** "Ultimate vendor", a person that sells motor fuel to the consumer;

[(61)] **(62)** "Undyed diesel fuel", diesel fuel that is not subject to the United States Environmental Protection Agency dyeing requirements, or has not been dyed in accordance with Internal Revenue Service fuel dyeing provisions; and

[(62)] **(63)** "Vehicle fuel tank", any receptacle on a motor vehicle from which fuel is supplied for the propulsion of the motor vehicle.

142.869. 1. The tax imposed by this chapter shall not apply to passenger motor vehicles, buses as defined in section 301.010, or commercial motor vehicles registered in this state which are powered by alternative fuel, and for which a valid decal has been acquired as provided in this section. The owners or operators of such motor vehicles shall, in lieu of the tax imposed by section 142.803, pay an annual alternative fuel decal fee as follows: seventy-five dollars on each passenger motor vehicle, school bus as defined in section 301.010, and commercial motor vehicle with a licensed gross vehicle weight of eighteen thousand pounds or less; one hundred dollars on each motor vehicle with a licensed gross weight in excess of eighteen thousand pounds but not more than thirty-six thousand pounds used for farm or farming transportation operations and registered with a license plate designated with the letter "F"; one hundred fifty dollars on each motor vehicle with a licensed gross vehicle weight in excess of eighteen thousand pounds but less than or equal to thirty-six thousand pounds, and each passenger-carrying motor vehicle subject to the registration fee provided in sections 301.059, 301.061 and 301.063; two hundred fifty dollars on each motor vehicle with a licensed gross weight in excess of thirty-six thousand pounds used for farm or farming transportation operations and registered with a license plate designated with the letter "F"; and one thousand dollars on each motor vehicle with a licensed gross vehicle weight in excess of thirty-six thousand pounds. Notwithstanding provisions of this section to the contrary, motor vehicles licensed as historic under section 301.131 which are powered by alternative fuel shall be exempt from both the tax imposed by this chapter and the alternative fuel decal requirements of this section.

2. Except interstate fuel users and vehicles licensed under a reciprocity agreement as defined in section 142.617, the tax imposed by section 142.803 shall not apply to motor vehicles registered outside this state which are powered by alternative fuel, and for which a valid temporary alternative fuel decal has been acquired as provided in this section. The owners or operators of such motor vehicles shall, in lieu of the tax imposed by section 142.803, pay a temporary alternative fuel decal fee of eight dollars on each such vehicle. Such decals shall be valid for a period of fifteen days from the date of issuance and shall be attached to the lower right-hand corner of the front windshield on the motor vehicle for which it was issued. Such decal and fee shall not be transferable. All proceeds from such decal fees shall be deposited as specified in section 142.345. Alternative fuel dealers selling such decals in accordance with rules and regulations prescribed by the director shall be allowed to retain fifty cents for each decal fee timely remitted to the director.

3. The director shall annually, on or before January thirty-first of each year, collect or cause to be collected from owners or operators of the motor vehicles specified in subsection 1 of this section the annual decal fee. Applications for such decals shall be supplied by the department of revenue. In the case of a motor vehicle which is not in operation by January thirty-first of any year, a decal may be purchased for a fractional period of such year, and the amount of the decal fee shall be reduced by one-twelfth for each complete month which shall have elapsed since the beginning of such year.

4. Upon the payment of the fee required by subsection 1 of this section, the director shall issue a decal, which shall be valid for the current calendar year and shall be attached to the lower right-hand corner of the front windshield on the motor vehicle for which it was issued.

5. The decal fee paid pursuant to subsection 1 of this section for each motor vehicle shall be transferable upon a change of ownership of the motor vehicle and, if the [LP gas or natural gas equipment] **alternative fuel system** is removed from a motor vehicle upon a change of ownership and is reinstalled in another motor vehicle, upon such reinstallation. Such transfers shall be accomplished in accordance with rules and regulations promulgated by the director.

6. It shall be unlawful for any [person] **Missouri resident** to operate a motor vehicle required to have an alternative fuel decal upon the highways of this state without a valid decal.

7. No person shall cause to be put, or put, **electricity**, LP gas or natural gas into the fuel supply receptacle of a motor vehicle required to have an alternative fuel decal unless the motor vehicle has a valid decal attached to it.

(1) Sales of [fuel] **all alternative fuels** placed in the supply receptacle of a motor vehicle [displaying such decal] shall be recorded upon an invoice, which invoice shall include the decal number, **if applicable**, the motor vehicle license number and the number of gallons placed in such supply receptacle. **Such invoices shall be kept by the seller for a period of two years.**

(2) **Sales of all vehicles propelled by alternative fuels, whether through qualified conversion or equipped by the original manufacturer shall be reported to the department annually.**

8. Any person violating any provision of this section is guilty of an infraction and shall, upon conviction thereof, be fined five hundred dollars.

9. Motor vehicles displaying a valid alternative fuel decal are exempt from the licensing and reporting requirements of this chapter."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Kolkmeier, **House Amendment No. 4** was adopted.

Representative Johnson offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Committee Substitute for Senate Bill No. 342, Page 10, Section 262.795, Line 13, by inserting after all of said line the following:

"262.795. 1. The department of agriculture may contract with an internet website development company to build and maintain the "Missouri International Agricultural Exchange" website. Such website shall contain content approved by the department to promote Missouri agricultural products and services to international agricultural buyers.

2. The exchange shall allow Missouri-based agricultural sellers to post their products produced in this state on the website at no charge to assist in marketing such products to international buyers. All sellers shall be required to register through the website and show proof of Missouri residency and other information as required by the department. Except for advertising under subdivision (2) of subsection 3 of this section, only agricultural products and services produced in this state shall be allowed on the exchange website.

3. The state of Missouri shall have exclusive rights of ownership of all website content produced on the Missouri international agricultural exchange website, including but not limited to all creative materials, copyrights, photographs, or illustrations contained on the website. Subject to department approval, the website developer is authorized to:

(1) Use all informational content provided by the department of agriculture, add to such content, and apply search engine optimization to the website content to achieve a high search engine ranking;

(2) Sell advertising on the exchange website to any entity that will benefit from marketing to international agriculture producers and buyers. The website developer shall be solely responsible for all costs associated with the development, marketing, and maintenance of the exchange website, with the website developer retaining all advertising revenues obtained from such exchange website to provide the financing for such exchange website;

(3) Prohibit the sale of advertising to any entity on the exchange website that is not related to agriculture or furthers the interest of hate content, obscenity and sexual material, bombs, spyware, adult content, political content, antigroup content and violence, discrimination, political campaigns or causes, public advocacy or lobbying, copyrighted works, counterfeit designer goods, drug and drug paraphernalia, fake documents, gambling, hacking and cracking sites, miracle cures, prostitution, scams, phishing for personal information, tobacco and cigarettes and traffic devices, and other types of advertising deemed not appropriate by the director; and

(4) Ensure that all website content shall be named a ".com" domain to allow for advertisement.

4. The website developer shall:

(1) Have proven experience and expertise in search engine optimization, as determined by the department or the department of economic development;

(2) Provide evidence of prior website development projects produced by the website developer which increased search engine rankings for the client.

5. The department of agriculture, in consultation with the department of economic development, shall review all applications and award one annual contract for the development, design, marketing, and maintenance of the exchange website, with annual renewals for continuing upgrades, marketing, and maintenance of the website. The department of agriculture shall have the authority to terminate any contract under this section at the department's discretion. Any website developer under contract with the department of agriculture may have a contract terminated for failure to operate under the department's guidelines for the exchange website. If a contract is terminated, the department shall immediately assume ownership of all site-related domain names. If a contract is terminated, the department shall award a new contract in accordance with the procedures for awarding the initial contract under this section.

6. The department of agriculture may promulgate rules necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Johnson, **House Amendment No. 5** was adopted.

Representative Fitzwater offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Committee Substitute for Senate Bill No. 342, Page 1, Section A, Line 5, by inserting after all of said section and line the following:

"135.305. A Missouri wood energy producer shall be eligible for a tax credit on taxes otherwise due under chapter 143, except sections 143.191 to 143.261, as a production incentive to produce processed wood products in a qualified wood-producing facility using Missouri forest product residue. The tax credit to the wood energy producer shall be five dollars per ton of processed material. The credit may be claimed for a period of five years and is to be a tax credit against the tax otherwise due. No new tax credits, provided for under sections 135.300 to 135.311, shall be authorized after June 30, [2013] **2019. In no event shall the aggregate amount of all tax credits allowed under sections 135.300 to 135.311 exceed three million dollars in any given fiscal year.**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 102

Allen	Anderson	Austin	Bahr	Barnes
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Fowler	Fraker	Franklin	Frederick
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeier	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
McCaherty	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth
Pfausch	Phillips	Pike	Pogue	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 048

Anders	Burns	Butler	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 013

Bernskoetter	Black	Flanigan	Funderburk	Higdon
Kelly 45	Marshall	McManus	Parkinson	Pierson
Redmon	Smith 120	Walton Gray		

On motion of Representative Fitzwater, **House Amendment No. 6** was adopted by the following vote:

AYES: 094

Allen	Austin	Barnes	Berry	Brown
Cierpiot	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Davis	Diehl
Dohrman	Dugger	Dunn	Elmer	Engler
Entlicher	Fitzwater	Fowler	Fraker	Franklin
Frederick	Gannon	Gatschenberger	Gosen	Grisamore
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Kelley 127
Kolkmeier	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	McGaugh
McKenna	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Pfausch
Phillips	Pike	Pogue	Redmon	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieffer
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Zerr	Mr Speaker	

NOES: 059

Anders	Anderson	Bahr	Brattin	Burlison
Burns	Butler	Carpenter	Colona	Curtis
Curtman	Ellinger	Ellington	English	Englund
Fitzpatrick	Frame	Gardner	Guernsey	Hodges
Hubbard	Hummel	Keeney	Kirkton	Koenig
Kratky	LaFaver	Marshall	May	Mayfield
McCaherty	McCann Beatty	McDonald	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Parkinson
Peters	Rehder	Rizzo	Roorda	Runions
Schieber	Schupp	Smith 85	Swearingen	Webb
Webber	Wilson	Wood	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 010

Bernskoetter	Black	Flanigan	Funderburk	Higdon
Kelly 45	McManus	Pierson	Smith 120	Walton Gray

Representative Reiboldt offered **House Amendment No. 7.**

House Amendment No. 7

AMEND House Committee Substitute for Senate Bill No. 342, Page 1, Section A, Line 5, by inserting after all of said section and line the following:

"135.1590. 1. This section shall be known and may be cited as the "Show-Me Milk and Infrastructure Stabilization Act".

2. As used in this section, the following terms mean:

(1) "Authority", the Missouri agricultural and small business development authority established in chapter 348;

(2) "Qualified milk producer", any resident taxpayer actively engaged in business as a producer of grade A milk.

3. For all taxable years beginning on or after January 1, 2013, a qualified milk producer shall be allowed a tax credit against the state tax liability incurred under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, in an amount equal to the total aggregate allowable credit per year divided by the number of qualified grade A dairies as determined by the Missouri state milk board. The maximum credit allowed to a qualified milk producer shall not exceed twenty-five thousand dollars per year.

4. Taxpayers shall apply for the milk production tax credit by submitting an application to the authority, on a form provided by the authority. As part of the application, the taxpayer shall provide his or her producer identification number and documentation as to the amount of milk produced by his or her operation during the tax credit allowance period.

5. On or before January 1, 2016, the authority shall issue a report, and make such report available for public inspection, on the total number of pounds of milk produced by each qualified milk producer in each of the three preceding calendar years.

6. The total aggregate amount of tax credits authorized under this section shall not exceed five million dollars in a calendar year.

7. Any individual or business entity may assign, transfer, or sell tax credits allowed in this section. All tax credits allowed under this section must be used in the year in which they are issued. Tax credits earned by a partnership, limited liability company, S-corporation, or other pass-through entity may be allocated to the partners, members, or shareholders of such entity for their direct use in accordance with the provisions of any agreement among such partners, members, or shareholders.

8. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset three years after January 1, 2013, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset one year after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset."; and

Further amend said bill, Page 18, Section 570.030, Lines 45-46, by deleting all of said lines and inserting in lieu thereof the following:

"4. Notwithstanding any other provision of law, stealing of any animal considered livestock, as that term is defined in section 144.010, is a class B felony if the value of the livestock exceeds ten thousand dollars."; and

Further amend said bill, Page 20, Section 1 and Section 2, by deleting all of said sections from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Reiboldt, **House Amendment No. 7** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 103

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick

Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller
Molendorp	Moon	Muntzel	Neely	Neth
Parkinson	Pfausch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wilson
Wood	Zerr	Mr Speaker		

NOES: 049

Anders	Burns	Butler	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 011

Barnes	Black	Grisamore	Higdon	Jones 50
Kelly 45	Morris	Pierson	Smith 120	Walton Gray
Wieland				

On motion of Representative Guernsey, **HCS SB 342, as amended**, was adopted.

On motion of Representative Guernsey, **HCS SB 342, as amended**, was read the third time and passed by the following vote:

AYES: 086

Allen	Barnes	Bernskoetter	Berry	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Davis	Diehl	Dohrman	Elmer
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haefner	Hampton	Hansen
Harris	Hinson	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	McCaherty
McGaugh	McKenna	Messenger	Miller	Muntzel
Neely	Neth	Pfausch	Phillips	Pike

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Redmon	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowland	Scharnhorst	Schatz
Schieffer	Shull	Shumake	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 068

Anders	Anderson	Austin	Bahr	Brattin
Burlison	Burns	Butler	Carpenter	Colona
Conway 10	Curtis	Curtman	Dunn	Ellinger
Ellington	Engler	English	Englund	Entlicher
Fitzpatrick	Frame	Gardner	Haahr	Hicks
Hodges	Hoskins	Hubbard	Hummel	Kirkton
Koenig	Kratky	LaFaver	Marshall	May
Mayfield	McCann Beatty	McDonald	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Moon
Morgan	Morris	Newman	Nichols	Norr
Otto	Pace	Parkinson	Peters	Pogue
Rehder	Rizzo	Roorda	Rowden	Runions
Schieber	Schupp	Smith 85	Solon	Swearingen
Webb	Webber	Wright		

PRESENT: 001

Brown

ABSENT WITH LEAVE: 008

Black	Dugger	Higdon	Kelly 45	Molendorp
Pierson	Smith 120	Walton Gray		

Representative Hoskins declared the bill passed.

HOUSE BILLS WITH SENATE AMENDMENTS

SS SCS HB 542, as amended, relating to eggs, was taken up by Representative Love.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 101

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Funderburk
Gannon	Gatschenberger	Gosen	Guernsey	Haahr
Haefner	Hampton	Hansen	Hicks	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig

Kolkmeyer	Korman	Lair	Lant	Lauer
Lichtenegger	Love	Lynch	McCaherty	McGaugh
Messenger	Miller	Moon	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 049

Anders	Burns	Butler	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 013

Black	Brattin	Engler	Frederick	Grisamore
Higdon	Kelly 45	Leara	Marshall	Molendorp
Pierson	Smith 120	Walton Gray		

On motion of Representative Love, **SS SCS HB 542, as amended**, was adopted by the following vote:

AYES: 142

Allen	Anders	Anderson	Austin	Barnes
Bernskoetter	Berry	Brown	Burns	Butler
Carpenter	Cierpiot	Colona	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Elmer	Engler	English
Englund	Entlicher	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Grisamore
Guernsey	Haefner	Hampton	Hansen	Harris
Hicks	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Jones 50
Justus	Keeney	Kelley 127	Kirkton	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Montecillo
Moon	Morgan	Morris	Muntzel	Neely

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Neth	Newman	Nichols	Norr	Otto
Pace	Peters	Pfausch	Phillips	Pike
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieffer	Schupp	Shull	Shumake	Smith 85
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Webb
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 014

Bahr	Brattin	Burlison	Curtis	Ellington
Fitzpatrick	Haahr	Johnson	Koenig	Marshall
Parkinson	Pogue	Schieber	Webber	

PRESENT: 000

ABSENT WITH LEAVE: 007

Black	Higdon	Kelly 45	Molendorp	Pierson
Smith 120	Walton Gray			

On motion of Representative Love, **SS SCS HB 542, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 139

Allen	Anders	Anderson	Austin	Barnes
Bernskoetter	Berry	Brown	Burns	Butler
Carpenter	Cierpiot	Colona	Conway 10	Cookson
Cornejo	Cox	Crawford	Cross	Davis
Diehl	Dohrman	Dunn	Ellinger	Elmer
Engler	English	Englund	Entlicher	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gardner	Gatschenberger
Gosen	Grisamore	Guernsey	Haefner	Hampton
Hansen	Harris	Hicks	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Jones 50	Justus	Keeney	Kelley 127
Kirkton	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Montecillo	Moon	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Pace	Peters	Pfausch
Phillips	Pike	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieffer	Schupp	Shull
Shumake	Smith 85	Solon	Sommer	Spencer

Stream	Swan	Swearingen	Thomson	Torpey
Walker	Webb	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 015

Bahr	Brattin	Burlison	Curtis	Curtman
Ellington	Fitzpatrick	Haahr	Johnson	Koenig
Marshall	Parkinson	Pogue	Schieber	Webber

PRESENT: 000

ABSENT WITH LEAVE: 009

Black	Conway 104	Dugger	Higdon	Kelly 45
Molendorp	Pierson	Smith 120	Walton Gray	

Representative Hoskins declared the bill passed.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 103**, entitled:

An act to repeal sections 174.700, 174.703, 174.706, 301.301, 301.449, 302.341, 302.700, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 470, merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, merged with conference committee substitute for house committee substitute for senate bill no. 568, ninety-sixth general assembly, second regular session, 302.720, 302.735, 302.740, 302.755, 304.013, 304.032, 304.120, 304.180, 304.820, 307.400, and 544.157, RSMo, and to enact in lieu thereof twenty-seven new sections relating to transportation, with penalty provisions and an emergency clause for a certain section.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Substitute Amendment No. 1 for Senate Amendment No. 4 and Senate Amendment No. 5.

Senate Amendment No. 1

AMEND Senate Committee Substitute for House Bill No. 103, Page 7, Section 302.341, Lines 72-89, by striking all of said lines; and

Further amend said bill and section, Page 8, Lines 90-91, by striking all of said lines and inserting in lieu thereof the following:

"3. As used in subsection 2 of this section, traffic violations shall include all ordinance violations regardless of whether the ordinance violation is prosecuted as a civil infraction or not."

Senate Amendment No. 2

AMEND Senate Committee Substitute for House Bill No. 103, Page 39, Section 307.400, Line 97, by inserting after all of said line the following:

"407.300. 1. Every purchaser or collector of, or dealer in, junk, scrap metal, or any secondhand property shall keep a register containing a written or electronic record for each purchase or trade in which each type of metal subject to the provisions of this section is obtained for value. There shall be a separate record for each transaction involving any:

- (1) Copper, brass, or bronze;
- (2) Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting, or fastener; [or]
- (3) Material containing copper or aluminum that is knowingly used for farming purposes as farming is defined in section 350.010; **or**
- (4) Catalytic converter;**

whatever may be the condition or length of such metal. The record shall contain the following data: a copy of the driver's license or photo identification issued by the state or by the United States government or agency thereof to the person from whom the material is obtained, which shall contain a current address of the person from whom the material is obtained, and the date, time, and place of and a full description of each such purchase or trade including the quantity by weight thereof.

2. The records required under this section shall be maintained for a minimum of twenty-four months from when such material is obtained and shall be available for inspection by any law enforcement officer.

3. Anyone convicted of violating this section shall be guilty of a class A misdemeanor.

4. This section shall not apply to any of the following transactions:

(1) Any transaction for which the total amount paid for all regulated scrap metal purchased or sold does not exceed fifty dollars, **unless the scrap metal is a catalytic converter;**

(2) Any transaction for which the seller, including a farm or farmer, has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business; or

(3) Any transaction for which the type of metal subject to subsection 1 of this section is a minor part of a larger item, except for equipment used in the generation and transmission of electrical power or telecommunications."; and

Further amend the title and enacting clause accordingly.

*Senate Substitute Amendment No. 1
for
Senate Amendment No. 4*

AMEND Senate Committee Substitute for House Bill No. 103, Page 6, Section 302.341, Line 33, by striking "twenty" and inserting in lieu thereof the following:

"thirty"; and

Further amend Line 37, by striking the word "twenty" and inserting in lieu thereof the following:

"thirty".

Senate Amendment No. 5

AMEND Senate Committee Substitute for House Bill No. 103, Page 5, Section 301.449, Line 51, by inserting immediately after said line the following:

"302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

- (1) Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in section 302.303. 2 points
(except any violation of municipal stop sign ordinance where no accident is involved. 1 point)
- (2) Speeding In violation of a state law. 3 points
In violation of a county or municipal ordinance. 2 points
- (3) Leaving the scene of an accident in violation of section 577.060. 12 points
In violation of any county or municipal ordinance. 6 points
- (4) Careless and imprudent driving in violation of subsection 4 of section 304.016. 4 points
In violation of a county or municipal ordinance. 2 points
- (5) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020:
(a) For the first conviction. 2 points
(b) For the second conviction. 4 points
(c) For the third conviction. 6 points
- (6) Operating with a suspended or revoked license prior to restoration of operating privileges. 12 points
- (7) Obtaining a license by misrepresentation. 12 points
- (8) For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs. 8 points
- (9) For the second or subsequent conviction of any of the following offenses however combined: driving while in an intoxicated condition, driving under the influence of controlled substances or drugs or driving with a blood alcohol content of eight-hundredths of one percent or more by weight. 12 points
- (10) For the first conviction for driving with blood alcohol content eight-hundredths of one percent or more by weight
In violation of state law. 8 points
In violation of a county or municipal ordinance or federal law or regulation. 8 points
- (11) Any felony involving the use of a motor vehicle. 12 points
- (12) Knowingly permitting unlicensed operator to operate a motor vehicle. 4 points
- (13) For a conviction for failure to maintain financial responsibility pursuant to county or municipal ordinance or pursuant to section 303.025. 4 points
- (14) Endangerment of a highway worker in violation of section 304.585. 4 points
- (15) Aggravated endangerment of a highway worker in violation of section 304.585. 12 points
- (16) For a conviction of violating a municipal ordinance that prohibits tow truck operators from stopping at or proceeding to the scene of an accident unless they have been requested to stop or proceed to such scene by a party involved in such accident or by an officer of a public safety agency. 4 points
- (17) Endangerment of an emergency responder in violation of section 304.894. 4 points**
- (18) Aggravated endangerment of an emergency responder in violation of section 304.894. 12 points**

2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020, when the director issues such operator a license or permit pursuant to the provisions of sections 302.010 to 302.340.

3. An additional two points shall be assessed when personal injury or property damage results from any violation listed in subdivisions (1) to (13) of subsection 1 of this section and if found to be warranted and certified by the reporting court.

4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this section constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for offenses arising out of the same occurrence.

5. The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver-improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle-rider training course approved by the state highways and transportation commission, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700 or a violation committed by an individual who has been issued a commercial driver's license or is required to obtain a commercial driver's license in this state or any other state, shall be accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4) of

subsection 1 of this section or pursuant to subsection 3 of this section. A court using a centralized violation bureau established under section 476.385 may elect to have the bureau order and verify completion of a driver-improvement program or motorcycle-rider training course as prescribed by order of the court. For the purposes of this subsection, the driver-improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the state highways and transportation commission pursuant to sections 302.133 to 302.137. The completion of a driver-improvement program or a motorcycle-rider training course shall not be accepted in lieu of points more than one time in any thirty-six-month period and shall be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days after completion of the driver-improvement program or motorcycle-rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection."; and

Further amend said bill, Page 37, Section 304.820, Line 71, by inserting immediately after all of said line the following:

"304.890. As used in sections 304.890 to 304.894, the following terms shall mean:

(1) "Active emergency", any incident occurring on a highway, as the term "highway" is defined in section 302.010, that requires emergency services from any emergency responder;

(2) "Active emergency zone", any area upon or around any highway, which is visibly marked by emergency responders performing work for the purpose of emergency response, and where an active emergency, or incident removal, is temporarily occurring. This area includes the lanes of highway leading up to an active emergency or incident removal, beginning within three hundred feet of visual sighting of:

(a) Appropriate signs or traffic control devices posted or placed by emergency responders; or

(b) An emergency vehicle displaying active emergency lights or signals;

(3) "Emergency responder", any law enforcement officer, paid or volunteer firefighter, first responder, emergency medical worker, tow truck operator, or other emergency personnel responding to an emergency on a highway.

304.892. 1. Upon the first conviction, finding of guilt, or plea of guilty by any person for a moving violation, as the term "moving violation" is defined in section 302.010, or any offense listed in section 302.302, other than a violation described in subsection 2 of this section, when the violation or offense occurs within an active emergency zone, the court shall assess a fine of thirty-five dollars in addition to any other fine authorized by law. Upon a second or subsequent conviction, finding of guilt, or plea of guilty, the court shall assess a fine of seventy-five dollars in addition to any other fine authorized by law.

2. Upon the first conviction, finding of guilt, or plea of guilty by any person for a speeding violation under either section 304.009 or 304.010, or a passing violation under subsection 3 of this section, when the violation or offense occurs within an active emergency zone and emergency responders were present in such zone at the time of the offense or violation, the court shall assess a fine of two hundred fifty dollars in addition to any other fine authorized by law. Upon a second or subsequent conviction, finding of guilt, or plea of guilty, the court shall assess a fine of three hundred dollars in addition to any other fine authorized by law. However, no person assessed an additional fine under this subsection shall also be assessed an additional fine under subsection 1 of this section.

3. The driver of a motor vehicle shall not overtake or pass another motor vehicle within an active emergency zone. Violation of this subsection is a class C misdemeanor.

4. The additional fines imposed by this section shall not be construed to enhance the assessment of court costs or the assessment of points under section 302.302.

304.894. 1. A person commits the offense of endangerment of an emergency responder for any of the following offenses when the offense occurs within an active emergency zone:

(1) Exceeding the posted speed limit by fifteen miles per hour or more;

(2) Passing in violation of subsection 3 of section 304.892;

(3) Failure to stop for an active emergency zone flagman or emergency responder, or failure to obey traffic control devices erected, or personnel posted, in the active emergency zone for purposes of controlling the flow of motor vehicles through the zone;

(4) Driving through or around an active emergency zone via any lane not clearly designated for motorists to control the flow of traffic through or around the active emergency zone;

(5) Physically assaulting, attempting to assault, or threatening to assault an emergency responder with a motor vehicle or other instrument; or

(6) Intentionally striking, moving, or altering barrels, barriers, signs, or other devices erected to control the flow of traffic to protect emergency responders and motorists unless the action was necessary to avoid an obstacle, an emergency, or to protect the health and safety of an occupant of the motor vehicle or of another person.

2. Upon a finding of guilt or a plea of guilty for committing the offense of endangerment of an emergency responder under subsection 1 of this section, if no injury or death to an emergency responder resulted from the offense, the court shall assess a fine of not more than one thousand dollars, and four points shall be assessed to the operator's license pursuant to section 302.302 upon conviction.

3. A person commits the offense of aggravated endangerment of an emergency responder upon a finding of guilt or a plea of guilty for any offense under subsection 1 of this section when such offense results in the injury or death of an emergency responder. Upon a finding of guilt or a plea of guilty for committing the offense of aggravated endangerment of an emergency responder, in addition to any other penalty authorized by law, the court shall assess a fine of not more than five thousand dollars if the offense resulted in injury to an emergency responder, and ten thousand dollars if the offense resulted in the death of an emergency responder. In addition, twelve points shall be assessed to the operator's license pursuant to section 302.302 upon conviction.

4. Except for the offense established under subdivision (6) of subsection 1 of this section, no person shall be deemed to have committed the offense of endangerment of an emergency responder except when the act or omission constituting the offense occurred when one or more emergency responders were responding to an active emergency.

5. No person shall be cited for, or found guilty of, endangerment of an emergency responder or aggravated endangerment of an emergency responder, for any act or omission otherwise constituting an offense under subsection 1 of this section, if such act or omission resulted in whole or in part from mechanical failure of the person's vehicle, or from the negligence of another person or emergency responder."; and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HB 117**, entitled:

An act to repeal sections 116.030, 116.040, 116.080, 116.090, 116.190, 116.332, and 116.334, RSMo, and to enact in lieu thereof nine new sections relating to initiative and referendum petitions, with penalty provisions and a delayed effective date.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HB 428**, entitled:

An act to repeal sections 301.193 and 301.260, RSMo, and to enact in lieu thereof three new sections relating to the registration and licensing of motor vehicles.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HB 650**, entitled:

An act to repeal sections 43.543, 60.185, 60.195, 60.301, 60.321, 60.451, 60.510, 60.530, 60.540, 60.550, 60.560, 60.570, 60.580, 60.590, 60.595, 60.600, 60.610, 60.620, 60.653, 60.670, 236.410, 253.090, 253.180, 253.185, 256.117, 258.010, 258.020, 258.030, 258.060, 258.070, 258.080, 260.200, 260.205, 260.235, 260.249, 260.262, 260.320, 260.325, 260.330, 260.335, 260.345, 260.365, 260.379, 260.380, 260.390, 260.395, 260.434, 260.475, 261.023, 444.772, 621.250, 640.010, 640.012, 640.017, 640.075, 640.715, 640.725, 643.079, 644.051, 644.052, and 644.054, RSMo, and to enact in lieu thereof sixty-seven new sections relating to the department of natural resources, with penalty provisions and an emergency clause for certain sections.

With Senate Amendment No. 1, Senate Amendment No. 1 to Senate Amendment No. 2, Senate Amendment No. 2, as amended, Senate Amendment No. 1 to Senate Substitute Amendment No. 1 for Senate Amendment No. 3 and Senate Substitute Amendment No. 1 for Senate Amendment No. 3, as amended.

Senate Amendment No. 1

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 650, Page 14, Section 60.570, Line 21 of said page, by inserting after "available." the following:

"No department shall charge any fee over or above the amount paid to the office of administration for utilization of the building."

Senate Amendment No. 1

to

Senate Amendment No. 2

AMEND Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for House Bill No. 650, Page 1, Line 10, by inserting after all of said line the following:

‘and further amend said bill, Page 163, Section 1, Line 12, by inserting after all of said line the following:

"Section 2. 1. There is hereby established a joint committee of the general assembly, which shall be known as the "Joint Committee on Solid Waste Management District Operations", which shall be composed of five members of the senate, with no more than three members of one party, and five members of the house of representatives, with no more than three members of one party. The senate members of the committee shall be appointed by the president pro tempore of the senate and the house members by the speaker of the house of representatives. The committee shall select either a chairperson or co-chairpersons, one of whom shall be a member of the senate and one a member of the house of representatives. A majority of the members shall constitute a quorum. Meetings of the committee may be called at such time and place as the chairperson or chairpersons designate.

2. The committee shall examine solid waste management district operations, including but not limited to the efficiency, efficacy, and reasonableness of costs and expenses of such districts to Missouri taxpayers.

3. The joint committee may hold hearings as it deems advisable and may obtain any input or information necessary to fulfill its obligations. The committee may make reasonable requests for staff assistance from the research and appropriations staffs of the house and senate and the committee on legislative research, as well as the department of natural resources and representatives of solid waste management districts.

4. The joint committee shall prepare a final report, together with its recommendations for any legislative action deemed necessary, for submission to the general assembly by December 31, 2013, at which time the joint committee shall be dissolved.

5. Members of the committee shall receive no compensation but may be reimbursed for reasonable and necessary expenses associated with the performance of their official duties."; and’.

Senate Amendment No. 2

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 650, Pages 65-67, Section 260.320, by striking all of said section from the bill; and

Further amend said bill, Pages 67-71, Section 260.325, by striking all of said section from the bill; and

Further amend said bill, Pages 71-75, Section 260.330, by striking all of said section from the bill; and

Further amend said bill, Pages 75-80, Section 260.335, by striking all of said section from the bill; and

Further amend said bill, Pages 80-81, Section 260.345, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 1
to
Senate Substitute Amendment No. 1
for
Senate Amendment No. 3*

AMEND Senate Substitute Amendment No. 1 for Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for House Bill No. 650, Page 2, Section 640.236, Line 2, by striking the words "five million" and inserting in lieu thereof the following:

"two million five hundred thousand".

*Senate Substitute Amendment No. 1
for
Senate Amendment No. 3*

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 650, Pages 127-128, Section 640.236, by striking all of said section and inserting in lieu thereof the following:

"640.236. In all civil actions involving claims for exposure or contamination arising from the ownership, maintenance, management, or control of underground hard rock mining or hard rock milling sites that ceased operations prior to January 1, 1975, or such claims that arise from chat or tailings generated at those sites, brought against persons or entities alleged to have owned, maintained, managed, or controlled such sites, chat, or tailings at any time, such persons and entities shall be exempt from punitive or exemplary damages with respect to all such claims that relate in any way to the ownership, maintenance, management, or control of such sites, chat, or tailings, so long as such persons or entities or their employees, agents, owners, parent, subsidiary, or any related companies have made or are making good faith efforts to remediate such sites. Any evidence may be introduced to demonstrate good faith efforts to remediate including substantial compliance with an order or permit issued by or negotiated with either the state of Missouri or the United States concerning remediation or closure. The total of any awards of punitive or exemplary damages shall not exceed five million dollars in the aggregate as to all defendants in a civil action within this section. The provisions of section 537.675 shall not apply to such action, and one-half of any such awards for punitive or exemplary damages shall be paid into the Missouri lead abatement loan fund established under section 701.337. Nothing in this section shall be construed as precluding any party from pursuing compensatory damages, including claims for natural resource damages."; and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 986**, entitled:

An act to repeal sections 208.053 and 208.146, RSMo, and to enact in lieu thereof three new sections relating to public assistance, with an emergency clause for a certain section.

With Senate Substitute Amendment No. 1 for Senate Amendment No. 1, Senate Amendment No. 2 and Senate Amendment No. 3.

*Senate Substitute Amendment No. 1
for
Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 986, Page 7, Section 208.146, Line 87, by inserting after all of said line the following:

"208.993. 1. The president pro tempore of the senate and the speaker of the house of representatives may jointly establish a committee to be known as the "Joint Committee on Medicaid Transformation".

2. The committee may study the following:

- (1) Development of methods to prevent fraud and abuse in the MO HealthNet system;**
- (2) Advice on more efficient and cost-effective ways to provide coverage for MO HealthNet participants;**
- (3) An evaluation of how coverage for MO HealthNet participants can resemble that of commercially available health plans while complying with federal Medicaid requirements;**
- (4) Possibilities for promoting healthy behavior by encouraging patients to take ownership of their health care and seek early preventative care;**
- (5) Advice on the best manner in which to provide incentives, including a shared risk and savings to health plans and providers to encourage cost-effective delivery of care; and**
- (6) Ways that individuals who currently receive medical care coverage through the MO HealthNet program can transition to obtaining their health coverage through the private sector.**

3. If established, the joint committee shall be composed of twelve members. Six members shall be from the senate, with four members appointed by the president pro tempore of the senate, and two members of the minority party appointed by the president pro tempore of the senate with the advice of the minority leader of the senate. Six members shall be from the house of representatives, with four members appointed by the speaker of the house of representatives, and two members of the minority party appointed by the speaker of the house of representatives with the advice of the minority leader of the house of representatives.

4. The provisions of this section shall expire on January 1, 2014."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 986, Page 1, Section A, Line 3, by inserting immediately after said line the following:

"191.237. 1. No law or rule promulgated by an agency of the state of Missouri may impose a fine or penalty against a health care provider, hospital, or health care system for failing to participate in any particular health information organization.

2. No health information organization may impose connection fees or recurring connection fees on another health information organization for the purpose of exchanging standards-based clinical summaries for patients or for sharing information of an agency of the state of Missouri.

3. As used in this section, the following terms shall mean:

- (1) "Fine or penalty", any civil or criminal penalty or fine, tax, salary or wage withholding, or surcharge established by law or by rule promulgated by a state agency pursuant to chapter 536;**

(2) "Health care system", any public or private entity whose function or purpose is the management of, processing of, or enrollment of individuals for or payment for, in full or in part, health care services or health care data or health care information for its participants;

(3) "Health information organization", an organization that oversees and governs the exchange of health-related information among organizations according to nationally recognized standards."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 3

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 986, Page 1, Section Title, Line 3, by striking "public assistance" and inserting in lieu thereof the following:

"health care services"; and

Further amend Line 4, by inserting immediately after "section" the following:

"and an effective date for a certain section"; and

Further amend said bill, Page 7, Section 208.1050, Line 22, by inserting immediately after said line the following:

"376.1900. 1. As used in this section, the following terms shall mean:

(1) "Electronic visit", or "e-Visit", an online electronic medical evaluation and management service completed using a secured web-based or similar electronic-based communications network for a single patient encounter. An electronic visit shall be initiated by a patient or by the guardian of a patient with the health care provider, be completed using a federal Health Insurance Portability and Accountability Act (HIPAA) compliant online connection, and include a permanent record of the electronic visit;

(2) "Health benefit plan" shall have the same meaning ascribed to it in section 376.1350;

(3) "Health care provider" shall have the same meaning ascribed to it in section 376.1350;

(4) "Health care service", a service for the diagnosis, prevention, treatment, cure or relief of a physical or mental health condition, illness, injury or disease;

(5) "Health carrier" shall have the same meaning ascribed to it in section 376.1350;

(6) "Telehealth" shall have the same meaning ascribed to it in section 208.670.

2. Each health carrier or health benefit plan that offers or issues health benefit plans which are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2014, shall not deny coverage for a health care service on the basis that the health care service is provided through telehealth if the same service would be covered if provided through face-to-face diagnosis, consultation, or treatment.

3. A health carrier may not exclude an otherwise covered health care service from coverage solely because the service is provided through telehealth rather than face-to-face consultation or contact between a health care provider and a patient.

4. A health carrier shall not be required to reimburse a telehealth provider or a consulting provider for site origination fees or costs for the provision of telehealth services; however, subject to correct coding, a health carrier shall reimburse a health care provider for the diagnosis, consultation, or treatment of an insured or enrollee when the health care service is delivered through telehealth on the same basis that the health carrier covers the service when it is delivered in person.

5. A health care service provided through telehealth shall not be subject to any greater deductible, copayment, or coinsurance amount than would be applicable if the same health care service was provided through face-to-face diagnosis, consultation, or treatment.

6. A health carrier shall not impose upon any person receiving benefits under this section any copayment, coinsurance, or deductible amount, or any policy year, calendar year, lifetime, or other durational benefit limitation or maximum for benefits or services, that is not equally imposed upon all terms and services covered under the policy, contract, or health benefit plan.

7. Nothing in this section shall preclude a health carrier from undertaking utilization review to determine the appropriateness of telehealth as a means of delivering a health care service, provided that the determinations shall be made in the same manner as those regarding the same service when it is delivered in person.

8. A health carrier or health benefit plan may limit coverage for health care services that are provided through telehealth to health care providers that are in a network approved by the plan or the health carrier.

9. Nothing in this section shall be construed to require a health care provider to be physically present with a patient where the patient is located unless the health care provider who is providing health care services by means of telehealth determines that the presence of a health care provider is necessary.

10. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months' or less duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration."; and

Further amend said bill and page, Section B, Line 6, by inserting immediately after said line the following:

"Section C. The enactment of section 376.1900 of this act shall become effective January 1, 2014."; and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed Senator Brown to replace Senator Schaefer on the Conference Committee for **HCS SB 41, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SB 51, as amended**: Senators Munzlinger, Kehoe, Libla, McKenna and LeVota.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate requests the House to grant the Senate further conference on **HCS SB 57, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 73, as amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **House Amendment No. 1, House Amendment No. 2, House Amendment No. 3, House Amendment No. 4, House Substitute Amendment No. 1 for House Amendment No. 5, House Amendment No. 6, House Amendment No. 7 and House Amendment No. 8 to SCS SB 224**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SCS SB 256, as amended**: Senators Silvey, Romine, Sater, Justus and Keaveny.

HOUSE BILLS WITH SENATE AMENDMENTS

SS SCS HB 650, as amended, relating to the department of natural resources, was taken up by Representative Ross.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 102

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Moon	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Mr Speaker			

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hubbard	Hummel	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 012

Brown	Franklin	Higdon	Hodges	Kelly 45
Molendorp	Pierson	Scharnhorst	Smith 120	Stream
Walton Gray	Zerr			

On motion of Representative Ross, **SS SCS HB 650, as amended**, was adopted by the following vote:

AYES: 091

Anderson	Austin	Bahr	Bernskoetter	Black
Brattin	Brown	Burlison	Cierpiot	Cookson
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Engler	Entlicher
Fitzpatrick	Fitzwater	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Guernsey
Hampton	Hansen	Harris	Hicks	Hodges
Hoskins	Hough	Houghton	Hurst	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Leara
Love	Lynch	McGaugh	McKenna	Messenger
Miller	Moon	Morris	Muntzel	Neely
Parkinson	Pfausch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Roorda	Ross	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Sommer	Spencer	Stream	Swan	Thomson
Walker	White	Wieland	Wilson	Wood
Mr Speaker				

NOES: 066

Allen	Anders	Barnes	Berry	Burns
Butler	Carpenter	Colona	Conway 10	Conway 104
Cornejo	Curtis	Dunn	Ellinger	Ellington
Elmer	English	Englund	Flanigan	Fowler
Frame	Gardner	Grisamore	Haahr	Haefner
Hinson	Hubbard	Hummel	Johnson	Kirkton
Kratky	LaFaver	Lichtenegger	Marshall	May
Mayfield	McCaherty	McCann Beatty	McDonald	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Neth	Newman	Nichols	Norr
Otto	Pace	Peters	Rizzo	Rowden
Runions	Schieffer	Schupp	Smith 85	Solon
Swearingen	Torpey	Webb	Webber	Wright
Zerr				

PRESENT: 000

ABSENT WITH LEAVE: 006

Higdon	Kelly 45	Molendorp	Pierson	Smith 120
Walton Gray				

On motion of Representative Ross, **SS SCS HB 650, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 094

Allen	Anderson	Austin	Bahr	Bernskoetter
Black	Brattin	Brown	Burlison	Cierpiot
Cookson	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Engler
English	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fraker	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Guernsey	Hampton	Hansen
Harris	Hicks	Hodges	Hoskins	Hough
Houghton	Hurst	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeier	Korman	Lair
Lant	Lauer	Leara	Love	Lynch
McGaugh	McKenna	Messenger	Miller	Moon
Morris	Muntzel	Neely	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Roorda	Ross	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Sommer	Spencer
Stream	Swan	Thomson	Walker	White
Wieland	Wilson	Wood	Mr Speaker	

NOES: 063

Anders	Barnes	Berry	Burns	Butler
Carpenter	Colona	Conway 10	Conway 104	Cornejo
Curtis	Dunn	Ellinger	Ellington	Elmer
Englund	Fowler	Frame	Gardner	Grisamore
Haahr	Haefner	Hinson	Hubbard	Hummel
Johnson	Kirkton	Kratky	LaFaver	Lichtenegger
Marshall	May	Mayfield	McCaherty	McCann Beatty
McDonald	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Neth	Newman
Nichols	Norr	Otto	Pace	Peters
Rizzo	Rowden	Runions	Schieffer	Schupp
Smith 85	Solon	Swearingen	Torpey	Webb
Webber	Wright	Zerr		

PRESENT: 000

ABSENT WITH LEAVE: 006

Higdon	Kelly 45	Molendorp	Pierson	Smith 120
Walton Gray				

Representative Hoskins declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 126

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Black	Brattin	Brown
Burlison	Cierpiot	Colona	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Jones 50	Justus	Keeney	Kelley 127
Kirkton	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McCann Beatty
McGaugh	McKenna	McManus	McNeil	Messenger
Miller	Molendorp	Moon	Morris	Muntzel
Neely	Parkinson	Pfausch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieffer	Schupp	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Webber
White	Wieland	Wilson	Wood	Wright
Mr Speaker				

NOES: 031

Berry	Burns	Butler	Carpenter	Curtis
Curtman	Dunn	Ellinger	Ellington	Gardner
Johnson	Koenig	May	Mayfield	McDonald
Meredith	Mims	Mitten	Montecillo	Morgan
Neth	Newman	Nichols	Norr	Otto
Pace	Peters	Schieber	Smith 85	Webb
Zerr				

PRESENT: 000

ABSENT WITH LEAVE: 006

Frederick	Higdon	Kelly 45	Pierson	Smith 120
Walton Gray				

THIRD READING OF SENATE BILLS

SB 72, relating to motorcycle awareness month, was taken up by Representative Jones (50).

Representative Kirkton offered **House Amendment No. 1**.

House Amendment No. 1

AMEND Senate Bill No. 72, Page 1, In the Title, Line 3, by deleting the words "motorcycle awareness month" and inserting in lieu thereof the words "special awareness days"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said line the following:

"9.149. December fourth shall be designated as "PKS Day" in Missouri. Pallister-Killian Mosaic Syndrome, commonly known as Pallister-Killian Syndrome or PKS, is a disorder usually caused by the presence of an abnormal extra chromosome and is characterized by vision and hearing impairments, seizure disorders, and early childhood, intellectual disability, distinctive facial features, sparse hair, areas of unusual skin coloring, weak muscle tone, and other birth defects. It is recommended to the people of the state that this day be appropriately observed by participating in awareness and educational activities on the symptoms and impact of Pallister-Killian Syndrome and to support programs of research, education, and community service."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Kirkton, **House Amendment No. 1** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 105

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Elmer	Engler
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Franklin	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Mr Speaker

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NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 009

Frederick	Higdon	Kelly 45	Molendorp	Pierson
Pike	Smith 120	Walton Gray	Zerr	

On motion of Representative Jones (50), **SB 72, as amended**, was read the third time and passed by the following vote:

AYES: 156

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gardner	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kirkton	Koenig	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Montecillo	Moon	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Parkinson	Peters	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 85	Solon
Sommer	Spencer	Stream	Swan	Swearingen

Thomson
White
Mr Speaker

Torpey
Wieland

Walker
Wilson

Webb
Wood

Webber
Wright

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Higdon
Walton Gray

Kelly 45
Zerr

Molendorp

Pierson

Smith 120

Representative Hoskins declared the bill passed.

Speaker Jones resumed the Chair.

HCS SB 75, relating to firearms, was taken up by Representative Burlison.

Representative Burlison offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 75, Page 1, The Title, by deleting the word "firearms" and inserting in lieu thereof the words "public safety"; and

Further amend said substitute, said page, The Title, by inserting immediately after the word "provisions" the following:

", and an emergency clause for certain sections"; and

Further amend said substitute, said page, Section 32.090, Lines 1-12, by removing all of said section from the substitute; and

Further amend said substitute, Page 2, Section 50.535, Line 2, by removing the phrase "10 and 11" and inserting in lieu thereof the phrase "[10 and 11] **11 and 12**"; and

Further amend said substitute, Page 3, Section 57.010, Line 22, by inserting immediately after said line the following:

"57.100. **1.** Every sheriff shall quell and suppress assaults and batteries, riots, routs, affrays and insurrections; shall apprehend and commit to jail all felons and traitors, and execute all process directed to him by legal authority, including writs of replevin, attachments and final process issued by circuit and associate circuit judges.

2. Beginning January 1, 2014, every sheriff shall maintain, house, and issue concealed carry permits as specified under chapter 571."; and

Further amend said substitute, Page 3, Section 57.104, Lines 1-2 by removing said lines and inserting in lieu thereof the following:

"57.104. 1 The sheriff of any county of the first classification not having a charter form of government, **county of the second**"; and

Further amend said substitute, Pages 3-5, Section 57.280, Lines 1-5, by removing all of said section from the substitute; and

Further amend said substitute, Pages 5-6, Section 136.055, Lines 1-51, by removing all of said section from the substitute; and

Further amend said substitute, Pages 8-9, Section 302.065, Lines 1-29, by removing all of said section from the substitute; and

Further amend said substitute, Pages 12-14, Section 571.010, Lines 1-73, by removing said section from the substitute; and

Further amend said substitute, Page 19, Section 571.101, Lines 18-19, by deleting said lines and inserting in lieu thereof the following:

"2. A [certificate of qualification for a concealed carry endorsement] **concealed carry permit** issued pursuant to subsection 7 of this section shall be issued by the sheriff or his or"; and

Further amend said substitute, Page 20, said section, Line 53, by inserting the words "**or closed**" immediately after the word "public"; and

Further amend said substitute, Page 22, said section, Line 152, by deleting the words "**certificate of qualification**" and inserting in lieu thereof the word "**permit**"; and

Further amend said substitute, Page 23, said section, Line 154, by deleting the word "**certificate**" and inserting in lieu thereof the word "**permit**"; and

Further amend said substitute, said page, said section, Line 158, by deleting the phrase "**certificate of qualification**" and insert in lieu thereof the word "**permit**"; and

Further amend said substitute, said page, said section, Line 160, by deleting the word "**certificate**" and insert in lieu thereof the word "**permit**"; and

Further amend said substitute, said page, said section, Line 162, by deleting the phrase "**department of revenue**" and insert in lieu thereof the phrase "**Missouri uniform law enforcement system**"; and

Further amend said substitute, said page, said section, Line 163, by deleting the phrase "**certification of qualification**" and insert in lieu thereof the phrase "**permit**"; and

Further amend said substitute, Page 24, said section, Line 205, by deleting said line and inserting in lieu thereof the following:

"(4) The expiration date.

The permit shall be no larger than two inches wide by"; and

Further amend said substitute, said page, said section, Lines 210-211, by deleting the phrase "**certificate of qualification**" and inserting in lieu thereof the word "**permit**"; and

Further amend said substitute, said page, said section, Line 217, by inserting immediately after the word "**given**" the following:

"to the members of MoSMART, created under section 650.350, for the dissemination of the information";
and

Further amend said substitute, said page, said section, Lines 219-221, by deleting said lines and inserting in lieu thereof the following:

"of this subsection."; and

Further amend said substitute, said page, said section, Line 223, by deleting the phrase "**certificate of qualification**" and inserting in lieu thereof the word "**permit**"; and

Further amend said substitute, Page 25, said section, Line 227, by deleting the phrase "**certificate of qualification**" and inserting in lieu thereof the word "**permit**"; and

Further amend said substitute, said page, said section, Line 239, by inserting immediately after the word "**entity**" the following:

", except to MoSMART as provided under subsection 9 of this section"; and

Further amend said substitute, said page, said section, Line 245, by deleting said line and inserting in lieu thereof the following:

"in each county shall charge a nonrefundable fee not to exceed one hundred dollars which"; and

Further amend said substitute, said page, said section, Line 249, by deleting said line and inserting in lieu thereof the following:

"each county shall charge a nonrefundable fee not to exceed fifty dollars which shall be paid"; and

Further amend said substitute, said page, said section, Line 254, by inserting immediately after said line the following:

"14. For the purposes of this chapter, "concealed carry permit" shall include any concealed carry endorsement issued by the department of revenue before January 1, 2014 and any concealed carry document issued by any sheriff or under the authority of any sheriff after December 31, 2013."; and

Further amend said substitute, Page 26, Section 571.104, Lines 12-15, by deleting all of said lines and inserting in lieu thereof the following:

"an order of a court of competent jurisdiction in a criminal proceeding, a commitment proceeding or a full order of protection proceeding ruling that a person holding a concealed carry permit or endorsement presents a risk of harm to themselves or others, then upon notification of such order, the holder of the"; and

Further amend said substitute, Page 28, said section, Line 104, by deleting the phrase "[may] **shall**" and inserting in lieu thereof the word "**may**"; and

Further amend said substitute, said page, said section, Line 105, by deleting the opening bracket "[" and closing bracket "]" around the phrase "not more than"; and

Further amend said substitute, Page 29, said section, Line 122, by deleting the word "**shall**" and inserting in lieu thereof the word "**may**"; and

Further amend said substitute, said page, said section, Line 140, by deleting the opening bracket "[" and closing bracket "]" around the phrase "not more than"; and

Further amend said substitute, Page 34, Section 571.111, Line 18, by inserting an opening bracket "[" before the word "by" and a closing bracket "]" after the word "217.105"; and

Further amend said substitute, Page 36, said section, Line 77, by deleting all of said line and inserting in lieu thereof the following:

"submit a copy of a training instructor certificate, course outline bearing notarized signature of instructor,"; and

Further amend said substitute, said page, said section, Line 81, by deleting the word "to" and inserting in lieu thereof the word "by"; and

Further amend said substitute, Page 40, Section 571.117, Line 77, by deleting the phrase "**certificate of qualification**" and inserting in lieu thereof the word "**permit**"; and

Further amend said substitute, Page 41, Section 571.121, Line 5, by inserting after the word "endorsement" the phrase "**or permit**"; and

Further amend said substitute, said page, Section 571.500, Line 3, by inserting immediately after the word "**the**" the phrase "**state or**"; and

Further amend said substitute, Page 42, Section 650.350, Line 20, by deleting said line and inserting in lieu thereof the following:

"created under section 57.278 **or money deposited into the concealed carry permit fund created under subsection 5 of this section**, all moneys appropriate to or received by MoSMART shall be"; and

Further amend said substitute, said page, said section, Line 29, by deleting the word "**Conceal**" and inserting in lieu thereof the word "**Concealed**"; and

Further amend said substitute, said page, said section, Lines 31-32, by removing the phrase "**distrubute at least fifty percent but not more than one hundred percent of the fund annually**" and insert in lieu thereof the phrase "**annually distribute all monies in the fund**"; and

Further amend said substitute, said page, said section, Line 36, by deleting the phrase "**conceal carry endorsements**" and insert in lieu thereof the phrase "**concealed carry permits**"; and

Further amend said substitute, said page, said section, Line 37, by inserting immediately after the word "**services.**" the following:

"**Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.**"; and

Further amend said substitute, Page 43, Section 650.350, Line 60, by inserting immediately after said line the following:

"**10. Beginning August 28, 2013, the department of revenue shall begin transferring any records related to the issuance of a concealed carry permit to MoSMART for dissemination to the sheriff of the county or city not within a county in which the applicant or permit holder resides.**"; and

Further amend said substitute, Section 571.102, Page 43, Line 9, by inserting immediately after said line the following:

"Section B. Because immediate action is necessary to permit the MoSMART board to have proper funding necessary to implement the provisions of this act, the repeal and reenactment of section 650.350 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 650.350 of section A of this act shall be in full force and effect upon its passage and approval."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Roorda raised a point of order that **House Amendment No. 1** is not germane and goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Burlison, **House Amendment No. 1** was adopted.

Representative Frederick offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for Senate Bill No. 75, Page 14, Section 571.010, Line 73, by inserting after all of said section and line the following:

"571.011. 1. Any records of ownership of a firearm or applications for ownership, licensing, certification, permitting, or an endorsement that allows a person to own, acquire, possess, or carry a firearm shall not be open records under chapter 610 and shall not be open for inspection or their contents disclosed except by order of the court to persons having a legitimate interest therein.

2. Any person or entity who violates the provisions of this section is guilty of a class A misdemeanor."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Frederick, **House Amendment No. 2** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 092

Allen	Anderson	Austin	Barnes	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Fowler	Fraker	Frederick	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Hinson	Hoskins
Houghton	Hurst	Johnson	Justus	Keeney
Kelley 127	Koenig	Kolkmeier	Korman	Lair
Lant	Lauer	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller
Moon	Morris	Muntzel	Neely	Parkinson
Pfautsch	Phillips	Pike	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rowden	Rowland	Scharnhorst	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Swan
Torpey	Walker	White	Wieland	Wilson
Wood	Mr Speaker			

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty

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McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 021

Bahr	Curtman	Flanigan	Franklin	Funderburk
Higdon	Hough	Jones 50	Kelly 45	Leara
Molendorp	Neth	Pierson	Pogue	Ross
Schatz	Smith 120	Stream	Thomson	Walton Gray
Zerr				

On motion of Representative Burlison, **HCS SB 75, as amended**, was adopted.

On motion of Representative Burlison, **HCS SB 75, as amended**, was read the third time and passed by the following vote:

AYES: 123

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Cierpiot	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	English	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Hinson	Hodges
Hoskins	Houghton	Hubbard	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Kratky	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	May	Mayfield	McCaherty	McGaugh
McKenna	McManus	Messenger	Miller	Moon
Morris	Muntzel	Neely	Neth	Norr
Otto	Parkinson	Pfautsch	Phillips	Pike
Redmon	Rehder	Reiboldt	Remole	Rhoads
Riddle	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Webber	White	Wieland	Wilson
Wood	Wright	Mr Speaker		

NOES: 029

Burns	Butler	Carpenter	Colona	Curtis
Dunn	Ellinger	Ellington	Englund	Gardner
Hummel	Kirkton	LaFaver	McCann Beatty	McDonald

McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Pace	Peters
Rizzo	Schupp	Smith 85	Webb	

PRESENT: 000

ABSENT WITH LEAVE: 011

Curtman	Higdon	Hough	Kelly 45	Molendorp
Pierson	Pogue	Richardson	Smith 120	Walton Gray
Zerr				

Speaker Jones declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 122

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Cierpiot	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	English	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Hinson
Hodges	Hoskins	Houghton	Hubbard	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kirkton	Koenig	Kolkmeier	Korman	Kratky
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	May	Mayfield
McCaherty	McGaugh	McKenna	McManus	Messenger
Miller	Moon	Morris	Muntzel	Neely
Neth	Parkinson	Peters	Pfautsch	Phillips
Pike	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Roorda	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Schieffer	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Mr Speaker			

NOES: 032

Burns	Butler	Carpenter	Colona	Curtis
Dunn	Ellinger	Ellington	Englund	Gardner
Hummel	LaFaver	McCann Beatty	McDonald	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Rizzo	Runions	Schupp	Smith 85	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 009

Higdon
Pogue

Hough
Smith 120

Kelly 45
Walton Gray

Molendorp
Zerr

Pierson

HOUSE BILLS WITH SENATE AMENDMENTS

SS SCS HCS HB 117, relating to initiative and referendum petitions, was taken up by Representative Dugger.

Representative Dugger moved that the House refuse to adopt **SS SCS HCS HB 117** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

BILLS CARRYING REQUEST MESSAGES

SCS SB 224, with House Amendment No. 1, House Amendment No. 2, House Amendment No. 3, House Amendment No. 4, House Substitute Amendment No. 1 for House Amendment No. 5, House Amendment No. 6, House Amendment No. 7 and House Amendment No. 8, relating to law enforcement agencies, was taken up by Representative Rizzo.

Representative Rizzo moved that the House refuse to recede from its position on **House Amendment No. 1, House Amendment No. 2, House Amendment No. 3, House Amendment No. 4, House Substitute Amendment No. 1 for House Amendment No. 5, House Amendment No. 6, House Amendment No. 7 and House Amendment No. 8** to **SCS SB 224** and grant the Senate a conference.

Which motion was adopted.

HCS SB 73, as amended, relating to veteran treatment courts, was taken up by Representative Cornejo.

Representative Cornejo moved that the House refuse to recede from its position on **HCS SB 73, as amended**, and grant the Senate a conference.

Which motion was adopted.

HCS SB 57, as amended, relating to certain civil actions, was taken up by Representative Engler.

Representative Engler moved that the House grant the Senate further conference on **HCS SB 57, as amended**.

Which motion was adopted.

APPOINTMENT OF CONFERENCE COMMITTEES

The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:

HCS SB 73: Representatives Cornejo, Haahr and Englund

SCS SB 224: Representatives Torpey, McCaherty and Rizzo

RE-APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker re-appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

HCS SB 57: Representatives Engler, Keeney and Roorda

COMMITTEE REPORTS

Committee on Rules, Chairman Riddle reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **SCR 13**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SS SCR 15**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 67**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 258**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 275**, begs leave to report it has examined the same and recommends that it **Do Pass**.

MESSAGE FROM THE GOVERNOR

May 15, 2013

TO THE CHIEF CLERK OF THE
HOUSE OF REPRESENTATIVES
97TH GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI

Herewith I return to you **House Bill No. 163** entitled:

“AN ACT”

To repeal sections 77.030, 78.090, 190.335, 473.730, 473.733, and 473.737, RSMo, and to enact in lieu thereof seven new sections relating to elections, with an emergency clause.

On May 15, 2013, I approved said **House Bill No. 163**.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

**CONFERENCE COMMITTEE REPORT
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NOS. 256, 33, & 305**

The Conference Committee appointed on House Committee Substitute for House Bill Nos. 256, 33, & 305, with Senate Amendment Nos. 2 and 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on House Committee Substitute for House Bill Nos. 256, 33, & 305, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill Nos. 256, 33, & 305;
3. That the attached Conference Committee Substitute for House Committee Substitute for House Bill Nos. 256, 33, & 305 be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Caleb Jones
/s/ Kevin Elmer
/s/ Bill Otto

FOR THE SENATE:

/s/ Mike Kehoe
/s/ Brian Munzlinger
/s/ Jay Wasson
/s/ Jolie Justus
/s/ Joseph Keaveny

**CONFERENCE COMMITTEE REPORT
ON
SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 307**

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Bill No. 307, with Senate Amendment Nos. 1 and 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Bill No. 307, as amended;
2. That the House recede from its position on House Bill No. 307;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Bill No. 307 be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Jeanie Riddle
/s/ Dave Hinson

FOR THE SENATE:

/s/ Eric Schmitt
/s/ Bob Dixon
/s/ Mike Kehoe
/s/ Ryan McKenna
/s/ Jason Holsman

**CONFERENCE COMMITTEE REPORT
ON
SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NOS. 374 & 434**

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 374 & 434, with Senate Amendment Nos. 1, 2, and 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 374 & 434, as amended;

2. That the House recede from its position on House Committee Substitute for House Bill Nos. 374 & 434;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 374 & 434, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Kevin Elmer
/s/ Stanley Cox
/s/ Mike Colona

FOR THE SENATE:

/s/ Bob Dixon
/s/ Eric Schmitt
/s/ Ed Emery
/s/ Jolie Justus
/s/ Joseph Keaveny

**CONFERENCE COMMITTEE REPORT NO. 2
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1035**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 1035, with Senate Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, and 9 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1035, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 1035;
3. That the attached Conference Committee Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1035, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Mike Kelley
/s/ Paul Curtman
/s/ Jay Swearingen

FOR THE SENATE:

/s/ Eric Schmitt
/s/ David Pearce
/s/ Bob Dixon
/s/ Ryan McKenna
/s/ Jason Holsman

**CONFERENCE COMMITTEE REPORT
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE SUBSTITUTE NO. 2
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 1**

The Conference Committee appointed on House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1, with House Amendment Nos. 1, 2, 3, 4, 5, 6, and 8, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1, as amended;
2. That the Senate recede from its position on Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Scott Rupp
/s/ Mike Cunningham
/s/ Mike Parson
/s/ Scott Sifton
/s/ Gina Walsh

FOR THE HOUSE:

/s/ Todd Richardson
/s/ Bill Lant

**CONFERENCE COMMITTEE REPORT NO. 2
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 9**

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 9, with House Amendment Nos. 1, 2, 3, and 6, House Amendment No. 1 to House Amendment No. 7, and House Amendment No. 7 as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 9, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 9;
3. That the attached Conference Committee Substitute No. 2 for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 9, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ David Pearce
/s/ Brian Munzlinger
/s/ David Sater
/s/ Shalonn "Kiki" Curls
/s/ Maria Chappelle-Nadal

FOR THE HOUSE:

/s/ Casey Guernsey
/s/ Todd Richardson
/s/ Gina Mitten

**CONFERENCE COMMITTEE REPORT
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 17**

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 17, with House Amendment Nos. 1, 2, 3, 4, 5 & 6, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 17, as amended;

2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 17;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 17, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Brian Munzlinger
/s/ John Lamping
/s/ Gary Romine
/s/ Shalonn "Kiki" Curls
/s/ Maria Chappelle-Nadal

FOR THE HOUSE:

/s/ Mike Thomson
/s/ Dwight Scharnhorst
/s/ Genise Montecillo

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 33**

The Conference Committee appointed on Senate Committee Substitute for Senate Bill No. 33, with House Amendment Nos. 1, 2, 3, 4, 5, and 6, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Committee Substitute for Senate Bill No. 33, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 33;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 33, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ John Lamping
/s/ David Sater
/s/ Rob Schaaf
/s/ Maria Chappelle-Nadal

FOR THE HOUSE:

/s/ Jeff Grisamore
/s/ Jim Neely
/s/ Stacey Newman

**CONFERENCE COMMITTEE REPORT
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 42**

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 42, with House Amendment No. 1, House Amendment No. 1 to House Amendment No. 3, and House Amendment No. 3, as amended, and House Amendment Nos. 4 & 5, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 42, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 42;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 42, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Brian Munzlinger
/s/ Mike Parson
/s/ Will Kraus
/s/ Maria Chappelle-Nadal
/s/ Paul LeVota

FOR THE HOUSE:

/s/ Caleb Jones
/s/ Jay Houghton
/s/ Mike Colona

**CONFERENCE COMMITTEE REPORT
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 127**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 127, with House Amendment Nos. 1 & 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 127, as amended;
2. That the Senate recede from its position on Senate Bill No. 127;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 127, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ David Sater
/s/ Jay Wasson
/s/ Gary Romine
/s/ Jason Holsman
/s/ Scott Sifton

FOR THE HOUSE:

/s/ Donna Lichtenegger
/s/ Jay Barnes
/s/ Jeanne Kirkton

**CONFERENCE COMMITTEE REPORT
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 157
AND
SENATE BILL NO. 102**

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 157 and Senate Bill No. 102, with House Amendment Nos. 1 and 2, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3 as amended and House Amendment No. 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 157 and Senate Bill No. 102, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 157 and Senate Bill No. 102;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 157 and Senate Bill No. 102, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ David Sater
/s/ Will Kraus
/s/ Ryan Silvey
/s/ Jolie Justus
/s/ Joseph Keaveny

FOR THE HOUSE:

/s/ Don Phillips
/s/ Tony Dugger
/s/ Mary Nichols

**CONFERENCE COMMITTEE REPORT
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 161**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 161, with House Amendment No. 1 to House Amendment No. 1 and House Amendment No. 1, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 161, as amended;
2. That the Senate recede from its position on Senate Bill No. 161;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 161, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ David Pearce
/s/ Scott T. Rupp
/s/ Wayne Wallingford
/s/ Shalonn "Kiki" Curls
/s/ Gina Walsh

FOR THE HOUSE:

/s/ Rick Stream
/s/ Todd Richardson
/s/ Margo McNeil

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 248**

The Conference Committee appointed on Senate Committee Substitute for Senate Bill No. 248, with House Amendment Nos. 1 & 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Committee Substitute for Senate Bill No. 248, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 248;

3. That the attached Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 248 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Jay Wasson
/s/ Bob Dixon
/s/ Mike Cunningham
/s/ Jolie L. Justus
/s/ Ryan McKenna

FOR THE HOUSE:

/s/ Lyndall Fraker
/s/ Sandy Crawford
/s/ Michele Kratky

**CONFERENCE COMMITTEE REPORT
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE SUBSTITUTE
FOR
SENATE BILL NO. 262**

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Bill No. 262, with House Amendment Nos. 1, 2, 3, and 4, House Amendment No. 1 to House Amendment No. 5, House Amendment No. 5 as amended, House Amendment Nos. 6 and 7, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 262, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Bill No. 262;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 262 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Shalonn "Kiki" Curls
/s/ Mike Parson
/s/ Wayne Wallingford
/s/ Jolie Justus

FOR THE HOUSE:

/s/ Chris Molendorp
/s/ Dwight Scharnhorst
/s/ Margo McNeil

**CONFERENCE COMMITTEE REPORT
ON
SENATE BILL NO. 327**

The Conference Committee appointed on Senate Bill No. 327, with House Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Bill No. 327, as amended;
2. That the Senate recede from its position on Senate Bill No. 327;
3. That the attached Conference Committee Substitute for Senate Bill No. 327, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Bob Dixon
/s/ Gary Romine
/s/ Jay Wasson
/s/ Jolie Justus
/s/ Joseph Keaveny

FOR THE HOUSE:

/s/ Elijah Haahr
/s/ Robert Cornejo
/s/ Jeff Roorda

**CONFERENCE COMMITTEE REPORT NO. 2
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 330**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 330, with House Amendment Nos. 2 and 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 330, as amended;
2. That the Senate recede from its position on Senate Bill No. 330;
3. That the attached Conference Committee Substitute No. 2 for House Committee Substitute for Senate Bill No. 330 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Jay Wasson
/s/ Mike Cunningham
/s/ David Sater
/s/ Joseph Keaveny
/s/ Scott Sifton

FOR THE HOUSE:

/s/ Eric Burlison
/s/ Shelley Keeney
/s/ Michele Kratky

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Thursday, May 16, 2013.

COMMITTEE HEARINGS

ADMINISTRATION AND ACCOUNTS

Thursday, May 16, 2013, 9:30 AM, House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

We will be voting on the amendments to the House Policy Book.

BUDGET

Thursday, May 16, 2013, 8:00 AM, House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Review tax credits - DED, DHSS, DOR, DIFP, DSS, DNR, MoAg

DOWNSIZING STATE GOVERNMENT

Friday, May 17, 2013, 8:00 AM, House Hearing Room 4.

Public hearing will be held: HB 512

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Thursday, May 16, 2013, 8:30 AM, South Gallery.

Executive session may be held on any matter referred to the committee.

CANCELLED

HOUSE CALENDAR

SEVENTIETH DAY, THURSDAY, MAY 16, 2013

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HJR 19 - Bahr
- 2 HCS HJR 15 - Brattin
- 3 HCS HJR 35 - Jones (50)
- 4 HCS HJR 23 - Hinson

HOUSE BILLS FOR PERFECTION

- 1 HB 227 - Zerr
- 2 HB 423 - Zerr
- 3 HB 578, as amended - Funderburk
- 4 HCS HB 221 - Leara
- 5 HCS HB 701 - Molendorp
- 6 HB 255 - Torpey
- 7 HB 242 - Ellington
- 8 HB 503, as amended, HA 1 HA 3, and HA 3, pending - McCaherty

- 9 HB 448 - Webb
- 10 HCS HB 234 - Gatschenberger
- 11 HB 616 - Bahr
- 12 HB 185 - Kirkton
- 13 HCS HB 641 - Korman
- 14 HCS HB 402 - Shumake
- 15 HCS HB 83 - Reiboldt
- 16 HCS HB 132 - Stream
- 17 HCS HB 1041 - Swan
- 18 HCS HBs 309 & 73 - Solon
- 19 HCS HB 350 - Frederick
- 20 HCS HB 464 - Higdon
- 21 HCS HB 484 - Lauer
- 22 HCS HB 564 - McGaugh
- 23 HCS HB 604 - Phillips
- 24 HCS HB 608 - Frederick
- 25 HCS HB 685 - Burlison
- 26 HB 745 - Thomson
- 27 HCS HB 783 - Diehl
- 28 HCS HB 814 - Fraker
- 29 HCS HB 830 - Jones (50)
- 30 HB 863 - Allen
- 31 HCS HB 930 - Flanigan
- 32 HB 411 - Muntzel
- 33 HB 447 - Diehl
- 34 HB 467 - Lichtenegger
- 35 HB 827 - Redmon
- 36 HB 915 - Bahr
- 37 HCS HB 975 - Richardson
- 38 HCS HB 198 - Funderburk
- 39 HB 385 - Burlison
- 40 HCS HBs 77, 91 & 95 - Burlison
- 41 HCS HB 398 - Riddle
- 42 HCS#2 HB 927 - Reiboldt
- 43 HCS HB 749 - Cross

HOUSE BILLS FOR THIRD READING

- 1 HB 201 - Torpey
- 2 HCS HBs 521 & 579, (Fiscal Review 3/27/13) - Koenig
- 3 HCS HB 470 - Barnes
- 4 HCS#2 HB 178 - Koenig
- 5 HB 162 - Sommer
- 6 HCS HB 458 - Scharnhorst

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 11 - Walton Gray
- 2 HCR 21 - Black
- 3 HCR 32 - Schatz

SENATE JOINT RESOLUTIONS FOR THIRD READING

SCS SJR 14 - Jones (50)

SENATE BILLS FOR THIRD READING

- 1 HCS SCS SB 88 - Frederick
- 2 HCS SS SCS SB 241 - Cierpiot
- 3 HCS SB 18, E.C. - Cox
- 4 SCS SB 87 - Bahr
- 5 SCS SB 178 - Kirkton
- 6 HCS SCS SB 89, E.C. - Jones (50)
- 7 HCS SB 12, E.C. - Jones (50)
- 8 HCS SB 100, E.C. - Cox
- 9 HCS SS SB 282 - Hough
- 10 HCS SS SB 245 - Mitten
- 11 HCS SCS SBs 317 & 319 - Gosen
- 12 HCS SB 24, E.C. - Hinson
- 13 HCS SB 112, E.C. - Zerr
- 14 HCS SS SB 401, E.C. - Molendorp
- 15 SB 138 - Gatschenberger
- 16 SB 218 - McKenna
- 17 SB 170 - Smith (85)
- 18 HCS SS SB 251 - Guernsey
- 19 SS SB 366, E.C. - Flanigan
- 20 SS SCS SB 121 - Jones (50)
- 21 HCS SS SCS SB 210, E.C. - Bahr
- 22 HCS SB 294 - Funderburk
- 23 HCS SCS SB 258 - Neth
- 24 HCS SB 275 - Funderburk

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 SCS HCS HB 351, as amended, E.C. - Frederick
- 2 SS HCS HB 58, E.C. - Molendorp
- 3 SCS HB 322 - Gosen
- 4 SCS HB 533, as amended - Riddle
- 5 SS SCS HB 142, as amended - Dugger
- 6 SS SCS HCS HB 345 - Cierpiot

BILLS CARRYING REQUEST MESSAGES

- 1 SB 77, HA 1 (request House recede/take up and pass SB 77) - Allen
- 2 SS SCS HCS HB 117, (request Senate recede/grant conference) - Dugger

BILLS IN CONFERENCE

- 1 SCS HCS#2 HB 698, as amended, E.C. - Zerr
- 2 CCR HCS SS#2 SCS SB 1, as amended (exceed differences), E.C. - Richardson
- 3 CCR SS SCS HB 307, as amended - Riddle
- 4 CCR HCS SS SB SB 262, as amended (exceed differences), E.C. - Molendorp
- 5 CCR HCS SCS SB 157 and SB 102, as amended - Phillips
- 6 CCR HCS SCS SB 17, as amended (Senate exceed differences on HA 5) - Thomson
- 7 CCR#2 HCS SCS SB 9, as amended - Guernsey
- 8 CCR HCS SB 43, as amended, E.C. - Kolkmeyer
- 9 CCR SCS SB 36, HA 1 - Hicks
- 10 CCR#2 SCS HCS HB 1035, as amended, E.C. - Kelley (127)
- 11 CCR HCS SCS SB 42, as amended - Jones (50)
- 12 HCS SB 90, as amended - Dugger
- 13 CCR SCS SB 33, HA 1, HA 2, HA 3, HA 4, HA 5, HA 6 - Grisamore
- 14 HCS SB 41, as amended - Hough
- 15 CCR SB 327, HA 1 - Haahr
- 16 CCR HCS HBs 256, 33 & 305, SA 2, SA 3 (exceed differences), E.C. - Jones (50)
- 17 SS HCS HB 199, as amended (House exceed differences), E.C. - Dugger
- 18 CCR#2 HCS SB 330, as amended - Burlison
- 19 HCS SCS SB 45, as amended - Hough
- 20 CCR HCS SB 161, as amended - Stream
- 21 CCR HCS SB 127, as amended - Lichtenegger
- 22 CCR SCS SB 248, HA 1, HA 2 - Fraker
- 23 CCR SS SCS HCS HBs 374 & 434, as amended - Elmer
- 24 HCS SB 51, as amended - Guernsey
- 25 SS SCS SB 114, HA 1, as amended - Jones (50)
- 26 HCS SCS SB 256, as amended - Torpey
- 27 SCS SB 224, HA 1, 2, 3, 4, HSA 1 for HA 5, 6, 7, 8 - Rizzo
- 28 HCS SB 73, as amended - Cornejo
- 29 HCS SB 57, as amended - Engler

SENATE CONCURRENT RESOLUTIONS

- 1 SCS SCR 5 - Frederick
- 2 SS SCR 15 - Wieland

HOUSE REMONSTRANCES

- HRM 1 - Marshall

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

SEVENTIETH DAY, THURSDAY, MAY 16, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

I will say of the Lord, He is my refuge and my fortress: my God; in Him will I trust. (Psalm 91:2)

O God of us all, at the beginning of this beautiful Missouri day, we draw near to You, humbly and reverently realizing our need of Your spirit and praying for guidance, strength, and wisdom at Your hands. The end of this session is so very near, so grant us patience. For this moment, may we enter the secret place of the Most High, and, continuing to do so, learn to dwell under the shadow of Your Almighty presence.

You are the source of all our being. You are the fountain of every noble aspiration. You are in everything that lifts and liberates our souls. Therefore we pray that You will lead us from the fantasy we find about us to the reality in our hearts. May our faith in You be real. May our love toward each other be real. May the spirit of good will forever be real within us. Grant us Your spiritual resources for this day, and may we ever be receptive to Your powerful inner voice, especially during tough moments and votes.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Trenton Bernskoetter, Julia Bernskoetter, Jackson Benbow and Owen Benbow .

The Journal of the sixty-ninth day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 3276 through House Resolution No. 3333.

BILLS IN CONFERENCE

CCR HCS SS#2 SCS SB 1, as amended, relating to workers' compensation, was taken up by Representative Richardson.

Representative Hough assumed the Chair.

On motion of Representative Richardson, **CCR HCS SS#2 SCS SB 1, as amended**, was adopted by the following vote:

AYES: 134

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	Mayfield	McCaherty	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mitten	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Nichols	Norr
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Shull	Shumake	Smith 120	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Webber	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 024

Burns	Curtis	Dunn	Ellington	Frame
Gardner	Hubbard	Hummel	May	McCann Beatty
McDonald	Mims	Montecillo	Morgan	Newman
Otto	Pace	Peters	Rizzo	Schupp
Smith 85	Walton Gray	Webb	Wright	

PRESENT: 001

Ellinger

ABSENT WITH LEAVE: 004

Grisamore	Hodges	Pierson	Solon
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Representative Diehl assumed the Chair.

On motion of Representative Richardson, **CCS HCS SS#2 SCS SB 1** was truly agreed to and finally passed by the following vote:

AYES: 135

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	Mayfield	McCaherty	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mitten	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Nichols	Norr
Parkinson	Pfausch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Webber	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 023

Burns	Curtis	Dunn	Ellington	Frame
Gardner	Hubbard	Hummel	May	McCann Beatty
McDonald	Mims	Montecillo	Morgan	Newman
Otto	Pace	Peters	Rizzo	Schupp
Smith 85	Webb	Wright		

PRESENT: 002

Ellinger	Walton Gray
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ABSENT WITH LEAVE: 003

Grisamore	Hodges	Pierson
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Representative Diehl declared the bill passed.

THIRD READING OF SENATE BILLS

HCS SS SB 282, relating to traffic offenses, was taken up by Representative Hough.

Representative Cornejo offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 282, Page 6, Section 302.341, Line 46, by inserting after all of said line the following:

"304.152. 1. Notwithstanding any provision of the law to the contrary, no law enforcement agency may establish a roadside checkpoint or road block pattern based upon a particular vehicle type, including the establishment of motorcycle-only checkpoints.

2. Notwithstanding subsection 1 of this section, a law enforcement agency may establish a roadside checkpoint pattern that only stops and checks commercial motor vehicles, as defined in section 301.010.

3. The provisions of this section shall not be construed to restrict any other type of checkpoint or road block which is lawful and is established and operated in accordance with the provisions of the United States Constitution and the Constitution of Missouri."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Cornejo, **House Amendment No. 1** was adopted.

Representative McCaherty offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 282, Page 9, Section 304.894, Line 40, by inserting after all of said line and section the following:

"307.075. 1. Every motor vehicle and every motor-drawn vehicle shall be equipped with at least two rear lamps, not less than fifteen inches or more than seventy-two inches above the ground upon which the vehicle stands, which when lighted will exhibit a red light plainly visible from a distance of five hundred feet to the rear. Either such rear lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration marker and render it clearly legible from a distance of fifty feet to the rear. When the rear registration marker is illuminated by an electric lamp other than the required rear lamps, all such lamps shall be turned on or off only by the same control switch at all times.

2. Every motorcycle registered in this state, when operated on a highway, shall also carry at the rear, either as part of the rear lamp or separately, at least one approved red reflector, which shall be of such size and characteristics and so maintained as to be visible during the times when lighted lamps are required from all distances within three hundred feet to fifty feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps. A motorcycle may be equipped with a means of varying the brightness of the vehicle's brake light for a duration of not more than five seconds upon application of the vehicle's brakes.

3. Every new passenger car, new commercial motor vehicle, motor-drawn vehicle and omnibus with a capacity of more than six passengers registered in this state after January 1, 1966, when operated on a highway, shall also carry at the rear at least two approved red reflectors, at least one at each side, so designed, mounted on the vehicle and maintained as to be visible during the times when lighted lamps are required from all distances within five hundred to fifty feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps. Every such reflector shall meet the requirements of this chapter and shall be mounted upon the vehicle at a height not to exceed sixty inches nor less than fifteen inches above the surface upon which the vehicle stands.

4. Any person who knowingly operates a motor vehicle without the lamps required in this section in operable condition is guilty of an infraction."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative McCaherty, **House Amendment No. 2** was adopted.

Representative Rowden offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 282, Page 3, Section 174.712, Line 5, by inserting after said line the following:

"302.291. 1. The director, having good cause to believe that an operator is incompetent or unqualified to retain his or her license, after giving ten days' notice in writing by certified mail directed to such person's present known address, may require the person to submit to an examination as prescribed by the director. Upon conclusion of the examination, the director may allow the person to retain his or her license, may suspend, deny or revoke the person's license, or may issue the person a license subject to restrictions as provided in section 302.301. If an examination indicates a condition that potentially impairs safe driving, the director, in addition to action with respect to the license, may require the person to submit to further periodic examinations. The refusal or neglect of the person to submit to an examination within thirty days after the date of such notice shall be grounds for suspension, denial or revocation of the person's license by the director, an associate circuit or circuit court. Notice of any suspension, denial, revocation or other restriction shall be provided by certified mail. As used in this section, the term "denial" means the act of not licensing a person who is currently suspended, revoked or otherwise not licensed to operate a motor vehicle. Denial may also include the act of withdrawing a previously issued license.

2. The examination provided for in subsection 1 of this section may include, but is not limited to, a written test and tests of driving skills, vision, highway sign recognition and, if appropriate, a physical and/or mental examination as provided in section 302.173.

3. The director shall have good cause to believe that an operator is incompetent or unqualified to retain such person's license on the basis of, but not limited to, a report by:

(1) Any certified peace officer;

(2) Any physician, physical therapist or occupational therapist licensed pursuant to chapter 334; any chiropractic physician licensed pursuant to chapter 331; any registered nurse licensed pursuant to chapter 335; any psychologist, social worker or professional counselor licensed pursuant to chapter 337; any optometrist licensed pursuant to chapter 336; **any emergency medical technician licensed pursuant to chapter 190**; or

(3) Any member of the operator's family within three degrees of consanguinity, or the operator's spouse, who has reached the age of eighteen, except that no person may report the same family member pursuant to this section more than one time during a twelve-month period. The report must state that the person reasonably and in good faith believes the driver cannot safely operate a motor vehicle and must be based upon personal observation or physical evidence which shall be described in the report, or the report shall be based upon an investigation by a law enforcement officer. The report shall be a written declaration in the form prescribed by the department of revenue and shall contain the name, address, telephone number, and signature of the person making the report.

4. Any physician, physical therapist or occupational therapist licensed pursuant to chapter 334, any chiropractor licensed pursuant to chapter 331, any registered nurse licensed pursuant to chapter 335, any psychologist, social worker or professional counselor licensed pursuant to chapter 337, or any optometrist licensed pursuant to chapter 336, **or any emergency medical technician licensed pursuant to chapter 190** may report to the department any patient diagnosed or assessed as having a disorder or condition that may prevent such person from safely operating a motor vehicle. Such report shall state the diagnosis or assessment and whether the condition is permanent or temporary. The existence of a physician-patient relationship shall not prevent the making of a report by such medical professionals.

5. Any person who makes a report in good faith pursuant to this section shall be immune from any civil liability that otherwise might result from making the report. Notwithstanding the provisions of chapter 610 to the contrary, all reports made and all medical records reviewed and maintained by the department of revenue pursuant to this section shall be kept confidential except upon order of a court of competent jurisdiction or in a review of the director's action pursuant to section 302.311.

6. The department of revenue shall keep records and statistics of reports made and actions taken against driver's licenses pursuant to this section.

7. The department of revenue shall, in consultation with the medical advisory board established by section 302.292, develop a standardized form and provide guidelines for the reporting of cases and for the examination of drivers pursuant to this section. The guidelines shall be published and adopted as required for rules and regulations pursuant to chapter 536. The department of revenue shall also adopt rules and regulations as necessary to carry out the other provisions of this section. The director of revenue shall provide health care professionals and law enforcement officers with information about the procedures authorized in this section. The guidelines and regulations implementing this section shall be in compliance with the federal Americans with Disabilities Act of 1990.

8. Any person who knowingly violates a confidentiality provision of this section or who knowingly permits or encourages the unauthorized use of a report or reporting person's name in violation of this section shall be guilty of a class A misdemeanor and shall be liable for damages which proximately result.

9. Any person who intentionally files a false report pursuant to this section shall be guilty of a class A misdemeanor and shall be liable for damages which proximately result.

10. All appeals of license revocations, suspensions, denials and restrictions shall be made as required pursuant to section 302.311 within thirty days after the receipt of the notice of revocation, suspension, denial or restriction.

11. Any individual whose condition is temporary in nature as reported pursuant to the provisions of subsection 4 of this section shall have the right to petition the director of the department of revenue for total or partial reinstatement of his or her license. Such request shall be made on a form prescribed by the department of revenue and accompanied by a statement from a health care provider with the same or similar license as the health care provider who made the initial report resulting in the limitation or loss of the driver's license. Such petition shall be decided by the director of the department of revenue within thirty days of receipt of the petition. Such decision by the director is appealable pursuant to subsection 10 of this section."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Rowden, **House Amendment No. 3** was adopted.

Representative Hough offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 282, Page 7, Section 304.892, Line 17, by deleting the word "**may**" on said line and inserting in lieu thereof the word "**shall**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hough, **House Amendment No. 4** was adopted.

On motion of Representative Hough, **HCS SS SB 282, as amended**, was adopted.

On motion of Representative Hough, **HCS SS SB 282, as amended**, was read the third time and passed by the following vote:

AYES: 152

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Burns	Butler	Carpenter	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Guernsey	Haahr	Haefner

Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeyer	Korman	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Molendorp	Montecillo	Moon	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Pace	Parkinson	Peters
Pfausch	Phillips	Pike	Redmon	Rehder
Reiboldt	Remole	Rhoads	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 85	Smith 120	Solon
Sommer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webb	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 006

Burlison	Ellington	Gardner	Kratky	Marshall
Pogue				

PRESENT: 000

ABSENT WITH LEAVE: 005

Brown	Grisamore	Pierson	Richardson	Spencer
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Representative Diehl declared the bill passed.

HCS SB 24, relating to political subdivisions, was taken up by Representative Hinson.

Representative Lant offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 24, Page 27, Section 137.095, Line 20, by inserting after all of said line the following:

"143.115. 1. As used in this section, the following terms mean:

(1) "Deduction", an amount subtracted from the taxpayer's Missouri adjusted gross income to determine Missouri taxable income for the tax year in which such deduction is claimed;

(2) "Made in America", manufactured or produced within the United States of America or, if premanufactured, having a fair market value at least seventy percent of which results from domestic labor and materials;

(3) "Storm shelter", an above-ground safe room or an in-ground shelter in this state in the taxpayer's primary residence or on the taxpayer's real property that protects from injury or death caused by dangerous and extreme windstorms, that is in compliance with the requirements established in the Federal Emergency Management Agency's Publication 320 or its successor publication in effect at the time the storm shelter was completed, and that is made in America;

(4) "Taxpayer", any individual who is a resident of this state and who is subject to the income tax imposed in this chapter.

2. In addition to all deductions listed in this chapter, for all taxable years beginning on or after January 1, 2014, a taxpayer shall be allowed a deduction for the costs incurred in constructing or installing a storm shelter. The deduction amount shall be equal to the lesser of the full amount of the costs incurred in constructing the storm shelter or two thousand five hundred dollars. No taxpayer shall claim a tax deduction more than once under this section, and no deduction shall be issued for more than one storm shelter constructed or installed by such taxpayer for the taxpayer's primary residence.

3. The aggregate amount of tax deductions which may be issued under this section in any one fiscal year shall not exceed two million dollars. If the amount of tax deductions claimed under this section exceeds two million dollars, the director of the department of revenue shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax deductions are equally apportioned among all taxpayers allowed a tax deduction under this section. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax deductions possible up to the cumulative amount of tax deductions available for the fiscal year.

4. The department of revenue shall establish the procedure by which the deduction provided in this section may be claimed, and may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

5. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset on December thirty-first six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Lant, **House Amendment No. 1** was adopted.

Representative Guernsey offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for Senate Bill No. 24, Page 26, Section 92.387, Line 2, by inserting after all of said section and line, the following:

"96.155. 1. The board of trustees of a hospital established under this chapter, with the concurrence of the council of the city of the third class, may, by resolution, abolish the property tax authorized by section 96.150 to fund the operations of a hospital in accordance with sections 96.150 to 96.228 and impose a sales tax on all retail sales made within the city which are subject to sales tax under chapter 144 and all sales of metered water services, electricity, electrical current and natural, artificial or propane gas, wood, coal, or home heating oil for domestic use only as provided under section 144.032. The tax authorized in this section shall be not more than one percent, and shall be imposed solely for the purpose of funding the operations of a hospital under sections 96.150 to 96.228. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. No such resolution adopted under this section shall become effective unless the board of trustees of such a hospital submits to the voters residing within the city of the third class at a state general, primary, or special election a proposal to authorize the board of trustees to impose a tax under this section. If two-thirds of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax. If less than two-thirds of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by two-thirds of the qualified voters voting on the question. The question shall be submitted in the following form:

Shall the board of trustees of _____ (hospital, nursing home, or convalescent home, etc.) and the city council of _____ (name of city) abolish the property tax established to support such facility and replace the property tax with a city sales tax of _____ (insert rate of percent) for the purpose of equipping, operating, and maintaining such facility?

☐ YES ☐ NO

3. All revenue collected under this section by the director of the department of revenue on behalf of the hospital operated under sections 96.150 to 96.228, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the "City of the Third Class City Hospital Sales Tax Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the fund and credited to the board of trustees of the city hospital for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such board of trustees. Any funds in the special fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The board of trustees of a hospital operated under sections 96.150 to 96.228 that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city of the third class. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

5. Whenever the board of trustees of a hospital operated under sections 96.150 to 96.228 that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the city of the third class equal to at least ten percent of the number of registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the board of trustees shall submit to the voters of the city of the third class a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

6. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the board of trustees shall notify the director of the department of revenue of the action at least ninety days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city of the third class, the director shall remit the balance in the account to the district and close the account of that city hospital. The director shall notify each board of trustees of each instance of any amount refunded or any check redeemed from receipts due the hospital operated under sections 96.150 to 96.228.

7. All applicable provisions contained in sections 144.010 to 144.525, governing the state sales tax, sections 32.085 to 32.087, governing local sales taxes, and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified by this section."; and

Further amend said bill, Page 45, Section 144.030, Line 288, by inserting after all of said section and line, the following:

"144.032. The provisions of section 144.030 to the contrary notwithstanding, any city imposing a sales tax under the provisions of sections 94.500 to 94.570 **or sections 96.150 to 96.228**, or any county imposing a sales tax under the provisions of sections 66.600 to 66.635, or any county imposing a sales tax under the provisions of sections 67.500 to 67.729 **or section 205.205, or any hospital district imposing a sales tax under the provisions of section 206.165**, or any hospital district imposing a sales tax under the provisions of section 205.205 may by ordinance impose a sales tax upon all sales of metered water services, electricity, electrical current and natural, artificial or propane gas, wood, coal, or home heating oil for domestic use only. Such tax shall be administered by the department of revenue and assessed by the retailer in the same manner as any other city, county, or hospital district sales tax. Domestic use shall be determined in the same manner as the determination of domestic use for exemption of such sales from the state sales tax under the provisions of section 144.030."; and

Further amend said bill, Page 62, Section 192.310, Line 7, by inserting after all of said section and line, the following:

"205.205. 1. The governing body of any [hospital district] **county which has established a county hospital** under sections 205.160 to 205.379 [in any county of the third classification without a township form of government and with more than ten thousand six hundred but fewer than ten thousand seven hundred inhabitants or any county of the third classification without a township form of government and with more than eleven thousand seven hundred fifty but fewer than eleven thousand eight hundred fifty inhabitants] may, by resolution, abolish the property tax authorized [in such district] **by section 205.200 to fund a county hospital** under this chapter and impose a sales tax on all retail sales made within the district which are subject to sales tax under chapter 144 and all sales of metered water services, electricity, electrical current and natural, artificial or propane gas, wood, coal, or home heating oil for domestic use only as provided under section 144.032. The tax authorized in this section shall be not more than one percent, and shall be imposed solely for the purpose of funding the **county** hospital [district]. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. No such resolution adopted under this section shall become effective unless the governing body of the [hospital district] **county** submits to the voters residing within the [district] **county** at a state general, primary, or special election a proposal to authorize the governing body of the [district] **county** to impose a tax under this section. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question. **The question shall be submitted in the following form:**

Shall the board of trustees of (hospital, nursing home, or convalescent home, etc.) and the city council of (name of city) abolish the property tax established to support such facility and replace the property tax with a city sales tax of (insert rate of percent) for the purpose of equipping, operating, and maintaining such facility?

☐ **YES**

☐ **NO**

3. All revenue collected under this section by the director of the department of revenue on behalf of the **county** hospital [district], except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the "**County** Hospital [District] Sales Tax Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the fund and credited to the district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such district. Any funds in the special fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The governing body of any [hospital district] **county** that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the district. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this

section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

5. Whenever the governing body of any [hospital district] **county** that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the [district] **county** equal to at least ten percent of the number of registered voters of the [district] **county** voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the [district] **county** a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

6. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the [hospital district] **county** shall notify the director of the department of revenue of the action at least ninety days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such district, the director shall remit the balance in the account to the [district] **county** and close the account of that [district] **county**. The director shall notify each [district] **county** of each instance of any amount refunded or any check redeemed from receipts due the [district] **county**.

7. The levy of a sales tax by a county under this section or section 205.202 shall be deemed to comply with the requirements of this section if it was approved prior to January 1, 2012, by the voters of the county.

8. All applicable provisions contained in sections 144.010 to 144.525, governing the state sales tax, sections 32.085 to 32.087, governing local sales taxes, and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified by this section.

206.165. 1. The governing body of any hospital district established under sections 206.010 to 206.160 may, by resolution, abolish the property tax authorized in such district under this chapter and impose a sales tax on all retail sales made within the district which are subject to sales tax under chapter 144 and all sales of metered water services, electricity, electrical current and natural, artificial or propane gas, wood, coal, or home heating oil for domestic use only as provided under section 144.032. The tax authorized in this section shall not be more than one percent, and shall be imposed solely for the purpose of funding the hospital district. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. No such resolution adopted under this section shall become effective unless the governing body of the hospital district submits to the voters residing within the district at a state general, primary, or special election a proposal to authorize the governing body of the district to impose a tax under this section. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question. The question shall be submitted in the following form:

Shall the board of trustees of _____ (hospital, nursing home, or convalescent home, etc.) and the city council of _____ (name of city) abolish the property tax established to support such facility and replace the property tax with a city sales tax of _____ (insert rate of percent) for the purpose of equipping, operating, and maintaining such facility?

☐ YES

☐ NO

3. All revenue collected under this section by the director of the department of revenue on behalf of the hospital district, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the "Hospital District Sales Tax Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the fund and credited to the district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such district. Any funds in the

special fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The governing body of any hospital district that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the district. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

5. Whenever the governing body of any hospital district that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the district equal to at least ten percent of the number of registered voters of the district voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the district a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

6. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the hospital district shall notify the director of the department of revenue of the action at least ninety days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such district, the director shall remit the balance in the account to the district and close the account of that district. The director shall notify each district of each instance of any amount refunded or any check redeemed from receipts due the district.

7. The levy of a sales tax by a hospital district under section 205.205 shall be deemed to comply with the requirements of this section if it was approved prior to January 1, 2012, by the voters of the hospital district.

8. All applicable provisions contained in sections 144.010 to 144.525, governing the state sales tax, sections 32.085 to 32.087, governing local sales taxes, and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified by this section."; and

Further amend said bill, Page 96, Section 321.690, Line 28, by inserting after all of said section and line, the following:

"407.485. 1. It shall be an unfair business practice in violation of section 407.020 for a for-profit entity or natural person to collect [donations of] unwanted household items via a public receptacle and resell the [donated] **deposited** items for profit unless the [donation] **deposited item** receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: "[DONATIONS] **DEPOSITED ITEMS ARE NOT FOR CHARITABLE ORGANIZATIONS AND WILL BE RESOLD FOR PROFIT. DEPOSITED ITEMS ARE NOT TAX DEDUCTIBLE**".

2. It shall be an unfair business practice in violation of section 407.020 for a for-profit entity or natural person to collect donations of unwanted household items via a public receptacle and resell the donated items where some or all of the proceeds from the sale are directly given to a not-for-profit entity unless the donation receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: "DONATIONS TO THE FOR-PROFIT COMPANY: (name of the company) ARE SOLD FOR PROFIT AND (% of proceeds donated to the not-for-profit) % OF ALL PROCEEDS ARE DONATED TO (name of the nonprofit beneficiary organization's name)."

3. It shall be an unfair business practice in violation of section 407.020 for a for-profit entity or natural person to collect donations of unwanted household items via a public receptacle and resell the donated items, where such for-profit entity is paid a flat fee, not contingent upon the proceeds generated by the sale of the collected goods, and one hundred percent of the proceeds from the sale of the items are given directly to the not-for-profit, unless the donation receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: "THIS DONATION RECEPTACLE IS OPERATED BY THE FOR-PROFIT ENTITY: (name of the for-profit/individual) ON BEHALF of (name of the nonprofit beneficiary organization's name)".

4. It shall be an unfair business practice in violation of section 407.020 for a not-for-profit entity to collect donations of unwanted household items via a public receptacle and resell the donated items unless the donation receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: "THIS RECEPTACLE IS OWNED AND OPERATED BY THE NOT-FOR-PROFIT ENTITY: (name of the not-for-profit/charity) AND (% of proceeds donated to the not-for-profit) % OF THE PROCEEDS FROM THE SALE OF ANY DONATIONS SHALL BE USED FOR THE CHARITABLE MISSION OF (charity name/charitable cause)".

[4.] **5.** The term "bold letters" as used in subsections 1, 2, and 3 of this section shall mean a primary color on a white background so as to be clearly visible to the public.

[5.] **6.** Nothing in this section shall apply to paper, glass, or aluminum products that are donated for the purpose of being recycled in the manufacture of other products.

[6.] **7.** Any entity which, on or before June 1, 2009, has distributed one hundred or more separate public receptacles within the state of Missouri to which the provisions of subsection 2 or 3 of this section would apply shall be deemed in compliance with the signage requirements imposed by this section for the first six months after August 28, 2009, provided such entity has made or is making good faith efforts to bring all signage in compliance with the provisions of this section and all such signage is in complete compliance no later than six months after August 28, 2009.

8. All donation receptacles described in this section shall conspicuously display the name, address, and telephone number of the owner and operator of the receptacle. For any receptacles covered in this section, the owner or operator of the receptacle shall maintain permission to place the receptacle on the property from the property owner or agent of the owner of the property where the receptacle is located. Such permission shall be in writing and clearly identify the owner of the receptacle and property owner or his or her agent in addition to the nature of the collections and where proceeds will be accrued. Failure to secure such permission shall constitute an unfair business practice in addition to any other statutory conditions. Unless otherwise agreed to in writing, the property owner or his or her agent may remove the receptacle and any charges incurred in such removal shall be the responsibility of the owner of the receptacle. Unless the receptacle owner pays such charges within thirty calendar days of the sending of a written certified letter from the property owner stating his or her intent to remove the receptacle, the receptacle owner shall relinquish any right to the receptacle. If the receptacle does not conspicuously display the name, address, and telephone number of the owner and operator of the receptacle, the receptacle shall be considered abandoned property and may be destroyed or permanently possessed by the property owner or their agent.

9. Any owner and operator of a receptacle that does not display the address of the owner and operator, but does display the website of the owner and operator, shall make the address easily accessible on such website for the property owner to send the letter specified in subsection 8 of this section. The provisions of this subsection shall expire on September 1, 2014."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Guernsey, **House Amendment No. 2** was adopted.

Representative Haefner offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Committee Substitute for Senate Bill No. 24, Page 26, Section 92.387, Line 2, by inserting after all of said line the following:

"99.845. 1. A municipality, either at the time a redevelopment project is approved or, in the event a municipality has undertaken acts establishing a redevelopment plan and redevelopment project and has designated a redevelopment area after the passage and approval of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by passing an ordinance providing that after the total equalized assessed valuation of the taxable real property in a redevelopment project exceeds the certified total initial equalized assessed valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such redevelopment project by taxing districts and tax rates determined in the manner provided in

subsection 2 of section 99.855 each year after the effective date of the ordinance until redevelopment costs have been paid shall be divided as follows:

(1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

(2) (a) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable. The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula provided for in section 163.031 until such time as all redevelopment costs have been paid as provided for in this section and section 99.850;

(b) Notwithstanding any provisions of this section to the contrary, for purposes of determining the limitation on indebtedness of local government pursuant to article VI, section 26(b) of the Missouri Constitution, the current equalized assessed value of the property in an area selected for redevelopment attributable to the increase above the total initial equalized assessed valuation shall be included in the value of taxable tangible property as shown on the last completed assessment for state or county purposes;

(c) The county assessor shall include the current assessed value of all property within the taxing district in the aggregate valuation of assessed property entered upon the assessor's book and verified pursuant to section 137.245, and such value shall be utilized for the purpose of the debt limitation on local government pursuant to article VI, section 26(b) of the Missouri Constitution;

(3) For purposes of this section, "levies upon taxable real property in such redevelopment project by taxing districts" shall not include the blind pension fund tax levied under the authority of article III, section 38(b) of the Missouri Constitution, or the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of section 6 of article X of the Missouri Constitution, except in redevelopment project areas in which tax increment financing has been adopted by ordinance pursuant to a plan approved by vote of the governing body of the municipality taken after August 13, 1982, and before January 1, 1998.

2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing districts, which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section 94.660, for the purpose of public transportation, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Any provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of other municipal revenues to the special allocation fund shall be and remain enforceable.

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year

prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, taxes levied for the purpose of public transportation pursuant to section 94.660, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, [or] any sales tax imposed by a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, for the purpose of sports stadium improvement or levied by such county under section 238.410 for the purpose of the county transit authority operating transportation facilities, **or for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 28, 2013, taxes imposed on sales under section 650.399 for the purpose of emergency communication systems**, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund.

4. Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance and which have complied with subsections 4 to 12 of this section, in addition to the payments in lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues, as defined in subsection 8 of this section, estimated for the businesses within the project area and identified by the municipality in the application required by subsection 10 of this section, over and above the amount of such taxes reported by businesses within the project area as identified by the municipality in their application prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, may be available for appropriation by the general assembly as provided in subsection 10 of this section to the department of economic development supplemental tax increment financing fund, from the general revenue fund, for distribution to the treasurer or other designated financial officer of the municipality with approved plans or projects.

5. The treasurer or other designated financial officer of the municipality with approved plans or projects shall deposit such funds in a separate segregated account within the special allocation fund established pursuant to section 99.805.

6. No transfer from the general revenue fund to the Missouri supplemental tax increment financing fund shall be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any state revenues prior to an appropriation being made for that project. For all redevelopment plans or projects adopted or approved after December 23, 1997, appropriations from the new state revenues shall not be distributed from the Missouri supplemental tax increment financing fund into the special allocation fund unless the municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs while tax increment financing remains in effect. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.

7. In order for the redevelopment plan or project to be eligible to receive the revenue described in subsection 4 of this section, the municipality shall comply with the requirements of subsection 10 of this section prior to the time the project or plan is adopted or approved by ordinance. The director of the department of economic development and the commissioner of the office of administration may waive the requirement that the municipality's application be submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or project's approval by ordinance.

8. For purposes of this section, "new state revenues" means:

(1) The incremental increase in the general revenue portion of state sales tax revenues received pursuant to section 144.020, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. In no event shall the incremental increase include any amounts attributable to retail sales unless the municipality or authority has proven to the Missouri development finance board and the department of economic development and such entities have made a finding that the sales tax increment attributable to retail sales is from new sources which did not exist in the state during the baseline year. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10 of this section; or

(2) The state income tax withheld on behalf of new employees by the employer pursuant to section 143.221 at the business located within the project as identified by the municipality. The state income tax withholding allowed by this section shall be the municipality's estimate of the amount of state income tax withheld by the employer within the redevelopment area for new employees who fill new jobs directly created by the tax increment financing project.

9. Subsection 4 of this section shall apply only to blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time of approval of the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old; and

(1) Suffered from generally declining population or property taxes over the twenty-year period immediately preceding the area's designation as a project area by ordinance; or

(2) Was a historic hotel located in a county of the first classification without a charter form of government with a population according to the most recent federal decennial census in excess of one hundred fifty thousand and containing a portion of a city with a population according to the most recent federal decennial census in excess of three hundred fifty thousand.

10. The initial appropriation of up to fifty percent of the new state revenues authorized pursuant to subsections 4 and 5 of this section shall not be made to or distributed by the department of economic development to a municipality until all of the following conditions have been satisfied:

(1) The director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee have approved a tax increment financing application made by the municipality for the appropriation of the new state revenues. The municipality shall include in the application the following items in addition to the items in section 99.810:

(a) The tax increment financing district or redevelopment area, including the businesses identified within the redevelopment area;

(b) The base year of state sales tax revenues or the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the project area prior to approval of the redevelopment project;

(c) The estimate of the incremental increase in the general revenue portion of state sales tax revenue or the estimate for the state income tax withheld by the employer on behalf of new employees expected to fill new jobs created within the redevelopment area after redevelopment;

(d) The official statement of any bond issue pursuant to this subsection after December 23, 1997;

(e) An affidavit that is signed by the developer or developers attesting that the provisions of subdivision (1) of subsection 1 of section 99.810 have been met and specifying that the redevelopment area would not be reasonably anticipated to be developed without the appropriation of the new state revenues;

(f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal impact on the state of Missouri; and

(g) The statement of election between the use of the incremental increase of the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;

(h) The name, street and mailing address, and phone number of the mayor or chief executive officer of the municipality;

(i) The street address of the development site;

(j) The three-digit North American Industry Classification System number or numbers characterizing the development project;

(k) The estimated development project costs;

(l) The anticipated sources of funds to pay such development project costs;

(m) Evidence of the commitments to finance such development project costs;

(n) The anticipated type and term of the sources of funds to pay such development project costs;

(o) The anticipated type and terms of the obligations to be issued;

(p) The most recent equalized assessed valuation of the property within the development project area;

(q) An estimate as to the equalized assessed valuation after the development project area is developed in accordance with a development plan;

(r) The general land uses to apply in the development area;

(s) The total number of individuals employed in the development area, broken down by full-time, part-time, and temporary positions;

(t) The total number of full-time equivalent positions in the development area;

(u) The current gross wages, state income tax withholdings, and federal income tax withholdings for individuals employed in the development area;

(v) The total number of individuals employed in this state by the corporate parent of any business benefitting from public expenditures in the development area, and all subsidiaries thereof, as of December thirty-first of the prior fiscal year, broken down by full-time, part-time, and temporary positions;

(w) The number of new jobs to be created by any business benefitting from public expenditures in the development area, broken down by full-time, part-time, and temporary positions;

(x) The average hourly wage to be paid to all current and new employees at the project site, broken down by full-time, part-time, and temporary positions;

(y) For project sites located in a metropolitan statistical area, as defined by the federal Office of Management and Budget, the average hourly wage paid to nonmanagerial employees in this state for the industries involved at the project, as established by the United States Bureau of Labor Statistics;

(z) For project sites located outside of metropolitan statistical areas, the average weekly wage paid to nonmanagerial employees in the county for industries involved at the project, as established by the United States Department of Commerce;

(aa) A list of other community and economic benefits to result from the project;

(bb) A list of all development subsidies that any business benefitting from public expenditures in the development area has previously received for the project, and the name of any other granting body from which such subsidies are sought;

(cc) A list of all other public investments made or to be made by this state or units of local government to support infrastructure or other needs generated by the project for which the funding pursuant to this section is being sought;

(dd) A statement as to whether the development project may reduce employment at any other site, within or without the state, resulting from automation, merger, acquisition, corporate restructuring, relocation, or other business activity;

(ee) A statement as to whether or not the project involves the relocation of work from another address and if so, the number of jobs to be relocated and the address from which they are to be relocated;

(ff) A list of competing businesses in the county containing the development area and in each contiguous county;

(gg) A market study for the development area;

(hh) A certification by the chief officer of the applicant as to the accuracy of the development plan;

(2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;

(3) The appropriation shall be either a portion of the estimate of the incremental increase in the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the estimate of the state income tax withheld by the employer on behalf of new employees who fill new jobs created in the redevelopment area as indicated in the municipality's application, approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. At no time shall the annual amount of the new state revenues approved for disbursements from the Missouri supplemental tax increment financing fund exceed thirty-two million dollars;

(4) Redevelopment plans and projects receiving new state revenues shall have a duration of up to fifteen years, unless prior approval for a longer term is given by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee; except that, in no case shall the duration exceed twenty-three years.

11. In addition to the areas authorized in subsection 9 of this section, the funding authorized pursuant to subsection 4 of this section shall also be available in a federally approved levee district, where construction of a levee begins after December 23, 1997, and which is contained within a county of the first classification without a charter form of government with a population between fifty thousand and one hundred thousand inhabitants which contains all or part of a city with a population in excess of four hundred thousand or more inhabitants.

12. There is hereby established within the state treasury a special fund to be known as the "Missouri Supplemental Tax Increment Financing Fund", to be administered by the department of economic development. The department shall annually distribute from the Missouri supplemental tax increment financing fund the amount of the new state revenues as appropriated as provided in the provisions of subsections 4 and 5 of this section if and only if the conditions of subsection 10 of this section are met. The fund shall also consist of any gifts, contributions, grants or

bequests received from federal, private or other sources. Moneys in the Missouri supplemental tax increment financing fund shall be disbursed per project pursuant to state appropriations.

13. Redevelopment project costs may include, at the prerogative of the state, the portion of salaries and expenses of the department of economic development and the department of revenue reasonably allocable to each redevelopment project approved for disbursements from the Missouri supplemental tax increment financing fund for the ongoing administrative functions associated with such redevelopment project. Such amounts shall be recovered from new state revenues deposited into the Missouri supplemental tax increment financing fund created under this section.

14. For redevelopment plans or projects approved by ordinance that result in net new jobs from the relocation of a national headquarters from another state to the area of the redevelopment project, the economic activity taxes and new state tax revenues shall not be based on a calculation of the incremental increase in taxes as compared to the base year or prior calendar year for such redevelopment project, rather the incremental increase shall be the amount of total taxes generated from the net new jobs brought in by the national headquarters from another state. In no event shall this subsection be construed to allow a redevelopment project to receive an appropriation in excess of up to fifty percent of the new state revenues."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Austin offered House Amendment No. 1 to House Amendment No. 3.

House Amendment No. 1
to
House Amendment No. 3

AMEND House Amendment No. 3 to House Committee Substitute for Senate Bill No. 24, Page 7, Line 7, by inserting after all of said line the following:

‘Further amend House Committee Substitute for Senate Bill No. 24, Page 96, Section 321.690, Line 28, by inserting after said line the following:

"407.312. 1. As used in this section, the following terms shall mean:

(1) "Florist", any business that derives fifty percent or more of its gross income from the sale or arranging for the sale of flowers or floral arrangements;

(2) "Local telephone number", a specific telephone number with area code and prefix assigned for the purpose of completing local calls between a calling party or station and any other party or station within a designated exchange or all of its designated local calling areas. The term "local telephone number" shall not mean long distance telephone numbers or any toll-free telephone numbers listed in a local telephone directory;

(3) "Person", shall have the same meaning as in section 407.010.

2. A person shall not misrepresent the geographical location of a florist in a contact listing:

(1) In a telephone directory or other directory assistance database;

(2) On an internet website; or

(3) In a print advertisement.

3. A person is considered to misrepresent the geographical location of a florist for purposes of this section if the name of the florist indicates that the florist is located in a geographical area and:

(1) The florist is not physically located within the geographical area indicated;

(2) The listing fails to identify the municipality and state of the florist's actual physical geographical location; and

(3) A telephone call to the local telephone number provided for the florist that is:

(a) Listed in the directory or database is routinely forwarded or transferred to a location that is outside the calling area covered by the directory or database in which the number is listed; or

(b) Provided on the internet website or in a print advertisement is routinely forwarded or transferred to a location that is outside the calling area of the geographical area indicated by the name of the florist.

4. A person may place a contact listing for a florist under this section when the name of the florist indicates that it is located in a geographical area that is different from the geographical area in which the florist is actually physically located if a conspicuous notice in the listing states the municipality and state in which the florist is actually physically located.

5. This section shall not apply to:

- (1) A publisher of a telephone directory or other publication, or a provider of a directory assistance service publishing or providing information about another business;
 - (2) An internet website that aggregates and provides information about other businesses;
 - (3) An owner or publisher of a print medium providing information about other businesses;
 - (4) An internet service provider; or
 - (5) An internet service that displays or distributes advertisements for other businesses.
6. A violation of this section shall be considered an unlawful practice under 407.020 and may be prosecuted in the same manner as any unlawful practice under that section."; and'; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Austin, **House Amendment No. 1 to House Amendment No. 3** was adopted.

On motion of Representative Haefner, **House Amendment No. 3, as amended**, was adopted.

Representative Hinson offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for Senate Bill No. 24, Page 62, Section 190.100, Line 168, by inserting after all of said section and line, the following:

"190.105. 1. No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business or service of the transportation of patients by ambulance in the air, upon the streets, alleys, or any public way or place of the state of Missouri unless such person holds a currently valid license from the department for an ambulance service issued pursuant to the provisions of sections 190.001 to 190.245.

2. [No ground ambulance shall be operated for ambulance purposes, and no individual shall drive, attend or permit it to be operated for such purposes in the state of Missouri unless the ground ambulance is under the immediate supervision and direction of a person who is holding a currently valid Missouri license as an emergency medical technician. Nothing in this section shall be construed to mean that a duly registered nurse or a duly licensed physician be required to hold an emergency medical technician's license. Each ambulance service is responsible for assuring that any person driving its ambulance is competent in emergency vehicle operations and has a safe driving record.] Each ground ambulance shall be staffed with at least two licensed individuals when transporting a patient, except as provided in section 190.094.

3. No license shall be required for an ambulance service, or for the attendant of an ambulance, which:

(1) Is rendering assistance in the case of an emergency, major catastrophe or any other unforeseen event or series of events which jeopardizes the ability of the local ambulance service to promptly respond to emergencies; or

(2) Is operated from a location or headquarters outside of Missouri in order to transport patients who are picked up beyond the limits of Missouri to locations within or outside of Missouri, but no such outside ambulance shall be used to pick up patients within Missouri for transportation to locations within Missouri, except as provided in subdivision (1) of this subsection.

4. The issuance of a license pursuant to the provisions of sections 190.001 to 190.245 shall not be construed so as to authorize any person to provide ambulance services or to operate any ambulances without a franchise in any city not within a county or in a political subdivision in any county with a population of over nine hundred thousand inhabitants, or a franchise, contract or mutual-aid agreement in any other political subdivision which has enacted an ordinance making it unlawful to do so.

5. Sections 190.001 to 190.245 shall not preclude the adoption of any law, ordinance or regulation not in conflict with such sections by any city not within a county, or at least as strict as such sections by any county, municipality or political subdivision except that no such regulations or ordinances shall be adopted by a political subdivision in a county with a population of over nine hundred thousand inhabitants except by the county's governing body.

6. In a county with a population of over nine hundred thousand inhabitants, the governing body of the county shall set the standards for all ambulance services which shall comply with subsection 5 of this section. All such

ambulance services must be licensed by the department. The governing body of such county shall not prohibit a licensed ambulance service from operating in the county, as long as the ambulance service meets county standards.

7. An ambulance service or vehicle when operated for the purpose of transporting persons who are sick, injured, or otherwise incapacitated shall not be treated as a common or contract carrier under the jurisdiction of the Missouri division of motor carrier and railroad safety.

8. Sections 190.001 to 190.245 shall not apply to, nor be construed to include, any motor vehicle used by an employer for the transportation of such employer's employees whose illness or injury occurs on private property, and not on a public highway or property, nor to any person operating such a motor vehicle.

9. A political subdivision that is authorized to operate a licensed ambulance service may establish, operate, maintain and manage its ambulance service, and select and contract with a licensed ambulance service. Any political subdivision may contract with a licensed ambulance service.

10. Except as provided in subsections 5 and 6, nothing in section 67.300, or subsection 2 of section 190.109, shall be construed to authorize any municipality or county which is located within an ambulance district or a fire protection district that is authorized to provide ambulance service to promulgate laws, ordinances or regulations related to the provision of ambulance services. This provision shall not apply to any municipality or county which operates an ambulance service established prior to August 28, 1998.

11. Nothing in section 67.300 or subsection 2 of section 190.109 shall be construed to authorize any municipality or county which is located within an ambulance district or a fire protection district that is authorized to provide ambulance service to operate an ambulance service without a franchise in an ambulance district or a fire protection district that is authorized to provide ambulance service which has enacted an ordinance making it unlawful to do so. This provision shall not apply to any municipality or county which operates an ambulance service established prior to August 28, 1998.

12. No provider of ambulance service within the state of Missouri which is licensed by the department to provide such service shall discriminate regarding treatment or transportation of emergency patients on the basis of race, sex, age, color, religion, sexual preference, national origin, ancestry, handicap, medical condition or ability to pay.

13. No provision of this section, other than subsections 5, 6, 10 and 11 of this section, is intended to limit or supersede the powers given to ambulance districts pursuant to this chapter or to fire protection districts pursuant to chapter 321, or to counties, cities, towns and villages pursuant to chapter 67.

14. Upon the sale or transfer of any ground ambulance service ownership, the owner of such service shall notify the department of the change in ownership within thirty days of such sale or transfer. After receipt of such notice, the department shall conduct an inspection of the ambulance service to verify compliance with the licensure standards of sections 190.001 to 190.245."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Kelly (45) offered House Amendment No. 1 to House Amendment No. 4.

House Amendment No. 1
to
House Amendment No. 4

AMEND House Amendment No. 4 to House Committee Substitute for Senate Bill No. 24, Page 2, Line 42, by inserting after all of said line the following:

'Further amend said bill, Page 26, Section 92.387, Line 2, by inserting after all of said section and line, the following:

"99.845. 1. A municipality, either at the time a redevelopment project is approved or, in the event a municipality has undertaken acts establishing a redevelopment plan and redevelopment project and has designated a redevelopment area after the passage and approval of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by passing an ordinance providing that after the total equalized assessed valuation of the taxable real property in a redevelopment project exceeds the certified total initial equalized assessed valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such redevelopment project by taxing districts and tax rates determined in the manner provided in

subsection 2 of section 99.855 each year after the effective date of the ordinance until redevelopment costs have been paid shall be divided as follows:

(1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

(2) (a) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable, **except that if a political subdivision increases its rate of property taxation after the adoption of the redevelopment project said additional taxation revenues shall not be considered to be payment in lieu of taxes subject to capture under this section.** The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula provided for in section 163.031 until such time as all redevelopment costs have been paid as provided for in this section and section 99.850;

(b) Notwithstanding any provisions of this section to the contrary, for purposes of determining the limitation on indebtedness of local government pursuant to article VI, section 26(b) of the Missouri Constitution, the current equalized assessed value of the property in an area selected for redevelopment attributable to the increase above the total initial equalized assessed valuation shall be included in the value of taxable tangible property as shown on the last completed assessment for state or county purposes;

(c) The county assessor shall include the current assessed value of all property within the taxing district in the aggregate valuation of assessed property entered upon the assessor's book and verified pursuant to section 137.245, and such value shall be utilized for the purpose of the debt limitation on local government pursuant to article VI, section 26(b) of the Missouri Constitution;

(3) For purposes of this section, "levies upon taxable real property in such redevelopment project by taxing districts" shall not include the blind pension fund tax levied under the authority of article III, section 38(b) of the Missouri Constitution, or the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of section 6 of article X of the Missouri Constitution, except in redevelopment project areas in which tax increment financing has been adopted by ordinance pursuant to a plan approved by vote of the governing body of the municipality taken after August 13, 1982, and before January 1, 1998.

2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing districts, which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section 94.660, for the purpose of public transportation, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Any provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of other municipal revenues to the special allocation fund shall be and remain enforceable.

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the municipality or other

taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, taxes levied for the purpose of public transportation pursuant to section 94.660, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, or any sales tax imposed by a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, for the purpose of sports stadium improvement or levied by such county under section 238.410 for the purpose of the county transit authority operating transportation facilities, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund.

4. Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance and which have complied with subsections 4 to 12 of this section, in addition to the payments in lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues, as defined in subsection 8 of this section, estimated for the businesses within the project area and identified by the municipality in the application required by subsection 10 of this section, over and above the amount of such taxes reported by businesses within the project area as identified by the municipality in their application prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, may be available for appropriation by the general assembly as provided in subsection 10 of this section to the department of economic development supplemental tax increment financing fund, from the general revenue fund, for distribution to the treasurer or other designated financial officer of the municipality with approved plans or projects.

5. The treasurer or other designated financial officer of the municipality with approved plans or projects shall deposit such funds in a separate segregated account within the special allocation fund established pursuant to section 99.805.

6. No transfer from the general revenue fund to the Missouri supplemental tax increment financing fund shall be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any state revenues prior to an appropriation being made for that project. For all redevelopment plans or projects adopted or approved after December 23, 1997, appropriations from the new state revenues shall not be distributed from the Missouri supplemental tax increment financing fund into the special allocation fund unless the municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs while tax increment financing remains in effect. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.

7. In order for the redevelopment plan or project to be eligible to receive the revenue described in subsection 4 of this section, the municipality shall comply with the requirements of subsection 10 of this section prior to the time the project or plan is adopted or approved by ordinance. The director of the department of economic development and the commissioner of the office of administration may waive the requirement that the municipality's application be submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or project's approval by ordinance.

8. For purposes of this section, "new state revenues" means:

(1) The incremental increase in the general revenue portion of state sales tax revenues received pursuant to section 144.020, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. In no event shall the incremental increase include any amounts attributable to retail sales unless the municipality or authority has proven to the Missouri development finance board and the department of economic development and such entities have made a finding that the sales tax increment attributable to retail sales is from new sources which did not exist in the state during the baseline year. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10 of this section; or

(2) The state income tax withheld on behalf of new employees by the employer pursuant to section 143.221 at the business located within the project as identified by the municipality. The state income tax withholding allowed by this section shall be the municipality's estimate of the amount of state income tax withheld by the employer within the redevelopment area for new employees who fill new jobs directly created by the tax increment financing project.

9. Subsection 4 of this section shall apply only to blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time of approval of the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old; and

(1) Suffered from generally declining population or property taxes over the twenty-year period immediately preceding the area's designation as a project area by ordinance; or

(2) Was a historic hotel located in a county of the first classification without a charter form of government with a population according to the most recent federal decennial census in excess of one hundred fifty thousand and containing a portion of a city with a population according to the most recent federal decennial census in excess of three hundred fifty thousand.

10. The initial appropriation of up to fifty percent of the new state revenues authorized pursuant to subsections 4 and 5 of this section shall not be made to or distributed by the department of economic development to a municipality until all of the following conditions have been satisfied:

(1) The director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee have approved a tax increment financing application made by the municipality for the appropriation of the new state revenues. The municipality shall include in the application the following items in addition to the items in section 99.810:

(a) The tax increment financing district or redevelopment area, including the businesses identified within the redevelopment area;

(b) The base year of state sales tax revenues or the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the project area prior to approval of the redevelopment project;

(c) The estimate of the incremental increase in the general revenue portion of state sales tax revenue or the estimate for the state income tax withheld by the employer on behalf of new employees expected to fill new jobs created within the redevelopment area after redevelopment;

(d) The official statement of any bond issue pursuant to this subsection after December 23, 1997;

(e) An affidavit that is signed by the developer or developers attesting that the provisions of subdivision (1) of subsection 1 of section 99.810 have been met and specifying that the redevelopment area would not be reasonably anticipated to be developed without the appropriation of the new state revenues;

(f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal impact on the state of Missouri; and

(g) The statement of election between the use of the incremental increase of the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;

(h) The name, street and mailing address, and phone number of the mayor or chief executive officer of the municipality;

(i) The street address of the development site;

(j) The three-digit North American Industry Classification System number or numbers characterizing the development project;

(k) The estimated development project costs;

(l) The anticipated sources of funds to pay such development project costs;

(m) Evidence of the commitments to finance such development project costs;

(n) The anticipated type and term of the sources of funds to pay such development project costs;

(o) The anticipated type and terms of the obligations to be issued;

(p) The most recent equalized assessed valuation of the property within the development project area;

(q) An estimate as to the equalized assessed valuation after the development project area is developed in accordance with a development plan;

(r) The general land uses to apply in the development area;

(s) The total number of individuals employed in the development area, broken down by full-time, part-time, and temporary positions;

(t) The total number of full-time equivalent positions in the development area;

(u) The current gross wages, state income tax withholdings, and federal income tax withholdings for individuals employed in the development area;

(v) The total number of individuals employed in this state by the corporate parent of any business benefitting from public expenditures in the development area, and all subsidiaries thereof, as of December thirty-first of the prior fiscal year, broken down by full-time, part-time, and temporary positions;

(w) The number of new jobs to be created by any business benefitting from public expenditures in the development area, broken down by full-time, part-time, and temporary positions;

(x) The average hourly wage to be paid to all current and new employees at the project site, broken down by full-time, part-time, and temporary positions;

(y) For project sites located in a metropolitan statistical area, as defined by the federal Office of Management and Budget, the average hourly wage paid to nonmanagerial employees in this state for the industries involved at the project, as established by the United States Bureau of Labor Statistics;

(z) For project sites located outside of metropolitan statistical areas, the average weekly wage paid to nonmanagerial employees in the county for industries involved at the project, as established by the United States Department of Commerce;

(aa) A list of other community and economic benefits to result from the project;

(bb) A list of all development subsidies that any business benefitting from public expenditures in the development area has previously received for the project, and the name of any other granting body from which such subsidies are sought;

(cc) A list of all other public investments made or to be made by this state or units of local government to support infrastructure or other needs generated by the project for which the funding pursuant to this section is being sought;

(dd) A statement as to whether the development project may reduce employment at any other site, within or without the state, resulting from automation, merger, acquisition, corporate restructuring, relocation, or other business activity;

(ee) A statement as to whether or not the project involves the relocation of work from another address and if so, the number of jobs to be relocated and the address from which they are to be relocated;

(ff) A list of competing businesses in the county containing the development area and in each contiguous county;

(gg) A market study for the development area;

(hh) A certification by the chief officer of the applicant as to the accuracy of the development plan;

(2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;

(3) The appropriation shall be either a portion of the estimate of the incremental increase in the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the estimate of the state income tax withheld by the employer on behalf of new employees who fill new jobs created in the redevelopment area as indicated in the municipality's application, approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. At no time shall the annual amount of the new state revenues approved for disbursements from the Missouri supplemental tax increment financing fund exceed thirty-two million dollars;

(4) Redevelopment plans and projects receiving new state revenues shall have a duration of up to fifteen years, unless prior approval for a longer term is given by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee; except that, in no case shall the duration exceed twenty-three years.

11. In addition to the areas authorized in subsection 9 of this section, the funding authorized pursuant to subsection 4 of this section shall also be available in a federally approved levee district, where construction of a levee begins after December 23, 1997, and which is contained within a county of the first classification without a charter form of government with a population between fifty thousand and one hundred thousand inhabitants which contains all or part of a city with a population in excess of four hundred thousand or more inhabitants.

12. There is hereby established within the state treasury a special fund to be known as the "Missouri Supplemental Tax Increment Financing Fund", to be administered by the department of economic development. The department shall annually distribute from the Missouri supplemental tax increment financing fund the amount of the new state revenues as appropriated as provided in the provisions of subsections 4 and 5 of this section if and only if the conditions of subsection 10 of this section are met. The fund shall also consist of any gifts, contributions, grants or

bequests received from federal, private or other sources. Moneys in the Missouri supplemental tax increment financing fund shall be disbursed per project pursuant to state appropriations.

13. Redevelopment project costs may include, at the prerogative of the state, the portion of salaries and expenses of the department of economic development and the department of revenue reasonably allocable to each redevelopment project approved for disbursements from the Missouri supplemental tax increment financing fund for the ongoing administrative functions associated with such redevelopment project. Such amounts shall be recovered from new state revenues deposited into the Missouri supplemental tax increment financing fund created under this section.

14. For redevelopment plans or projects approved by ordinance that result in net new jobs from the relocation of a national headquarters from another state to the area of the redevelopment project, the economic activity taxes and new state tax revenues shall not be based on a calculation of the incremental increase in taxes as compared to the base year or prior calendar year for such redevelopment project, rather the incremental increase shall be the amount of total taxes generated from the net new jobs brought in by the national headquarters from another state. In no event shall this subsection be construed to allow a redevelopment project to receive an appropriation in excess of up to fifty percent of the new state revenues.

99.848. Notwithstanding subsection 1 of section 99.847, any district providing emergency services pursuant to chapter 190 or 321 shall be entitled to reimbursement from the special allocation fund in the amount of at least fifty percent nor more than one hundred percent of the district's tax increment **and the ambulance district board, as defined in chapter 190, or fire protection district board, as defined in chapter 321, or 911 emergency services board, as defined in chapter 190, shall set the refund amount rate prior to when the assessment is paid into the special allocation fund.** This section shall not apply to tax increment financing projects or districts approved prior to August 28, 2004."; and"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Kelly (45), **House Amendment No. 1 to House Amendment No. 4** was adopted.

On motion of Representative Hinson, **House Amendment No. 4, as amended**, was adopted.

Representative Cornejo offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Committee Substitute for Senate Bill No. 24, Page 4, Section 67.281, Line 17, by inserting after all of said section and line, the following:

"67.1009. 1. The governing body of the following cities may impose a tax as provided in this section:

(1) Any city of the fourth classification with more than eight hundred thirty but fewer than nine hundred inhabitants and located in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants;

(2) Any city of the fourth classification with more than four thousand fifty but fewer than four thousand two hundred inhabitants and located in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants.

2. The governing body of any city listed in subsection 1 of this section may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city, which shall be not more than six tenths of one percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general or primary election a proposal to authorize the governing body of the city to impose a tax pursuant to this section. The tax authorized by this section shall be in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law. Such tax shall be stated separately from all other charges and taxes.

3. The ballot of submission for any tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in (name of city) at a rate of (insert rate of percent up to six tenths of one percent)?

☐ YES ☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

4. As used in this section, "transient guests" means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter."; and

Further amend said bill, Page 26, Section 92.387, Line 2, by inserting after all of said section and line the following:

"94.270. 1. The mayor and board of aldermen shall have power and authority to regulate and to license and to levy and collect a license tax on auctioneers, druggists, hawkers, peddlers, banks, brokers, pawnbrokers, merchants of all kinds, grocers, confectioners, restaurants, butchers, taverns, hotels, public boardinghouses, billiard and pool tables and other tables, bowling alleys, lumber dealers, real estate agents, loan companies, loan agents, public buildings, public halls, opera houses, concerts, photographers, bill posters, artists, agents, porters, public lecturers, public meetings, circuses and shows, for parades and exhibitions, moving picture shows, horse or cattle dealers, patent right dealers, stockyards, inspectors, gaugers, mercantile agents, gas companies, insurance companies, insurance agents, express companies, and express agents, telegraph companies, light, power and water companies, telephone companies, manufacturing and other corporations or institutions, automobile agencies, and dealers, public garages, automobile repair shops or both combined, dealers in automobile accessories, gasoline filling stations, soft drink stands, ice cream stands, ice cream and soft drink stands combined, soda fountains, street railroad cars, omnibuses, drays, transfer and all other vehicles, traveling and auction stores, plumbers, and all other business, trades and avocations whatsoever, and fix the rate of carriage of persons, drayage and cartage of property; and to license, tax, regulate and suppress ordinaries, money brokers, money changers, intelligence and employment offices and agencies, public masquerades, balls, street exhibitions, dance houses, fortune tellers, pistol galleries, corn doctors, private venereal hospitals, museums, menageries, equestrian performances, horoscopic views, telescopic views, lung testers, muscle developers, magnifying glasses, ten pin alleys, ball alleys, billiard tables, pool tables and other tables, theatrical or other exhibitions, boxing and sparring exhibitions, shows and amusements, tippling houses, and sales of unclaimed goods by express companies or common carriers, auto wrecking shops and junk dealers; to license, tax and regulate hackmen, draymen, omnibus drivers, porters and all others pursuing like occupations, with or without vehicles, and to prescribe their compensation; and to regulate, license and restrain runners for steamboats, cars, and public houses; and to license ferries, and to regulate the same and the landing thereof within the limits of the city, and to license and tax auto liveries, auto drays and jitneys.

2. Notwithstanding any other law to the contrary, no city of the fourth classification with more than eight hundred but less than nine hundred inhabitants and located in any county with a charter form of government and with more than one million inhabitants shall levy or collect a license fee on hotels or motels in an amount in excess of twenty-seven dollars per room per year. No hotel or motel in such city shall be required to pay a license fee in excess of such amount, and any license fee in such city that exceeds the limitations of this subsection shall be automatically reduced to comply with this subsection.

3. Notwithstanding any other law to the contrary, no city of the fourth classification with more than four thousand one hundred but less than four thousand two hundred inhabitants and located in any county with a charter form of government and with more than one million inhabitants shall levy or collect a license fee on hotels or motels in an amount in excess of thirteen dollars and fifty cents per room per year. No hotel or motel in such city shall be required to pay a license fee in excess of such amount, and any license fee in such city that exceeds the limitations of this subsection shall be automatically reduced to comply with this subsection.

4. Notwithstanding any other law to the contrary, on or after January 1, 2006, no city of the fourth classification with more than fifty-one thousand three hundred and eighty but less than fifty-one thousand four hundred inhabitants and located in any county with a charter form of government and with more than two hundred eighty thousand but less than two hundred eighty-five thousand or no city of the fourth classification with more than fifty-one thousand but fewer than fifty-two thousand inhabitants and located in any county with a charter form of government and with more than two hundred eighty thousand but less than two hundred eighty-five thousand shall levy or collect a license fee on hotels or

motels in an amount in excess of one thousand dollars per year. No hotel or motel in such city shall be required to pay a license fee in excess of such amount, and any license fee in such city that exceeds the limitation of this subsection shall be automatically reduced to comply with this subsection.

5. Any city under subsection 4 of this section may increase a hotel and motel license tax by five percent per year but the total tax levied under this section shall not exceed one-eighth of one percent of such hotels' or motels' gross revenue.

6. Any city under [subsections] **subsection 1**[, 2, and 3] of this section may increase a hotel and motel license tax by five percent per year but the total tax levied under this section shall not exceed the greater of:

- (1) One-eighth of one percent of such hotels' or motels' gross revenue; or
- (2) The business license tax rate for such hotel or motel on May 1, 2005.

7. The provisions of subsection 6 of this section shall not apply to any tax levied by a city when the revenue from such tax is restricted for use to a project from which bonds are outstanding as of May 1, 2005."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Hough offered House Amendment No. 1 to House Amendment No. 5.

House Amendment No. 1
to
House Amendment No. 5

AMEND House Amendment No. 5 to House Committee Substitute for Senate Bill No. 24, Page 3, Line 14, by inserting after all of said line, the following:

'Further amend said bill, Page 37, Section 143.790, Line 255, by inserting after all of said section and line, the following:

"144.011. 1. For purposes of sections 144.010 to 144.525 and 144.600 to 144.748, and the taxes imposed thereby, the definition of "retail sale" or "sale at retail" shall not be construed to include any of the following:

(1) The transfer by one corporation of substantially all of its tangible personal property to another corporation pursuant to a merger or consolidation effected under the laws of the state of Missouri or any other jurisdiction;

(2) The transfer of tangible personal property incident to the liquidation or cessation of a taxpayer's trade or business, conducted in proprietorship, partnership or corporate form, except to the extent any transfer is made in the ordinary course of the taxpayer's trade or business;

(3) The transfer of tangible personal property to a corporation solely in exchange for its stock or securities;

(4) The transfer of tangible personal property to a corporation by a shareholder as a contribution to the capital of the transferee corporation;

(5) The transfer of tangible personal property to a partnership solely in exchange for a partnership interest therein;

(6) The transfer of tangible personal property by a partner as a contribution to the capital of the transferee partnership;

(7) The transfer of tangible personal property by a corporation to one or more of its shareholders as a dividend, return of capital, distribution in the partial or complete liquidation of the corporation or distribution in redemption of the shareholder's interest therein;

(8) The transfer of tangible personal property by a partnership to one or more of its partners as a current distribution, return of capital or distribution in the partial or complete liquidation of the partnership or of the partner's interest therein;

(9) The transfer of reusable containers used in connection with the sale of tangible personal property contained therein for which a deposit is required and refunded on return;

(10) The purchase by persons operating eating or food service establishments, of items of a nonreusable nature which are furnished to the customers of such establishments with or in conjunction with the retail sales of their food or beverage. Such items shall include, but not be limited to, wrapping or packaging materials and nonreusable paper, wood, plastic and aluminum articles such as containers, trays, napkins, dishes, silverware, cups, bags, boxes, straws, sticks and toothpicks;

(11) The purchase by persons operating hotels, motels or other transient accommodation establishments, of items of a nonreusable nature which are furnished to the guests in the guests' rooms of such establishments and such

items are included in the charge made for such accommodations. Such items shall include, but not be limited to, soap, shampoo, tissue and other toiletries and food or confectionery items offered to the guests without charge;

(12) The transfer of a manufactured home other than:

(a) A transfer which involves the delivery of the document known as the "Manufacturer's Statement of Origin" to a person other than a manufactured home dealer, as defined in section 700.010, for purposes of allowing such person to obtain a title to the manufactured home from the department of revenue of this state or the appropriate agency or officer of any other state;

(b) A transfer which involves the delivery of a "Reposessed Title" to a resident of this state if the tax imposed by sections 144.010 to 144.525 was not paid on the transfer of the manufactured home described in paragraph (a) of this subdivision;

(c) The first transfer which occurs after December 31, 1985, if the tax imposed by sections 144.010 to 144.525 was not paid on any transfer of the same manufactured home which occurred before December 31, 1985; or

(13) Charges for initiation fees or dues to:

(a) Fraternal beneficiaries societies, or domestic fraternal societies, orders or associations operating under the lodge system a substantial part of the activities of which are devoted to religious, charitable, scientific, literary, educational or fraternal purposes; or

(b) Posts or organizations of past or present members of the Armed Forces of the United States or an auxiliary unit or society of, or a trust or foundation for, any such post or organization substantially all of the members of which are past or present members of the Armed Forces of the United States or who are cadets, spouses, widows, or widowers of past or present members of the Armed Forces of the United States, no part of the net earnings of which inures to the benefit of any private shareholder or individual

(14) The sale of the right under a contract of six months or more for the right of first refusal to purchase tickets for seating in a multi-purpose arena owned by a political subdivision and managed or operated by a private business and located in a city with a population of more than three hundred thousand inhabitants which is located in more than one county, when the contract is not for the sale of the right to enter an event at such arena without the payment of an admission charge.

2. The assumption of liabilities of the transferor by the transferee incident to any of the transactions enumerated in the above subdivisions (1) to (8) of subsection 1 of this section shall not disqualify the transfer from the exclusion described in this section, where such liability assumption is related to the property transferred and where the assumption does not have as its principal purpose the avoidance of Missouri sales or use tax."; and'; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hough, **House Amendment No. 1 to House Amendment No. 5** was adopted.

On motion of Representative Cornejo, **House Amendment No. 5, as amended**, was adopted.

Representative Solon offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Committee Substitute for Senate Bill No. 24, Pages 30-37, Section 143.790, by deleting all of said section from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Keeney assumed the Chair.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 102

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Moon	Morris	Muntzel	Neely
Parkinson	Pfausch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Richardson
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr			

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Dunn	Ellington	English
Englund	Frame	Gardner	Harris	Hodges
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 012

Brown	Curtis	Ellinger	Elmer	Grisamore
LaFaver	Molendorp	Neth	Pierson	Rhoads
Riddle	Mr Speaker			

On motion of Representative Solon, **House Amendment No. 6** was adopted by the following vote:

AYES: 106

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Burlison	Burns
Butler	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Curtman	Davis

Diehl	Dohrman	Dugger	Elmer	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fraker	Frame
Franklin	Frederick	Funderburk	Gosen	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Hubbard	Hummel	Johnson	Justus
Keeney	Kelley 127	Kirkton	Koenig	Korman
Kratky	Lant	Leara	Lichtenegger	Love
Lynch	Marshall	May	McCaherty	McKenna
Messenger	Miller	Montecillo	Moon	Morris
Muntzel	Neth	Pace	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Richardson	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Shull	Shumake	Smith 85	Smith 120	Solon
Sommer	Spencer	Swan	Swearingen	Torpey
Walker	White	Wilson	Wood	Wright
Zerr				

NOES: 044

Anders	Black	Carpenter	Cierpiot	Cross
Dunn	Ellington	Engler	English	Englund
Fowler	Gannon	Gardner	Gatschenberger	Houghton
Hurst	Kelly 45	Kolkmeier	LaFaver	Lair
Lauer	Mayfield	McCann Beatty	McDonald	McGaugh
McManus	McNeil	Meredith	Mims	Mitten
Morgan	Neely	Newman	Nichols	Norr
Otto	Rizzo	Schupp	Stream	Thomson
Walton Gray	Webb	Webber	Wieland	

PRESENT: 000

ABSENT WITH LEAVE: 013

Brown	Curtis	Ellinger	Grisamore	Jones 50
Molendorp	Peters	Pierson	Rhoads	Riddle
Roorda	Schieffer	Mr Speaker		

Representative Schatz offered **House Amendment No. 7.**

House Amendment No. 7

AMEND House Committee Substitute for Senate Bill No. 24, Page 102, Section 577.041, Line 138, by inserting after all of said section and line the following:

"644.029. The department shall allow an appropriate schedule of compliance for a permittee to make upgrades or changes to its facilities that are necessary to meet new water quality requirements. For publicly owned treatment works, schedules of compliance shall be consistent with affordability findings made under section 644.145. For privately owned treatment works, schedules of compliance shall be negotiated with the facilities recognizing their financial capabilities and shall reflect statewide performance expectations. The department shall incorporate new water quality requirements into existing permits at the time of permit renewal unless there are compelling reasons to implement these requirements earlier through permit modifications. All new permit applicants may be required to meet any new water quality standards or classifications prescribed by the commission.

Section 1. The provisions of section 444.771 shall not apply to any business entity located in any county of the first classification with more than seventy thousand but fewer than eighty-three thousand inhabitants and with a city of the fourth classification with more than thirteen thousand five hundred but fewer than sixteen thousand inhabitants as the county seat."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Schatz, **House Amendment No. 7** was adopted.

Representative Cross offered **House Amendment No. 8**.

House Amendment No. 8

AMEND House Committee Substitute for Senate Bill No. 24, Page 102, Section 577.041, Line 138, by inserting after all of said section and line the following:

"577.665. 1. As used in this section, the following terms shall mean:

(1) "Tanning device", any equipment that emits electromagnetic radiation with wavelengths in the air between two hundred and four hundred nanometers used for tanning of the skin, including but not limited to a sunlamp, tanning booth or tanning bed;

(2) "Tanning facility", any location, place, area, structure, or business which provides persons access to any tanning device for a fee, membership dues, or any other form of compensation.

2. Prior to any person less than seventeen years of age using a tanning device in a tanning facility, a parent or guardian of such person shall annually appear in person at the tanning facility and sign a written statement acknowledging that the parent or guardian has read and understands the warnings given by the tanning facility and consents to the person's use of a tanning device at the tanning facility.

3. Any person who violates the provisions of this section shall be subject to a fine of fifty dollars. Any tanning facility that violates the provisions of this section shall be subject to a fine of five hundred dollars for each violation. Every use of a tanning device in a tanning facility in violation of this section is a separate offense."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Cross, **House Amendment No. 8** was adopted.

HCS SB 24, as amended, was laid over.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HB 175**, entitled:

An act to repeal sections 54.280, 67.457, 67.463, 67.469, 67.1521, 140.050, 140.150, 140.160, 140.230, 140.290, 140.405, 140.460, 140.470, and 140.665, RSMo, and to enact in lieu thereof fifteen new sections relating to procedures for the collection of local government funds.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS HB 184**, entitled:

An act to repeal sections 32.087, 67.1010, 135.960, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615, RSMo, and to enact in lieu thereof twenty new sections relating to taxation, with an emergency clause for certain sections.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted Conference Committee Report No. 2 on **HCS SCS SB 9**, **as amended**, and has taken up and passed **CCS#2 HCS SCS SB 9**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SCS SB 17**, **as amended**, and has taken up and passed **CCS HCS SCS SB 17**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has re-appointed the following Conference Committee to act with a like committee from the House on **HCS SB 57**, **as amended**: Senators Romine, Richard, Libla, McKenna and Sifton.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SB 73**, **as amended**: Senators Schaefer, Brown, Dixon, McKenna and Holsman.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SB 127**, **as amended**, and has taken up and passed **CCS HCS SB 127**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS SB 224**, **as amended**: Senators Curls, Silvey, Wallingford, Pearce and Holsman.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS SB 248**, **as amended**, and has taken up and passed **CCS SCS SB 248**.

On motion of Representative Diehl, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Jones.

Representative Diehl suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 060

Allen	Bernskoetter	Black	Burlison	Conway 104
Cox	Cross	Diehl	Ellinger	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Frederick	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hoskins	Houghton	Hurst	Johnson	Jones 50
Keeney	Kelley 127	Koenig	Korman	Kratky
Leara	Lichtenegger	May	McCaherty	McDonald
Miller	Montecillo	Morgan	Morris	Muntzel
Nichols	Parkinson	Redmon	Remole	Richardson
Riddle	Ross	Rowden	Rowland	Schieber
Schupp	Shumake	Smith 120	Swan	Thomson
Torpey	Walton Gray	Wright	Zerr	Mr Speaker

NOES: 001

Ellington

PRESENT: 078

Anders	Anderson	Austin	Bahr	Barnes
Berry	Brattin	Brown	Burns	Butler
Cierpiot	Colona	Cookson	Cornejo	Curtman
Davis	Dohrman	Dunn	Elmer	Engler
English	Englund	Fowler	Fraker	Frame
Funderburk	Gannon	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hough	Hubbard
Hummel	Justus	Kelly 45	Kirkton	Kolkmeyer
LaFaver	Lair	Lant	Lauer	Love
Lynch	Mayfield	McCann Beatty	McGaugh	McKenna
McManus	Meredith	Messenger	Mitten	Neely
Newman	Norr	Otto	Pace	Peters
Pfautsch	Pike	Pogue	Rizzo	Roorda
Runions	Scharnhorst	Schatz	Schieffer	Shull
Smith 85	Solon	Sommer	Swearingen	Walker
Webber	White	Wilson		

ABSENT WITH LEAVE: 024

Carpenter	Conway 10	Crawford	Curtis	Dugger
Franklin	Gardner	Hodges	Marshall	McNeil
Mims	Molendorp	Moon	Neth	Phillips
Pierson	Rehder	Reiboldt	Rhoads	Spencer
Stream	Webb	Wieland	Wood	

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS SCS HCS HB 117** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Wasson, Dixon, Cunningham, Keaveny and LeVota.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SCS SB 42, as amended**, and has taken up and passed **CCS HCS SCS SB 42**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **House Amendment No. 1** to **SB 72** and has taken up and passed **SB 72, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SCS SB 118** and has taken up and passed **HCS SCS SB 118**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SCS SB 157 and SB 102, as amended**, and has taken up and passed **CCS HCS SCS SB 157 and SB 102**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SCS SB 256, as amended**, and has taken up and passed **CCS HCS SCS SB 256**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SS SCS SB 262, as amended**, and has taken up and passed **CCS HCS SS SCS SB 262**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SB 327, as amended**, and has taken up and passed **CCS SB 327**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 342, as amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

SS SCS HCS HB 117: Representatives Dugger, Crawford and Conway (10)

BILLS CARRYING REQUEST MESSAGES

HCS SB 342, as amended, relating to agriculture, was taken up by Representative Guernsey.

Representative Guernsey moved that the House refuse to recede from its position on **HCS SB 342, as amended**, and grant the Senate a conference.

Which motion was adopted.

HOUSE BILLS WITH SENATE AMENDMENTS

SCS HB 103, as amended, relating to use of vehicles in municipalities, was taken up by Representative Kelley (127).

Representative Kelley (127) moved that the House refuse to adopt **SCS HB 103, as amended**, and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

THIRD READING OF SENATE BILL

HCS SB 24, as amended, relating to political subdivisions, was again taken up by Representative Hinson.

Representative Hough offered **House Amendment No. 9**.

House Amendment No. 9

AMEND House Committee Substitute for Senate Bill No. 24, Page 93, Section 302.525, Line 60, by inserting immediately after said line the following:

"311.055. **1.** No person at least twenty-one years of age shall be required to obtain a license to manufacture intoxicating liquor, as defined in section 311.020, for personal or family use. The aggregate amount of intoxicating liquor manufactured per household shall not exceed two hundred gallons per calendar year if there are two or more persons over the age of twenty-one years in such household, or one hundred gallons per calendar year if there is only one person over the age of twenty-one years in such household. **Any intoxicating liquor manufactured under this section may not be offered for sale.**

2. Beer brewed under this section may be removed from the premises where brewed for personal or family use, including use at organized affairs, exhibitions, or competitions, such as home brewer contests, tastings, or judging. The use may occur off licensed retail premises, on any premises under a temporary retail license

issued under sections 311.218, 311.482, 311.485, 311.486, or 311.487, or on any tax exempt organization's licensed premises as described in section 311.090.

311.091. 1. **Except as provided under subsection 2 of this section and** notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter and who meets the requirements of and complies with the provisions of this chapter may apply for and the supervisor of [liquor] **alcohol and tobacco** control may issue a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail for consumption on the premises of any boat, or other vessel licensed by the United States Coast Guard to carry one hundred or more passengers for hire on navigable waters in or adjacent to this state, which has a regular place of mooring in a location in this state or within two hundred yards of a location which would otherwise be licensable under this chapter. The license shall be valid even though the boat, or other vessel, leaves its regular place of mooring during the course of its operation.

2. **Any person who possesses the qualifications required by this chapter and who meets the requirements of, and complies with the provisions of, this chapter may apply for, and the supervisor of alcohol and tobacco control may issue, a license to sell intoxicating liquor by the drink at retail for consumption on the premises of any boat or other vessel licensed by the United States Coast Guard to carry forty-five to ninety-nine passengers for hire on a lake with a shoreline that is in three counties, one of which is any county of the third classification without a township form of government and with more than thirty-three thousand but fewer than thirty-seven thousand inhabitants and with a city of the fourth classification with more than three thousand but fewer than three thousand seven hundred inhabitants as the county seat, one of which is any county of the third classification without a township form of government and with more than twenty-nine thousand but fewer than thirty-three thousand inhabitants and with a city of the fourth classification with more than four hundred but fewer than four hundred fifty inhabitants as the county seat, and one of which is any county of the first classification with more than fifty thousand but fewer than seventy thousand inhabitants. The boat must have a regular place of mooring in a location in this state or within two hundred yards of a location which would otherwise be licensable under this chapter. The license shall be valid even though the boat, or other vessel, leaves its regular place of mooring during the course of its operation.**

3. For every license for sale of liquor by the drink at retail for consumption on the premises of any boat or other vessel issued under the provisions of this section, the licensee shall pay to the director of revenue the sum of three hundred dollars per year.

Section B. Because of the need to clarify the laws relating to beer brewed for personal or family use, the repeal and reenactment of section 311.055 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 311.055 of this act shall be in full force and effect upon its passage and approval."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hough, **House Amendment No. 9** was adopted.

Representative Burlison offered **House Amendment No. 10**.

House Amendment No. 10

AND House Committee Substitute for Senate Bill No. 24, Page 29, Section 143.145, Line 78, by inserting after all of said section and line the following:

"143.451. 1. Missouri taxable income of a corporation shall include all income derived from sources within this state.

2. A corporation described in subdivision (1) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income from sources within this state, including that from the transaction of business in this state and that from the transaction of business partly done in this state and partly done in another state or states. However:

(1) Where income results from a transaction partially in this state and partially in another state or states, and income and deductions of the portion in the state cannot be segregated, then such portions of income and deductions shall

be allocated in this state and the other state or states as will distribute to this state a portion based upon the portion of the transaction in this state and the portion in such other state or states.

(2) The taxpayer may elect to compute the portion of income from all sources in this state in the following manner, **or the manner set forth in subdivision (3) of this subsection:**

(a) The income from all sources shall be determined as provided, excluding therefrom the figures for the operation of any bridge connecting this state with another state.

(b) The amount of sales which are transactions wholly in this state shall be added to one-half of the amount of sales which are transactions partly within this state and partly without this state, and the amount thus obtained shall be divided by the total sales or in cases where sales do not express the volume of business, the amount of business transacted wholly in this state shall be added to one-half of the amount of business transacted partly in this state and partly outside this state and the amount thus obtained shall be divided by the total amount of business transacted, and the net income shall be multiplied by the fraction thus obtained, to determine the proportion of income to be used to arrive at the amount of Missouri taxable income. The investment or reinvestment of its own funds, or sale of any such investment or reinvestment, shall not be considered as sales or other business transacted for the determination of said fraction.

[(3)] (c) For the purposes of this [section] **subdivision**, a transaction involving the sale of tangible property is:

[(a)] **a.** "Wholly in this state" if both the seller's shipping point and the purchaser's destination point are in this state;

[(b)] **b.** "Partly within this state and partly without this state" if the seller's shipping point is in this state and the purchaser's destination point is outside this state, or the seller's shipping point is outside this state and the purchaser's destination point is in this state;

[(c)] **c.** Not "wholly in this state" or not "partly within this state and partly without this state" only if both the seller's shipping point and the purchaser's destination point are outside this state[;] .

(d) For purposes of this subdivision:

a. The purchaser's destination point shall be determined without regard to the FOB point or other conditions of the sale[;] ; and

b. The seller's shipping point is determined without regard to the location of the seller's principle office or place of business.

(3) The taxpayer may elect to compute the portion of income from all sources in this state in the following manner:

(a) The income from all sources shall be determined as provided, excluding therefrom the figures for the operation of any bridge connecting this state with another state;

(b) The amount of sales which are transactions in this state shall be divided by the total sales, and the net income shall be multiplied by the fraction thus obtained, to determine the proportion of income to be used to arrive at the amount of Missouri taxable income. The investment or reinvestment of its own funds, or sale of any such investment or reinvestment, shall not be considered as sales or other business transacted for the determination of said fraction;

(c) For the purposes of this subdivision, a transaction involving the sale of tangible property is:

a. "In this state" if the purchaser's destination point is in this state;

b. Not "in this state" if the purchaser's destination point is outside this state;

(d) For purposes of this subdivision, the purchaser's destination point shall be determined without regard to the FOB point or other conditions of the sale and shall not be in this state if the purchaser received the tangible personal property from the seller in this state for delivery to the purchaser's location outside this state.

(4) For purposes of this subsection, the following words shall, unless the context otherwise requires, have the following meaning:

(a) "Administration services" include, but are not limited to, clerical, fund or shareholder accounting, participant record keeping, transfer agency, bookkeeping, data processing, custodial, internal auditing, legal and tax services performed for an investment company;

(b) "Affiliate", the meaning as set forth in 15 U.S.C. Section 80a-2(a)(3)(C), as may be amended from time to time;

(c) "Distribution services" include, but are not limited to, the services of advertising, servicing, marketing, underwriting or selling shares of an investment company, but, in the case of advertising, servicing or marketing shares, only where such service is performed by a person who is, or in the case of a closed end company, was, either engaged in the services of underwriting or selling investment company shares or affiliated with a person that is engaged in the service of underwriting or selling investment company shares. In the case of an open end company, such service of

underwriting or selling shares must be performed pursuant to a contract entered into pursuant to 15 U.S.C. Section 80a-15(b), as from time to time amended;

(d) "Investment company", any person registered under the federal Investment Company Act of 1940, as amended from time to time, (the act) or a company which would be required to register as an investment company under the act except that such person is exempt to such registration pursuant to Section 80a-3(c)(1) of the act;

(e) "Investment funds service corporation" includes any corporation or S corporation doing business in the state which derives more than fifty percent of its gross income in the ordinary course of business from the provision directly or indirectly of management, distribution or administration services to or on behalf of an investment company or from trustees, sponsors and participants of employee benefit plans which have accounts in an investment company. An investment funds service corporation shall include any corporation or S corporation providing management services as an investment advisory firm registered under Section 203 of the Investment Advisors Act of 1940, as amended from time to time, regardless of the percentage of gross revenues consisting of fees from management services provided to or on behalf of an investment company;

(f) "Management services" include but are not limited to, the rendering of investment advice directly or indirectly to an investment company making determinations as to when sales and purchases of securities are to be made on behalf of the investment company, or the selling or purchasing of securities constituting assets of an investment company, and related activities, but only where such activity or activities are performed:

a. Pursuant to a contract with the investment company entered into pursuant to 15 U.S.C. Section 80a-15(a), as from time to time amended;

b. For a person that has entered into such contract with the investment company; or

c. For a person that is affiliated with a person that has entered into such contract with an investment company;

(g) "Qualifying sales", gross income derived from the provision directly or indirectly of management, distribution or administration services to or on behalf of an investment company or from trustees, sponsors and participants of employee benefit plans which have accounts in an investment company. For purposes of this section, gross income is defined as that amount of income earned from qualifying sources without deduction of expenses related to the generation of such income;

(h) "Residence", presumptively the fund shareholder's mailing address on the records of the investment company. If, however, the investment company or the investment funds service corporation has actual knowledge that the fund shareholder's primary residence or principal place of business is different than the fund shareholder's mailing address such presumption shall not control. To the extent an investment funds service corporation does not have access to the records of the investment company, the investment funds service corporation may employ reasonable methods to determine the investment company fund shareholder's residence.

(5) Notwithstanding other provisions of law to the contrary, qualifying sales of an investment funds service corporation, or S corporation, shall be considered wholly in this state only to the extent that the fund shareholders of the investment companies, to which the investment funds service corporation, or S corporation, provide services, are resided in this state. Wholly in this state qualifying sales of an investment funds service corporation, or S corporation, shall be determined as follows:

(a) By multiplying the investment funds service corporation's total dollar amount of qualifying sales from services provided to each investment company by a fraction, the numerator of which shall be the average of the number of shares owned by the investment company's fund shareholders resided in this state at the beginning of and at the end of the investment company's taxable year that ends with or within the investment funds service corporation's taxable year, and the denominator of which shall be the average of the number of shares owned by the investment company's fund shareholders everywhere at the beginning of and at the end of the investment company's taxable year that ends with or within the investment funds service corporation's taxable year;

(b) A separate computation shall be made to determine the wholly in this state qualifying sales from each investment company. The qualifying sales for each investment company shall be multiplied by the respective percentage of each fund, as calculated pursuant to paragraph (a) of this subdivision. The product of this equation shall result in the wholly in this state qualifying sales. The qualifying sales for each investment company which are not wholly in this state will be considered wholly without this state;

(c) To the extent an investment funds service corporation has sales which are not qualifying sales, those nonqualified sales shall be apportioned to this state based on the methodology utilized by the investment funds service corporation without regard to this subdivision.

3. Any corporation described in subdivision (1) of subsection 1 of section 143.441 organized in this state or granted a permit to operate in this state for the transportation or care of passengers shall report its gross earnings within the state on intrastate business and shall also report its gross earnings on all interstate business done in this state which

report shall be subject to inquiry for the purpose of determining the amount of income to be included in Missouri taxable income. The previous sentence shall not apply to a railroad.

4. A corporation described in subdivision (2) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income arising from all sources in this state and all income from each transportation service wholly within this state, from each service where the only lines of such corporation used are those in this state, and such proportion of revenue from each service where the facilities of such corporation in this state and in another state or states are used, as the mileage used over the lines of such corporation in the state shall bear to the total mileage used over the lines of such corporation. The taxpayer may elect to compute the portion of income from all sources within this state in the following manner:

(1) The income from all sources shall be determined as provided;

(2) The amount of investment of such corporation on December thirty-first of each year in this state in fixed transportation facilities, real estate and improvements, plus the value on December thirty-first of each year of any fixed transportation facilities, real estate and improvements in this state leased from any other railroad shall be divided by the sum of the total amount of investment of such corporation on December thirty-first of each year in fixed transportation facilities, real estate and improvements, plus the value on December thirty-first of each year, of any fixed transportation facilities, real estate and improvements leased from any other railroad. Where any fixed transportation facilities, real estate or improvements are leased by more than one railroad, such portion of the value shall be used by each railroad as the rental paid by each shall bear to the rental paid by all lessees. The income shall be multiplied by the fraction thus obtained to determine the proportion to be used to arrive at the amount of Missouri taxable income.

5. A corporation described in subdivision (3) of subsection 1 of section 143.441 shall include in its Missouri taxable income one-half of the net income from the operation of a bridge between this and another state. If any such bridge is owned or operated by a railroad corporation or corporations, or by a corporation owning a railroad corporation using such bridge, then the figures for operation of such bridge may be included in the return of such railroad or railroads; or if such bridge is owned or operated by any other corporation which may now or hereafter be required to file an income tax return, one-half of the income or loss to such corporation from such bridge may be included in such return by adding or subtracting same to or from another net income or loss shown by the return.

6. A corporation described in subdivision (4) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income arising from all sources within this state. Income shall include revenue from each telephonic or telegraphic service rendered wholly within this state; from each service rendered for which the only facilities of such corporation used are those in this state; and from each service rendered over the facilities of such corporation in this state and in other state or states, such proportion of such revenue as the mileage involved in this state shall bear to the total mileage involved over the lines of said company in all states. The taxpayer may elect to compute the portion of income from all sources within this state in the following manner:

(1) The income from all sources shall be determined as provided;

(2) The amount of investment of such corporation on December thirty-first of each year in this state in telephonic or telegraphic facilities, real estate and improvements thereon, shall be divided by the amount of the total investment of such corporation on December thirty-first of each year in telephonic or telegraphic facilities, real estate and improvements. The income of the taxpayer shall be multiplied by fraction thus obtained to determine the proportion to be used to arrive at the amount of Missouri taxable income.

7. From the income determined in subsections 2, 3, 4, 5 and 6 of this section to be from all sources within this state shall be deducted such of the deductions for expenses in determining Missouri taxable income as were incurred in this state to produce such income and all losses actually sustained in this state in the business of the corporation.

8. If a corporation derives only part of its income from sources within Missouri, its Missouri taxable income shall only reflect the effect of the following listed deductions to the extent applicable to Missouri. The deductions are: (a) its deduction for federal income taxes pursuant to section 143.171, and (b) the effect on Missouri taxable income of the deduction for net operating loss allowed by Section 172 of the Internal Revenue Code. The extent applicable to Missouri shall be determined by multiplying the amount that would otherwise affect Missouri taxable income by the ratio for the year of the Missouri taxable income of the corporation for the year divided by the Missouri taxable income for the year as though the corporation had derived all of its income from sources within Missouri. For the purpose of the preceding sentence, Missouri taxable income shall not reflect the listed deductions.

9. Any investment funds service corporation organized as a corporation or S corporation which has any shareholders resided in this state shall be subject to Missouri income tax as provided in this chapter."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Fitzpatrick offered **House Amendment No. 1 to House Amendment No. 10.**

House Amendment No. 1
to
House Amendment No. 10

AMEND House Amendment No. 10 to House Committee Substitute for Senate Bill No. 24, Page 5, Line 19, by inserting after all of said line the following:

‘Further amend said bill, Page 37, Section 143.790, Line 255, by inserting after all of said section and line the following:

"144.010. 1. The following words, terms, and phrases when used in sections 144.010 to 144.525 have the meanings ascribed to them in this section, except when the context indicates a different meaning:

(1) "Admission" includes seats and tables, reserved or otherwise, and other similar accommodations and charges made therefor and amount paid for admission, exclusive of any admission tax imposed by the federal government or by sections 144.010 to 144.525;

(2) "Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either direct or indirect, and the classification of which business is of such character as to be subject to the terms of sections 144.010 to 144.525. The isolated or occasional sale of tangible personal property, service, substance, or thing, by a person not engaged in such business, does not constitute engaging in business within the meaning of sections 144.010 to 144.525 unless the total amount of the gross receipts from such sales, exclusive of receipts from the sale of tangible personal property by persons which property is sold in the course of the partial or complete liquidation of a household, farm or nonbusiness enterprise, exceeds three thousand dollars in any calendar year. The provisions of this subdivision shall not be construed to make any sale of property which is exempt from sales tax or use tax on June 1, 1977, subject to that tax thereafter;

(3) "Captive wildlife", includes but is not limited to exotic partridges, gray partridge, northern bobwhite quail, ring-necked pheasant, captive waterfowl, captive white-tailed deer, captive elk, and captive furbearers held under permit issued by the Missouri department of conservation for hunting purposes. The provisions of this subdivision shall not apply to sales tax on a harvested animal;

(4) "Gross receipts", except as provided in section 144.012, means the total amount of the sale price of the sales at retail including any services other than charges incident to the extension of credit that are a part of such sales made by the businesses herein referred to, capable of being valued in money, whether received in money or otherwise; except that, the term "gross receipts" shall not include the sale price of property returned by customers when the full sale price thereof is refunded either in cash or by credit. In determining any tax due under sections 144.010 to 144.525 on the gross receipts, charges incident to the extension of credit shall be specifically exempted. For the purposes of sections 144.010 to 144.525 the total amount of the sale price above mentioned shall be deemed to be the amount received. It shall also include the lease or rental consideration where the right to continuous possession or use of any article of tangible personal property is granted under a lease or contract and such transfer of possession would be taxable if outright sale were made and, in such cases, the same shall be taxable as if outright sale were made and considered as a sale of such article, and the tax shall be computed and paid by the lessee upon the rentals paid;

(5) "Livestock", cattle, calves, sheep, swine, ratite birds, including but not limited to, ostrich and emu, aquatic products as defined in section 277.024, llamas, alpaca, buffalo, elk documented as obtained from a legal source and not from the wild, goats, horses, other equine, or rabbits raised in confinement for human consumption;

(6) "Motor vehicle leasing company" shall be a company obtaining a permit from the director of revenue to operate as a motor vehicle leasing company. Not all persons renting or leasing trailers or motor vehicles need to obtain such a permit; however, no person failing to obtain such a permit may avail itself of the optional tax provisions of subsection 5 of section 144.070, as hereinafter provided;

(7) "Person" includes any individual, firm, copartnership, joint adventure, association, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or agency, except the state transportation department, estate, trust, business trust, receiver or trustee appointed by the state or federal court, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number;

(8) "Purchaser" means a person who purchases tangible personal property or to whom are rendered services, receipts from which are taxable under sections 144.010 to 144.525;

(9) "Research or experimentation activities" are the development of an experimental or pilot model, plant process, formula, invention or similar property, and the improvement of existing property of such type. Research or experimentation activities do not include activities such as ordinary testing or inspection of materials or products for

quality control, efficiency surveys, advertising promotions or research in connection with literary, historical or similar projects;

(10) "Sale" or "sales" includes installment and credit sales, and the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale, and means any transfer, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for valuable consideration and the rendering, furnishing or selling for a valuable consideration any of the substances, things and services herein designated and defined as taxable under the terms of sections 144.010 to 144.525;

(11) "Sale at retail" means any transfer made by any person engaged in business as defined herein of the ownership of, or title to, tangible personal property to the purchaser, for use or consumption and not for resale in any form as tangible personal property, for a valuable consideration; except that, for the purposes of sections 144.010 to 144.525 and the tax imposed thereby: (i) purchases of tangible personal property made by duly licensed physicians, dentists, optometrists and veterinarians and used in the practice of their professions shall be deemed to be purchases for use or consumption and not for resale; and (ii) the selling of computer printouts, computer output or microfilm or microfiche and computer-assisted photo compositions to a purchaser to enable the purchaser to obtain for his or her own use the desired information contained in such computer printouts, computer output on microfilm or microfiche and computer-assisted photo compositions shall be considered as the sale of a service and not as the sale of tangible personal property. Where necessary to conform to the context of sections 144.010 to 144.525 and the tax imposed thereby, the term "sale at retail" shall be construed to embrace:

(a) Sales of admission tickets, cash admissions, charges and fees to or in places of amusement, entertainment and recreation, games and athletic events, **which shall only include dance, theater, orchestra and other performing arts productions, commercial sports, spectator sports, gambling, racetracks, arcades, theme and amusement parks, water parks, circuses, carnivals, festivals, air shows, museums, marinas, motion picture theaters, and other commercial tourist attractions;**

(b) Sales of electricity, electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(c) Sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations, and the sale, rental or leasing of all equipment or services pertaining or incidental thereto;

(d) Sales of service for transmission of messages by telegraph companies;

(e) Sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist camp, tourist cabin, or other place in which rooms, meals or drinks are regularly served to the public;

(f) Sales of tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane, and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(12) "Seller" means a person selling or furnishing tangible personal property or rendering services, on the receipts from which a tax is imposed pursuant to section 144.020;

(13) The noun "tax" means either the tax payable by the purchaser of a commodity or service subject to tax, or the aggregate amount of taxes due from the vendor of such commodities or services during the period for which he or she is required to report his or her collections, as the context may require;

(14) "Telecommunications service", for the purpose of this chapter, the transmission of information by wire, radio, optical cable, coaxial cable, electronic impulses, or other similar means. As used in this definition, "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. Telecommunications service does not include the following if such services are separately stated on the customer's bill or on records of the seller maintained in the ordinary course of business:

(a) Access to the internet, access to interactive computer services or electronic publishing services, except the amount paid for the telecommunications service used to provide such access;

(b) Answering services and one-way paging services;

(c) Private mobile radio services which are not two-way commercial mobile radio services such as wireless telephone, personal communications services or enhanced specialized mobile radio services as defined pursuant to federal law; or

(d) Cable or satellite television or music services; and

(15) "Product which is intended to be sold ultimately for final use or consumption" means tangible personal property, or any service that is subject to state or local sales or use taxes, or any tax that is substantially equivalent thereto, in this state or any other state.

2. For purposes of the taxes imposed under sections 144.010 to 144.525, and any other provisions of law pertaining to sales or use taxes which incorporate the provisions of sections 144.010 to 144.525 by reference, the term "manufactured homes" shall have the same meaning given it in section 700.010.

3. Sections 144.010 to 144.525 may be known and quoted as the "Sales Tax Law".

144.018. 1. Notwithstanding any other provision of law to the contrary, except as provided under subsection 2 or 3 of this section, when a purchase of tangible personal property or service subject to tax is made for the purpose of resale, such purchase shall be either exempt or excluded under this chapter if the subsequent sale is:

- (1) Subject to a tax in this or any other state;
- (2) For resale;
- (3) Excluded from tax under this chapter;
- (4) Subject to tax but exempt under this chapter; or
- (5) Exempt from the sales tax laws of another state, if the subsequent sale is in such other state.

The purchase of tangible personal property by a taxpayer shall not be deemed to be for resale if such property is used or consumed by the taxpayer in providing a service on which tax is not imposed by subsection 1 of section 144.020, except purchases made in fulfillment of any obligation under a defense contract with the United States government.

2. For purposes of subdivision (2) of subsection 1 of section 144.020, a place of amusement, entertainment or recreation, [including] **which shall only include games or athletic events, dance, theater, orchestra and other performing arts productions, commercial sports, spectator sports, gambling, racetracks, arcades, theme and amusement parks, water parks, circuses, carnivals, festivals, air shows, museums, marinas, motion picture theaters, and other commercial tourist attractions**, shall remit tax on the amount paid for admissions or seating accommodations, or fees paid to, or in such place of amusement, entertainment or recreation. Any subsequent sale of such admissions or seating accommodations shall not be subject to tax if the initial sale was an arms length transaction for fair market value with an unaffiliated entity. If the sale of such admissions or seating accommodations is exempt or excluded from payment of sales and use taxes, the provisions of this subsection shall not require the place of amusement, entertainment, or recreation to remit tax on that sale.

3. For purposes of subdivision (6) of subsection 1 of section 144.020, a hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp, or other place in which rooms, meals, or drinks are regularly served to the public shall remit tax on the amount of sales or charges for all rooms, meals, and drinks furnished at such hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp, or other place in which rooms, meals, or drinks are regularly served to the public. Any subsequent sale of such rooms, meals, or drinks shall not be subject to tax if the initial sale was an arms length transaction for fair market value with an unaffiliated entity. If the sale of such rooms, meals, or drinks is exempt or excluded from payment of sales and use taxes, the provisions of this subsection shall not require the hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp, or other place in which rooms, meals, or drinks are regularly served to the public to remit tax on that sale.

4. The provisions of this section are intended to reject and abrogate earlier case law interpretations of the state's sales and use tax law with regard to sales for resale as extended in *Music City Centre Management, LLC v. Director of Revenue*, 295 S.W.3d 465, (Mo. 2009) and *ICC Management, Inc. v. Director of Revenue*, 290 S.W.3d 699, (Mo. 2009). The provisions of this section are intended to clarify the exemption or exclusion of purchases for resale from sales and use taxes as originally enacted in this chapter.

144.020. 1. A tax is hereby levied and imposed upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. The rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, including but not limited to motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard motors, a tax equivalent to four percent of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to four percent of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, except as otherwise provided in section 144.025;

(2) A tax equivalent to four percent of the amount paid for admission and seating accommodations, or fees paid to, or in any place of amusement, entertainment or recreation, **or games and athletic events, which shall only include dance, theater, orchestra and other performing arts productions, commercial sports, spectator sports, gambling, racetracks, arcades, theme and amusement parks, water parks, circuses, carnivals, festivals, air shows, museums, marinas, motion picture theaters, and other commercial tourist attractions**;

(3) A tax equivalent to four percent of the basic rate paid or charged on all sales of electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(4) A tax equivalent to four percent on the basic rate paid or charged on all sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; except that, the payment made by telecommunications subscribers or others, pursuant to section 144.060, and any amounts paid for access to the internet or interactive computer services shall not be considered as amounts paid for telecommunications services;

(5) A tax equivalent to four percent of the basic rate paid or charged for all sales of services for transmission of messages of telegraph companies;

(6) A tax equivalent to four percent on the amount of sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are regularly served to the public;

(7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(8) A tax equivalent to four percent of the amount paid or charged for rental or lease of tangible personal property, provided that if the lessor or renter of any tangible personal property had previously purchased the property under the conditions of "sale at retail" or leased or rented the property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or subrental receipts from that property. The purchase, rental or lease of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax paid as provided in this section and section 144.070. In no event shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof.

2. All tickets sold which are sold under the provisions of sections 144.010 to 144.525 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words "This ticket is subject to a sales tax."; and'; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Fitzpatrick, **House Amendment No. 1 to House Amendment No. 10** was adopted.

On motion of Representative Burlison, **House Amendment No. 10, as amended**, was adopted.

Representative Scharnhorst offered **House Amendment No. 11**.

House Amendment No. 11

AMEND House Committee Substitute for Senate Bill No. 24, Page 93, Section 302.525, Line 60, by inserting after all of said section and line the following:

"313.800. 1. As used in sections 313.800 to 313.850, unless the context clearly requires otherwise, the following terms mean:

(1) "Adjusted gross receipts", the gross receipts from licensed gambling games and devices less winnings paid to wagers;

(2) "Applicant", any person applying for a license authorized under the provisions of sections 313.800 to 313.850;

(3) "Bank", the elevations of ground which confine the waters of the Mississippi or Missouri Rivers at the ordinary high water mark as defined by common law;

(4) "Capital, cultural, and special law enforcement purpose expenditures" shall include any disbursement, including disbursements for principal, interest, and costs of issuance and trustee administration related to any indebtedness, for the acquisition of land, land improvements, buildings and building improvements, vehicles, machinery, equipment, works of art, intersections, signing, signalization, parking lot, bus stop, station, garage, terminal, hanger, shelter, dock, wharf, rest area, river port, airport, light rail, railroad, other mass transit, pedestrian shopping malls and plazas, parks, lawns, trees, and other landscape, convention center, roads, traffic control devices, sidewalks, alleys, ramps, tunnels, overpasses and underpasses, utilities, streetscape, lighting, trash receptacles, marquees, paintings, murals, fountains, sculptures, water and sewer systems, dams, drainage systems, creek bank restoration, any asset with a useful life greater than one year, cultural events, and any expenditure related to a law enforcement officer deployed as horse-mounted patrol, school resource or drug awareness resistance education (D.A.R.E) officer;

(5) "Cheat", to alter the selection of criteria which determine the result of a gambling game or the amount or frequency of payment in a gambling game;

(6) "Commission", the Missouri gaming commission;

(7) **"Credit instrument", a written check, negotiable instrument, automatic bank draft or other authorization from a qualified person to an excursion gambling boat licensee or any of its affiliated companies licensed by the commission authorizing the licensee to withdraw the amount of credit extended by the licensee to such person from the qualified person's banking account on or after a date certain of not more than thirty days from the date the credit was extended, and includes any such writing taken in consolidation, redemption or payment of a previous credit instrument, but does not include any interest-bearing installment loan or other extension of credit secured by collateral;**

(8) "Dock", the location in a city or county authorized under subsection 10 of section 313.812 which contains any natural or artificial space, inlet, hollow, or basin, in or adjacent to a bank of the Mississippi or Missouri Rivers, next to a wharf or landing devoted to the embarking of passengers on and disembarking of passengers from a gambling excursion but shall not include any artificial space created after May 20, 1994, and is located more than one thousand feet from the closest edge of the main channel of the river as established by the United States Army Corps of Engineers;

[(8)] (9) "Excursion gambling boat", a boat, ferry or other floating facility licensed by the commission on which gambling games are allowed;

[(9)] (10) "Fiscal year" shall for the purposes of subsections 3 and 4 of section 313.820 mean the fiscal year of a home dock city or county;

[(10)] (11) "Floating facility", any facility built or originally built as a boat, ferry or barge licensed by the commission on which gambling games are allowed;

[(11)] (12) "Gambling excursion", the time during which gambling games may be operated on an excursion gambling boat whether docked or during a cruise;

[(12)] (13) "Gambling game" includes, but is not limited to, games of skill or games of chance on an excursion gambling boat but does not include gambling on sporting events; provided such games of chance are approved by amendment to the Missouri Constitution;

[(13)] (14) "Games of chance", any gambling game in which the player's expected return is not favorably increased by his or her reason, foresight, dexterity, sagacity, design, information or strategy;

[(14)] (15) "Games of skill", any gambling game in which there is an opportunity for the player to use his or her reason, foresight, dexterity, sagacity, design, information or strategy to favorably increase the player's expected return; including, but not limited to, the gambling games known as "poker", "blackjack" (twenty-one), "craps", "Caribbean stud", "pai gow poker", "Texas hold'em", "double down stud", and any video representation of such games;

[(15)] (16) "Gross receipts", the total sums wagered by patrons of licensed gambling games;

[(16)] (17) "Holder of occupational license", a person licensed by the commission to perform an occupation within excursion gambling boat operations which the commission has identified as requiring a license;

[(17)] (18) "Licensee", any person licensed under sections 313.800 to 313.850;

[(18)] (19) "Mississippi River" and "Missouri River", the water, bed and banks of those rivers, including any space filled by the water of those rivers for docking purposes in a manner approved by the commission but shall not include any artificial space created after May 20, 1994, and is located more than one thousand feet from the closest edge of the main channel of the river as established by the United States Army Corps of Engineers;

[(19)] (20) "Supplier", a person who sells or leases gambling equipment and gambling supplies to any licensee.

2. In addition to the games of skill [referred to in subdivision (14) of] **defined in** subsection 1 of this section, the commission may approve other games of skill upon receiving a petition requesting approval of a gambling game from any applicant or licensee. The commission may set the matter for hearing by serving the applicant or licensee with written notice of the time and place of the hearing not less than five days prior to the date of the hearing and posting a public notice at each commission office. The commission shall require the applicant or licensee to pay the cost of

placing a notice in a newspaper of general circulation in the applicant's or licensee's home dock city or county. The burden of proof that the gambling game is a game of skill is at all times on the petitioner. The petitioner shall have the affirmative responsibility of establishing his or her case by a preponderance of evidence including:

- (1) Is it in the best interest of gaming to allow the game; and
- (2) Is the gambling game a game of chance or a game of skill?

All testimony shall be given under oath or affirmation. Any citizen of this state shall have the opportunity to testify on the merits of the petition. The commission may subpoena witnesses to offer expert testimony. Upon conclusion of the hearing, the commission shall evaluate the record of the hearing and issue written findings of fact that shall be based exclusively on the evidence and on matters officially noticed. The commission shall then render a written decision on the merits which shall contain findings of fact, conclusions of law and a final commission order. The final commission order shall be within thirty days of the hearing. Copies of the final commission order shall be served on the petitioner by certified or overnight express mail, postage prepaid, or by personal delivery.

313.812. 1. The commission may issue licenses pursuant to subsection 1 of section 313.807 when it is satisfied that the applicant has complied with all rules and regulations, including an update of all information provided to the commission in the licensee's initial application. The commission shall decide the number, location and type of excursion gambling boat in a city or county under subsection 10 of this section. The license shall set forth the name of the licensee, the type of license granted, the place where the excursion gambling boat will operate and dock, including the docking of an excursion gambling boat which is continuously docked, and other information the commission deems appropriate. The commission shall have the ultimate responsibility of deciding the number, location, and type of excursion gambling boats licensed in a city or county; however, any city or county which has complied with the provisions of subsection 10 of this section shall submit to the commission a plan outlining the following:

- (1) The recommended number of licensed excursion gambling boats operating in such city or county;
- (2) The recommended licensee or licensees operating in such city or county;
- (3) The community's economic development or impact and affirmative action plan concerning minorities' and women's ownership, contracting and employment for the waterfront development;
- (4) The city or county proposed sharing of revenue with any other municipality;
- (5) Any other information such city or county deems necessary; and
- (6) Any other information the commission may determine is necessary.

The commission shall provide for due dates for receiving such plan from the city or county.

2. A license to operate an excursion gambling boat shall only be granted to an applicant upon the express conditions that:

(1) The applicant shall not, by a lease, contract, understanding, or arrangement of any kind, grant, assign, or turn over to a person the operation of an excursion gambling boat licensed under this section or of the system of wagering described in section 313.817. This section does not prohibit a management contract with a person licensed by the commission; and

(2) The applicant shall not in any manner permit a person other than the licensee and the management licensee to have a share, percentage, or proportion of the money received for admissions to the excursion gambling boat.

3. The commission shall require, as a condition of granting a license, that an applicant operate an excursion gambling boat which, as nearly as practicable, resembles or is a part of Missouri's or the home dock city's or county's riverboat history.

4. The commission shall encourage through its rules and regulations the use of Missouri resources, goods and services in the operation of any excursion gambling boat.

5. The excursion gambling boat shall provide for nongaming areas, food service and a Missouri theme gift shop. The amount of space used for gaming shall be determined in accordance with all rules and regulations of the commission and the United States Coast Guard safety regulations.

6. A license to operate gambling games or to operate an excursion gambling boat shall not be granted unless the applicant has, through clear and convincing evidence, demonstrated financial responsibility sufficient to meet adequately the requirements of the proposed enterprise.

7. Each applicant shall establish by clear and convincing evidence its fitness to be licensed. Without limitation, the commission may deny a license based solely on the fact that there is evidence that any of the following apply:

- (1) The applicant has been suspended from operating an excursion gambling boat or a game of chance or gambling operation in another jurisdiction by a board or commission of that jurisdiction;
- (2) The applicant is not the true owner of the enterprise proposed;

(3) The applicant is not the sole owner, and other persons have ownership in the enterprise, which fact has not been disclosed;

(4) The applicant is a corporation that is not publicly traded and ten percent or more of the stock of the corporation is subject to a contract or option to purchase at any time during the period for which the license is to be issued unless the contract or option was disclosed to the commission and the commission approved the sale or transfer during the period of the license;

(5) The applicant has knowingly made a false statement of a material fact to the commission; or

(6) The applicant has failed to meet a valid, bona fide monetary obligation in connection with an excursion gambling boat.

8. A license shall not be granted if the applicant has not established [his] **the applicant's** good repute and moral character or if the applicant has pled guilty to, or has been convicted of, a felony. No licensee shall employ or contract with any person who has pled guilty to, or has been convicted of, a felony to perform any duties directly connected with the licensee's privileges under a license granted pursuant to this section, except that employees performing nongaming related occupations as determined by the commission shall be exempt from the requirements of this subsection.

9. **Except as provided in section 313.817**, a licensee shall not lend to any person money or any other thing of value for the purpose of permitting that person to wager on any gambling game authorized by law. This does not prohibit credit card or debit card transactions or cashing of checks. Any check cashed, **other than a credit instrument**, must be deposited within twenty-four hours. **Except for any credit instrument**, the commission may require licensees to verify a sufficient account balance exists before cashing any check. Any licensee who violates the provisions of this subsection shall be subject to an administrative penalty of five thousand dollars for each violation. Such administrative penalties shall be assessed and collected by the commission.

10. Gambling excursions including the operation of gambling games on an excursion gambling boat which is not continuously docked shall be allowed only on the Mississippi River and the Missouri River. No license to conduct gambling games on an excursion gambling boat in a city or county shall be issued unless and until the qualified voters of the city or county approve such activities pursuant to this subsection. The question shall be submitted to the qualified voters of the city or county at a general, primary or special election upon the motion of the governing body of the city or county or upon the petition of fifteen percent of the qualified voters of the city or county determined on the basis of the number of votes cast for governor in the city or county at the last election held prior to the filing of the petition. The question shall be submitted in substantially the following form:

Shall the City (County) of allow the licensing of excursion gambling boats or floating facilities as now or hereafter provided by Missouri gaming law in the city (county)?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the commission may license excursion gambling boats in that city or county and such boats may operate on the Mississippi River and the Missouri River. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the commission shall not license such excursion gambling boats in such city or county unless and until the question is again submitted to and approved by a majority of the qualified voters of the city or county at a later election. Excursion gambling boats may only dock in a city or unincorporated area of a county which approves licensing of such excursion gambling boats pursuant to this subsection, but gambling operations may be conducted at any point on the Mississippi River or the Missouri River during an excursion. Those cities and counties which have approved by election pursuant to this subsection, except those cities or counties which have subsequently rejected by election, the licensing of any type of excursion gambling boats in the city or county prior to April 6, 1994, are exempt from any local election requirement of this section as such previous election shall have the same effect as if held after May 20, 1994.

11. If a docking fee is charged by a city or a county, a licensee operating an excursion gambling boat shall pay the docking fee prior to the start of the excursion season.

12. Any licensee shall not be delinquent in the payment of property taxes or other taxes or fees or in the payment of any other contractual obligation or debt due or owed to the state or a political subdivision of the state.

13. An excursion gambling boat licensed by the state shall meet all of the requirements of chapter 306 and is subject to an inspection of its sanitary facilities to protect the environment and water quality by the commission or its designee before a license to operate an excursion gambling boat is issued by the commission. Licensed excursion gambling boats shall also be subject to such inspections during the period of the license as may be deemed necessary by the commission. The cost of such inspections shall be paid by the licensee.

14. A holder of any license shall be subject to imposition of penalties, suspension or revocation of such license, or if the person is an applicant for licensure, the denial of the application, for any act or failure to act by himself or his

agents or employees, that is injurious to the public health, safety, morals, good order and general welfare of the people of the state of Missouri, or that would discredit or tend to discredit the Missouri gaming industry or the state of Missouri unless the licensee proves by clear and convincing evidence that it is not guilty of such action. The commission shall take appropriate action against any licensee who violates the law or the rules and regulations of the commission. Without limiting other provisions of this subsection, the following acts or omissions may be grounds for such discipline:

- (1) Failing to comply with or make provision for compliance with sections 313.800 to 313.850, the rules and regulations of the commission or any federal, state or local law or regulation;
- (2) Failing to comply with any rule, order or ruling of the commission or its agents pertaining to gaming;
- (3) Receiving goods or services from a person or business entity who does not hold a supplier's license but who is required to hold such license by the provisions of sections 313.800 to 313.850 or the rules and regulations of the commission;
- (4) Being suspended or ruled ineligible or having a license revoked or suspended in any state of gaming jurisdiction;
- (5) Associating with, either socially or in business affairs, or employing persons of notorious or unsavory reputation or who have extensive police records, or who have failed to cooperate with any officially constituted investigatory or administrative body and would adversely affect public confidence and trust in gaming;
- (6) Employing in any gambling games' operation or any excursion gambling boat operation, any person known to have been found guilty of cheating or using any improper device in connection with any gambling game;
- (7) Use of fraud, deception, misrepresentation or bribery in securing any permit or license issued pursuant to sections 313.800 to 313.850;
- (8) Obtaining or attempting to obtain any fee, charge, or other compensation by fraud, deception, or misrepresentation;
- (9) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties regulated by sections 313.800 to 313.850.

313.817. 1. Except as permitted in this section, the licensee licensed to operate gambling games shall permit no form of wagering on gambling games.

2. The licensee may receive wagers only from a person present on a licensed excursion gambling boat.

3. Wagering shall not be conducted with money or other negotiable currency. The licensee shall exchange the money **or credit instrument** of each wagerer for electronic or physical tokens, chips, or other forms of credit to be wagered on the gambling games. The licensee shall exchange the tokens, chips, or other forms of wagering credit for money at the request of the wagerer.

4. A person under twenty-one years of age shall not make a wager on an excursion gambling boat and shall not be allowed in the area of the excursion boat where gambling is being conducted; provided that employees of the licensed operator of the excursion gambling boat who have attained eighteen years of age shall be permitted in the area in which gambling is being conducted when performing employment-related duties, except that no one under twenty-one years of age may be employed as a dealer or accept a wager on an excursion gambling boat. The governing body of a home dock city or county may restrict the age of entrance onto an excursion gambling boat by passage of a local ordinance.

5. In order to help protect patrons from invasion of privacy and the possibility of identity theft, patrons shall not be required to provide fingerprints, retinal scans, biometric forms of identification, any type of patron-tracking cards, or other types of identification prior to being permitted to enter the area where gambling is being conducted on an excursion gambling boat or to make a wager, except that, for purposes of establishing that a patron is at least twenty-one years of age as provided in subsection 4 above, a licensee operating an excursion gambling boat shall be authorized to request such patron to provide a valid state or federal photo identification or a valid passport. This section shall not prohibit enforcement of identification requirements that are required by federal law. This section shall not prohibit enforcement of any Missouri statute requiring identification of patrons for reasons other than being permitted to enter the area of an excursion gambling boat where gambling is being conducted or to make a wager.

6. A licensee shall only allow wagering and conduct gambling games at the times allowed by the commission.

7. It shall be unlawful for a person to present false identification to a licensee or a gaming agent in order to gain entrance to an excursion gambling boat, cash a check or verify that such person is legally entitled to be present on the excursion gambling boat. Any person who violates the provisions of this subsection shall be guilty of a class B misdemeanor for the first offense and a class A misdemeanor for second and subsequent offenses.

8. Credit instruments executed on or after August 28, 2013, are valid contracts creating debt that is enforceable by legal process. A licensee may accept credit instruments from a qualified person in exchange for chips, tokens, or electronic tokens that can be wagered on gambling games at the licensee's excursion gambling

boat. For the purposes of this subsection, “qualified person” means a person who has completed a credit application provided by the licensee and who is determined by the licensee, after performing a credit check and applying usual standards to establish creditworthiness, to qualify for a line of credit of at least five thousand dollars. Once the licensee makes the determination that a person is a qualified person, additional credit checks are not required. Approval to accept a credit instrument from a qualified person shall be made by the holder of an occupational license. A licensee may accept multiple credit instruments from the same person to consolidate or redeem a previous credit instrument. A lost or destroyed credit instrument shall remain valid and enforceable if the party seeking enforcement can prove its existence and terms. Any person who violates this subsection is subject only to the penalties provided in section 313.812. The commission shall have no authority to determine the validity or enforceability of a credit instrument or the enforceability of the debt that the credit instrument represents. Failure to comply with any regulation promulgated by the commission shall not impact the validity or enforceability of the credit instrument or the debt that the credit instrument represents.

313.830. 1. A person is guilty of a class D felony for any of the following:

(1) Operating a gambling excursion where wagering is used or to be used without a license issued by the commission;

(2) Operating a gambling excursion where wagering is permitted other than in the manner specified by section 313.817; or

(3) Acting, or employing a person to act, as a shill or decoy to encourage participation in a gambling game.

2. A person is guilty of a class B misdemeanor for the first offense and a class A misdemeanor for the second and subsequent offenses for any of the following:

(1) Permitting a person under the age of twenty-one to make a wager while on an excursion gambling boat;

(2) Making or attempting to make a wager while on an excursion gambling boat when such person is under the age of twenty-one years; or

(3) Aiding a person who is under the age of twenty-one in entering an excursion gambling boat or in making or attempting to make a wager while on an excursion gambling boat. 3. A person wagering or accepting a wager at any location outside the excursion gambling boat is in violation of section 572.040.

4. A person commits a class D felony and, in addition, shall be barred for life from excursion gambling boats under the jurisdiction of the commission, if the person:

(1) Offers, promises, or gives anything of value or benefit to a person who is connected with an excursion gambling boat operator including, but not limited to, an officer or employee of a licensee or holder of an occupational license pursuant to an agreement or arrangement or with the intent that the promise or thing of value or benefit will influence the actions of the person to whom the offer, promise, or gift was made in order to affect or attempt to affect the outcome of a gambling game, or to influence official action of a member of the commission;

(2) Solicits or knowingly accepts or receives a promise of anything of value or benefit while the person is connected with an excursion gambling boat including, but not limited to, an officer or employee of a licensee, or holder of an occupational license, pursuant to an understanding or arrangement or with the intent that the promise or thing of value or benefit will influence the actions of the person to affect or attempt to affect the outcome of a gambling game, or to influence official action of a member of the commission;

(3) Uses a device to assist in any of the following:

(a) In projecting the outcome of the game;

(b) In keeping track of the cards played;

(c) In analyzing the probability of the occurrence of an event relating to the gambling game; or

(d) In analyzing the strategy for playing or betting to be used in the game, except as permitted by the commission;

(4) Cheats at a gambling game;

(5) Manufactures, sells, or distributes any cards, chips, dice, game or device which is intended to be used to violate any provision of sections 313.800 to 313.850;

(6) Instructs a person in cheating or in the use of a device for that purpose with the knowledge or intent that the information or use conveyed may be employed to violate any provision of sections 313.800 to 313.850;

(7) Alters or misrepresents the outcome of a gambling game on which wagers have been made after the outcome is made sure but before it is revealed to the players;

(8) Places a bet after acquiring knowledge, not available to all players, of the outcome of the gambling game which is the subject of the bet or to aid a person in acquiring the knowledge for the purpose of placing a bet contingent on that outcome;

(9) Claims, collects, or takes, or attempts to claim, collect, or take, money or anything of value in or from the gambling games, with intent to defraud, without having made a wager contingent on winning a gambling game, or claims, collects, or takes an amount of money or thing of value of greater value than the amount won;

(10) Knowingly entices or induces a person to go to any place where a gambling game is being conducted or operated in violation of the provisions of sections 313.800 to 313.850 with the intent that the other person plays or participates in that gambling game;

(11) Uses counterfeit chips or tokens in a gambling game;

(12) Knowingly uses, other than chips, tokens, coin, of other methods of credit approved by the commission, legal tender of the United States of America, or to use coin not of the denomination as the coin intended to be used in the gambling games;

(13) Has in the person's possession any device intended to be used to violate a provision of sections 313.800 to 313.850;

(14) Has in the person's possession, except a gambling licensee or employee of a gambling licensee acting in furtherance of the employee's employment, any key or device designed for the purpose of opening, entering, or affecting the operation of a gambling game, drop box, or an electronic or mechanical device connected with the gambling game or for removing coins, tokens, chips or other contents of the gambling game; or

(15) Knowingly makes a false statement of any material fact to the commission, its agents or employees.

5. The possession of one or more of the devices described in subdivision (3), (5), (13) or (14) of subsection 4 of this section permits a rebuttable inference that the possessor intended to use the devices for cheating.

6. Except for wagers on gambling games or exchanges for money **or a credit instrument** as provided in section 313.817, or as payment for food or beverages on the excursion gambling boat, a licensee who exchanges tokens, chips, or other forms of credit to be used on gambling games for anything of value commits a class B misdemeanor.

7. If the commission determines that reasonable grounds to believe that a violation of sections 313.800 to 313.850 has occurred or is occurring which is a criminal offense, the commission shall refer such matter to both the state attorney general and the prosecuting attorney or circuit attorney having jurisdiction. The state attorney general and the prosecuting attorney or circuit attorney with such jurisdiction shall have concurrent jurisdiction to commence actions for violations of sections 313.800 to 313.850 where such violations have occurred.

8. Venue for all crimes committed on an excursion gambling boat shall be the jurisdiction of the home dock city or county or such county where a home dock city is located."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Scharnhorst, **House Amendment No. 11** was adopted.

Representative Funderburk offered **House Amendment No. 12**.

House Amendment No. 12

AMEND House Committee Substitute for Senate Bill No. 24, Page 3, Section A, Line 32, by inserting after all of said section the following:

"32.070. 1. This act shall be known and may be cited as the "Streamlined Sales and Use Tax Agreement Act".

2. The director of the department of revenue shall enter into the streamlined sales and use tax agreement with one or more states to simplify and modernize sales and use tax administration in order to substantially reduce the burden of tax compliance for all sellers and for all types of commerce. In furtherance of the streamlined sales and use tax agreement, the director of the department of revenue may act jointly with other states that are members of the streamlined sales and use tax agreement to establish standards for certification of a certified service provider and certified automated system and establish performance standards for multistate sellers.

3. In the first year after any federal legislation requiring vendors to collect sales and use tax uniformly on sales in all states has been adopted and in which the amount of state sales and use tax revenue collected under such federal legislation exceeds the amount of such revenues collected in the immediately preceding year by at least two hundred million dollars, the highest rate of the tax imposed on the Missouri taxable income of residents under chapter 143 shall be decreased from six percent to five and one half percent. The director of the

department of revenue shall notify the revisor of statutes when such federal legislation is adopted and becomes effective in all states.

4. The director of the department of revenue may take other action reasonably required to implement the provisions set forth in the streamlined sales and use tax administration act, including, but not limited to, the promulgation of rules and the joint procurement, with other member states, of goods and services in furtherance of the streamlined sales and use tax agreement.

5. For the purposes of representing the state as a member of the agreement and, if necessary, amending the agreement, the state shall be represented by three delegates, one of whom shall be appointed by the governor, one shall be a member of the general assembly appointed by mutual agreement of the president pro tem of the senate and the speaker of the house of representatives, with the director of the department of revenue or the director's designee as the third delegate. The delegates shall recommend to the committees responsible for reviewing tax issues in the senate and the house of representatives each year any amendment of state statutes required to be substantially in compliance with the agreement. Such delegates shall make a written report by the fifteenth day of January each year regarding the status of the agreement.

6. The department of revenue shall promulgate rules necessary to implement the provisions of the streamlined sales and use tax agreement.

32.086. Notwithstanding any other provision of law, for all local sales and use taxes collected by the department and remitted to a political jurisdiction or taxing district, the department shall remit one percent of the amount collected to the general revenue fund to offset the cost of collection, unless a greater amount is specified in the local sales and use tax law. The department shall not commingle the remaining amounts collected with general revenues and shall remit the remaining amounts collected to the political jurisdiction or taxing district less any credits for erroneous payments, overpayments, and dishonored checks.

32.087. 1. Within ten days after the adoption of any ordinance or order in favor of adoption of any local sales tax authorized under the local sales tax law by the voters of a taxing entity, the governing body or official of such taxing entity shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance or order. The ordinance or order shall reflect the effective date thereof.

2. Any local sales tax so adopted shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the local sales tax, except as provided in subsection [18] 17 of this section.

3. Every retailer within the jurisdiction of one or more taxing entities which has imposed one or more local sales taxes under the local sales tax law shall add all taxes so imposed along with the tax imposed by the sales tax law of the state of Missouri to the sale price and, when added, the combined tax shall constitute a part of the price, and shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. The combined rate of the state sales tax and all local sales taxes shall be the sum of the rates, multiplying the combined rate times the amount of the sale.

4. [The brackets required to be established by the director of revenue under the provisions of section 144.285 shall be based upon the sum of the combined rate of the state sales tax and all local sales taxes imposed under the provisions of the local sales tax law.

5.] The ordinance or order imposing a local sales tax under the local sales tax law shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the sum of the combined rate of the state sales tax or state highway use tax and all local sales taxes imposed under the provisions of the local sales tax law.

[6.] 5. On and after the effective date of any local sales tax imposed under the provisions of the local sales tax law, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri all additional local sales taxes authorized under the authority of the local sales tax law. All local sales taxes imposed under the local sales tax law together with all taxes imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

[7.] 6. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of any local sales tax imposed under the local sales tax law except as modified by the local sales tax law.

[8.] 7. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.525, as these sections now read and as they may hereafter be amended, it being the intent of this general assembly to ensure that the same sales tax exemptions granted from the state sales tax law also be granted under the local sales tax law, are hereby made applicable to the imposition and collection of all local sales taxes imposed under the local sales tax law.

[9.] 8. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of the local sales tax law, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from any local sales tax imposed by the local sales tax law.

[10.] 9. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under the provisions of the state sales tax law are hereby allowed and made applicable to any local sales tax collected under the provisions of the local sales tax law.

[11.] 10. The penalties provided in section 32.057 and sections 144.010 to 144.525 for a violation of the provisions of those sections are hereby made applicable to violations of the provisions of the local sales tax law.

[12. (1)] 11. For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales[, except the sale of motor vehicles, trailers, boats, and outboard motors, shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's agent or employee shall be deemed to be consummated at the place of business from which he works.

(2) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales of motor vehicles, trailers, boats, and outboard motors shall be deemed to be consummated at the residence of the purchaser and not at the place of business of the retailer, or the place of business from which the retailer's agent or employee works.

(3) For the purposes of any local tax imposed by an ordinance or under the local sales tax law on charges for mobile telecommunications services, all taxes of mobile telecommunications service shall be imposed as provided in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended] **shall be sourced as provided by sections 144.040 to 144.043.**

[13.] 12. Local sales taxes imposed pursuant to the local sales tax law on the purchase and sale of motor vehicles, trailers, boats, and outboard motors shall not be collected and remitted by the seller, but shall be collected by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a taxing entity imposing a local sales tax under the local sales tax law.

[14.] 13. The director of revenue and any of [his] **the director's** deputies, assistants and employees who have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of the local sales tax law shall enter a surety bond or bonds payable to any and all taxing entities in whose behalf such funds have been collected under the local sales tax law in the amount of one hundred thousand dollars for each such tax; but the director of revenue may enter into a blanket bond covering [himself] **the director** and all such deputies, assistants and employees. The cost of any premium for such bonds shall be paid by the director of revenue from the share of the collections under the sales tax law retained by the director of revenue for the benefit of the state.

[15.] 14. The director of revenue shall annually report on [his] **the director's** management of each trust fund which is created under the local sales tax law and administration of each local sales tax imposed under the local sales tax law. [He] **The director** shall provide each taxing entity imposing one or more local sales taxes authorized by the local sales tax law with a detailed accounting of the source of all funds received by [him] **the director** for the taxing entity. Notwithstanding any other provisions of law, the state auditor shall annually audit each trust fund. A copy of the director's report and annual audit shall be forwarded to each taxing entity imposing one or more local sales taxes.

[16.] 15. Within the boundaries of any taxing entity where one or more local sales taxes have been imposed, if any person is delinquent in the payment of the amount required to be paid by [him] **such person** under the local sales tax law or in the event a determination has been made against [him] **such person** for taxes and penalty under the local sales tax law, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under the local sales tax law, the director of revenue shall notify the taxing entity in the

event any person fails or refuses to pay the amount of any local sales tax due so that appropriate action may be taken by the taxing entity.

[17.] **16.** Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by the local sales tax law, the director of revenue shall permit the taxing entity to join in any sale of property to pay the delinquent taxes and penalties due the state and to the taxing entity under the local sales tax law. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such taxing entity.

[18.] **17.** If a local sales tax has been in effect for at least one year under the provisions of the local sales tax law and voters approve reimposition of the same local sales tax at the same rate at an election as provided for in the local sales tax law prior to the date such tax is due to expire, the tax so reimposed shall become effective the first day of the first calendar quarter after the director receives a certified copy of the ordinance, order or resolution accompanied by a map clearly showing the boundaries thereof and the results of such election, provided that such ordinance, order or resolution and all necessary accompanying materials are received by the director at least thirty days prior to the expiration of such tax. Any administrative cost or expense incurred by the state as a result of the provisions of this subsection shall be paid by the city or county reimposing such tax.

18. If the boundaries of a city in which a sales tax or use tax has been imposed shall thereafter be changed or altered, the city clerk shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the city within ten days of adoption of the ordinance. The ordinance shall reflect the effective date of the ordinance and shall be accompanied by a map of the city clearly showing the territory added or detached from the city boundaries. Upon receipt of the ordinance and map, the tax imposed under the local sales tax law or local use tax law shall be effective in the added territory or abolished in the detached territory on the first day of a calendar quarter after one hundred twenty days' notice to sellers.

19. Any change to any local sales tax or local use tax boundary or rate shall be effective on the first day of a calendar quarter after one hundred twenty days' notice to sellers."; and

Further amend said bill, Page 3, Section 64.196, Line 5, by inserting after all of said section the following:

"66.620. 1. All county sales taxes collected by the director of revenue under sections 66.600 to 66.630 on behalf of any county[, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited in a special trust fund, which is hereby created, to be known as the "County Sales Tax Trust Fund". [The moneys in the county sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a county sales tax, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax; such funds shall be deposited with the county treasurer of the county and all expenditures of funds arising from the county sales tax trust fund shall be by an appropriation act to be enacted by the legislative council of the county, and to the cities, towns and villages located wholly or partly within the county which levied the tax in the manner as set forth in sections 66.600 to 66.630.

2. In any county not adopting an additional sales tax and alternate distribution system as provided in section 67.581, for the purposes of distributing the county sales tax, the county shall be divided into two groups, "Group A" and "Group B". Group A shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which had a city sales tax in effect under the provisions of sections 94.500 to 94.550 on the day prior to the adoption of the county sales tax ordinance, except that beginning January 1, 1980, group A shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which had a city sales tax approved by the voters of such city under the provisions of sections 94.500 to 94.550 on the day prior to the effective date of the county sales tax. For the purposes of determining the location of consummation of sales for distribution of funds to cities, towns and villages in group A, the boundaries of any such city, town or village shall be the boundary of that city, town or village as it existed on March 19, 1984. Group B shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which did not have a city sales tax in effect under the provisions of sections 94.500 to 94.550 on the day prior to the adoption of the county sales tax ordinance, and shall also include all unincorporated areas of the county which levied the tax; except that, beginning January 1, 1980, group B shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which did not have a city sales tax approved by the voters of such city under the

provisions of sections 94.500 to 94.550 on the day prior to the effective date of the county sales tax and shall also include all unincorporated areas of the county which levied the tax.

3. Until January 1, 1994, the director of revenue shall distribute to the cities, towns and villages in group A the taxes based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087. Except for distribution governed by section 66.630, after deducting the distribution to the cities, towns and villages in group A, the director of revenue shall distribute the remaining funds in the county sales tax trust fund to the cities, towns and villages and the county in group B as follows: To the county which levied the tax, a percentage of the distributable revenue equal to the percentage ratio that the population of the unincorporated areas of the county bears to the total population of group B; and to each city, town or village in group B located wholly within the taxing county, a percentage of the distributable revenue equal to the percentage ratio that the population of such city, town or village bears to the total population of group B; and to each city, town or village located partly within the taxing county, a percentage of the distributable revenue equal to the percentage ratio that the population of that part of the city, town or village located within the taxing county bears to the total population of group B.

4. From and after January 1, 1994, the director of revenue shall distribute to the cities, towns and villages in group A a portion of the taxes based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087 in accordance with the formula described in this subsection. After deducting the distribution to the cities, towns and villages in group A, the director of revenue shall distribute funds in the county sales tax trust fund to the cities, towns and villages and the county in group B as follows: To the county which levied the tax, ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated since April 1, 1993, multiplied by the total of all sales tax revenues countywide, and a percentage of the remaining distributable revenue equal to the percentage ratio that the population of unincorporated areas of the county bears to the total population of group B; and to each city, town or village in group B located wholly within the taxing county, a percentage of the remaining distributable revenue equal to the percentage ratio that the population of such city, town or village bears to the total population of group B; and to each city, town or village located partly within the taxing county, a percentage of the remaining distributable revenue equal to the percentage ratio that the population of that part of the city, town or village located within the taxing county bears to the total population of group B.

5. (1) For purposes of administering the distribution formula of subsection 4 of this section, the revenues arising each year from sales occurring within each group A city, town or village shall be distributed as follows: Until such revenues reach the adjusted county average, as hereinafter defined, there shall be distributed to the city, town or village all of such revenues reduced by the percentage which is equal to ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993; and once revenues exceed the adjusted county average, total revenues shall be shared in accordance with the redistribution formula as defined in this subsection.

(2) For purposes of this subsection, the "adjusted county average" is the per capita countywide average of all sales tax distributions during the prior calendar year reduced by the percentage which is equal to ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993; the "redistribution formula" is as follows: During 1994, each group A city, town and village shall receive that portion of the revenues arising from sales occurring within the municipality that remains after deducting therefrom an amount equal to the cumulative sales tax revenues arising from sales within the municipality multiplied by the percentage which is the sum of ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993, and the percentage, if greater than zero, equal to the product of 8.5 multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of cumulative per capita sales taxes arising from sales within the municipality less the adjusted county average. During 1995, each group A city, town and village shall receive that portion of the revenues arising from sales occurring within the municipality that remains after deducting therefrom an amount equal to the cumulative sales tax revenues arising from sales within the municipality multiplied by the percentage which is the sum of ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993, and the percentage, if greater than zero, equal to the product of seventeen multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of cumulative per capita sales taxes arising from sales within the municipality less the adjusted county average. From January 1, 1996, until January 1, 2000, each group A city, town and village shall receive that portion of the revenues arising from sales occurring within the municipality that remains after deducting therefrom an amount equal to the cumulative sales tax revenues arising from sales within the municipality multiplied by the percentage which is the sum of ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993, and the percentage, if greater than zero, equal to the product of 25.5 multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of cumulative per capita sales taxes arising from sales within the municipality less the adjusted county average. From and after January 1, 2000, the distribution formula

covering the period from January 1, 1996, until January 1, 2000, shall continue to apply, except that the percentage computed for sales arising within the municipalities shall be not less than 7.5 percent for municipalities within which sales tax revenues exceed the adjusted county average, nor less than 12.5 percent for municipalities within which sales tax revenues exceed the adjusted county average by at least twenty-five percent.

(3) For purposes of applying the redistribution formula to a municipality which is partly within the county levying the tax, the distribution shall be calculated alternately for the municipality as a whole, except that the factor for annexed portion of the county shall not be applied to the portion of the municipality which is not within the county levying the tax, and for the portion of the municipality within the county levying the tax. Whichever calculation results in the larger distribution to the municipality shall be used.

(4) Notwithstanding any other provision of this section, the fifty percent of additional sales taxes as described in section 99.845 arising from economic activities within the area of a redevelopment project established after July 12, 1990, pursuant to sections 99.800 to 99.865, while tax increment financing remains in effect shall be deducted from all calculations of countywide sales taxes, shall be distributed directly to the municipality involved, and shall be disregarded in calculating the amounts distributed or distributable to the municipality. Further, any agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of incremental sales tax revenues to the special allocation fund of a tax increment financing project while tax increment financing remains in effect shall continue to be in full force and effect and the sales taxes so appropriated shall be deducted from all calculations of countywide sales taxes, shall be distributed directly to the municipality involved, and shall be disregarded in calculating the amounts distributed or distributable to the municipality. In addition, and notwithstanding any other provision of this chapter to the contrary, economic development funds shall be distributed in full to the municipality in which the sales producing them were deemed consummated. Additionally, economic development funds shall be deducted from all calculations of countywide sales taxes and shall be disregarded in calculating the amounts distributed or distributable to the municipality. As used in this subdivision, the term "economic development funds" means the amount of sales tax revenue generated in any fiscal year by projects authorized pursuant to chapter 99 or chapter 100 in connection with which such sales tax revenue was pledged as security for, or was guaranteed by a developer to be sufficient to pay, outstanding obligations under any agreement authorized by chapter 100, entered into or adopted prior to September 1, 1993, between a municipality and another public body. The cumulative amount of economic development funds allowed under this provision shall not exceed the total amount necessary to amortize the obligations involved.

6. If the qualified voters of any city, town or village vote to change or alter its boundaries by annexing any unincorporated territory included in group B or if the qualified voters of one or more city, town or village in group A and the qualified voters of one or more city, town or village in group B vote to consolidate, the area annexed or the area consolidated which had been a part of group B shall remain a part of group B after annexation or consolidation. After the effective date of the annexation or consolidation, the annexing or consolidated city, town or village shall receive a percentage of the group B distributable revenue equal to the percentage ratio that the population of the annexed or consolidated area bears to the total population of group B and such annexed area shall not be classified as unincorporated area for determination of the percentage allocable to the county. If the qualified voters of any two or more cities, towns or villages in group A each vote to consolidate such cities, towns or villages, then such consolidated cities, towns or villages shall remain a part of group A. For the purpose of sections 66.600 to 66.630, population shall be as determined by the last federal decennial census or the latest census that determines the total population of the county and all political subdivisions therein. For the purpose of calculating the adjustment based on the percentage of unincorporated county population which is annexed after April 1, 1993, the accumulated percentage immediately before each census shall be used as the new percentage base after such census. After any annexation, incorporation or other municipal boundary change affecting the unincorporated area of the county, the chief elected official of the county shall certify the new population of the unincorporated area of the county and the percentage of the population which has been annexed or incorporated since April 1, 1993, to the director of revenue. After the adoption of the county sales tax ordinance, any city, town or village in group A may by adoption of an ordinance by its governing body cease to be a part of group A and become a part of group B. Within ten days after the adoption of the ordinance transferring the city, town or village from one group to the other, the clerk of the transferring city, town or village shall forward to the director of revenue, by registered mail, a certified copy of the ordinance. Distribution to such city as a part of its former group shall cease and as a part of its new group shall begin on the first day of January of the year following notification to the director of revenue, provided such notification is received by the director of revenue on or before the first day of July of the year in which the transferring ordinance is adopted. If such notification is received by the director of revenue after the first day of July of the year in which the transferring ordinance is adopted, then distribution to such city as a part of its former group shall cease and as a part of its new group shall begin the first day of July of the year following such notification

to the director of revenue. Once a group A city, town or village becomes a part of group B, such city may not transfer back to group A.

7. If any city, town or village shall hereafter change or alter its boundaries, the city clerk of the municipality shall forward to the director of revenue, by registered mail, a certified copy of the ordinance adding or detaching territory from the municipality. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the municipality clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by sections 66.600 to 66.630 shall be redistributed and allocated in accordance with the provisions of this section on the effective date of the change of the municipal boundary so that the proper percentage of group B distributable revenue is allocated to the municipality in proportion to any annexed territory. If any area of the unincorporated county elects to incorporate subsequent to the effective date of the county sales tax as set forth in sections 66.600 to 66.630, the newly incorporated municipality shall remain a part of group B. The city clerk of such newly incorporated municipality shall forward to the director of revenue, by registered mail, a certified copy of the incorporation election returns and a map of the municipality clearly showing the boundaries thereof. The certified copy of the incorporation election returns shall reflect the effective date of the incorporation. Upon receipt of the incorporation election returns and map, the tax imposed by sections 66.600 to 66.630 shall be distributed and allocated in accordance with the provisions of this section on the effective date of the incorporation.

8. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

9. Except as modified in sections 66.600 to 66.630, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under sections 66.600 to 66.630."; and

Further amend said bill, Page 4, Section 67.281, Line 17, by inserting after all of said section the following:

"67.395. 1. All sales taxes collected by the director of revenue under sections 67.391 to 67.395 on behalf of any county[, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087] shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County AntiDrug Sales Tax Trust Fund". [The moneys in the county antidrug sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a sales tax under sections 67.391 to 67.395, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax. Such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from the county antidrug sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county.

2. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

3. Except as modified in sections 67.391 to 67.395, all provisions of sections 32.085 [and] ~~to~~ 32.087 shall apply to the tax imposed under sections 67.391 to 67.395.

67.525. 1. All county sales taxes collected by the director of revenue under sections 67.500 to 67.545 on behalf of any county[, less one percent for cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a county sales tax trust fund, which fund shall be separate and apart from the county sales tax trust fund established by section 66.620. [The moneys in such county sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a county sales tax, and the records shall be open to the inspection of officers of the county and to the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month by distributing to the county treasurer, or such other officer as may be designated by the county ordinance or order, of each county imposing the tax authorized by sections 67.500 to 67.545, the sum due the county as certified by the director of revenue.

2. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

3. Except as modified in sections 67.500 to 67.545, all provisions of sections 32.085 [and] to 32.087 shall apply to the tax imposed under sections 67.500 to 67.545.

67.571. 1. The governing body of any county of the first classification with a population of more than eighty-two thousand inhabitants and less than ninety thousand inhabitants may, in addition to any tourism sales tax imposed pursuant to sections 67.671 to 67.685, by a majority vote, impose a sales tax for the funding of museums and festivals. For purposes of this section, the term "funding of museums and festivals" shall mean:

- (1) Funding of museums operating in the county, which are registered with the United States Internal Revenue Service as a 501(C)(3) corporation and which are considered by the board to be tourism attractions; and
- (2) Funding of organizations that are registered as 501(C)(3) corporations which promote cultural heritage tourism including festivals and the arts.

2. Any question submitted to the voters of such county to establish a sales tax pursuant to this section shall be submitted in substantially the following form:

Shall the county of (insert the name of the county) impose a sales tax of (insert rate of percent) percent to be used to fund (museums, cultural heritage, festivals) in certain areas of the county?

☐ YES

☐ NO

3. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, and the tax takes effect pursuant to this section, the museums and festivals board appointed pursuant to subsection 5 of this section shall determine in what manner the tax revenue moneys will be expended, and disbursements of these moneys shall be made strictly in accordance with directions of the board which are consistent with the provisions of sections 67.571 to 67.577. Expenditures of these tax moneys may be made for the employment of personnel selected by the board to assist in carrying out the duties of the board, and the board is expressly authorized to employ such personnel. Expenditures of these tax moneys may be made directly to corporations pursuant to subsection 1 of this section. No such tax revenue moneys shall be disbursed to or on behalf of any corporation, organization or entity that is not duly registered with the Internal Revenue Service as a 501(C)(3) organization.

4. Any sales tax imposed pursuant to this section shall be imposed at a rate not to exceed two-tenths of one percent on receipts from the sale of certain tangible personal property or taxable services within the county pursuant to sections 67.571 to 67.577.

5. The governing body of any county which imposes a sales tax pursuant to this section may establish a museums and festivals board for the purpose of expending funds collected from any sales tax submitted and approved by the county's voters pursuant to this section. The board shall be comprised of six members who are appointed by the governing body of the county from a list of candidates supplied by the chair of each of the two major political parties of the county. The board shall be comprised of three members from each of the two political parties. Members shall serve for three-year terms, but of the members first appointed, one shall be appointed for a term of one year, two shall be appointed for a term of two years, and two shall be appointed for a term of three years. Each member shall be a

resident of the county from which he or she is appointed. The members of the board shall not receive compensation for service on the board, but shall be reimbursed from the tax revenue money for any reasonable and necessary expenses incurred in service on the board.

6. In the area of each county in which a sales tax has been imposed in the manner provided by sections 67.571 to 67.577, every retailer within such area shall add the tax imposed by the provisions of sections 67.571 to 67.577 to his sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

7. In counties imposing a tax under the provisions of sections 67.571 to 67.577, in order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing body may authorize the use of a bracket system similar to that authorized by the provisions of section 144.285, and notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions.

8. Except as modified in this section, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under this section.

67.576. 1. The following provisions shall govern the collection of the tax imposed by the provisions of sections 67.571 to 67.577:

(1) All applicable provisions contained in sections 144.010 to 144.510 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by the provisions of sections 67.571 to 67.577;

(2) All exemptions granted to agencies of government, organizations, and persons under the provisions of sections 144.010 to 144.510 are hereby made applicable to the imposition and collection of the tax imposed by sections 67.571 to 67.577.

2. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.510 for the administration and collection of the state sales tax shall satisfy the requirements of sections 67.571 to 67.577, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax imposed by sections 67.571 to 67.577.

3. All discounts allowed the retailer pursuant to the provisions of the state sales tax law for the collection of and for payment of taxes pursuant to that act are hereby allowed and made applicable to any taxes collected pursuant to the provisions of sections 67.571 to 67.577.

4. The penalties provided in section 32.057 and sections 144.010 to 144.510 for a violation of those acts are hereby made applicable to violations of the provisions of sections 67.571 to 67.577.

5. [For the purposes of the sales tax imposed by an order pursuant to sections 67.571 to 67.577, all retail sales shall be deemed to be consummated at the place of business of the retailer] **Except as provided in sections 67.571 to 67.577, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under sections 67.571 to 67.577.**

67.578. 1. The governing authority of any county of the third classification without a township form of government and with more than sixteen thousand four hundred but less than sixteen thousand five hundred inhabitants may impose a sales tax in an amount not to exceed one-fifth of one percent on all retail sales made in the county which are subject to taxation pursuant to sections 144.010 to 144.525, to be used solely for the funding of museums. For purposes of this section, the term "museums" means museums operating in the county, which are registered with the United States Internal Revenue Service as a 501(c)(3) corporation and which are considered by the board to be a tourism attraction. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax shall be imposed pursuant to this section unless the governing authority submits to the voters of the county, at a county or state general, primary, or special election, a proposal to authorize the governing authority to impose the tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the county of (insert the name of the county) impose a sales tax of (insert rate of percent) percent for the funding of museums? "Museums" means museums operating in the county, which are registered with the United States Internal Revenue Service as a 501(c)(3) corporation and which are considered by the museum board to be a tourism attraction.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO". If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the sales tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of the tax. If the proposal receives less than the required majority of votes, then the governing authority shall have no power to impose the tax unless and until the governing authority has again submitted another proposal to authorize the governing authority to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon.

3. On or after the effective date of the tax, the director of revenue shall be responsible for the administration, collection, enforcement, and operation of the tax, and sections 32.085 [and] **to** 32.087 shall apply. The director may retain an amount not to exceed one percent for deposit in the general revenue fund to offset the costs of collection. In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing authority may authorize the use of a bracket system similar to that authorized in section 144.285, and notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions. Beginning with the effective date of the tax, every retailer in the county shall add the sales tax to the sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. For purposes of this section, all retail sales shall be deemed to be consummated at the place of business of the retailer.

4. All applicable provisions in sections 144.010 to 144.525 governing the state sales tax, and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax, and all exemptions granted to agencies of government, organizations, and persons pursuant to sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax. The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax. All discounts allowed the retailer pursuant to the state sales tax law for the collection of and for payment of taxes are hereby allowed and made applicable to the tax. The penalties for violations provided in section 32.057 and sections 144.010 to 144.525 are hereby made applicable to violations of this section. If any person is delinquent in the payment of the amount required to be paid pursuant to this section, or in the event a determination has been made against the person for taxes and penalty pursuant to this section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525.

5. The governing authority may authorize any museum board already existing in the county, or may establish a museum board, to expend revenue collected pursuant to this section. In the event that no museum board already exists, the board established pursuant to this section shall consist of six members who are appointed by the governing authority from a list of candidates supplied by the chair of each of the two major political parties of the county, with three members from each of the two parties. Members shall serve for three-year terms, but of the members first appointed, [one] **two** shall be appointed for a term of one year, two shall be appointed for a term of two years, and two shall be appointed for a term of three years. Each member shall be a resident of the county. The members shall not receive compensation for service on the board, but shall be reimbursed from the revenues collected pursuant to this section for any reasonable and necessary expenses incurred in service on the board. The board shall determine in what manner the revenues will be expended, and disbursements of these moneys shall be made strictly in accordance with this section. Expenditures may be made for the employment of personnel selected by the board to assist in carrying out the duties of the board, and the board is expressly authorized to employ such personnel.

6. The governing authority may submit the question of repeal of the tax to the voters at any county or state general, primary, or special election. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the county of (insert name of county) repeal the sales tax of (insert rate of percent) percent for the funding of museums?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES".

If you are opposed to the question, place an "X" in the box opposite "NO". [If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which the repeal was approved.]

67.581. 1. In addition to the sales tax permitted by sections 66.600 to 66.630, any county of the first class having a charter form of government and having a population of nine hundred thousand or more may impose an additional countywide sales tax upon approval by a vote of the qualified voters of the county. The proposal may be submitted to the voters by the governing body of the county and shall be submitted to the voters at the next general election upon petitions signed by a number of qualified voters residing in the county equal to at least eight percent of the votes cast in the county in the next preceding gubernatorial election filed with the governing body of the county. The submission shall include the levying of a sales tax at a rate of not to exceed two hundred seventy-five one-thousandths of one percent on the receipts from the sale at retail of all tangible personal property or taxable services within the county which are also taxable under the provisions of sections 66.600 to 66.630, and shall provide for the distribution of the proceeds in the manner provided in either subsection 4 or subsection 5 of this section. If either of the alternative distribution systems as provided in subsection 4 or subsection 5 of this section is approved by the voters, then the alternative system of distribution may not be submitted to the voters for at least three years from the date of such voter approval.

2. The ballot of submission shall contain, but is not limited to, the following language:

Shall the County of levy an additional sales tax at the rate of (insert rate) and distribute the proceeds in the manner provided in (insert proper reference) (subsection 4)(subsection 5) of section 67.581, RSMo?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, the additional sales tax shall be levied and collected and the proceeds from the additional tax shall be distributed as provided in either subsection 4 or subsection 5 of this section. If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal, then the governing body of the county shall have no power to impose the additional sales tax authorized by this section unless and until a proposal for the levy of such tax is submitted to and approved by the voters of the county.

3. The provisions of sections 66.600 to 66.630 and sections 32.085 [and] to 32.087, except to the extent otherwise provided in this section, shall govern the levy, collection, distribution and other procedures related to an additional sales tax imposed pursuant to this section.

4. In any county adopting an additional sales tax pursuant to the provisions of this section, and selecting the method of distribution provided in this subsection, the proceeds from the sales tax imposed pursuant to this section, less one percent collection cost, shall be distributed first to those municipalities that did not receive during the preceding calendar year ninety-five percent of the amount the municipality would have received by multiplying the population of the municipality by the average per capita sales tax receipt for such county in an amount which will bring each municipality receipt of sales tax moneys up to ninety-five percent of the average per capita receipts from the proceeds of the sales tax imposed pursuant to sections 66.600 to 66.630. Any remainder of the money received from the sales tax imposed pursuant to this section shall be distributed to all municipalities on the ratio that the population of each municipality bears to the total population of the county. The average per capita sales tax distribution shall be calculated by dividing the sum of the total sales tax revenue derived from the tax imposed pursuant to sections 66.600 to 66.630 by the total population of the county. Population of each municipality, of the unincorporated area of the county, and the total population of the county shall be determined on the basis of the most recent federal decennial census. For the purposes of this subsection, any city, town, village or the unincorporated area of the county shall be considered a municipality.

5. In any county adopting an additional sales tax pursuant to the provisions of this section and selecting the method of distribution provided in this subsection, the proceeds from the sales tax imposed pursuant to this section, less one percent collection cost, shall be distributed to all cities, towns and villages, and the unincorporated areas of the county in group B and to such cities, towns and villages in group A as necessary so that no city, town, or village in group A receives from the combined proceeds of both the sales tax imposed pursuant to this section and the sales tax imposed pursuant to sections 66.600 to 66.630, less than the per capita amount received by the cities, towns and villages and the unincorporated area of the county in group B receives from the total proceeds from both sales taxes.

6. The governing body of any county which is imposing a sales tax under the provisions of sections 66.600 to 66.630 may on its own motion and shall, upon petitions filed with the governing body of the county signed by a number of qualified voters residing in the county equal to at least eight percent of the votes cast in the county at the next preceding gubernatorial election, submit to the qualified voters of the county a proposal to change the method of distribution of sales tax proceeds from the manner provided in subsection 2 of section 66.620 to the method provided in this subsection. The ballot of submission shall be in substantially the following form:

Shall the proceeds from the county sales tax be distributed among the county of and the various cities, towns and villages therein in the manner provided in subdivisions (1) and (2) of subsection 6 of section 67.581, RSMo, in lieu of the present manner of distribution?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters of the county voting thereon are in favor of the proposal, the sales tax imposed by the county under the provisions of sections 66.600 to 66.630 shall be distributed in the manner provided in this subsection and not in the manner provided in subsection 2 of section 66.620. If a majority of the votes cast by the qualified voters of the county voting thereon are opposed to the proposal, then the governing body of the county shall have no power to order the proceeds from the sales tax imposed pursuant to the provisions of sections 66.600 to 66.630 in the manner provided in this subsection in lieu of the method provided in subsection 2 of section 66.620, unless and until a proposal authorizing such method of distribution is submitted to and approved by the voters of the county. If the voters approve the change in the method of distribution of the sales tax proceeds in the manner provided in this subsection, the county clerk of the county shall notify the director of revenue of the change in the method of distribution within ten days after adoption of the proposal and shall inform the director of the effective date of the change in the method of distribution, which shall be on the first day of the third calendar quarter after the director of revenue receives notice. After the effective date of the change in the manner of distribution, the director of revenue shall distribute the proceeds of the sales tax imposed by such county under the provisions of sections 66.600 to 66.630 in the manner provided in this subsection in lieu of the manner of distribution provided in subsection 2 of section 66.620. The proceeds of the sales tax imposed under the provisions of sections 66.600 to 66.630 in any county which elects to have the proceeds distributed in the manner provided in this subsection shall be distributed in the following manner:

(1) The proceeds from the sales taxes shall be distributed to the cities, towns and villages in group A and to the cities, towns and villages, and the county in group B as defined in section 66.620 in the manner provided in subsection 2 of section 66.620, until an amount equal to the total amount distributed under section 66.620, for the twelve-month period immediately preceding the effective date of the tax levied pursuant to the provisions of this section has been distributed;

(2) All moneys received in excess of the total amount distributed under section 66.620 for the twelve-month period immediately preceding the effective date of the tax levied pursuant to the provisions of this section shall be distributed to all cities, towns and villages and to the county on the basis that the population of each city, town or village, and in the case of the county the basis that the population of the unincorporated area of the county, bears to the total population of the county. The average per capita sales tax distribution shall be calculated by dividing the sum of the remaining amount of the total sales tax revenues by the total population of the county. Population of each city, town or village, of the unincorporated area of the county, and the total population of the county shall be determined on the basis of the most recent federal decennial census.

7. No municipality incorporated after the adoption of the tax authorized by this section shall be included as other than part of the unincorporated area of the county nor receive any share of either the proceeds from the tax levied pursuant to the provisions of this section or the tax levied pursuant to the provisions of sections 66.600 to 66.630 unless, at the time of incorporation, such municipality had a population of ten thousand or more.

8. The county sales tax imposed pursuant to this section on the purchase and sale of motor vehicles shall not be collected and remitted by the seller, but shall be collected by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within the county imposing the additional sales tax. [The amounts so collected, less one percent collection cost, shall be deposited in the county sales tax trust fund to be distributed in accordance with section 66.620. The purchase or sale of motor vehicles shall be deemed to be consummated at the address of the applicant for a certificate of title.]

9. No tax shall be imposed pursuant to this section for the purpose of funding in whole or in part the construction, operation or maintenance of a sports stadium, field house, indoor or outdoor recreational facility, center, playing field, parking facility or anything incidental or necessary to a complex suitable for any type of professional sport, either upon, above or below the ground.

10. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of

revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

67.582. 1. The governing body of any county, except a county of the first class with a charter form of government with a population of greater than four hundred thousand inhabitants, is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of one percent on all retail sales made in such county which are subject to taxation under the provisions of sections 144.010 to 144.525 for the purpose of providing law enforcement services for such county. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax under the provisions of this section shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the governing body of the county to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

(1) If the proposal submitted involves only authorization to impose the tax authorized by this section the ballot shall contain substantially the following:

Shall the county of (county's name) impose a countywide sales tax of (insert amount) for the purpose of providing law enforcement services for the county?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No"; or

(2) If the proposal submitted involves authorization to enter into agreements to form a regional jail district and obligates the county to make payments from the tax authorized by this section the ballot shall contain substantially the following:

Shall the county of (county's name) be authorized to enter into agreements for the purpose of forming a regional jail district and obligating the county to impose a countywide sales tax of (insert amount) to fund dollars of the costs to construct a regional jail and to fund the costs to operate a regional jail, with any funds in excess of that necessary to construct and operate such jail to be used for law enforcement purposes?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to subdivision (1) of this subsection, then the ordinance or order and any amendments thereto shall be in effect [on the first day of the second quarter immediately following the election approving the proposal] **as provided by section 32.087**. If the constitutionally required percentage of the voters voting thereon are in favor of the proposal submitted pursuant to subdivision (2) of this subsection, then the ordinance or order and any amendments thereto shall be in effect [on the first day of the second quarter immediately following the election approving the proposal] **as provided by section 32.087**. If a proposal receives less than the required majority, then the governing body of the county shall have no power to impose the sales tax herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. All revenue received by a county from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for providing law enforcement services for such county for so long as the tax shall remain in effect. Revenue placed in the special trust fund may also be utilized for capital improvement projects for law enforcement facilities and for the payment of any interest and principal on bonds issued for said capital improvement projects.

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for providing law enforcement services for the county. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue under this section on behalf of any county[, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited in a special trust fund, which is hereby created, to be

known as the "County Law Enforcement Sales Tax Trust Fund". [The moneys in the county law enforcement sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust and which was collected in each county imposing a sales tax under this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax; such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from the county law enforcement sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county. Expenditures may be made from the fund for any law enforcement functions authorized in the ordinance or order adopted by the governing body submitting the law enforcement tax to the voters.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, **the repeal of such tax shall become effective as provided in section 32.087.** The county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

7. Except as modified in this section, all provisions of sections 32.085 [and] **to 32.087** shall apply to the tax imposed under this section.

67.583. 1. The governing body of any county of the second class with a population of more than forty thousand but less than sixty thousand and which contains institutions operated by the department of corrections and by the department of mental health is hereby authorized to impose, by ordinance or order, a sales tax in the amount of one-eighth of one percent on all retail sales made in such county which are subject to taxation under the provisions of sections 144.010 to 144.525. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law; provided, however, that no ordinance or order imposing a sales tax under the provisions of this section shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the governing body of the county to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the county of (county's name) impose a countywide sales tax of (insert amount) for the purpose of providing retirement and health care benefits for county employees and their dependents?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to impose the sales tax herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. All revenue received by a county from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for providing retirement and health care benefits for county employees and their dependents.

4. All sales taxes collected by the director of revenue under this section on behalf of any county[, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited in a special trust fund, which is hereby created, to be known as the "County Employee Benefit Sales Tax Trust Fund". [The moneys in the county employee benefit sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust and which was collected in each county imposing a sales tax under this section, and the records shall be open to the inspection of officers of the county and the

public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax. Such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from the county employee benefit sales tax trust fund shall be for the provision of retirement benefits or health care benefits for employees of the county and their dependents and for no other purpose.

5. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

6. Except as modified in this section, all provisions of sections 32.085 [and] **to** 32.087 shall apply to the tax imposed under this section.

67.584. 1. The governing body of any county of the first classification with more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half percent on all retail sales made in such county which are subject to taxation pursuant to sections 144.010 to 144.525 for the purpose of providing law enforcement services for such county. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to this section shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary, or special election, a proposal to authorize the governing body of the county to impose a tax.

2. If the proposal submitted involves only authorization to impose the tax authorized by this section, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the county of (county's name) impose a countywide sales tax of (insert amount) for the purpose of providing law enforcement services for the county?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to this subsection, then the ordinance or order and any amendments thereto shall be in effect [on the first day of the second quarter immediately following the election approving the proposal] **as provided by section 32.087**. If a proposal receives less than the required majority, then the governing body of the county shall have no power to impose the sales tax herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. Twenty-five percent of the revenue received by a county treasurer from the tax authorized pursuant to this section shall be deposited in a special trust fund and shall be used solely by a prosecuting attorney's office for such county for so long as the tax shall remain in effect. The remainder of revenue shall be deposited in the county law enforcement sales tax trust fund established pursuant to section 67.582 of the county levying the tax pursuant to this section. The revenue derived from the tax imposed pursuant to this section shall be used for public law enforcement services only. No revenue derived from the tax imposed pursuant to this section shall be used for any private contractor providing law enforcement services or for any private jail.

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the prosecuting attorney's trust fund shall be used solely by a prosecuting attorney's office for the county. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue pursuant to this section on behalf of any county[, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited in a special trust fund, which is hereby created, to be known as the "County Prosecuting Attorney's Office Sales Tax Trust Fund" or in the county law enforcement sales tax trust fund, pursuant to the deposit ratio in subsection 3 of this section. [The moneys in the trust funds shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trusts and which was collected in each county imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust funds during the preceding month to the county which levied the tax; such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from either trust fund shall be by an appropriation act to be enacted by the governing body of each such county. Expenditures may be made from the funds for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust funds and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, **the repeal of such tax shall become effective as provided in section 32.087.** The county shall notify the director of revenue of the action at least ninety days before the effective date of the repeal and the director of revenue may order retention in the appropriate trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayments of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county established pursuant to this section. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

7. Except as modified in this section, all provisions of sections 32.085 [and] **to 32.087** shall apply to the tax imposed pursuant to this section.

67.712. 1. All sales taxes collected by the director of revenue under sections 67.700 to 67.727 on behalf of any county[, less one percent for the cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Alternate Sales Tax Trust Fund". [The moneys in the county alternate sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a sales tax under sections 67.700 to 67.727, and the records shall be open to the inspection of officers of each county and the general public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month by distributing to the county treasurer, or such other officer as may be designated by the county ordinance or order, of each county imposing the tax authorized by sections 67.700 to 67.727, the sum, as certified by the director of revenue, due the county.

2. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county repeals the tax authorized by sections 67.700 to 67.727, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and **the repeal shall be effective as provided in section 32.087.** The director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of repeal of the tax authorized by sections 67.700 to 67.727 in such county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

3. Except as modified in sections 67.700 to 67.727, all provisions of sections 32.085 [and] **to 32.087** shall apply to the tax imposed under sections 67.700 to 67.727.

67.713. 1. Notwithstanding the provisions of section 67.712, as to the disposition of any other sales tax imposed under the provisions of sections 67.700 to 67.727, one-fifth of the sales taxes collected by the director of revenue from the tax authorized by section 67.701 on behalf of any county of the first class having a charter form of government and having a population of nine hundred thousand or more[, less one percent for cost of collection, which

shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in sections 67.700 to 67.727,] shall be deposited in a special trust fund, which is hereby created, to be known as the "County-Municipal Storm Water and Public Works Sales Tax Trust Fund". [The moneys in the county-municipal storm water and public works sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county and the records shall be open to the inspection of officers of the county and of the municipalities within the county and the public. Not later than the tenth day of each month, the director of the department of revenue shall distribute all moneys deposited in the county-municipal storm water and public works sales tax trust fund during the preceding month to the county which levied the tax, and the municipalities which are located wholly or partially within such county as follows:

(1) The county which levied the sales tax shall receive a percentage of the distributable revenue equal to the percentage ratio that the population of the unincorporated areas of the county bears to the total population of the county;

(2) Each municipality located wholly within the county which levied the tax shall receive a percentage of the distributable revenue equal to the percentage ratio that the population of such municipality bears to the total population of the county; and

(3) Each municipality located partially within the county which levied the tax shall receive a percentage of the distributable revenue equal to the percentage ratio that the population of that part of the municipality located within the county bears to the total population of the county.

2. The director of revenue may make refunds from the amounts in the county-municipal storm water and public works sales tax trust fund and credited to any county or municipality for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such county or municipality. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the county-municipal storm water and public works sales tax trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county or municipality and close the account of that county or municipality. The director of revenue shall notify each county or municipality of each instance of any amount refunded or any check redeemed from receipts due the county or municipality.

3. If the governing body of any municipality located wholly or partially within the county so requests by resolution, no funds shall be expended from the proceeds of any tax imposed under section 67.701 within the corporate boundaries of the requesting municipality for the construction, reconstruction or widening of any road established or to be established pursuant to section 137.558, the total cost of which exceeds one hundred thousand dollars unless: (a) a public hearing is first held at a place near such proposed action; and (b) plans and specifications of such proposed action are prepared and a cost-benefit analysis prepared in accordance with accepted accounting principles of such proposed action is presented to such public hearing. Such cost-benefit analysis and its work papers shall be a public document and subject to inspection as provided in chapter 610. The provisions of this subsection shall not apply to proposed projects in unincorporated areas of the county.

67.729. 1. Any county except any first class county having a charter form of government and having a population of nine hundred thousand or more may, in the same manner and by the same procedure and subject to the same penalties as set out in sections 67.700 to 67.727, impose a sales tax of not more than one-tenth of one percent for the purpose of funding storm water control and public works projects other than stadiums or other sports facilities. This sales tax shall be in addition to any other sales tax authorized by law.

2. Notwithstanding the provisions of section 67.712 as to the disposition of any other sales tax imposed under the provisions of sections 67.700 to 67.727, all sales taxes collected by the director of revenue from the tax authorized by this section on behalf of any county[, less one percent for cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Storm Water and Public Works Sales Tax Trust Fund". [The moneys in the county storm water and public works sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a sales tax under this section and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the county storm water and

public works sales tax trust fund during the preceding month to the county which levied the tax, and the municipalities which are located wholly or partially within such county as follows:

(1) The county which levied the sales tax shall receive a percentage of the distributable revenue equal to the percentage ratio that the population of the unincorporated areas of the county bears to the total population of the county;

(2) Each municipality located wholly within the county which levied the tax shall receive a percentage of the distributable revenue equal to the percentage ratio that the population of such municipality bears to the total population of the county; and

(3) Each municipality located partially within the county which levied the tax shall receive a percentage of the distributable revenue equal to the percentage ratio that the population of that part of the municipality located within the county bears to the total population of the county.

3. The director of revenue may authorize the state treasurer to make refunds from the amounts in the county storm water and public works sales tax trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the county storm water and public works sales tax trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

67.737. Except as modified in sections 67.730 to 67.739, all provisions of sections 32.085 [and] to 32.087 shall apply to the tax imposed under sections 67.730 to 67.739.

67.738. 1. All sales taxes collected by the director of revenue under sections 67.730 to 67.739 on behalf of any county[, less one percent for the cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Capital Improvement Bond Sales Tax Trust Fund". [The moneys in the county capital improvement bond sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a sales tax under sections 67.730 to 67.739, and the records shall be open to the inspection of officers of each county and the general public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month by distributing to the county treasurer, or such other officer as may be designated by the county ordinance or order, of each county imposing the tax authorized by sections 67.730 to 67.739, the sum, as certified by the director of revenue, due the county.

2. The director of revenue may authorize the state treasurer to make refund from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county repeals the tax authorized by sections 67.730 to 67.739, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal or expiration and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of repeal or expiration of the tax authorized by sections 67.730 to 67.739 in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

67.745. 1. Any county of the third classification without a township form of government and with more than eleven thousand seven hundred fifty but fewer than eleven thousand eight hundred fifty inhabitants may impose a sales tax throughout the county for public recreational projects and programs, but the sales tax authorized by this section shall not become effective unless the governing body of such county submits to the qualified voters of the county a proposal to authorize the county to impose the sales tax.

2. The ballot submission shall be in substantially the following form:

Shall the County of impose a sales tax of up to one percent for the purpose of funding the financing, acquisition, construction, operation, and maintenance of recreational projects and programs, including the acquisition of land for such purposes?

☐ YES

☐ NO

3. If approved by a majority of qualified voters **voting on the issue** in the county, the governing body of the county shall appoint a board of directors consisting of nine members. Of the initial members appointed to the board, three members shall be appointed for a term of three years, three members shall be appointed for a term of two years, and three members shall be appointed for a term of one year. After the initial appointments, board members shall be appointed to three-year terms.

4. The sales tax may be imposed at a rate of up to one percent on the receipts from the retail sale of all tangible personal property or taxable service within the county, if such property and services are subject to taxation by the state of Missouri under sections 144.010 to 144.525.

5. All revenue collected from the sales tax under this section by the director of revenue on behalf of a county[, less one percent for the cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Recreation Sales Trust Fund". [Moneys in the fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund collected in each county imposing a sales tax under this section, and the records shall be open to the inspection of officers of such county and the general public. Not later than the tenth day of each calendar month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding calendar month by distributing to the county treasurer, or such officer as may be designated by county ordinance or order, of each county imposing the tax under this section the sum due the county as certified by the director of revenue.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. Each county shall notify the director of revenue at least ninety days prior to the effective date of the expiration of the sales tax authorized by this section and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the trust fund for a period of one year of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayments of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the date of expiration of the tax authorized by this section in a county, the director of revenue shall remit the balance in the account to the county and close the account of such county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due such county.

7. The tax authorized under this section may be imposed in accordance with this section by a county in addition to or in lieu of the tax authorized in sections 67.750 to 67.780.

8. The sales tax imposed under this section shall expire twenty years from the effective date thereof unless an extension of the tax is submitted to and approved by the qualified voters in the county in the manner provided in this section. Each extension of the sales tax shall be for a period of ten years.

9. The provisions of this section shall not in any way affect or limit the powers granted to any county to establish, maintain, and conduct parks and other recreational grounds for public recreation.

10. Except as modified in this section, the provisions of sections 32.085 [and] **to** 32.087 shall apply to the tax imposed under this section.

67.782. 1. Any county of the third class having a population of more than ten thousand and less than fifteen thousand and any county of the second class having a population of more than fifty-eight thousand and less than seventy thousand adjacent to such third class county, both counties making up the same judicial circuit, may jointly impose a sales tax throughout each of their respective counties for public recreational purposes including the financing, acquisition, construction, operation and maintenance of recreational projects and programs, but the sales taxes authorized by this section shall not become effective unless the governing body of each such county submits to the voters of their respective counties a proposal to authorize the counties to impose the sales tax.

2. The ballot of submission shall be in substantially the following form:

Shall the County of impose a sales tax of percent in conjunction with the county of for the purpose of funding the financing, acquisition, construction, operation and maintenance of recreational projects and programs, including the acquisition of land for such purposes?

☐ YES

☐ NO

If a separate majority of the votes cast on the proposal by the qualified voters voting thereon in each county are in favor of the proposal, then the tax shall be in effect in both counties. If a majority of the votes cast by the qualified voters voting thereon in either county are opposed to the proposal, then the governing body of neither county shall have power to impose the sales tax authorized by this section unless or until the governing body of the county that has not approved the tax shall again have submitted another proposal to authorize the governing body to impose the tax, and the proposal is approved by a majority of the qualified voters voting thereon in that county.

3. The sales tax may be imposed at a rate of one percent on the receipts from the sale at retail of all tangible personal property or taxable service at retail within the county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525.

4. All sales taxes collected by the director of revenue under this section on behalf of any county[, less one percent for the cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Recreation Sales Tax Trust Fund". [The moneys in the county recreation sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a sales tax under this section, and the records shall be open to the inspection of officers of each county and the general public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month by distributing to the county treasurer, or such other officer as may be designated by the county ordinance or order, of each county imposing the tax authorized by this section, the sum, as certified by the director of revenue, due the county.

5. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. Each county shall notify the director of revenue at least ninety days prior to the effective date of the expiration of the sales tax authorized by this section and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the date of expiration of the tax authorized by this section in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

6. The tax authorized by this section may be imposed, in accordance with this section, by a county in addition to or in lieu of the tax authorized by sections 67.750 to 67.780.

7. Any county imposing a sales tax pursuant to the provisions of this section may contract with the authority of any other county or with any city or political subdivision for the financing, acquisition, operation, construction, maintenance, or utilization of any recreation facility or project or program funded in whole or in part from revenues derived from the tax levied pursuant to the provisions of this section.

8. The sales tax imposed pursuant to the provisions of this section shall expire twenty-five years from the effective date thereof unless an extension of the tax is submitted to and approved by the voters in each county in the manner provided in this section. Each extension of the sales tax shall be for a period of ten years.

9. The governing body of each of the counties imposing a sales tax under the provisions of this section may cooperate with the governing body of any county or other political subdivision of this state in carrying out the provisions of this section, and may establish and conduct jointly a system of public recreation. The respective governing bodies administering programs jointly may provide by agreement among themselves for all matters connected with the programs and determine what items of cost and expense shall be paid by each.

10. The provisions of this section shall not in any way repeal, affect or limit the powers granted to any county to establish, maintain and conduct parks and other recreational grounds for public recreation.

11. Except as modified in this section, all provisions of sections 32.085 [and] **to 32.087** shall apply to the tax imposed under this section.

67.799. 1. A regional recreational district may, by a majority vote of its board of directors, impose an annual property tax for the establishment and maintenance of public parks and recreational facilities and grounds within the boundaries of the regional recreational district not to exceed sixty cents per year on each one hundred dollars of assessed valuation on all property within the district, except that no such tax shall become effective unless the board of directors of the district submits to the voters of the district, at a county or state general, primary or special election, a proposal to authorize the tax.

2. The question shall be submitted in substantially the following form:

Shall a cent tax per one hundred dollars assessed valuation be levied for public parks and recreational facilities?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall become effective. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors shall have no power to impose the tax unless and until the board of directors of the district submits another proposal to authorize the tax and such proposal is approved by a majority of the qualified voters voting thereon.

3. The property tax authorized in subsections 1 and 2 of this section shall be levied and collected in the same manner as other ad valorem property taxes are levied and collected.

4. (1) A regional recreational district may, by a majority vote of its board of directors, impose a tax not to exceed one-half of one cent on all retail sales subject to taxation pursuant to sections 144.010 to 144.525 for the purpose of funding the creation, operation and maintenance of public parks, recreational facilities and grounds within the boundaries of a regional recreational district. The tax authorized by this subsection shall be in addition to all other sales taxes allowed by law. No tax pursuant to this subsection shall become effective unless the board of directors submits to the voters of the district, at a county or state general, primary or special election, a proposal to authorize the tax, and such tax shall become effective only after the majority of the voters voting on such tax approve such tax.

(2) In the event the district seeks to impose a sales tax pursuant to this subsection, the question shall be submitted in substantially the following form:

Shall a cent sales tax be levied on all retail sales within the district for public parks and recreational facilities?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall become effective. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors shall have no power to impose the tax unless and until another proposal to authorize the tax is submitted to the voters of the district and such proposal is approved by a majority of the qualified voters voting thereon. The provisions of sections 32.085 [and] to 32.087 shall apply to any tax approved pursuant to this subsection.

5. As used in this section, "qualified voters" or "voters" means any individuals residing within the proposed district who are eligible to be registered voters and who have registered to vote under chapter 115 or, if no individuals eligible and registered to vote reside within the proposed district, all of the owners of real property located within the proposed district who have unanimously petitioned for or consented to the adoption of an ordinance by the governing body imposing a tax authorized in this section. If the owner of the property within the proposed district is a political subdivision or corporation of the state, the governing body of such political subdivision or corporation shall be considered the owner for purposes of this section.

67.997. 1. The governing body of any county of the third classification without a township form of government and with more than eighteen thousand one hundred but fewer than eighteen thousand two hundred inhabitants may impose, by order or ordinance, a sales tax on all retail sales made within the county which are subject to sales tax under chapter 144. The tax authorized in this section shall not exceed one-fourth of one percent, and shall be imposed solely for the purpose of funding senior services and youth programs provided by the county. One-half of all revenue collected under this section[, less one-half the cost of collection,] shall be used solely to fund any service or activity deemed necessary by the senior service tax commission established in this section, and one-half of all revenue collected under this section[, less one-half the cost of collection,] shall be used solely to fund all youth programs administered by an existing county community task force. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The order or ordinance shall not become effective unless the governing body of the county submits to the voters residing within the county at a state general, primary, or special election a proposal to authorize the governing body of the county to impose a tax under this section.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the county) impose a sales tax at a rate of (insert rate of percent) percent, with half of the revenue from the tax, less one-half the cost of collection, to be used solely to fund senior services provided by the county and half of the revenue from the tax, less one-half the cost of collection, to be used solely to fund youth programs provided by the county?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter immediately following the approval of the tax or notification to the department of revenue if such tax will be administered by the department of revenue. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. [On or after the effective date of any tax authorized under this section, the county which imposed the tax shall enter into an agreement with the director of the department of revenue for the purpose of collecting the tax authorized in this section. On or after the effective date of the tax the director of revenue shall be responsible for the administration, collection, enforcement, and operation of the tax, and] Sections 32.085 [and] to 32.087 shall apply. All revenue collected under this section by the director of the department of revenue on behalf of any county[, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund,] shall be deposited in a special trust fund, which is hereby created and shall be known as the "Senior Services and Youth Programs Sales Tax Trust Fund", and shall be used solely for the designated purposes. [Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state.] The director may make refunds from the amounts in the trust fund and credited to the county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such county. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. [In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing body of the county may authorize the use of a bracket system similar to that authorized in section 144.285 and notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions.] Beginning with the effective date of the tax, every retailer in the county shall add the sales tax to the sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. For purposes of this section, all retail sales shall be deemed to be consummated at the place of business of the retailer.

5. All applicable provisions in sections 144.010 to 144.525 governing the state sales tax, and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax[, and all exemptions granted to agencies of government, organizations, and persons under sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax. The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax. All discounts allowed the retailer under the state sales tax for the collection of and for payment of taxes are hereby allowed and made applicable to the tax. The penalties for violations provided in section 32.057 and sections 144.010 to 144.525 are hereby made applicable to violations of this section. If any person is delinquent in the payment of the amount required to be paid under this section, or in the event a determination has been made against the person for taxes and penalty under this section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525].

6. The governing body of any county that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the county. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the county) repeal the sales tax imposed at a rate of
(insert rate of percent) percent for the purpose of funding senior services and youth programs provided by the county?
☐ YES ☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of repeal, that repeal shall become effective [on December thirty-first of the calendar year in which such repeal was approved] **as provided by section 32.087**. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to

the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

7. Whenever the governing body of any county that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the county voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the county a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective [on December thirty-first of the calendar year in which such repeal was approved] **as provided by section 32.087**. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

8. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the county shall notify the director of the department of revenue of the action at least thirty days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director shall remit the balance in the account to the county and close the account of that county. The director shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

9. Each county imposing the tax authorized in this section shall establish a senior services tax commission to administer the portion of the sales tax revenue dedicated to providing senior services. Such commission shall consist of seven members appointed by the county commission. The county commission shall determine the qualifications, terms of office, compensation, powers, duties, restrictions, procedures, and all other necessary functions of the commission."; and

Further amend said bill, Page 4, Section 67.1020, Line 4, by inserting after all of said section the following:

"67.1300. 1. The governing body of any of the contiguous counties of the third classification without a township form of government enumerated in subdivisions (1) to (5) of this subsection or in any county of the fourth classification acting as a county of the second classification, having a population of at least forty thousand but less than forty-five thousand with a state university, and adjoining a county of the first classification with part of a city with a population of three hundred fifty thousand or more inhabitants or a county of the third classification with a township form of government and with a population of at least eight thousand but less than eight thousand four hundred inhabitants or a county of the third classification with more than fifteen townships having a population of at least twenty-one thousand inhabitants or a county of the third classification without a township form of government and with a population of at least seven thousand four hundred but less than eight thousand inhabitants or any county of the third classification with a population greater than three thousand but less than four thousand or any county of the third classification with a population greater than six thousand one hundred but less than six thousand four hundred or any county of the third classification with a population greater than six thousand eight hundred but less than seven thousand or any county of the third classification with a population greater than seven thousand eight hundred but less than seven thousand nine hundred or any county of the third classification with a population greater than eight thousand four hundred sixty but less than eight thousand five hundred or any county of the third classification with a population greater than nine thousand but less than nine thousand two hundred or any county of the third classification with a population greater than ten thousand five hundred but less than ten thousand six hundred or any county of the third classification with a population greater than twenty-three thousand five hundred but less than twenty-three thousand seven hundred or a county of the third classification with a population greater than thirty-three thousand but less than thirty-four thousand or a county of the third classification with a population greater than twenty thousand eight hundred but less than twenty-one thousand or a county of the third classification with a population greater than fourteen thousand one hundred but less than fourteen thousand five hundred or a county of the third classification with a population greater than twenty thousand eight hundred fifty but less than twenty-two thousand or a county of the third classification with a population greater than thirty-nine thousand but less than forty thousand or a county of the third classification with a township form of organization and a population greater than twenty-eight thousand but less than twenty-nine thousand or a county of the third classification with a population greater than fifteen thousand but less than fifteen thousand five hundred or a county of the third classification with a population greater than eighteen thousand but less than nineteen thousand seventy or a county of the third classification with a population greater than thirteen thousand nine hundred but less than fourteen thousand four hundred or a county of the third classification with a population greater than twenty-seven

thousand but less than twenty-seven thousand five hundred or a county of the first classification without a charter form of government and a population of at least eighty thousand but not greater than eighty-three thousand or a county of the third classification with a population greater than fifteen thousand but less than fifteen thousand nine hundred without a township form of government which does not adjoin any county of the first, second or fourth classification or a county of the third classification with a population greater than twenty-three thousand but less than twenty-five thousand without a township form of government which does not adjoin any county of the second or fourth classification and does adjoin a county of the first classification with a population greater than one hundred twenty thousand but less than one hundred fifty thousand or in any county of the fourth classification acting as a county of the second classification, having a population of at least forty-eight thousand or any governing body of a municipality located in any of such counties may impose, by ordinance or order, a sales tax on all retail sales made in such county or municipality which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525:

(1) A county with a population of at least four thousand two hundred inhabitants but not more than four thousand five hundred inhabitants;

(2) A county with a population of at least four thousand seven hundred inhabitants but not more than four thousand nine hundred inhabitants;

(3) A county with a population of at least seven thousand three hundred inhabitants but not more than seven thousand six hundred inhabitants;

(4) A county with a population of at least ten thousand one hundred inhabitants but not more than ten thousand three hundred inhabitants; and

(5) A county with a population of at least four thousand three hundred inhabitants but not more than four thousand five hundred inhabitants.

2. The maximum rate for a sales tax pursuant to this section shall be one percent for municipalities and one-half of one percent for counties.

3. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to the provisions of this section shall be effective unless the governing body of the county or municipality submits to the voters of the county or municipality, at a regularly scheduled county, municipal or state general or primary election, a proposal to authorize the governing body of the county or municipality to impose a tax. Any sales tax imposed pursuant to this section shall not be authorized for a period of more than five years.

4. Such proposal shall be submitted in substantially the following form:

Shall the (city, town, village or county) of impose a sales tax of (insert amount) for the purpose of economic development in the (city, town, village or county)?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter after the director of revenue receives notice of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county or municipality shall not impose the sales tax authorized in this section until the governing body of the county or municipality resubmits another proposal to authorize the governing body of the county or municipality to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon; however no such proposal shall be resubmitted to the voters sooner than twelve months from the date of the submission of the last such proposal.

5. All revenue received by a county or municipality from the tax authorized pursuant to the provisions of this section shall be deposited in a special trust fund and shall be used solely for economic development purposes within such county or municipality for so long as the tax shall remain in effect.

6. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for economic development purposes within the county or municipality. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county or municipal funds.

7. All sales taxes collected by the director of revenue pursuant to this section on behalf of any county or municipality[, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited in a special trust fund, which is hereby created, to be known as the "Local Economic Development Sales Tax Trust Fund".

8. [The moneys in the local economic development sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the

amount of money in the trust fund and which was collected in each county or municipality imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the county or municipality and the public.

9. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county or municipality which levied the tax. Such funds shall be deposited with the county treasurer of each such county or the appropriate municipal officer in the case of a municipal tax, and all expenditures of funds arising from the local economic development sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county or municipality. Expenditures may be made from the fund for any economic development purposes authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.

10. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county or municipality for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties and municipalities.

11. If any county or municipality abolishes the tax, the county or municipality shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county or municipality, the director of revenue shall remit the balance in the account to the county or municipality and close the account of that county or municipality. The director of revenue shall notify each county or municipality of each instance of any amount refunded or any check redeemed from receipts due the county or municipality.

12. Except as modified in this section, all provisions of sections 32.085 [and] to 32.087 shall apply to the tax imposed pursuant to this section.

13. For purposes of this section, the term "economic development" is limited to the following:

- (1) Operations of economic development or community development offices, including the salaries of employees;
- (2) Provision of training for job creation or retention;
- (3) Provision of infrastructure and sites for industrial development or for public infrastructure projects; and
- (4) Refurbishing of existing structures and property relating to community development.

67.1303. 1. The governing body of any home rule city with more than one hundred fifty-one thousand five hundred but less than one hundred fifty-one thousand six hundred inhabitants, any home rule city with more than forty-five thousand five hundred but less than forty-five thousand nine hundred inhabitants and the governing body of any city within any county of the first classification with more than one hundred four thousand six hundred but less than one hundred four thousand seven hundred inhabitants and the governing body of any county of the third classification without a township form of government and with more than forty thousand eight hundred but less than forty thousand nine hundred inhabitants or any city within such county may impose, by order or ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax under chapter 144. In addition, the governing body of any county of the first classification with more than eighty-five thousand nine hundred but less than eighty-six thousand inhabitants or the governing body of any home rule city with more than seventy-three thousand but less than seventy-five thousand inhabitants may impose, by order or ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax under chapter 144. The tax authorized in this section shall not be more than one-half of one percent. The order or ordinance imposing the tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general or primary election a proposal to authorize the governing body to impose a tax under this section. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city or county) impose a sales tax at a rate of (insert rate of percent) percent for economic development purposes?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective [on the first day of the second calendar quarter following the calendar quarter in which the election was held] **as provided by section 32.087**. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters

voting on the question, provided that no proposal shall be resubmitted to the voters sooner than twelve months from the date of the submission of the last proposal.

3. No revenue generated by the tax authorized in this section shall be used for any retail development project. At least twenty percent of the revenue generated by the tax authorized in this section shall be used solely for projects directly related to long-term economic development preparation, including, but not limited to, the following:

- (1) Acquisition of land;
- (2) Installation of infrastructure for industrial or business parks;
- (3) Improvement of water and wastewater treatment capacity;
- (4) Extension of streets;
- (5) Providing matching dollars for state or federal grants;
- (6) Marketing;
- (7) Construction and operation of job training and educational facilities; and

(8) Providing grants and low-interest loans to companies for job training, equipment acquisition, site development, and infrastructure. Not more than twenty-five percent of the revenue generated may be used annually for administrative purposes, including staff and facility costs.

4. All revenue generated by the tax shall be deposited in a special trust fund and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city or county funds.

5. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city or county for erroneous payments in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any city or county abolishes the tax authorized under this section, the repeal of such tax shall become effective December thirty-first of the calendar year in which such abolishment was approved. Each city or county shall notify the director of revenue at least ninety days prior to the effective date of the expiration of the sales tax authorized by this section and the repeal shall be effective as provided by section 32.087. The director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the date of expiration of the tax authorized by this section in such city or county, the director of revenue shall remit the balance in the account to the city or county and close the account of that city or county. The director of revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county.

6. Any city or county imposing the tax authorized in this section shall establish an economic development tax board. The board shall consist of eleven members, to be appointed as follows:

(1) Two members shall be appointed by the school boards whose districts are included within any economic development plan or area funded by the sales tax authorized in this section. Such members shall be appointed in any manner agreed upon by the affected districts;

(2) One member shall be appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for an economic development project or area funded by the sales tax authorized in this section, excluding representatives of the governing body of the city or county;

(3) One member shall be appointed by the largest public school district in the city or county;

(4) In each city or county, five members shall be appointed by the chief elected officer of the city or county with the consent of the majority of the governing body of the city or county;

(5) In each city, two members shall be appointed by the governing body of the county in which the city is located. In each county, two members shall be appointed by the governing body of the county. At the option of the members appointed by a city or county the members who are appointed by the school boards and other taxing districts may serve on the board for a term to coincide with the length of time an economic development project, plan, or designation of an economic development area is considered for approval by the board, or for the definite terms as provided in this subsection. If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time an economic development project, plan, or area is approved, such term shall terminate upon final approval of the project, plan, or designation of the area by the governing body of the city or county. If any school district or other taxing jurisdiction fails to appoint members of the board within thirty days of receipt of written notice of a proposed economic development plan, economic development project, or designation of an economic development area, the remaining members may proceed to exercise the power of the board. Of the members first

appointed by the city or county, three shall be designated to serve for terms of two years, three shall be designated to serve for a term of three years, and the remaining members shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the city or county shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

[6.] 7. The board, subject to approval of the governing body of the city or county, shall develop economic development plans, economic development projects, or designations of an economic development area, and shall hold public hearings and provide notice of any such hearings. The board shall vote on all proposed economic development plans, economic development projects, or designations of an economic development area, and amendments thereto, within thirty days following completion of the hearing on any such plan, project, or designation, and shall make recommendations to the governing body within ninety days of the hearing concerning the adoption of or amendment to economic development plans, economic development projects, or designations of an economic development area.

[7.] 8. The board shall report at least annually to the governing body of the city or county on the use of the funds provided under this section and on the progress of any plan, project, or designation adopted under this section.

[8.] 9. The governing body of any city or county that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city or county. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city or county) repeal the sales tax imposed at a rate of
(insert rate of percent) percent for economic development purposes?
☐ YES ☐ NO

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters of the city or county, and the repeal is approved by a majority of the qualified voters voting on the question.

[9.] 10. Whenever the governing body of any city or county that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city or county voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective [on December thirty-first of the calendar year in which such repeal was approved] **as provided by section 32.087.** If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question. **If the city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least one hundred twenty days prior to the effective date of the repeal.**

11. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

12. Except as provided in this section, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under this section.

67.1305. 1. As used in this section, the term "city" shall mean any incorporated city, town, or village.

2. In lieu of the sales taxes authorized under sections 67.1300 and 67.1303, the governing body of any city or county may impose, by order or ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax under chapter 144. The tax authorized in this section shall not be more than one-half of one percent. The order or ordinance imposing the tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at any citywide, county or state general, primary or special election a proposal to authorize the governing body to impose a tax under this section. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The tax authorized in this section shall not be imposed by any city or county that has imposed a tax under section 67.1300 or 67.1303 unless the tax imposed under those sections has expired or been repealed.

3. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city or county) impose a sales tax at a rate of (insert rate of percent) percent for economic development purposes?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question, provided that no proposal shall be resubmitted to the voters sooner than twelve months from the date of the submission of the last proposal.

4. All sales taxes collected by the director of revenue under this section on behalf of any county or municipality[, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited in a special trust fund, which is hereby created, to be known as the "Local Option Economic Development Sales Tax Trust Fund".

5. [The moneys in the local option economic development sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund and which was collected in each city or county imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the city or county and the public.

6. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city or county which levied the tax. Such funds shall be deposited with the county treasurer of each such county or the appropriate municipal officer in the case of a municipal tax, and all expenditures of funds arising from the local economic development sales tax trust fund shall be in accordance with this section.

7. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities and counties.

8. If any county or municipality abolishes the tax, the city or county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city or county, the director of revenue shall remit the balance in the account to the city or county and close the account of that city or county. The director of revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county.

9. Except as modified in this section, all provisions of sections 32.085 [and] **to 32.087** shall apply to the tax imposed pursuant to this section.

10. (1) No revenue generated by the tax authorized in this section shall be used for any retail development project, except for the redevelopment of downtown areas and historic districts. Not more than twenty-five percent of the revenue generated shall be used annually for administrative purposes, including staff and facility costs.

(2) At least twenty percent of the revenue generated by the tax authorized in this section shall be used solely for projects directly related to long-term economic development preparation, including, but not limited to, the following:

- (a) Acquisition of land;
- (b) Installation of infrastructure for industrial or business parks;
- (c) Improvement of water and wastewater treatment capacity;
- (d) Extension of streets;
- (e) Public facilities directly related to economic development and job creation; and
- (f) Providing matching dollars for state or federal grants relating to such long-term projects.

(3) The remaining revenue generated by the tax authorized in this section may be used for, but shall not be limited to, the following:

- (a) Marketing;
- (b) Providing grants and loans to companies for job training, equipment acquisition, site development, and infrastructures;
- (c) Training programs to prepare workers for advanced technologies and high skill jobs;
- (d) Legal and accounting expenses directly associated with the economic development planning and preparation process;

(e) Developing value-added and export opportunities for Missouri agricultural products.

11. All revenue generated by the tax shall be deposited in a special trust fund and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city or county funds.

12. (1) Any city or county imposing the tax authorized in this section shall establish an economic development tax board. The volunteer board shall receive no compensation or operating budget.

(2) The economic development tax board established by a city shall consist of at least five members, but may be increased to nine members. Either a five-member or nine-member board shall be designated in the order or ordinance imposing the sales tax authorized by this section, and the members are to be appointed as follows:

(a) One member of a five-member board, or two members of a nine-member board, shall be appointed by the school districts included within any economic development plan or area funded by the sales tax authorized in this section. Such member or members shall be appointed in any manner agreed upon by the affected districts;

(b) Three members of a five-member board, or five members of a nine-member board, shall be appointed by the chief elected officer of the city with the consent of the majority of the governing body of the city;

(c) One member of a five-member board, or two members of a nine-member board, shall be appointed by the governing body of the county in which the city is located.

(3) The economic development tax board established by a county shall consist of seven members, to be appointed as follows:

(a) One member shall be appointed by the school districts included within any economic development plan or area funded by the sales tax authorized in this section. Such member shall be appointed in any manner agreed upon by the affected districts;

(b) Four members shall be appointed by the governing body of the county; and

(c) Two members from the cities, towns, or villages within the county appointed in any manner agreed upon by the chief elected officers of the cities or villages.

Of the members initially appointed, three shall be designated to serve for terms of two years, except that when a nine-member board is designated, seven of the members initially appointed shall be designated to serve for terms of two years, and the remaining members shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

(4) If an economic development tax board established by a city is already in existence on August 28, 2012, any increase in the number of members of the board shall be designated in an order or ordinance. The four board members added to the board shall be appointed to a term with an expiration coinciding with the expiration of the terms of the three board member positions that were originally appointed to terms of two years. Thereafter, the additional members appointed shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the additional appointments.

13. The board, subject to approval of the governing body of the city or county, shall consider economic development plans, economic development projects, or designations of an economic development area, and shall hold public hearings and provide notice of any such hearings. The board shall vote on all proposed economic development plans, economic development projects, or designations of an economic development area, and amendments thereto, within thirty days following completion of the hearing on any such plan, project, or designation, and shall make recommendations to the governing body within ninety days of the hearing concerning the adoption of or amendment to economic development plans, economic development projects, or designations of an economic development area. The governing body of the city or county shall have the final determination on use and expenditure of any funds received from the tax imposed under this section.

14. The board may consider and recommend using funds received from the tax imposed under this section for plans, projects or area designations outside the boundaries of the city or county imposing the tax if, and only if:

(1) The city or county imposing the tax or the state receives significant economic benefit from the plan, project or area designation; and

(2) The board establishes an agreement with the governing bodies of all cities and counties in which the plan, project or area designation is located detailing the authority and responsibilities of each governing body with regard to the plan, project or area designation.

15. Notwithstanding any other provision of law to the contrary, the economic development sales tax imposed under this section when imposed within a special taxing district, including but not limited to a tax increment financing

district, neighborhood improvement district, or community improvement district, shall be excluded from the calculation of revenues available to such districts, and no revenues from any sales tax imposed under this section shall be used for the purposes of any such district unless recommended by the economic development tax board established under this section and approved by the governing body imposing the tax.

16. The board and the governing body of the city or county imposing the tax shall report at least annually to the governing body of the city or county on the use of the funds provided under this section and on the progress of any plan, project, or designation adopted under this section and shall make such report available to the public.

17. Not later than the first day of March each year the board shall submit to the joint committee on economic development a report, not exceeding one page in length, which must include the following information for each project using the tax authorized under this section:

- (1) A statement of its primary economic development goals;
- (2) A statement of the total economic development sales tax revenues received during the immediately preceding calendar year;
- (3) A statement of total expenditures during the preceding calendar year in each of the following categories:
 - (a) Infrastructure improvements;
 - (b) Land and/or buildings;
 - (c) Machinery and equipment;
 - (d) Job training investments;
 - (e) Direct business incentives;
 - (f) Marketing;
 - (g) Administration and legal expenses; and
 - (h) Other expenditures.

18. The governing body of any city or county that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city or county. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city or county) repeal the sales tax imposed at a rate of (insert rate of percent) percent for economic development purposes?

☐ YES

☐ NO

If a majority of the votes cast on the proposal are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters of the city or county, and the repeal is approved by a majority of the qualified voters voting on the question.

19. Whenever the governing body of any city or county that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city or county voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

20. If any provision of this section or section 67.1303 or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of this section or section 67.1303 which can be given effect without the invalid provision or application, and to this end the provisions of this section and section 67.1303 are declared severable.

67.1545. 1. Any district formed as a political subdivision may impose by resolution a district sales and use tax on all retail sales made in such district which are subject to taxation pursuant to sections 144.010 to 144.525, except sales of [motor vehicles, trailers, boats or outboard motors and sales to or by public utilities and providers of communications, cable, or video services] **fuel used to power motor vehicles, aircraft, locomotives, or watercraft, or sales of electricity, piped natural or artificial gas, or other fuels delivered by the seller, and the retail sale or transfer of motor vehicles, aircraft, watercraft, modular homes, manufactured homes, or mobile homes.** Any sales and use tax imposed pursuant to this section may be imposed in increments of one-eighth of one percent, up to a maximum of one percent. Such district sales and use tax may be imposed for any district purpose designated by the district in its ballot of submission to its qualified voters; except that, no resolution adopted pursuant to this section shall

become effective unless the board of directors of the district submits to the qualified voters of the district, by mail-in ballot, a proposal to authorize a sales and use tax pursuant to this section. If a majority of the votes cast by the qualified voters on the proposed sales tax are in favor of the sales tax, then the resolution is adopted. If a majority of the votes cast by the qualified voters are opposed to the sales tax, then the resolution is void.

2. The ballot shall be substantially in the following form:

Shall the (insert name of district) Community Improvement District impose a community improvement districtwide sales and use tax at the maximum rate of (insert amount) for a period of (insert number) years from the date on which such tax is first imposed for the purpose of providing revenue for (insert general description of the purpose)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

3. Within ten days after the qualified voters have approved the imposition of the sales and use tax, the district shall, in accordance with section 32.087, notify the director of the department of revenue. The sales and use tax authorized by this section shall become effective on the first day of the second calendar quarter after the director of the department of revenue receives notice of the adoption of such tax.

4. [The director of the department of revenue shall collect any tax adopted pursuant to this section pursuant to section 32.087] **After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.**

5. In each district in which a sales and use tax is imposed pursuant to this section, every retailer shall add such additional tax imposed by the district to such retailer's sale price, and when so added such tax shall constitute a part of the purchase price, shall be a debt of the purchaser to the retailer until paid and shall be recoverable at law in the same manner as the purchase price.

6. [In order to allow retailers to collect and report the sales and use tax authorized by this section as well as all other sales and use taxes required by law in the simplest and most efficient manner possible, a district may establish appropriate brackets to be used in the district imposing a tax pursuant to this section in lieu of the brackets provided in section 144.285.

7.] The penalties provided in sections 144.010 to 144.525 shall apply to violations of this section.

[8.] 7. All revenue received by the district from a sales and use tax imposed pursuant to this section which is designated for a specific purpose shall be deposited into a special trust fund and expended solely for such purpose. Upon the expiration of any sales and use tax adopted pursuant to this section, all funds remaining in the special trust fund shall continue to be used solely for the specific purpose designated in the resolution adopted by the qualified voters. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors pursuant to applicable laws relating to the investment of other district funds.

[9.] 8. A district may repeal by resolution any sales and use tax imposed pursuant to this section before the expiration date of such sales and use tax unless the repeal of such sales and use tax will impair the district's ability to repay any liabilities the district has incurred, moneys the district has borrowed or obligation the district has issued to finance any improvements or services rendered for the district.

[10.] 9. Notwithstanding the provisions of chapter 115, an election for a district sales and use tax under this section shall be conducted in accordance with the provisions of this section.

10. Except as provided in this section, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under this section.

67.1712. 1. The governing body of any county located within the proposed metropolitan district is hereby authorized to impose by ordinance a one-tenth of one cent sales tax on all retail sales subject to taxation pursuant to sections 144.010 to 144.525 for the purpose of funding the creation, operation and maintenance of a metropolitan park and recreation district.

2. In addition to the tax authorized in subsection 1 of this section, the governing body of any county located within the metropolitan district as of January 1, 2012, is authorized to impose by ordinance an incremental sales tax of up to three-sixteenths of one cent on all retail sales subject to taxation under sections 144.010 to 144.525 for the purpose of funding the operation and maintenance of the metropolitan park and recreation district. Such incremental sales tax

shall not be implemented unless approved by the voters of the county with the largest population within the district and at least one other such county under subsection 2 of section 67.1715.

3. The taxes authorized by sections 67.1700 to 67.1769 shall be in addition to all other sales taxes allowed by law. The governing body of any county within the metropolitan district enacting such an ordinance shall submit to the voters of such county a proposal to approve its ordinance imposing or increasing the tax. Such ordinance shall become effective only after the majority of the voters voting on such ordinance approve such ordinance. The provisions of sections 32.085 [and] to 32.087 shall apply to any tax and increase in tax approved pursuant to this section and sections 67.1715 to 67.1721.

67.1775. 1. The governing body of a city not within a county, or any county of this state may, after voter approval under this section, levy a sales tax not to exceed one-quarter of a cent in the county or city, or city not within a county, for the purpose of providing services described in section 210.861, including counseling, family support, and temporary residential services to persons nineteen years of age or less. The question shall be submitted to the qualified voters of the county or city, or city not within a county, at a county or city or state general, primary or special election upon the motion of the governing body of the county or city, or city not within a county or upon the petition of eight percent of the qualified voters of the county or city, or city not within a county, determined on the basis of the number of votes cast for governor in such county at the last gubernatorial election held prior to the filing of the petition. The election officials of the county or city, or city not within a county, shall give legal notice as provided in chapter 115. The question shall be submitted in substantially the following form:

Shall County or City, solely for the purpose of establishing a community children's services fund for the purpose of providing services to protect the well-being and safety of children and youth nineteen years of age or less and to strengthen families, be authorized to levy a sales tax of (not to exceed one-quarter of a cent) in the city or county?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second calendar quarter after the director receives notification of the local sales tax. If a question receives less than the required majority, then the governing authority of the city or county, or city not within a county, shall have no power to impose the sales tax unless and until the governing authority of the city or county, or city not within a county, has submitted another question to authorize the imposition of the sales tax authorized by this section and such question is approved by the required majority of the qualified voters voting thereon. However, in no event shall a question under this section be submitted to the voters sooner than twelve months from the date of the last question under this section.

2. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and the director of revenue shall collect in addition to the sales tax for the state of Missouri the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

3. All sales taxes collected by the director of revenue under this section on behalf of any city or county, or city not within a county[, less one percent for the cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a special fund, which is hereby created, to be known as the "Community Children's Services Fund". [The moneys in the city or county, or city not within a county, community children's services fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the fund which was collected in each city or county, or city not within a county, imposing a sales tax under this section, and the records shall be open to the inspection of officers of each city or county, or city not within a county, and the general public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the fund during the preceding month by distributing to the city or county treasurer, or the treasurer of a city not within a county, or such other officer as may be designated by a city or county ordinance or order, or ordinance or order of a city not within a county, of each city or county, or city not within a county, imposing the tax authorized by this section, the sum, as certified by the director of revenue, due the city or county.

4. The director of revenue may authorize the state treasurer to make refunds from the amounts in the fund and credited to any city or county, or city not within a county, for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. Each city or county, or city not within a county, shall notify the director of revenue at least ninety days prior to the effective date of the expiration of the sales

tax authorized by this section and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the date of expiration of the tax authorized by this section in such city not within a county or such city or county, the director of revenue shall remit the balance in the account to the city or county, or city not within a county, and close the account of that city or county, or city not within a county. The director of revenue shall notify each city or county, or city not within a county, of each instance of any amount refunded or any check redeemed from receipts due the city or county.

5. Except as modified in this section, all provisions of sections 32.085 [and] **to 32.087** shall apply to the tax imposed under this section.

6. All revenues generated by the tax prescribed in this section shall be deposited in the county treasury or, in a city not within a county, to the board established by law to administer such fund to the credit of a special community children's services fund to accomplish the purposes set out herein and in section 210.861, and shall be used for no other purpose. Such fund shall be administered by a board of directors, established under section 210.861.

67.1959. 1. The board, by a majority vote, may submit to the residents of such district a tax of not more than one percent on all retail sales, except sales of [food as defined in section 144.014, sales of] new or used motor vehicles, trailers, boats, or other outboard motors, [all utilities, telephone and wireless services,] and sales of funeral services, **made on or after January 1, 2014**, within the district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525. Upon the written request of the board to the election authority of the county in which a majority of the area of the district is situated, such election authority shall submit a proposition to the residents of such district at a municipal or statewide primary or general election, or at a special election called for that purpose. Such election authority shall give legal notice as provided in chapter 115.

2. Such proposition shall be submitted to the voters of the district in substantially the following form at such election:

Shall the Tourism Community Enhancement District impose a sales tax of (insert amount) for the purpose of promoting tourism in the district?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters of the proposed district voting thereon are in favor of the proposal, then the order shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the tax. If the proposal receives less than the required majority, then the board shall have no power to impose the sales tax authorized pursuant to this section unless and until the board shall again have submitted another proposal to authorize the board to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters of the district.

67.2000. 1. This section shall be known as the "Exhibition Center and Recreational Facility District Act".

2. An exhibition center and recreational facility district may be created under this section in the following counties:

(1) Any county of the first classification with more than seventy-one thousand three hundred but less than seventy-one thousand four hundred inhabitants;

(2) Any county of the first classification with more than one hundred ninety-eight thousand but less than one hundred ninety-nine thousand two hundred inhabitants;

(3) Any county of the first classification with more than eighty-five thousand nine hundred but less than eighty-six thousand inhabitants;

(4) Any county of the second classification with more than fifty-two thousand six hundred but less than fifty-two thousand seven hundred inhabitants;

(5) Any county of the first classification with more than one hundred four thousand six hundred but less than one hundred four thousand seven hundred inhabitants;

(6) Any county of the third classification without a township form of government and with more than seventeen thousand nine hundred but less than eighteen thousand inhabitants;

(7) Any county of the first classification with more than thirty-seven thousand but less than thirty-seven thousand one hundred inhabitants;

(8) Any county of the third classification without a township form of government and with more than twenty-three thousand five hundred but less than twenty-three thousand six hundred inhabitants;

(9) Any county of the third classification without a township form of government and with more than nineteen thousand three hundred but less than nineteen thousand four hundred inhabitants;

(10) Any county of the first classification with more than two hundred forty thousand three hundred but less than two hundred forty thousand four hundred inhabitants;

(11) Any county of the third classification with a township form of government and with more than eight thousand nine hundred but fewer than nine thousand inhabitants;

(12) Any county of the third classification without a township form of government and with more than eighteen thousand nine hundred but fewer than nineteen thousand inhabitants;

(13) Any county of the third classification with a township form of government and with more than eight thousand but fewer than eight thousand one hundred inhabitants;

(14) Any county of the third classification with a township form of government and with more than eleven thousand five hundred but fewer than eleven thousand six hundred inhabitants.

3. Whenever not less than fifty owners of real property located within any county listed in subsection 2 of this section desire to create an exhibition center and recreational facility district, the property owners shall file a petition with the governing body of each county located within the boundaries of the proposed district requesting the creation of the district. The district boundaries may include all or part of the counties described in this section. The petition shall contain the following information:

- (1) The name and residence of each petitioner and the location of the real property owned by the petitioner;
- (2) A specific description of the proposed district boundaries, including a map illustrating the boundaries; and
- (3) The name of the proposed district.

4. Upon the filing of a petition pursuant to this section, the governing body of any county described in this section may, by resolution, approve the creation of a district. Any resolution to establish such a district shall be adopted by the governing body of each county located within the proposed district, and shall contain the following information:

- (1) A description of the boundaries of the proposed district;
- (2) The time and place of a hearing to be held to consider establishment of the proposed district;
- (3) The proposed sales tax rate to be voted on within the proposed district; and
- (4) The proposed uses for the revenue generated by the new sales tax.

5. Whenever a hearing is held as provided by this section, the governing body of each county located within the proposed district shall:

(1) Publish notice of the hearing on two separate occasions in at least one newspaper of general circulation in each county located within the proposed district, with the first publication to occur not more than thirty days before the hearing, and the second publication to occur not more than fifteen days or less than ten days before the hearing;

(2) Hear all protests and receive evidence for or against the establishment of the proposed district; and

(3) Rule upon all protests, which determinations shall be final.

6. Following the hearing, if the governing body of each county located within the proposed district decides to establish the proposed district, it shall adopt an order to that effect; if the governing body of any county located within the proposed district decides to not establish the proposed district, the boundaries of the proposed district shall not include that county. The order shall contain the following:

- (1) The description of the boundaries of the district;
- (2) A statement that an exhibition center and recreational facility district has been established;
- (3) The name of the district;
- (4) The uses for any revenue generated by a sales tax imposed pursuant to this section; and
- (5) A declaration that the district is a political subdivision of the state.

7. A district established pursuant to this section may, at a general, primary, or special election, submit to the qualified voters within the district boundaries a sales tax of one-fourth of one percent, for a period not to exceed twenty-five years, on all retail sales within the district, which are subject to taxation pursuant to sections 144.010 to 144.525, to fund the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition center and recreational facilities. The ballot of submission shall be in substantially the following form:

Shall the (name of district) impose a sales tax of one-fourth of one percent to fund the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition center and recreational facilities, for a period of (insert number of years)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast in the portion of any county that is part of the proposed district favor the proposal, then the sales tax shall become effective in that portion of the county [that is part of the proposed district on the first day of the first calendar quarter immediately following the election] **as provided by section 32.087**. If a majority of the votes cast in the portion of a county that is a part of the proposed district oppose the proposal, then that portion of such county shall not impose the sales tax authorized in this section until after the county governing body has submitted another such sales tax proposal and the proposal is approved by a majority of the qualified voters voting thereon. However, if a sales tax proposal is not approved, the governing body of the county shall not resubmit a proposal to the voters pursuant to this section sooner than twelve months from the date of the last proposal submitted pursuant to this section. If the qualified voters in two or more counties that have contiguous districts approve the sales tax proposal, the districts shall combine to become one district.

8. There is hereby created a board of trustees to administer any district created and the expenditure of revenue generated pursuant to this section consisting of four individuals to represent each county approving the district, as provided in this subsection. The governing body of each county located within the district, upon approval of that county's sales tax proposal, shall appoint four members to the board of trustees; at least one shall be an owner of a nonlodging business located within the taxing district, or their designee, at least one shall be an owner of a lodging facility located within the district, or their designee, and all members shall reside in the district except that one nonlodging business owner, or their designee, and one lodging facility owner, or their designee, may reside outside the district. Each trustee shall be at least twenty-five years of age and a resident of this state. Of the initial trustees appointed from each county, two shall hold office for two years, and two shall hold office for four years. Trustees appointed after expiration of the initial terms shall be appointed to a four-year term by the governing body of the county the trustee represents, with the initially appointed trustee to remain in office until a successor is appointed, and shall take office upon being appointed. Each trustee may be reappointed. Vacancies shall be filled in the same manner in which the trustee vacating the office was originally appointed. The trustees shall not receive compensation for their services, but may be reimbursed for their actual and necessary expenses. The board shall elect a chair and other officers necessary for its membership. Trustees may be removed if:

(1) By a two-thirds vote, the board moves for the member's removal and submits such motion to the governing body of the county from which the trustee was appointed; and

(2) The governing body of the county from which the trustee was appointed, by a majority vote, adopts the motion for removal.

9. The board of trustees shall have the following powers, authority, and privileges:

(1) To have and use a corporate seal;

(2) To sue and be sued, and be a party to suits, actions, and proceedings;

(3) To enter into contracts, franchises, and agreements with any person or entity, public or private, affecting the affairs of the district, including contracts with any municipality, district, or state, or the United States, and any of their agencies, political subdivisions, or instrumentalities, for the funding, including without limitation interest rate exchange or swap agreements, planning, development, construction, acquisition, maintenance, or operation of a single exhibition center and recreational facilities or to assist in such activity. "Recreational facilities" means locations explicitly designated for public use where the primary use of the facility involves participation in hobbies or athletic activities;

(4) To borrow money and incur indebtedness and evidence the same by certificates, notes, or debentures, to issue bonds and use any one or more lawful funding methods the district may obtain for its purposes at such rates of interest as the district may determine. Any bonds, notes, and other obligations issued or delivered by the district may be secured by mortgage, pledge, or deed of trust of any or all of the property and income of the district. Every issue of such bonds, notes, or other obligations shall be payable out of property and revenues of the district and may be further secured by other property of the district, which may be pledged, assigned, mortgaged, or a security interest granted for such payment, without preference or priority of the first bonds issued, subject to any agreement with the holders of any other bonds pledging any specified property or revenues. Such bonds, notes, or other obligations shall be authorized by resolution of the district board, and shall bear such date or dates, and shall mature at such time or times, but not in excess of thirty years, as the resolution shall specify. Such bonds, notes, or other obligations shall be in such denomination, bear interest at such rate or rates, be in such form, either coupon or registered, be issued as current interest bonds, compound interest bonds, variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such manner, be payable in such place or places, and be subject to redemption as such resolution may provide, notwithstanding section 108.170. The bonds, notes, or other obligations may be sold at either public or private sale, at such interest rates, and at such price or prices as the district shall determine;

(5) To acquire, transfer, donate, lease, exchange, mortgage, and encumber real and personal property in furtherance of district purposes;

(6) To refund any bonds, notes, or other obligations of the district without an election. The terms and conditions of refunding obligations shall be substantially the same as those of the original issue, and the board shall provide for the payment of interest at not to exceed the legal rate, and the principal of such refunding obligations in the same manner as is provided for the payment of interest and principal of obligations refunded;

(7) To have the management, control, and supervision of all the business and affairs of the district, and the construction, installation, operation, and maintenance of district improvements therein; to collect rentals, fees, and other charges in connection with its services or for the use of any of its facilities;

(8) To hire and retain agents, employees, engineers, and attorneys;

(9) To receive and accept by bequest, gift, or donation any kind of property;

(10) To adopt and amend bylaws and any other rules and regulations not in conflict with the constitution and laws of this state, necessary for the carrying on of the business, objects, and affairs of the board and of the district; and

(11) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted by this section.

10. There is hereby created the "Exhibition Center and Recreational Facility District Sales Tax Trust Fund", which shall consist of all sales tax revenue collected pursuant to this section. The director of revenue shall be custodian of the trust fund, and moneys in the trust fund shall be used solely for the purposes authorized in this section. [Moneys in the trust fund shall be considered nonstate funds pursuant to section 15, article IV, Constitution of Missouri.] The director of revenue shall invest moneys in the trust fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the trust fund. All sales taxes collected by the director of revenue pursuant to this section on behalf of the district, less one percent for the cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in the trust fund. The director of revenue shall keep accurate records of the amount of moneys in the trust fund which was collected in the district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of the officers of each district and the general public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the district. The director of revenue may authorize refunds from the amounts in the trust fund and credited to the district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of the district.

11. The sales tax authorized by this section is in addition to all other sales taxes allowed by law. **After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.**

12. Except as modified in this section, all provisions of sections 32.085 [and] to 32.087 apply to the sales tax imposed pursuant to this section.

[12.] 13. Any sales tax imposed pursuant to this section shall not extend past the initial term approved by the voters unless an extension of the sales tax is submitted to and approved by the qualified voters in each county in the manner provided in this section. Each extension of the sales tax shall be for a period not to exceed twenty years. The ballot of submission for the extension shall be in substantially the following form:

Shall the (name of district) extend the sales tax of one-fourth of one percent for a period of (insert number of years) years to fund the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition center and recreational facilities?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast favor the extension, then the sales tax shall remain in effect at the rate and for the time period approved by the voters. If a sales tax extension is not approved, the district may submit another sales tax proposal as authorized in this section, but the district shall not submit such a proposal to the voters sooner than twelve months from the date of the last extension submitted.

[13.] 14. Once the sales tax authorized by this section is abolished or terminated by any means, all funds remaining in the trust fund shall be used solely for the purposes approved in the ballot question authorizing the sales tax.

The sales tax shall not be abolished or terminated while the district has any financing or other obligations outstanding; provided that any new financing, debt, or other obligation or any restructuring or refinancing of an existing debt or obligation incurred more than ten years after voter approval of the sales tax provided in this section or more than ten years after any voter-approved extension thereof shall not cause the extension of the sales tax provided in this section or cause the final maturity of any financing or other obligations outstanding to be extended. Any funds in the trust fund which are not needed for current expenditures may be invested by the district in the securities described in subdivisions (1) to (12) of subsection 1 of section 30.270 or repurchase agreements secured by such securities. If the district abolishes the sales tax, the district shall notify the director of revenue of the action at least ninety days before the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the sales tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the sales tax in the district, the director of revenue shall remit the balance in the account to the district and close the account of the district. The director of revenue shall notify the district of each instance of any amount refunded or any check redeemed from receipts due the district.

[14.] 15. In the event that the district is dissolved or terminated by any means, the governing bodies of the counties in the district shall appoint a person to act as trustee for the district so dissolved or terminated. Before beginning the discharge of duties, the trustee shall take and subscribe an oath to faithfully discharge the duties of the office, and shall give bond with sufficient security, approved by the governing bodies of the counties, to the use of the dissolved or terminated district, for the faithful discharge of duties. The trustee shall have and exercise all powers necessary to liquidate the district, and upon satisfaction of all remaining obligations of the district, shall pay over to the county treasurer of each county in the district and take receipt for all remaining moneys in amounts based on the ratio the levy of each county bears to the total levy for the district in the previous three years or since the establishment of the district, whichever time period is shorter. Upon payment to the county treasurers, the trustee shall deliver to the clerk of the governing body of any county in the district all books, papers, records, and deeds belonging to the dissolved district.

67.2030. 1. The governing authority of any city of the fourth classification with more than one thousand six hundred but less than one thousand seven hundred inhabitants and located in any county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants is hereby authorized to impose, by ordinance or order, a sales tax in the amount not to exceed one-half of one percent on all retail sales made in such city which are subject to taxation pursuant to sections 144.010 to 144.525 for the promotion of tourism in such city. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to this section shall be effective unless the governing authority of the city submits to the qualified voters of the city, at any municipal or state general, primary, or special election, a proposal to authorize the governing authority of the city to impose a tax.

2. The ballot of submission shall be in substantially the following form:

Shall the city of (city's name) impose a citywide sales tax of (insert amount) for the purpose of promoting tourism in the city?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect [on the first day of the first calendar quarter immediately following notification to the director of the department of revenue of the election approving the proposal] **as provided by section 32.087**. If a proposal receives less than the required majority, then the governing authority of the city shall have no power to impose the sales tax unless and until the governing authority of the city has submitted another proposal to authorize the imposition of the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. [On and after the effective date of any tax authorized in this section, the city may adopt one of the two following provisions for the collection and administration of the tax:

(1) The city may adopt rules and regulations for the internal collection of such tax by the city officers usually responsible for collection and administration of city taxes; or

(2) The city may enter into an agreement with the director of revenue of the state of Missouri for the purpose of collecting the tax authorized in this section. In the event any city enters into an agreement with the director of revenue of the state of Missouri for the collection of the tax authorized in this section, the director of revenue shall perform all

functions incident to the administration, collection, enforcement, and operation of such tax, and the director of revenue shall collect the additional tax authorized in this section. The tax authorized in this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue, and the director of revenue shall retain an amount not to exceed one percent for cost of collection.

4. If a tax is imposed by a city pursuant to this section, the city may collect a penalty of one percent and interest not to exceed two percent per month on unpaid taxes which shall be considered delinquent thirty days after the last day of each quarter] **After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.**

[5.] 4. (1) The governing authority of any city that has adopted any sales tax pursuant to this section shall, upon filing of a petition calling for the repeal of such sales tax signed by at least ten percent of the qualified voters in the city, submit the question of repeal of the sales tax to the qualified voters at any primary or general election. The ballot of submission shall be in substantially the following form:

Shall (insert name of city) repeal the sales tax of (insert rate of percent) percent for tourism purposes now in effect in (insert name of city)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. **If the city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least one hundred twenty days prior to the effective date of the repeal.**

(2) Once the tax is repealed as provided in this section, all funds remaining in any trust fund or account established to receive revenues generated by the tax shall be used solely for the original stated purpose of the tax. Any funds which are not needed for current expenditures may be invested by the governing authority in accordance with applicable laws relating to the investment of other city funds.

(3) The governing authority of a city repealing a tax pursuant to this section shall notify the director of revenue of the action at least forty-five days before the effective date of the repeal and the director of revenue may order retention in any trust fund created in the state treasury associated with the tax, for a period of one year, of two percent of the amount collected after receipt of such notice to cover refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of repeal of the tax in the city, the director of revenue shall remit the balance in the trust fund to the city and close the account of that city. The director of revenue shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

(4) In the event that the repeal of a sales tax pursuant to this section dissolves or terminates a taxing district, the governing authority of the city shall appoint a person to act as trustee for the district so dissolved or terminated. Before beginning the discharge of duties, the trustee shall take and subscribe an oath to faithfully discharge the duties of the office, and shall give bond with sufficient security, approved by the governing authority of the city, to the use of the dissolved or terminated district, for the faithful discharge of duties. The trustee shall have and exercise all powers necessary to liquidate the district, and upon satisfaction of all remaining obligations of the district, shall pay over to the city treasurer or the equivalent official and take receipt for all remaining moneys. Upon payment to the city treasurer, the trustee shall deliver to the clerk of the governing authority of the city all books, papers, records, and deeds belonging to the dissolved district.

[6.] 5. Except as modified in this section, all provisions of sections 32.085 [and] **to** 32.087 shall apply to the tax imposed pursuant to this section.

67.2525. 1. Each member of the board of directors shall have the following qualifications:

(1) As to those subdistricts in which there are registered voters, a resident registered voter in the subdistrict that he or she represents, or be a property owner or, as to those subdistricts in which there are not registered voters who are residents, a property owner or representative of a property owner in the subdistrict he or she represents;

(2) Be at least twenty-one years of age and a registered voter in the district.

2. The district shall be subdivided into at least five but not more than fifteen subdistricts, which shall be represented by one representative on the district board of directors. All board members shall have terms of four years, including the initial board of directors. All members shall take office upon being appointed and shall remain in office until a successor is appointed by the mayor or chairman of the municipality in which the district is located, or elected by the property owners in those subdistricts without registered voters.

3. For those subdistricts which contain one or more registered voters, the mayor or chairman of the city, town, or village shall, with the consent of the governing body, appoint a registered voter residing in the subdistrict to the board of directors.

4. For those subdistricts which contain no registered voters, the property owners who collectively own one or more parcels of real estate comprising more than half of the land situated in each subdistrict shall meet and shall elect a representative to serve upon the board of directors. The clerk of the city, town, or village in which the petition was filed shall, unless waived in writing by all property owners in the subdistrict, give notice by causing publication to be made once a week for two consecutive weeks in a newspaper of general circulation in the county, the last publication of which shall be at least ten days before the day of the meeting required by this section, to call a meeting of the owners of real property within the subdistrict at a day and hour specified in a public place in the city, town, or village in which the petition was filed for the purpose of electing members of the board of directors.

5. The property owners, when assembled, shall organize by the election of a temporary chairman and secretary of the meeting who shall conduct the election. An election shall be conducted for each subdistrict, with the eligible property owners voting in that subdistrict. At the election, each acre of real property within the subdistrict shall represent one share, and each owner, including corporations and other entities, may have one vote in person or for every acre of real property owned by such person within the subdistrict. Each voter which is not an individual shall determine how to cast its vote as provided for in its articles of incorporation, articles of organization, articles of partnership, bylaws, or other document which sets forth an appropriate mechanism for the determination of the entity's vote. If a voter has no such mechanism, then its vote shall be cast as determined by a majority of the persons who run the day-to-day affairs of the voter. The results of the meeting shall be certified by the temporary chairman and secretary to the municipal clerk if the district is established by a municipality described in this section, or to the circuit clerk if the district is established by a circuit court.

6. Successor boards shall be appointed or elected, depending upon the presence or absence of resident registered voters, by the mayor or chairman of a city, town, or village described in this section, or the property owners as set forth above; provided, however, that elections held by the property owners after the initial board is elected shall be certified to the municipal clerk of the city, town, or village where the district is located and the board of directors of the district.

7. Should a vacancy occur on the board of directors, the mayor or chairman of the city, town, or village if there are registered voters within the subdistrict, or a majority of the owners of real property in a subdistrict if there are not registered voters in the subdistrict, shall have the authority to appoint or elect, as set forth in this section, an interim director to complete any unexpired term of a director caused by resignation or disqualification.

8. The board shall possess and exercise all of the district's legislative and executive powers, including:

(1) The power to fund, promote and provide educational, civic, musical, theatrical, cultural, concerts, lecture series, and related or similar entertainment events or activities, and fund, promote, plan, design, construct, improve, maintain, and operate public improvements, transportation projects, and related facilities within the district;

(2) The power to accept and disburse tax or other revenue collected in the district; and

(3) The power to receive property by gift or otherwise.

9. Within thirty days after the selection of the initial directors, the board shall meet. At its first meeting and annually thereafter the board shall elect a chairman from its members.

10. The board shall appoint an executive director, district secretary, treasurer, and such other officers or employees as it deems necessary.

11. At the first meeting, the board, by resolution, shall define the first and subsequent fiscal years of the district, and shall adopt a corporate seal.

12. A simple majority of the board shall constitute a quorum. If a quorum exists, a majority of those voting shall have the authority to act in the name of the board, and approve any board resolution.

13. At the first meeting, the board, by resolution, shall receive the certification of the election regarding the sales tax, and may impose the sales tax in all subdistricts approving the imposing sales tax. In those subdistricts that approve the sales tax, the sales tax shall become effective [on the first day of the first calendar quarter immediately following the action by the district board of directors imposing the tax] **as provided by section 32.087.**

14. Each director shall devote such time to the duties of the office as the faithful discharge thereof may require and be reimbursed for his or her actual expenditures in the performance of his or her duties on behalf of the district. Directors may be compensated, but such compensation shall not exceed one hundred dollars per month.

15. In addition to all other powers granted by sections 67.2500 to 67.2530, the district shall have the following general powers:

(1) To sue and be sued in its own name, and to receive service of process, which shall be served upon the district secretary;

(2) To fix compensation of its employees and contractors;

(3) To enter into contracts, franchises, and agreements with any person or entity, public or private, affecting the affairs of the district, including contracts with any municipality, district, or state, or the United States, and any of their agencies, political subdivisions, or instrumentalities, for the funding, including without limitation, interest rate exchange or swap agreements, planning, development, construction, acquisition, maintenance, or operation of a district facility or to assist in such activity;

(4) To acquire, develop, construct, equip, transfer, donate, lease, exchange, mortgage, and encumber real and personal property in furtherance of district purposes;

(5) To collect and disburse funds for its activities;

(6) To collect taxes and other revenues;

(7) To borrow money and incur indebtedness and evidence the same by certificates, notes, bonds, debentures, or refunding of any such obligations for the purpose of paying all or any part of the cost of land, construction, development, or equipping of any facilities or operations of the district;

(8) To own or lease real or personal property for use in connection with the exercise of powers pursuant to this subsection;

(9) To provide for the election or appointment of officers, including a chairman, treasurer, and secretary. Officers shall not be required to be residents of the district, and one officer may hold more than one office;

(10) To hire and retain agents, employees, engineers, and attorneys;

(11) To enter into entertainment contracts binding the district and artists, agencies, or performers, management contracts, contracts relating to the booking of entertainment and the sale of tickets, and all other contracts which relate to the purposes of the district;

(12) To contract with a local government, a corporation, partnership, or individual regarding funding, promotion, planning, designing, constructing, improving, maintaining, or operating a project or to assist in such activity;

(13) To contract for transfer to a city, town, or village such district facilities and improvements free of cost or encumbrance on such terms set forth by contract;

(14) To exercise such other powers necessary or convenient for the district to accomplish its purposes which are not inconsistent with its express powers.

16. A district may at any time authorize or issue notes, bonds, or other obligations for any of its powers or purposes. Such notes, bonds, or other obligations:

(1) Shall be in such amounts as deemed necessary by the district, including costs of issuance thereof;

(2) Shall be payable out of all or any portion of the revenues or other assets of the district;

(3) May be secured by any property of the district which may be pledged, assigned, mortgaged, or otherwise encumbered for payment;

(4) Shall be authorized by resolution of the district, and if issued by the district, shall bear such date or dates, and shall mature at such time or times, but not in excess of forty years, as the resolution shall specify;

(5) Shall be in such denomination, bear interest at such rates, be in such form, be issued as current interest bonds, compound interest bonds, variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such manner, be payable in such place or places and subject to redemption as such resolution may provide; and

(6) May be sold at either public or private sale, at such interest rates, and at such price or prices as the district shall determine.

The provisions of this subsection are applicable to the district notwithstanding the provisions of section 108.170.

67.2530. 1. Any note, bond, or other indebtedness of the district may be refunded at any time by the district by issuing refunding bonds in such amount as the district may deem necessary. Such bonds shall be subject to and shall have the benefit of the foregoing provisions regarding notes, bonds, and other obligations. Without limiting the generality of the foregoing, refunding bonds may include amounts necessary to finance any premium, unpaid interest, and costs of issuance in connection with the refunding bonds. Any such refunding may be effected whether the bonds to be refunded then shall have matured or thereafter shall mature, either by sale of the refunding bonds and the

application of the proceeds thereof to the payment of the obligations being refunded or the exchange of the refunding bonds for the obligations being refunded with the consent of the holders of the obligations being refunded.

2. Notes, bonds, or other indebtedness of the district shall be exclusively the responsibility of the district payable solely out of the district funds and property and shall not constitute a debt or liability of the state of Missouri or any agency or political subdivision of the state. Any notes, bonds, or other indebtedness of the district shall state on their face that they are not obligations of the state of Missouri or any agency or political subdivision thereof other than the district.

3. Any district may by resolution impose a district sales tax of up to one-half of one percent on all retail sales made in such district that are subject to taxation pursuant to the provisions of sections 144.010 to 144.525. Upon voter approval, and receiving the necessary certifications from the governing body of the municipality in which the district is located, or from the circuit court if the district was formed by the circuit court, the board of directors shall have the power to impose a sales tax at its first meeting, or any meeting thereafter. Voter approval of the question of the imposing sales tax shall be in accordance with section 67.2520. [The sales tax shall become effective in those subdistricts that approve the sales tax on the first day of the first calendar quarter immediately following the passage of a resolution by the board of directors imposing the sales tax.

4. In each district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the district pursuant to this section to the retailer's sale price, and when so added, such tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

5. In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the district may establish appropriate brackets which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided in section 144.285.

6.] 4. All revenue received by a district from the sales tax authorized by this section shall be deposited in a special trust fund and shall be used solely for the purposes of the district. Any funds in such special trust fund which are not needed for the district's current expenditures may be invested by the district board of directors in accordance with applicable laws relating to the investment of other district funds.

[7.] 5. The sales tax may be imposed at a rate of up to one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525. Any district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the subdistricts approving the sales tax.

[8. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525 and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax and the tax shall be reported and returned to and collected by the district.

9. (1) On and after the effective date of any sales tax imposed pursuant to this section, the district shall perform all functions incident to the administration, collection, enforcement, and operation of the tax. The sales tax imposed pursuant to this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the district.

(2)] 6. **After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.**

7. All [such] sales taxes [collected by the district] shall be deposited by the district in a special fund to be expended for the purposes authorized in this section. The district shall keep accurate records of the amount of money which was collected pursuant to this section, and the records shall be open to the inspection of officers of each district and the general public.

[(3) The district may contract with the municipality that the district is within for the municipality to collect any revenue received by the district and, after deducting the cost of such collection, but not to exceed one percent of the total amount collected, deposit such revenue in a special trust account. Such revenue and interest may be applied by the municipality to expenses, costs, or debt service of the district at the direction of the district as set forth in a contract between the municipality and the district.

10. (1) All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax, sections 32.085 and 32.087, and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section.

(2) All exemptions granted to agencies of government, organizations, persons, and to the sale of certain articles and items of tangible personal property and taxable services pursuant to the provisions of sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax imposed by this section.

(3) The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

(4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws for the collection of and for payment of taxes pursuant to such laws are hereby allowed and made applicable to any taxes collected pursuant to the provisions of this section.

(5) The penalties provided in section 32.057 and sections 144.010 to 144.525 for violation of those sections are hereby made applicable to violations of this section.

(6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment, or billing.

A sale by a retailer's employee shall be deemed to be consummated at the place of business from which the employee works.

(7) **8.** Subsequent to the initial approval by the voters and implementation of a sales tax in the district, the rate of the sales tax may be increased, but not to exceed a rate of one-half of one percent on retail sales as provided in this subsection. The election shall be conducted in accordance with section 67.2520; provided, however, that the district board of directors may place the question of the increase of the sales tax before the voters of the district by resolution, and the municipal clerk of the city, town, or village which originally conducted the incorporation of the district, or the circuit clerk of the court which originally conducted the incorporation of the district, shall conduct the subsequent election. In subsequent elections, the election judges shall certify the election results to the district board of directors. The ballot of submission shall be in substantially the following form:

Shall (name of district) increase the (insert amount) percent district sales tax now in effect to..... (insert amount) in the (name of district)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon are in favor of the increase, the increase shall become effective [December thirty-first of the calendar year in which such increase was approved] **as provided by section 32.087.**

[11.] **9.** (1) There shall not be any election as provided for in this section while the district has any financing or other obligations outstanding.

(2) The board, when presented with a petition signed by at least one-third of the registered voters in a district that voted in the last gubernatorial election, or signed by at least two-thirds of property owners of the district, calling for an election to dissolve and repeal the tax shall submit the question to the voters using the same procedure by which the imposing tax was voted. The ballot of submission shall be in substantially the following form:

Shall (name of district) dissolve and repeal the (insert amount) percent district sales tax now in effect in the (name of district)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

Such subsequent elections for the repeal of the sales tax shall be conducted in accordance with section 67.2520; provided, however, that the district board of directors may place the question of the repeal of the sales tax before the voters of the district, and the municipal clerk of the city, town, or village which originally conducted the incorporation of the district, or the circuit clerk of the court which originally conducted the incorporation of the district, shall conduct the subsequent election. In subsequent elections the election judges shall certify the election results to the district board of directors.

(3) If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon are in favor of repeal, that repeal shall become effective December thirty-first of the calendar year in which such repeal was approved or after the repayment of the district's indebtedness, whichever occurs later. **If the district abolishes the tax, the district shall notify the director of revenue of the action at least one hundred twenty days prior to the effective date of the repeal.**

[12.] **10.** (1) At such time as the board of directors of the district determines that further operation of the district is not in the best interests of the inhabitants of the district, and that the district should dissolve, the board shall submit for a vote in an election held throughout the district the question of whether the district should be abolished. The question shall be submitted in substantially the following form:

Shall the theater, cultural arts, and entertainment district be abolished?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(2) The district board shall not propose the question to abolish the district while there are outstanding claims or causes of action pending against the district, while the district liabilities exceed its assets, while indebtedness of the district is outstanding, or while the district is insolvent, in receivership or under the jurisdiction of the bankruptcy court.

Prior to submitting the question to abolish the district to a vote of the entire district, the state auditor shall audit the district to determine the financial status of the district, and whether the district may be abolished pursuant to law. The vote on the abolition of the district shall be conducted by the municipal clerk of the city, town, or village in which the district is located. The procedure shall be the same as in section 67.2520, except that the question shall be determined by the qualified voters of the entire district. No individual subdistrict may be abolished, except at such time as the district is abolished.

(3) While the district still exists, it shall continue to accrue all revenues to which it is entitled at law.

(4) Upon receipt by the board of directors of the district of the certification by the city, town, or village in which the district is located that the majority of those voting within the entire district have voted to abolish the district, and if the state auditor has determined that the district's financial condition is such that it may be abolished pursuant to law, then the board of directors of the district shall:

(a) Sell any remaining district real or personal property it wishes, and then transfer the proceeds and any other real or personal property owned by the district to the city, town, or village in which the district is located, including revenues due and owing the district, for its further use and disposition;

(b) Terminate the employment of any remaining district employees, and otherwise conclude its affairs;

(c) At a public meeting of the district, declare by a resolution of the board of directors passed by a majority vote that the district has been abolished effective that date;

(d) Cause copies of that resolution under seal to be filed with the secretary of state and the city, town, or village in which the district is located. Upon the completion of the final act specified in this subsection, the legal existence of the district shall cease.

(5) The legal existence of the district shall not cease for a period of two years after voter approval of the abolition.

11. Except as provided in this section, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under this section."; and

Further amend said bill, Page 26, Section 92.387, Line 2, by inserting after all of said section the following:

"94.578. 1. In addition to the sales tax authorized in section 94.577, the governing body of any home rule city with more than one hundred fifty-one thousand five hundred but less than one hundred fifty-one thousand six hundred inhabitants is hereby authorized to impose, by order or ordinance, a sales tax on all retail sales made within the city which are subject to sales tax under chapter 144. The tax authorized in this section may be imposed at a rate of one-eighth, one-fourth, three-eighths, or one-half of one percent, but shall not exceed one-half of one percent, shall not be imposed for longer than three years, and shall be imposed solely for the purpose of funding the construction, operation,

and maintenance of capital improvements in the city's center city. The governing body may issue bonds for the funding of such capital improvements, which will be retired by the revenues received from the sales tax authorized by this section. The order or ordinance shall not become effective unless the governing body of the city submits to the voters residing within the city at a state or municipal general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. The ballot submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city) impose a sales tax at a rate of (insert rate of percent) percent for [a] capital improvements purposes in the city's center city for a period of (insert number of years, not to exceed three) years?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of the sales tax. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question. In no case shall a tax be resubmitted to the qualified voters of the city sooner than twelve months from the date of the proposal under this section.

3. Any sales tax imposed under this section shall be administered, collected, enforced, and operated as required in [section] **sections 32.085 to 32.087**. All revenue generated by the tax shall be deposited in a special trust fund and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes the tax, the city shall notify the director of revenue of the action at least ninety days before the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director of revenue shall remit the balance in the account to the city and close the account of that city. The director of revenue shall notify each city of each instance of any amount refunded.

5. The governing body of any city that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city) repeal the sales tax imposed at a rate of (insert rate of percent) percent for capital improvements purposes in the city's center city?

☐ YES

☐ NO

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters, and the repeal is approved by a majority of the qualified voters voting on the question. **If the city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least one hundred twenty days prior to the effective date of the repeal.**

6. Whenever the governing body of any city that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

7. Except as provided in this section, all provisions of sections 32.085 to 32.087 apply to the sales tax imposed under this section.

94.605. 1. Any city as defined in section 94.600 may by a majority vote of its governing body impose a sales tax for transportation purposes enumerated in sections 94.600 to 94.655.

2. The sales tax may be imposed at a rate not to exceed one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any city adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525.

3. With respect to any tax increment financing plan originally approved by ordinance of the city council after March 31, 2009, in any home rule city with more than four hundred thousand inhabitants and located in more than one county, any three-eighths of one cent sales tax imposed under sections 94.600 to 94.655 shall not be considered economic activity taxes as such term is defined under sections 99.805 and 99.918, and tax revenues derived from such taxes shall not be subject to allocation under the provisions of subsection 3 of section 99.845 or subsection 4 of section 99.957. Any one-eighth of one cent sales tax imposed in such city under sections 94.600 to 94.655 for constructing and operating a light-rail transit system shall not be considered economic activity taxes as such term is defined under sections 99.805 and 99.918, and tax revenues derived from such tax shall not be subject to allocation under the provisions of subsection 3 of section 99.845 or subsection 4 of section 99.957.

[4. If the boundaries of a city in which such sales tax has been imposed shall thereafter be changed or altered, the city or county clerk shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the city. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the city clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by sections 94.600 to 94.655 shall be effective in the added territory or abolished in the detached territory on the effective date of the change of the city boundary.]

94.660. 1. The governing body of any city not within a county and any county of the first classification having a charter form of government with a population of over nine hundred thousand inhabitants may propose, by ordinance or order, a transportation sales tax of up to one percent for submission to the voters of that city or county at an authorized election date selected by the governing body.

2. Any sales tax approved under this section shall be imposed on the receipts from the sale at retail of all tangible personal property or taxable services within the city or county adopting the tax, if such property and services are subject to taxation by the state of Missouri under sections 144.010 to 144.525.

3. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the county/city of (county's or city's name) impose a county/citywide sales tax of percent for the purpose of providing a source of funds for public transportation purposes?

☐ YES

☐ NO

Except as provided in subsection 4 of this section, if a majority of the votes cast in that county or city not within a county on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall go into effect [on the first day of the next calendar quarter beginning after its adoption and notice to the director of revenue, but no sooner than thirty days after such adoption and notice] **as provided by section 32.087**. If a majority of the votes cast in that county or city not within a county by the qualified voters voting are opposed to the proposal, then the additional sales tax shall not be imposed in that county or city not within a county unless and until the governing body of that county or city not within a county shall have submitted another proposal to authorize the local option transportation sales tax authorized in this section, and such proposal is approved by a majority of the qualified voters voting on it. In no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal.

4. No tax shall go into effect under this section in any city not within a county or any county of the first classification having a charter form of government with a population over nine hundred thousand inhabitants unless and until both such city and such county approve the tax.

5. The provisions of subsection 4 of this section requiring both the city and county to approve a transportation sales tax before a transportation sales tax may go into effect in either jurisdiction shall not apply to any transportation sales tax submitted to and approved by the voters in such city or such county on or after August 28, 2007.

6. All sales taxes collected by the director of revenue under this section on behalf of any city or county, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds, shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Public Transit Sales Tax Trust Fund". The sales taxes shall be collected as provided in section 32.087.

The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each city or county approving a sales tax under this section, and the records shall be open to inspection by officers of the city or county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city or county which levied the tax, and such funds shall be deposited with the treasurer of each such city or county and all expenditures of funds arising from the county public transit sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county or city not within a county.

7. The revenues derived from any transportation sales tax under this section shall be used only for the planning, development, acquisition, construction, maintenance and operation of public transit facilities and systems other than highways.

8. The director of revenue may authorize the state treasurer to make refunds from the amount in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities or counties. If any city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city or county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the city or county and close the account of that city or county. The director of revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county.

94.705. 1. Any city may by a majority vote of its governing body impose a sales tax for transportation purposes enumerated in sections 94.700 to 94.755, and issue bonds for transportation purposes which shall be retired by the revenues received from the sales tax authorized by this section. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law. No ordinance imposing a sales tax pursuant to the provisions of this section shall become effective unless the council or other governing body submits to the voters of the city, at a city or state general, primary, or special election, a proposal to authorize the council or other governing body of the city to impose such a sales tax and, if such tax is to be used to retire bonds authorized pursuant to this section, to authorize such bonds and their retirement by such tax; except that no vote shall be required in any city that imposed and collected such tax under sections 94.600 to 94.655, before January 5, 1984. The ballot of the submission shall contain, but is not limited to, the following language:

(1) If the proposal submitted involves only authorization to impose the tax authorized by this section, the following language:

Shall the city of (city's name) impose a sales tax of (insert amount) for transportation purposes?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No";

(2) If the proposal submitted involves authorization to issue bonds and repay such bonds with revenues from the tax authorized by this section, the following language:

Shall the city of (city's name) issue bonds in the amount of (insert amount) for transportation purposes and impose a sales tax of (insert amount) to repay such bonds?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal, provided in subdivision (1) of this subsection, by the qualified voters voting thereon are in favor of the proposal, then the ordinance and any amendments thereto shall be in effect. If the four-sevenths majority of the votes, as required by the Missouri Constitution, article VI, section 26, cast on the proposal, provided in subdivision (2) of this subsection to issue bonds and impose a sales tax to retire such bonds, by the qualified voters voting thereon are in favor of the proposal, then the ordinance and any amendments thereto shall be in effect. If a majority of the votes cast on the proposal, as provided in subdivision (1) of this subsection, by the qualified voters voting thereon are opposed to the proposal, then the council or other governing body of the city shall have no power to

impose the tax authorized in subdivision (1) of this subsection unless and until the council or other governing body of the city submits another proposal to authorize the council or other governing body of the city to impose the tax and such proposal is approved by a majority of the qualified voters voting thereon. If more than three-sevenths of the votes cast by the qualified voters voting thereon are opposed to the proposal, as provided in subdivision (2) of this subsection to issue bonds and impose a sales tax to retire such bonds, then the council or other governing body of the city shall have no power to issue any bonds or to impose the tax authorized in subdivision (2) of this subsection unless and until the council or other governing body of the city submits another proposal to authorize the council or other governing body of the city to issue such bonds or impose the tax to retire such bonds and such proposal is approved by four-sevenths of the qualified voters voting thereon.

2. No incorporated municipality located wholly or partially within any first class county operating under a charter form of government and having a population of over nine hundred thousand inhabitants shall impose such a sales tax for that part of the city, town or village that is located within such first class county, in the event such a first class county imposes a sales tax under the provisions of sections 94.600 to 94.655.

3. The sales tax may be imposed at a rate not to exceed one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any city adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525.

4. [If the boundaries of a city in which such sales tax has been imposed shall thereafter be changed or altered, the city clerk shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the city. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the city clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by sections 94.700 to 94.755 shall be effective in the added territory or abolished in the detached territory on the effective date of the change of the city boundary.

5.] No tax imposed pursuant to this section for the purpose of retiring bonds issued pursuant to this section may be terminated until all of such bonds have been retired."; and

Further amend said bill, Page 37, Section 143.790, Line 255, by inserting after all of said section the following:

"144.010. 1. The following words, terms, and phrases when used in [sections 144.010 to 144.525] **this chapter shall** have the meanings ascribed to them in this section, except when the context indicates a different meaning:

(1) "Admission" includes seats and tables, reserved or otherwise, and other similar accommodations and charges made therefor and amount paid for admission, exclusive of any admission tax imposed by the federal government or by sections 144.010 to 144.525;

(2) "Advertising and promotional direct mail", **printed material that meets the definition of direct mail, the primary purpose of which is to attract public attention to a product, person, business, or organization, or to attempt to sell, popularize, or secure financial support for a product, person, business, or organization. As used in this subdivision, the word "product" means tangible personal property, a product transferred electronically or a service;**

(3) "Agreement", the streamlined sales and use tax agreement, as amended from time to time;

(4) "Air-to-ground radiotelephone service", a radio service, as that term is defined in 47 CFR 22.99, in which common carriers are authorized to offer and provide radio telecommunications service for hire to subscribers in aircraft;

(5) "Alcoholic beverages", beverages that are suitable for human consumption and contain one-half of one percent or more of alcohol by volume;

(6) "Ancillary services", services that are associated with or incidental to the provisions of telecommunications services, including but not limited to, detailed telecommunications billing, directory assistance, vertical service, and voice mail services. Ancillary services shall not include specified digital products, digital audio-visual works, digital audio works, or digital books;

(7) "Appliance", clothes washer and dryer, water heater, trash compactor, dishwasher, conventional oven, range, stove, air conditioner, furnace, refrigerator and freezer;

(8) "Bottled water", water that is placed in a safety sealed container or package for human consumption. Bottled water is calorie free and does not contain sweeteners or other additives except that it may contain:

- (a) Antimicrobial agents;
- (b) Fluoride;
- (c) Carbonation;
- (d) Vitamins, minerals, and electrolytes;
- (e) Oxygen;

(f) Preservatives; and

(g) Only those flavors, extracts, or essences derived from a spice or fruit.

Bottled water includes water that is delivered to the buyer in a reusable container that is not sold with the water;

(9) "Bundled transaction":

(a) The retail sale of two or more products, except real property and services to real property, where the products are otherwise distinct and identifiable, and the products are sold for one nonitemized price. A bundled transaction shall not include the sale of any products in which the sales price varies, or is negotiable, based on the selection by the purchaser of the products included in the transaction;

(b) As used in this paragraph, the term "distinct and identifiable products" shall not include:

a. Packaging, such as containers, boxes, sacks, bags, and bottles, or other materials, such as wrapping, labels, tags, and instruction guides, that accompany the retail sale of the products and are incidental or immaterial to the retail sale thereof;

b. A product provided free of charge with the required purchase of another product. A product is provided free of charge if the sales price of the product purchased does not vary depending on the inclusion of the product provided free of charge;

c. Items included in the definition of the term sales price;

(c) As used in this paragraph, the term "one nonitemized price" shall not include a price that is separately identified by product on binding sales or other supporting sales-related documentation made available to the customer in paper or electronic form, including but not limited to an invoice, bill of sale, receipt, contract, service agreement, lease agreement, periodic notice of rates and services, rate card, or price list;

(d) a. A transaction that otherwise meets the definition of a bundled transaction as defined in this subdivision shall not constitute a bundled transaction if it is:

(i) A retail sale of tangible personal property and a service where the tangible personal property is essential to the use of the service, and is provided exclusively in connection with the service, and the true object of the transaction is the service; or

(ii) A retail sale of services where one service is provided that is essential to the use or receipt of a second service and the first service is provided exclusively in connection with the second service and the true object of the transaction is the second service; or

(iii) A transaction that includes taxable products and nontaxable products and the sales price of the taxable products is de minimis.

b. "De minimis" means the sales price of the taxable product is ten percent or less of the total sales price of the bundled products.

c. Sellers shall use the sales price of the products to determine if the taxable products are de minimis.

d. (i) Sellers shall use the full term of a service contract to determine if the taxable products are de minimis; or

(ii) A retail sale of exempt tangible personal property and taxable tangible personal property where:

i. The transaction includes food and food ingredients, drugs, durable medical equipment, mobility enhancing equipment, over-the-counter drugs, prosthetic devices, or medical supplies; and

ii. The seller's purchase price or sales price of the taxable tangible personal property is fifty percent or less of the total sales price of the bundled tangible personal property. Sellers shall not use a combination of the purchase price and sales price of the tangible personal property when making the fifty percent determination for a transaction;

(10) "Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either direct or indirect, and the classification of which business is of such character as to be subject to the terms of sections 144.010 to 144.525. A person is "engaging in business" in this state for purposes of sections 144.010 to 144.525 if such person "engages in business in this state" or "maintains a place of business in this state" under section 144.605. The isolated or occasional sale of tangible personal property, service, substance, or thing, by a person not engaged in such business, does not constitute engaging in business within the meaning of sections 144.010 to 144.525 unless the total amount of the gross receipts from such sales, exclusive of receipts from the sale of tangible personal property by persons which property is sold in the course of the partial or complete liquidation of a household, farm or nonbusiness enterprise, exceeds three thousand dollars in any calendar year. The provisions of this subdivision shall not be construed to make any sale of property which is exempt from sales tax or use tax on June 1, 1977, subject to that tax thereafter;

[(3)] (11) "Calendar quarter", the period of three consecutive calendar months ending on March thirty-first, June thirtieth, September thirtieth or December thirty-first;

(12) "Call-by-call basis", any method of charging for telecommunications services where the price is measured by individual calls;

(13) "Candy", a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts or other ingredients or flavorings in the form of bars, drops, or pieces. Candy shall not include any preparation containing flour and shall require no refrigeration;

(14) "Captive wildlife", includes but is not limited to exotic partridges, gray partridge, northern bobwhite quail, ring-necked pheasant, captive waterfowl, captive white-tailed deer, captive elk, and captive furbearers held under permit issued by the Missouri department of conservation for hunting purposes. The provisions of this subdivision shall not apply to sales tax on a harvested animal;

(15) "Certified automated system" or "CAS", software certified under the streamlined sales and use tax agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state, and maintain a record of the transaction;

(16) "Certified service provider" or "CSP", an agent certified under the streamlined sales and use tax agreement to perform all the seller's sales and use tax functions, other than the seller's obligation to remit tax on its own purchases;

(17) "Clothing":

(a) All human wearing apparel suitable for general use;

(b) Clothing shall include:

a. Aprons, household and shop;

b. Athletic supporters;

c. Baby receiving blankets;

d. Bathing suits and caps;

e. Beach capes and coats;

f. Belts and suspenders;

g. Boots;

h. Coats and jackets;

i. Costumes;

j. Diapers, children and adult, including disposable diapers;

k. Ear muffs;

l. Footlets;

m. Formal wear;

n. Garters and garter belts;

o. Girdles;

p. Gloves and mittens for general use;

q. Hats and caps;

r. Hosiery;

s. Insoles for shoes;

t. Lab coats;

u. Neckties;

v. Overshoes;

w. Pantyhose;

x. Rainwear;

y. Rubber pants;

z. Sandals;

aa. Scarves;

bb. Shoes and shoelaces;

cc. Slippers;

dd. Sneakers;

ee. Socks and stockings;

ff. Steel toed-shoes;

gg. Underwear;

hh. Uniforms, athletic and nonathletic; and

ii. Wedding apparel;

(c) Clothing shall not include:

a. Belt buckles sold separately;

b. Costume masks sold separately;

- c. Patches and emblems sold separately;
 - d. Sewing equipment and supplies, including but not limited to, knitting needles, patterns, pins, scissors, sewing machines, sewing needles, tape measures, and thimbles; and
 - e. Sewing materials that become part of clothing, including but not limited to buttons, fabric, lace, thread, yarn, and zippers;
- (18) "Clothing accessories and equipment", incidental items worn on the person or in conjunction with clothing. Clothing accessories and equipment are mutually exclusive of clothing, sport or recreational equipment, and protective equipment;
- (19) "Coin-operated telephone service", a telecommunications service paid for by inserting money into a telephone accepting direct deposits of money to operate;
- (20) "Communications channel", a physical or virtual path of communications over which signals are transmitted between or among customer channel termination points;
- (21) "Computer", an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions;
- (22) "Computer software", a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task. Computer software shall not include specified digital products, digital audio-visual works, digital audio works, or digital books;
- (23) "Conference bridging service", an ancillary service that links two or more participants of an audio or video conference call and may include the provision of a telephone number. Conference bridging service does not include the telecommunications services used to reach the conference bridge;
- (24) "Customer", the person or entity that contracts with the seller of telecommunications services. If the end user of telecommunications services is not the contracting party, the end user of the telecommunications service is the customer of the telecommunication service, but this definition only applies to the purpose of sourcing sales of telecommunications services under section 144.043. Customer shall not include a reseller of telecommunications service or for mobile telecommunications service of a serving carrier under an agreement to serve the customer outside the home service provider's licensed service area;
- (25) "Customer channel termination point", the location where the customer either inputs or receives the communication;
- (26) "Delivered electronically", delivered to the purchaser by means other than tangible storage media;
- (27) "Delivery charges", charges by the seller of personal property or services for preparation and delivery to a location designated by the purchaser of personal property or services, including but not limited to transportation, shipping, postage, handling, crating, and packing;
- (28) "Detailed telecommunications billing service", an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement;
- (29) "Dietary supplement", any product, other than tobacco, intended to supplement the diet that contains one or more of the following dietary ingredients: a vitamin; a mineral; an herb or other botanical; an amino acid; a dietary substance for use by humans to supplement the diet by increasing the total dietary intake; or a concentrate, metabolite, constituent, extract, or combination of any ingredient described above; and that is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or if not intended for ingestion in such a form, is not represented as a conventional food and is not represented for use as a sole item of a meal or of the diet; and that is required to be labeled as a dietary supplement, identifiable by the supplemental facts box found on the label and as required under 21 CFR Section 101.36;
- (30) "Digital audio works", works that result from the fixation of a series of musical, spoken, or other sounds, including ringtones;
- (31) "Digital audio-visual works", a series of related images which, when shown in succession, impart an impression of motion, together with accompanying sounds, if any;
- (32) "Digital books", works that are generally recognized in the ordinary and usual sense as books;
- (33) "Direct mail", printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addressees on a mailing list provided by the purchaser or at the direction of the purchaser when the cost of the items is not billed directly to the recipients. Direct mail shall include tangible personal property supplied directly or indirectly by the purchaser to the direct mail seller for inclusion in the package containing the printed material. Direct mail shall not include multiple items of printed material delivered to a single address;
- (34) "Directory assistance", an ancillary service of providing telephone number information, or address information;
- (35) "Drug":

(a) A compound, substance, or preparation, and any component of a compound, substance, or preparation, other than food and food ingredients, dietary supplements, alcoholic beverages, or grooming and hygiene products:

a. Recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or supplement to any of them;

b. Intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or

c. Intended to affect the structure or any function of the body;

(b) Drug shall include insulin and medical oxygen;

(36) "Durable medical equipment", equipment including repair and replacement parts for same, excluding mobility enhancing equipment. Durable medical equipment:

(a) Can withstand repeated use;

(b) Is primarily and customarily used to serve a medical purpose;

(c) Generally is not useful to a person in the absence of illness or injury;

(d) Is not worn in or on the body;

(e) Is for home use;

(f) Is within the classification of devices eligible for MO HealthNet and Medicare reimbursement;

(g) Shall not include:

a. Kidney dialysis equipment not worn in or on the body, including repair and replacement parts; and

b. Enteral feeding systems not worn in or on the body, including repair and replacement parts.

As used in this subdivision, repair and replacement parts shall include all components or attachments used in conjunction with the durable medical equipment;

(37) "Electronic", relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;

(38) "End user", the person who utilizes the telecommunication service. In case of an entity, "end user" means the individual who utilizes the service on behalf of the entity;

(39) "Energy star qualified product", a product that meets the energy efficient guidelines set by the United States Environmental Protection Agency and the United States Department of Energy that is authorized to carry the Energy Star label. Covered products are those listed at www.energystar.gov or successor address;

(40) "Engages in business activities within this state", includes:

(a) Purposefully or systematically exploiting the market provided by this state by any media-assisted, media-facilitated, or media-solicited means, including but not limited to direct mail advertising, distribution of catalogs, computer-assisted shopping, telephone, television, radio, or other electronic media, or magazine or newspaper advertisements, or other media; or

(b) Being owned or controlled by the same interests which own or control any seller engaged in the same or similar line of business in this state; or

(c) Maintaining or having a franchisee or licensee operating under the seller's trade name in this state if the franchisee or licensee is required to collect sales tax under sections 144.010 to 144.525; or

(d) Soliciting sales or taking orders by sales agents or traveling representatives;

(41) "Food and food ingredients", substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. Food and food ingredients shall not include alcoholic beverages, tobacco, or dietary supplements;

(42) "Food sold through a vending machine", food dispensed from a machine or other mechanical device that accepts payment;

(43) "Grooming and hygiene products", soaps and cleaning solutions, shampoo, toothpaste, mouthwash, antiperspirants, and suntan lotions and screens, regardless of whether the items meet the definition of over-the-counter drugs;

[(4)] (44) "Gross receipts"[,], or "sales price":

(a) Except as provided in section 144.012, [means the total amount of the sale price of the sales at retail including any services other than charges incident to the extension of credit that are a part of such sales made by the businesses herein referred to, capable of being valued in money, whether received in money or otherwise; except that, the term "gross receipts" shall not include the sale price of property returned by customers when the full sale price thereof is refunded either in cash or by credit. In determining any tax due under sections 144.010 to 144.525 on the gross receipts, charges incident to the extension of credit shall be specifically exempted. For the purposes of sections 144.010 to 144.525 the total amount of the sale price above mentioned shall be deemed to be the amount received. It shall also include the lease or rental consideration where the right to continuous possession or use of any article of tangible

personal property is granted under a lease or contract and such transfer of possession would be taxable if outright sale were made and, in such cases, the same shall be taxable as if outright sale were made and considered as a sale of such article, and the tax shall be computed and paid by the lessee upon the rentals paid;] **applies to the measure subject to sales tax and means the total amount of consideration, including cash, credit, property, and services, for which personal property or services are sold, leased, or rented, valued in money, whether received in money or otherwise, without any deduction for the following:**

- a. The seller's cost of the property sold;
- b. The cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller;
- c. Charges by the seller for any services necessary to complete the sale, other than delivery and installation charges;
- d. Delivery charges; and
- e. Credit for any trade-in;
- (b) Shall not include:
 - a. Discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a seller and taken by a purchaser on a sale;
 - b. Interest, financing, and carrying charges from credit extended on the sale of personal property or services, if the amount is separately stated on the invoice, bill of sale or similar document given to the purchaser; and
 - c. Any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale or similar document given to the purchaser;
- (c) Shall include consideration received by the seller from third parties if:
 - a. The seller actually receives consideration from a party other than the purchaser and the consideration is directly related to a price reduction or discount on the sale;
 - b. The seller has an obligation to pass the price reduction or discount through to the purchaser;
 - c. The amount of the consideration attributable to the sale is fixed and determinable by the seller at the time of the sale of the item to the purchaser; and
 - d. One of the following criteria is met:
 - (i) The purchaser presents a coupon, certificate or other documentation to the seller to claim a price reduction or discount where the coupon, certificate or documentation is authorized, distributed, or granted by a third party with the understanding that the third party will reimburse any seller to whom the coupon, certificate or documentation is presented;
 - (ii) The purchaser identifies himself or herself to the seller as a member of a group or organization entitled to a price reduction or discount (a preferred customer card that is available to any patron does not constitute membership in such a group); or
 - (iii) The price reduction or discount is identified as a third-party price reduction or discount on the invoice received by the purchaser or on a coupon, certificate or other documentation presented by the purchaser;
- (45) "Home service provider", the same as such term is defined in Section 124(5) of Public Law 106-252, Mobile Telecommunications Sourcing Act;
- (46) "Lease or rental":
 - (a) Any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration. A lease or rental may include future options to purchase or extend;
 - (b) Lease or rental shall not include:
 - a. A transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments;
 - b. A transfer of possession or control of property under an agreement that requires the transfer of title upon completion of required payments and where any payment of an option price does not exceed the greater of one hundred dollars or one percent of the total required payments;
 - c. Providing tangible personal property along with an operator for a fixed or indeterminate period of time provided that the operator is necessary for the equipment to perform as designed and the operator does more than maintain, inspect, or set up the tangible personal property;
 - (c) Lease or rental includes agreements covering motor vehicles and trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon sale or disposition of the property as defined in 26 U.S.C. Section 7701(h)(1), as amended;
- (47) "Light aircraft", a light airplane that seats no more than four persons, with a gross weight of three thousand pounds or less, which is primarily used for recreational flying or flight training;

(48) "Light aircraft kit", factory manufactured light aircraft parts and components, including engine, propeller, instruments, wheels, brakes, and air frame parts which make up a complete aircraft kit or partial kit designed to be assembled into a light aircraft and then operated by a qualified light aircraft purchaser for recreational and educational purposes;

(49) "Light aircraft parts and components", manufactured light aircraft parts, including air frame and engine parts, that are required by the qualified light aircraft purchaser to complete a light aircraft kit, or spare or replacement parts for an already completed light aircraft;

[(5)] (50) "Livestock", cattle, calves, sheep, swine, ratite birds, including but not limited to, ostrich and emu, aquatic products as defined in section 277.024, llamas, alpaca, buffalo, elk documented as obtained from a legal source and not from the wild, goats, horses, other equine, or rabbits raised in confinement for human consumption;

[(6)] (51) "Load and leave", delivery to the purchaser by use of a tangible storage media where the tangible storage media is not physically transferred to the purchaser;

(52) "Maintains a place of business in this state", includes maintaining, occupying, or using, permanently or temporarily, directly or indirectly, or through a subsidiary, or agent, by whatever name called, an office, place of distribution, sales or sample room or place, warehouse or storage place, or other place of business;

(53) "Mobile telecommunications service", the same as such term is defined in Section 124(7) of Public Law 106-252, Mobile Telecommunications Sourcing Act;

(54) "Mobility enhancing equipment", equipment, including repair and replacement parts to same, which:

(a) Is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either in a home or a motor vehicle; and

(b) Is not generally used by persons with normal mobility; and

(c) Is within the classification of devices eligible for MO HealthNet and Medicare reimbursement.

Mobility enhancement equipment shall not include durable medical equipment or any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer;

(55) "Model 1 seller", a seller registered under the agreement that has selected a certified service provider as its agent to perform all the seller's sales and use tax functions, other than the seller's obligation to remit tax on its own purchases;

(56) "Model 2 seller", a seller that has selected a certified automated system (CAS) to perform part of its sales and use tax functions, but retains responsibility for remitting the tax;

(57) "Model 3 seller", a seller registered under the agreement that has sales in at least five member states, has total annual sales revenue of at least five hundred million dollars, has a proprietary system that calculates the amount of tax due each jurisdiction, and has entered into a performance agreement with the member states that establishes a tax performance standard for the seller. As used in this subdivision, a seller shall include an affiliated group of sellers using the same proprietary system;

(58) "Model 4 seller", a seller that is registered under the agreement and is not a Model 1 Seller, a Model 2 Seller or a Model 3 Seller;

(59) "Motor vehicle leasing company" [shall be], a company obtaining a permit from the director of revenue to operate as a motor vehicle leasing company. Not all persons renting or leasing trailers or motor vehicles need to obtain such a permit; however, no person failing to obtain such a permit may avail itself of the optional tax provisions of subsection 5 of section 144.070, as hereinafter provided;

[(7)] (60) "Other direct mail", any direct mail that is not advertising and promotional direct mail regardless of whether advertising and promotional direct mail is included in the same mailing. Other direct mail includes, but is not limited to:

(a) Transactional direct mail that contains personal information specific to the one addressee including, but not limited to, invoices, bills, statements of account, and payroll advices;

(b) Any legally required mailings including, but not limited to, privacy notices, tax reports, and stockholder reports; and

(c) Other nonpromotional direct mail delivered to existing or former shareholders, customers, employees, or agents including, but not limited to, newsletters and informational pieces.

Other direct mail shall not include the development of billing information or the provision of any data processing service that is more than incidental;

(61) "Over-the-counter drug", a drug, excluding grooming and hygiene products, that contains a label that identifies the product as a drug as required by 21 CFR Section 201.66 and includes:

(a) A drug facts panel; or
(b) A statement of the active ingredients with a list of those ingredients contained in the compound, substance, or preparation;

(62) "Person" includes any individual, firm, copartnership, joint adventure, association, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or agency, [except the state transportation department,] estate, trust, business trust, receiver or trustee appointed by the state or federal court, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number, or any other legal entity;

[(8)] (63) "Place of primary use", the street address representative of where the customer's use of the telecommunications service primarily occurs, which shall be the residential street address or the primary business street address of the customer. In the case of mobile telecommunications services, place of primary use shall be within the licensed service area of the home service provider;

(64) "Post-paid calling service", the telecommunications service obtained by making a payment on a call-by-call basis either through the use of a credit card or payment mechanism such as a bank card, travel card, credit card, or debit card, or by charge made to a telephone number which is not associated with the origination or termination of the telecommunications service. A post-paid calling service includes a telecommunications service, except a prepaid wireless calling service, that would be a prepaid calling service except it is not exclusively a telecommunications service;

(65) "Prepaid calling service", the right to access exclusively telecommunications services, which must be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount;

(66) "Prepaid wireless calling service", a telecommunications service that provides the right to utilize mobile wireless services as well as other nontelecommunications services, including the download of digital products delivered electronically, content and ancillary services, which must be paid for in advance and that is sold in predetermined units or dollars of which the number declines with use in a known amount;

(67) "Prepared food", food sold in a heated state or heated by the seller; two or more food ingredients mixed or combined by the seller for sale as a single item; or food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws. A plate shall not include a container or packaging used to transport the food. Prepared food shall not include food that is only cut, repackaged, or pasteurized by the seller and eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the Food and Drug Administration in Chapter 3, Part 401.11 of the Food Code so as to prevent food borne illnesses;

(68) "Prescription", an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized by the laws of the state;

(69) "Prewritten computer software", computer software, including prewritten upgrades, which is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten portions thereof shall not cause the combination to be other than prewritten computer software. Prewritten computer software shall include software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the specific purchaser. Where a person modifies or enhances computer software of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person's modifications or enhancements. Prewritten computer software or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains prewritten computer software; provided, however, that where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for such modification or enhancement, such modification or enhancement shall not constitute prewritten computer software;

(70) "Private communication service", a telecommunications service that entitles the customer to exclusive or priority use of a communications channel or group of channels between or among termination points, regardless of the manner in which such channel or channels are connected, and includes switching capacity, extension lines, stations, and any other associated services that are provided in connection with the use of such channel or channels;

(71) "Product-based exemption", an exemption based on the description of the product and not based on who purchases the product or how the purchaser intends to use the product;

(72) "Product which is intended to be sold ultimately for final use or consumption", tangible personal property, or any service that is subject to state or local sales or use taxes, or any tax that is substantially equivalent to these taxes, in this state or any other state;

(73) "Prosthetic device", a replacement, corrective, or supportive device including repair and replacement parts for same worn on or in the body to artificially replace a missing portion of the body, prevent or correct physical deformity or malfunction, or support a weak or deformed portion of the body. The term "prosthetic device" shall not include corrective eyeglasses or contact lenses and shall be limited to the classification of devices eligible for MO HealthNet and Medicare reimbursement;

(74) "Protective equipment", items for human wear and designed as protection of the wearer against injury or disease or as protection against damage or injury of other persons or property but not suitable for general use. Protective equipment is mutually exclusive of clothing, clothing accessories or equipment, and sport or recreational equipment;

(75) "Purchase", the acquisition of the ownership of, or title to, tangible personal property, through a sale, as defined herein, for the purpose of storage, use or consumption in this state;

(76) "Purchase price", applies to the measure subject to use tax and has the same meaning as sales price;

(77) "Purchaser" [means], a person [who purchases tangible] to whom a sale of personal property is made or to whom [are rendered services, receipts from which are taxable under sections 144.010 to 144.525] a service is furnished;

[(9)] (78) "Qualified light aircraft purchaser", a purchaser of a light aircraft, light aircraft kit, light aircraft parts or components who is a nonresident of this state, who will transport the light aircraft, light aircraft kit, light aircraft parts or components outside this state within ten days after the date of purchase, and who will register any light aircraft so purchased in another state or country. Such purchaser shall not base such aircraft in this state and such purchaser shall not be a resident of the state unless such purchaser has paid sales or use tax on such aircraft in another state;

(79) "Receive" or "receipt", taking possession of tangible personal property; making first use of services; or taking possession or making first use of digital goods, whichever comes first. Receive and receipt shall not include possession by a shipping company on behalf of the purchaser;

(80) "Registered under the agreement", registration by a seller with the member states under the central registration system provided in Article IV of the agreement;

(81) "Research or experimentation activities" are the development of an experimental or pilot model, plant process, formula, invention or similar property, and the improvement of existing property of such type. Research or experimentation activities do not include activities such as ordinary testing or inspection of materials or products for quality control, efficiency surveys, advertising promotions or research in connection with literary, historical or similar projects;

[(10)] "Sale" or "sales" includes installment and credit sales, and the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale, and means any transfer, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for valuable consideration and the rendering, furnishing or selling for a valuable consideration any of the substances, things and services herein designated and defined as taxable under the terms of sections 144.010 to 144.525;

[(11)] (82) "Sale at retail" [means any transfer made by any person engaged in business as defined herein of the ownership of, or title to, tangible personal property to the purchaser, for use or consumption and not for resale in any form as tangible personal property, for a valuable consideration; except that, for the purposes of sections 144.010 to 144.525 and the tax imposed thereby: (i) purchases of tangible personal property made by duly licensed physicians, dentists, optometrists and veterinarians and used in the practice of their professions shall be deemed to be purchases for use or consumption and not for resale; and (ii) the selling of computer printouts, computer output or microfilm or microfiche and computer-assisted photo compositions to a purchaser to enable the purchaser to obtain for his or her own use the desired information contained in such computer printouts, computer output on microfilm or microfiche and computer-assisted photo compositions shall be considered as the sale of a service and not as the sale of tangible personal property] or "retail sale" means any sale, lease, or rental for any purpose other than for resale, sublease, or subrent. Purchases of tangible personal property made by duly licensed physicians, dentists, optometrists, and veterinarians and used in the practice of their professions shall be deemed to be purchases for use or consumption and not for resale. Where necessary to conform to the context of sections 144.010 to 144.525 and the tax imposed thereby, the term "sale at retail" shall be construed to embrace:

(a) Sales of admission tickets, cash admissions, charges and fees to or in places of amusement, entertainment and recreation, games and athletic events;

(b) Sales of electricity, electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(c) Sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations, and the sale, rental or leasing of all equipment or services pertaining or incidental thereto;

(d) Sales of service for transmission of messages by telegraph companies;

(e) Sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist camp, tourist cabin, or other place in which rooms, meals or drinks are regularly served to the public;

(f) Sales of tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane, and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(g) Sales or charges for video programming service described in Public Law No. 104-104, Title VI, Section 602, 110 Stat. 144 (1996).

(83) "School art supply":

(a) An item commonly used by a student in a course of study for artwork. The term is mutually exclusive of the terms school supply, school instructional material, and school computer supply;

(b) The following is an all-inclusive list:

- a. Clay and glazes;**
- b. Paints, acrylic, tempora, and oil;**
- c. Paintbrushes for artwork;**
- d. Sketch and drawing pads; and**
- e. Watercolors;**

(84) "School computer supply":

(a) An item commonly used by a student in a course of study in which a computer is used. The term is mutually exclusive of the terms school supply, school art supply, and school instructional material.

(b) The following is an all-inclusive list:

- a. Computer storage media, diskettes, compact disks;**
- b. Handheld electronic schedulers, except devices that are cellular phones;**
- c. Personal digital assistants, except devices that are cellular phones; and**
- d. Computer printers and printer supplies for computers, printer paper, and printer ink;**

(85) "School instructional material":

(a) Written material commonly used by a student in a course of study as a reference and to learn the subject being taught. The term is mutually exclusive of the terms school supply, school art supply, and school computer supply;

(b) The following is an all-inclusive list:

- a. Reference books;**
- b. Reference maps and globes;**
- c. Textbooks; and**
- d. Workbooks;**

(86) "School supply":

(a) An item commonly used by a student in a course of study. The term is mutually exclusive of the terms school art supply, school instructional material, and school computer supply;

(b) The following is an all-inclusive list:

- a. Binders;**
- b. Book bags;**
- c. Calculators;**
- d. Cellophane tape;**
- e. Blackboard chalk;**
- f. Compasses;**
- g. Composition books;**
- h. Crayons;**
- i. Erasers;**
- j. Folders, expandable, pocket, plastic, and manila;**
- k. Glue, paste, and paste sticks;**
- l. Highlighters;**

- m. Index cards;
 - n. Index card boxes;
 - o. Legal pads;
 - p. Lunch boxes;
 - q. Markers;
 - r. Notebooks;
 - s. Paper, loose leaf notebook paper, copy paper, graph paper, tracing paper, manila paper, colored paper, poster board, and construction paper;
 - t. Pencil boxes and other school supply boxes;
 - u. Pencil sharpeners;
 - v. Pencils;
 - w. Pens;
 - x. Protractors;
 - y. Rulers;
 - z. Scissors; and
 - aa. Writing tablets;
- [(12)] (87) "Seller" means a person [selling or furnishing tangible] **making sales, leases, or rentals of personal property or [rendering services, on the receipts from which a tax is imposed pursuant to section 144.020] services;**
- (88) "Selling agent", every person acting as a representative of a principal, when such principal is not registered with the director of revenue of the state of Missouri for the collection of the taxes imposed under this chapter and who receives compensation by reason of the sale of tangible personal property of the principal, if such property is to be stored, used, or consumed in this state;
- (89) "Service address":
- (a) The location of the telecommunications equipment to which a customer's call is charged and from which the call originates or terminates, regardless of where the call is billed or paid;
 - (b) If the location in paragraph (a) of this subdivision is not known, "service address" means the origination point of the signal of the telecommunications services first identified by either the seller's telecommunications system or in information received by the seller from its service provider, where the system used to transport such signals is not that of the seller;
 - (c) If the location in paragraphs (a) and (b) of this subdivision are not known, the service address shall be the location of the customer's place of primary use;
- (90) "Specified digital products", electronically transferred digital audio-visual works, digital audio works, and digital books;
- (91) "Sport or recreational equipment", items designed for human use and worn in conjunction with an athletic or recreational activity that are not suitable for general use. Sport or recreational equipment are mutually exclusive of clothing, clothing accessories or equipment, and protective equipment;
- (92) "State", any state of the United States, the District of Columbia, and the Commonwealth of Puerto Rico;
- (93) "Storage", any keeping or retention in this state of tangible personal property purchased from a vendor, except property for sale or property that is temporarily kept or retained in this state for subsequent use outside the state;
- (94) "Tangible personal property", personal property that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses. Tangible personal property shall include electricity, water, gas, steam, and prewritten computer software. Tangible personal property shall not include specified digital products, digital audio-visual works, digital audio works, or digital books;
- [(13)] The noun] (95) "Tax" [means], either the tax payable by the purchaser of a commodity or service subject to tax, or the aggregate amount of taxes due from the vendor of such commodities or services during the period for which he or she is required to report his or her collections, as the context may require;
- (96) "Taxpayer", any person remitting the tax or who should remit the tax levied by this chapter;
- (97) "Telecommunications nonrecurring charges", an amount billed for the installation, connection, change or initiation of telecommunications service received by the customer;
- [(14)] (98) "Telecommunications service"[, for the purpose of this chapter, the transmission of information by wire, radio, optical cable, coaxial cable, electronic impulses, or other similar means. As used in this definition, "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. Telecommunications service does not include the following if such services are separately stated on the customer's bill or on records of the seller maintained in the ordinary course of business:

(a) Access to the internet, access to interactive computer services or electronic publishing services, except the amount paid for the telecommunications service used to provide such access;

(b) Answering services and one-way paging services;

(c) Private mobile radio services which are not two-way commercial mobile radio services such as wireless telephone, personal communications services or enhanced specialized mobile radio services as defined pursuant to federal law; or

(d) Cable or satellite television or music services; and

(15) "Product which is intended to be sold ultimately for final use or consumption" means tangible personal property, or any service that is subject to state or local sales or use taxes, or any tax that is substantially equivalent thereto, in this state or any other state.];

(a) The electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points;

(b) Telecommunications service shall include such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether such service is referred to as voice over internet protocol services or is classified by the Federal Communications Commission as enhanced or value added;

(c) Telecommunications service shall include air-to-ground radiotelephone service, mobile telecommunications service, post-paid calling service, prepaid calling service, prepaid wireless calling service, and private communication service;

(d) Telecommunications service shall not include:

a. Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a purchaser where such purchaser's primary purpose for the underlying transaction is the processed data or information;

b. Installation or maintenance of wiring or equipment on a customer's premises;

c. Tangible personal property;

d. Advertising, including but not limited to directory advertising;

e. Billing and collection services provided to third parties;

f. Internet access service;

g. Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services shall include but not be limited to cable service, as defined in 47 U.S.C. Section 522(6), as amended, and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 CFR 20.3;

h. Ancillary services; or

i. Digital products delivered electronically, including, but not limited to, software, music, video, reading materials, or ring tones;

(99) "Transportation equipment", any of the following:

(a) Locomotives and railcars that are utilized for the carriage of persons or property in interstate commerce;

(b) Trucks and truck-tractors with a gross vehicle weight rating (GVWR) of ten thousand one pounds or greater, trailers, semitrailers, or passenger buses that are:

a. Registered through the International Registration Plan; and

b. Operated under authority of a carrier authorized and certificated by the United States Department of Transportation or another federal authority to engage in the carriage of persons or property in interstate commerce;

(c) Aircraft that are operated by air carriers authorized and certificated by the United States Department of Transportation or another federal or a foreign authority to engage in the carriage of persons or property in interstate or foreign commerce;

(d) Containers designed for use on and component parts attached or secured on the items set forth in paragraphs (a) to (c) of this subdivision;

(100) "Tobacco", cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco;

(101) "Use", the exercise of any right or power over tangible personal property incident to the ownership or control of that property, except that it does not include the temporary storage of property in this state for subsequent use outside the state, or the sale of the property in the regular course of business;

(102) "Use-based exemption", an exemption based on a specified use of the product by the purchaser;

(103) "Vendor", every person engaged in making sales of tangible personal property by mail order, by advertising, by agent or peddling tangible personal property, soliciting or taking orders for sales of tangible personal property, for storage, use or consumption in this state, all salesmen, solicitors, hawkers, representatives, consignees, peddlers or canvassers, as agents of the dealers, distributors, consignors, supervisors, principals or employers under whom they operate or from whom they obtain the tangible personal property sold by them, and every person who maintains a place of business in this state, maintains a stock of goods in this state, or engages in business activities within this state and every person who engages in this state in the business of acting as a selling agent for persons not otherwise vendors as defined in this subdivision. Irrespective of whether they are making sales on their own behalf or on behalf of the dealers, distributors, consignors, supervisors, principals or employers, they shall be regarded as vendors and the dealers, distributors, consignors, supervisors, principals or employers shall be regarded as vendors for the purposes of sections 144.600 to 144.745. A person shall not be considered a vendor for the purposes of sections 144.600 to 144.745 if all of the following apply:

(a) The person's total gross receipts did not exceed five hundred thousand dollars in this state, or twelve and one-half million dollars in the entire United States, in the immediately preceding calendar year;

(b) The person maintains no place of business in this state; and

(c) The person has no selling agents in this state.

2. For purposes of the taxes imposed under sections 144.010 to 144.525, and any other provisions of law pertaining to sales or use taxes which incorporate the provisions of sections 144.010 to 144.525 by reference, the term "manufactured homes" shall have the same meaning given it in section 700.010.

3. Sections 144.010 to 144.525 may be known and quoted as the "Sales Tax Law".

144.014. 1. Notwithstanding other provisions of law to the contrary, beginning October 1, 1997, the tax levied and imposed pursuant to sections 144.010 to 144.525 and sections 144.600 to 144.746 on all retail sales of food **and food ingredients** shall be at the rate of one percent. The revenue derived from the one percent rate pursuant to this section shall be deposited by the state treasurer in the school district trust fund and shall be distributed as provided in section 144.701.

2. [For the purposes of this section, the term "food" shall include only those products and types of food for which food stamps may be redeemed pursuant to the provisions of the Federal Food Stamp Program as contained in 7 U.S.C. Section 2012, as that section now reads or as it may be amended hereafter, and shall include food dispensed by or through vending machines. For the purpose of this section,] Except for **food sold through** vending [machine sales, the term "food"] **machines, subsection 1 of this section** shall not [include] **apply to** food or drink sold by any establishment where the gross receipts derived from the sale of food prepared by such establishment for immediate consumption on or off the premises of the establishment constitutes more than eighty percent of the total gross receipts of that establishment, regardless of whether such prepared food is consumed on the premises of that establishment, including, but not limited to, sales of food by any restaurant, fast food restaurant, delicatessen, eating house, or café.

144.022. 1. In the case of a bundled transaction that includes any of the following: telecommunication service, ancillary service, internet access, or audio or video programming service:

(1) **If the price is attributable to products that are taxable and products that are nontaxable, the portion of the price attributable to the nontaxable products may be subject to tax unless the provider can identify by reasonable and verifiable standards such portion from its books and records that are kept in the regular course of business for other purposes, including, but not limited to, nontax purposes;**

(2) **If the price is attributable to products that are subject to tax at different tax rates, the total price shall be treated as attributable to the products subject to tax at the highest tax rate unless the provider can identify by reasonable and verifiable standards the portion of the price attributable to the products subject to tax at the lower rate from its books and records that are kept in the regular course of business for other purposes, including, but not limited to, nontax purposes;**

(3) **The provisions of this section shall apply unless otherwise provided by federal law.**

2. In the case of a transaction that includes an optional computer software maintenance contract for prewritten computer software, the following provisions apply:

(1) **If an optional computer software maintenance contract only obligates the vendor to provide upgrades and updates, it shall be characterized as a sale of prewritten computer software;**

(2) **If an optional computer software maintenance contract only obligates the vendor to provide support services, it shall be characterized as a sale of services and not a sale of tangible personal property;**

(3) If an optional computer software maintenance contract is a bundled transaction in which both taxable and nontaxable or exempt products that are not separately itemized on the invoice or similar billing document, the purchase price under the contract shall be taxable."; and

Further amend said bill, Pages 40-41, Section 144.030, Lines 110-127, by deleting all of said lines and inserting in lieu thereof the following:

"(19) All sales of [insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales or rental of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and ambulatory aids, all sales or rental of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales or rental of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of] over-the-counter [or nonprescription] drugs to individuals with disabilities, **all sales of kidney dialysis equipment and enteral feeding systems, all sales of durable medical equipment, prosthetic devices, and mobility enhancing equipment,** and [drugs required by the Food and Drug Administration to meet the] **all sales of over-the-counter [drug product labeling requirements in 21 CFR 201.66, or its successor,] drugs** as prescribed by a health care practitioner licensed to prescribe;" and

Further amend said bill, Pages 42-43, Section 144.030, Lines 175-210, by deleting all of said lines and inserting in lieu thereof the following:

"(24) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, [electrical current, natural, artificial or propane gas, wood, coal or home heating oil] **pipd natural or artificial gas, or other fuels delivered by the seller** for domestic use [and in any city not within a county, all sales of metered or unmetered water service for domestic use]:

(a) "Domestic use" means that portion of metered water service, electricity, [electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service,] **pipd natural or artificial gas, or other fuels delivered by the seller** which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of [services or property] **electricity, pipd natural or artificial gas, or other fuels delivered by the seller** and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of [services or property] **electricity, pipd natural or artificial gas, or other fuels delivered by the seller** and who uses any portion of the [services or property] **electricity, pipd natural or artificial gas, or other fuels delivered by the seller** so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit

or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;"; and

Further amend said bill, Page 43, Section 144.030, Line 214, by deleting all of said line and inserting in lieu thereof the following:

"(26) Excise taxes, collected on sales at retail, imposed by Sections 4041, [4061,] 4071,"; and

Further amend said bill, Page 45, Section 144.030, Line 288, by deleting the word, "service." and inserting in lieu thereof the following:

"service;

(44) All sales of new light aircraft, light aircraft kits, light aircraft parts or components manufactured or substantially completed within this state, when such new light aircraft, light aircraft kits, light aircraft parts or components are sold by the manufacturer to a qualified purchaser. The director of revenue shall prescribe the manner for a purchaser of a light aircraft, light aircraft kit, parts or components to establish that such person is a qualified purchaser and is eligible for the exemption established in this section;

(45) All sales of computer printouts, computer output or microfilm or microfiche and computer-assisted photo compositions to a purchaser to enable the purchaser to obtain for his or her own use the desired information contained in such computer printouts, computer output on microfilm or microfiche and computer-assisted photo compositions.

3. Any ruling, agreement, or contract, whether written or oral, express or implied, between a person and this state's executive branch, or any other state agency or department, stating, agreeing, or ruling that such person is not required to collect sales and use tax in this state despite the presence of a warehouse, distribution center, or fulfillment center in this state that is owned or operated by the person or an affiliated person shall be null and void unless it is specifically approved by a majority vote of each of the houses of the general assembly. For purposes of this subsection, an "affiliated person" means any person that is a member of the same "controlled group of corporations" as defined in Section 1563(a) of the Internal Revenue Code of 1986, as amended, as the vendor or any other entity that, notwithstanding its form of organization, bears the same ownership relationship to the vendor as a corporation that is a member of the same "controlled group of corporations" as defined in Section 1563(a) of the Internal Revenue Code, as amended.

144.032. The provisions of section 144.030 to the contrary notwithstanding, any city imposing a sales tax under the provisions of sections 94.500 to 94.570, or any county imposing a sales tax under the provisions of sections 66.600 to 66.635, or any county imposing a sales tax under the provisions of sections 67.500 to 67.729, or any hospital district imposing a sales tax under the provisions of section 205.205 may by ordinance impose a sales tax upon all sales of [metered water services,] electricity, [electrical current and natural, artificial or propane gas, wood, coal, or home heating oil] **piped natural or artificial gas, or other fuels delivered by the seller** for domestic use only. Such tax shall be administered by the department of revenue and assessed by the retailer in the same manner as any other city, county, or hospital district sales tax. Domestic use shall be determined in the same manner as the determination of domestic use for exemption of such sales from the state sales tax under the provisions of section 144.030.

144.040. 1. (1) All retail sales in Missouri, excluding leases and rentals, of tangible personal property or digital goods shall be sourced to the location where the order is received by the seller.

(2) This subsection shall apply only if:

(a) The location where receipt of the product by the purchaser occurs is determined in accordance with subsection 2 of this section; and

(b) At the time the order is received, the record keeping system of the seller used to calculate the proper amount of sales or use tax to be imposed captures the location where the order is received.

(3) When the sale is sourced under this section to the location where the order is received by the seller, only the sales tax for the location where the order is received by the seller may be levied. No additional sales or use tax based on the location where the product is delivered to the purchaser may be levied on that sale. The purchaser shall not be entitled to any refund if the combined state and local rate or rates at the location where the product is received by the purchaser is lower than the rate where the order is received by the seller.

(4) A purchaser shall have no additional liability to the state for tax, penalty or interest on a sale for which the purchaser remits tax to the seller in the amount invoiced by the seller if such invoice amount is calculated at either the rate applicable to the location where receipt by the purchaser occurs or at the rate applicable to the location where the order is received by the seller. A purchaser may rely on a written representation by the seller as to the location where the order for such sale was received by the seller. When the purchaser does not have a written representation by the seller as to the location where the order for such sale was received by the seller, the purchaser may use a location indicated by a business address for the seller that is available from the business records of the purchaser that are maintained in the ordinary course of the purchaser's business to determine the rate applicable to the location where the order was received.

(5) The location where the order is received by or on behalf of the seller means the physical location of a seller or third party such as an established outlet, office location or automated order receipt system operated by or on behalf of the seller where an order is initially received by or on behalf of the seller and not where the order may be subsequently accepted, completed or fulfilled. An order is received when all of the information from the purchaser necessary to the determination whether the order can be accepted has been received by or on behalf of the seller. The location from which a product is shipped shall not be used in determining the location where the order is received by the seller.

(6) When taxable services are sold with tangible personal property or digital products pursuant to a single contract or in the same transaction, are billed on the same billing statement or statements, and, because of the application of this section, would be sourced to different jurisdictions, this subsection shall apply to determine the source for tax.

2. Except as provided in subsection 7 of this section, when the location where the order is received by the seller and the location where the receipt of the product by the purchaser (or the purchaser's donee, designated as such by the purchaser) occurs are in different states, the retail sale, excluding lease or rental, of a product shall be sourced as follows:

(1) When the product is received by the purchaser at a business location of the seller, the sale shall be sourced to such business location;

(2) When the product is not received by the purchaser at a business location of the seller, the sale shall be sourced to the location where receipt by the purchaser (or the purchaser's donee, designated as such by the purchaser) occurs, including the location indicated by instructions for delivery to the purchaser or donee, known to the seller;

(3) When subdivisions (1) and (2) of this subsection do not apply, the sale shall be sourced to the location indicated by an address for the purchaser that is available from the business records of the seller that are maintained in the ordinary course of the seller's business when use of this address does not constitute bad faith;

(4) When subdivisions (1), (2), and (3) of this subsection do not apply, the sale shall be sourced to the location indicated by an address for the purchaser obtained during the consummation of the sale, including the address of a purchaser's payment instrument, if no other address is available, when use of this address does not constitute bad faith;

(5) When none of the previous rules of subdivisions (1), (2), (3), and (4) of this subsection do not apply, including the circumstances in which the seller is without sufficient information to apply the previous rules, then the location will be determined by the address from which tangible personal property was shipped, from which the digital good or computer software delivered electronically was first available for transmission from the seller, or from which the service was provided (disregarding for these purposes any location that merely provided the digital transfer of the product sold).

3. Notwithstanding subsections 1 and 2 of this section, all sales of motor vehicles, trailers, semitrailers, watercraft and aircraft that do not qualify as transportation equipment shall be sourced to the address of the owner thereof.

4. The lease or rental of tangible personal property, other than property identified in subsection 2 or 3 of this section or transactions regulated under sections 407.660 to 407.665, shall be sourced as follows:

(1) For a lease or rental that requires recurring periodic payments, the first periodic payment is sourced the same as a retail sale in accordance with the provisions of subsection 1 of this section. Periodic payments made subsequent to the first payment are sourced to the primary property location for each period covered by the payment. The primary property location shall be as indicated by an address for the property provided by the lessee that is available to the lessor from its records maintained in the ordinary course of business, when use of this address does not constitute bad faith. The property location shall not be altered by intermittent use at different locations, such as use of business property that accompanies employees on business trips and service calls;

(2) For a lease or rental that does not require recurring periodic payments, the payment is sourced the same as a retail sale in accordance with the provisions of subsection 1 of this section;

(3) This subsection does not affect the imposition or computation of sales or use tax on leases or rentals based on a lump sum or accelerated basis, or on the acquisition of property for lease.

5. The lease or rental of motor vehicles, trailers, semitrailers, or aircraft that do not qualify as transportation equipment, as defined in section 144.010, shall be sourced as follows:

(1) For a lease or rental that requires recurring periodic payments, each periodic payment is sourced to the primary property location. The primary property location shall be as indicated by an address for the property provided by the lessee that is available to the lessor from its records maintained in the ordinary course of business, when use of such address does not constitute bad faith. Such location shall not be altered by intermittent use at different locations;

(2) For a lease or rental that does not require recurring periodic payments, the payment is sourced the same as a retail sale in accordance with the provisions of subsection 1 of this section;

(3) This subsection does not affect the imposition or computation of sales or use tax on leases or rentals based on a lump sum or accelerated basis, or on the acquisition of property for lease.

6. The retail sale, including lease or rental, of transportation equipment shall be sourced the same as a retail sale in accordance with the provisions of subsection 1 of this section, notwithstanding the exclusion of lease or rental in subsection 1 of this section.

7. (1) The retail sale of a product shall be sourced in accordance with this section. The provisions of this section shall apply regardless of the characterization of a product as tangible personal property, a digital good, or a service. The provisions of this section shall only apply to determine a seller's obligation to pay or collect and remit sales or use tax with respect to the seller's retail sale of a product. The provisions of this subsection shall not affect the obligation of a purchaser or lessee to remit tax on the use of the product to the taxing jurisdictions of that use.

(2) This section shall not apply to sales or use taxes levied on the following:

- (a) Retail sales or transfers of watercraft, modular homes, manufactured homes, or mobile homes; and
- (b) Telecommunications services and ancillary services.

144.042. 1. (1) A purchaser of advertising and promotional direct mail may provide the seller with either:

- (a) A direct pay permit;
- (b) An agreement certificate of exemption claiming direct mail (or other written statement approved, authorized or accepted by the state); or
- (c) Information showing the jurisdictions to which the advertising and promotional direct mail is to be delivered to recipients.

(2) If the purchaser provides the permit, certificate or statement referred to in paragraph (a) or (b) of subdivision (1) of subsection 1 of this section, the seller, in the absence of bad faith, is relieved of all obligations to collect, pay, or remit any tax on any transaction involving advertising and promotional direct mail to which the permit, certificate or statement applies. The purchaser shall source the sale to the jurisdictions to which the advertising and promotional direct mail is to be delivered to the recipients and shall report and pay any applicable tax due.

(3) If the purchaser provides the seller information showing the jurisdictions to which the advertising and promotional direct mail is to be delivered to recipients, the seller shall source the sale to the jurisdictions to which the advertising and promotional direct mail is to be delivered and shall collect and remit the applicable tax. In the absence of bad faith, the seller is relieved of any further obligation to collect any additional tax on the sale of advertising and promotional direct mail where the seller has sourced the sale according to the delivery information provided by the purchaser.

(4) If the purchaser does not provide the seller with any of the items listed in paragraph (a), (b) or (c) of subdivision (1) of subsection 1 of this section, the sale shall be sourced according to subdivision (5) of subsection 2 of section 144.040. The state to which the advertising and promotional direct mail is delivered may disallow credit for tax paid on sales sourced under this subdivision.

(5) Notwithstanding section 144.040, this subsection shall apply to sales of advertising and promotional direct mail.

2. (1) Except as otherwise provided in this subsection, sales of other direct mail are sourced in accordance with subdivision (3) of subsection 2 of section 144.040.

(2) A purchaser of other direct mail may provide the seller with either:

- (a) A direct pay permit; or
- (b) An agreement certificate of exemption claiming direct mail (or other written statement approved, authorized or accepted by the state).

(3) If the purchaser provides the permit, certificate or statement referred to in paragraph (a) or (b) of subdivision (2) of this subsection, the seller, in the absence of bad faith, is relieved of all obligations to collect, pay or remit any tax on any transaction involving other direct mail to which the permit, certificate or statement apply. Notwithstanding subdivision (1) of this subsection, the sale shall be sourced to the jurisdictions to which the other direct mail is to be delivered to the recipients and the purchaser shall report and pay applicable tax due.

(4) Notwithstanding section 144.040, this subsection shall apply to sales of other direct mail.

3. (1) (a) This section applies to a transaction characterized under state law as the sale of services only if the service is an integral part of the production and distribution of printed material that meets the definition of direct mail.

(b) This section does not apply to any transaction that includes the development of billing information or the provision of any data processing service that is more than incidental regardless of whether advertising and promotional direct mail is included in the same mailing.

(2) If a transaction is a bundled transaction that includes advertising and promotion direct mail, this section applies only if the primary purpose of the transaction is the sale of products or services that meet the definition of advertising and promotional direct mail.

(3) Nothing in this section shall limit any purchaser's:

- (a) Obligation for sales or use tax to any state to which the direct mail is delivered;
- (b) Right under local, state, federal or constitutional law, to a credit for sales or use taxes legally due and paid to other jurisdictions; or

(c) Right to a refund of sales or use taxes overpaid to any jurisdiction.

(4) This section applies for purposes of uniformly sourcing direct mail transactions and does not impose requirements on states regarding the taxation of products that meet the definition of direct mail or to the application of sales for resale or other exemptions.

144.043. 1. [As used in this section, the following terms mean:

(1) "Light aircraft", a light airplane that seats no more than four persons, with a gross weight of three thousand pounds or less, which is primarily used for recreational flying or flight training;

(2) "Light aircraft kit", factory manufactured parts and components, including engine, propeller, instruments, wheels, brakes, and air frame parts which make up a complete aircraft kit or partial kit designed to be assembled into a light aircraft and then operated by a qualified purchaser for recreational and educational purposes;

(3) "Parts and components", manufactured light aircraft parts, including air frame and engine parts, that are required by the qualified purchaser to complete a light aircraft kit, or spare or replacement parts for an already completed light aircraft;

(4) "Qualified purchaser", a purchaser of a light aircraft, light aircraft kit, parts or components who is nonresident of this state, who will transport the light aircraft, light aircraft kit, parts or components outside this state within ten days after the date of purchase, and who will register any light aircraft so purchased in another state or country. Such purchaser shall not base such aircraft in this state and such purchaser shall not be a resident of the state unless such purchaser has paid sales or use tax on such aircraft in another state.

2. In addition to the exemptions granted under the provisions of section 144.030, there shall also be specifically exempted from the provisions of sections 144.010 to 144.525, sections 144.600 to 144.748, section 238.235, and from the provisions of any local sales tax law, as defined in section 32.085, and from the computation of the tax levied, assessed or payable under sections 144.010 to 144.525, sections 144.600 to 144.748, section 238.235, and under any local sales tax law, as defined in section 32.085, all sales of new light aircraft, light aircraft kits, parts or components manufactured or substantially completed within this state, when such new light aircraft, light aircraft kits, parts or components are sold by the manufacturer to a qualified purchaser. The director of revenue shall prescribe the manner for a purchaser of a light aircraft, light aircraft kit, parts or components to establish that such person is a qualified purchaser and is eligible for the exemption established in this section] **Except for the defined telecommunication services in subsection 3 of this section, the sale of telecommunication service sold on a call-by-call basis shall be sourced to:**

- (1) Each level of taxing jurisdiction where the call originates and terminates in that jurisdiction; or
- (2) Each level of taxing jurisdiction where the call either originates or terminates and in which the service address is also located.

2. Except for the defined telecommunication services in subsection 3 of this section, a sale of telecommunications services sold on a basis other than a call-by-call basis is sourced to the customer's place of primary use.

3. The sale of the following telecommunication services shall be sourced to each level of taxing jurisdiction as follows:

(1) A sale of mobile telecommunications services other than air-to-ground radiotelephone service and prepaid calling service is sourced to the customer's place of primary use as required by the Mobile Telecommunications Sourcing Act;

(2) A sale of post-paid calling service is sourced to the origination point of the telecommunications signal as first identified by either:

(a) The seller's telecommunications system; or

(b) Information received by the seller from its service provider, where the system used to transport such signals is not that of the seller;

(3) A sale of prepaid calling service or a sale of a prepaid wireless calling service is sourced in accordance with section 144.040, provided however, in the case of a sale of prepaid wireless calling service, the rule provided in subdivision (5) of subsection 2 of section 144.040 shall include as an option the location associated with the mobile telephone number;

(4) A sale of a private communication service is sourced as follows:

(a) Service for a separate charge related to a customer channel termination point is sourced to each level of jurisdiction in which such customer channel termination point is located;

(b) Service where all customer termination points are located entirely within one jurisdiction or levels of jurisdiction is sourced in such jurisdiction in which the customer channel termination points are located;

(c) Service for segments of a channel between two customer channel termination points located in different jurisdictions and which segment of channel are separately charged is sourced fifty percent in each level of jurisdiction in which the customer channel termination points are located; and

(d) Service for segments of a channel located in more than one jurisdiction or levels of jurisdiction and which segments are not separately billed is sourced in each jurisdiction based on the percentage determined by dividing the number of customer channel termination points in such jurisdiction by the total number of customer channel termination points.

4. The sale of internet access service is sourced to the customer's place of primary use.

5. The sale of an ancillary service is sourced to the customer's place of primary use.

144.049. 1. [For purposes of this section, the following terms mean:

(1) "Clothing", any article of wearing apparel, including footwear, intended to be worn on or about the human body. The term shall include but not be limited to cloth and other material used to make school uniforms or other school clothing. Items normally sold in pairs shall not be separated to qualify for the exemption. The term shall not include watches, watchbands, jewelry, handbags, handkerchiefs, umbrellas, scarves, ties, headbands, or belt buckles; and

(2) "Personal computers", a laptop, desktop, or tower computer system which consists of a central processing unit, random access memory, a storage drive, a display monitor, and a keyboard and devices designed for use in conjunction with a personal computer, such as a disk drive, memory module, compact disk drive, daughterboard, digitalizer, microphone, modem, motherboard, mouse, multimedia speaker, printer, scanner, single-user hardware, single-user operating system, soundcard, or video card;

(3) "School supplies", any item normally used by students in a standard classroom for educational purposes, including but not limited to textbooks, notebooks, paper, writing instruments, crayons, art supplies, rulers, book bags, backpacks, handheld calculators, chalk, maps, and globes. The term shall not include watches, radios, CD players, headphones, sporting equipment, portable or desktop telephones, copiers or other office equipment, furniture, or fixtures. School supplies shall also include computer software having a taxable value of three hundred fifty dollars or less.

2.] In each year beginning on or after January 1, 2005, there is hereby specifically exempted from state sales tax law all retail sales of any article of clothing having a taxable value of one hundred dollars or less[.]; all retail sales of school supplies, **school art supplies, and school instructional materials** not to exceed fifty dollars per purchase[.]; all **prewritten** computer software with a taxable value of three hundred fifty dollars or less[.]; and all retail sales of [personal] computers [or computer peripheral devices] **and school computer supplies** not to exceed three thousand five hundred dollars, during a three-day period beginning at 12:01 a.m. on the first Friday in August and ending at midnight on the Sunday following.

[3. If the governing body of any political subdivision adopted an ordinance that applied to the 2004 sales tax holiday to prohibit the provisions of this section from allowing the sales tax holiday to apply to such political

subdivision's local sales tax, then, notwithstanding any provision of a local ordinance to the contrary, the 2005 sales tax holiday shall not apply to such political subdivision's local sales tax. However, any such political subdivision may enact an ordinance to allow the 2005 sales tax holiday to apply to its local sales taxes. A political subdivision must notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any ordinance or order rescinding an ordinance or order to opt out.

4.] 2. This section shall not apply to any sales which take place within the Missouri state fairgrounds.

[5.] 3. This section applies to sales of items bought for personal use only.

[6. After the 2005 sales tax holiday, any political subdivision may, by adopting an ordinance or order, choose to prohibit future annual sales tax holidays from applying to its local sales tax. After opting out, the political subdivision may rescind the ordinance or order. The political subdivision must notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any ordinance or order rescinding an ordinance or order to opt out.

7.] 4. This section may not apply to any retailer when less than two percent of the retailer's merchandise offered for sale qualifies for the sales tax holiday. The retailer shall offer a sales tax refund in lieu of the sales tax holiday.

144.070. 1. At the time the owner of any new or used motor vehicle, trailer, boat, or outboard motor which was acquired in a transaction subject to sales tax under the Missouri sales tax law makes application to the director of revenue for an official certificate of title and the registration of the motor vehicle, trailer, boat, or outboard motor as otherwise provided by law, the owner shall present to the director of revenue evidence satisfactory to the director of revenue showing the purchase price exclusive of any charge incident to the extension of credit paid by or charged to the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, or that no sales tax was incurred in its acquisition, and if sales tax was incurred in its acquisition, the applicant shall pay or cause to be paid to the director of revenue the sales tax provided by the Missouri sales tax law in addition to the registration fees now or hereafter required according to law, and the director of revenue shall not issue a certificate of title for any new or used motor vehicle, trailer, boat, or outboard motor subject to sales tax as provided in the Missouri sales tax law until the tax levied for the sale of the same under sections 144.010 to 144.510 has been paid as provided in this section or is registered under the provisions of subsection 5 of this section.

2. [As used in subsection 1 of this section, the term "purchase price" shall mean the total amount of the contract price agreed upon between the seller and the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, regardless of the medium of payment therefor.

3.] In the event that the purchase price is unknown or undisclosed, or that the evidence thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisalment by the director.

[4.] 3. The director of the department of revenue shall endorse upon the official certificate of title issued by the director upon such application an entry showing that such sales tax has been paid or that the motor vehicle, trailer, boat, or outboard motor represented by such certificate is exempt from sales tax and state the ground for such exemption.

[5.] 4. Any person, company, or corporation engaged in the business of renting or leasing motor vehicles, trailers, boats, or outboard motors, which are to be used exclusively for rental or lease purposes, and not for resale, may apply to the director of revenue for authority to operate as a leasing company. Any company approved by the director of revenue may pay the tax due on any motor vehicle, trailer, boat, or outboard motor as required in section 144.020 at the time of registration thereof or in lieu thereof may pay a sales tax as provided in sections 144.010, 144.020, 144.070 and 144.440. A sales tax shall be charged to and paid by a leasing company which does not exercise the option of paying in accordance with section 144.020, on the amount charged for each rental or lease agreement while the motor vehicle, trailer, boat, or outboard motor is domiciled in this state. Any motor vehicle, trailer, boat, or outboard motor which is leased as the result of a contract executed in this state shall be presumed to be domiciled in this state.

[6.] 5. Any corporation may have one or more of its divisions separately apply to the director of revenue for authorization to operate as a leasing company, provided that the corporation:

- (1) Has filed a written consent with the director authorizing any of its divisions to apply for such authority;
- (2) Is authorized to do business in Missouri;
- (3) Has agreed to treat any sale of a motor vehicle, trailer, boat, or outboard motor from one of its divisions to another of its divisions as a sale at retail;
- (4) Has registered under the fictitious name provisions of sections 417.200 to 417.230 each of its divisions doing business in Missouri as a leasing company; and
- (5) Operates each of its divisions on a basis separate from each of its other divisions. However, when the transfer of a motor vehicle, trailer, boat or outboard motor occurs within a corporation which holds a license to operate as a motor vehicle or boat dealer pursuant to sections 301.550 to 301.573 the provisions in subdivision (3) of this subsection shall not apply.

[7.] 6. If the owner of any motor vehicle, trailer, boat, or outboard motor desires to charge and collect sales tax as provided in this section, the owner shall make application to the director of revenue for a permit to operate as a motor vehicle, trailer, boat, or outboard motor leasing company. The director of revenue shall promulgate rules and regulations determining the qualifications of such a company, and the method of collection and reporting of sales tax charged and collected. Such regulations shall apply only to owners of motor vehicles, trailers, boats, or outboard motors, electing to qualify as motor vehicle, trailer, boat, or outboard motor leasing companies under the provisions of subsection 5 of this section, and no motor vehicle renting or leasing, trailer renting or leasing, or boat or outboard motor renting or leasing company can come under sections 144.010, 144.020, 144.070 and 144.440 unless all motor vehicles, trailers, boats, and outboard motors held for renting and leasing are included.

[8.] 7. Beginning July 1, 2010, any motor vehicle dealer licensed under section 301.560 engaged in the business of selling motor vehicles or trailers may apply to the director of revenue for authority to collect and remit the sales tax required under this section on all motor vehicles sold by the motor vehicle dealer. A motor vehicle dealer receiving authority to collect and remit the tax is subject to all provisions under sections 144.010 to 144.525. Any motor vehicle dealer authorized to collect and remit sales taxes on motor vehicles under this subsection shall be entitled to deduct and retain an amount equal to two percent of the motor vehicle sales tax pursuant to section 144.140. Any amount of the tax collected under this subsection that is retained by a motor vehicle dealer pursuant to section 144.140 shall not constitute state revenue. In no event shall revenues from the general revenue fund or any other state fund be utilized to compensate motor vehicle dealers for their role in collecting and remitting sales taxes on motor vehicles. In the event this subsection or any portion thereof is held to violate article IV, section 30(b) of the Missouri Constitution, no motor vehicle dealer shall be authorized to collect and remit sales taxes on motor vehicles under this section. No motor vehicle dealer shall seek compensation from the state of Missouri or its agencies if a court of competent jurisdiction declares that the retention of two percent of the motor vehicle sales tax is unconstitutional and orders the return of such revenues.

144.080. 1. Every person receiving any payment or consideration upon the sale of property or rendering of service, subject to the tax imposed by the provisions of sections 144.010 to 144.525, is exercising the taxable privilege of selling the property or rendering the service at retail and is subject to the tax levied in section 144.020. The person shall be responsible not only for the collection of the amount of the tax imposed on the sale or service to the extent possible under the provisions of section 144.285, but shall, on or before the last day of the month following each calendar quarterly period of three months, file a return with the director of revenue showing the person's gross receipts and the amount of tax levied in section 144.020 for the preceding quarter, and shall remit to the director of revenue, with the return, the taxes levied in section 144.020, except as provided in subsections 2 and 3 of this section. The director of revenue may promulgate rules or regulations changing the filing and payment requirements of sellers, but shall not require any seller to file and pay more frequently than required in this section.

2. [Where the aggregate amount levied and imposed upon a seller by section 144.020 is in excess of two hundred and fifty dollars for either the first or second month of a calendar quarter, the seller shall file a return and pay such aggregate amount for such months to the director of revenue by the twentieth day of the succeeding month.

3.] Where the aggregate amount levied and imposed upon a seller by section 144.020 is less than forty-five dollars in a calendar quarter, the director of revenue shall by regulation permit the seller to file a return for a calendar year. The return shall be filed and the taxes paid on or before January thirty-first of the succeeding year.

[4.] 3. The seller of any property or person rendering any service, subject to the tax imposed by sections 144.010 to 144.525, shall collect the tax from the purchaser of such property or the recipient of the service to the extent possible under the provisions of section 144.285, but the seller's inability to collect any part or all of the tax does not relieve the seller of the obligation to pay to the state the tax imposed by section 144.020; except that the collection of the tax imposed by sections 144.010 to 144.525 on motor vehicles and trailers shall be made as provided in sections 144.070 and 144.440.

[5.] 4. It shall be unlawful for any person to advertise or hold out or state to the public or to any customer directly or indirectly that the tax or any part thereof imposed by sections 144.010 to 144.525, and required to be collected by the person, will be assumed or absorbed by the person, or that it will not be separately stated and added to the selling price of the property sold or service rendered, or if added, that it or any part thereof will be refunded. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

144.082. 1. The director shall participate in an online registration system that will allow sellers to register in this state and other member states.

2. By registering, the seller agrees to collect and remit sales and use taxes for all taxable sales into this state as well as the other member states, including member states joining after the seller's registration.

Withdrawal or revocation of this state from the agreement shall not relieve a seller of its responsibility to remit taxes previously or subsequently collected on behalf of this state.

3. If the seller has a requirement to register prior to registering under the agreement, such seller shall obtain a retail sales license under section 144.083 and register under section 144.650.

4. Registration with the central registration system and the collection of sales and use taxes in this state shall not be used as a factor in determining whether the seller has nexus with this state for any tax at any time.

144.083. 1. The director of revenue shall require all persons who are responsible for the collection of taxes under the provisions of section 144.080 to procure a retail sales license at no cost to the licensee which shall be prominently displayed at the licensee's place of business, and the license is valid until revoked by the director or surrendered by the person to whom issued when sales are discontinued. The director shall issue the retail sales license within ten working days following the receipt of a properly completed application. Any person applying for a retail sales license or reinstatement of a revoked sales tax license who owes any tax under sections 144.010 to 144.510 or sections 143.191 to 143.261 must pay the amount due plus interest and penalties before the department may issue the applicant a license or reinstate the revoked license. All persons beginning business subsequent to August 13, 1986, and who are required to collect the sales tax shall secure a retail sales license prior to making sales at retail. Such license may, after ten days' notice, be revoked by the director of revenue only in the event the licensee shall be in default for a period of sixty days in the payment of any taxes levied under section 144.020 or sections 143.191 to 143.261. Notwithstanding the provisions of section 32.057 in the event of revocation, the director of revenue may publish the status of the business account including the date of revocation in a manner as determined by the director.

2. The possession of a retail sales license and a statement from the department of revenue that the licensee owes no tax due under sections 144.010 to 144.510 or sections 143.191 to 143.261 shall be a prerequisite to the issuance or renewal of any city or county occupation license or any state license which is required for conducting any business where goods are sold at retail. The date of issuance on the statement that the licensee owes no tax due shall be no more than ninety days before the date of submission for application or renewal of the local license. The revocation of a retailer's license by the director shall render the occupational license or the state license null and void.

3. No person responsible for the collection of taxes under section 144.080 shall make sales at retail unless such person is the holder of a valid retail sales license. After all appeals have been exhausted, the director of revenue may notify the county or city law enforcement agency representing the area in which the former licensee's business is located that the retail sales license of such person has been revoked, and that any county or city occupation license of such person is also revoked. The county or city may enforce the provisions of this section, and may prohibit further sales at retail by such person.

4. In addition to the provisions of subsection 2 of this section, beginning January 1, 2009, the possession of a statement from the department of revenue stating no tax is due under sections 143.191 to 143.265 or sections 144.010 to 144.510 shall also be a prerequisite to the issuance or renewal of any city or county occupation license or any state license required for conducting any business where goods are sold at retail. The statement of no tax due shall be dated no longer than ninety days before the date of submission for application or renewal of the city or county license.

[5. Notwithstanding any law or rule to the contrary, sales tax shall only apply to the sale price paid by the final purchaser and not to any off-invoice discounts or other pricing discounts or mechanisms negotiated between manufacturers, wholesalers, and retailers.]

144.084. 1. The director shall promulgate rules and regulations for remittance of returns. Such rules shall:

- (1) Allow for electronic payments by all remitters by both ACH credit and ACH debit;**
- (2) Provide an alternative method for making "same day" payments if an electronic funds transfer fails;**
- (3) Provide that if a due date falls on a legal banking holiday in the state, the taxes shall be due on the next succeeding business day; and**
- (4) Require that any data that accompanies a remittance be formatted using uniform tax type and payment type codes approved by the streamlined sales and use tax governing board.**

2. All model 1, model 2, and model 3 sellers shall file returns electronically. Any model 1, model 2, or model 3 seller shall submit its sales and use tax returns in a simplified format approved by the director at such times as may be prescribed by the director.

144.100. 1. Every person making any taxable sales of property or service, except transactions provided for in sections 144.070 and 144.440, individually or by duly authorized officer or agent, shall make and file a written return with the director of revenue in such manner as he may prescribe.

2. The returns shall be on blanks designed and furnished by the director of the department of revenue and shall be filed at the times provided in sections 144.080 and 144.090. The returns shall [show the amount of gross receipts from sales of taxable property and services by the person and the amount of tax due thereon by that person during and for the period covered by the return] **state:**

- (1) The name and address of the retailer;**
- (2) The total amount of gross sales of all tangible personal property and taxable services rendered by the retailer during the period for which the return is made;**
- (3) The total amount received during the period for which the return is made on charge and time sales of tangible personal property made and taxable services rendered prior to the period for which the return is made;**
- (4) Deductions allowed by law from such total amount of gross sales and from total amount received during the period for which the return is made on such charge and time sales;**
- (5) Receipts during the period for which the return is made from the total amount of sales of tangible personal property and taxable services rendered during such period in the course of such business, after deductions allowed by law have been made;**
- (6) Receipts during the period for which the return is made from charge and time sales of tangible personal property made and taxable services rendered prior to such period in the course of such business, after deductions allowed by law have been made;**
- (7) Gross receipts during the period for which the return is made from sales of tangible personal property and taxable services rendered in the course of such business upon the basis of which the tax is imposed; and**
- (8) Such other pertinent information as the director may require.**

3. In making such return, the retailer shall determine the market value of any consideration, other than money, received in connection with the sale of any tangible personal property in the course of the business and shall include such value in the return. Such value shall be subject to review and revision by the director as hereinafter provided. Refunds made by a retailer during the period for which the return is made on account of tangible personal property returned to the retailer shall be allowed as a deduction under subdivision (4) of subsection 2 of this section in case the retailer has included the receipts from such sale in a return made by such retailer and paid taxes on such sale. The retailer shall, at the time of making such return, pay to the director the amount of tax owed, except as otherwise provided in this section. The director may extend the time for making returns and paying the tax required by this section for any period not to exceed sixty days under such rules and regulations as the director of revenue may prescribe.

4. The director shall only require a single tax return for each taxing period and such return shall include only the taxing jurisdictions in which the seller makes sales within the state. With each return, the person shall remit to the director of revenue the full amount of the tax due.

[3.] 5. In case of charge and time sales the gross receipts thereof shall be included as sales in the returns as and when payments are received by the person, without any deduction therefrom whatsoever.

[4.] 6. If an error or omission is discovered in a return or a change be necessary to show the true facts, the error may be corrected, the omission supplied, or the change made in the return next filed with the director for the filing period immediately following the filing period in which the error was made or the omission occurred, as prescribed by law, except that no refund under this chapter shall be allowed for any amount of tax paid by a seller which is based upon charges incident to credit card discounts. Any other omission or error must be corrected by filing an amended return for the erroneously reported period if the amount of tax is less than that originally reported, or an additional return if the amount of tax is greater than that originally reported. An additional return shall be deemed filed on the date the envelope in which it is mailed is postmarked or the date it is received by the director, whichever is earlier. Any payment of tax, interest, penalty or additions to tax shall be deemed filed on the date the envelope containing the payment is postmarked or the date the payment is received by the director, whichever is earlier. If a refund or credit results from the filing of an amended return, no refund or credit shall be allowed unless an application for refund or credit is properly completed and submitted to the director pursuant to section 144.190.

[5.] 7. The amount of gross receipts from sales and the amount of tax due returned by the person, as well as all matters contained in the return, is subject to review and revision in the manner herein provided for the correction of the returns.

44.104. 1. A seller shall be allowed a deduction from taxable sales for bad debts attributable to taxable sales of such seller that have become uncollectable. Any deduction taken that is attributed to bad debts shall not include interest.

2. The amount of the bad debt deduction shall be calculated pursuant to 26 U.S.C. Section 166(b), as amended, except that such amount shall be adjusted to exclude financing charges or interest, sales, or use taxes charged on the purchase price, uncollectable amounts on property that remain in the possession of the seller until the full purchase price is paid, and expenses incurred in attempting to collect any debt or repossessed property.

3. Bad debts may be deducted on the return for the period during which the bad debt is written off as uncollectable in the seller's books and records and is eligible to be deducted for federal income tax purposes. For purposes of this subsection, a seller who is not required to file federal income tax returns may deduct a bad debt on a return filed for the period in which the bad debt is written off as uncollectable in the seller's books and records and would be eligible for a bad debt deduction for federal income tax purposes if the seller was required to file a federal income tax return.

4. If a deduction is taken for a bad debt and the debt is subsequently collected in whole or in part, the tax on the amount so collected shall be paid and reported on the return filed for the period in which the collection is made.

5. When the amount of bad debt exceeds the amount of taxable sales for the period during which the bad debt is written off, a refund claim may be filed by the seller within the applicable statute of limitations for refund claim; however, the statute of limitations shall be measured from the due date of the return on which the bad debt could first be claimed.

6. Where filing responsibilities have been assumed by a certified service provider, such service provider may claim, on behalf of the seller, any bad debt allowance provided by this section. The certified service provider shall credit or refund the full amount of any bad debt allowance or refund received to the seller.

7. For the purposes of reporting a payment received on a previously claimed bad debt, any payments made on a debt or account shall first be applied proportionally to the taxable price of the property or service and the sales tax thereon, and secondly to interest, service charges, and any other charges.

8. In situations where the books and records of the seller, or certified service provider on behalf of the seller, claiming the bad debt allowance support an allocation of the bad debts among the member states, such an allocation shall be permitted.

144.105. 1. The state shall review software submitted to the streamlined sales and use tax governing board for certification as a certified automated system (CAS) under Section 501 of the streamlined sales and use tax agreement. Such review shall include a review to determine that the program adequately classifies the state's product-based exemptions. Upon completion of the review, the state shall certify to the governing board its acceptance of the classifications made by the system. The state shall relieve a certified service provider (CSP) or model 2 seller from liability to this state and its local jurisdictions for failure to collect sales or use taxes resulting from the CSP or model 2 seller's reliance on the certification provided by the state.

2. The streamlined sales and use tax governing board and this state shall not be responsible for classification of an item or transaction with the product-based exemptions. The relief from liability provided in this section shall not be available for a CSP or model 2 seller that has incorrectly classified an item or transaction into a product-based exemption certified by this state. This subsection shall apply to the individual listing of items or transactions within a product definition approved by the governing board or the state.

3. If the state determines that an item or transaction is incorrectly classified as to its taxability, it shall notify the CSP or model 2 seller of the incorrect classification. The CSP or model 2 seller shall have ten days to revise the classification after receipt of notice from the state of the determination. Upon expiration of the ten days, such CSP or model 2 seller shall be liable for failure to collect the correct amount of sales or use taxes due and owing to the state.

144.123. 1. The director shall provide and maintain a database that describes boundary changes for all taxing jurisdictions and the effective dates of such changes for sales and use tax purposes.

2. The director shall provide and maintain a database of all sales and use tax rates for all taxing jurisdictions. For the identification of counties and cities, codes corresponding to the rates shall be provided according to Federal Information Processing Standards (FIPS) as developed by the National Institute of Standards and Technology. For the identification of all other jurisdictions, codes corresponding to the rates shall be in a format determined by the director.

3. The director shall provide and maintain a database that assigns each five- and nine-digit zip code to the proper rates and taxing jurisdictions. The lowest combined tax rate imposed in the zip code area shall apply if the area includes more than one tax rate in any level of taxing jurisdiction. If a nine-digit zip code designation is not available for a street address, or if a seller or a certified service provider (CSP) is unable to determine the

nine-digit zip code designation applicable to a purchase after exercising due diligence to determine the designation, the seller or CSP may apply the rate for the five-digit zip code area. For purposes of this section, there shall be a rebuttable presumption that a seller or CSP has exercised due diligence if the seller has attempted to determine the nine-digit zip code designation by utilizing software approved by the secretary that makes this designation from the street address and the five-digit zip code applicable to a purchase.

4. The director may provide address-based boundary database records for assigning taxing jurisdictions and associated rates which shall be in addition to the requirements of subsection 3 of this section. The database records shall be in the same approved format as the database records required under subsection 3 of this section and shall meet the requirements developed under the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. Section 119(a), as amended. If the director develops address-based assignment database records under the agreement, sellers that register under the agreement shall be required to use such database. A seller or CSP shall use such database records in place of the five- and nine-digit zip code database records provided for in subsection 3 of this section. If a seller or CSP is unable to determine the applicable rate and jurisdiction using an address-based database record after exercising due diligence, the seller or CSP may apply the nine-digit zip code designation applicable to a purchase. If a nine-digit zip code designation is not available for a street address or if a seller or CSP is unable to determine the nine-digit zip code designation applicable to a purchase after exercising due diligence to determine the designation, the seller or CSP may apply the rate for the five-digit zip code area. For the purposes of this section, there shall be a rebuttable presumption that a seller or CSP has exercised due diligence if the seller or CSP has attempted to determine the tax rate and jurisdiction by utilizing software approved by the director and makes the assignment from the address and zip code information applicable to the purchase. If the director has met the requirements of subsection 3 of this section, the director may also elect to certify vendor provided address-based databases for assigning tax rates and jurisdictions. The databases shall be in the same approved format as the database records under this section and meet the requirements developed under the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. Section 119(a), as amended. If the director certifies a vendor address-based database, a seller or CSP may use such database in place of the database provided for in this subsection.

5. The electronic databases provided for in subsections 1, 2, 3, and 4 of this section shall be in downloadable format as determined by the director. The databases may be directly provided by the director or provided by a vendor as designated by the director. A database provided by a vendor as designated by the director shall be applicable and subject to the provisions of section 144.1031 and this section. The databases shall be provided at no cost to the user of the database. The provisions of subsections 3 and 4 of this section shall not apply when the purchased product is received by the purchaser at the business location of the seller.

6. No seller or CSP shall be liable for reliance upon erroneous data provided by the director on tax rates, boundaries, or taxing jurisdiction assignments.

144.124. 1. The director shall complete a taxability matrix. The state's entries in the matrix shall be provided and maintained by the director in a database that is in a downloadable format.

2. The director shall provide reasonable notice of changes in the taxability of the products or services listed in the taxability matrix.

3. A seller or certified service provider (CSP) shall be relieved from liability to this state or any local taxing jurisdiction for having charged and collected the incorrect amount of state or local sales or use tax resulting from such seller's or CSP's reliance upon erroneous data provided by the director in the taxability matrix.

144.125. 1. (1) Amnesty shall be granted for uncollected or unpaid sales or use tax to a seller who registers to pay or to collect and remit applicable sales or use tax on sales made to purchasers in this state in accordance with the terms of the agreement, provided that the seller was not so registered in this state in the twelve-month period preceding the effective date of this state's participation in the agreement.

(2) Amnesty shall preclude assessment for uncollected or unpaid sales or use tax together with penalty or interest for sales made during the period the seller was not registered in this state, provided registration occurs within twelve months of the effective date of this state's participation in the agreement.

(3) Amnesty shall be provided if this state joins the agreement after the seller has registered.

2. Amnesty shall not be available to a seller with respect to any matter or matters for which the seller received notice of the commencement of an audit and which audit is not yet finally resolved including any related administrative and judicial processes. The amnesty shall not be available for sales or use taxes already paid or remitted to this state or to taxes collected by the seller.

3. Amnesty provided under this section shall be fully effective, absent the seller's fraud or intentional misrepresentation of a material fact, as long as the seller continues registration and payment or collection and remittance of applicable sales or use taxes for a period of at least thirty-six months. The statute of limitations applicable to asserting a tax liability during this thirty-six month period shall be tolled.

4. Amnesty provided under this section shall be applicable only to sales or use taxes due from a seller in its capacity as a seller and not to sales or use taxes due from a seller in its capacity as a purchaser.

5. The provisions of this section shall become effective as of the date that the state joins and becomes a member state of the agreement.

144.140. **1. From every remittance to the director of revenue made on or before the date when the same becomes due, the person required to remit the same shall be entitled to deduct and retain an amount equal to two percent thereof.**

2. If the director of the department of revenue enters into the streamlined sales and use tax agreement under section 32.070, the director shall provide a monetary allowance from the taxes collected to each of the following:

(1) A certified service provider, in accordance with the agreement and under the terms of the contract signed with the provider, provided that such allowance shall not exceed two percent of the amount collected;

(2) Any vendor registered under the agreement that selects a certified automated system to perform part of its sales or use tax functions;

(3) Any vendor registered under the agreement that uses a proprietary system to calculate taxes due and has entered into a performance agreement with states that are members to the streamlined sales and use tax agreement.

3. The monetary allowance provided for vendors in subdivision (2) or (3) of subsection 2 of this section shall be in an amount equal to two percent of the taxes collected.

4. Any vendor receiving an allowance under subsection 2 of this section shall not be entitled simultaneously to deduct the allowance provided for in subsection 1 of this section.

144.210. **1. The burden of proving that a sale of tangible personal property, services, substances or things was not a sale at retail shall be upon the person who made the sale, except that with respect to sales, services, or transactions provided for in section 144.070. [The seller shall obtain and maintain exemption certificates signed by the purchaser or his agent as evidence for any exempt sales claimed; provided, however, that before any administrative tribunal of this state, a seller may prove that sale is exempt from tax under this chapter in accordance with proof admissible under the applicable rules of evidence; except that when a purchaser has purchased tangible personal property or services sales tax free under a claim of exemption which is found to be improper, the director of revenue may collect the proper amount of tax, interest, additions to tax and penalty from the purchaser directly. Any tax, interest, additions to tax or penalty collected by the director from the purchaser shall be credited against the amount otherwise due from the seller on the purchases or sales where the exemption was claimed.]**

2. If the director of revenue is not satisfied with the return and payment of the tax made by any person, he is hereby authorized and empowered to make an additional assessment of tax due from such person, based upon the facts contained in the return or upon any information within his possession or that shall come into his possession.

3. The director of revenue shall give to the person written notice of such additional or revised assessment by certified or registered mail to the person at his or its last known address.

144.212. 1. In addition to all other provisions of law provided for exemptions, when an exemption is claimed by a purchaser:

(1) The seller shall obtain identifying information of the purchaser and the reason for claiming a tax exemption at the time of the purchase;

(2) A purchaser shall not be required to provide a signature to claim an exemption from tax unless a paper exemption certificate is used;

(3) The seller shall use the standard form for claiming an exemption electronically prescribed by the director of the department of revenue and acceptable to the streamlined sales and use tax governing board;

(4) The seller shall obtain the same information for proof of a claimed exemption regardless of the medium in which the transaction occurred;

(5) The seller shall maintain proper records of exempt transactions and provide such records to the director of the department of revenue or the director's designee upon request;

(6) In the case of drop shipment sales, a third-party vendor, such as a drop shipper, may claim a resale exemption based on an exemption certificate provided by its customer or any other acceptable information available to the third-party vendor evidencing qualification for a resale exemption, regardless of whether the customer is registered to collect and remit sales and use tax in the state where the sale is sourced.

2. Sellers that comply with the requirements of this section shall be relieved from collecting and remitting tax otherwise applicable if it is determined that the purchaser improperly claimed an exemption and such purchaser shall be liable for the nonpayment of tax. Relief from liability provided under this section shall not apply to a seller who fraudulently fails to collect tax; to a seller who solicits purchasers to participate in the unlawful claim of an exemption; to a seller who accepts an exemption certificate when the purchaser claims an entity-based exemption when the subject of the transaction sought to be covered by the exemption certificate is actually received by the purchaser at a location operated by the seller and the state in which that location resides provides an exemption certificate that clearly and affirmatively indicates that the claimed exemption is not available in such state; or to a seller who accepts an exemption certificate claiming multiple points of use for tangible personal property other than computer software for which an exemption claiming multiple points of use not available in such state.

(1) A seller shall be relieved from collecting and remitting tax otherwise applicable if the seller obtains a fully completed exemption certificate or captures the relevant data elements required under the agreement within ninety days subsequent to the date of sale.

(2) If a seller fails to obtain an exemption certificate or all relevant data elements as provided in this section, the seller may, within one hundred twenty days subsequent to a request for substantiation by the director of the department of revenue or the director's designee, either prove that the transaction was not subject to tax by other means or obtain a fully completed exemption certificate from the purchaser, taken in good faith.

3. Nothing in this section shall affect the ability of the director of the department of revenue or the director's designee to require purchasers to update exemption certificate information or to reapply with the state to claim certain exemptions.

4. Notwithstanding the provisions of subsection 2 of this section to the contrary, the director shall relieve a seller of the tax otherwise applicable if the seller obtains a blanket exemption certificate for a purchaser with which the seller has a recurring business relationship. The director shall not request from the seller renewal of blanket certificates or updates of exemption certificate information or data elements when there is a recurring business relationship between the buyer and seller. For purposes of this section, a recurring business relationship exists when a period of no more than twelve months elapses between sales transactions.

144.285. 1. [In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the director of revenue shall establish brackets, showing the amounts of tax to be collected on sales of specified amounts, which shall be applicable to all taxable transactions] **When the seller is computing the amount of tax owed by the purchaser and remitted to the state:**

(1) Tax computation shall be carried to the third decimal place; and

(2) The tax shall be rounded to a whole cent using a method that rounds up to the next cent whenever the third decimal place is greater than four.

2. [In all instances where statements covering taxable purchases are rendered to the taxpayer on a monthly or other periodic basis, the amount of tax shall be determined by applying the applicable tax rate to the taxable purchases represented on the statement, rounded to the nearest whole cent, or by application of the brackets established by the director of revenue, at the option of the retail vendor] **Sellers may elect to compute the tax due on a transaction on an item or an invoice basis. The provision of this subsection may be applied to the aggregated state and local taxes.**

3. No vendor or seller shall knowingly charge or receive from a purchaser as a sales tax any sum in excess of the sums provided for in this section.

4. [A vendor may, at his option, determine the amount charged to and received from each purchaser by use of a formula which applies the applicable tax rate to each taxable purchase, rounded to the nearest whole cent. The formula shall be uniformly and consistently applied to all purchases similarly situated.

5.] Amounts which a vendor charges to and receives from the purchaser in accordance with this section shall not be includable in his gross receipts if the amounts are separately charged or stated.

[6.] 5. If sales tax for one or more local political subdivisions is owed by a taxpayer pursuant to chapter 66, 67, 92, or 94 and that taxpayer remits less than all sales tax due for a filing period specified in section 144.080, the director of revenue shall deposit the tax remitted proportionately to each taxing jurisdiction in accordance with the

percentage that each such jurisdiction's share of the tax due for the filing period bears to the total tax due from such taxpayer for such period. The unpaid balance due along with penalties and interest shall be similarly prorated among the state and all local jurisdictions for which tax was due during the filing period for which an underpayment occurs. The provisions of this subsection shall apply to all returns or remittances relating to sales made on or after January 1, 1984.

144.526. 1. This section shall be known and may be cited as the "Show Me Green Sales Tax Holiday".

2. [For purposes of this section, the following terms mean:

(1) "Appliance", clothes washers and dryers, water heaters, trash compactors, dishwashers, conventional ovens, ranges, stoves, air conditioners, furnaces, refrigerators and freezers; and

(2) "Energy star certified", any appliance approved by both the United States Environmental Protection Agency and the United States Department of Energy as eligible to display the energy star label, as amended from time to time.

3.] In each year beginning on or after January 1, 2009, there is hereby specifically exempted from state sales tax law all retail sales of any [energy star certified] new appliance **that is an energy star qualified product**, up to one thousand five hundred dollars per appliance, during a seven-day period beginning at 12:01 a.m. on April nineteenth and ending at midnight on April twenty-fifth.

[4. A political subdivision may allow the sales tax holiday under this section to apply to its local sales taxes by enacting an ordinance to that effect. Any such political subdivision shall notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any such ordinance or order.

5. This section may not apply to any retailer when less than two percent of the retailer's merchandise offered for sale qualifies for the sales tax holiday. The retailer shall offer a sales tax refund in lieu of the sales tax holiday.]

144.655. 1. Every vendor, on or before the last day of the month following each calendar quarterly period of three months, shall file with the director of revenue a return of all taxes collected for the preceding quarter in the form prescribed by the director of revenue, showing the total sales price of the tangible personal property sold by the vendor, the storage, use or consumption of which is subject to the tax levied by this law, and other information the director of revenue deems necessary. The return shall be accompanied by a remittance of the amount of the tax required to be collected by the vendor during the period covered by the return. Returns shall be signed by the vendor or the vendor's authorized agent. The director of revenue may promulgate rules or regulations changing the filing and payment requirements of vendors, but shall not require any vendor to file and pay more frequently than required in this section.

2. Where the aggregate amount of tax required to be collected by a vendor is in excess of two hundred and fifty dollars for either the first or second month of a calendar quarter, the vendor shall pay such aggregate amount for such months to the director of revenue by the twentieth day of the succeeding month. The amount so paid shall be allowed as a credit against the liability shown on the vendor's quarterly return required by this section.

3. Where the aggregate amount of tax required to be collected by a vendor is less than forty-five dollars in a calendar quarter, the director of revenue shall by regulation permit the vendor to file a return for a calendar year. The return shall be filed and the taxes paid on or before January thirty-first of the succeeding year.

4. Except as provided in subsection 5 of this section, every person purchasing tangible personal property, the storage, use or consumption of which is subject to the tax levied by sections 144.600 to 144.748, who has not paid the tax due to a vendor registered in accordance with the provisions of section 144.650, shall file with the director of revenue a return for the preceding reporting period in the form and manner that the director of revenue prescribes, showing the total sales price of the tangible property purchased during the preceding reporting period and any other information that the director of revenue deems necessary for the proper administration of sections 144.600 to 144.748. The return shall be accompanied by a remittance of the amount of the tax required by sections 144.600 to 144.748 to be paid by the person. Returns shall be signed by the person liable for the tax or such person's duly authorized agent. For purposes of this subsection, the reporting period shall be determined by the director of revenue and may be a calendar quarter or a calendar year. Annual returns and payments required by the director pursuant to this subsection shall be due on or before April fifteenth of the year for the preceding calendar year and quarterly returns and payments shall be due on or before the last day of the month following each calendar period of three months. Upon the taxpayer's request, the director may allow the filing of such returns and payments on a monthly basis. If a taxpayer elects to file a monthly return and payment, such return and payment shall be due on or before the twentieth day of the succeeding month.

5. Any person purchasing tangible personal property subject to the taxes imposed by sections 144.600 to 144.748 shall not be required to file a use tax return with the director of revenue if such purchases on which such taxes were not paid do not exceed in the aggregate two thousand dollars in any calendar year.

6. Nothing in subsection 5 of this section shall relieve a vendor of liability to collect the tax imposed pursuant to sections 144.600 to 144.748 on the total gross receipts of all sales of tangible personal property used, stored or consumed in this state and to remit all taxes collected to the director of revenue in accordance with the provisions of this section nor shall it relieve a purchaser from paying such taxes to a vendor registered in accordance with the provisions of section 144.650.

7. Any out-of-state seller which is not legally required to register for use tax in this state but chooses to collect and remit use tax under sections 144.600 to 144.761 shall file a return for the calendar year. The return shall be filed and the taxes paid on or before January thirty-first of the succeeding year. In the event that any out-of-state seller which is not legally required to register for use tax in this state but chooses to collect and remit use tax under sections 144.600 to 144.761 has accumulated state and local use tax funds in an amount equal to one thousand dollars or more, such vendor shall file a return and remit the amount due for the month in which the accumulated state and local use tax funds equal or exceed one thousand dollars.

144.710. [From every remittance made by a vendor as required by sections 144.600 to 144.745 to the director of revenue on or before the date when the remittance becomes due, the vendor may deduct and retain an amount equal to two percent thereof.] **Sections 144.210 and 144.212, pertaining to the allowance for timely remittance of payment, are applicable to the tax levied by this law.**"; and

Further amend said bill, Page 62, Section 192.310, Line 7, by inserting after all of said section the following:

"221.407. 1. The commission of any regional jail district may impose, by order, a sales tax in the amount of one-eighth of one percent, one-fourth of one percent, three-eighths of one percent, or one-half of one percent on all retail sales made in such region which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525 for the purpose of providing jail services and court facilities and equipment for such region. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no order imposing a sales tax pursuant to this section shall be effective unless the commission submits to the voters of the district, on any election date authorized in chapter 115, a proposal to authorize the commission to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the regional jail district of (counties' names) impose a region-wide sales tax of
(insert amount) for the purpose of providing jail services and court facilities and equipment for the region?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon are in favor of the proposal, then the order and any amendment to such order shall be in effect on the first day of the second **calendar** quarter [immediately following the election approving the proposal] **after the director of revenue receives notification of adoption of the local sales tax**. If the proposal receives less than the required majority, the commission shall have no power to impose the sales tax authorized pursuant to this section unless and until the commission shall again have submitted another proposal to authorize the commission to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters of the district voting on such proposal; however, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last submission of a proposal pursuant to this section.

3. All revenue received by a district from the tax authorized pursuant to this section shall be deposited in a special trust fund and shall be used solely for providing jail services and court facilities and equipment for such district for so long as the tax shall remain in effect.

4. Once the tax authorized by this section is abolished or terminated by any means, all funds remaining in the special trust fund shall be used solely for providing jail services and court facilities and equipment for the district. Any funds in such special trust fund which are not needed for current expenditures may be invested by the commission in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue pursuant to this section on behalf of any district, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created, to be known as the "Regional Jail District Sales Tax Trust Fund". The moneys in the regional jail district sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue

shall keep accurate records of the amount of money in the trust fund which was collected in each district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of each member county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the district which levied the tax. Such funds shall be deposited with the treasurer of each such district, and all expenditures of funds arising from the regional jail district sales tax trust fund shall be paid pursuant to an appropriation adopted by the commission and shall be approved by the commission. Expenditures may be made from the fund for any function authorized in the order adopted by the commission submitting the regional jail district tax to the voters.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such districts. If any district abolishes the tax, the commission shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such district, the director of revenue shall remit the balance in the account to the district and close the account of that district. The director of revenue shall notify each district in each instance of any amount refunded or any check redeemed from receipts due the district.

7. Except as provided in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed pursuant to this section.

8. The provisions of this section shall expire September 30, 2015."; and

Further amend said bill, Page 63, Section 228.369, Line 34, by inserting after all of said section the following:

"238.235. 1. (1) Any transportation development district may by resolution impose a transportation development district sales tax on all retail sales made in such transportation development district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, except such transportation development district sales tax shall not apply to the sale or use of [motor vehicles, trailers, boats or outboard motors nor to all sales of electricity or electrical current, water and gas, natural or artificial, nor to sales of service to telephone subscribers, either local or long distance] **fuel used to power motor vehicles, aircraft, locomotives, or watercraft, or to electricity, piped natural or artificial gas, or other fuels delivered by the seller, and the retail sale or transfer of motor vehicles, aircraft, watercraft, modular homes, manufactured homes, or mobile homes.** Such transportation development district sales tax may be imposed for any transportation development purpose designated by the transportation development district in its ballot of submission to its qualified voters, except that no resolution enacted pursuant to the authority granted by this section shall be effective unless:

(a) The board of directors of the transportation development district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of this section; or

(b) The voters approved the question certified by the petition filed pursuant to subsection 5 of section 238.207.

(2) If the transportation district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of paragraph (a) of subdivision (1) of this subsection, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the transportation development district of (transportation development district's name) impose a transportation development district-wide sales tax at the rate of (insert amount) for a period of (insert number) years from the date on which such tax is first imposed for the purpose of (insert transportation development purpose)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors of the transportation development district shall have no power to impose the sales tax authorized by this section unless and until the board of directors of the transportation development

district shall again have submitted another proposal to authorize it to impose the sales tax pursuant to the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon.

(3) [The sales tax authorized by this section shall become effective on the first day of the second calendar quarter after the department of revenue receives notification of the tax.

(4) In each transportation development district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the transportation development district pursuant to this section to the retailer's sale price, and when so added such tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

(5) In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the transportation development district may establish appropriate brackets which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided in section 144.285.

(6)] All revenue received by a transportation development district from the tax authorized by this section which has been designated for a certain transportation development purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. Upon the expiration of the period of years approved by the qualified voters pursuant to subdivision (2) of this subsection or if the tax authorized by this section is repealed pursuant to subsection 6 of this section, all funds remaining in the special trust fund shall continue to be used solely for such designated transportation development purpose. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other transportation development district funds.

[(7)] (4) The sales tax may be imposed in increments of one-eighth of one percent, up to a maximum of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the transportation development district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to public utilities. Any transportation development district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.

2. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax and the tax shall be reported and returned to and collected by the transportation development district.

3. [On and after the effective date of any tax imposed pursuant to this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect, in addition to all other sales taxes imposed by law, the additional tax authorized pursuant to this section. The tax imposed pursuant to this section and the taxes imposed pursuant to all other laws of the state of Missouri shall be collected together and reported upon such forms and pursuant to such administrative rules and regulations as may be prescribed by the director of revenue.

4. (1) All applicable provisions contained in sections 144.010 to 144.525, governing the state sales tax, sections 32.085 and 32.087 and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section.

(2) All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services pursuant to the provisions of sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax imposed by this section.

(3) The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the transportation development district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

(4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws for the collection of and for payment of taxes pursuant to such laws are hereby allowed and made applicable to any taxes collected pursuant to the provisions of this section.

(5) The penalties provided in section 32.057 and sections 144.010 to 144.525 for violation of those sections are hereby made applicable to violations of this section.

(6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which the employee works.

5.] All sales taxes received by the transportation development district shall be deposited by the director of revenue in a special fund to be expended for the purposes authorized in this section. The director of revenue shall keep accurate records of the amount of money which was collected pursuant to this section, and the records shall be open to the inspection of officers of each transportation development district and the general public.

[6.] 4. (1) No transportation development district imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects.

(2) Whenever the board of directors of any transportation development district in which a transportation development sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the qualified voters calling for an election to repeal such transportation development sales tax, the board of directors shall, if such repeal will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects, submit to the qualified voters of such transportation development district a proposal to repeal the transportation development sales tax imposed pursuant to the provisions of this section. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal to repeal the transportation development sales tax, then the resolution imposing the transportation development sales tax, along with any amendments thereto, is repealed. If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal to repeal the transportation development sales tax, then the ordinance or resolution imposing the transportation development sales tax, along with any amendments thereto, shall remain in effect.

[7.] 5. Notwithstanding any provision of sections 99.800 to 99.865 and this section to the contrary, the sales tax imposed by a district whose project is a public mass transportation system shall not be considered economic activity taxes as such term is defined under sections 99.805 and 99.918 and shall not be subject to allocation under the provisions of subsection 3 of section 99.845, or subsection 4 of section 99.957.

6. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

7. Except as provided in this section, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under this section.

238.410. 1. Any county transit authority established pursuant to section 238.400 may impose a sales tax of up to one percent on all retail sales made in such county which are subject to taxation under the provisions of sections 144.010 to 144.525. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax imposed under the provisions of this section shall be effective unless the governing body of the county, on behalf of the transit authority, submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the transit authority to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the Transit Authority impose a countywide sales tax of (insert amount) in order to provide revenues for the operation of transportation facilities operated by the transit authority?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO". If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall become effective on the first day of the second calendar quarter following

notification to the department of revenue of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the transit authority shall have no power to impose the sales tax authorized by this section unless and until another proposal to authorize the transit authority to impose the sales tax authorized by this section has been submitted and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by the transit authority from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely by the transit authority for construction, purchase, lease, maintenance and operation of transportation facilities located within the county for so long as the tax shall remain in effect. Any funds in such special trust fund which are not needed for current expenditures may be invested by the transit authority in accordance with applicable laws relating to the investment of county funds.

4. No transit authority imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment is submitted to and approved by the voters of the county in the same manner as provided in subsection 1 of this section for approval of such tax. Whenever the governing body of any county in which a sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the registered voters of such county voting in the last gubernatorial election, calling for an election to repeal such sales tax, the governing body shall submit to the voters of such county a proposal to repeal the sales tax imposed under the provisions of this section. If a majority of the votes cast on the proposal by the registered voters voting thereon are in favor of the proposal to repeal the sales tax, then such sales tax is repealed. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal the sales tax, then such sales tax shall remain in effect.

5. The sales tax imposed under the provisions of this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525 and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate approved pursuant to this section. The amount reported and returned to the director of revenue by the seller shall be computed on the basis of the combined rate of the tax imposed by sections 144.010 to 144.525 and the tax imposed by this section, plus any amounts imposed under other provisions of law.

6. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue. In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the applicable provisions of section 144.285 shall apply to all taxable transactions.

7. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax imposed by this section. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from the tax imposed by this section. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under chapter 144 are hereby allowed and made applicable to any taxes collected under the provisions of this section. The penalties provided in section 32.057 and sections 144.010 to 144.525 for a violation of those sections are hereby made applicable to violations of this section.

8. [For the purposes of a sales tax imposed pursuant to this section, all retail sales shall be deemed to be consummated at the place of business of the retailer, except for tangible personal property sold which is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination and except for the sale of motor vehicles, trailers, boats and outboard motors, which is provided for in subsection 12 of this section. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which he works.

9.] All sales taxes collected by the director of revenue under this section on behalf of any transit authority, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in this section, shall be deposited in the state treasury in a special trust fund, which is hereby created, to be known as the "County Transit Authority Sales Tax Trust Fund". The moneys in the county transit authority sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each transit authority imposing a sales tax under this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the transit authority which levied the tax.

[10.] 9. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any transit authority for erroneous payments and overpayments made, and may authorize the state treasurer to redeem dishonored checks and drafts deposited to the credit of such transit authorities. If any transit authority abolishes the tax, the transit authority shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such transit authority, the director of revenue shall authorize the state treasurer to remit the balance in the account to the transit authority and close the account of that transit authority. The director of revenue shall notify each transit authority of each instance of any amount refunded or any check redeemed from receipts due the transit authority. The director of revenue shall annually report on his management of the trust fund and administration of the sales taxes authorized by this section. He shall provide each transit authority imposing the tax authorized by this section with a detailed accounting of the source of all funds received by him for the transit authority.

[11.] 10. The director of revenue and any of his deputies, assistants and employees who shall have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of this section shall enter a surety bond or bonds payable to any and all transit authorities in whose behalf such funds have been collected under this section in the amount of one hundred thousand dollars; but the director of revenue may enter into a blanket bond or bonds covering himself and all such deputies, assistants and employees. The cost of the premium or premiums for the surety bond or bonds shall be paid by the director of revenue from the share of the collection retained by the director of revenue for the benefit of the state.

[12.] 11. Sales taxes imposed pursuant to this section and use taxes on the purchase and sale of motor vehicles, trailers, boats, and outboard motors shall not be collected and remitted by the seller, but shall be collected by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a county where a sales tax is imposed under this section. The amounts so collected, less the one percent collection cost, shall be deposited in the county transit authority sales tax trust fund. The purchase or sale of motor vehicles, trailers, boats, and outboard motors shall be deemed to be consummated at the address of the applicant. As used in this subsection, the term "boat" shall only include motorboats and vessels as the terms "motorboat" and "vessel" are defined in section 306.010.

[13.] 12. In any county where the transit authority sales tax has been imposed, if any person is delinquent in the payment of the amount required to be paid by him under this section or in the event a determination has been made against him for taxes and penalty under this section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under this section, the director of revenue shall notify the transit authority to which delinquent taxes are due under this section by United States registered mail or certified mail at least ten days before turning the case over to the attorney general. The transit authority, acting through its attorney, may join in such suit as a party plaintiff to seek a judgment for the delinquent taxes and penalty due such transit authority. In the event any person fails or refuses to pay the amount of any sales tax due under this section, the director of revenue shall promptly notify the transit authority to which the tax would be due so that appropriate action may be taken by the transit authority.

[14.] 13. Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by this section, the director of revenue shall permit the transit authority to join in any sale of property to pay the delinquent taxes and penalties due the state and to the transit authority under this section. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such transit authority under this section.

[15. The transit authority created under the provisions of sections 238.400 to 238.412 shall notify any and all affected businesses of the change in tax rate caused by the imposition of the tax authorized by sections 238.400 to 238.412.

16.] 14. In the event that any transit authority in any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants submits a proposal in any election to increase the sales tax under this section, and such proposal is approved by the voters, the county shall be reimbursed for the costs of submitting such proposal from the funds derived from the tax levied under this section.

15. Except as provided in sections 238.400 to 238.412, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under sections 238.410 to 238.412."; and

Further amend said bill, Page 102, Section 577.041, Line 138, by inserting after all of said section the following:

"644.032. 1. The governing body of any municipality or county may impose, by ordinance or order, a sales tax in an amount not to exceed one-half of one percent on all retail sales made in such municipality or county which are subject to taxation under the provisions of sections 144.010 to 144.525. The tax authorized by this section and section 644.033 shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax under the provisions of this section and section 644.033 shall be effective unless the governing body of the municipality or county submits to the voters of the municipality or county, at a municipal, county or state general, primary or special election, a proposal to authorize the governing body of the municipality or county to impose a tax[, provided, that the tax authorized by this section shall not be imposed on the sales of food, as defined in section 144.014, when imposed by any county with a charter form of government and with more than one million inhabitants].

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the municipality (county) of impose a sales tax of (insert amount) for the purpose of providing funding for (insert either storm water control, or local parks, or storm water control and local parks) for the municipality (county)?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter after the director of revenue receives notice of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the municipality or county shall not impose the sales tax authorized in this section and section 644.033 until the governing body of the municipality or county resubmits another proposal to authorize the governing body of the municipality or county to impose the sales tax authorized by this section and section 644.033 and such proposal is approved by a majority of the qualified voters voting thereon; however, in no event shall a proposal pursuant to this section and section 644.033 be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section and section 644.033.

3. All revenue received by a municipality or county from the tax authorized under the provisions of this section and section 644.033 shall be deposited in a special trust fund and shall be used to provide funding for storm water control or for local parks, or both, within such municipality or county, provided that such revenue may be used for local parks outside such municipality or county if the municipality or county is engaged in a cooperative agreement pursuant to section 70.220.

4. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other municipal or county funds."; and

Further amend said bill, Page 102, Section 64.205, Line 2, by inserting after all of said line the following:

"[66.601. The duties of the director of revenue with respect to the allocation, division and distribution of sales and use tax proceeds determined to be due any county of the first classification having a charter form of government and having a population of nine hundred thousand or more inhabitants and all municipalities within such county, resulting from taxes levied or imposed under the authority of sections 66.600 to 66.630, section 144.748, and sections 94.850 to 94.857, may be delegated to the county levying the county sales tax under sections 66.600 to 66.630, at the discretion of the director of revenue and with the consent of the county. Notwithstanding the provisions of section 32.057 to the contrary, if such duties are so assigned, the director of revenue shall furnish the county with sufficient information to perform such duties in such form as may be agreed upon by the director and the county at no cost to the county. The county shall be bound by the provisions of

section 32.057, and shall use any information provided by the director of revenue under the provisions of this section solely for the purpose of allocating, dividing and distributing such sales and use tax revenues. The county shall exercise all of the director's powers and duties with respect to such allocation, division and distribution, and shall receive no fee for carrying out such powers and duties.]

[67.1713. Beginning January 1, 2002, there is hereby specifically exempted from the tax imposed pursuant to section 67.1712 all sales of food as defined by section 144.014.]

[67.1971. All entities remitting the sales tax authorized pursuant to section 67.1959 shall have their liability reduced by an amount equal to twenty-five percent of any taxes collected and remitted pursuant to sections 94.802 to 94.805.]

[144.069. All sales of motor vehicles, trailers, boats and outboard motors shall be deemed to be consummated at the address of the owner thereof, and all leases of over sixty-day duration of motor vehicles, trailers, boats and outboard motors subject to sales taxes under this chapter shall be deemed to be consummated unless the vehicle, trailer, boat or motor has been registered and sales taxes have been paid prior to the consummation of the lease agreement at the address of the lessee thereof on the date the lease is consummated, and all applicable sales taxes levied by any political subdivision shall be collected on such sales by the state department of revenue on that basis.]

[144.517. In addition to the exemptions granted pursuant to section 144.030, there shall also be exempted from state sales and use taxes all sales of textbooks, as defined by section 170.051, when such textbook is purchased by a student who possesses proof of current enrollment at any Missouri public or private university, college or other postsecondary institution of higher learning offering a course of study leading to a degree in the liberal arts, humanities or sciences or in a professional, vocational or technical field, provided that the books which are exempt from state sales tax are those required or recommended for a class. Upon request the institution or department must provide at least one list of textbooks to the bookstore each semester. Alternately, the student may provide to the bookstore a list from the instructor, department or institution of his or her required or recommended textbooks. This exemption shall not apply to any locally imposed sales or use tax.]

[144.605. The following words and phrases as used in sections 144.600 to 144.745 mean and include:

- (1) "Calendar quarter", the period of three consecutive calendar months ending on March thirty-first, June thirtieth, September thirtieth or December thirty-first;
- (2) "Engages in business activities within this state" includes:
 - (a) Purposefully or systematically exploiting the market provided by this state by any media-assisted, media-facilitated, or media-solicited means, including, but not limited to, direct mail advertising, distribution of catalogs, computer-assisted shopping, telephone, television, radio, or other electronic media, or magazine or newspaper advertisements, or other media; or
 - (b) Being owned or controlled by the same interests which own or control any seller engaged in the same or similar line of business in this state; or
 - (c) Maintaining or having a franchisee or licensee operating under the seller's trade name in this state if the franchisee or licensee is required to collect sales tax pursuant to sections 144.010 to 144.525; or
 - (d) Soliciting sales or taking orders by sales agents or traveling representatives;
- (3) "Maintains a place of business in this state" includes maintaining, occupying, or using, permanently or temporarily, directly or indirectly, or through a subsidiary, or agent, by whatever name called, an office, place of distribution, sales or sample room or place, warehouse or storage place, or other place of business;
- (4) "Person", any individual, firm, copartnership, joint venture, association, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or agency, except the state transportation department, estate, trust, business trust, receiver or trustee appointed by the state or federal court, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number;

(5) "Purchase", the acquisition of the ownership of, or title to, tangible personal property, through a sale, as defined herein, for the purpose of storage, use or consumption in this state;

(6) "Purchaser", any person who is the recipient for a valuable consideration of any sale of tangible personal property acquired for use, storage or consumption in this state;

(7) "Sale", any transfer, barter or exchange of the title or ownership of tangible personal property, or the right to use, store or consume the same, for a consideration paid or to be paid, and any transaction whether called leases, rentals, bailments, loans, conditional sales or otherwise, and notwithstanding that the title or possession of the property or both is retained for security. For the purpose of this law the place of delivery of the property to the purchaser, user, storer or consumer is deemed to be the place of sale, whether the delivery be by the vendor or by common carriers, private contractors, mails, express, agents, salesmen, solicitors, hawkers, representatives, consignors, peddlers, canvassers or otherwise;

(8) "Sales price", the consideration including the charges for services, except charges incident to the extension of credit, paid or given, or contracted to be paid or given, by the purchaser to the vendor for the tangible personal property, including any services that are a part of the sale, valued in money, whether paid in money or otherwise, and any amount for which credit is given to the purchaser by the vendor, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service cost, losses or any other expenses whatsoever, except that cash discounts allowed and taken on sales shall not be included and "sales price" shall not include the amount charged for property returned by customers upon rescission of the contract of sales when the entire amount charged therefor is refunded either in cash or credit or the amount charged for labor or services rendered in installing or applying the property sold, the use, storage or consumption of which is taxable pursuant to sections 144.600 to 144.745. In determining the amount of tax due pursuant to sections 144.600 to 144.745, any charge incident to the extension of credit shall be specifically exempted;

(9) "Selling agent", every person acting as a representative of a principal, when such principal is not registered with the director of revenue of the state of Missouri for the collection of the taxes imposed pursuant to sections 144.010 to 144.525 or sections 144.600 to 144.745 and who receives compensation by reason of the sale of tangible personal property of the principal, if such property is to be stored, used, or consumed in this state;

(10) "Storage", any keeping or retention in this state of tangible personal property purchased from a vendor, except property for sale or property that is temporarily kept or retained in this state for subsequent use outside the state;

(11) "Tangible personal property", all items subject to the Missouri sales tax as provided in subdivisions (1) and (3) of section 144.020;

(12) "Taxpayer", any person remitting the tax or who should remit the tax levied by sections 144.600 to 144.745;

(13) "Use", the exercise of any right or power over tangible personal property incident to the ownership or control of that property, except that it does not include the temporary storage of property in this state for subsequent use outside the state, or the sale of the property in the regular course of business;

(14) "Vendor", every person engaged in making sales of tangible personal property by mail order, by advertising, by agent or peddling tangible personal property, soliciting or taking orders for sales of tangible personal property, for storage, use or consumption in this state, all salesmen, solicitors, hawkers, representatives, consignees, peddlers or canvassers, as agents of the dealers, distributors, consignors, supervisors, principals or employers under whom they operate or from whom they obtain the tangible personal property sold by them, and every person who maintains a place of business in this state, maintains a stock of goods in this state, or engages in business activities within this state and every person who engages in this state in the business of acting as a selling agent for persons not otherwise vendors as defined in this subdivision. Irrespective of whether they are making sales on their own behalf or on behalf of the dealers, distributors, consignors, supervisors, principals or employers, they must be regarded as vendors and the dealers, distributors, consignors, supervisors, principals or employers must be regarded as vendors for the purposes of sections 144.600 to 144.745. A person shall not be considered a vendor for the purposes of sections 144.600 to 144.745 if all of the following apply:

(a) The person's total gross receipts did not exceed five hundred thousand dollars in this state, or twelve and one-half million dollars in the entire United States, in the immediately preceding calendar year;

(b) The person maintains no place of business in this state; and

(c) The person has no selling agents in this state.]

[144.1000. Sections 144.1000 to 144.1015 shall be known as and referred to as the "Simplified Sales and Use Tax Administration Act".]

[144.1003. As used in sections 144.1000 to 144.1015, the following terms shall mean:

(1) "Agreement", the streamlined sales and use tax agreement;

(2) "Certified automated system", software certified jointly by the states that are signatories to the agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state and maintain a record of the transaction;

(3) "Certified service provider", an agent certified jointly by the states that are signatories to the agreement to perform all of the seller's sales tax functions;

(4) "Person", an individual, trust, estate, fiduciary, partnership, limited liability company, limited liability partnership, corporation or any other legal entity;

(5) "Sales tax", any sales tax levied pursuant to this chapter, section 32.085, or any other sales tax authorized by statute and levied by this state or its political subdivisions;

(6) "Seller", any person making sales, leases or rentals of personal property or services;

(7) "State", any state of the United States and the District of Columbia;

(8) "Use tax", the use tax levied pursuant to this chapter.]

[144.1006. For the purposes of reviewing and, if necessary, amending the agreement embodying the simplification recommendations contained in section 144.1015, the state may enter into multistate discussions. For purposes of such discussions, the state shall be represented by seven delegates, one of whom shall be appointed by the governor, two members appointed by the speaker of the house of representatives, one member appointed by the minority leader of the house of representatives, two members appointed by the president pro tempore of the senate and one member appointed by the minority leader of the senate. The delegates need not be members of the general assembly and at least one of the delegates appointed by the speaker of the house of representatives and one member appointed by the president pro tempore of the senate shall be from the private sector and represent the interests of Missouri businesses. The delegates shall recommend to the committees responsible for reviewing tax issues in the senate and the house of representatives each year any amendment of state statutes required to be substantially in compliance with the agreement. Such delegates shall make a written report by the fifteenth day of January each year regarding the status of the multistate discussions and upon final adoption of the terms of the sales and use tax agreement by the multistate body.]

[144.1009. No provision of the agreement authorized by sections 144.1000 to 144.1015 in whole or in part invalidates or amends any provision of the law of this state. Implementation of any condition of this agreement in this state, whether adopted before, at, or after membership of this state in the agreement, must be by action of the general assembly. Such report shall be delivered to the governor, the secretary of state, the president pro tempore of the senate and the speaker of the house of representatives and shall simultaneously be made publicly available by the secretary of state to any person requesting a copy.]

[144.1012. Unless five of the seven delegates agree, the delegates shall not enter into or vote for any streamlined sales and use tax agreement that:

(1) Requires adoption of a definition of any term that would cause any item or transaction that is now excluded or exempted from sales or use tax to become subject to sales or use tax;

(2) Requires the state of Missouri to fully exempt or fully apply sales taxes to the sale of food or any other item;

(3) Restricts the ability of local governments under statutes in effect on August 28, 2002, to enact one or more local taxes on one or more items without application of the tax to all sales within

the taxing jurisdiction, however, restriction of any such taxes allowed by statutes effective after August 28, 2002, may be supported;

(4) Provides for adoption of any uniform rate structure that would result in a tax increase for any Missouri taxpayer;

(5) Affects the sourcing of sales tax transactions; or

(6) Prohibits limitations or thresholds on the application of sales and use tax rates or prohibits any current sales or use tax exemption in the state of Missouri, including exemptions that are based on the value of the transaction or item.]

[144.1015. In addition to the requirements of section 144.1012, the delegates should consider the following features when deciding whether or not to enter into any streamlined sales and use tax agreement:

(1) The agreement should address the limitation of the number of state rates over time;

(2) The agreement should establish uniform standards for administration of exempt sales and the form used for filing sales and use tax returns and remittances;

(3) The agreement should require the state to provide a central, electronic registration system that allows a seller to register to collect and remit sales and use taxes for all signatory states;

(4) The agreement should provide that registration with the central registration system and the collection of sales and use taxes in the signatory states will not be used as a factor in determining whether the seller has nexus with a state for any tax;

(5) The agreement should provide for reduction of the burdens of complying with local sales and use taxes through the following so long as they do not conflict with the provisions of section 144.1012:

(a) Restricting variances between the state and local tax bases;

(b) Requiring states to administer any sales and use taxes levied by local jurisdictions within the state so that sellers collecting and remitting these taxes will not have to register or file returns with, remit funds to, or be subject to independent audits from local taxing jurisdictions;

(c) Restricting the frequency of changes in the local sales and use tax rates and setting effective dates for the application of local jurisdictional boundary changes to local sales and use taxes; and

(d) Providing notice of changes in local sales and use tax rates and of changes in the boundaries of local taxing jurisdictions;

(6) The agreement should outline any monetary allowances that are to be provided by the states to sellers or certified service providers. The agreement must allow for a joint public and private sector study of the compliance cost on sellers and certified service providers to collect sales and use taxes for state and local governments under various levels of complexity to be completed by July 1, 2003;

(7) The agreement should require each state to certify compliance with the terms of the agreement prior to joining and to maintain compliance, under the laws of the member state, with all provisions of the agreement while a member, only if the agreement and any amendment thereto complies with the provisions of section 144.1012;

(8) The agreement should require each state to adopt a uniform policy for certified service providers that protects the privacy of consumers and maintains the confidentiality of tax information; and

(9) The agreement should provide for the appointment of an advisory council of private sector representatives and an advisory council of nonmember state representatives to consult with in the administration of the agreement.]; and

Further amend said bill, Page 103, Section C, Line 3, by inserting after all of said section the following:

"Section D. The provisions of the streamlined sales and use tax agreement act shall become effective January 1, 2015."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Funderburk, **House Amendment No. 12** was adopted.

Representative Gatschenberger offered **House Amendment No. 13.**

House Amendment No. 13

AMEND House Committee Substitute for Senate Bill No. 24, Page 20, Section 71.012, Line 77, by deleting the number "**three**" and inserting in lieu thereof the number, "**five**"; and

Further amend said page, Section 71.014, Line 13, by deleting the number "**three**" and inserting in lieu thereof the number, "**five**"; and

Further amend said bill, Page 24, Section 71.015, Line 136, by deleting the number "**three**" and inserting in lieu thereof the number, "**five**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Gatschenberger, **House Amendment No. 13** was adopted.

On motion of Representative Hinson, **HCS SB 24, as amended**, was adopted.

On motion of Representative Hinson, **HCS SB 24, as amended**, was read the third time and passed by the following vote:

AYES: 088

Allen	Anderson	Austin	Barnes	Bernskoetter
Berry	Brown	Burlison	Cierpiot	Cookson
Cornejo	Cox	Crawford	Cross	Davis
Diehl	Dugger	Elmer	Engler	Entlicher
Fitzwater	Flanigan	Fraker	Frederick	Funderburk
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Lair	Lauer	Leara	Lynch
McCaherty	McCann Beatty	McGaugh	McManus	McNeil
Miller	Molendorp	Morris	Muntzel	Neely
Neth	Parkinson	Redmon	Rehder	Reiboldt
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieffer	Shull	Smith 120
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	Walton Gray	Webber	White
Wright	Zerr	Mr Speaker		

NOES: 066

Anders	Bahr	Black	Brattin	Burns
Butler	Carpenter	Colona	Conway 10	Conway 104
Curtis	Curtman	Dohrman	Dunn	Ellinger
Ellington	English	Englund	Fitzpatrick	Fowler
Frame	Gannon	Gardner	Harris	Hummel
Hurst	Johnson	Kirkton	Koenig	Kolkmeier
Korman	Kratky	LaFaver	Lichtenegger	Love
Marshall	May	Mayfield	McDonald	McKenna
Meredith	Messenger	Mitten	Montecillo	Moon
Morgan	Newman	Nichols	Norr	Otto

Pace	Peters	Pfautsch	Pike	Pogue
Remole	Rizzo	Runions	Schieber	Schupp
Shumake	Smith 85	Solon	Swearingen	Wilson
Wood				

PRESENT: 001

Roorda

ABSENT WITH LEAVE: 008

Franklin	Lant	Mims	Phillips	Pierson
Rhoads	Webb	Wieland		

Speaker Jones declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 116

Allen	Anderson	Austin	Barnes	Bernskoetter
Berry	Black	Brown	Burlison	Colona
Conway 10	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Dunn	Elmer	Engler	English
Englund	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Jones 50	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Leara
Lichtenegger	Love	Lynch	Mayfield	McCann Beatty
McGaugh	McKenna	McManus	Messenger	Miller
Mitten	Molendorp	Morris	Muntzel	Neely
Neth	Parkinson	Peters	Pfautsch	Phillips
Pike	Redmon	Rehder	Reiboldt	Richardson
Riddle	Rizzo	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieffer	Schupp	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Webber	White	Wood	Zerr
Mr Speaker				

NOES: 032

Anders	Bahr	Brattin	Burns	Butler
Carpenter	Ellinger	Ellington	Entlicher	Frame
Gardner	Johnson	Justus	Marshall	May
McDonald	McNeil	Meredith	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Pogue	Remole	Runions	Schieber	Smith 85
Walton Gray	Wilson			

PRESENT: 001

Roorda

ABSENT WITH LEAVE: 014

Cierpiot	Conway 104	Curtis	Franklin	Hicks
Lauer	McCaherty	Mims	Moon	Pierson
Rhoads	Webb	Wieland	Wright	

APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

HCS SB 342: Representatives Guernsey, McGaugh and Kelly (45)

THIRD READING OF SENATE BILL

HCS SB 100, relating to judicial procedures, was taken up by Representative Cox.

Representative Cox offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 100, Page 2, Section 43.518, Line 19, by deleting all of said line and inserting in lieu thereof the following:

"court budget] **court automation** committee; the presidents of"; and

Further amend said bill, Page 5, Section 57.095, Line 5, by inserting after all of said section and line the following:

"57.955. 1. There shall be assessed and collected a surcharge of [three] **two** dollars in all civil actions filed in the courts of this state and in all criminal cases including violation of any county **or municipal** ordinance or any violation of criminal or traffic laws of this state, including infractions **and municipal ordinance violations**, but no such surcharge shall be assessed when the costs are waived or are to be paid by the state, county or municipality or when a criminal proceeding or the defendant has been dismissed by the court. For purposes of this section, the term "county ordinance" shall not include any ordinance of the city of St. Louis. The clerk responsible for collecting court costs in civil and criminal cases, shall collect and disburse such amounts as provided by sections 488.010 to 488.020*. Such funds shall be payable to the sheriffs' retirement fund. Moneys credited to the sheriffs' retirement fund shall be used only for the purposes provided for in sections 57.949 to 57.997 and for no other purpose.

2. The board may accept gifts, donations, grants and bequests from public or private sources to the sheriffs' retirement fund."; and

Further amend said bill, Page 5, Section 432.047, Line 4, by deleting all of said line and inserting in lieu thereof the following:

"2. A debtor may not maintain an action upon or a defense, regardless of"; and

Further amend said bill, Page 20, Section 479.085, Line 6, by inserting after all of said section and line the following:

"488.024. As provided by [section 57.955] **sections 57.949 to 57.997**, there shall be assessed and collected a surcharge of [three] **two** dollars in all civil actions filed in the courts of this state and in all criminal cases including violation of any county **or municipal** ordinance or any violation of criminal or traffic laws of this state, including infractions **and municipal ordinance violations**, but no such surcharge shall be assessed when the costs are waived or are to be paid by the state, county or municipality or when a criminal proceeding or the defendant has been dismissed by the court. For purposes of this section, the term "county ordinance" shall not include any ordinance of the City of St. Louis. The clerk responsible for collecting court costs in civil and criminal cases shall collect and disburse such amounts as provided by sections 488.010 to 488.020. Such funds shall be payable to the sheriffs' retirement fund."; and

Further amend said bill, Page 22, Section 488.5320, Line 15, by inserting after all of said line the following:

"2. Notwithstanding subsection 1 of this section to the contrary, sheriffs, county marshals, or other officers in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants or in any city not within a county shall not be allowed a charge for their services rendered in cases disposed of by a violations bureau established pursuant to law or supreme court rule."; and

Further amend by renumbering the remainder of section 488.5320 accordingly; and

Further amend said bill, Page 25, Section 513.430, Line 85, by inserting after all of said section and line the following:

"514.040. 1. Except as provided in subsection 3 of this section, if any court shall, before or after the commencement of any suit pending before it, be satisfied that the plaintiff is a poor person, and unable to prosecute his or her suit, and pay all or any portion of the costs and expenses thereof, such court may, in its discretion, permit him or her to commence and prosecute his or her action as a poor person, and thereupon such poor person shall have all necessary process and proceedings as in other cases, without fees, tax or charge as the court determines the person cannot pay; and the court may assign to such person counsel, who, as well as all other officers of the court, shall perform their duties in such suit without fee or reward as the court may excuse; but if judgment is entered for the plaintiff, costs shall be recovered, which shall be collected for the use of the officers of the court.

2. In any civil action brought in a court of this state by any offender convicted of a crime who is confined in any state prison or correctional center, the court shall not reduce the amount required as security for costs upon filing such suit to an amount of less than ten dollars pursuant to this section. This subsection shall not apply to any action for which no sum as security for costs is required to be paid upon filing such suit.

3. Where a party is represented in a civil action by a legal aid society or a legal services or other nonprofit organization funded in whole or substantial part by moneys appropriated by the general assembly of the state of Missouri, which has as its primary purpose the furnishing of legal services to indigent persons, **by a law school clinic which has as its primary purpose educating law students through furnishing legal services to indigent persons**, or by private counsel working on behalf of or under the auspices of such society, all costs and expenses related to the prosecution of the suit may be waived without the necessity of a motion and court approval, provided that a determination has been made by such society or organization that such party is unable to pay the costs, fees and expenses necessary to prosecute or defend the action, and that a certification that such determination has been made is filed with the clerk of the court."; and

Further amend said bill, Page 26, Section 559.100, Line 17, by inserting after the word "**attorney**." on said line the following:

"Nothing in this section shall prohibit the prosecuting attorney or circuit attorney from contracting with or utilizing another entity for the collection of restitution and costs under this section."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Cox, **House Amendment No. 1** was adopted.

Representative Lichtenegger offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for Senate Bill No. 100, Page 5, Section 57.095, Line 5, by inserting after all of said line the following:

"104.1091. 1. Notwithstanding any provision of the year 2000 plan to the contrary, each person **who has never been a judge as defined in section 476.515 prior to January 1, 2011 and** who first becomes an employee on or after January 1, 2011, shall be a member of the year 2000 plan subject to the provisions of this section. **Any employee who was a judge as defined in section 476.515 prior to January 1, 2011 shall receive a refund of his or her contributions made under this section.**

2. A member's normal retirement eligibility shall be as follows:

(1) The member's attainment of at least age sixty-seven and the completion of at least ten years of credited service; or the member's attainment of at least age fifty-five with the sum of the member's age and credited service equaling at least ninety; or, in the case of a member who is serving as a uniformed member of the highway patrol and subject to the mandatory retirement provisions of section 104.081, such member's attainment of at least age sixty or the attainment of at least age fifty-five with ten years of credited service;

(2) For members of the general assembly, the member's attainment of at least age sixty-two and the completion of at least three full biennial assemblies; or the member's attainment of at least age fifty-five with the sum of the member's age and credited service equaling at least ninety;

(3) For statewide elected officials, the official's attainment of at least age sixty-two and the completion of at least four years of credited service; or the official's attainment of at least age fifty-five with the sum of the official's age and credited service equaling at least ninety.

3. A vested former member's normal retirement eligibility shall be based on the attainment of at least age sixty-seven and the completion of at least ten years of credited service.

4. A temporary annuity paid pursuant to subsection 4 of section 104.1024 shall be payable if the member has attained at least age fifty-five with the sum of the member's age and credited service equaling at least ninety; or in the case of a member who is serving as a uniformed member of the highway patrol and subject to the mandatory retirement provisions of section 104.081, the temporary annuity shall be payable if the member has attained at least age sixty, or at least age fifty-five with ten years of credited service.

5. A member, other than a member who is serving as a uniformed member of the highway patrol and subject to the mandatory retirement provisions of section 104.081, shall be eligible for an early retirement annuity upon the attainment of at least age sixty-two and the completion of at least ten years of credited service. A vested former member shall not be eligible for early retirement.

6. The provisions of subsection 6 of section 104.1021 and section 104.344 as applied pursuant to subsection 7 of section 104.1021 and section 104.1090 shall not apply to members covered by this section.

7. The minimum credited service requirements of five years contained in sections 104.1018, 104.1030, 104.1036, and 104.1051 shall be ten years for members covered by this section. The normal and early retirement eligibility requirements in this section shall apply for purposes of administering section 104.1087.

8. A member shall be required to contribute four percent of the member's pay to the retirement system, which shall stand to the member's credit in his or her individual account with the system, together with investment credits thereon, for purposes of funding retirement benefits payable under the year 2000 plan, subject to the following provisions:

(1) The state of Missouri employer, pursuant to the provisions of 26 U.S.C. Section 414(h)(2), shall pick up and pay the contributions that would otherwise be payable by the member under this section. The contributions so picked up shall be treated as employer contributions for purposes of determining the member's pay that is includable in the member's gross income for federal income tax purposes;

(2) Member contributions picked up by the employer shall be paid from the same source of funds used for the payment of pay to a member. A deduction shall be made from each member's pay equal to the amount of the member's contributions picked up by the employer. This deduction, however, shall not reduce the member's pay for purposes of computing benefits under the retirement system pursuant to this chapter;

(3) Member contributions so picked up shall be credited to a separate account within the member's individual account so that the amounts contributed pursuant to this section may be distinguished from the amounts contributed on an after-tax basis;

(4) The contributions, although designated as employee contributions, shall be paid by the employer in lieu of the contributions by the member. The member shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the employer to the retirement system;

(5) Interest shall be credited annually on June thirtieth based on the value in the account as of July first of the immediately preceding year at a rate of four percent. Effective June 30, 2014, and each June thirtieth thereafter, the interest crediting rate shall be equal to the investment rate that is published by the United States Department of Treasury, or its successor agency, for fifty-two week treasury bills for the relevant auction that is nearest to the preceding July first, or a successor treasury bill investment rate as approved by the board if the fifty-two week treasury bill is no longer issued. Interest credits shall cease upon termination of employment if the member is not a vested former member. Otherwise, interest credits shall cease upon retirement or death;

(6) A vested former member or a former member who is not vested may request a refund of his or her contributions and interest credited thereon. If such member is married at the time of such request, such request shall not be processed without consent from the spouse. Such member is not eligible to request a refund if such member's retirement benefit is subject to a division of benefit order pursuant to section 104.1051. Such refund shall be paid by the system after ninety days from the date of termination of employment or the request, whichever is later, and shall include all contributions made to any retirement plan administered by the system and interest credited thereon. A vested former member may not request a refund after such member becomes eligible for normal retirement. A vested former member or a former member who is not vested who receives a refund shall forfeit all the member's credited service and future rights to receive benefits from the system and shall not be eligible to receive any long-term disability benefits; provided that any member or vested former member receiving long-term disability benefits shall not be eligible for a refund. If such member subsequently becomes an employee and works continuously for at least one year, the credited service previously forfeited shall be restored if the member returns to the system the amount previously refunded plus interest at a rate established by the board;

(7) The beneficiary of any member who made contributions shall receive a refund upon the member's death equal to the amount, if any, of such contributions and interest credited thereon less any retirement benefits received by the member unless an annuity is payable to a survivor or beneficiary as a result of the member's death. In that event, the beneficiary of the survivor or beneficiary who received the annuity shall receive a refund upon the survivor's or beneficiary's death equal to the amount, if any, of the member's contributions less any annuity amounts received by the member and the survivor or beneficiary.

9. The employee contribution rate, the benefits provided under the year 2000 plan to members covered under this section, and any other provision of the year 2000 plan with regard to members covered under this section may be altered, amended, increased, decreased, or repealed, but only with respect to services rendered by the member after the effective date of such alteration, amendment, increase, decrease, or repeal, or, with respect to interest credits, for periods of time after the effective date of such alteration, amendment, increase, decrease, or repeal.

10. For purposes of members covered by this section, the options under section 104.1027 shall be as follows:

Option 1. A retiree's life annuity shall be reduced to a certain percent of the annuity otherwise payable. Such percent shall be eighty-eight and one half percent adjusted as follows: if the retiree's age on the annuity starting date is younger than sixty-seven years, an increase of three-tenths of one percent for each year the retiree's age is younger than age sixty-seven years; and if the beneficiary's age is younger than the retiree's age on the annuity starting date, a decrease of three-tenths of one percent for each year of age difference; and if the retiree's age is younger than the beneficiary's age on the annuity starting date, an increase of three-tenths of one percent for each year of age difference; provided, after all adjustments the option 1 percent cannot exceed ninety-four and one quarter percent. Upon the retiree's death, fifty percent of the retiree's reduced annuity shall be paid to such beneficiary who was the retiree's spouse on the annuity starting date or as otherwise provided by subsection 5 of this section.

Option 2. A retiree's life annuity shall be reduced to a certain percent of the annuity otherwise payable. Such percent shall be eighty-one percent adjusted as follows: if the retiree's age on the annuity starting date is younger than sixty-seven years, an increase of four-tenths of one percent for each year the retiree's age is younger than sixty-seven years; and if the beneficiary's age is younger than the retiree's age on the annuity starting date, a decrease of five-tenths of one percent for each year of age difference; and if the retiree's age is younger than the beneficiary's age on the annuity starting date, an increase of five-tenths of one percent for each year of age difference; provided, after all adjustments the option 2 percent cannot exceed eighty-seven and three quarter percent. Upon the retiree's death one hundred percent of the retiree's reduced annuity shall be paid to such beneficiary who was the retiree's spouse on the annuity starting date or as otherwise provided by subsection 5 of this section.

Option 3. A retiree's life annuity shall be reduced to ninety-three percent of the annuity otherwise payable. If the retiree dies before having received one hundred twenty monthly payments, the reduced annuity shall be continued for the remainder of the one hundred twenty-month period to the retiree's designated beneficiary provided that if there

is no beneficiary surviving the retiree, the present value of the remaining annuity payments shall be paid as provided under subsection 3 of section 104.620. If the beneficiary survives the retiree but dies before receiving the remainder of such one hundred twenty monthly payments, the present value of the remaining annuity payments shall be paid as provided under subsection 3 of section 104.620.

Option 4. A retiree's life annuity shall be reduced to eighty-six percent of the annuity otherwise payable. If the retiree dies before having received one hundred eighty monthly payments, the reduced annuity shall be continued for the remainder of the one hundred eighty-month period to the retiree's designated beneficiary provided that if there is no beneficiary surviving the retiree, the present value of the remaining annuity payments shall be paid as provided under subsection 3 of section 104.620. If the beneficiary survives the retiree but dies before receiving the remainder of such one hundred eighty monthly payments, the present value of the remaining annuity payments shall be paid as provided under subsection 3 of section 104.620.

11. The provisions of subsection 6 of section 104.1024 shall not apply to members covered by this section."; and

Further amend said bill, Page 18, Section 476.057, Line 29, by inserting after all of said line the following:

"476.521. 1. Notwithstanding any provision of chapter 476 to the contrary, each person who **has never been an employee as defined in section 104.010 or 104.1003 prior to January 1, 2011 and who** first becomes a judge on or after January 1, 2011, and continues to be a judge may receive benefits as provided in sections 476.445 to 476.688 subject to the provisions of this section. **Any judge who was an employee as defined in section 104.010 or 104.1003 prior to January 1, 2011 shall receive a refund of his or her contributions made under this section.**

2. Any person who is at least sixty-seven years of age, has served in this state an aggregate of at least twelve years, continuously or otherwise, as a judge, and ceases to hold office by reason of the expiration of the judge's term, voluntary resignation, or retirement pursuant to the provisions of subsection 2 of section 24 of article V of the Constitution of Missouri may receive benefits as provided in sections 476.515 to 476.565. The twelve-year requirement of this subsection may be fulfilled by service as judge in any of the courts covered, or by service in any combination as judge of such courts, totaling an aggregate of twelve years. Any judge who is at least sixty-seven years of age and who has served less than twelve years and is otherwise qualified under sections 476.515 to 476.565 may retire after reaching age sixty-seven, or thereafter, at a reduced retirement compensation in a sum equal to the proportion of the retirement compensation provided in section 476.530 that his or her period of judicial service bears to twelve years.

3. Any person who is at least sixty-two years of age or older, has served in this state an aggregate of at least twenty years, continuously or otherwise, as a judge, and ceases to hold office by reason of the expiration of the judge's term, voluntary resignation, or retirement pursuant to the provisions of subsection 2 of section 24 of article V of the Constitution of Missouri may receive benefits as provided in sections 476.515 to 476.565. The twenty-year requirement of this subsection may be fulfilled by service as a judge in any of the courts covered, or by service in any combination as judge of such courts, totaling an aggregate of twenty years. Any judge who is at least sixty-two years of age and who has served less than twenty years and is otherwise qualified under sections 476.515 to 476.565 may retire after reaching age sixty-two, at a reduced retirement compensation in a sum equal to the proportion of the retirement compensation provided in section 476.530 that his or her period of judicial service bears to twenty years.

4. All judges under this section required by the provisions of section 26 of article V of the Constitution of Missouri to retire at the age of seventy years shall retire upon reaching that age.

5. The provisions of sections 104.344, 476.524, and 476.690 shall not apply to judges covered by this section.

6. A judge shall be required to contribute four percent of the judge's compensation to the retirement system, which shall stand to the judge's credit in his or her individual account with the system, together with investment credits thereon, for purposes of funding retirement benefits payable as provided in sections 476.515 to 476.565, subject to the following provisions:

(1) The state of Missouri employer, pursuant to the provisions of 26 U.S.C. Section 414(h)(2), shall pick up and pay the contributions that would otherwise be payable by the judge under this section. The contributions so picked up shall be treated as employer contributions for purposes of determining the judge's compensation that is includable in the judge's gross income for federal income tax purposes;

(2) Judge contributions picked up by the employer shall be paid from the same source of funds used for the payment of compensation to a judge. A deduction shall be made from each judge's compensation equal to the amount of the judge's contributions picked up by the employer. This deduction, however, shall not reduce the judge's compensation for purposes of computing benefits under the retirement system pursuant to this chapter;

(3) Judge contributions so picked up shall be credited to a separate account within the judge's individual account so that the amounts contributed pursuant to this section may be distinguished from the amounts contributed on an after-tax basis;

(4) The contributions, although designated as employee contributions, are being paid by the employer in lieu of the contributions by the judge. The judge shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the employer to the retirement system;

(5) Interest shall be credited annually on June thirtieth based on the value in the account as of July first of the immediately preceding year at a rate of four percent. Interest credits shall cease upon retirement of the judge;

(6) A judge whose employment is terminated may request a refund of his or her contributions and interest credited thereon. If such judge is married at the time of such request, such request shall not be processed without consent from the spouse. A judge is not eligible to request a refund if the judge's retirement benefit is subject to a division of benefit order pursuant to section 104.312. Such refund shall be paid by the system after ninety days from the date of termination of employment or the request, whichever is later and shall include all contributions made to any retirement plan administered by the system and interest credited thereon. A judge may not request a refund after such judge becomes eligible for retirement benefits under sections 476.515 to 476.565. A judge who receives a refund shall forfeit all the judge's service and future rights to receive benefits from the system and shall not be eligible to receive any long-term disability benefits; provided that any judge or former judge receiving long-term disability benefits shall not be eligible for a refund. If such judge subsequently becomes a judge and works continuously for at least one year, the service previously forfeited shall be restored if the judge returns to the system the amount previously refunded plus interest at a rate established by the board;

(7) The beneficiary of any judge who made contributions shall receive a refund upon the judge's death equal to the amount, if any, of such contributions less any retirement benefits received by the judge unless an annuity is payable to a survivor or beneficiary as a result of the judge's death. In that event, the beneficiary of the survivor or beneficiary who received the annuity shall receive a refund upon the survivor's or beneficiary's death equal to the amount, if any, of the judge's contributions less any annuity amounts received by the judge and the survivor or beneficiary.

7. The employee contribution rate, the benefits provided under sections 476.515 to 476.565 to judges covered under this section, and any other provision of sections 476.515 to 476.565 with regard to judges covered under this section may be altered, amended, increased, decreased, or repealed, but only with respect to services rendered by the judge after the effective date of such alteration, amendment, increase, decrease, or repeal, or, with respect to interest credits, for periods of time after the effective date of such alteration, amendment, increase, decrease, or repeal.

8. Any judge who is receiving retirement compensation under section 476.529 or 476.530 who becomes employed as an employee eligible to participate in the closed plan or in the year 2000 plan under chapter 104, shall not receive such retirement compensation for any calendar month in which the retired judge is so employed. Any judge who is receiving retirement compensation under section 476.529 or section 476.530 who subsequently serves as a judge as defined pursuant to subdivision (4) of subsection 1 of section 476.515 shall not receive such retirement compensation for any calendar month in which the retired judge is serving as a judge; except that upon retirement such judge's annuity shall be recalculated to include any additional service or salary accrued based on the judge's subsequent service. A judge who is receiving compensation under section 476.529 or 476.530 may continue to receive such retirement compensation while serving as a senior judge or senior commissioner and shall receive additional credit and salary for such service pursuant to section 476.682."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Lichtenegger moved that **House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 072

Allen	Barnes	Black	Burns	Butler
Carpenter	Colona	Conway 10	Cookson	Cox
Crawford	Diehl	Dohrman	Dunn	Ellinger
Ellington	Englund	Entlicher	Fitzpatrick	Flanigan
Fraker	Frame	Funderburk	Gardner	Gosen

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Guernsey	Harris	Hodges	Hubbard	Hummel
Kelly 45	Kirkton	Kratky	LaFaver	Lant
Lichtenegger	Love	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Pace	Peters	Richardson	Rizzo
Roorda	Ross	Rowland	Scharnhorst	Schatz
Schieffer	Schupp	Smith 85	Smith 120	Solon
Stream	Swan	Swearingen	Walker	Walton Gray
Wright	Mr Speaker			

NOES: 079

Anders	Anderson	Austin	Bahr	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cross	Curtis	Curtman	Davis
Dugger	Elmer	Engler	English	Fitzwater
Fowler	Frederick	Gannon	Gatschenberger	Grisamore
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hoskins	Hough	Houghton	Hurst
Johnson	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lauer	Leara	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller
Molendorp	Moon	Morris	Muntzel	Neely
Neth	Otto	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rowden	Runions	Schieber	Shull
Shumake	Semmer	Spencer	Thomson	Torpey
White	Wilson	Wood	Zerr	

PRESENT: 002

Cornejo	Justus
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ABSENT WITH LEAVE: 010

Franklin	Hinson	Jones 50	Mims	Pierson
Rhoads	Riddle	Webb	Webber	Wieland

Representative Solon offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Committee Substitute for Senate Bill No. 100, Page 19, Section 478.320, Line 32, by inserting after all of said line the following:

"478.1100. 1. Sections 478.1100 to 478.1120 shall be known and may be cited as the "Veterans Treatment Intervention Act".

2. For purposes of sections 478.1100 to 478.1120, the following terms shall mean:

(1) "Servicemember", any person serving as a member of the United States Armed Forces on active duty or state active duty and all members of the Missouri National Guard and United States Reserve Forces;

(2) "Veteran", any person defined as a veteran by the United States Department of Veterans Affairs or its successor agency.

478.1105. The presiding judge of any judicial circuit or a combination of circuit courts, upon agreement of the presiding judges of such circuit courts, in this state may establish a "Military Veterans and Servicemembers Court Program" under which veterans and servicemembers who suffer from a military-related mental illness,

traumatic brain injury, substance abuse disorder, or psychological problem may be sentenced in a manner that appropriately addresses the severity of the mental illness, traumatic brain injury, substance abuse disorder, or psychological problem through services tailored to the individual needs of the participant. Entry into any military veterans and servicemembers court program shall be based upon the sentencing court's assessment of the defendant's criminal history, military service, substance abuse treatment needs, mental health treatment needs, amenability to the services of the program, the recommendation of the prosecuting attorney and the victim, if any, and the defendant's agreement to enter the program.

478.1110. 1. Any person who is charged with a felony, other than a felony listed in subsection 2 of this section, identified as a veteran or servicemember who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem is eligible for admission into a veterans' treatment intervention program approved by the presiding judge of the circuit upon motion of either party or the court's own motion, except:

(1) If a defendant was previously offered admission to a veterans' treatment intervention program at any time before trial and the defendant rejected such offer on the record, the court may deny the defendant's admission to such a program;

(2) If a defendant previously entered a court-ordered veterans' treatment program, the court may deny the defendant's admission into the veterans' treatment program.

In order to maintain compliance with federal law, nothing in sections 478.1100 to 478.1120 shall apply to any offense committed by a holder of a commercial driver's license or any person operating a commercial motor vehicle when the offense was committed, if the provisions of sections 478.1100 to 478.1120 as applied to such offenses results in this state's failure to comply with applicable federal laws and regulations.

2. Any person charged with the following felonies, including attempt of such felonies, shall not be eligible for admission into a veterans' treatment intervention program under sections 478.1100 to 478.1120:

- (1) Murder or manslaughter under chapter 565;
- (2) Kidnapping or false imprisonment under chapter 565;
- (3) Aggravated assault under chapter 565;
- (4) Stalking under chapter 565;
- (5) Elder abuse under chapter 565;
- (6) Sexual offenses under chapter 566;
- (7) Offenses against the family under chapter 568;
- (8) Robbery or burglary under chapter 569;
- (9) Arson under chapter 569;
- (10) Water contamination under chapter 569;
- (11) Child pornography under chapter 573;
- (12) Treason; and

(13) Any offense committed in another jurisdiction which would be a felony offense listed in this subsection if committed in this state.

3. (1) While enrolled in an intervention program authorized by this section, the participant shall be subject to a coordinated strategy developed by a veterans' treatment intervention team. The coordinated strategy shall be modeled after the therapeutic jurisprudence principles and key components listed in subdivision (2) of this subsection, with treatment specific to the needs of veterans and servicemembers. The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but not be limited to, placement in a treatment program offered by a licensed service provider or in a jail-based treatment program. The coordinated strategy shall be provided in writing to the participant before the participant agrees to enter into a veterans' treatment intervention program or other intervention program. Any person whose charges are dismissed after successful completion of the veterans' treatment intervention program, if otherwise eligible, may have his or her arrest record of the dismissed charges expunged under chapter 610.

(2) The treatment program shall include:

- (a) Integrate alcohol and other drug treatment services with justice system case processing;
- (b) Use a nonadversarial approach in which prosecution and defense counsel promote public safety while protecting participants' due process rights;
- (c) Eligible participants are identified early and promptly placed in the treatment program;

(d) The treatment program provides access to a continuum of alcohol, drug, and other related treatment and rehabilitation services;

(e) Abstinence is monitored by frequent and random testing for alcohol and other drugs;

(f) A coordinated strategy governs treatment program responses to participants' compliance;

(g) Ongoing judicial interaction with each treatment program participant is essential;

(h) Monitoring and evaluation measure the achievement of program goals and gauge treatment program effectiveness;

(i) Continuing interdisciplinary education promotes effective treatment program planning, implementation, and operations;

(j) Forging partnerships among treatment programs, public agencies, and community-based organizations generates local support and enhances treatment program effectiveness.

4. At the end of the intervention period, the court shall consider the recommendation of the treatment program and the recommendation of the prosecuting attorney as to disposition of the pending charges. The court shall determine, by written finding, whether the defendant has successfully completed the intervention program. If the court finds that the defendant has not successfully completed the intervention program, the court may order the person to continue in education and treatment, which may include treatment programs offered by licensed service providers or jail-based treatment programs, or order that the charges revert to normal channels for prosecution. The court shall dismiss the charges upon a finding that the defendant has successfully completed the intervention program.

478.1115. 1. Any veteran or servicemember who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, and who is charged with a misdemeanor is eligible for admission into a veterans' treatment intervention program approved by the presiding judge of the circuit for a period based on the program's requirements and the treatment plan for the offender, upon motion of either party or the court's own motion. However, the court may deny the defendant admission into a veterans' treatment intervention program if the defendant has previously entered a court-ordered veterans' treatment program.

2. While enrolled in an intervention program authorized by this section, the participant shall be subject to a coordinated strategy developed by a veterans' treatment intervention team. The coordinated strategy shall be modeled after the therapeutic jurisprudence principles and key components in subdivision (2) of subsection 3 of section 478.1110, with treatment specific to the needs of veterans and servicemembers. The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but not be limited to, placement in a treatment program offered by a licensed service provider or in a jail-based treatment program. The coordinated strategy shall be provided in writing to the participant before the participant agrees to enter into a veterans' treatment intervention program. Any person whose charges are dismissed after successful completion of the veterans' treatment intervention program, if otherwise eligible, may have his or her arrest record of the dismissed charges expunged under chapter 610.

3. At the end of the intervention period, the court shall consider the recommendation of the treatment program and the recommendation of the prosecuting attorney as to disposition of the pending charges. The court shall determine, by written finding, whether the defendant successfully completed the intervention program. Notwithstanding the coordinated strategy developed by a team under subdivision (2) of subsection 2 of section 478.1110 or by the veterans' treatment intervention team, if the court finds that the defendant has not successfully completed the intervention program, the court may order the person to continue in education and treatment or return the charges to the criminal docket for prosecution. The court shall dismiss the charges upon finding that the defendant has successfully completed the intervention program.

4. Any public or private entity providing a substance abuse education and treatment program under this section shall contract with the county or appropriate governmental entity. Except for services provided by the United States Department of Veterans Affairs, the terms of the contract shall include, but not be limited to, the following requirements:

(1) The extent of the services to be rendered by the entity providing supervision or rehabilitation;

(2) Staff qualifications and criminal record checks of staff in accordance with essential standards established by the American Correctional Association;

(3) Staffing levels;

(4) The number of face-to-face contacts with the offender;

(5) Procedures for handling the collection of all offender fees and restitution;

(6) Procedures for handling indigent offenders which ensure placement irrespective of ability to pay;
(7) Circumstances under which revocation of an offender's probation may be recommended;
(8) Reporting and record-keeping requirements;
(9) Default and contract termination procedures;
(10) Procedures that aid offenders with job assistance; and
(11) Procedures for accessing criminal history records of probationers. In addition, the entity shall supply the presiding judge's office with a quarterly report summarizing the number of offenders supervised by the private entity, payment of the required contribution under supervision or rehabilitation, and the number of offenders for whom supervision or rehabilitation will be terminated. All records of the entity shall be open to inspection upon the request of the county, the court, the state auditor, and the office of administration, or agents thereof.

478.1120. For a person on probation who is a veteran or servicemember who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, the court may, in addition to any other conditions imposed, impose a condition requiring the probationer to participate in a treatment program capable of treating the probationer's mental illness, traumatic brain injury, substance abuse disorder, or psychological problem. The court shall give preference to treatment programs for which the probationer is eligible through the United States Department of Veterans Affairs. The department of corrections is not required to spend state funds to implement this subsection."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Solon, **House Amendment No. 3** was adopted.

Representative Shull offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for Senate Bill No. 100, Page 5, Section 57.095, Line 5, by inserting after all of said section and line the following:

"313.817. 1. Except as permitted in this section, the licensee licensed to operate gambling games shall permit no form of wagering on gambling games.

2. The licensee may receive wagers only from a person present on a licensed excursion gambling boat.

3. Wagering shall not be conducted with money or other negotiable currency. The licensee shall exchange the money of each wagerer for electronic or physical tokens, chips, or other forms of credit to be wagered on the gambling games. The licensee shall exchange the tokens, chips, or other forms of wagering credit for money at the request of the wagerer.

4. A person under twenty-one years of age shall not make a wager on an excursion gambling boat and shall not be allowed in the area of the excursion boat where gambling is being conducted; provided that employees of the licensed operator of the excursion gambling boat who have attained eighteen years of age shall be permitted in the area in which gambling is being conducted when performing employment-related duties, except that no one under twenty-one years of age may be employed as a dealer or accept a wager on an excursion gambling boat. The governing body of a home dock city or county may restrict the age of entrance onto an excursion gambling boat by passage of a local ordinance.

5. In order to help protect patrons from invasion of privacy and the possibility of identity theft, patrons shall not be required to provide fingerprints, retinal scans, biometric forms of identification, any type of patron-tracking cards, or other types of identification prior to being permitted to enter the area where gambling is being conducted on an excursion gambling boat or to make a wager, except that, for purposes of establishing that a patron is at least twenty-one years of age as provided in subsection 4 above, a licensee operating an excursion gambling boat shall be authorized to request such patron to provide a valid state or federal photo identification or a valid passport. This section shall not prohibit enforcement of identification requirements that are required by federal law. This section shall not prohibit enforcement of any Missouri statute requiring identification of patrons for reasons other than being permitted to enter the area of an excursion gambling boat where gambling is being conducted or to make a wager.

6. A licensee shall only allow wagering and conduct gambling games at the times allowed by the commission.

7. It shall be unlawful for a person **twenty-one years of age or older** to present false identification to a licensee or a gaming agent in order to gain entrance to an excursion gambling boat, cash a check or verify that such person is legally entitled to be present on the excursion gambling boat. Any person who violates the provisions of this subsection shall be guilty of a class B misdemeanor for the first offense and a class A misdemeanor for second and subsequent offenses.

8. It shall be unlawful for a person under twenty-one years of age to present false identification to a licensee or a gaming agent in order to gain entrance to an excursion gambling boat, cash a check or verify that such person is legally entitled to be present on the excursion gambling boat. Any person who violates the provisions of this subsection shall be fined five hundred dollars and guilty of an infraction for the first offense and a class B misdemeanor for second and subsequent offenses."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Shull, **House Amendment No. 4** was adopted.

Representative Cornejo offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Committee Substitute for Senate Bill No. 100, Page 18, Section 478.007, Lines 1-23, by deleting all of said section and lines and inserting in lieu thereof the following:

"478.007. 1. Any circuit court, or any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants with a county municipal court established under section 66.010, may establish a docket or court to provide an alternative for the judicial system to dispose of cases in which a person has pleaded guilty to driving while intoxicated or driving with excessive blood alcohol content and:

(1) The person was operating a motor vehicle with at least fifteen-hundredths of one percent or more by weight of alcohol in such person's blood; or

(2) The person has previously pleaded guilty to or has been found guilty of one or more intoxication-related traffic offenses as defined by section 577.023; or

(3) The person has two or more previous alcohol-related enforcement contacts as defined in section 302.525.

2. This docket or court shall combine judicial supervision, drug testing, continuous alcohol monitoring, substance abuse traffic offender program compliance, and treatment of DWI court participants. The court may assess any and all necessary costs for participation in DWI court against the participant. Any money received from such assessed costs by a court from a defendant shall not be considered court costs, charges, or fines. This docket or court may operate in conjunction with a drug court established pursuant to sections 478.001 to 478.006.

3. If the division of probation and parole is otherwise unavailable to assist in the judicial supervision of any person who wishes to enter a DWI court, a court-approved private probation service may be utilized by the DWI court to fill the department's role. In such case, any and all necessary additional costs may be assessed against the participant. No person shall be rejected from participating in DWI court solely for the reason that the person does not reside in the city or county where the applicable DWI court is located but the DWI court can base acceptance into a treatment court program on its ability to adequately provide services for the person or handle the additional caseload."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Cornejo, **House Amendment No. 5** was adopted.

Representative Mayfield offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Committee Substitute for Senate Bill No. 100, Page 7, Section 443.375, Line 37, by inserting after all of said section and line the following:

"452.375. 1. As used in this chapter, unless the context clearly indicates otherwise:

(1) **"Coerce" means to force a person to act in a given manner or to compel by pressure or threat;**

(2) "Custody" means joint legal custody, sole legal custody, joint physical custody or sole physical custody or any combination thereof;

[(2)] (3) "Joint legal custody" means that the parents share the decision-making rights, responsibilities, and authority relating to the health, education and welfare of the child, and, unless allocated, apportioned, or decreed, the parents shall confer with one another in the exercise of decision-making rights, responsibilities, and authority;

[(3)] (4) "Joint physical custody" means an order awarding each of the parents significant, but not necessarily equal, periods of time during which a child resides with or is under the care and supervision of each of the parents. Joint physical custody shall be shared by the parents in such a way as to assure the child of frequent, continuing and meaningful contact with both parents;

[(4)] (5) "Third-party custody" means a third party designated as a legal and physical custodian pursuant to subdivision (5) of subsection 5 of this section.

2. The court shall determine custody in accordance with the best interests of the child. The court shall consider all relevant factors including:

(1) The wishes of the child's parents as to custody and the proposed parenting plan submitted by both parties;

(2) The needs of the child for a frequent, continuing and meaningful relationship with both parents and the ability and willingness of parents to actively perform their functions as mother and father for the needs of the child;

(3) The interaction and interrelationship of the child with parents, siblings, and any other person who may significantly affect the child's best interests;

(4) Which parent is more likely to allow the child frequent, continuing and meaningful contact with the other parent;

(5) The child's adjustment to the child's home, school, and community;

(6) The mental and physical health of all individuals involved, including any history of abuse of any individuals involved. If the court finds that a pattern of domestic violence as defined in section 455.010 has occurred, and, if the court also finds that awarding custody to the abusive parent is in the best interest of the child, then the court shall enter written findings of fact and conclusions of law. Custody and visitation rights shall be ordered in a manner that best protects the child and any other child or children for whom the parent has custodial or visitation rights, and the parent or other family or household member who is the victim of domestic violence from any further harm;

(7) The intention of either parent to relocate the principal residence of the child; and

(8) The wishes of a child as to the child's custodian. The fact that a parent sends his or her child or children to a home school, as defined in section 167.031, shall not be the sole factor that a court considers in determining custody of such child or children.

3. (1) In any court proceedings relating to custody of a child, the court shall not award custody or unsupervised visitation of a child to a parent if such parent or any person residing with such parent has been found guilty of, or pled guilty to, any of the following offenses when a child was the victim:

(a) A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064, 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206, 566.209, 566.212, or 566.215;

(b) A violation of section 568.020;

(c) A violation of subdivision (2) of subsection 1 of section 568.060;

(d) A violation of section 568.065;

(e) A violation of section 568.080;

(f) A violation of section 568.090; or

(g) A violation of section 568.175.

(2) For all other violations of offenses in chapters 566 and 568 not specifically listed in subdivision (1) of this subsection or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri, the court may exercise its discretion in awarding custody or visitation of a child to a parent if such parent or any person residing with such parent has been found guilty of, or pled guilty to, any such offense.

4. The general assembly finds and declares that it is the public policy of this state that frequent, continuing and meaningful contact with both parents after the parents have separated or dissolved their marriage is in the best interest

of the child, except for cases where the court specifically finds that such contact is not in the best interest of the child, and that it is the public policy of this state to encourage parents to participate in decisions affecting the health, education and welfare of their children, and to resolve disputes involving their children amicably through alternative dispute resolution. In order to effectuate these policies, the court shall determine the custody arrangement which will best assure both parents participate in such decisions and have frequent, continuing and meaningful contact with their children so long as it is in the best interests of the child.

5. Prior to awarding the appropriate custody arrangement in the best interest of the child, the court shall consider each of the following as follows:

(1) Joint physical and joint legal custody to both parents, which shall not be denied solely for the reason that one parent opposes a joint physical and joint legal custody award. The residence of one of the parents shall be designated as the address of the child for mailing and educational purposes;

(2) Joint physical custody with one party granted sole legal custody. The residence of one of the parents shall be designated as the address of the child for mailing and educational purposes;

(3) Joint legal custody with one party granted sole physical custody;

(4) Sole custody to either parent; or

(5) Third-party custody or visitation:

(a) When the court finds that each parent is unfit, unsuitable, or unable to be a custodian, or the welfare of the child requires, and it is in the best interests of the child, then custody, temporary custody or visitation may be awarded to any other person or persons deemed by the court to be suitable and able to provide an adequate and stable environment for the child. Before the court awards custody, temporary custody or visitation to a third person under this subdivision, the court shall make that person a party to the action;

(b) Under the provisions of this subsection, any person may petition the court to intervene as a party in interest at any time as provided by supreme court rule.

6. If the parties have not agreed to a custodial arrangement, or the court determines such arrangement is not in the best interest of the child, the court shall include a written finding in the judgment or order based on the public policy in subsection 4 of this section and each of the factors listed in subdivisions (1) to (8) of subsection 2 of this section detailing the specific relevant factors that made a particular arrangement in the best interest of the child. If a proposed custodial arrangement is rejected by the court, the court shall include a written finding in the judgment or order detailing the specific relevant factors resulting in the rejection of such arrangement.

7. Upon a finding by the court that either parent has refused to exchange information with the other parent, which shall include but not be limited to information concerning the health, education and welfare of the child, the court shall order the parent to comply immediately and to pay the prevailing party a sum equal to the prevailing party's cost associated with obtaining the requested information, which shall include but not be limited to reasonable attorney's fees and court costs.

8. As between the parents of a child, no preference may be given to either parent in the awarding of custody because of that parent's age, sex, or financial status, nor because of the age or sex of the child.

9. Any judgment providing for custody shall include a specific written parenting plan setting forth the terms of such parenting plan arrangements specified in subsection 7 of section 452.310. Such plan may be a parenting plan submitted by the parties pursuant to section 452.310 or, in the absence thereof, a plan determined by the court, but in all cases, the custody plan approved and ordered by the court shall be in the court's discretion and shall be in the best interest of the child.

10. Unless a parent has been denied custody rights pursuant to this section or visitation rights under section 452.400, both parents shall have access to records and information pertaining to a minor child, including, but not limited to, medical, dental, and school records. If the parent without custody has been granted restricted or supervised visitation because the court has found that the parent with custody or any child has been the victim of domestic violence, as defined in section 455.010, by the parent without custody, the court may order that the reports and records made available pursuant to this subsection not include the address of the parent with custody or the child. Unless a parent has been denied custody rights pursuant to this section or visitation rights under section 452.400, any judgment of dissolution or other applicable court order shall specifically allow both parents access to such records and reports.

11. Except as otherwise precluded by state or federal law, if any individual, professional, public or private institution or organization denies access or fails to provide or disclose any and all records and information, including, but not limited to, past and present dental, medical and school records pertaining to a minor child, to either parent upon the written request of such parent, the court shall, upon its finding that the individual, professional, public or private institution or organization denied such request without good cause, order that party to comply immediately with such request and to pay to the prevailing party all costs incurred, including, but not limited to, attorney's fees and court costs associated with obtaining the requested information.

12. An award of joint custody does not preclude an award of child support pursuant to section 452.340 and applicable supreme court rules. The court shall consider the factors contained in section 452.340 and applicable supreme court rules in determining an amount reasonable or necessary for the support of the child.

13. If the court finds that domestic violence or abuse, as defined in section 455.010 has occurred, the court shall make specific findings of fact to show that the custody or visitation arrangement ordered by the court best protects the child and the parent or other family or household member who is the victim of domestic violence, as defined in section 455.010, and any other children for whom such parent has custodial or visitation rights from any further harm.

14. If the court finds that a parent of a child, while the child was unborn, attempted to coerce the mother of the child to obtain an abortion, the court may deny custody to the parent."; and

Further amend said bill, Page 7, Section 452.400, Line 26, by inserting after all of said line the following:

"(c) The court may exercise its discretion in granting visitation to a parent not granted custody if such parent, while the child was unborn, attempted to coerce the mother of the child to obtain an abortion."; and

Further amend said section, Page 11, Line 150, by inserting after all of said line the following:

"453.015. As used in sections 453.010 to 453.400, the following terms mean:

(1) **"Coerce" means to force a person to act in a given manner or to compel by pressure or threat;**

(2) "Minor" or "child", any person who has not attained the age of eighteen years or any person in the custody of the division of family services who has not attained the age of twenty-one;

[(2)] (3) "Parent", a birth parent or parents of a child, including the putative father of the child, as well as the husband of a birth mother at the time the child was conceived, or a parent or parents of a child by adoption. The putative father shall have no legal relationship unless he has acknowledged the child as his own by affirmatively asserting his paternity;

[(3)] (4) "Putative father", the alleged or presumed father of a child including a person who has filed a notice of intent to claim paternity with the putative father registry established in section 192.016 and a person who has filed a voluntary acknowledgment of paternity pursuant to section 193.087; and

[(4)] (5) "Stepparent", the spouse of a biological or adoptive parent. The term does not include the state if the child is a ward of the state. The term does not include a person whose parental rights have been terminated."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Mayfield, **House Amendment No. 6** was adopted.

Representative McManus offered **House Amendment No. 7**.

House Amendment No. 7

AMEND House Committee Substitute for Senate Bill No. 100, Page 20, Section 488.426, Line 20, by inserting after all of said line the following:

"488.2230. 1. In addition to all other court costs for municipal ordinance violations, any home rule city with more than four hundred thousand inhabitants and located in more than one county may provide for additional court costs in an amount up to seven dollars per case for each municipal ordinance violation case, except that no such additional cost shall be collected in any proceeding involving a violation of an ordinance when the proceeding or defendant has been dismissed by the court.

2. The judge may waive the assessment of the cost in those cases where the defendant is found by the judge to be indigent and unable to pay the costs.

3. Such cost shall be calculated by the clerk and disbursed to the city at least monthly. The city shall use such additional costs exclusively to fund special mental health, drug, and veterans courts, including indigent defense and ancillary services associated with such specialized courts."; and

Further amend said title, enacting clause and intersectional references accordingly.

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On motion of Representative McManus, **House Amendment No. 7** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 094

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Dohrman
Dugger	Engler	Entlicher	Fitzwater	Flanigan
Fowler	Fraker	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hansen	Hicks	Higdon	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	McCaherty	McGaugh	Messenger	Miller
Molendorp	Moon	Morris	Neely	Neth
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Smith 120	Solon	Sommer
Spencer	Swan	Thomson	Torpey	Walker
White	Wood	Zerr	Mr Speaker	

NOES: 047

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hummel	Kelly 45	Kirkton
Kratky	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 022

Diehl	Elmer	Fitzpatrick	Franklin	Frederick
Hampton	Hinson	Hubbard	Justus	LaFaver
Marshall	Mims	Muntzel	Parkinson	Pierson
Rhoads	Shumake	Stream	Webb	Webber
Wieland	Wilson			

On motion of Representative Cox, **HCS SB 100, as amended**, was adopted.

On motion of Representative Cox, **HCS SB 100, as amended**, was read the third time and passed by the following vote:

AYES: 097

Allen	Anders	Anderson	Austin	Bernskoetter
Berry	Brown	Burlison	Cierpiot	Conway 104
Cookson	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haefner	Hampton
Hansen	Hicks	Hodges	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Kratky
Lair	Lant	Lauer	Leara	Love
Lynch	Mayfield	McCaherty	McGaugh	McManus
Meredith	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Pfautsch
Phillips	Pike	Redmon	Rehder	Reiboldt
Remole	Richardson	Riddle	Ross	Rowland
Scharnhorst	Schatz	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Wilson
Wood	Mr Speaker			

NOES: 052

Bahr	Barnes	Black	Brattin	Burns
Butler	Carpenter	Colona	Cornejo	Curtis
Dunn	Ellinger	Ellington	English	Englund
Frame	Gardner	Haahr	Harris	Higdon
Hubbard	Hummel	Kirkton	Korman	LaFaver
Marshall	McCann Beatty	McDonald	McKenna	McNeil
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pogue
Rizzo	Roorda	Rowden	Runions	Schieber
Schieffer	Schupp	Smith 85	Walton Gray	Webber
White	Wright			

PRESENT: 001

Conway 10

ABSENT WITH LEAVE: 013

Franklin	Frederick	Hinson	Kelly 45	Lichtenegger
May	Mims	Parkinson	Pierson	Rhoads
Webb	Wieland	Zerr		

Speaker Jones declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 133

Allen	Anders	Anderson	Austin	Bahr
Barnes	Berry	Black	Brattin	Brown
Burlison	Burns	Carpenter	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Dunn	Ellinger	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hodges	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Mayfield	McCaherty	McCann Beatty	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mitten	Molendorp	Moon	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Peters	Pfautsch	Phillips	Pike
Redmon	Rehder	Reiboldt	Remole	Richardson
Riddle	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieffer	Schupp
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Webber	White	Wilson
Wood	Wright	Mr Speaker		

NOES: 014

Butler	Curtis	Ellington	Gardner	Marshall
McDonald	Montecillo	Otto	Pace	Pogue
Rizzo	Schieber	Smith 85	Walton Gray	

PRESENT: 000

ABSENT WITH LEAVE: 016

Bernskoetter	Crawford	Franklin	Frederick	Guernsey
Hinson	Hoskins	LaFaver	May	Mims
Parkinson	Pierson	Rhoads	Webb	Wieland
Zerr				

HCS SB 12, relating to judicial procedures, was taken up by Representative Jones (50).

Representative Barnes offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 12, Page 4, Section 537.865, Lines 1-6, by deleting all of said section and lines from the bill; and

Further amend said bill, Sections 600.042, 600.044, 600.052, 600.053, 600.090, Section B and Section C, Pages 8-14, by deleting all of said sections from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Barnes, **House Amendment No. 1** was adopted.

Representative Haahr offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for Senate Bill No. 12, Page 14, Section 600.090, Line 70, by inserting after all of said section and line the following:

"Section 1. 1. The department of mental health shall develop guidelines for the screening and assessment of persons receiving services from the department or its contracted, licensed, certified, or funded providers that address the interaction between physical and mental health to ensure that all potential causes of changes in behavior or mental status caused by or associated with a medical condition are assessed. Such guidelines shall be issued by the department to its contracted, licensed, certified, and funded providers.

2. The department of mental health shall develop training that addresses appropriate assessment of behavior or mental status changes in persons receiving services from the department or its contracted, licensed, certified, or funded providers. Such training shall be made available by the department to its contracted, licensed, certified, or funded providers.

3. The provisions of this section shall not apply to long-term care facilities licensed under chapter 198 or hospitals licensed under chapter 197."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Haahr, **House Amendment No. 2** was adopted.

Representative Cornejo offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for Senate Bill No. 12, Page 14, Section 600.090, Line 70, by inserting after all of said section and line, the following:

"631.165. If the head of the alcohol or drug abuse facility finds that a person who is detained for treatment and rehabilitation is presenting a likelihood of serious harm as a result of mental disorder other than alcohol or drug abuse, or both, or is gravely disabled, the head of the facility shall arrange for the transfer of the person to a mental health facility through a mental health coordinator, or through a licensed physician, registered professional nurse, qualified counselor or mental health professional designated by the mental health facility. The person may be detained for up to ninety-six hours for evaluation and treatment, under the procedures of sections 632.310, 632.315, 632.320 and 632.325, before filing a petition for further detention under sections 632.330 and 632.335.

632.005. As used in chapter 631 and this chapter, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Comprehensive psychiatric services", any one, or any combination of two or more, of the following services to persons affected by mental disorders other than intellectual disabilities or developmental disabilities:

inpatient, outpatient, day program or other partial hospitalization, emergency, diagnostic, treatment, liaison, follow-up, consultation, education, rehabilitation, prevention, screening, transitional living, medical prevention and treatment for alcohol abuse, and medical prevention and treatment for drug abuse;

(2) "Council", the Missouri advisory council for comprehensive psychiatric services;

(3) "Court", the court which has jurisdiction over the respondent or patient;

(4) "Division", the division of comprehensive psychiatric services of the department of mental health;

(5) "Division director", director of the division of comprehensive psychiatric services of the department of mental health, or his designee;

(6) **"Gravely disabled", a condition in which a person, as a result of mental illness or mental disorder, lacks judgment in the management of his or her resources and in the conduct of his or her social relations to the extent that his or her health or safety is significantly endangered and he or she lacks the capacity to understand that this is so. A person of any age can be gravely disabled, but such term shall not include a person who has a developmental disability unless such person also has a mental illness or mental disorder. The determination of gravely disabled shall be based upon the person's mental illness or mental disorder;**

(7) "Head of mental health facility", superintendent or other chief administrative officer of a mental health facility, or his designee;

[(7)] (8) "Judicial day", any Monday, Tuesday, Wednesday, Thursday or Friday when the court is open for business, but excluding Saturdays, Sundays and legal holidays;

[(8)] (9) "Licensed physician", a physician licensed pursuant to the provisions of chapter 334 or a person authorized to practice medicine in this state pursuant to the provisions of section 334.150;

[(9)] (10) "Licensed professional counselor", a person licensed as a professional counselor under chapter 337 and with a minimum of one year training or experience in providing psychiatric care, treatment, or services in a psychiatric setting to individuals suffering from a mental disorder;

[(10)] (11) "Likelihood of serious harm" means any one or more of the following but does not require actual physical injury to have occurred:

(a) A substantial risk that serious physical harm will be inflicted by a person upon his own person, as evidenced by recent threats, including verbal threats, or attempts to commit suicide or inflict physical harm on himself. Evidence of substantial risk may also include information about patterns of behavior that historically have resulted in serious harm previously being inflicted by a person upon himself; **or**

(b) A substantial risk that serious physical harm to a person will result or is occurring because of an impairment in his capacity to make decisions with respect to his hospitalization and need for treatment as evidenced by his current mental disorder or mental illness which results in an inability to provide for his own basic necessities of food, clothing, shelter, safety or medical care or his inability to provide for his own mental health care which may result in a substantial risk of serious physical harm. Evidence of that substantial risk may also include information about patterns of behavior that historically have resulted in serious harm to the person previously taking place because of a mental disorder or mental illness which resulted in his inability to provide for his basic necessities of food, clothing, shelter, safety or medical or mental health care; or

(c) A substantial risk that serious physical harm will be inflicted by a person upon another as evidenced by recent overt acts, behavior or threats, including verbal threats, which have caused such harm or which would place a reasonable person in reasonable fear of sustaining such harm. Evidence of that substantial risk may also include information about patterns of behavior that historically have resulted in physical harm previously being inflicted by a person upon another person;

[(11)] (12) "Mental health coordinator", a mental health professional who has knowledge of the laws relating to hospital admissions and civil commitment and who is authorized by the director of the department, or his designee, to serve a designated geographic area or mental health facility and who has the powers, duties and responsibilities provided in this chapter;

[(12)] (13) "Mental health facility", any residential facility, public or private, or any public or private hospital, which can provide evaluation, treatment and, inpatient care to persons suffering from a mental disorder or mental illness and which is recognized as such by the department or any outpatient treatment program certified by the department of mental health. No correctional institution or facility, jail, regional center or developmental disability facility shall be a mental health facility within the meaning of this chapter;

[(13)] (14) "Mental health professional", a psychiatrist, resident in psychiatry, psychologist, psychiatric nurse, licensed professional counselor, or psychiatric social worker;

[(14)] (15) "Mental health program", any public or private residential facility, public or private hospital, public or private specialized service or public or private day program that can provide care, treatment, rehabilitation or services, either through its own staff or through contracted providers, in an inpatient or outpatient setting to persons with a mental

disorder or mental illness or with a diagnosis of alcohol abuse or drug abuse which is recognized as such by the department. No correctional institution or facility or jail may be a mental health program within the meaning of this chapter;

[(15)] (16) "Ninety-six hours" shall be construed and computed to exclude Saturdays, Sundays and legal holidays which are observed either by the court or by the mental health facility where the respondent is detained;

[(16)] (17) "Peace officer", a sheriff, deputy sheriff, county or municipal police officer or highway patrolman;

[(17)] (18) "Psychiatric nurse", a registered professional nurse who is licensed under chapter 335 and who has had at least two years of experience as a registered professional nurse in providing psychiatric nursing treatment to individuals suffering from mental disorders;

[(18)] (19) "Psychiatric social worker", a person with a master's or further advanced degree from an accredited school of social work, practicing pursuant to chapter 337, and with a minimum of one year training or experience in providing psychiatric care, treatment or services in a psychiatric setting to individuals suffering from a mental disorder;

[(19)] (20) "Psychiatrist", a licensed physician who in addition has successfully completed a training program in psychiatry approved by the American Medical Association, the American Osteopathic Association or other training program certified as equivalent by the department;

[(20)] (21) "Psychologist", a person licensed to practice psychology under chapter 337 with a minimum of one year training or experience in providing treatment or services to mentally disordered or mentally ill individuals;

[(21)] (22) "Resident in psychiatry", a licensed physician who is in a training program in psychiatry approved by the American Medical Association, the American Osteopathic Association or other training program certified as equivalent by the department;

[(22)] (23) "Respondent", an individual against whom involuntary civil detention proceedings are instituted pursuant to this chapter;

[(23)] (24) "Treatment", any effort to accomplish a significant change in the mental or emotional conditions or the behavior of the patient consistent with generally recognized principles or standards in the mental health professions.

632.150. 1. A voluntary patient who has applied for his own admission may request his release either orally or in writing to the head of the mental health facility and shall be released immediately; except, that if the head of the facility determines that he is mentally disordered and, as a result, presents a likelihood of serious physical harm to himself or others, **or is gravely disabled**, the head of the facility may refuse the request for release.

2. If the request for release is refused, the mental health facility may detain the person only if a mental health coordinator, a licensed physician, a registered professional nurse designated by the facility and approved by the department, a mental health professional or a peace officer completes an application for detention for evaluation and treatment to begin the involuntary detention of the patient under this chapter.

632.155. 1. A voluntary patient who is a minor and who requests his release either orally or in writing, or whose release is requested in writing to the head of the facility by his parent, spouse, adult next of kin, or person entitled to his custody, shall be released immediately; except, that if the patient was admitted on the application of another person, his release shall be conditioned upon receiving the consent of the person applying for his admission.

2. If the head of the mental health facility determines that the minor is mentally disordered and, as a result, presents a likelihood of serious physical harm to himself or others, **or is gravely disabled**, the head of the facility may refuse the release. The mental health facility may detain the minor only if a mental health coordinator, a licensed physician, a mental health professional or a registered professional nurse designated by the facility and approved by the department completes an application for detention for evaluation and treatment to begin the involuntary detention of the minor under this chapter or, if appropriate, the minor is detained in the facility under the provisions of chapter 211.

632.300. 1. When a mental health coordinator receives information alleging that a person, as the result of a mental disorder, presents a likelihood of serious harm to himself or others, **or that the person is gravely disabled**, he shall:

- (1) Conduct an investigation;
- (2) Evaluate the allegations and the data developed by investigation; and
- (3) Evaluate the reliability and credibility of all sources of information.

2. If, as the result of personal observation or investigation, the mental health coordinator has reasonable cause to believe that such person is mentally disordered and, as a result, presents a likelihood of serious harm to himself or others, **or that the person is gravely disabled**, the mental health coordinator may file an application with the court having probate jurisdiction pursuant to the provisions of section 632.305; provided, however, that should the mental

health coordinator have reasonable cause to believe, as the result of personal observation or investigation, that the likelihood of serious harm by such person to himself or others as a result of a mental disorder is imminent unless the person is immediately taken into custody, **or the person is gravely disabled and there exists an imminent risk to the person's health or safety unless such person is immediately taken into custody**, the mental health coordinator shall request a peace officer to take or cause such person to be taken into custody and transported to a mental health facility in accordance with the provisions of subsection 3 of section 632.305.

3. If the mental health coordinator determines that involuntary commitment is not appropriate, he should inform either the person, his family or friends about those public and private agencies and courts which might be of assistance.

632.305. 1. An application for detention for evaluation and treatment may be executed by any adult person, who need not be an attorney or represented by an attorney, including the mental health coordinator, on a form provided by the court for such purpose, and must allege under oath that the applicant has reason to believe that the respondent is suffering from a mental disorder and presents a likelihood of serious harm to himself or to others, **or is gravely disabled**. The application must specify the factual information on which such belief is based and should contain the names and addresses of all persons known to the applicant who have knowledge of such facts through personal observation.

2. The filing of a written application in court by any adult person, who need not be an attorney or represented by an attorney, including the mental health coordinator, shall authorize the applicant to bring the matter before the court on an ex parte basis to determine whether the respondent should be taken into custody and transported to a mental health facility. The application may be filed in the court having probate jurisdiction in any county where the respondent may be found. If the court finds that there is probable cause, either upon testimony under oath or upon a review of affidavits, to believe that the respondent may be suffering from a mental disorder and presents a likelihood of serious harm to himself or others, **or is gravely disabled**, it shall direct a peace officer to take the respondent into custody and transport him to a mental health facility for detention for evaluation and treatment for a period not to exceed ninety-six hours unless further detention and treatment is authorized pursuant to this chapter. Nothing herein shall be construed to prohibit the court, in the exercise of its discretion, from giving the respondent an opportunity to be heard.

3. A mental health coordinator may request a peace officer to take or a peace officer may take a person into custody for detention for evaluation and treatment for a period not to exceed ninety-six hours only when such mental health coordinator or peace officer has reasonable cause to believe that such person is suffering from a mental disorder and that the likelihood of serious harm by such person to himself or others is imminent unless such person is immediately taken into custody, **or the person is gravely disabled and there exists an imminent risk to the person's health or safety unless such person is immediately taken into custody**. Upon arrival at the mental health facility, the peace officer or mental health coordinator who conveyed such person or caused him to be conveyed shall either present the application for detention for evaluation and treatment upon which the court has issued a finding of probable cause and the respondent was taken into custody or complete an application for initial detention for evaluation and treatment for a period not to exceed ninety-six hours which shall be based upon his own personal observations or investigations and shall contain the information required in subsection 1 of this section.

4. If a person presents himself or is presented by others to a mental health facility and a licensed physician, a registered professional nurse or a mental health professional designated by the head of the facility and approved by the department for such purpose has reasonable cause to believe that the person is mentally disordered and presents an imminent likelihood of serious harm to himself or others unless he is accepted for detention, **or the person is gravely disabled and there exists an imminent risk to the person's health or safety unless such person is accepted for detention**, the licensed physician, the mental health professional or the registered professional nurse designated by the facility and approved by the department may complete an application for detention for evaluation and treatment for a period not to exceed ninety-six hours. The application shall be based on his own personal observations or investigation and shall contain the information required in subsection 1 of this section.

632.330. 1. At the expiration of the ninety-six hour period, the respondent may be detained and treated involuntarily for an additional two judicial days only if the head of the mental health facility or a mental health coordinator either has filed a petition for additional inpatient detention and treatment not to exceed twenty-one days or has filed a petition for outpatient detention and treatment for a period not to exceed one hundred eighty days.

2. Within ninety-six hours following initial detention, the head of the facility or the mental health coordinator may file or cause to be filed either a petition for a twenty-one-day inpatient involuntary detention and treatment period or a petition for outpatient detention and treatment for a period not to exceed one hundred eighty days, provided he has reasonable cause to believe that the person is mentally ill and as a result presents a likelihood of serious harm to himself or others, **or is gravely disabled**. The court shall serve the petition and list of prospective witnesses for the petitioner

upon the respondent and his attorney at least twenty-four hours before the hearing. The head of the facility shall also notify the mental health coordinator if the petition is not filed by the mental health coordinator. The petition shall:

(1) Allege that the respondent, by reason of mental illness, presents a likelihood of serious harm to himself or to others, **or is gravely disabled**;

(2) Allege that the respondent is in need of continued detention and treatment either on an inpatient basis or on an outpatient basis;

(3) Allege the specific behavior of the respondent or the facts which support such conclusion;

(4) Affirm that attempts were made to provide necessary care, treatment and services in the least restrictive environment to the respondent on a voluntary basis, but either the petitioner believes that the respondent lacks the capacity to voluntarily consent to care, treatment and services or the respondent refuses to voluntarily consent to care, treatment and services such that proceeding with a petition for the respondent's civil detention in the least restrictive environment is necessary;

(5) Allege that there will be appropriate support from family, friends, case managers or others during the period of outpatient detention and treatment in the community if such commitment is sought;

(6) Specify the mental health program that is appropriate to handle the respondent's condition and that has agreed to accept the respondent;

(7) Specify the range of care, treatment and services that shall be provided to the respondent if the petition for further detention is sustained by the court;

(8) Name the entities that have agreed to fund and provide the specified interventions; and

(9) Be verified by a psychiatrist or by a licensed physician and a mental health professional who have examined the respondent.

3. The petitioner shall consider whether based on the respondent's condition and treatment history, the respondent meets the criteria in chapter 475, so that appointment of a full or limited guardian or conservator is appropriate for the court to consider, and if deemed so, the petitioner then shall proceed as specified in subsection 4 of this section.

4. If the head of the mental health facility, or his designee, or the mental health coordinator believes that the respondent, because of a mental illness or mental disorder, may be incapacitated or disabled as defined in chapter 475, the head of the mental health facility or mental health coordinator shall cause a petition to be filed pursuant to section 475.060 and section 475.061, if applicable, with the court having probate jurisdiction as determined by section 475.035. In addition, if the head of the mental health facility, his designee or the mental health coordinator believes it appropriate, he shall proceed with obtaining an order for the respondent's temporary emergency detention as provided for in section 475.355. Furthermore, the hearing on the petition filed pursuant to chapter 475 shall be conducted pursuant to the requirements of section 475.075 and other appropriate sections of chapter 475, and shall be held within two judicial days after termination of the ninety-six-hour civil detention period unless continued for good cause shown. Nothing contained in this subsection shall restrict or prohibit the head of the mental health facility, his designee or the mental health coordinator from proceeding under the appropriate provisions of this chapter if the petition for guardianship or conservatorship is denied.

632.335. 1. The petition for additional inpatient detention and treatment not to exceed twenty-one days or the petition for outpatient detention and treatment not to exceed one hundred eighty days shall be filed with the court having probate jurisdiction. At the time of filing the petition, the court clerk shall set a date and time for the hearing which shall take place within two judicial days of the filing of the petition. The clerk shall promptly notify the respondent, his attorney, the petitioner and the petitioner's attorney of the date and time for the hearing. The court shall not grant continuances except upon a showing of good and sufficient cause. If a continuance is granted, the court, in its discretion, may order the person released pending the hearing upon conditions prescribed by the court. The court may order the continued detention and treatment of the person at a mental health facility pending the continued hearing, and a copy of such order shall be furnished to the facility.

2. The hearing shall be conducted in as informal a manner as may be consistent with orderly procedure and in a physical setting not likely to have a harmful effect on the respondent. Due consideration shall be given by the court to holding a hearing at the mental health facility. The respondent shall have the following rights in addition to those specified elsewhere:

(1) To be represented by an attorney;

(2) To present evidence on his own behalf;

(3) To cross-examine witnesses who testify against him;

(4) To remain silent;

(5) To view and copy all petitions and reports in the court file of his case;

- (6) To have the hearing open or closed to the public as he elects;
- (7) To be proceeded against according to the rules of evidence applicable to civil judicial proceedings;
- (8) A hearing before a jury if requested by the patient or his attorney.

3. The respondent shall be present at the hearing, unless the respondent's physical condition is such that he cannot be present in the courtroom or if the court determines that the respondent's conduct in the courtroom is so disruptive that the proceedings cannot reasonably continue.

4. At the conclusion of the hearing, if the court finds, based upon clear and convincing evidence, that respondent, as the result of mental illness, presents a likelihood of serious harm to himself or to others, **or is gravely disabled**, and that a mental health program appropriate to handle the respondent's condition has agreed to accept him, the court shall order either that the respondent be detained for inpatient involuntary treatment in the least restrictive environment for a period not to exceed twenty-one days or be detained for outpatient detention and treatment under the supervision of a mental health program in the least restrictive environment for a period not to exceed one hundred eighty days.

632.337. 1. When the court has ordered up to one hundred eighty days of outpatient detention and treatment pursuant to section 632.335 or 632.350 or 632.355, and the supervisory mental health program has good cause to believe that immediate detention in a more appropriate least restrictive environment is required because the respondent presents a likelihood of serious harm, **or is gravely disabled** due to mental illness, the supervisory mental health program may direct that the respondent be detained for up to ninety-six hours at an appropriate mental health program that has agreed to accept the respondent and may authorize the sheriff to detain and transport the respondent to that mental health program. Detention for more than ninety-six hours shall be pursuant to section 632.330.

2. Evidence of detention for ninety-six-hour periods during the one hundred eighty-day outpatient detention and treatment may be considered by the court in determining additional periods of detention and treatment.

632.340. 1. Before the expiration of the twenty-one-day inpatient detention and treatment period ordered pursuant to section 632.335, the court may order the respondent to be detained and treated involuntarily for an additional period not to exceed ninety inpatient days or may order the respondent to be detained for outpatient detention and treatment for a period not to exceed one hundred eighty days; provided, that:

(1) The respondent is mentally ill and continues to present a likelihood of serious harm to himself or others, **or is gravely disabled**; and

(2) The court, after a hearing, orders the respondent detained and treated for the additional period.

2. If, within seventeen days of the court hearing described in section 632.335, the head of the mental health program or the mental health coordinator has reasonable cause to believe that the respondent is mentally ill and as a result presents a likelihood of serious harm to himself or others, **or is gravely disabled**, and believes that further detention and treatment is necessary, he shall file, or cause to be filed, with the court a petition for ninety days additional detention and treatment or a petition for outpatient detention and treatment for a period not to exceed one hundred eighty days. The court shall immediately set a date and time for a hearing on the petition, which shall take place within four judicial days of the date of the filing of the petition. The court shall serve a copy of the petition and the notice of the date and time of the hearing upon the petitioner, the respondent, and their attorneys as promptly as possible, but not later than two judicial days after the filing of the petition. The petitioner shall also file with the court, for the court to serve upon the respondent's attorney not later than two judicial days after the filing of the petition, a list of the proposed witnesses for the petitioner. The head of the mental health program shall notify the mental health coordinator if the petition is not filed by the mental health coordinator. The petition shall comply with the requirements of section 632.330, and an individualized treatment plan for the respondent shall be attached thereto.

632.350. 1. The hearing for a ninety-day inpatient detention and treatment period or for outpatient detention and treatment for a period not to exceed one hundred eighty days shall be conducted in as informal a manner as may be consistent with orderly procedure and in a physical setting not likely to have a harmful effect on the mental health of the respondent. If a jury trial is not requested, due consideration shall be given by the court to holding a hearing at the mental health program. The hearing shall be held in accordance with the provisions set forth in section 632.335.

2. The burden of proof at the hearing shall be by clear and convincing evidence and shall be upon the petitioner.

3. If the matter is tried before a jury, the jury shall determine and shall be instructed only upon the issues of whether or not the respondent is mentally ill and, as a result, presents a likelihood of serious harm to himself or others, **or is gravely disabled**. The remaining procedures for the jury trial shall be as in other civil matters.

4. The respondent shall not be required to file an answer or other responsive pleading.

5. At the conclusion of the hearing, if the court or jury finds that the respondent, as the result of mental illness, presents a likelihood of serious harm to himself or to others, **or is gravely disabled**, and the court finds that a program appropriate to handle the respondent's condition has agreed to accept him, the court shall order the respondent to be detained for involuntary treatment in the least restrictive environment for a period not to exceed ninety days or for outpatient detention and treatment under the supervision of a mental health program in the least restrictive environment for a period not to exceed one hundred eighty days.

632.355. 1. At the expiration of the ninety-day inpatient commitment period ordered by the court pursuant to section 632.350, the respondent may be detained and treated as an involuntarily inpatient for an additional period of time not to exceed one year or such lesser period of time as determined by the court or may be detained for outpatient detention and treatment for a period of time not to exceed one hundred eighty days; provided, that:

(1) The respondent is mentally ill and continues to present a likelihood of serious harm to himself or to others, **or is gravely disabled**; and

(2) The court after a hearing orders the person detained and treated for the additional period.

2. Within the ninety-day commitment period, the head of the mental health program or the mental health coordinator may file or cause to be filed, in compliance with the requirements of section 632.330, a petition for a one-year inpatient detention and treatment period or a petition for outpatient detention and treatment for a period not to exceed one hundred eighty days if he has reasonable cause to believe that the respondent is mentally ill and as a result presents a likelihood of serious harm to himself or others, **or is gravely disabled**, and that further detention and treatment is necessary pursuant to an individualized treatment plan prepared by the program and filed with the court. Procedures specified in sections 632.340, 632.345 and 632.350 shall be followed.

3. At the conclusion of the hearing, if the court or jury finds that the respondent, as the result of mental illness, presents a likelihood of serious harm to himself or others, **or is gravely disabled**, and the court finds that a program appropriate to handle the respondent's condition has agreed to accept him, the court shall order that the respondent be detained for involuntary treatment in the least restrictive environment for a period not to exceed one year or for outpatient detention and treatment under the supervision of a mental health program in the least restrictive environment for a period not to exceed one hundred eighty days.

632.375. 1. At least once every one hundred eighty days, the head of each mental health program shall have each respondent who is detained at the program for a one-year period under this chapter examined and evaluated to determine if the respondent continues to be mentally ill, and as a result presents a likelihood of serious harm to himself or others, **or is gravely disabled**. The court, the mental health coordinator for the region, the respondent and the respondent's attorney shall be provided copies of the report of the examination and evaluation described by this section and the respondent's individualized treatment plan.

2. Upon receipt of the report, the court may, upon its own motion, or shall, upon the motion of the respondent, order a hearing to be held as to the need for continued detention and involuntary treatment. At the conclusion of the hearing, the court may order:

(1) The discharge of the respondent; or

(2) An appropriate least restrictive course of detention and involuntary treatment; or

(3) The respondent to be remanded to the mental health program for the unexpired portion of the original commitment order.

632.390. 1. The head of a mental health program shall release any person who is involuntarily detained under this chapter when, in his opinion, the person is no longer mentally ill or, although mentally ill, does not present a likelihood of serious harm to himself or others, **or is no longer gravely disabled**, even though the detention period has not expired.

2. Whenever the head of a mental health program discharges a person prior to the expiration of the detention order, he shall notify in writing the court and the mental health coordinator.

3. Whenever a respondent voluntarily admits himself and the head of a mental health program accepts the admission application submitted by respondent in good faith under section 632.105, the respondent's involuntary detention shall cease, and the head of the program shall notify, in writing, the court and the mental health coordinator.

632.430. 1. Appeals from court orders made under this chapter may be made by the respondent or by the petitioner to the appropriate appellate court pursuant to the rules of civil procedure of the supreme court of Missouri pertaining to appeals. Such appeal shall have priority on the docket of the appellate court and shall be expedited in all

respects. The court shall notify the attorney general's office whenever an appeal is filed under this subsection, and the attorney general shall represent the state when it is a party to such appeal.

2. A motion to stay any order restricting an individual's liberty may be filed in either the court or the appropriate appellate court. A stay order shall not be granted in any case where the court finds that the person is so mentally ill that there is an imminent likelihood of serious physical harm to himself or others if he is not detained or treated pending appeal **or the person is gravely disabled and there exists an imminent risk to the person's health or safety if such person is not detained or treated pending appeal.** Any refusal to grant a stay by the court may be reviewed by the appropriate appellate court on motion."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Cornejo, **House Amendment No. 3** was adopted.

Representative Cox offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Committee Substitute for Senate Bill No. 12, Page 1, Section A, Line 4, by inserting after all of said section and line the following:

"32.056. Except for uses permitted under 18 U.S.C. Section 2721(b)(1), the department of revenue shall not release the home address of or any information that identifies any vehicle owned or leased by any person who is a county, state or federal parole officer, a federal pretrial officer, a peace officer pursuant to section 590.010, a person vested by article V, section 1 of the Missouri Constitution with the judicial power of the state, a member of the federal judiciary, or a member of such person's immediate family contained in the department's motor vehicle or driver registration records, based on a specific request for such information from any person. Any such person may notify the department of his or her status and the department shall protect the confidentiality of the home address and vehicle records on such a person and his or her immediate family as required by this section. [If such member of the judiciary's status changes and he or she and his or her immediate family do not qualify for the exemption contained in this subsection, such person shall notify the department and the department's records shall be revised.] This section shall not prohibit the department from releasing information on a motor registration list pursuant to section 32.055 or from releasing information on any officer who holds a class A, B or C commercial driver's license pursuant to the Motor Carrier Safety Improvement Act of 1999, as amended, 49 U.S.C. 31309.

43.518. 1. There is hereby established within the department of public safety a "Criminal Records and Justice Information Advisory Committee" whose purpose is to:

- (1) Recommend general policies with respect to the philosophy, concept and operational principles of the Missouri criminal history record information system established by sections 43.500 to 43.530, in regard to the collection, processing, storage, dissemination and use of criminal history record information maintained by the central repository;
- (2) Assess the current state of electronic justice information sharing; and
- (3) Recommend policies and strategies, including standards and technology, for promoting electronic justice information sharing, and coordinating among the necessary agencies and institutions; and
- (4) Provide guidance regarding the use of any state or federal funds appropriated for promoting electronic justice information sharing.

2. The committee shall be composed of the following officials or their designees: the director of the department of public safety; the director of the department of corrections and human resources; the attorney general; the director of the Missouri office of prosecution services; the president of the Missouri prosecutors association; the president of the Missouri court clerks association; the chief clerk of the Missouri state supreme court; the director of the state courts administrator; the chairman of the state judicial record committee; the chairman of the [circuit court budget] **court automation** committee; the presidents of the Missouri peace officers association; the Missouri sheriffs association; the Missouri police chiefs association or their successor agency; the superintendent of the Missouri highway patrol; the chiefs of police of agencies in jurisdictions with over two hundred thousand population; except that, in any county of the first class having a charter form of government, the chief executive of the county may designate another person in place of the police chief of any countywide police force, to serve on the committee; and, at the discretion of the director of public safety, as many as three other representatives of other criminal justice records systems or law enforcement

agencies may be appointed by the director of public safety. The director of the department of public safety will serve as the permanent chairman of this committee.

3. The committee shall meet as determined by the director but not less than semiannually to perform its duties. A majority of the appointed members of the committee shall constitute a quorum.

4. No member of the committee shall receive any state compensation for the performance of duties associated with membership on this committee.

5. Official minutes of all committee meetings will be prepared by the director, promptly distributed to all committee members, and filed by the director for a period of at least five years.

43.650. 1. The patrol shall, subject to appropriation, maintain a [web page] **website** on the internet which shall be open to the public and shall include a registered sexual offender search capability.

2. The registered sexual offender search shall make it possible for any person using the internet to search for and find the information specified in subsection 4 of this section, if known, on offenders registered in this state pursuant to sections 589.400 to 589.425, except that only persons who have been convicted of, found guilty of or plead guilty to committing, attempting to commit, or conspiring to commit sexual offenses shall be included on this website.

3. The registered sexual offender search shall include the capability to search for sexual offenders by name, zip code, and by typing in an address and specifying a search within a certain number of miles radius from that address.

4. Only the information listed in this subsection shall be provided to the public in the registered sexual offender search:

- (1) The name and any known aliases of the offender;
- (2) The date of birth and any known alias dates of birth of the offender;
- (3) A physical description of the offender;
- (4) The residence, temporary, work, and school addresses of the offender, including the street address, city, county, state, and zip code;
- (5) Any photographs of the offender;
- (6) A physical description of the offender's vehicles, including the year, make, model, color, and license plate number;
- (7) The nature and dates of all offenses qualifying the offender to register;
- (8) The date on which the offender was released from the department of mental health, prison, or jail, or placed on parole, supervised release, or probation for the offenses qualifying the offender to register;
- (9) Compliance status of the offender with the provisions of section 589.400 to 589.425; and
- (10) Any online identifiers, as defined in section 43.651, used by the person. Such online identifiers shall not be included in the general profile of an offender on the [web page] **website** and shall only be available to a member of the public by a search using the specific online identifier to determine if a match exists with a registered offender.

5. Beginning August 28, 2013, no offender's information whose offense was committed in the state of Missouri, or in any other state, when such offender was a juvenile shall be listed on the website. Effective August 28, 2013, any offender currently on the website who was required to register as a sex offender under section 589.400, based on an offense that occurred when such offender was a juvenile shall be immediately removed from the website. For purposes of this subsection, "juvenile" shall mean any person under eighteen years of age."; and

Further amend said bill, Page 3, Section 56.807, Line 74, by inserting after all of said section and line the following:

"57.095. Notwithstanding section 537.600, sheriffs or any other law enforcement officers shall have immunity from any liability, civil or criminal, while conducting service of process at the direction of any court to the extent that the officers' actions do not violate clearly established statutory or constitutional rights of which a reasonable person would have known.

432.047. 1. For the purposes of this section, the term "credit agreement" means an agreement to lend or forbear repayment of money, to otherwise extend credit, or to make any other financial accommodation.

2. A debtor may not maintain an action upon or a defense, regardless of legal theory in which it is based, in any way related to a credit agreement unless the credit agreement is in writing, provides for the payment of interest or for other consideration, [and] sets forth the relevant terms and conditions, **and the credit agreement is executed by the debtor and the lender.**

3. (1) [If] **When** a written credit agreement has been signed by a debtor, subsection 2 of this section shall not apply to any credit agreement between such debtor and creditor unless such written credit agreement contains the

following language in boldface ten-point type: "Oral **or unexecuted** agreements or commitments to loan money, extend credit or to forbear from enforcing repayment of a debt including promises to extend or renew such debt are not enforceable, regardless of the legal theory upon which it is based that is in any way related to the credit agreement. To protect you (borrower(s)) and us (creditor) from misunderstanding or disappointment, any agreements we reach covering such matters are contained in this writing, which is the complete and exclusive statement of the agreement between us, except as we may later agree in writing to modify it."

(2) Notwithstanding any other law to the contrary in this chapter, the provisions of this section shall apply to commercial credit agreements only and shall not apply to credit agreements for personal, family, or household purposes.

4. Nothing contained in this section shall affect the enforceability by a creditor of any promissory note, guaranty, security agreement, deed of trust, mortgage, or other instrument, agreement, or document evidencing or creating an obligation for the payment of money or other financial accommodation, lien, or security interest.

443.723. 1. To meet the annual continuing education requirements referred to in sections 443.701 to 443.893, a licensed mortgage loan originator shall complete at least eight hours of education approved in accordance with subsection 2 of this section, which shall include at least:

(1) Three hours of federal law and regulations;

(2) Two hours of ethics, which shall include instruction on fraud, consumer protection, and fair lending issues;

[and]

(3) Two hours of training related to lending standards for the nontraditional mortgage product marketplace;

and

(4) One hour of Missouri law and regulations.

2. For purposes of subsection 1 of this section, continuing education courses shall be reviewed, and approved by the NMLSR based upon reasonable standards. Review and approval of a continuing education course shall include review and approval of the course provider.

3. Nothing in this section shall preclude any education course, as approved by the NMLSR, that is provided by the employer of the mortgage loan originator or person who is affiliated with the mortgage loan originator by an agency contract, or any subsidiary or affiliate of such employer or person.

4. Continuing education may be offered either in a classroom, online, or by any other means approved by the NMLSR.

5. A licensed mortgage loan originator:

(1) Shall only receive credit for a continuing education course in the year in which the course is taken except in the case of an expired license and under subsection 9 of this section; and

(2) Shall not take the same approved course in the same or successive years to meet the annual requirements for continuing education.

6. A licensed mortgage loan originator who is an approved instructor of an approved continuing education course may receive credit for the licensed mortgage loan originator's own annual continuing education requirement at the rate of two hours credit for every one hour taught.

7. A person having successfully completed the education requirements approved by the NMLSR in subdivisions (1) to (3) of subsection 1 of this section for any state shall be accepted as credit towards completion of continuing education requirements in Missouri.

8. A licensed mortgage loan originator who subsequently becomes unlicensed shall complete the continuing education requirements for the last year in which the license was held prior to issuance of a new or renewed license.

9. A person meeting the requirements of subdivisions (1) and (3) of subsection 2 of section 443.719 may make up any deficiency in continuing education as established by rule of the director.

452.400. 1. (1) A parent not granted custody of the child is entitled to reasonable visitation rights unless the court finds, after a hearing, that visitation would endanger the child's physical health or impair his or her emotional development. The court shall enter an order specifically detailing the visitation rights of the parent without physical custody rights to the child and any other children for whom such parent has custodial or visitation rights. In determining the granting of visitation rights, the court shall consider evidence of domestic violence. If the court finds that domestic violence has occurred, the court may find that granting visitation to the abusive party is in the best interests of the child.

(2) (a) The court shall not grant visitation to the parent not granted custody if such parent or any person residing with such parent has been found guilty of or pled guilty to any of the following offenses when a child was the victim:

a. A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064, 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206, 566.209, 566.212, or 566.215;

- b. A violation of section 568.020;
- c. A violation of subdivision (2) of subsection 1 of section 568.060;
- d. A violation of section 568.065;
- e. A violation of section 568.080;
- f. A violation of section 568.090; or
- g. A violation of section 568.175.

(b) For all other violations of offenses in chapters 566 and 568 not specifically listed in paragraph (a) of this subdivision or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri, the court may exercise its discretion in granting visitation to a parent not granted custody if such parent or any person residing with such parent has been found guilty of, or pled guilty to, any such offense.

(3) The court shall consider the parent's history of inflicting, or tendency to inflict, physical harm, bodily injury, assault, or the fear of physical harm, bodily injury, or assault on other persons and shall grant visitation in a manner that best protects the child and the parent or other family or household member who is the victim of domestic violence, and any other children for whom the parent has custodial or visitation rights from any further harm.

(4) The court, if requested by a party, shall make specific findings of fact to show that the visitation arrangements made by the court best protect the child or the parent or other family or household member who is the victim of domestic violence, or any other child for whom the parent has custodial or visitation rights from any further harm.

2. (1) The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child, but the court shall not restrict a parent's visitation rights unless it finds that the visitation would endanger the child's physical health or impair his or her emotional development.

(2) (a) In any proceeding modifying visitation rights, the court shall not grant unsupervised visitation to a parent if the parent or any person residing with such parent has been found guilty of or pled guilty to any of the following offenses when a child was the victim:

- a. A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064, 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206, 566.209, 566.212, or 566.215;
- b. A violation of section 568.020;
- c. A violation of subdivision (2) of subsection 1 of section 568.060;
- d. A violation of section 568.065;
- e. A violation of section 568.080;
- f. A violation of section 568.090; or
- g. A violation of section 568.175.

(b) For all other violations of offenses in chapters 566 and 568 not specifically listed in paragraph (a) of this subdivision or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri, the division may exercise its discretion regarding the placement of a child taken into the custody of the state in which a parent or any person residing in the home has been found guilty of, or pled guilty to, any such offense.

(3) When a court restricts a parent's visitation rights or when a court orders supervised visitation because of allegations of abuse or domestic violence, a showing of proof of treatment and rehabilitation shall be made to the court before unsupervised visitation may be ordered. "Supervised visitation", as used in this section, is visitation which takes place in the presence of a responsible adult appointed by the court for the protection of the child.

3. The court shall mandate compliance with its order by all parties to the action, including parents, children and third parties. In the event of noncompliance, the aggrieved person may file a verified motion for contempt. If custody, visitation or third-party custody is denied or interfered with by a parent or third party without good cause, the aggrieved person may file a family access motion with the court stating the specific facts which constitute a violation of the judgment of dissolution, [or] legal separation **or judgment of paternity**. The state courts administrator shall develop a simple form for pro se motions to the aggrieved person, which shall be provided to the person by the circuit clerk. Clerks, under the supervision of a circuit clerk, shall explain to aggrieved parties the procedures for filing the form. Notice of the fact that clerks will provide such assistance shall be conspicuously posted in the clerk's offices. The location of the office where the family access motion may be filed shall be conspicuously posted in the court building. The performance of duties described in this section shall not constitute the practice of law as defined in section 484.010. Such form for pro se motions shall not require the assistance of legal counsel to prepare and file. The cost of filing the motion shall be the standard court costs otherwise due for instituting a civil action in the circuit court.

4. Within five court days after the filing of the family access motion pursuant to subsection 3 of this section, the clerk of the court shall issue a summons pursuant to applicable state law, and applicable local or supreme court rules.

A copy of the motion shall be personally served upon the respondent by personal process server as provided by law or by any sheriff. Such service shall be served at the earliest time and shall take priority over service in other civil actions, except those of an emergency nature or those filed pursuant to chapter 455. The motion shall contain the following statement in boldface type:

"PURSUANT TO SECTION 452.400, RSMO, YOU ARE REQUIRED TO RESPOND TO THE CIRCUIT CLERK WITHIN TEN DAYS OF THE DATE OF SERVICE. FAILURE TO RESPOND TO THE CIRCUIT CLERK MAY RESULT IN THE FOLLOWING:

- (1) AN ORDER FOR A COMPENSATORY PERIOD OF CUSTODY, VISITATION OR THIRD-PARTY CUSTODY AT A TIME CONVENIENT FOR THE AGGRIEVED PARTY NOT LESS THAN THE PERIOD OF TIME DENIED;
- (2) PARTICIPATION BY THE VIOLATOR IN COUNSELING TO EDUCATE THE VIOLATOR ABOUT THE IMPORTANCE OF PROVIDING THE CHILD WITH A CONTINUING AND MEANINGFUL RELATIONSHIP WITH BOTH PARENTS;
- (3) ASSESSMENT OF A FINE OF UP TO FIVE HUNDRED DOLLARS AGAINST THE VIOLATOR;
- (4) REQUIRING THE VIOLATOR TO POST BOND OR SECURITY TO ENSURE FUTURE COMPLIANCE WITH THE COURT'S ORDERS;
- (5) ORDERING THE VIOLATOR TO PAY THE COST OF COUNSELING TO REESTABLISH THE PARENT-CHILD RELATIONSHIP BETWEEN THE AGGRIEVED PARTY AND THE CHILD; AND
- (6) A JUDGMENT IN AN AMOUNT NOT LESS THAN THE REASONABLE EXPENSES, INCLUDING ATTORNEY'S FEES AND COURT COSTS ACTUALLY INCURRED BY THE AGGRIEVED PARTY AS A RESULT OF THE DENIAL OF CUSTODY, VISITATION OR THIRD-PARTY CUSTODY."

5. If an alternative dispute resolution program is available pursuant to section 452.372, the clerk shall also provide information to all parties on the availability of any such services, and within fourteen days of the date of service, the court may schedule alternative dispute resolution.

6. Upon a finding by the court pursuant to a motion for a family access order or a motion for contempt that its order for custody, visitation or third-party custody has not been complied with, without good cause, the court shall order a remedy, which may include, but not be limited to:

- (1) A compensatory period of visitation, custody or third-party custody at a time convenient for the aggrieved party not less than the period of time denied;
- (2) Participation by the violator in counseling to educate the violator about the importance of providing the child with a continuing and meaningful relationship with both parents;
- (3) Assessment of a fine of up to five hundred dollars against the violator payable to the aggrieved party;
- (4) Requiring the violator to post bond or security to ensure future compliance with the court's access orders; and
- (5) Ordering the violator to pay the cost of counseling to reestablish the parent-child relationship between the aggrieved party and the child.

7. The reasonable expenses incurred as a result of denial or interference with custody or visitation, including attorney's fees and costs of a proceeding to enforce visitation rights, custody or third-party custody, shall be assessed, if requested and for good cause, against the parent or party who unreasonably denies or interferes with visitation, custody or third-party custody. In addition, the court may utilize any and all powers relating to contempt conferred on it by law or rule of the Missouri supreme court.

8. Final disposition of a motion for a family access order filed pursuant to this section shall take place not more than sixty days after the service of such motion, unless waived by the parties or determined to be in the best interest of the child. Final disposition shall not include appellate review.

9. Motions filed pursuant to this section shall not be deemed an independent civil action from the original action pursuant to which the judgment or order sought to be enforced was entered.

453.040. The consent to the adoption of a child is not required of:

- (1) A parent whose rights with reference to the child have been terminated pursuant to law, including section 211.444 or section 211.447 or other similar laws in other states;
- (2) A parent of a child who has legally consented to a future adoption of the child;
- (3) A parent whose identity is unknown and cannot be ascertained at the time of the filing of the petition;
- (4) A man who has not been established to be the father and who is not presumed by law to be the father, and who, after the conception of the child, executes a verified statement denying paternity and disclaiming any interest in

the child and acknowledging that this statement is irrevocable when executed and follows the consent as set forth in section 453.030;

(5) A parent or other person who has not executed a consent and who, after proper service of process, fails to file an answer or make an appearance in a proceeding for adoption or for termination of parental rights at the time such cause is heard;

(6) A parent who has a mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(7) A parent who has for a period of at least six months, for a child one year of age or older, or at least sixty days, for a child under one year of age, immediately prior to the filing of the petition for adoption, willfully abandoned the child or, for a period of at least six months immediately prior to the filing of the petition for adoption, willfully, substantially and continuously neglected to provide him with necessary care and protection;

(8) **A man who has reason to believe he is the biological father of an unborn child and who attempted to coerce the mother of the child to obtain an abortion;**

(9) A parent whose rights to the child may be terminated for any of the grounds set forth in section 211.447 and whose rights have been terminated after hearing and proof of such grounds as required by sections 211.442 to 211.487. Such petition for termination may be filed as a count in an adoption petition.

476.057. 1. The state courts administrator shall determine the amount of the projected total collections of fees pursuant to section 488.015, payable to the state pursuant to section 488.023, or subdivision (4) of subsection 2 of section 488.018; and the amount of such projected total collections of fees required to be deposited into the fund in order to maintain the fund required pursuant to subsection 2 of this section. The amount of fees payable for court cases may thereafter be adjusted pursuant to section 488.015, as provided by said section. All proceeds of the adjusted fees shall thereupon be collected and deposited to the state general revenue fund as otherwise provided by law, subject to the transfer of a portion of such proceeds to the fund established pursuant to subsection 2 of this section.

2. There is hereby established in the state treasury a special fund for purposes of providing training and education for judicial personnel, including any clerical employees of each circuit court clerk. Moneys from collected fees shall be annually transferred by the state treasurer into the fund from the state general revenue fund in the amount of no more than two percent of the amount expended for personal service by state and local government entities for judicial personnel as determined by the state courts administrator pursuant to subsection 1 of this section. Any unexpended balance remaining in the fund at the end of each biennium shall be exempt from the provisions of section 33.080 relating to the transfer of unexpended balances to the state general revenue fund, until the amount in the fund exceeds two percent of the amounts expended for personal service by state and local government for judicial personnel.

3. In addition, any moneys received by or on behalf of the state courts administrator from fees, grants, or any other sources in connection with providing training to judicial personnel shall be deposited in the fund provided, however, that moneys collected in the fund in connection with a particular purpose shall be segregated and shall not be disbursed for any other purpose.

4. The state treasurer shall administer the fund and, pursuant to appropriations, shall disburse moneys from the fund to the state courts administrator in order to provide training and to purchase goods and services determined appropriate by the state courts administrator related to the training and education of judicial personnel. As used in this section, the term "judicial personnel" shall include court personnel as defined in section 476.058, and judges."; and

Further amend said bill, Page 4, Section 488.026, Line 12, by inserting after all of said section and line the following:

"488.2250. [For all transcripts of testimony given or proceedings had in any circuit court, the court reporter shall receive the sum of two dollars per twenty-five-line page for the original of the transcript, and the sum of thirty-five cents per twenty-five-line page for each carbon copy thereof; the page to be approximately eight and one-half inches by eleven inches in size, with left-hand margin of approximately one and one-half inches and the right-hand margin of approximately one-half inch; answer to follow question on same line when feasible; such page to be designated as a legal page. Any judge, in his or her discretion, may order a transcript of all or any part of the evidence or oral proceedings, and the court reporter's fees for making the same shall be paid by the state upon a voucher approved by the court, and taxed against the state. In criminal cases where an appeal is taken by the defendant, and it appears to the satisfaction of the court that the defendant is unable to pay the costs of the transcript for the purpose of perfecting the appeal, the court shall order the court reporter to furnish three transcripts in duplication of the notes of the evidence, for the original of which the court reporter shall receive two dollars per legal page and for the copies twenty cents per page. The

payment of court reporter's fees provided in this section shall be made by the state upon a voucher approved by the court]

1. For all appeal transcripts of testimony given or proceedings in any circuit court, the court reporter shall receive the sum of three dollars and fifty cents per legal page for the preparation of a paper and an electronic version of the transcript.

2. In criminal cases where an appeal is taken by the defendant and it appears to the satisfaction of the court that the defendant is unable to pay the costs of the transcript for the purpose of perfecting the appeal, the court reporter shall receive a fee of two dollars and sixty cents per legal page for the preparation of a paper and an electronic version of the transcript.

3. Any judge, in his or her discretion, may order a transcript of all or any part of the evidence or oral proceedings and the court reporter shall receive the sum of two dollars and sixty cents per legal page for the preparation of a paper and an electronic version of the transcript.

4. For purposes of this section, a legal page, other than the first page and the final page of the transcript, shall be twenty-five lines, approximately eight and one-half inches by eleven inches in size, with the left-hand margin of approximately one and one-half inches, and with the right-hand margin of approximately one-half inch.

5. Notwithstanding any law to the contrary, the payment of court reporter's fees provided in subsections 2 and 3 of this section shall be made by the state upon a voucher approved by the court. The cost to prepare all other transcripts of testimony or proceedings shall be borne by the party requesting their preparation and production, who shall reimburse the court reporter the sum provided in subsection 1 of this section.

513.430. 1. The following property shall be exempt from attachment and execution to the extent of any person's interest therein:

(1) Household furnishings, household goods, wearing apparel, appliances, books, animals, crops or musical instruments that are held primarily for personal, family or household use of such person or a dependent of such person, not to exceed three thousand dollars in value in the aggregate;

(2) A wedding ring not to exceed one thousand five hundred dollars in value and other jewelry held primarily for the personal, family or household use of such person or a dependent of such person, not to exceed five hundred dollars in value in the aggregate;

(3) Any other property of any kind, not to exceed in value six hundred dollars in the aggregate;

(4) Any implements or professional books or tools of the trade of such person or the trade of a dependent of such person not to exceed three thousand dollars in value in the aggregate;

(5) Any motor vehicles, not to exceed three thousand dollars in value in the aggregate;

(6) Any mobile home used as the principal residence but not attached to real property in which the debtor has a fee interest, not to exceed five thousand dollars in value;

(7) Any one or more unmatured life insurance contracts owned by such person, other than a credit life insurance contract;

(8) The amount of any accrued dividend or interest under, or loan value of, any one or more unmatured life insurance contracts owned by such person under which the insured is such person or an individual of whom such person is a dependent; provided, however, that if proceedings under Title 11 of the United States Code are commenced by or against such person, the amount exempt in such proceedings shall not exceed in value one hundred fifty thousand dollars in the aggregate less any amount of property of such person transferred by the life insurance company or fraternal benefit society to itself in good faith if such transfer is to pay a premium or to carry out a nonforfeiture insurance option and is required to be so transferred automatically under a life insurance contract with such company or society that was entered into before commencement of such proceedings. No amount of any accrued dividend or interest under, or loan value of, any such life insurance contracts shall be exempt from any claim for child support. Notwithstanding anything to the contrary, no such amount shall be exempt in such proceedings under any such insurance contract which was purchased by such person within one year prior to the commencement of such proceedings;

(9) Professionally prescribed health aids for such person or a dependent of such person;

(10) Such person's right to receive:

(a) A Social Security benefit, unemployment compensation or a public assistance benefit;

(b) A veteran's benefit;

(c) A disability, illness or unemployment benefit;

(d) Alimony, support or separate maintenance, not to exceed seven hundred fifty dollars a month;

(e) Any payment under a stock bonus plan, pension plan, disability or death benefit plan, profit-sharing plan, nonpublic retirement plan or any plan described, defined, or established pursuant to section 456.072, the person's right to a participant account in any deferred compensation program offered by the state of Missouri or any of its political

subdivisions, or annuity or similar plan or contract on account of illness, disability, death, age or length of service, to the extent reasonably necessary for the support of such person and any dependent of such person unless:

a. Such plan or contract was established by or under the auspices of an insider that employed such person at the time such person's rights under such plan or contract arose;

b. Such payment is on account of age or length of service; and

c. Such plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, (26 U.S.C. 401(a), 403(a), 403(b), 408, 408A or 409); except that any such payment to any person shall be subject to attachment or execution pursuant to a qualified domestic relations order, as defined by Section 414(p) of the Internal Revenue Code of 1986, as amended, issued by a court in any proceeding for dissolution of marriage or legal separation or a proceeding for disposition of property following dissolution of marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of marital property at the time of the original judgment of dissolution;

(f) Any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan [or] , profit-sharing plan, **health savings plan, or similar plan, including an inherited account or plan**, that is qualified under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, **whether such participant's or beneficiary's interest arises by inheritance, designation, appointment, or otherwise**, except as provided in this paragraph. Any plan or arrangement described in this paragraph shall not be exempt from the claim of an alternate payee under a qualified domestic relations order; however, the interest of any and all alternate payees under a qualified domestic relations order shall be exempt from any and all claims of any creditor, other than the state of Missouri through its division of family services. As used in this paragraph, the terms "alternate payee" and "qualified domestic relations order" have the meaning given to them in Section 414(p) of the Internal Revenue Code of 1986, as amended.

If proceedings under Title 11 of the United States Code are commenced by or against such person, no amount of funds shall be exempt in such proceedings under any such plan, contract, or trust which is fraudulent as defined in subsection 2 of section 428.024 and for the period such person participated within three years prior to the commencement of such proceedings. For the purposes of this section, when the fraudulently conveyed funds are recovered and after, such funds shall be deducted and then treated as though the funds had never been contributed to the plan, contract, or trust;

(11) The debtor's right to receive, or property that is traceable to, a payment on account of the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.

2. Nothing in this section shall be interpreted to exempt from attachment or execution for a valid judicial or administrative order for the payment of child support or maintenance any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan which is qualified pursuant to Section 408A of the Internal Revenue Code of 1986, as amended.

537.602. 1. As used in this section the following terms shall mean:

(1) "Community service work", any work which is performed without compensation and is required in exchange for deferred prosecution of any criminal charge by any federal, state, or local prosecutor under a written agreement;

(2) "Entity", includes any person, for profit or not-for-profit business, agency, group, charity, organization, or any unit of federal, state or local government or any of their employees.

2. Any entity which supervises community service work performed as a requirement for deferment of any criminal charge under a written agreement with a federal, state, or local prosecutor, or any entity which derives benefits from the performance of community service work shall be immune from any suit by the person performing the community service work or by any person deriving a cause of action from the person performing the community service work if that cause of action arises from the supervision of the work performed, except that the entity supervising the work shall not be immune from any suit for gross negligence or for an intentional tort.

3. Community service work shall not be deemed employment within the meaning of the provisions of chapter 288 and a person performing community service work under the provisions of this section shall not be deemed an employee within the meaning of the provisions of chapter 287.

545.417. Any party who takes a deposition in any criminal case shall be responsible for the costs of providing one copy of the transcript of such deposition to the opposing party."; and

Further amend said bill, Page 4, Section 537.865, Line 6, by inserting after all of said section and line the following:

"541.033. 1. Persons accused of committing offenses against the laws of this state, except as may be otherwise provided by law, shall be prosecuted:

(1) In the county in which the offense is committed; or
(2) If the offense is committed partly in one county and partly in another, or if the elements of the crime occur in more than one county, then in any of the counties where any element of the offense occurred.

2. Persons accused of committing the offenses of identity theft against the laws of this state in sections 570.223, 570.224, and 575.120 shall be prosecuted:

(1) In the county in which the offense is committed;
(2) If the offense is committed partly in one county and partly in another, or if the elements of the offense occur in more than one county, then in any of the counties where any element of the offense occurred;

(3) In the county in which the victim resides; or

(4) In the county in which the property obtained or attempted to be obtained was located.

3. Persons accused of committing the offense of making a terrorist threat against a school under section 574.115 shall be prosecuted:

(1) In the county in which the offense is committed;

(2) If the offense is committed partly in one county and partly in another, or if the elements of the offense occur in more than one county, then in any of the counties where any element of the offense occurred;

(3) In the county in which the school that was the target of the threat is located; or

(4) In the county in which accused resides."; and

Further amend said bill, Page 6, Section 559.105, Line 28, by inserting after all of said section and line the following:

"565.020. 1. A person commits the crime of murder in the first degree if he knowingly causes the death of another person after deliberation upon the matter.

2. Murder in the first degree is a class A felony, and, **if a person has reached his or her eighteenth birthday at the time of the commission of the crime**, the punishment shall be either death or imprisonment for life without eligibility for probation or parole, or release except by act of the governor; except that, if a person has not reached his **or her** [sixteenth] **eighteenth** birthday at the time of the commission of the crime, the punishment shall be **either** imprisonment for life without eligibility for probation or parole, or release except by act of the governor, **or life imprisonment with eligibility for parole after fifty years.**

3. If the person has not reached his or her eighteenth birthday at the time of the commission of the crime, the court shall hold a hearing upon the motion of the prosecuting attorney to determine whether the mandatory sentence of life imprisonment should be without the possibility of parole or with eligibility for parole after fifty years. Such motion shall be filed within fourteen days of the person's conviction. In the event the prosecuting attorney does not file such a motion within fourteen days, the sentence shall be life with eligibility for parole after fifty years.

4. The motion of the prosecuting attorney shall specify the basis on which he or she believes the proper sentence shall be life without the possibility of parole.

5. At such hearing, the court shall consider both the statutory aggravating circumstances under subsection 2 of section 565.032 and the statutory mitigating circumstances under subsection 3 of section 565.032.

6. At the sentencing, the court shall specify on the record the statutory aggravating circumstances and the statutory mitigating circumstances considered by the court, and the court's reasons supporting the sentence imposed. The court may consider evidence presented at trial together with any new evidence presented at the sentencing hearing.

7. The procedures specified in subsections 3, 4, 5 and 6 of this section shall not apply to any case that is final for purposes of appeal on or before the enactment date of this section. A case is final for purposes of appeal when the time for filing an appeal in the Missouri Court of Appeals has expired; if an appeal was filed in the Missouri Court of Appeals, when the time for filing an application for transfer to the Missouri Supreme Court has expired; if an application for transfer to the Missouri Supreme Court has been filed, when the application for transfer was denied or when a timely filed motion for rehearing was denied; or if the Missouri Supreme Court granted transfer, when the Missouri Supreme Court rendered its decision or when a timely filed motion for rehearing was denied.

8. Any person sentenced to imprisonment for life without the eligibility for probation or parole for a crime committed before the person reached his or her eighteenth birthday, and who was sentenced prior to the effective date of this section, may file a motion in the sentencing court for a sentencing hearing. Such sentencing hearing shall be heard by the judge. The sole purpose of the sentencing hearing shall be to determine if the sentence of imprisonment for life without the eligibility for probation or parole which was originally imposed shall remain or should be amended to life with eligibility for parole after fifty years.

9. This section shall have an emergency clause and shall be effective upon signature by the governor."; and

Further amend said bill, Page 8, Section 570.120, Line 78, by inserting after all of said section and line, the following:

"589.400. 1. Sections 589.400 to 589.425 shall apply to:

(1) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a felony offense of chapter 566, including sexual trafficking of a child and sexual trafficking of a child under the age of twelve, or any offense of chapter 566 where the victim is a minor, unless such person is [exempted] **exempt** from registering under subsection [8] **9** of this section; or

(2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit one or more of the following offenses: kidnapping when the victim was a child and the defendant was not a parent or guardian of the child; abuse of a child under section 568.060 when such abuse is sexual in nature; felonious restraint when the victim was a child and the defendant is not a parent or guardian of the child; sexual contact or sexual intercourse with a resident of a nursing home, under section 565.200; endangering the welfare of a child under section 568.045 when the endangerment is sexual in nature; genital mutilation of a female child, under section 568.065; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; sexual exploitation of a minor; promoting child pornography in the first degree; promoting child pornography in the second degree; possession of child pornography; furnishing pornographic material to minors; public display of explicit sexual material; coercing acceptance of obscene material; promoting obscenity in the first degree; promoting pornography for minors or obscenity in the second degree; incest; use of a child in a sexual performance; or promoting sexual performance by a child; or

(3) Any person who, since July 1, 1979, has been committed to the department of mental health as a criminal sexual psychopath; or

(4) Any person who, since July 1, 1979, has been found not guilty as a result of mental disease or defect of any offense listed in subdivision (1) or (2) of this subsection; or

(5) Any juvenile certified as an adult and transferred to a court of general jurisdiction who has been convicted of, found guilty of, or has pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a felony under chapter 566 which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense;

(6) Any juvenile fourteen years of age or older at the time of the offense who has been adjudicated for an offense which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense;

(7) Any person who is a resident of this state who has, since July 1, 1979, or is hereafter convicted of, been found guilty of, or pled guilty to or nolo contendere in any other state, or foreign country, or under federal, tribal, or military jurisdiction to committing, attempting to commit, or conspiring to commit an offense which, if committed in this state, would be a violation of chapter 566, or a felony violation of any offense listed in subdivision (2) of this subsection or has been or is required to register in another state or has been or is required to register under tribal, federal, or military law **unless such person's name has been removed from the registry pursuant to subsection 4 of this section and such person has not been found guilty of a subsequent offense requiring registration under this section; or**

(8) Any person who has been or is required to register in another state or has been or is required to register under tribal, federal, or military law and who works or attends an educational institution, whether public or private in nature, including any secondary school, trade school, professional school, or institution of higher education on a full-time or on a part-time basis or has a temporary residence in Missouri **unless such person's name has been removed from the registry pursuant to subsection 4 of this section and such person has not been found guilty of a subsequent offense requiring registration under this section.** "Part-time" in this subdivision means for more than seven days in any twelve-month period.

2. Any person to whom sections 589.400 to 589.425 apply shall, within three days of conviction, release from incarceration, or placement upon probation, register with the chief law enforcement official of the county or city not within a county in which such person resides unless such person has already registered in that county for the same offense. Any person to whom sections 589.400 to 589.425 apply if not currently registered in their county of residence shall register with the chief law enforcement official of such county or city not within a county within three days. The chief law enforcement official shall forward a copy of the registration form required by section 589.407 to a city, town, village, or campus law enforcement agency located within the county of the chief law enforcement official, if so requested. Such request may ask the chief law enforcement official to forward copies of all registration forms filed with such official. The chief law enforcement official may forward a copy of such registration form to any city, town, village, or campus law enforcement agency, if so requested.

3. The registration requirements of sections 589.400 through 589.425 are lifetime registration requirements unless:

- (1) All offenses requiring registration are reversed, vacated or set aside;
- (2) The registrant is pardoned of the offenses requiring registration;
- (3) The registrant is no longer required to register and his or her name shall be removed from the registry under the provisions of subsection 6 of this section; or

(4) The registrant may petition the court for removal or exemption from the registry under subsection [7 or 8] 4, 8, or 9 of this section and the court orders the removal or exemption of such person from the registry.

4. **Any person on the sexual offender registry under subdivision (5) or (6) of subsection 1 of this section may file a petition for removal from the registry after five years have passed from the later of the date the offender was found guilty of the offense that requires registration or the date the person was released from custody for such offense. The petition may be filed in the circuit court in the county in which the person was found guilty of the offense, or, if the offense was adjudicated outside the state, the person may file a petition in the circuit court in the county in which the person resides after such person has been a resident of Missouri for at least five years prior to filing the petition. The court shall grant the petition and enter an order directing the removal of the petitioner's name and information from the sexual offender registry unless it finds that the petitioner, in this state or any other state, territory, the District of Columbia, foreign country, or federal, tribal, or military jurisdiction:**

- (1) Has been adjudicated of, or has charges pending, for failure to register;**
- (2) Has been adjudicated of, or has charges pending for, any additional offense which would require registration as a sexual offender under this section, or section 211.425, and which occurred after the date such person initially registered as a sexual offender;**
- (3) Has not successfully completed any required period of supervised release, probation, or parole; or**
- (4) If the petitioner's offense was adjudicated outside the state, such person has not been a resident of Missouri for at least five years prior to filing the petition.**

If the petition was not granted solely because the petitioner had charges pending for failure to register or an additional offense that would require registration and such charges are subsequently dismissed or the petitioner is acquitted of the pending charges, the person may file a new petition at any time after the dismissal or acquittal of the pending charges. If the denial is based on a finding of guilt for an offense that would require registration under this section, or section 211.425, no successive petition shall be filed. If the denial is based on a finding of guilt for failure to register, the person may file a new petition after five years have passed from the date the person was found guilty for failure to register. If the denial is based on the petitioner not completing a required period of supervised release, probation, or parole and the petitioner subsequently completes the period of supervised release, probation, or parole, then the person may file a new petition at any time after completing such period of release, probation, or parole. If the petition is denied because the petitioner's offense was adjudicated outside the state and the petitioner has not been a resident of Missouri for at least five years prior to filing the petition, such person may file a new petition at any time after residing in the state for the required five-year period. Beginning August 28, 2013, information regarding any person whose offense was committed in Missouri, or in any other state, when such person was under eighteen years of age shall be immediately removed from the highway patrol's website created under section 43.650 and any local law enforcement website allowed under section 589.402 regardless of whether such person has a petition granted under this subsection.

5. For processing an initial sex offender registration the chief law enforcement officer of the county or city not within a county may charge the offender registering a fee of up to ten dollars.

[5.] 6. For processing any change in registration required pursuant to section 589.414 the chief law enforcement official of the county or city not within a county may charge the person changing their registration a fee of five dollars for each change made after the initial registration.

[6.] 7. Any person currently on the sexual offender registry for being convicted of, found guilty of, or pleading guilty or nolo contendere to committing, attempting to commit, or conspiring to commit, felonious restraint when the victim was a child and he or she was the parent or guardian of the child, nonsexual child abuse that was committed under section 568.060, or kidnapping when the victim was a child and he or she was the parent or guardian of the child shall be removed from the registry. However, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register under sections 589.400 to 589.425.

[7.] 8. Any person currently on the sexual offender registry for having been convicted of, found guilty of, or having pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit promoting prostitution in the second degree, promoting prostitution in the third degree, public display of explicit sexual material, statutory rape in the second degree, and no physical force or threat of physical force was used in the commission of the crime may file a petition in the civil division of the circuit court in the county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit the offense or offenses for the removal of his or her name from the sexual offender registry after ten years have passed from the date he or she was required to register.

[8.] 9. Effective August 28, 2009, any person on the sexual offender registry for having been convicted of, found guilty of, or having pled guilty or nolo contendere to an offense included under subsection 1 of this section may file a petition after two years have passed from the date the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses in the civil division of the circuit court in the county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses for removal of his or her name from the registry if such person was nineteen years of age or younger and the victim was thirteen years of age or older at the time of the offense and no physical force or threat of physical force was used in the commission of the offense, unless such person meets the qualifications of this subsection, and such person was eighteen years of age or younger at the time of the offense, and is convicted or found guilty of or pleads guilty or nolo contendere to a violation of section 566.068, 566.090, 566.093, or 566.095 when such offense is a misdemeanor, in which case, such person may immediately file a petition to remove or exempt his or her name from the registry upon his or her conviction or finding or pleading of guilty or nolo contendere to such offense.

[9.] 10. (1) The court may grant such relief under subsection [7] 8 or [8] 9 of this section if such person demonstrates to the court that he or she has complied with the provisions of this section and is not a current or potential threat to public safety. The prosecuting attorney in the circuit court in which the petition is filed must be given notice, by the person seeking removal or exemption from the registry, of the petition to present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. Failure of the person seeking removal or exemption from the registry to notify the prosecuting attorney of the petition shall result in an automatic denial of such person's petition. If the prosecuting attorney is notified of the petition he or she shall make reasonable efforts to notify the victim of the crime for which the person was required to register of the petition and the dates and times of any hearings or other proceedings in connection with that petition.

(2) If the petition is denied, such person shall wait at least twelve months before petitioning the court again. If the court finds that the petitioner is entitled to relief, which removes or exempts such person's name from the registry, a certified copy of the written findings or order shall be forwarded by the court to the chief law enforcement official having jurisdiction over the offender and to the Missouri state highway patrol in order to have such person's name removed or exempted from the registry.

[10.] 11. Any nonresident worker or nonresident student shall register for the duration of such person's employment or attendance at any school of higher education and is not entitled to relief under the provisions of subsection [9] 10 of this section. Any registered offender from another state who has a temporary residence in this state and resides more than seven days in a twelve-month period shall register for the duration of such person's temporary residency and is not entitled to the provisions of subsection [9] 10 of this section.

[11.] 12. Any person whose name is removed or exempted from the sexual offender registry under subsection [7] 8 or [8] 9 of this section shall no longer be required to fulfill the registration requirements of sections 589.400 to 589.425, unless such person is required to register for committing another offense after being removed from the registry.

589.402. 1. The chief law enforcement officer of the county or city not within a county may maintain a [web page] **website** on the internet, which shall be open to the public and shall include a registered sexual offender search capability.

2. The registered sexual offender search shall make it possible for any person using the internet to search for and find the information specified in subsection 3 of this section, if known, on offenders registered in this state pursuant to sections 589.400 to 589.425, except that only persons who have been convicted of, found guilty of, or plead guilty to committing, attempting to commit, or conspiring to commit sexual offenses shall be included on this website.

3. Only the information listed in this subsection shall be provided to the public in the registered sexual offender search:

- (1) The name and any known aliases of the offender;
- (2) The date of birth and any known alias dates of birth of the offender;
- (3) A physical description of the offender;
- (4) The residence, temporary, work, and school addresses of the offender, including the street address, city, county, state, and zip code;
- (5) Any photographs of the offender;
- (6) A physical description of the offender's vehicles, including the year, make, model, color, and license plate number;
- (7) The nature and dates of all offenses qualifying the offender to register;
- (8) The date on which the offender was released from the department of mental health, prison, or jail, or placed on parole, supervised release, or probation for the offenses qualifying the offender to register;
- (9) Compliance status of the offender with the provisions of sections 589.400 to 589.425; and
- (10) Any online identifiers, as defined in section 43.651, used by the person. Such online identifiers shall not be included in the general profile of an offender on the [web page] **website** and shall only be available to a member of the public by a search using the specific online identifier to determine if a match exists with a registered offender.

4. The chief law enforcement officer of any county or city not within a county may publish in any newspaper distributed in the county or city not within a county the sexual offender information provided under subsection 3 of this section for any offender residing in the county or city not within a county.

5. Beginning August 28, 2013, no offender's information whose offense was committed in the state of Missouri, or in any other state, when such offender was a juvenile shall be listed on the website. Effective August 28, 2013, any offender currently on the website who was required to register as a sex offender under section 589.400, based on an offense that occurred when such offender was a juvenile shall be immediately removed from the website. For purposes of this subsection, "juvenile" shall mean any person under eighteen years of age."; and

Further amend said bill, Page 8, Section 600.042, Line 3, by deleting the phrase "he and the chief deputy director" and inserting in lieu thereof the phrase "he **or she** and the [chief] deputy director **or directors**"; and

Further amend said bill, Page 9, said section, Line 23, by deleting the word "providing" and insert in lieu thereof the phrase "[providing] **provision**"; and

Further amend said bill, said page, said section, Lines 29-31, by deleting all of said lines and inserting in lieu thereof the following:

"instructions consistent with this chapter defining the organization of [his office] **the state public defender system** and the responsibilities of [public] **division directors, district** defenders, [assistant public] **deputy district** defenders, [deputy] **assistant** public defenders and other personnel"; and

Further amend said bill, page, and section, Line 36, by deleting the open bracket "["; and

Further amend said bill, Page 10, said section, Lines 39-51, by deleting all of said lines and inserting in lieu thereof the following:

"(11) With the approval and on behalf of the commission, contract with private attorneys for the collection and enforcement of liens and other judgments owed to the state for services rendered by the state public defender system;

(12) Prepare a plan to establish district offices, the boundaries of which shall coincide with existing judicial circuits. Any district office may contain more than one judicial circuit within its boundaries, but in no event shall any district office boundary include any geographic region of a judicial circuit without including the entire judicial circuit. The director shall submit the plan to the chair of the house of representatives judiciary committee and the chair of the senate judiciary committee, with fiscal estimates, by December 31, 2014. The plan shall be implemented by December 31, 2018."; and

Further amend said bill, page, and section, Line 60, by deleting said line and inserting in lieu thereof the following:

"4. The director and defenders shall"; and

Further amend said bill, page, and section, Line 62, by deleting the phrase "**class A or B**"; and

Further amend said bill, page, and section, Line 64, by deleting the open bracket "["; and

Further amend said bill, page, and section, Line 66, by inserting immediately after the word "case" the following:

", **unless the prosecuting or circuit attorney has waived a jail sentence**"; and

Further amend said bill, page, and section, Line 67, by deleting said line and inserting in lieu thereof the following:

"(3) Who is [detained or] charged with a violation of probation [or parole] **when it has been determined by a judge that the appointment of counsel is necessary to protect the person's due process rights under section 559.036**"; and

Further amend said bill, page, and section, Lines 68-69, by deleting all of said lines and inserting in lieu thereof the following:

"(4) Who has been taken into custody pursuant to section 632.489, including appeals from"; and

Further amend said bill, page, and section, Line 72, by deleting the phrase "[(5)] (4)" and inserting in lieu thereof the number "(5)"; and

Further amend said bill, Page 11, Section 600.042, Line 74, by deleting said line and inserting in lieu thereof the following:

"(6) [For whom,] **Who is charged** in a case in which he **or she** faces a loss or deprivation of liberty, **and in which the federal or the state constitution or any law**"; and

Further amend said bill, page, and section, Line 77, by inserting after the word "ordinances" the following:

", **or misdemeanor offenses except as provided in this section**"; and

Further amend said bill, page, and section, Line 79, by deleting the open bracket "["; and

Further amend said bill, page, and section, Line 81, by deleting the closed bracket "]"; and

Further amend said bill, page, and section, Lines 82-92, by deleting all of said lines and inserting in lieu thereof the following:

"indigency determinations and assigning counsel."; and

Further amend said bill, Page 12, Section 600.053, Line 3, by inserting immediately after said line the following:

"600.062. Notwithstanding the provisions of sections 600.017 and 600.042 to the contrary, neither the director nor the commission shall have the authority to limit the availability of a district office or any division director, district defender, deputy district defender, or assistant public defender to accept cases based on a determination that the office has exceeded a caseload standard. The director, commission, any division director,

district defender, deputy district defender, or assistant public defender may not refuse to provide representation required under this chapter without prior approval from a court of competent jurisdiction.

600.063. 1. Upon approval by the director or the commission, any district defender may file a motion to request a conference to discuss caseload issues involving any individual public defender or defenders, but not the entire office, with the presiding judge of any circuit court served by the district office. The motion shall state the reasons why the individual public defender or public defenders will be unable to provide effective assistance of counsel due to caseload concerns. When a motion to request a conference has been filed, the clerk of the court shall immediately provide a copy of the motion to the prosecuting or circuit attorney who serves the circuit court.

2. If the presiding judge approves the motion, a date for the conference shall be set within thirty days of the filing of the motion. The court shall provide notice of the conference date and time to the district defender and the prosecuting or circuit attorney.

3. Within thirty days of the conference, the presiding judge shall issue an order either granting or denying relief. If relief is granted, it shall be based upon a finding that the individual public defender or defenders will be unable to provide effective assistance of counsel due to caseload issues. The judge may order one or more of the following types of relief in any appropriate combination:

(1) Appoint private counsel to represent any eligible defendant pursuant to the provisions of section 600.064;

(2) Investigate the financial status of any defendant determined to be eligible for public defender representation under section 600.086 and make findings regarding the eligibility of such defendants;

(3) Determine, with the express concurrence of the prosecuting or circuit attorney, whether any cases can be disposed of without the imposition of a jail or prison sentence and allow such cases to proceed without the provision of counsel to the defendant;

(4) Modify the conditions of release ordered in any case in which the defendant is being represented by a public defender, including, but not limited to, reducing the amount of any bond required for release;

(5) Place cases on a waiting list for defender services, taking into account the seriousness of the case, the incarceration status of the defendant, and such other special circumstances as may be brought to the attention of the court by the prosecuting or circuit attorney, the district defender, or other interested parties; and

(6) Grant continuances.

4. Upon receiving the order, the prosecuting or circuit attorney and the district defender shall have ten days to file an application for review to the appropriate appellate court. Such appeal shall be expedited by the court in every manner practicable.

5. Nothing in this section shall deny any party the right to seek any relief authorized by law nor shall any provisions of this section be construed as providing a basis for a claim for post conviction relief by a defendant.

6. The commission and the supreme court may make such rules and regulations to implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created by the commission under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

600.064. 1. Before a circuit court judge appoints private counsel to represent an indigent defendant, the judge shall:

(1) Investigate the defendant's financial status to verify that the defendant does not have the means to obtain counsel; and

(2) Provide each appointed lawyer, upon request, with an evidentiary hearing as to the propriety of the appointment, taking into consideration the lawyer's right to earn a livelihood and be free from involuntary servitude. If the judge determines after the hearing that the appointment will cause any undue hardship to the lawyer, the judge shall appoint another lawyer.

(3) Determine whether the private counsel to be appointed possesses the necessary experience, education, and expertise in criminal defense to provide effective assistance of counsel.

2. No judge shall require a lawyer to advance personal funds in any amount for the payment of litigation expenses to prepare a proper defense for an indigent defendant.

3. If an employee of the general assembly is appointed to represent an indigent defendant during the time period beginning January first and ending June first of each year, or whenever the general assembly is in a veto

session or special session or is holding out-of-session committee hearings, the judge who made the appointment shall postpone the trial and all other proceedings of any kind or nature to a date that does not fall within such time period or appoint a different lawyer who is not an employee of the general assembly to represent the defendant.

4. Private counsel appointed to represent an indigent defendant may seek payment of litigation expenses from the public defender system. Such litigation expenses shall not include counsel fees and shall be limited to those expenses approved in advance by the director as reasonably necessary for the proper defense of the defendant."; and

Further amend said bill, Page 14, Section C, Lines 1-6, by deleting all of said section and lines and inserting in lieu thereof the following:

"Section C. Because immediate action is necessary to protect public safety and to ensure the constitutionality of statutes regarding criminal procedure for juvenile offenders and quality of representation of indigent criminal defendants the enactment of sections 537.865, 565.020, and 600.053 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of sections 537.865, 565.020, and 600.053 of section A of this act shall be in full force and effect upon its passage and approval."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Cox, **House Amendment No. 4** was adopted.

Representative McManus offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Committee Substitute for Senate Bill No. 12, Page 4, Section 488.026, Line 12, by inserting after all of said line the following:

"488.2230. 1. In addition to all other court costs for municipal ordinance violations, any home rule city with more than four hundred thousand inhabitants and located in more than one county may provide for additional court costs in an amount up to seven dollars per case for each municipal ordinance violation case, except that no such additional cost shall be collected in any proceeding involving a violation of an ordinance when the proceeding or defendant has been dismissed by the court.

2. The judge may waive the assessment of the cost in those cases where the defendant is found by the judge to be indigent and unable to pay the costs.

3. Such cost shall be calculated by the clerk and disbursed to the city at least monthly. The city shall use such additional costs exclusively to fund special mental health, drug, and veterans courts, including indigent defense and ancillary services associated with such specialized courts."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative McManus, **House Amendment No. 5** was adopted.

Representative Kelly (45) offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Committee Substitute for Senate Bill No. 12, Page 4, Section 537.865, Line 6, by inserting after all of said section and line the following:

"568.040. 1. A person commits the crime of nonsupport if such person knowingly fails to provide adequate support for his or her spouse; a parent commits the crime of nonsupport if such parent knowingly fails to provide adequate support which such parent is legally obligated to provide for his or her child or stepchild who is not otherwise emancipated by operation of law.

2. For purposes of this section:

(1) **"Arrearage":**

(a) **The amount of money created by a failure to provide support to a child under an administrative or judicial support order; or**

(b) **Support to an estranged or former spouse if the judgment or order requiring payment of spousal support also requires payment of child support and such estranged or former spouse is the custodial parent; or**

(c) **Both paragraphs (a) and (b).**

The arrearage shall reflect any retroactive support ordered under a modification, and any judgments entered by a court of competent jurisdiction or any authorized agency and any satisfactions of judgment filed by the custodial parent;

(2) "Child" means any biological or adoptive child, or any child whose paternity has been established under chapter 454, or chapter 210, or any child whose relationship to the defendant has been determined, by a court of law in a proceeding for dissolution or legal separation, to be that of child to parent;

[(2)] (3) "Good cause" means any substantial reason why the defendant is unable to provide adequate support. Good cause does not exist if the defendant purposely maintains his inability to support;

[(3)] (4) "Support" means food, clothing, lodging, and medical or surgical attention;

[(4)] (5) It shall not constitute a failure to provide medical and surgical attention, if nonmedical remedial treatment recognized and permitted under the laws of this state is provided.

3. Inability to provide support for good cause shall be an affirmative defense under this section. A person who raises such affirmative defense has the burden of proving the defense by a preponderance of the evidence.

4. The defendant shall have the burden of injecting the issues raised by subdivision (4) of subsection 2 of this section.

5. Criminal nonsupport is a class A misdemeanor, unless the total arrearage is in excess of an aggregate of twelve monthly payments due under any order of support issued by any court of competent jurisdiction or any authorized administrative agency, in which case it is a class D felony.

6. (1) If at any time a defendant convicted of criminal nonsupport **or pleads guilty to a charge of criminal nonsupport** is placed on probation or parole, there may be ordered as a condition of probation or parole that the defendant commence payment of current support as well as satisfy the arrearages. Arrearages may be satisfied first by making such lump sum payment as the defendant is capable of paying, if any, as may be shown after examination of defendant's financial resources or assets, both real, personal, and mixed, and second by making periodic payments. Periodic payments toward satisfaction of arrears when added to current payments due [may] **shall** be in such aggregate sums as is not greater than fifty percent of the defendant's adjusted gross income after deduction of payroll taxes, medical insurance that also covers a dependent spouse or children, and any other court- or administrative-ordered support, only.

(2) If the defendant fails to pay the [current] support and arrearages [as ordered] **under the terms of his or her probation**, the court may revoke probation or parole and then impose an appropriate sentence within the range for the class of offense that the defendant was convicted of as provided by law, unless the defendant proves good cause for the failure to pay as required under subsection 3 of this section.

(3) **After a period of not less than eight years, an individual who has pled guilty to or has been convicted of a first felony offense for criminal nonsupport under this section and who has successfully completed probation after a plea of guilt or was sentenced may petition the court for expungement of all official records all recordations of his or her arrest, plea, trial, or conviction. If the court determines after hearing that such person has not been convicted of any subsequent offense; does not have any other felony pleas of guilt, findings of guilt or convictions; is current on all child support obligations; has paid off all arrearages; and has no other criminal charges or administrative child support actions pending at the time of the hearing on the application for expungement with respect to all children subject to orders of payment of child support or that the defendant has successfully completed a criminal nonsupport courts program under section 478.1000, the court shall enter an order of expungement. Upon granting the order of expungement, the records and files maintained in any court proceeding in an associate or circuit division of the circuit court under this section shall be confidential and only available to the parties or by order of the court for good cause shown. The effect of such order shall be to restore such person to the status he or she occupied prior to such arrest, plea or conviction, and as if such event had never taken place. No person for whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction, or expungement in response to any inquiry made of him or her for any purpose whatsoever and no such inquiry shall be made for information relating to an expungement under this section. A person shall only be entitled to one expungement under this section. Nothing in this section shall**

prevent the director of the department of social services from maintaining such records as to ensure that an individual receives only one expungement under this section for the purpose of informing the proper authorities of the contents of any record maintained under this section.

7. During any period that a nonviolent defendant is incarcerated for criminal nonsupport, if the defendant is ready, willing, and able to be gainfully employed during said period of incarceration, the defendant, if he or she meets the criteria established by the department of corrections, may be placed on work release to allow the defendant to satisfy defendant's obligation to pay support. Arrearages shall be satisfied as outlined in the collection agreement.

8. Beginning August 28, 2009, every nonviolent first- and second-time offender then incarcerated for criminal nonsupport, who has not been previously placed on probation or parole for conviction of criminal nonsupport, may be considered for parole, under the conditions set forth in subsection 6 of this section, or work release, under the conditions set forth in subsection 7 of this section.

9. Beginning January 1, 1991, every prosecuting attorney in any county which has entered into a cooperative agreement with the [child support enforcement service of the] family support division [of] **within** the department of social services **regarding child support enforcement services** shall report to the division on a quarterly basis the number of charges filed and the number of convictions obtained under this section by the prosecuting attorney's office on all IV-D cases. The division shall consolidate the reported information into a statewide report by county and make the report available to the general public.

10. Persons accused of committing the offense of nonsupport of the child shall be prosecuted:

- (1) In any county in which the child resided during the period of time for which the defendant is charged; or
- (2) In any county in which the defendant resided during the period of time for which the defendant is charged."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Kelly (45), House Amendment No. 6 was adopted.

Representative McGaugh offered House Amendment 7.

House Amendment No. 7

AMEND House Committee Substitute for Senate Bill No. 12, Page 8, Section 570.120, Line 78, by inserting after all of said section and line the following:

"578.009. 1. A person is guilty of animal neglect [when] **if** he has custody or ownership or both of an animal and fails to provide adequate care [or adequate control, which results in substantial harm to the animal].

2. A person is guilty of abandonment [when] **if** he has knowingly abandoned an animal in any place without making provisions for its adequate care.

3. Animal neglect and abandonment is a class C misdemeanor upon first conviction and for each offense, punishable by imprisonment or a fine not to exceed five hundred dollars, or both, and a class B misdemeanor punishable by imprisonment or a fine not to exceed one thousand dollars, or both upon the second and all subsequent convictions. All fines and penalties for a first conviction of animal neglect or abandonment may be waived by the court provided that the person found guilty of animal neglect or abandonment shows that adequate, permanent remedies for the neglect or abandonment have been made. Reasonable costs incurred for the care and maintenance of neglected or abandoned animals may not be waived. This section shall not apply to the provisions of section 578.007 **or sections 272.010 to 272.370.**

4. In addition to any other penalty imposed by this section, the court may order a person found guilty of animal neglect or abandonment to pay all reasonable costs and expenses necessary for:

- (1) The care and maintenance of neglected or abandoned animals within the person's custody or ownership;
- (2) The disposal of any dead or diseased animals within the person's custody or ownership;
- (3) The reduction of resulting organic debris affecting the immediate area of the neglect or abandonment; and
- (4) The avoidance or minimization of any public health risks created by the neglect or abandonment of the animals.

578.011. 1. A person is guilty of animal trespass if a person having ownership or custody of an animal knowingly fails to provide adequate control for a period equal to or exceeding twelve hours.

2. Animal trespass is an infraction upon first conviction and for each offense punishable by a fine not to exceed two hundred dollars, and a class C misdemeanor punishable by imprisonment or a fine not to exceed five hundred dollars, or both, upon the second and all subsequent convictions. All fines for a first conviction of trespass may be waived by the court provided that the person found guilty of animal trespass shows that adequate, permanent remedies for trespass have been made. Reasonable costs incurred for the care and maintenance of trespassing animals may not be waived. This section shall not apply to the provisions of section 578.007 or sections 272.010 to 272.370.

578.012. 1. A person is guilty of animal abuse [when] **if a person:**

(1) Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of sections 578.005 to 578.023 and 273.030;

(2) Purposely or intentionally causes injury or suffering to an animal; or

(3) Having ownership or custody of an animal knowingly fails to provide adequate care [or adequate control] **which results in substantial harm to the animal.**

2. Animal abuse is a class A misdemeanor, unless the defendant has previously [plead] **pled** guilty to or has been found guilty of animal abuse or the suffering involved in subdivision (2) of subsection 1 of this section is the result of torture or mutilation, or both, consciously inflicted while the animal was alive, in which case it is a class D felony."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative McGaugh, **House Amendment No. 7** was adopted.

Representative Lichtenegger offered **House Amendment No. 8.**

House Amendment No. 8

AMEND House Committee Substitute for Senate Bill No. 12, Page 3, Section 56.807, Line 74, by inserting after all of said line the following:

"104.1091. 1. Notwithstanding any provision of the year 2000 plan to the contrary, each person **who has never been a judge as defined in section 476.515 prior to January 1, 2011 and** who first becomes an employee on or after January 1, 2011, shall be a member of the year 2000 plan subject to the provisions of this section. **Any employee who was a judge as defined in section 476.515 prior to January 1, 2011 shall receive a refund of his or her contributions made under this section.**

2. A member's normal retirement eligibility shall be as follows:

(1) The member's attainment of at least age sixty-seven and the completion of at least ten years of credited service; or the member's attainment of at least age fifty-five with the sum of the member's age and credited service equaling at least ninety; or, in the case of a member who is serving as a uniformed member of the highway patrol and subject to the mandatory retirement provisions of section 104.081, such member's attainment of at least age sixty or the attainment of at least age fifty-five with ten years of credited service;

(2) For members of the general assembly, the member's attainment of at least age sixty-two and the completion of at least three full biennial assemblies; or the member's attainment of at least age fifty-five with the sum of the member's age and credited service equaling at least ninety;

(3) For statewide elected officials, the official's attainment of at least age sixty-two and the completion of at least four years of credited service; or the official's attainment of at least age fifty-five with the sum of the official's age and credited service equaling at least ninety.

3. A vested former member's normal retirement eligibility shall be based on the attainment of at least age sixty-seven and the completion of at least ten years of credited service.

4. A temporary annuity paid pursuant to subsection 4 of section 104.1024 shall be payable if the member has attained at least age fifty-five with the sum of the member's age and credited service equaling at least ninety; or in the case of a member who is serving as a uniformed member of the highway patrol and subject to the mandatory retirement provisions of section 104.081, the temporary annuity shall be payable if the member has attained at least age sixty, or at least age fifty-five with ten years of credited service.

5. A member, other than a member who is serving as a uniformed member of the highway patrol and subject to the mandatory retirement provisions of section 104.081, shall be eligible for an early retirement annuity upon the attainment of at least age sixty-two and the completion of at least ten years of credited service. A vested former member shall not be eligible for early retirement.

6. The provisions of subsection 6 of section 104.1021 and section 104.344 as applied pursuant to subsection 7 of section 104.1021 and section 104.1090 shall not apply to members covered by this section.

7. The minimum credited service requirements of five years contained in sections 104.1018, 104.1030, 104.1036, and 104.1051 shall be ten years for members covered by this section. The normal and early retirement eligibility requirements in this section shall apply for purposes of administering section 104.1087.

8. A member shall be required to contribute four percent of the member's pay to the retirement system, which shall stand to the member's credit in his or her individual account with the system, together with investment credits thereon, for purposes of funding retirement benefits payable under the year 2000 plan, subject to the following provisions:

(1) The state of Missouri employer, pursuant to the provisions of 26 U.S.C. Section 414(h)(2), shall pick up and pay the contributions that would otherwise be payable by the member under this section. The contributions so picked up shall be treated as employer contributions for purposes of determining the member's pay that is includable in the member's gross income for federal income tax purposes;

(2) Member contributions picked up by the employer shall be paid from the same source of funds used for the payment of pay to a member. A deduction shall be made from each member's pay equal to the amount of the member's contributions picked up by the employer. This deduction, however, shall not reduce the member's pay for purposes of computing benefits under the retirement system pursuant to this chapter;

(3) Member contributions so picked up shall be credited to a separate account within the member's individual account so that the amounts contributed pursuant to this section may be distinguished from the amounts contributed on an after-tax basis;

(4) The contributions, although designated as employee contributions, shall be paid by the employer in lieu of the contributions by the member. The member shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the employer to the retirement system;

(5) Interest shall be credited annually on June thirtieth based on the value in the account as of July first of the immediately preceding year at a rate of four percent. Effective June 30, 2014, and each June thirtieth thereafter, the interest crediting rate shall be equal to the investment rate that is published by the United States Department of Treasury, or its successor agency, for fifty-two week treasury bills for the relevant auction that is nearest to the preceding July first, or a successor treasury bill investment rate as approved by the board if the fifty-two week treasury bill is no longer issued. Interest credits shall cease upon termination of employment if the member is not a vested former member. Otherwise, interest credits shall cease upon retirement or death;

(6) A vested former member or a former member who is not vested may request a refund of his or her contributions and interest credited thereon. If such member is married at the time of such request, such request shall not be processed without consent from the spouse. Such member is not eligible to request a refund if such member's retirement benefit is subject to a division of benefit order pursuant to section 104.1051. Such refund shall be paid by the system after ninety days from the date of termination of employment or the request, whichever is later, and shall include all contributions made to any retirement plan administered by the system and interest credited thereon. A vested former member may not request a refund after such member becomes eligible for normal retirement. A vested former member or a former member who is not vested who receives a refund shall forfeit all the member's credited service and future rights to receive benefits from the system and shall not be eligible to receive any long-term disability benefits; provided that any member or vested former member receiving long-term disability benefits shall not be eligible for a refund. If such member subsequently becomes an employee and works continuously for at least one year, the credited service previously forfeited shall be restored if the member returns to the system the amount previously refunded plus interest at a rate established by the board;

(7) The beneficiary of any member who made contributions shall receive a refund upon the member's death equal to the amount, if any, of such contributions and interest credited thereon less any retirement benefits received by the member unless an annuity is payable to a survivor or beneficiary as a result of the member's death. In that event, the beneficiary of the survivor or beneficiary who received the annuity shall receive a refund upon the survivor's or beneficiary's death equal to the amount, if any, of the member's contributions less any annuity amounts received by the member and the survivor or beneficiary.

9. The employee contribution rate, the benefits provided under the year 2000 plan to members covered under this section, and any other provision of the year 2000 plan with regard to members covered under this section may be altered, amended, increased, decreased, or repealed, but only with respect to services rendered by the member after the

effective date of such alteration, amendment, increase, decrease, or repeal, or, with respect to interest credits, for periods of time after the effective date of such alteration, amendment, increase, decrease, or repeal.

10. For purposes of members covered by this section, the options under section 104.1027 shall be as follows:

Option 1. A retiree's life annuity shall be reduced to a certain percent of the annuity otherwise payable. Such percent shall be eighty-eight and one half percent adjusted as follows: if the retiree's age on the annuity starting date is younger than sixty-seven years, an increase of three-tenths of one percent for each year the retiree's age is younger than age sixty-seven years; and if the beneficiary's age is younger than the retiree's age on the annuity starting date, a decrease of three-tenths of one percent for each year of age difference; and if the retiree's age is younger than the beneficiary's age on the annuity starting date, an increase of three-tenths of one percent for each year of age difference; provided, after all adjustments the option 1 percent cannot exceed ninety-four and one quarter percent. Upon the retiree's death, fifty percent of the retiree's reduced annuity shall be paid to such beneficiary who was the retiree's spouse on the annuity starting date or as otherwise provided by subsection 5 of this section.

Option 2. A retiree's life annuity shall be reduced to a certain percent of the annuity otherwise payable. Such percent shall be eighty-one percent adjusted as follows: if the retiree's age on the annuity starting date is younger than sixty-seven years, an increase of four-tenths of one percent for each year the retiree's age is younger than sixty-seven years; and if the beneficiary's age is younger than the retiree's age on the annuity starting date, a decrease of five-tenths of one percent for each year of age difference; and if the retiree's age is younger than the beneficiary's age on the annuity starting date, an increase of five-tenths of one percent for each year of age difference; provided, after all adjustments the option 2 percent cannot exceed eighty-seven and three quarter percent. Upon the retiree's death one hundred percent of the retiree's reduced annuity shall be paid to such beneficiary who was the retiree's spouse on the annuity starting date or as otherwise provided by subsection 5 of this section.

Option 3. A retiree's life annuity shall be reduced to ninety-three percent of the annuity otherwise payable. If the retiree dies before having received one hundred twenty monthly payments, the reduced annuity shall be continued for the remainder of the one hundred twenty-month period to the retiree's designated beneficiary provided that if there is no beneficiary surviving the retiree, the present value of the remaining annuity payments shall be paid as provided under subsection 3 of section 104.620. If the beneficiary survives the retiree but dies before receiving the remainder of such one hundred twenty monthly payments, the present value of the remaining annuity payments shall be paid as provided under subsection 3 of section 104.620.

Option 4. A retiree's life annuity shall be reduced to eighty-six percent of the annuity otherwise payable. If the retiree dies before having received one hundred eighty monthly payments, the reduced annuity shall be continued for the remainder of the one hundred eighty-month period to the retiree's designated beneficiary provided that if there is no beneficiary surviving the retiree, the present value of the remaining annuity payments shall be paid as provided under subsection 3 of section 104.620. If the beneficiary survives the retiree but dies before receiving the remainder of such one hundred eighty monthly payments, the present value of the remaining annuity payments shall be paid as provided under subsection 3 of section 104.620.

11. The provisions of subsection 6 of section 104.1024 shall not apply to members covered by this section."; and

Further amend said bill, Page 18, Section 476.057, Line 29, by inserting after all of said line the following:

"476.521. 1. Notwithstanding any provision of chapter 476 to the contrary, each person who **has never been an employee as defined in section 104.010 or 104.1003 prior to January 1, 2011 and who** first becomes a judge on or after January 1, 2011, and continues to be a judge may receive benefits as provided in sections 476.445 to 476.688 subject to the provisions of this section. **Any judge who was an employee as defined in section 104.010 or 104.1003 prior to January 1, 2011 shall receive a refund of his or her contributions made under this section.**

2. Any person who is at least sixty-seven years of age, has served in this state an aggregate of at least twelve years, continuously or otherwise, as a judge, and ceases to hold office by reason of the expiration of the judge's term, voluntary resignation, or retirement pursuant to the provisions of subsection 2 of section 24 of article V of the Constitution of Missouri may receive benefits as provided in sections 476.515 to 476.565. The twelve-year requirement of this subsection may be fulfilled by service as judge in any of the courts covered, or by service in any combination as judge of such courts, totaling an aggregate of twelve years. Any judge who is at least sixty-seven years of age and who has served less than twelve years and is otherwise qualified under sections 476.515 to 476.565 may retire after reaching age sixty-seven, or thereafter, at a reduced retirement compensation in a sum equal to the proportion of the retirement compensation provided in section 476.530 that his or her period of judicial service bears to twelve years.

3. Any person who is at least sixty-two years of age or older, has served in this state an aggregate of at least twenty years, continuously or otherwise, as a judge, and ceases to hold office by reason of the expiration of the judge's

term, voluntary resignation, or retirement pursuant to the provisions of subsection 2 of section 24 of article V of the Constitution of Missouri may receive benefits as provided in sections 476.515 to 476.565. The twenty-year requirement of this subsection may be fulfilled by service as a judge in any of the courts covered, or by service in any combination as judge of such courts, totaling an aggregate of twenty years. Any judge who is at least sixty-two years of age and who has served less than twenty years and is otherwise qualified under sections 476.515 to 476.565 may retire after reaching age sixty-two, at a reduced retirement compensation in a sum equal to the proportion of the retirement compensation provided in section 476.530 that his or her period of judicial service bears to twenty years.

4. All judges under this section required by the provisions of section 26 of article V of the Constitution of Missouri to retire at the age of seventy years shall retire upon reaching that age.

5. The provisions of sections 104.344, 476.524, and 476.690 shall not apply to judges covered by this section.

6. A judge shall be required to contribute four percent of the judge's compensation to the retirement system, which shall stand to the judge's credit in his or her individual account with the system, together with investment credits thereon, for purposes of funding retirement benefits payable as provided in sections 476.515 to 476.565, subject to the following provisions:

(1) The state of Missouri employer, pursuant to the provisions of 26 U.S.C. Section 414(h)(2), shall pick up and pay the contributions that would otherwise be payable by the judge under this section. The contributions so picked up shall be treated as employer contributions for purposes of determining the judge's compensation that is includable in the judge's gross income for federal income tax purposes;

(2) Judge contributions picked up by the employer shall be paid from the same source of funds used for the payment of compensation to a judge. A deduction shall be made from each judge's compensation equal to the amount of the judge's contributions picked up by the employer. This deduction, however, shall not reduce the judge's compensation for purposes of computing benefits under the retirement system pursuant to this chapter;

(3) Judge contributions so picked up shall be credited to a separate account within the judge's individual account so that the amounts contributed pursuant to this section may be distinguished from the amounts contributed on an after-tax basis;

(4) The contributions, although designated as employee contributions, are being paid by the employer in lieu of the contributions by the judge. The judge shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the employer to the retirement system;

(5) Interest shall be credited annually on June thirtieth based on the value in the account as of July first of the immediately preceding year at a rate of four percent. Interest credits shall cease upon retirement of the judge;

(6) A judge whose employment is terminated may request a refund of his or her contributions and interest credited thereon. If such judge is married at the time of such request, such request shall not be processed without consent from the spouse. A judge is not eligible to request a refund if the judge's retirement benefit is subject to a division of benefit order pursuant to section 104.312. Such refund shall be paid by the system after ninety days from the date of termination of employment or the request, whichever is later and shall include all contributions made to any retirement plan administered by the system and interest credited thereon. A judge may not request a refund after such judge becomes eligible for retirement benefits under sections 476.515 to 476.565. A judge who receives a refund shall forfeit all the judge's service and future rights to receive benefits from the system and shall not be eligible to receive any long-term disability benefits; provided that any judge or former judge receiving long-term disability benefits shall not be eligible for a refund. If such judge subsequently becomes a judge and works continuously for at least one year, the service previously forfeited shall be restored if the judge returns to the system the amount previously refunded plus interest at a rate established by the board;

(7) The beneficiary of any judge who made contributions shall receive a refund upon the judge's death equal to the amount, if any, of such contributions less any retirement benefits received by the judge unless an annuity is payable to a survivor or beneficiary as a result of the judge's death. In that event, the beneficiary of the survivor or beneficiary who received the annuity shall receive a refund upon the survivor's or beneficiary's death equal to the amount, if any, of the judge's contributions less any annuity amounts received by the judge and the survivor or beneficiary.

7. The employee contribution rate, the benefits provided under sections 476.515 to 476.565 to judges covered under this section, and any other provision of sections 476.515 to 476.565 with regard to judges covered under this section may be altered, amended, increased, decreased, or repealed, but only with respect to services rendered by the judge after the effective date of such alteration, amendment, increase, decrease, or repeal, or, with respect to interest credits, for periods of time after the effective date of such alteration, amendment, increase, decrease, or repeal.

8. Any judge who is receiving retirement compensation under section 476.529 or 476.530 who becomes employed as an employee eligible to participate in the closed plan or in the year 2000 plan under chapter 104, shall not receive such retirement compensation for any calendar month in which the retired judge is so employed. Any judge who

is receiving retirement compensation under section 476.529 or section 476.530 who subsequently serves as a judge as defined pursuant to subdivision (4) of subsection 1 of section 476.515 shall not receive such retirement compensation for any calendar month in which the retired judge is serving as a judge; except that upon retirement such judge's annuity shall be recalculated to include any additional service or salary accrued based on the judge's subsequent service. A judge who is receiving compensation under section 476.529 or 476.530 may continue to receive such retirement compensation while serving as a senior judge or senior commissioner and shall receive additional credit and salary for such service pursuant to section 476.682."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Lichtenegger moved that **House Amendment No. 8** be adopted.

Which motion was defeated.

Representative Shull offered **House Amendment No. 9**.

House Amendment No. 9

AMEND House Committee Substitute for Senate Bill No. 12, Page 3, Section 56.807, Line 74, by inserting after all of said line the following:

"313.817. 1. Except as permitted in this section, the licensee licensed to operate gambling games shall permit no form of wagering on gambling games.

2. The licensee may receive wagers only from a person present on a licensed excursion gambling boat.

3. Wagering shall not be conducted with money or other negotiable currency. The licensee shall exchange the money of each wagerer for electronic or physical tokens, chips, or other forms of credit to be wagered on the gambling games. The licensee shall exchange the tokens, chips, or other forms of wagering credit for money at the request of the wagerer.

4. A person under twenty-one years of age shall not make a wager on an excursion gambling boat and shall not be allowed in the area of the excursion boat where gambling is being conducted; provided that employees of the licensed operator of the excursion gambling boat who have attained eighteen years of age shall be permitted in the area in which gambling is being conducted when performing employment-related duties, except that no one under twenty-one years of age may be employed as a dealer or accept a wager on an excursion gambling boat. The governing body of a home dock city or county may restrict the age of entrance onto an excursion gambling boat by passage of a local ordinance.

5. In order to help protect patrons from invasion of privacy and the possibility of identity theft, patrons shall not be required to provide fingerprints, retinal scans, biometric forms of identification, any type of patron-tracking cards, or other types of identification prior to being permitted to enter the area where gambling is being conducted on an excursion gambling boat or to make a wager, except that, for purposes of establishing that a patron is at least twenty-one years of age as provided in subsection 4 above, a licensee operating an excursion gambling boat shall be authorized to request such patron to provide a valid state or federal photo identification or a valid passport. This section shall not prohibit enforcement of identification requirements that are required by federal law. This section shall not prohibit enforcement of any Missouri statute requiring identification of patrons for reasons other than being permitted to enter the area of an excursion gambling boat where gambling is being conducted or to make a wager.

6. A licensee shall only allow wagering and conduct gambling games at the times allowed by the commission.

7. It shall be unlawful for a person **twenty-one years of age or older** to present false identification to a licensee or a gaming agent in order to gain entrance to an excursion gambling boat, cash a check or verify that such person is legally entitled to be present on the excursion gambling boat. Any person who violates the provisions of this subsection shall be guilty of a class B misdemeanor for the first offense and a class A misdemeanor for second and subsequent offenses.

8. It shall be unlawful for a person under twenty-one years of age to present false identification to a licensee or a gaming agent in order to gain entrance to an excursion gambling boat, cash a check or verify that such person is legally entitled to be present on the excursion gambling boat. Any person who violates the provisions of this subsection shall be fined five hundred dollars and guilty of an infraction for the first offense and a class B misdemeanor for second and subsequent offenses."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Shull, **House Amendment No. 9** was adopted.

Representative Barnes offered **House Amendment No. 10**.

House Amendment No. 10

AMEND House Committee Substitute for Senate Bill No. 12, Page 14, Section 600.090, Line 70, by inserting after all of said section and line the following:

"650.058. 1. Notwithstanding the sovereign immunity of the state, any individual who was found guilty of a felony in a Missouri court and was later determined to be actually innocent of such crime solely as a result of DNA profiling analysis may be paid restitution. The individual may receive an amount of fifty dollars per day for each day of postconviction incarceration for the crime for which the individual is determined to be actually innocent. The petition for the payment of said restitution shall be filed with the sentencing court. For the purposes of this section, the term "actually innocent" shall mean:

- (1) The individual was convicted of a felony for which a final order of release was entered by the court;
- (2) All appeals of the order of release have been exhausted;
- (3) The individual was not serving any term of a sentence for any other crime concurrently with the sentence for which he or she is determined to be actually innocent, unless such individual was serving another concurrent sentence because his or her parole was revoked by a court or the board of probation and parole in connection with the crime for which the person has been exonerated; and

- (4) Testing ordered under section 547.035, or testing by the order of any state or federal court, if such person was exonerated on or before August 28, 2004, or testing ordered under section 650.055, if such person was or is exonerated after August 28, 2004, demonstrates a person's innocence of the crime for which the person is in custody. Any individual who receives restitution under this section shall be prohibited from seeking any civil redress from the state, its departments and agencies, or any employee thereof, or any political subdivision or its employees. This section shall not be construed as a waiver of sovereign immunity for any purposes other than the restitution provided for herein. The department of corrections shall determine the aggregate amount of restitution owed during a fiscal year. If insufficient moneys are appropriated each fiscal year to pay restitution to such persons, the department shall pay each individual who has received an order awarding restitution a pro rata share of the amount appropriated. Provided sufficient moneys are appropriated to the department, the amounts owed to such individual shall be paid on June thirtieth of each subsequent fiscal year, until such time as the restitution to the individual has been paid in full. However, no individual awarded restitution under this subsection shall receive more than thirty-six thousand five hundred dollars during each fiscal year. No interest on unpaid restitution shall be awarded to the individual. No individual who has been determined by the court to be actually innocent shall be responsible for the costs of care under section 217.831.

2. If the results of the DNA testing confirm the person's guilt, then the person filing for DNA testing under section 547.035, shall:

- (1) Be liable for any reasonable costs incurred when conducting the DNA test, including but not limited to the cost of the test. Such costs shall be determined by the court and shall be included in the findings of fact and conclusions of law made by the court; and

- (2) Be sanctioned under the provisions of section 217.262.

3. A petition for payment of restitution under this section may only be filed by the individual determined to be actually innocent or the individual's legal guardian. No claim or petition for restitution under this section may be filed by the individual's heirs or assigns. An individual's right to receive restitution under this section is not assignable or otherwise transferrable. The state's obligation to pay restitution under this section shall cease upon the individual's death. Any beneficiary designation that purports to bequeath, assign, or otherwise convey the right to receive such restitution shall be void and unenforceable.

4. An individual who is determined to be actually innocent of a crime under this chapter shall automatically be granted an order of expungement from the court in which he or she pled guilty or was sentenced to expunge from all official records all recordations of his or her arrest, plea, trial or conviction. Upon granting of the order of expungement, the records and files maintained in any administrative or court proceeding in an associate or circuit division of the court shall be confidential and only available to the parties or by order of the court for good cause shown. The effect of such order shall be to restore such person to the status he or she occupied prior to such arrest, plea or conviction and as if such

event had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or expungement in response to any inquiry made of him or her for any purpose whatsoever and no such inquiry shall be made for information relating to an expungement under this section.

5. Any individual incarcerated as a result of a probation or parole revocation based upon a crime for which the individual is determined to be actually innocent may receive an amount of fifty dollars per day for each day of post-revocation incarceration. For the purpose of this subsection, the basis of revocation shall be determined by the face of the order of revocation issued by the board of probation and parole or court."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Barnes, **House Amendment No. 10** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 101

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
McCaherty	McGaugh	Messenger	Miller	Moon
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schieber
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wilson	Wood	Zerr
Mr Speaker				

NOES: 045

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellington
English	Englund	Frame	Harris	Hodges
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
Mayfield	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Rizzo	Roorda	Runions	Schieffer
Schupp	Swearingen	Walton Gray	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 017

Burlison	Ellinger	Franklin	Gardner	Grisamore
Kelley 127	LaFaver	Marshall	May	Mims
Molendorp	Pierson	Rhoads	Schatz	Smith 85
Webb	Wieland			

On motion of Representative Jones (50), **HCS SB 12, as amended**, was adopted.

On motion of Representative Jones (50), **HCS SB 12, as amended**, was read the third time and passed by the following vote:

AYES: 120

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Cierpiot	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Koenig	Korman	Kratky	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Mayfield	McCaherty	McGaugh	McKenna
McManus	Messenger	Miller	Moon	Morris
Muntzel	Neely	Neth	Norr	Parkinson
Pfausch	Phillips	Pike	Redmon	Rehder
Reiboldt	Remole	Riddle	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieffer	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Webber	White
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 032

Burns	Butler	Carpenter	Colona	Curtis
Dunn	Ellington	English	Frame	Gardner
Hummel	Kirkton	LaFaver	Marshall	McCann Beatty
McDonald	McNeil	Meredith	Mitten	Montecillo
Morgan	Newman	Nichols	Otto	Pace
Peters	Pogue	Rizzo	Schieber	Schupp
Smith 85	Walton Gray			

PRESENT: 000

ABSENT WITH LEAVE: 011

Ellinger	Franklin	Kolkmeier	May	Mims
Molendorp	Pierson	Rhoads	Richardson	Webb
Wieland				

Speaker Jones declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 114

Anders	Anderson	Austin	Bahr	Barnes
Bernskoetter	Black	Brattin	Brown	Burlison
Cierpiot	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Koenig
Kolkmeyer	Korman	Kratky	Lair	Lant
Lauer	Leara	Lichtenegger	Lynch	Mayfield
McCaherty	McGaugh	McManus	Messenger	Miller
Moon	Morris	Muntzel	Neely	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Richardson	Riddle
Rizzo	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Wilson	Wood	Zerr	Mr Speaker	

NOES: 036

Berry	Burns	Butler	Carpenter	Colona
Curtis	Dunn	Ellington	Frame	Gardner
Hummel	Kirkton	LaFaver	Marshall	McCann Beatty
McDonald	McKenna	McNeil	Meredith	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Pierson	Roorda
Schieffer	Schupp	Smith 85	Walton Gray	Webber
White				

PRESENT: 000

ABSENT WITH LEAVE: 013

Allen	Ellinger	Franklin	Grisamore	Love
May	Mims	Molendorp	Neth	Rhoads
Webb	Wieland	Wright		

HCS SS SB 251, relating to public assistance fraud and abuse, was taken up by Representative Guernsey.

Representative Guernsey moved that **HCS SS SB 251** be adopted.

Which motion was defeated.

Representative Johnson assumed the Chair.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 095

Allen	Anderson	Austin	Berry	Brattin
Brown	Burlison	Cierpiot	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dugger	Elmer	Engler
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Funderburk	Gannon	Gatschenberger	Gosen
Guernsey	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	McCaherty	McGaugh	Messenger	Miller
Moon	Morris	Muntzel	Neely	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Swan	Thomson	Torpey	Walker
White	Wilson	Wood	Zerr	Mr Speaker

NOES: 048

Anders	Black	Burns	Butler	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
LaFaver	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

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ABSENT WITH LEAVE: 020

Bahr	Barnes	Bernskoetter	Carpenter	Dohrman
Franklin	Frederick	Grisamore	Haahr	Kratky
Marshall	May	Mims	Molendorp	Neth
Rhoads	Smith 120	Stream	Swearingen	Wieland

On motion of Representative Guernsey, **SS SB 251** was truly agreed to and finally passed by the following vote:

AYES: 110

Anders	Anderson	Austin	Bahr	Berry
Black	Brattin	Brown	Burlison	Cierpiot
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	English
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Funderburk	Gannon	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	Mayfield
McCaherty	McGaugh	McKenna	Messenger	Miller
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Richardson
Riddle	Roorda	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Schieffer	Shull
Shumake	Solon	Sommer	Spencer	Swan
Thomson	Torpey	Walker	Webber	White
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 036

Burns	Butler	Colona	Curtis	Dunn
Ellinger	Ellington	Englund	Gardner	Hodges
Hubbard	Hummel	Kelly 45	Kirkton	LaFaver
McCann Beatty	McDonald	McManus	McNeil	Meredith
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Runions	Schupp	Smith 85	Walton Gray
Webb				

PRESENT: 000

ABSENT WITH LEAVE: 017

Allen	Barnes	Bernskoetter	Carpenter	Franklin
Frederick	Grisamore	Hinson	Kratky	May
Mims	Molendorp	Rhoads	Smith 120	Stream
Swearingen	Wieland			

Representative Johnson declared the bill passed.

HCS SB 112, relating to taxation, was taken up by Representative Lauer.

Representative Zerr offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 112, Page 1, Section A, Line 3, by inserting after all of said line the following:

"32.115. 1. The department of revenue shall grant a tax credit, to be applied in the following order until used, against:

- (1) The annual tax on gross premium receipts of insurance companies in chapter 148;
- (2) The tax on banks determined pursuant to subdivision (2) of subsection 2 of section 148.030;
- (3) The tax on banks determined in subdivision (1) of subsection 2 of section 148.030;
- (4) The tax on other financial institutions in chapter 148;
- (5) The corporation franchise tax in chapter 147;
- (6) The state income tax in chapter 143; and
- (7) The annual tax on gross receipts of express companies in chapter 153.

2. For proposals approved pursuant to section 32.110:

(1) The amount of the tax credit shall not exceed fifty percent of the total amount contributed during the taxable year by the business firm or, in the case of a financial institution, where applicable, during the relevant income period in programs approved pursuant to section 32.110;

(2) Except as provided in subsection 2 or 5 of this section, a tax credit of up to seventy percent may be allowed for contributions to programs where activities fall within the scope of special program priorities as defined with the approval of the governor in regulations promulgated by the director of the department of economic development;

(3) Except as provided in subsection 2 or 5 of this section, the tax credit allowed for contributions to programs located in any community shall be equal to seventy percent of the total amount contributed where such community is a city, town or village which has fifteen thousand or less inhabitants as of the last decennial census and is located in a county which is either located in:

(a) An area that is not part of a standard metropolitan statistical area;

(b) A standard metropolitan statistical area but such county has only one city, town or village which has more than fifteen thousand inhabitants; or

(c) A standard metropolitan statistical area and a substantial number of persons in such county derive their income from agriculture. Such community may also be in an unincorporated area in such county as provided in subdivision (1), (2) or (3) of this subsection. Except in no case shall the total economic benefit of the combined federal and state tax savings to the taxpayer exceed the amount contributed by the taxpayer during the tax year;

(4) Such tax credit allocation, equal to seventy percent of the total amount contributed, shall not exceed four million dollars in fiscal year 1999 and six million dollars in fiscal year 2000 and any subsequent fiscal year. When the maximum dollar limit on the seventy percent tax credit allocation is committed, the tax credit allocation for such programs shall then be equal to fifty percent credit of the total amount contributed. Regulations establishing special program priorities are to be promulgated during the first month of each fiscal year and at such times during the year as the public interest dictates. Such credit shall not exceed two hundred and fifty thousand dollars annually except as provided in subdivision (5) of this subsection. No tax credit shall be approved for any bank, bank and trust company, insurance company, trust company, national bank, savings association, or building and loan association for activities that are a part of its normal course of business. Any tax credit not used in the period the contribution was made may be carried over the next five succeeding calendar or fiscal years until the full credit has been claimed. Except as otherwise provided for proposals approved pursuant to section 32.111, 32.112 or 32.117, in no event shall the total amount of all other tax credits allowed pursuant to sections 32.100 to 32.125 exceed thirty-two million dollars in any one fiscal year, of which six million shall be credits allowed pursuant to section 135.460. If six million dollars in credits are not approved, then the remaining credits may be used for programs approved pursuant to sections 32.100 to 32.125;

(5) The credit may exceed two hundred fifty thousand dollars annually and shall not be limited if community services, crime prevention, education, job training, physical revitalization or economic development, as defined by section 32.105, is rendered in an area defined by federal or state law as an impoverished, economically distressed, or blighted area or as a neighborhood experiencing problems endangering its existence as a viable and stable neighborhood, or if the community services, crime prevention, education, job training, physical revitalization or economic development

is limited to impoverished persons. **Beginning August 28, 2013, no new tax credits shall be granted for programs under section 32.110. The provisions of this subdivision shall not be construed to limit or impair the ability of any administering agency to issue tax credits authorized prior to August 28, 2013, or the ability of any taxpayer to redeem any such tax credits**

3. For proposals approved pursuant to section 32.111:

(1) The amount of the tax credit shall not exceed fifty-five percent of the total amount invested in affordable housing assistance activities or market rate housing in distressed communities as defined in section 135.530 by a business firm. Whenever such investment is made in the form of an equity investment or a loan, as opposed to a donation alone, tax credits may be claimed only where the loan or equity investment is accompanied by a donation which is eligible for federal income tax charitable deduction, and where the total value of the tax credits herein plus the value of the federal income tax charitable deduction is less than or equal to the value of the donation. Any tax credit not used in the period for which the credit was approved may be carried over the next ten succeeding calendar or fiscal years until the full credit has been allowed. If the affordable housing units or market rate housing units in distressed communities for which a tax is claimed are within a larger structure, parts of which are not the subject of a tax credit claim, then expenditures applicable to the entire structure shall be reduced on a prorated basis in proportion to the ratio of the number of square feet devoted to the affordable housing units or market rate housing units in distressed communities, for purposes of determining the amount of the tax credit. The total amount of tax credit granted for programs approved pursuant to section 32.111 for the fiscal year beginning July 1, 1991, shall not exceed two million dollars, to be increased by no more than two million dollars each succeeding fiscal year, until the total tax credits that may be approved reaches ten million dollars in any fiscal year. **Beginning August 28, 2013, no new tax credits shall be granted for programs under section 32.111. The provisions of this subdivision shall not be construed to limit or impair the ability of any administering agency to issue tax credits authorized prior to August 28, 2013, or the ability of any taxpayer to redeem any such tax credits;**

(2) For any year during the compliance period indicated in the land use restriction agreement, the owner of the affordable housing rental units for which a credit is being claimed shall certify to the commission that all tenants renting claimed units are income eligible for affordable housing units and that the rentals for each claimed unit are in compliance with the provisions of sections 32.100 to 32.125. The commission is authorized, in its discretion, to audit the records and accounts of the owner to verify such certification;

(3) In the case of owner-occupied affordable housing units, the qualifying owner occupant shall, before the end of the first year in which credits are claimed, certify to the commission that the occupant is income eligible during the preceding two years, and at the time of the initial purchase contract, but not thereafter. The qualifying owner occupant shall further certify to the commission, before the end of the first year in which credits are claimed, that during the compliance period indicated in the land use restriction agreement, the cost of the affordable housing unit to the occupant for the claimed unit can reasonably be projected to be in compliance with the provisions of sections 32.100 to 32.125. Any succeeding owner occupant acquiring the affordable housing unit during the compliance period indicated in the land use restriction agreement shall make the same certification;

(4) If at any time during the compliance period the commission determines a project for which a proposal has been approved is not in compliance with the applicable provisions of sections 32.100 to 32.125 or rules promulgated therefor, the commission may within one hundred fifty days of notice to the owner either seek injunctive enforcement action against the owner, or seek legal damages against the owner representing the value of the tax credits, or foreclose on the lien in the land use restriction agreement, selling the project at a public sale, and paying to the owner the proceeds of the sale, less the costs of the sale and less the value of all tax credits allowed herein. The commission shall remit to the director of revenue the portion of the legal damages collected or the sale proceeds representing the value of the tax credits. However, except in the event of intentional fraud by the taxpayer, the proposal's certificate of eligibility for tax credits shall not be revoked.

4. For proposals approved pursuant to section 32.112, the amount of the tax credit shall not exceed fifty-five percent of the total amount contributed to a neighborhood organization by business firms. Any tax credit not used in the period for which the credit was approved may be carried over the next ten succeeding calendar or fiscal years until the full credit has been allowed. The total amount of tax credit granted for programs approved pursuant to section 32.112 shall not exceed one million dollars for each fiscal year.

5. The total amount of tax credits used for market rate housing in distressed communities pursuant to sections 32.100 to 32.125 shall not exceed thirty percent of the total amount of all tax credits authorized pursuant to sections 32.111 and 32.112."; and

Further amend said substitute, Pages 3 through 11, Section 99.1205, Lines 1 through 266, by deleting all of said section from the bill and inserting in lieu thereof the following:

"99.1205. 1. This section shall be known and may be cited as the "Distressed Areas Land Assemblage Tax Credit Act".

2. As used in this section, the following terms mean:

(1) "Acquisition costs", the purchase price for the eligible parcel, costs of environmental assessments, closing costs, real estate brokerage fees, reasonable demolition costs of vacant structures **or any portion thereof, together with site and redevelopment area planning and engineering costs regarding one or more eligible parcels**, and reasonable maintenance costs incurred to maintain an acquired eligible parcel for a period of [five] **twelve** years after the acquisition of such eligible parcel. Acquisition costs shall not include costs for title insurance and survey, attorney's fees, relocation costs, fines, or bills from a municipality;

(2) "Applicant", any person, firm, partnership, trust, limited liability company, or corporation which has:

(a) Incurred, within an eligible project area, acquisition costs for the acquisition of land sufficient to satisfy the requirements under subdivision (8) of this subsection; and

(b) Been appointed or selected, pursuant to a redevelopment agreement by a municipal authority, as a redeveloper or similar designation, under an economic incentive law, to redevelop an urban renewal area or a redevelopment area that includes all of an eligible project area or whose redevelopment plan or redevelopment area, which encompasses all of an eligible project area, has been approved or adopted under an economic incentive law. In addition to being designated the redeveloper, the applicant shall have been designated to receive economic incentives only after the municipal authority has considered the amount of the tax credits in adopting such economic incentives as provided in subsection 8 of this section. The redevelopment agreement shall provide that:

a. the funds generated through the use or sale of the tax credits issued under this section shall be used to redevelop the eligible project area;

b. No more than seventy-five percent of the urban renewal area identified in the urban renewal plan or the redevelopment area identified in the redevelopment plan may be redeveloped by the applicant; and

c. The remainder of the urban renewal area or the redevelopment area shall be redeveloped by co-redevelopers or redevelopers to whom the applicant has assigned its redevelopment rights and obligations under the urban renewal plan or the redevelopment plan;

(3) "Certificate", a tax credit certificate issued under this section;

(4) "Condemnation proceedings", any action taken by, or on behalf of, an applicant to initiate an action in a court of competent jurisdiction to use the power of eminent domain to acquire a parcel within the eligible project area. Condemnation proceedings shall include any and all actions taken after the submission of a notice of intended acquisition to an owner of a parcel within the eligible project area by a municipal authority or any other person or entity under section 523.250;

(5) "Department", the Missouri department of economic development;

(6) "Economic incentive laws", any provision of Missouri law pursuant to which economic incentives are provided to redevelopers of a parcel or parcels to redevelop the land, such as tax abatement or payments in lieu of taxes, or redevelopment plans or redevelopment projects approved or adopted which include the use of economic incentives to redevelop the land. Economic incentive laws include, but are not limited to, the land clearance for redevelopment authority law under sections 99.300 to 99.660, the real property tax increment allocation redevelopment act under sections 99.800 to 99.865, the Missouri downtown and rural economic stimulus act under sections 99.915 to 99.1060, and the downtown revitalization preservation program under sections 99.1080 to 99.1092;

(7) "Eligible parcel", a parcel:

(a) Which is located within an eligible project area;

(b) Which is to be redeveloped;

(c) On which the applicant has not commenced construction prior to November 28, 2007;

(d) Which has been acquired **either directly by the applicant, or on behalf of the applicant through one or more affiliated companies controlled by the applicant or under common ownership with the applicant;**

(e) **Which has been acquired** without the commencement of any condemnation proceedings with respect to such parcel brought by or on behalf of the applicant. Any parcel acquired **before August 28, 2007**, by the applicant from a municipal authority shall not constitute an eligible parcel; and

[(e)] (f) On which all outstanding taxes, fines, and bills levied by municipal governments that were levied by the municipality during the time period that the applicant held title to the eligible parcel have been paid in full;

(8) "Eligible project area", an area which shall have satisfied the following requirements:

(a) The eligible project area shall consist of at least seventy-five acres and may include parcels within its boundaries that do not constitute an eligible parcel;

(b) At least eighty percent of the eligible project area shall be located within a Missouri qualified census tract area, as designated by the United States Department of Housing and Urban Development under 26 U.S.C. Section 42, or within a distressed community as that term is defined in section 135.530.

(c) Any area including and within one quarter mile of property formerly utilized by the state of Missouri as a penitentiary located in any home rule city with more than forty-one thousand but fewer than forty-seven thousand inhabitants and partially located in any county of the first classification with more than seventy thousand but fewer than eighty-three thousand inhabitants.

[(c)] **(d)** The eligible parcels acquired by the applicant within the eligible project area shall total at least fifty acres, which may consist of contiguous and noncontiguous parcels, **but shall not include any parcel acquired by the applicant from a municipal authority;**

[(d)] **(e)** The average number of parcels per acre in an eligible project area shall be four or more;

[(e)] **(f)** Less than five percent of the acreage within the boundaries of the eligible project area shall consist of owner-occupied residences which the applicant has identified for acquisition under the urban renewal plan or the redevelopment plan pursuant to which the applicant was appointed or selected as the redeveloper or by which the person or entity was qualified as an applicant under this section on the date of the approval or adoption of such plan;

(9) "Interest costs", interest, loan fees, and closing costs, **any of which relate to or arise out of loans relating to acquisition costs, including without limitation, interest, loan fees and closing costs associated with the refinancing of loans relating to acquisition costs.** Interest costs shall not include attorney's fees;

(10) "Maintenance costs", costs of boarding up and securing vacant structures, costs of removing trash, and costs of cutting grass and weeds;

(11) "Municipal authority", any city, town, village, county, public body corporate and politic, political subdivision, or land trust of this state established and authorized to own land within the state;

(12) "Municipality", any city, town, village, or county;

(13) "Parcel", a single lot or tract of land, and the improvements thereon, owned by, or recorded as the property of, one or more persons or entities;

(14) "Redeveloped", the process of undertaking and carrying out a redevelopment plan or urban renewal plan pursuant to which the conditions which provided the basis for an eligible project area to be included in a redevelopment plan or urban renewal plan are to be reduced or eliminated by redevelopment or rehabilitation; and

(15) "Redevelopment agreement", the redevelopment agreement or similar agreement into which the applicant entered with a municipal authority and which is the agreement for the implementation of the urban renewal plan or redevelopment plan pursuant to which the applicant was appointed or selected as the redeveloper or by which the person or entity was qualified as an applicant under this section; and such appointment or selection shall have been approved by an ordinance of the governing body of the municipality, or municipalities, or in the case of any city not within a county, the board of aldermen, in which the eligible project area is located. The redevelopment agreement shall include a time line for redevelopment of the eligible project area, **including deadlines for commencement of work and for project completion, and shall provide the municipal authority the right to terminate the rights of the redeveloper under the redevelopment agreement if such deadlines are not met.** The redevelopment agreement shall state that the named developer shall be subject to the provisions of chapter 290.

3. **Subject to the limitations provided in subsection 7 of this section,** any applicant shall be entitled to a tax credit against the taxes imposed under chapters 143, 147, and 148, except for sections 143.191 to 143.265, in an amount equal to fifty percent of the acquisition costs, and one hundred percent of the interest costs incurred for a period of [five] **twelve** years after the acquisition of an eligible parcel. [No tax credits shall be issued under this section until after January 1, 2008.]

4. If the amount of such tax credit exceeds the total tax liability for the year in which the applicant is entitled to receive a tax credit, the amount that exceeds the state tax liability may be carried forward for credit against the taxes imposed under chapters 143, 147, and 148 for the succeeding six years, or until the full credit is used, whichever occurs first. The applicant shall not be entitled to a tax credit for taxes imposed under sections 143.191 to 143.265. Applicants entitled to receive such tax credits may transfer, sell, or assign the tax credits. Tax credits granted to a partnership, a limited liability company taxed as a partnership, or multiple owners of property shall be passed through to the partners, members, or owners respectively pro rata or pursuant to an executed agreement among the partners, members, or owners documenting an alternate distribution method.

5. A purchaser, transferee, or assignee of the tax credits authorized under this section may use acquired tax credits to offset up to one hundred percent of the tax liabilities otherwise imposed under chapters 143, 147, and 148, except for sections 143.191 to 143.265. A seller, transferor, or assignor shall perfect such transfer by notifying the

department in writing within thirty calendar days following the effective date of the transfer and shall provide any information as may be required by the department to administer and carry out the provisions of this section.

6. To claim tax credits authorized under this section, an applicant shall submit to the department an application for a certificate. An applicant shall identify the boundaries of the eligible project area in the application. The department shall verify that the applicant has submitted a valid application in the form and format required by the department. The department shall verify that the municipal authority held the requisite hearings and gave the requisite notices for such hearings in accordance with the applicable economic incentive act, and municipal ordinances. On [an annual] **a quarterly** basis, an applicant may file for the tax credit for the acquisition costs, and for the tax credit for the interest costs, subject to the limitations of this section. If an applicant applying for the tax credit meets the criteria required under this section, the department shall issue a certificate in the appropriate amount. If an applicant receives a tax credit for maintenance costs as a part of the applicant's acquisition costs, the department shall post on its internet website the amount and type of maintenance costs and a description of the redevelopment project for which the applicant received a tax credit within thirty days after the department issues the certificate to the applicant.

7. The total aggregate amount of tax credits authorized under this section shall not exceed ninety-five million dollars. At no time shall the annual amount of the tax credits issued under this section exceed twenty million dollars. If the tax credits that are to be issued under this section exceed, in any year, the twenty million dollar limitation, the department shall either:

(1) Issue tax credits to the applicant in the amount of twenty million dollars, if there is only one applicant entitled to receive tax credits in that year; or

(2) Issue the tax credits on a pro rata basis to all applicants entitled to receive tax credits in that year **as provided in this subdivision. The department shall determine on an ongoing basis during the course of each calendar year the amount of tax credits that have been issued to each applicant for each eligible project area during such year, and the amount of tax credits remaining available for issuance with respect to such calendar year, if any.** Any amount of tax credits, which an applicant is, or applicants are, entitled to receive on an annual basis and are not issued due to the twenty million dollar limitation, shall be carried forward for the benefit of the applicant or applicants to subsequent years. No tax credits provided under this section shall be authorized after August 28, [2013] **2019**. Any tax credits which have been authorized on or before August 28, [2013] **2019**, but not issued, may be issued, subject to the limitations provided under this subsection, until all such authorized tax credits have been issued.

8. Upon issuance of any tax credits pursuant to this section, the department shall report to the municipal authority the applicant's name and address, the parcel numbers of the eligible parcels for which the tax credits were issued, the itemized acquisition costs and interest costs for which tax credits were issued, and the total value of the tax credits issued. The municipal authority and the state shall not consider the amount of the tax credits as an applicant's cost, but shall include [the] **issued** tax credits in any **subsequent** sources and uses and cost benefit analysis reviewed or created for the purpose of awarding other economic incentives. The amount of the tax credits shall not be considered an applicant's cost in the evaluation of the amount of any award of any other economic incentives, but shall be considered in measuring the reasonableness of the rate of return to the applicant with respect to such award of other economic incentives. The municipal authority shall provide the report to any relevant commission, board, or entity responsible for the evaluation and recommendation or approval of other economic incentives to assist in the redevelopment of the eligible project area. Tax credits authorized under this section shall constitute redevelopment tax credits, as such term is defined under section 135.800, and shall be subject to all provisions applicable to redevelopment tax credits provided under sections 135.800 to 135.830.

9. **Following its initial application for tax credits under this section for eligible costs incurred in 2013 or any following year, and during the period it continues to seek tax credits under this section, an applicant shall submit to the department on a quarterly basis at the end of each calendar quarter a report affirming such applicant's continued qualification as an applicant under this section, describing the applicant's progress toward meeting the deadlines for commencement of work and for project completion established under its redevelopment agreement with the applicable municipal authority, and including copies of any written notices from such municipal authority asserting or threatening a termination of such development agreement due to a breach or default in the performance of such applicant's obligations under such redevelopment agreement. The department shall review annually the eligibility of each applicant to receive tax credits under this section. The department shall not issue to an applicant any tax credits provided under this section after the date upon which the governing body of the municipality, or municipalities, or in the case of any city not within a county, the board of aldermen, makes a finding that the applicant has failed to comply with deadlines regarding project commencement or completion or other material provisions of its redevelopment agreement with an applicant, and in furtherance of such finding the governing body validly adopts an ordinance terminating its redevelopment agreement with the applicant, with the result that such applicant no longer satisfies the requirements of paragraph (b) of**

subdivision (2) of subsection 2 of this section. The governing body shall notify the department of the governing body's findings and shall deliver to the department a certified copy of the ordinance terminating such redevelopment agreement as soon as practicable.

10. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 36.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

135.484. 1. Beginning January 1, 2000, tax credits shall be allowed pursuant to section 135.481 in an amount not to exceed sixteen million dollars per year. Of this total amount of tax credits in any given year, eight million dollars shall be set aside for projects in areas described in subdivision (6) of section 135.478 and eight million dollars for projects in areas described in subdivision (10) of section 135.478. The maximum tax credit for a project consisting of multiple-unit qualifying residences in a distressed community shall not exceed three million dollars.

2. Any amount of credit which exceeds the tax liability of a taxpayer for the tax year in which the credit is first claimed may be carried back to any of the taxpayer's three prior tax years and carried forward to any of the taxpayer's five subsequent tax years. A certificate of tax credit issued to a taxpayer by the department may be assigned, transferred, sold or otherwise conveyed. Whenever a certificate of tax credit is assigned, transferred, sold or otherwise conveyed, a notarized endorsement shall be filed with the department specifying the name and address of the new owner of the tax credit and the value of the credit.

3. The tax credits allowed pursuant to sections 135.475 to 135.487 may not be claimed in addition to any other state tax credits, with the exception of the historic structures rehabilitation tax credit authorized pursuant to sections 253.545 to 253.559, which insofar as sections 135.475 to 135.487 are concerned may be claimed only in conjunction with the tax credit allowed pursuant to subsection 4 of section 135.481. In order for a taxpayer eligible for the historic structures rehabilitation tax credit to claim the tax credit allowed pursuant to subsection 4 of section 135.481, the taxpayer must comply with the requirements of sections 253.545 to 253.559, and in such cases, the amount of the tax credit pursuant to subsection 4 of section 135.481 shall be limited to the lesser of twenty percent of the taxpayer's eligible costs or forty thousand dollars.

4. No tax credits provided under sections 135.475 to 135.487 shall be authorized on or after the effective date of this act. The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized prior to the effective date of this act, or a taxpayer's ability to redeem such tax credits."; and

Further amend said substitute, Pages 20 through 27, Section 144.810, Lines 1 through 242, by deleting all of said section from the bill and inserting in lieu thereof the following:

"135.1550. 1. Sections 135.1550 to 135.1575 shall be known and may be cited as the "Missouri Export Incentive Act".

2. As used in sections 135.1550 to 135.1575, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Air export tax credit", the tax credit against the taxes imposed under chapters 143, 147, and 148, except for those in sections 143.191 to 143.265, to be issued by the department to a claiming freight forwarder for the shipment of air cargo on a qualifying outbound flight;

(2) "Airport", any international airport located within the state;

(3) "Chargeable kilo", the shipment of a kilo of freight, as measured by the greater of:

(a) Actual weight; or

(b) A dimensional weight, as determined by the conversion factors promulgated by the International Air Transport Association, on a qualifying outbound flight;

(4) "Claiming freight forwarder", the freight forwarder designated as the "agent" on the airway bill for the qualifying outbound flight for which such air export tax credit is sought;

(5) "Department", the Missouri department of economic development;

(6) "Direct international aircraft flight", a single aircraft transoceanic flight that operates to an international destination in accordance with the operator's bilateral route authority;

(7) "Freight forwarder", a person who assumes responsibility in the ordinary course of business for the transportation of cargo from the place of receipt to the place of destination, including the utilization of a qualifying outbound flight;

(8) "Qualifying outbound flight", a direct international aircraft flight that carries either all cargo or a mix of passengers and cargo from the airport to an international destination.

135.1555. 1. For all fiscal years beginning on or after July 1, 2013, a claiming freight forwarder shall be entitled to an air export tax credit for the shipment of cargo on a qualifying outbound flight in an amount equal to forty cents per chargeable kilo.

2. The department shall index, and the secretary of state shall publish in the Missouri Register, the amount of the air export tax credits to adjust each year depending upon fluctuations in the cost of fuel for over-the-road transportation.

135.1560. 1. To receive benefits provided under section 135.1555, a claiming freight forwarder shall file an application with the department within one hundred twenty calendar days of the date of shipment. The documentation to be presented by the claiming freight forwarder in such an application shall consist of the master airway bill for the shipment on the qualifying outbound flight for which the claiming freight forwarder is seeking air export tax credits. The department shall establish procedures to allow claiming freight forwarders that file applications for air export tax credits to receive such tax credits within twenty business days of the filing of the application.

2. If the fiscal year cap on the issuance of air export tax credits provided under section 135.1565 is met in a given fiscal year, then the amount of such tax credits that have been authorized, but remain unissued, shall be carried forward and issued in the subsequent fiscal year.

3. No tax credits provided under this section shall be authorized after June 30, 2021. Any tax credits authorized on or before June 30, 2021, but not issued, may be issued until all such authorized tax credits have been issued.

135.1565. The total aggregate amount for air export tax credits authorized under section 135.1555 shall not exceed sixty million dollars. The amount of the air export tax credits issued under section 135.1555 shall not exceed seven million five hundred thousand dollars for each fiscal year beginning on or after July 1, 2013, unless authorized by the department. Any amount issued exceeding seven million five hundred thousand dollars in a fiscal year shall be reduced first from the authorized amount for the fiscal year ending June 30, 2021, and then the preceding fiscal years, until all such authorized credits have been issued.

135.1570. If the amount of any tax credit authorized under sections 135.1550 to 135.1575 exceeds the total tax liability for the year in which the applicant is entitled to receive a tax credit, the amount that exceeds the state tax liability may be carried forward for credit against the taxes imposed under chapters 143, 147, and 148, except those in sections 143.191 to 143.265, for the succeeding six years, or until the full credit is used, whichever occurs first. Tax credits authorized under the provisions of sections 135.1550 to 135.1575 may be transferred, sold, or otherwise assigned. Tax credits granted to a partnership, a limited liability company taxed as a partnership, or multiple owners of property shall be passed through to the partners, members, or owners respectively pro rata or pursuant to an executed agreement among the partners, members, or owners documenting an alternate distribution method.

135.1575. 1. The department may promulgate rules to implement the provisions of sections 135.1550 to 135.1575. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this act, shall be invalid and void.

2. The provisions of section 23.253 of the Missouri sunset act notwithstanding:

(1) The provisions of the new programs authorized under sections 135.1550 to 135.1575 shall automatically sunset eight years after the effective date of this act, unless reauthorized by an act of the general assembly;

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset eight years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the programs authorized under sections 135.1550 to 135.1575 sunset.

144.810. 1. As used in this section, unless the context clearly indicates otherwise, the following terms mean:

(1) "Commencement of commercial operations", shall be deemed to occur during the first calendar year for which the data storage center is first available for use by the operating taxpayer, or first capable of being used by the operating taxpayer, as a data storage center;

(2) "Constructing taxpayer", if more than one taxpayer is responsible for a project, a taxpayer responsible for the construction of the facility, as opposed to a taxpayer responsible for the equipping and ongoing operations of the facility;

(3) "County average wage", the average wage in each county as determined by the department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility;

(4) "Data storage center" or "facility", a facility constructed, extended, improved, or operating under this section, provided that such business facility is engaged primarily in:

(a) Data processing, hosting, and related services (NAICS 518210);

(b) Internet publishing and broadcasting and web search portals (NAICS 519130), at the business facility; or

(c) Customer service, customer contact, or customer support operations through the use of computer databases and telecommunications services at the business facility;

(5) "Existing facility", a data storage center in this state as it existed prior to August 28, 2013, as determined by the department;

(6) "Expanding facility" or "expanding data storage center", an existing facility or replacement facility that expands its operations in this state on or after August 28, 2013, and has a net new investment related to the expansion of operations in this state of at least two million dollars during a period of up to twelve consecutive months and results in the creation of at least two new jobs during a period of up to twenty-four consecutive months from the date of conditional approval for an exemption under this section, if the average wage of the new jobs equals or exceeds one hundred and fifty percent of the county average wage. An expanding facility shall continue to be an expanding facility regardless of a subsequent change in or addition of operating taxpayers or constructing taxpayers;

(7) "Expanding facility project" or "expanding data storage center project", the construction, extension, improvement, equipping, and operation of an expanding facility;

(8) "Investment" shall include the value of real and depreciable personal property, acquired as part of the new or expanding facility project which is used in the operation of the facility following conditional approval of an exemption under this section;

(9) "NAICS", the 2007 edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget. Any NAICS sector, subsector, industry group, or industry identified in this section shall include its corresponding classification in previous and subsequent federal industry classification systems;

(10) "New facility" or "new data storage center", a facility in this state meeting the following requirements:

(a) The facility is acquired by, or leased to, an operating taxpayer on or after August 28, 2013. A facility shall be deemed to have been acquired by, or leased to, an operating taxpayer on or after August 28, 2013, if the transfer of title to an operating taxpayer, the transfer of possession under a binding contract to transfer title to an operating taxpayer, or the commencement of the term of the lease to an operating taxpayer occurs on or after August 28, 2013, or, if the facility is constructed, erected, or installed by or on behalf of an operating taxpayer, such construction, erection, or installation is commenced on or after August 28, 2013;

(b) If such facility was acquired by an operating or constructing taxpayer from another person or persons on or after August 28, 2013, and such facility was employed prior to August 28, 2013, by any other person or persons in the operation of a data storage center the facility shall not be considered a new facility;

(c) Such facility is not an expanding or replacement facility, as defined in this section;

(d) The new facility project investment is at least five million dollars during a period of up to thirty-six consecutive months from the date of the conditional approval for an exemption under this section. If more than one taxpayer is responsible for a project, the investment requirement may be met by an operating taxpayer, a constructing taxpayer, or a combination of constructing taxpayers and operating taxpayers;

(e) At least five new jobs are created at the new facility during a period of up to thirty-six consecutive months from the date of conditional approval for an exemption under this section if the average wage of the new jobs equals or exceeds one hundred fifty percent of the county average wage; and

(f) A new facility shall continue to be a new facility regardless of a subsequent change in or addition of operating taxpayers or constructing taxpayers;

(11) "New data storage center project" or "new facility project", the construction, extension, improvement, equipping, and operation of a new facility;

(12) "New job" in the case of a new data center project, the total number of full-time employees located at a new data storage center for a period of up to thirty-six consecutive months from the date of conditional approval for an exemption under this section. In the case of an expanding data storage center project, the total number of full-time employees located at the expanding data storage center that exceeds the greater of the number of full-time employees located at the project facility on the date of the submission of a project plan under this section or for the twelve-month period prior to the date of the submission of a project plan, the average number of full-time employees located at the expanding data storage center facility. In the event the expanding data storage center facility has not been in operation for a full twelve-month period at the time of the submission of a project plan, the average number of full-time employees for the number of months the expanding data storage center facility has been in operation prior to the date of the submission of the project plan;

(13) "Notice of intent", a form developed by the department of economic development, completed by the project taxpayer, and submitted to the department, which states the project taxpayer's intent to construct or expand a data center and requests the exemptions under this program;

(14) "Operating taxpayer", if more than one taxpayer is responsible for a project, a taxpayer responsible for the equipping and ongoing operations of the facility, as opposed to a taxpayer responsible for the purchasing or construction of the facility;

(15) "Project taxpayers", each constructing taxpayer and each operating taxpayer for a data storage center project;

(16) "Replacement facility", a facility in this state otherwise described in subdivision (7) of this subsection, but which replaces another facility located within the state, which the taxpayer or a related taxpayer previously operated but discontinued operating within one year prior to the commencement of commercial operations at the new facility;

(17) "Taxpayer", the purchaser of tangible personal property or a service that is subject to state or local sales or use tax and from whom state or local sales or use tax is owed. Taxpayer shall not mean the seller charged by law with collecting the sales tax from the purchaser.

2. In addition to the exemptions granted under chapter 144, project taxpayers for a new data storage center project shall be entitled, for a project period not to exceed fifteen years from the date of conditional approval under this section and subject to the requirements of subsection 3 of this section, to an exemption of one hundred percent of the state and local sales and use taxes defined, levied, or calculated under section 32.085, sections 144.010 to 144.525, sections 144.600 to 144.761, or section 238.235, limited to the net fiscal benefit of the state calculated over a ten year period, on:

(1) All electrical energy, gas, water, and other utilities including telecommunication and internet services used in a new data storage center;

(2) All machinery, equipment, and computers used in any new data storage center; and

(3) All sales at retail of tangible personal property and materials for the purpose of constructing any new data storage center.

The amount of any exemption provided under this subsection shall not exceed the projected net fiscal benefit to the state over a period of ten years, as determined by the department of economic development using the Regional Economic Modeling, Inc. dataset or comparable data.

3. (1) Any data storage center project seeking a tax exemption under subsection 2 of this section shall submit a notice of intent and a project plan to the department of economic development, which shall identify each known constructing taxpayer and known operating taxpayer for the project and include any additional information the department of economic development may require to determine eligibility for the exemption. The department of economic development shall review the project plan and determine whether the project is eligible

for the exemption under subsection 2 of this section, conditional upon subsequent verification by the department that the project meets the requirements in subsection 1 of this section for a new facility project. The department shall make such conditional determination within thirty days of submission by the operating taxpayer. Failure of the department to respond within thirty days shall result in a project plan being deemed conditionally approved.

(2) The department of economic development shall convey conditional approvals to the department of revenue and the identified project taxpayers. After a conditionally approved new facility has met the requirements in subsection 1 of this section for a new facility and the execution of the agreement specified in subsection 6 of this section, the project taxpayers shall provide proof of the same to the department of economic development. Upon verification of such proof, the department of economic development shall certify the new facility to the department of revenue as being eligible for the exemption dating retroactively to the first day of construction on the new facility. The department of revenue, upon receipt of adequate proof of the amount of sales taxes paid since the first day of construction, shall issue a refund of taxes paid but eligible for exemption under subsection 2 of this section to each operating taxpayer and each constructing taxpayer and issue a certificate of exemption to each new project taxpayer for ongoing exemptions under subsection 2 of this section. The department of revenue shall issue such a refund within thirty days of receipt of certification from the department of economic development.

(3) Any project that does not meet the minimum investment or new job requirements of subsection 1 of this section may still be eligible for the exemption under subsection 2 of this section, as long as the exemptions for such project plan do not exceed the projected net fiscal benefit to the state over a period of ten years.

(4) The commencement of the exemption period may be delayed at the option of the operating taxpayer, but not more than twenty-four months after the execution of the agreement required under subsection 6 of this section.

4. In addition to the exemptions granted under chapter 144, upon approval by the department of economic development, project taxpayers for expanding data center projects may, for a period not to exceed ten years, be specifically exempted from state and local sales and use taxes defined, levied, or calculated under section 32.085, sections 144.010 to 144.525, sections 144.600 to 144.761, or section 238.235 on:

(1) All electrical energy, gas, water, and other utilities including telecommunication and internet services used in an expanding data storage center which, on an annual basis, exceeds the amount of electrical energy, gas, water, and other utilities including telecommunication and internet services used in the existing facility or the replaced facility prior to the expansion. For purposes of this subdivision only, "amount" shall be measured in kilowatt hours, gallons, cubic feet, or other measures applicable to a utility service as opposed to in dollars, to account for increases in utility rates;

(2) All machinery, equipment, and computers used in any expanding data storage center; and

(3) All sales at retail of tangible personal property and materials for the purpose of constructing, repairing, or remodeling any expanding data storage center.

The amount of any exemption provided under this subsection shall not exceed the projected net fiscal benefit to the state over a period of ten years, as determined by the department of economic development.

5. (1) Any data storage center project seeking a tax exemption under subsection 4 of this section shall submit a notice of intent and a project plan to the department of economic development, which shall identify each known constructing taxpayer and each known operating taxpayer for the project and include any additional information the department of economic development may reasonably require to determine eligibility for the exemption. The department of economic development shall review the project plan and determine whether the project is eligible for the exemption under subsection 4 of this section, conditional upon subsequent verification by the department that the project meets the requirements in subsection 1 of this section for an expanding facility project and the execution of the agreement specified in subsection 6 of this section. The department shall make such conditional determination within thirty days of submission by the operating taxpayer. Failure of the department to respond within thirty days shall result in a project plan being deemed conditionally approved.

(2) The department of economic development shall convey such conditional approval to the department of revenue and the identified project taxpayers. After a conditional approved facility has met the requirements in subsection 1 of this section, the project taxpayers shall provide proof of the same to the department of economic development. Upon verification of such proof, the department of economic development shall certify the project to the department of revenue as being eligible for the exemption dating retroactively to the first day of the expansion of the facility. The department of revenue, upon receipt of adequate proof of the amount of sales taxes paid since the first day of the expansion of the facility, shall issue a refund of taxes paid but eligible for exemption

under subsection 4 of this section to any applicable project taxpayer and issue a certificate of exemption to any applicable project taxpayer for ongoing exemptions under subsection 4 of this section. The department of revenue shall issue such a refund within thirty days of receipt of certification from the department of economic development.

(3) Any project that does not meet the minimum investment or new job requirements of subsection 1 of this section may still be eligible for the exemption under subsection 4 of this section, as long as the exemptions for such project plan do not exceed the projected net fiscal benefit to the state over a period of ten years.

(4) The commencement of the exemption period may be delayed at the option of the operating taxpayer, but not more than twenty-four months after the execution of the agreement required under subsection 6 of this section.

6. (1) The exemptions in subsections 2 and 4 of this section shall be tied to the new or expanding facility project. A certificate of exemption in the hands of a taxpayer that is no longer an operating or constructing taxpayer of the new or expanding facility project shall be invalid as of the date the taxpayer was no longer an operating or constructing taxpayer of the new or expanding facility project. New certificates of exemption shall be issued to successor constructing taxpayers and operating taxpayers at such new or expanding facility projects. The right to the exemption by successor taxpayers shall exist without regard to subsequent levels of investment in the new or expanding facility by successor taxpayers.

(2) As a condition of receiving an exemption under subsection 2 or 4 of this section, the project taxpayers shall enter into an agreement with the department of economic development providing for repayment penalties in the event the data storage center project fails to comply with any of the requirements of this section.

(3) The department of revenue shall credit any amounts remitted by the project taxpayers under this subsection to the fund to which the sales and use taxes exempted would have otherwise been credited.

7. The department of economic development and the department of revenue shall cooperate in conducting random audits to ensure that the intent of this section is followed.

8. Notwithstanding any other provision of law to the contrary, no recipient of an exemption pursuant to this section shall be eligible for benefits under any business recruitment tax credit, as defined in section 135.800.

9. The department of economic development and the department of revenue shall jointly prescribe such rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

10. This section shall terminate on September 1, 2019. The termination of this section shall not be construed to limit or in any way impair the exemption for any project approved prior to the termination of this section."; and

Further amend said substitute, Page 36, Section 348.274, Line 134, by inserting after all of said line the following:

"447.708. 1. For eligible projects, the director of the department of economic development, with notice to the directors of the departments of natural resources and revenue, and subject to the other provisions of sections 447.700 to 447.718, may not create a new enterprise zone but may decide that a prospective operator of a facility being remedied and renovated pursuant to sections 447.700 to 447.718 may receive the tax credits and exemptions pursuant to sections 135.100 to 135.150 and sections 135.200 to 135.257. The tax credits allowed pursuant to this subsection shall be used to offset the tax imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or the tax otherwise imposed by chapter 147, or the tax otherwise imposed by chapter 148. For purposes of this subsection:

(1) For receipt of the ad valorem tax abatement pursuant to section 135.215, the eligible project must create at least ten new jobs or retain businesses which supply at least twenty-five existing jobs. The city, or county if the eligible project is not located in a city, must provide ad valorem tax abatement of at least fifty percent for a period not less than ten years and not more than twenty-five years;

(2) For receipt of the income tax exemption pursuant to section 135.220 and tax credit for new or expanded business facilities pursuant to sections 135.100 to 135.150, and 135.225, the eligible project must create at least ten new jobs or retain businesses which supply at least twenty-five existing jobs, or combination thereof. For purposes of sections 447.700 to 447.718, the tax credits described in section 135.225 are modified as follows: the tax credit shall be

four hundred dollars per employee per year, an additional four hundred dollars per year for each employee exceeding the minimum employment thresholds of ten and twenty-five jobs for new and existing businesses, respectively, an additional four hundred dollars per year for each person who is a person difficult to employ as defined by section 135.240, and investment tax credits at the same amounts and levels as provided in subdivision (4) of subsection 1 of section 135.225;

(3) For eligibility to receive the income tax refund pursuant to section 135.245, the eligible project must create at least ten new jobs or retain businesses which supply at least twenty-five existing jobs, or combination thereof, and otherwise comply with the provisions of section 135.245 for application and use of the refund and the eligibility requirements of this section;

(4) The eligible project operates in compliance with applicable environmental laws and regulations, including permitting and registration requirements, of this state as well as the federal and local requirements;

(5) The eligible project operator shall file such reports as may be required by the director of economic development or the director's designee;

(6) The taxpayer may claim the state tax credits authorized by this subsection and the state income exemption for a period not in excess of ten consecutive tax years. For the purpose of this section, "taxpayer" means an individual proprietorship, partnership or corporation described in section 143.441 or 143.471 who operates an eligible project. The director shall determine the number of years the taxpayer may claim the state tax credits and the state income exemption based on the projected net state economic benefits attributed to the eligible project;

(7) For the purpose of meeting the new job requirement prescribed in subdivisions (1), (2) and (3) of this subsection, it shall be required that at least ten new jobs be created and maintained during the taxpayer's tax period for which the credits are earned, in the case of an eligible project that does not replace a similar facility in Missouri. "New job" means a person who was not previously employed by the taxpayer or related taxpayer within the twelve-month period immediately preceding the time the person was employed by that taxpayer to work at, or in connection with, the eligible project on a full-time basis. "Full-time basis" means the employee works an average of at least thirty-five hours per week during the taxpayer's tax period for which the tax credits are earned. For the purposes of this section, related taxpayer has the same meaning as defined in subdivision (9) of section 135.100;

(8) For the purpose of meeting the existing job retention requirement, if the eligible project replaces a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, it shall be required that at least twenty-five existing jobs be retained at, and in connection with the eligible project, on a full-time basis during the taxpayer's tax period for which the credits are earned. "Retained job" means a person who was previously employed by the taxpayer or related taxpayer, at a facility similar to the eligible project that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, within the tax period immediately preceding the time the person was employed by the taxpayer to work at, or in connection with, the eligible project on a full-time basis. "Full-time basis" means the employee works an average of at least thirty-five hours per week during the taxpayer's tax period for which the tax credits are earned;

(9) In the case where an eligible project replaces a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, the owner and operator of the eligible project shall provide the director with a written statement explaining the reason for discontinuing operations at the closed facility. The statement shall include a comparison of the activities performed at the closed facility prior to the date the facility ceased operating, to the activities performed at the eligible project, and a detailed account describing the need and rationale for relocating to the eligible project. If the director finds the relocation to the eligible project significantly impaired the economic stability of the area in which the closed facility was located, and that such move was detrimental to the overall economic development efforts of the state, the director may deny the taxpayer's request to claim tax benefits;

(10) Notwithstanding any provision of law to the contrary, for the purpose of this section, the number of new jobs created and maintained, the number of existing jobs retained, and the value of new qualified investment used at the eligible project during any tax year shall be determined by dividing by twelve, in the case of jobs, the sum of the number of individuals employed at the eligible project, or in the case of new qualified investment, the value of new qualified investment used at the eligible project, on the last business day of each full calendar month of the tax year. If the eligible project is in operation for less than the entire tax year, the number of new jobs created and maintained, the number of existing jobs retained, and the value of new qualified investment created at the eligible project during any tax year shall be determined by dividing the sum of the number of individuals employed at the eligible project, or in the case of new qualified investment, the value of new qualified investment used at the eligible project, on the last business day of each full calendar month during the portion of the tax year during which the eligible project was in operation, by the number of full calendar months during such period;

(11) For the purpose of this section, "new qualified investment" means new business facility investment as defined and as determined in subdivision (7) of section 135.100 which is used at and in connection with the eligible project. "New qualified investment" shall not include small tools, supplies and inventory. "Small tools" means tools that are portable and can be hand held.

2. The determination of the director of economic development pursuant to subsection 1 of this section shall not affect requirements for the prospective purchaser to obtain the approval of the granting of real property tax abatement by the municipal or county government where the eligible project is located.

3. (1) The director of the department of economic development, with the approval of the director of the department of natural resources, may, [in addition to the tax credits allowed in subsection 1 of this section,] grant a remediation tax credit to the applicant for up to one hundred percent of the costs of materials, supplies, equipment, labor, professional engineering, consulting and architectural fees, permitting fees and expenses, demolition, asbestos abatement, and direct utility charges for performing the voluntary remediation activities for the preexisting hazardous substance contamination and releases, including, but not limited to, the costs of performing operation and maintenance of the remediation equipment at the property beyond the year in which the systems and equipment are built and installed at the eligible project and the costs of performing the voluntary remediation activities over a period not in excess of four tax years following the taxpayer's tax year in which the system and equipment were first put into use at the eligible project, provided the remediation activities are the subject of a plan submitted to, and approved by, the director of natural resources pursuant to sections 260.565 to 260.575. The tax credit may also include up to one hundred percent of the costs of demolition that are not directly part of the remediation activities, provided that the demolition is on the property where the voluntary remediation activities are occurring, the demolition is necessary to accomplish the planned use of the facility where the remediation activities are occurring, and the demolition is part of a redevelopment plan approved by the municipal or county government and the department of economic development. The demolition may occur on an adjacent property if the project is located in a municipality which has a population less than twenty thousand and the above conditions are otherwise met. The adjacent property shall independently qualify as abandoned or underutilized. The amount of the credit available for demolition not associated with remediation cannot exceed the total amount of credits approved for remediation including demolition required for remediation.

(2) The amount of remediation tax credits issued shall be limited to the least amount necessary to cause the project to occur, as determined by the director of the department of economic development.

(3) The director may, with the approval of the director of natural resources, extend the tax credits allowed for performing voluntary remediation maintenance activities, in increments of three-year periods, not to exceed five consecutive three-year periods. The tax credits allowed in this subsection shall be used to offset the tax imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or the tax otherwise imposed by chapter 147, or the tax otherwise imposed by chapter 148. The remediation tax credit may be taken in the same tax year in which the tax credits are received or may be taken over a period not to exceed twenty years.

(4) The project facility shall be projected to create at least ten new jobs or at least twenty-five retained jobs, or a combination thereof, as determined by the department of economic development, to be eligible for tax credits pursuant to this section.

(5) No more than seventy-five percent of earned remediation tax credits may be issued when the remediation costs were paid, and the remaining percentage may be issued when the department of natural resources issues a letter of completion letter or covenant not to sue following completion of the voluntary remediation activities. It shall not include any costs associated with ongoing operational environmental compliance of the facility or remediation costs arising out of spills, leaks, or other releases arising out of the ongoing business operations of the facility. In the event the department of natural resources issues a letter of completion for a portion of a property, an impacted media such as soil or groundwater, or for a site or a portion of a site improvement, a prorated amount of the remaining percentage may be released based on the percentage of the total site receiving a letter of completion.

4. In the exercise of the sound discretion of the director of the department of economic development or the director's designee, the tax credits and exemptions described in this section may be terminated, suspended or revoked, if the eligible project fails to continue to meet the conditions set forth in this section. In making such a determination, the director shall consider the severity of the condition violation, actions taken to correct the violation, the frequency of any condition violations and whether the actions exhibit a pattern of conduct by the eligible facility owner and operator. The director shall also consider changes in general economic conditions and the recommendation of the director of the department of natural resources, or his or her designee, concerning the severity, scope, nature, frequency and extent of any violations of the environmental compliance conditions. The taxpayer or person claiming the tax credits or exemptions may appeal the decision regarding termination, suspension or revocation of any tax credit or exemption in accordance with the procedures outlined in subsections 4 to 6 of section 135.250. The director of the department of

economic development shall notify the directors of the departments of natural resources and revenue of the termination, suspension or revocation of any tax credits as determined in this section or pursuant to the provisions of section 447.716.

5. Notwithstanding any provision of law to the contrary, no taxpayer shall earn the tax credits, exemptions or refund otherwise allowed in subdivisions (2), (3) and (4) of subsection 1 of this section and the tax credits otherwise allowed in section 135.110, or the tax credits, exemptions and refund otherwise allowed in sections 135.215, 135.220, 135.225 and 135.245, respectively, for the same facility for the same tax period.

6. The total amount of the tax credits allowed in subsection 1 of this section may not exceed the greater of:

(1) That portion of the taxpayer's income attributed to the eligible project; or
 (2) One hundred percent of the total business' income tax if the eligible facility does not replace a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, and further provided the taxpayer does not operate any other facilities besides the eligible project in Missouri; fifty percent of the total business' income tax if the eligible facility replaces a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the credits are earned, and further provided the taxpayer does not operate any other facilities besides the eligible project in Missouri; or twenty-five percent of the total business income if the taxpayer operates, in addition to the eligible facility, any other facilities in Missouri. In no case shall a taxpayer operating more than one eligible project in Missouri be allowed to offset more than twenty-five percent of the taxpayer's business income in any tax period. That portion of the taxpayer's income attributed to the eligible project as referenced in subdivision (1) of this subsection, for which the credits allowed in sections 135.110 and 135.225 and subsection 3 of this section, may apply, shall be determined in the same manner as prescribed in subdivision (6) of section 135.100. That portion of the taxpayer's franchise tax attributed to the eligible project for which the remediation tax credit may offset, shall be determined in the same manner as prescribed in paragraph (a) of subdivision (6) of section 135.100.

7. Taxpayers claiming the state tax benefits allowed in subdivisions (2) and (3) of subsection 1 of this section shall be required to file all applicable tax credit applications, forms and schedules prescribed by the director during the taxpayer's tax period immediately after the tax period in which the eligible project was first put into use. Otherwise, the taxpayer's right to claim such state tax benefits shall be forfeited. Unused business facility and enterprise zone tax credits shall not be carried forward but shall be initially claimed for the tax period during which the eligible project was first capable of being used, and during any applicable subsequent tax periods.

8. Taxpayers claiming the remediation tax credit allowed in subsection 3 of this section shall be required to file all applicable tax credit applications, forms and schedules prescribed by the director during the taxpayer's tax period immediately after the tax period in which the eligible project was first put into use, or during the taxpayer's tax period immediately after the tax period in which the voluntary remediation activities were performed.

9. The recipient of remediation tax credits, for the purpose of this subsection referred to as assignor, may assign, sell or transfer, in whole or in part, the remediation tax credit allowed in subsection 3 of this section to any other person, for the purpose of this subsection referred to as assignee. To perfect the transfer, the assignor shall provide written notice to the director of the assignor's intent to transfer the tax credits to the assignee, the date the transfer is effective, the assignee's name, address and the assignee's tax period and the amount of tax credits to be transferred. The number of tax periods during which the assignee may subsequently claim the tax credits shall not exceed twenty tax periods, less the number of tax periods the assignor previously claimed the credits before the transfer occurred.

10. In the case where an operator and assignor of an eligible project has been certified to claim state tax benefits allowed in subdivisions (2) and (3) of subsection 1 of this section, and sells or otherwise transfers title of the eligible project to another taxpayer or assignee who continues the same or substantially similar operations at the eligible project, the director shall allow the assignee to claim the credits for a period of time to be determined by the director; except that, the total number of tax periods the tax credits may be earned by the assignor and the assignee shall not exceed ten. To perfect the transfer, the assignor shall provide written notice to the director of the assignor's intent to transfer the tax credits to the assignee, the date the transfer is effective, the assignee's name, address, and the assignee's tax period, and the amount of tax credits to be transferred.

11. For the purpose of the state tax benefits described in this section, in the case of a corporation described in section 143.471 or partnership, in computing Missouri's tax liability, such state benefits shall be allowed to the following:

- (1) The shareholders of the corporation described in section 143.471;
- (2) The partners of the partnership.

The credit provided in this subsection shall be apportioned to the entities described in subdivisions (1) and (2) of this subsection in proportion to their share of ownership on the last day of the taxpayer's tax period.

12. For each fiscal year beginning on or after July 1, 2014, no more than twenty-five million dollars in tax credits shall be authorized under the provisions of section 447.700 to 447.718. Of the twenty-five million dollars authorized under this subsection, no more than five million dollars shall be available to projects qualified to receive benefits under section 99.1205."; and

Further amend said substitute, Page 38, Section 620.1039, Line 70, by inserting after all of said line the following:

"[143.119. 1. A self-employed taxpayer, as such term is used in the federal internal revenue code, who is otherwise ineligible for the federal income tax health insurance deduction under Section 162 of the federal internal revenue code shall be entitled to a credit against the tax otherwise due under this chapter, excluding withholding tax imposed by sections 143.191 to 143.265, in an amount equal to the portion of such taxpayer's federal tax liability incurred due to such taxpayer's inclusion of such payments in federal adjusted gross income. The tax credits authorized under this section shall be nontransferable. To the extent tax credit issued under this section exceeds a taxpayer's state income tax liability, such excess shall be considered an overpayment of tax and shall be refunded to the taxpayer.

2. The director of the department of revenue shall promulgate rules and regulations to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.]"

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Zerr, **House Amendment No. 1** was adopted.

Representative Fitzwater offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for Senate Bill No. 112, Page 11, Section 99.1205, Line 266, by inserting after all of said line the following:

"135.305. A Missouri wood energy producer shall be eligible for a tax credit on taxes otherwise due under chapter 143, except sections 143.191 to 143.261, as a production incentive to produce processed wood products in a qualified wood-producing facility using Missouri forest product residue. The tax credit to the wood energy producer shall be five dollars per ton of processed material. The credit may be claimed for a period of five years and is to be a tax credit against the tax otherwise due. No new tax credits, provided for under sections 135.300 to 135.311, shall be authorized after June 30, [2013] **2019. In no event shall the aggregate amount of all tax credits allowed pursuant to sections 135.300 to 135.311 exceed three million five hundred thousand dollars in any given fiscal year.**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 095

Allen	Anderson	Austin	Bahr	Berry
Brattin	Burlison	Cierpiot	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Diehl	Dohrman	Dugger	Elmer	Engler
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frederick	Gannon	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen

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Hicks	Higdon	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Moon	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Richardson	Ross	Rowden	Rowland	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wilson	Wood	Zerr	Mr Speaker

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Funderburk	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 018

Barnes	Bernskoetter	Brown	Conway 10	Davis
Franklin	Grisamore	Hinson	May	Mims
Molendorp	Rhoads	Riddle	Scharnhorst	Schatz
Smith 85	Smith 120	Wieland		

On motion of Representative Fitzwater, **House Amendment No. 2** was adopted by the following vote:

AYES: 102

Allen	Anders	Austin	Berry	Black
Carpenter	Cierpiot	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Elmer
Engler	English	Entlicher	Fitzwater	Flanigan
Fowler	Fraker	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hodges	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Mayfield	McGaugh	McKenna	McManus	Messenger
Miller	Morris	Neely	Neth	Nichols
Norr	Pfautsch	Phillips	Pike	Pogue
Redmon	Reiboldt	Remole	Richardson	Rizzo
Roorda	Ross	Rowden	Rowland	Runions

Scharnhorst	Schatz	Schieffer	Schupp	Shumake
Smith 85	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Zerr	Mr Speaker			

NOES: 045

Anderson	Bahr	Brattin	Burlison	Burns
Butler	Colona	Curtis	Curtman	Ellington
Englund	Fitzpatrick	Frame	Gardner	Guernsey
Haahr	Hubbard	Hummel	Kirkton	Koenig
Marshall	McCaherty	McCann Beatty	McDonald	McNeil
Meredith	Mitten	Montecillo	Moon	Morgan
Newman	Otto	Pace	Parkinson	Peters
Pierson	Rehder	Schieber	Walton Gray	Webb
Webber	White	Wilson	Wood	Wright

PRESENT: 000

ABSENT WITH LEAVE: 016

Barnes	Bernskoetter	Brown	Conway 10	Franklin
Grisamore	Hinson	May	Mims	Molendorp
Muntzel	Rhoads	Riddle	Shull	Smith 120
Wieland				

Representative Jones (110) offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Committee Substitute for Senate Bill No. 112, Page 20, Section 135.680, Line 355, by inserting after all of said line the following:

"135.1670. 1. If any job that qualifies for a tax credit under sections 100.7000 to 100.850, 135.100 to 135.258, 135.950 to 135.973, 620.1023, or 620.1875 to 620.1910 relocates to a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, a county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a city of the fourth classification with more than four thousand five hundred but fewer than five thousand inhabitants as the county seat, a county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants, or a county of the first classification with more than ninety-two thousand but fewer than one hundred one thousand inhabitants from any county outside the state of Missouri which is adjacent to such counties, no tax credits shall be issued for such job under such sections if the state of Kansas prohibits any tax credit for jobs or economic incentive for job creation or does not award any job relocation incentive for any job that relocates from such counties into any county outside the state of Missouri which is adjacent to such counties.

2. Subsection 1 of this section shall become effective only upon the state of Kansas enacting legislation or the governor of Kansas issuing an executive order or similar action which is substantially similar to the provisions contained in subsection 1 of this section.

3. Subsection 1 of this section shall become null and void and thereby considered repealed effective only upon the state of Kansas repealing enacted legislation or the governor of Kansas rescinding an executive order or similar action which is substantially similar to the provisions contained in subsection 1 of this section."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Jones (110), **House Amendment No. 3** was adopted.

Representative Diehl offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Committee Substitute for Senate Bill No. 112, Page 27, Section 144.810, Line 242, by inserting after all of said line the following:

"253.545. As used in sections 253.545 to 253.559, the following terms mean, unless the context requires otherwise:

(1) "Certified historic structure", a property located in Missouri and listed individually on the National Register of Historic Places;

(2) "Deed in lieu of foreclosure or voluntary conveyance", a transfer of title from a borrower to the lender to satisfy the mortgage debt and avoid foreclosure;

(3) "Eligible property", property located in Missouri and offered or used for residential or business purposes;

(4) "Leasehold interest", a lease in an eligible property for a term of not less than thirty years;

(5) "Principal", a managing partner, general partner, or president of a taxpayer;

(6) "Structure in a certified historic district", a structure located in Missouri which is certified by the department of natural resources as contributing to the historic significance of a certified historic district listed on the National Register of Historic Places, or a local district that has been certified by the United States Department of the Interior;

(7) "Taxpayer", any person, firm, partnership, trust, estate, limited liability company, or corporation;

(8) **"Total costs and expenses of rehabilitation", all costs and expenses related to the rehabilitation of eligible property that is a certified historic structure or a structure in a certified historic district including, but not limited to, qualified rehabilitation expenditures as defined in Section 47(c)(2)(A) of the Internal Revenue Code of 1986, as amended, and any related regulations promulgated under such section. Such costs and expenses shall include, but not be limited to, rehabilitation work in progress, accrued developer fees, and costs and expenses related to rehabilitation incurred at the taxpayers own risk up to one year before the date of submission of a preliminary application under section 253.559. Provided however, that accrued developer fees shall only be considered "total costs and expenses of rehabilitation" if an agreement or other contractual document provides for the payment of such fees within no more than six years of completion of the rehabilitation.**

253.550. 1. Any taxpayer incurring costs and expenses for the rehabilitation of eligible property, which is a certified historic structure or structure in a certified historic district, [may] **shall**, subject to the provisions of this section and section 253.559, receive a credit against the taxes imposed pursuant to chapters 143 and 148, except for sections 143.191 to 143.265, on such taxpayer in an amount equal to twenty-five percent of the total costs and expenses of rehabilitation incurred after January 1, 1998, which shall include, but not be limited to, qualified rehabilitation expenditures as defined under section 47(c)(2)(A) of the Internal Revenue Code of 1986, as amended, and the related regulations thereunder, provided the rehabilitation costs associated with rehabilitation and the expenses exceed fifty percent of the total basis in the property and the rehabilitation meets standards consistent with the standards of the Secretary of the United States Department of the Interior for rehabilitation as determined by the state historic preservation officer of the Missouri department of natural resources. **The department of economic development shall determine the total costs and expenses of rehabilitation pursuant to subsection 7 of section 253.559, but in no case shall such total costs and expenses of rehabilitation be defined more narrowly than qualified rehabilitation expenditures as defined in Section 47 (c) (2) (A) of the Internal Revenue Code of 1986, as amended, and any related regulations promulgated under such section, as required by section 253.545.**

2. During the period beginning on January 1, 2010, but ending on or after June 30, 2010, the department of economic development shall not approve applications for tax credits under the provisions of subsections 3 and 8 of section 253.559 which, in the aggregate, exceed seventy million dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559. For each fiscal year beginning on or after July 1, 2010, **but ending on or before June 30, 2014**, the department of economic development shall not approve applications for tax credits under the provisions of subsections 3 and 8 of section 253.559 which, in the aggregate, exceed one hundred forty million dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559. The limitations provided under this subsection shall not apply to applications approved under the provisions of subsection 3 of section 253.559 for projects to receive less than two hundred seventy-five thousand dollars in tax credits.

3. For all applications for tax credits approved on or after January 1, 2010, **but before July 1, 2014**, no more than two hundred fifty thousand dollars in tax credits may be issued for eligible costs and expenses incurred in the

rehabilitation of an eligible property which is a nonincome producing single-family, owner-occupied residential property and is either a certified historic structure or a structure in a certified historic district.

4. The limitations on tax credit authorization provided under the provisions of subsections 2 and 3 of this section shall not apply to:

(1) Any application submitted by a taxpayer, which has received approval from the department prior to January 1, 2010; or

(2) Any taxpayer applying for tax credits, provided under this section, which, on or before January 1, 2010, has filed an application with the department evidencing that such taxpayer:

(a) Has incurred costs and expenses for an eligible property which exceed the lesser of five percent of the total project costs or one million dollars and received an approved Part I from the Secretary of the United States Department of Interior; or

(b) Has received certification, by the state historic preservation officer, that the rehabilitation plan meets the standards consistent with the standards of the Secretary of the United States Department of the Interior, and the rehabilitation costs and expenses associated with such rehabilitation shall exceed fifty percent of the total basis in the property.

5. For each fiscal year beginning on or after July 1, 2014, the department of economic development shall not approve applications for tax credits under the provisions of subsections 3 and 8 of section 253.559 which, in the aggregate, exceed ninety million dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559. The limitations provided under this subsection shall not apply to applications approved under the provisions of subsection 3 of section 253.559 for projects to receive less than two hundred seventy-five thousand dollars in tax credits.

6. For all applications for tax credits approved on or after July 1, 2014, no more than one hundred twenty-five thousand dollars in tax credits may be issued for eligible costs and expenses incurred in the rehabilitation of an eligible property which is a nonincome producing single-family, owner-occupied residential property and is either a certified historic structure or a structure in a certified historic district.

7. In lieu of the limitations on tax credit authorization provided under the provisions of subsections 5 and 6 of this section, the limitations on tax credit authorization provided under the provisions of subsections 2 and 3 of this section shall apply to:

(1) Any application submitted by a taxpayer, which has received approval from the department prior to July 1, 2014; or

(2) Any application for tax credits provided under this section for a project, which on or before July 1, 2014:

(a) Received an approved Part I from the Secretary of the United States Department of Interior and has incurred costs and expenses for an eligible property which exceed the lesser of fifteen percent of the total project costs or three million dollars; or

(b) Has received certification, by the state historic preservation officer, that the rehabilitation plan meets the standards consistent with the standards of the Secretary of the United States Department of the Interior, and the rehabilitation costs and expenses associated with such rehabilitation would, upon completion, be expected to exceed fifty percent of the total basis in the property.

8. For each fiscal year beginning on or after July 1, 2014, the department of economic development shall not approve applications for projects to receive less than two hundred seventy-five thousand dollars in tax credits which, in the aggregate, exceed ten million dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559. The limitations on tax credit authorization provided under the provisions of this subsection shall not apply to:

(1) Any application submitted by a taxpayer, which has received approval from the department prior to the July 1, 2014; or

(2) Any application for tax credits provided under this section for a project, which on or before July 1, 2014:

(a) Received an approved Part I from the Secretary of the United States Department of Interior and has incurred costs and expenses for an eligible property which exceed five percent of the total project costs; or

(b) Has received certification, by the state historic preservation officer, that the rehabilitation plan meets the standards consistent with the standards of the Secretary of the United States Department of the Interior, and the rehabilitation costs and expenses associated with such rehabilitation would, upon completion, be expected to exceed fifty percent of the total basis in the property.

253.557. 1. If the amount of such credit exceeds the total tax liability for the year in which the rehabilitated property is placed in service, the amount that exceeds the state tax liability may be carried back to any of the three preceding years and carried forward for credit against the taxes imposed pursuant to chapter 143 and chapter 148, except for sections 143.191 to 143.265 for the succeeding ten years, or until the full credit is used, whichever occurs first. Not-for-profit entities, including but not limited to corporations organized as not-for-profit corporations pursuant to chapter 355 shall be ineligible for the tax credits authorized under sections 253.545 [through 253.561] **to 253.559. Any taxpayer that receives state tax credits under the provisions of sections 135.350 to 135.363 for a project that is not financed through tax exempt bonds issuance shall be ineligible for the state tax credits authorized under sections 253.545 to 253.559 for the same project.** Taxpayers eligible for such tax credits may transfer, sell or assign the credits. Credits granted to a partnership, a limited liability company taxed as a partnership or multiple owners of property shall be passed through to the partners, members or owners respectively pro rata or pursuant to an executed agreement among the partners, members or owners documenting an alternate distribution method.

2. The assignee of the tax credits, hereinafter the assignee for purposes of this subsection, may use acquired credits to offset up to one hundred percent of the tax liabilities otherwise imposed pursuant to chapter 143 and chapter 148, except for sections 143.191 to 143.265. The assignor shall perfect such transfer by notifying the department of economic development in writing within thirty calendar days following the effective date of the transfer and shall provide any information as may be required by the department of economic development to administer and carry out the provisions of this section.

253.559. 1. To obtain approval for tax credits allowed under sections 253.545 to 253.559, a taxpayer shall submit an application for tax credits to the department of economic development. Each application for approval, including any applications received for supplemental allocations of tax credits as provided under subsection 8 of this section, shall be prioritized for review and approval, in the order of the date on which the application was postmarked, with the oldest postmarked date receiving priority. Applications postmarked on the same day shall go through a lottery process to determine the order in which such applications shall be reviewed.

2. Each application shall be reviewed by the department of economic development for approval. In order to receive approval, an application, other than applications submitted under the provisions of subsection 8 of this section, shall include:

(1) Proof of ownership or site control. Proof of ownership shall include evidence that the taxpayer is the fee simple owner of the eligible property, such as a warranty deed or a closing statement. Proof of site control may be evidenced by a leasehold interest or an option to acquire such an interest. If the taxpayer is in the process of acquiring fee simple ownership, proof of site control shall include an executed sales contract or an executed option to purchase the eligible property;

(2) Floor plans of the existing structure, architectural plans, and, where applicable, plans of the proposed alterations to the structure, as well as proposed additions;

(3) The estimated cost of rehabilitation, the anticipated total costs of the project, the actual basis of the property, as shown by proof of actual acquisition costs, the anticipated total labor costs, the estimated project start date, and the estimated project completion date;

(4) Proof that the property is an eligible property and a certified historic structure or a structure in a certified historic district, **or evidence that the taxpayer has submitted the necessary documentation to qualify the property as an eligible property and a certified historic structure or as a structure in a certified historic district. A final determination of such qualifications shall not be a prerequisite for approval of the application or the incurrence of eligible costs;** and

(5) Any other information which the department of economic development may reasonably require to review the project for approval. Only the property for which a property address is provided in the application shall be reviewed for approval. Once selected for review, a taxpayer shall not be permitted to request the review of another property for approval in the place of the property contained in such application. Any disapproved application shall be removed from the review process. If an application is removed from the review process, the department of economic development shall notify the taxpayer in writing of the decision to remove such application. Disapproved applications shall lose priority in the review process. A disapproved application, which is removed from the review process, may be resubmitted, but shall be deemed to be a new submission for purposes of the priority procedures described in this section.

3. If the department of economic development deems the application sufficient, the taxpayer shall be notified in writing of the approval for an amount of tax credits equal to the amount provided under section 253.550 less any amount of tax credits previously approved. Such approvals shall be granted to applications in the order of priority established under this section and shall require full compliance thereafter with all other requirements of law as a condition to any claim for such credits. **Notwithstanding any provision of law to the contrary, a determination of**

the department of economic development, in consultation with the department of natural resources, whether the completed rehabilitation meets the standards of the Secretary of the United States Department of the Interior for rehabilitation as determined by the state historic preservation officer of the department of natural resources under subsection 7 of this section, shall not be required for the department of economic development to approve an application under this subsection.

4. Following approval of an application, the identity of the taxpayer contained in such application shall not be modified except:

(1) The taxpayer may add partners, members, or shareholders as part of the ownership structure, so long as the principal remains the same, provided however, that subsequent to the commencement of renovation and the expenditure of at least ten percent of the proposed rehabilitation budget, removal of the principal for failure to perform duties and the appointment of a new principal thereafter shall not constitute a change of the principal; or

(2) Where the ownership of the project is changed due to a foreclosure, deed in lieu of a foreclosure or voluntary conveyance, or a transfer in bankruptcy. **Upon any such change in ownership, the taxpayer contained in such application, or any successor owner of the project, shall notify the department of such change.**

5. In the event that the department of economic development grants approval for tax credits equal to the **applicable** total amount available under subsection 2 **or 5** of section 253.550, or sufficient that when totaled with all other approvals, the **applicable** amount available under subsection 2 **or 5** of section 253.550 is exhausted, all taxpayers with applications then awaiting approval or thereafter submitted for approval shall be notified by the department of economic development that no additional approvals shall be granted during the fiscal year and shall be notified of the priority given to such taxpayer's application then awaiting approval. Such applications shall be kept on file by the department of economic development and shall be considered for approval for tax credits in the order established in this section in the event that additional credits become available due to the rescission of approvals or when a new fiscal year's allocation of credits becomes available for approval.

6. All taxpayers with applications receiving approval on or after the effective date of this act shall commence rehabilitation within two years of the date of issuance of the letter from the department of economic development granting the approval for tax credits. "Commencement of rehabilitation" shall mean that as of the date in which actual physical work, contemplated by the architectural plans submitted with the application, has begun, the taxpayer has incurred no less than ten percent of the estimated costs of rehabilitation provided in the application. Taxpayers with approval of a project shall submit evidence of compliance with the provisions of this subsection. If the department of economic development determines that a taxpayer has failed to comply with the requirements provided under this section, the approval for the amount of tax credits for such taxpayer shall be rescinded and such amount of tax credits shall then be included in the **applicable** total amount of tax credits, provided under subsection 2 **or 5** of section 253.550, from which approvals may be granted. Any taxpayer whose approval shall be subject to rescission shall be notified of such from the department of economic development and, upon receipt of such notice, may submit a new application for the project.

7. To claim the credit authorized under sections 253.550 to 253.559, a taxpayer with approval shall apply for final approval and issuance of tax credits from the department of economic development [which,] . **Such application for final approval and issuance of tax credits shall include a cost and expense certification, prepared by a licensed certified public accountant that is not an affiliate of the applicant, certifying the total costs and expenses of rehabilitation and the total amount of tax credits for which such taxpayer is eligible under sections 253.550 to 253.559. Cost and expense certifications required under this section shall separately state any accrued developer fees. No later than forty-five calendar days following receipt of a taxpayer's application for final approval and issuance of tax credits, the department of economic development shall determine,** in consultation with the department of natural resources, [shall determine the final amount of eligible rehabilitation costs and expenses and] whether the completed rehabilitation meets the standards of the Secretary of the United States Department of the Interior for rehabilitation [as determined by the state historic preservation officer of the Missouri department of natural resources]. **If the completed rehabilitation meets such standards, the department of economic development shall, within forty-five calendar days following the receipt of the taxpayer's application for final approval and tax credit issuance, inform such taxpayer of its initial determination by letter and issue such taxpayer an initial tax credit issuance. A taxpayer receiving an initial tax credit issuance shall receive tax credit certificates in an amount equal to the lesser of seventy-five percent of the total amount of tax credits for which the taxpayer is eligible under sections 253.550 to 253.559, as certified in the cost and expense certification, or the amount of tax credits approved for such project under subsection 3 of this section. Within one hundred and twenty calendar days following receipt of a taxpayer's application for final approval and tax credit issuance, the department shall determine the final amount of eligible rehabilitation costs and expenses. For a taxpayer receiving an initial tax credit issuance, no later than one hundred and twenty calendar days following receipt of such taxpayer's application for final**

approval and tax credit issuance, the department shall notify such taxpayer of its final determination by letter and issue such taxpayer tax credit certificates in an amount equal to the lesser of the remaining amount of tax credits for which such taxpayer is eligible to receive under sections 253.550 to 253.559, as determined by the department, or the remaining amount of tax credits for which such taxpayer was approved under subsection 3 of this section, but not issued under the initial tax credit issuance. If the department of economic development determines that the amount of tax credits issued to a taxpayer in the initial tax credit issuance is in excess of the total amount of tax credits such taxpayer is eligible to receive under sections 253.550 to 253.559, the department shall notify such taxpayer and such taxpayer shall repay the state an amount equal to such excess. For financial institutions credits authorized pursuant to sections 253.550 to [253.561] 253.559 shall be deemed to be economic development credits for purposes of section 148.064. The approval of all applications and the issuing of certificates of eligible credits to taxpayers shall be performed by the department of economic development. [The department of economic development shall inform a taxpayer of final approval by letter and shall issue, to the taxpayer, tax credit certificates.] The taxpayer shall attach the certificate to all Missouri income tax returns on which the credit is claimed. **Taxpayers which receive tax credit certificates under sections 253.550 to 253.559, attributable to accrued developer fees shall, within six years of completion of rehabilitation, submit an additional cost and expense certification verifying the total amount of developer fees actually accrued and paid. To the extent the amount of developer fees contained in a taxpayer's cost and expense certification included with such taxpayers application for final approval and tax credit issuance exceeds the amount of developer fees actually accrued and paid, as evidenced by the additional cost and expense certification, such taxpayer shall repay to the state an amount equal to twenty-five percent of such excess.**

8. Except as expressly provided in this subsection, tax credit certificates shall be issued in the final year that costs and expenses of rehabilitation of the project are incurred, or within the twelve-month period immediately following the conclusion of such rehabilitation. In the event the amount of eligible rehabilitation costs and expenses incurred by a taxpayer would result in the issuance of an amount of tax credits in excess of the amount provided under such taxpayer's approval granted under subsection 3 of this section, such taxpayer may apply to the department for issuance of tax credits in an amount equal to such excess. Applications for issuance of tax credits in excess of the amount provided under a taxpayer's application shall be made on a form prescribed by the department **and shall be substantially in the form of the department of economic development form titled "Historic Preservation Tax Credit Program - Request for Additional Credits" in effect by the effective date of this act.** Such applications shall be subject to all provisions regarding priority provided under subsection 1 of this section.

9. The department of economic development shall determine, on an annual basis, the overall economic impact to the state from the rehabilitation of eligible property.

10. (1) **Taxpayers or duly authorized representatives may appeal any official decision, including all preliminary or final approvals and denials of approvals, made by the department or the department of natural resources with regard to an application submitted under sections 253.550 to 253.559 to an independent third-party appeals officer designated by the department within fourteen days of receipt of the appeal by the department. Such appeals under this section shall constitute an administrative review of the decision appealed from and shall not be conducted as an adjudicative proceeding.**

(2) Appeals shall be submitted to the designated appeals officer in writing within thirty days of receipt by the taxpayer or the taxpayer's duly authorized representative of the decision that is the subject of the appeal, and shall include all information the appellant wishes the appeals officer to consider in deciding the appeal.

(3) Within fourteen days of receipt of an appeal, the appeals officer shall notify the department or the department of natural resources that an appeal is pending, identify the decision being appealed, and forward a copy of the information submitted by the appellant. The department or the department of natural resources may submit a written response to the appeal within thirty days.

(4) The appellant shall be entitled to one meeting with the appeals officer to discuss the appeal, but the appeals officer may schedule additional meetings at the officer's discretion. The department or the department of natural resources may appear at all meetings.

(5) The appeals officer shall consider the record of the decision in question, any further written submissions by the appellant and the department or the department of natural resources, and other available information, and shall deliver a written decision to all parties as promptly as circumstances permit, but not later than ninety days after the initial receipt of an appeal by the appeals officer.

11. By no later than January 1, 2014, the department shall propose rules to implement the provisions of sections 253.550 to 253.559. Prior to proposing such rules, the department shall conduct a stakeholder process designed to solicit input from interested parties. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated herein shall become effective only if it complies with and

is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Diehl, **House Amendment No. 4** was adopted.

Representative Bahr offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Committee Substitute for Senate Bill No. 112, Page 11, Section 99.1205, Line 266, by inserting after all of said line the following:

"135.350. As used in this section, unless the context clearly requires otherwise, the following words and phrases shall mean:

(1) "Commission", the Missouri housing development commission, or its successor agency;

(2) "Director", director of the department of revenue;

(3) "Eligibility statement", a statement authorized and issued by the commission certifying that a given project qualifies for the Missouri low-income housing tax credit. The commission shall promulgate rules establishing criteria upon which the eligibility statements will be issued. The eligibility statement shall specify the amount of the Missouri low-income housing tax credit allowed. The commission shall only authorize the tax credits to qualified projects which begin after June 18, 1991;

(4) **"Federal credit period", the same meaning as is prescribed the term "credit period" under section 42 of the 1986 Internal Revenue Code, as amended;**

(5) "Federal low-income housing tax credit", the federal tax credit as provided in section 42 of the 1986 Internal Revenue Code, as amended;

[(5)] (6) "Low-income project", a housing project which has restricted rents that do not exceed thirty percent of median income for at least forty percent of its units occupied by persons of families having incomes of sixty percent or less of the median income, or at least twenty percent of the units occupied by persons or families having incomes of fifty percent or less of the median income;

[(6)] (7) "Median income", those incomes which are determined by the federal Department of Housing and Urban Development guidelines and adjusted for family size;

[(7)] (8) "Qualified Missouri project", a qualified low-income building as that term is defined in section 42 of the 1986 Internal Revenue Code, as amended, which is located in Missouri;

[(8)] (9) "Taxpayer", person, firm or corporation subject to the state income tax imposed by the provisions of chapter 143 (except withholding imposed by sections 143.191 to 143.265) or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, or an express company which pays an annual tax on its gross receipts in this state.

135.352. 1. A taxpayer owning an interest in a qualified Missouri project shall, subject to the limitations provided under the provisions of subsection 3 of this section, be allowed a state tax credit, whether or not allowed a federal tax credit, to be termed the Missouri low-income housing tax credit, if the commission issues an eligibility statement for that project.

2. For qualified Missouri projects placed in service after January 1, 1997, the Missouri low-income housing tax credit available to a project shall be such amount as the commission shall determine is necessary to ensure the feasibility of the project, up to an amount equal to the federal low-income housing tax credit for a qualified Missouri project, for a federal [tax] **credit** period, and such amount shall be subtracted from the amount of state tax otherwise due for the same tax period.

3. No more than six million dollars in tax credits shall be authorized each fiscal year **ending on or before June 30, 2014**, for projects financed through tax-exempt bond issuance.

4. **For purposes of the limitations provided under this subsection, the aggregate amount of tax credits allowed over a federal credit period shall be attributed to the fiscal year in which such credits are authorized by the commission for a qualified Missouri project. For each fiscal year beginning on or after July 1, 2014, there shall be a four million dollar cap on tax credit authorizations for projects which are financed through tax exempt bond issuance. For projects which are not financed through tax exempt bond issuance, the maximum amount of tax credits authorized shall be as follows:**

- (1) **For fiscal year 2014, one hundred thirty million dollars;**
- (2) **For fiscal year 2015, one hundred twenty-five million dollars;**
- (3) **For fiscal year 2016, one hundred twenty million dollars;**
- (4) **For fiscal year 2017, one hundred fifteen million dollars; and**
- (5) **For the fiscal years beginning in 2018 and after, one hundred ten million dollars.**

5. The Missouri low-income housing tax credit shall be taken against the taxes and in the order specified pursuant to section 32.115. The credit authorized by this section shall not be refundable. Any amount of credit that exceeds the tax due for a taxpayer's taxable year may be carried back to any of the taxpayer's three prior taxable years or carried forward to any of the taxpayer's five subsequent taxable years. **For projects authorized on or after July 1, 2014, any amount of credit that exceeds the tax due for a taxpayer's taxable year shall not be eligible to be carried back, but may be carried forward to any of the taxpayer's two subsequent taxable years.**

[5.] 6. All or any portion of Missouri tax credits issued in accordance with the provisions of sections 135.350 to 135.362 may be allocated to parties who are eligible pursuant to the provisions of subsection 1 of this section. Beginning January 1, 1995, for qualified projects which began on or after January 1, 1994, an owner of a qualified Missouri project shall certify to the director the amount of credit allocated to each taxpayer. The owner of the project shall provide to the director appropriate information so that the low-income housing tax credit can be properly allocated.

[6.] 7. In the event that recapture of Missouri low-income housing tax credits is required pursuant to subsection 2 of section 135.355, any statement submitted to the director as provided in this section shall include the proportion of the state credit required to be recaptured, the identity of each taxpayer subject to the recapture and the amount of credit previously allocated to such taxpayer.

8. **A taxpayer that receives state tax credits under the provisions of sections 253.545 to 253.559 shall be ineligible to receive state tax credits under the provisions of sections 135.350 to 135.363 for the same project, if such project is not financed through tax exempt bond issuance.**

[7.] 9. The director of the department may promulgate rules and regulations necessary to administer the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Bahr, **House Amendment No. 5** was adopted.

Representative Torpey offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Committee Substitute for Senate Bill No. 112, Pages 27 through 36, Sections 348.273 and 348.274, by deleting all of said sections from the bill and inserting in lieu thereof the following:

"348.273. 1. This section and section 348.274 shall be known and may be cited as the "Missouri Angel Investment Incentive Act".

2. As used in this section and section 348.274, the following terms mean:

- (1) **"Cash investment", money or money equivalent contribution;**
- (2) **"Department", the department of economic development;**
- (3) **"Investor":**

(a) A natural person who is an accredited investor as defined in 17 CFR 230.501(a)(5) or 17 CFR 230.501(a)(6), as in effect on August 28, 2013;

(b) A permitted entity investor who is an accredited investor as defined in 17 CFR 230.501(a)(8), as in effect on August 28, 2013; or

(c) A natural person or permitted entity investor making an investment that is permitted under the Jumpstart Our Business Startups Act, Pub. L. No. 112-106, Sections 301-305, 126 Stat. 315-323, as in effect on August 28, 2013.

A person who serves as an executive, officer, or employee of the business in which an otherwise qualified cash investment is made is not an investor and such person shall not qualify for the issuance of tax credits for such investment;

(4) "Owner", any natural person who is, directly or indirectly, a partner, stockholder, or member in a permitted entity investor;

(5) "Permitted entity investor", any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143, general partnership, limited partnership, small corporation described in section 143.471, revocable living trust, or limited liability company that has elected to be taxed as a partnership under the United States internal revenue code, and that was established and is operated for the purpose of making investments in other entities;

(6) "Qualified knowledge-based company", a company based on the use of ideas and information to provide innovative technologies, products, and services;

(7) "Qualified Missouri business", the Missouri businesses that are approved and certified as qualified knowledge-based companies by the regional SBTDC that meet at least one of the following criteria:

(a) Any business owned by an individual;

(b) Any partnership, association, or corporation domiciled in Missouri; or

(c) Any corporation, even if a wholly owned subsidiary of a foreign corporation, that does business primarily in Missouri or does substantially all of such business's production in Missouri;

(8) "Qualified securities", a cash investment through any one or more forms of financial assistance as provided in this subdivision and that have been approved in form and substance by the department. Forms of such financial assistance include:

(a) Any form of equity, such as:

a. A general or limited partnership interest;

b. Common stock;

c. Preferred stock, with or without voting rights, without regard to seniority position, and whether or not convertible into common stock; or

d. Any form of subordinate or convertible debt, or both, with warrants or other means of equity conversion attached; or

(b) A debt instrument, such as a note or debenture that is secured or unsecured, subordinated to the general creditors of the debtor and requires no payments of principal, other than principal payments required to be made out of any future profits of the debtor, for at least a seven-year period after commencement of such debt instrument's term;

(9) "SBTDC", the Missouri small business and technology development center; and

(10) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265.

3. The Missouri angel investment incentive act shall be administered by the regional SBTDCs and the department, with the primary goal of encouraging individuals to provide seed-capital financing for emerging Missouri businesses engaged in the development, implementation, and commercialization of innovative technologies, products, and services. Each regional SBTDC shall establish a regional committee consisting of no fewer than three but no more than five persons for the purpose of reviewing applications from businesses requesting designation as a qualified Missouri business and allocating the amount of available tax credits among the qualified Missouri businesses. The department shall establish its own rules of procedure, including the form and substance of applications to be used by each regional SBTDC and the criteria to be considered by each regional SBTDC when evaluating a qualified Missouri business, such applications and criteria to be not less than the minimum requirements set forth in subsection 5 of this section. The department shall issue tax credits to qualified investors that make cash investments in qualified Missouri businesses that have been allocated available tax credits by a regional SBTDC.

4. (1) A tax credit shall be allowed for an investor's cash investment in the qualified securities of a qualified Missouri business. The credit shall be in a total amount equal to fifty percent of such investor's cash investment in any qualified Missouri business, subject to the limitations set forth in this subsection. This tax

credit may be used in its entirety in the taxable year in which the cash investment is made except that no tax credit shall be allowed in a year prior to the year beginning January 1, 2014. If the amount by which that portion of the credit allowed by this section exceeds the investor's liability in any one taxable year, the remaining portion of the credit may be carried forward five years or until the total amount of the credit is used, whichever occurs first. If the investor is a permitted entity investor, the credit provided by this section shall be claimed by the owners of the permitted entity investor in proportion to their equity investment in the permitted entity investor.

(2) A cash investment in a qualified security shall be deemed to have been made on the date of acquisition of the qualified security, as such date is determined in accordance with the provisions of the Internal Revenue Code of 1986, as amended.

(3) The director of the department of revenue shall not allow tax credits of more than fifty thousand dollars for a single qualified Missouri business or a total of two hundred fifty thousand dollars in tax credits for a single year per investor who is a natural person or owner of a permitted entity investor. No tax credits authorized by this section and section 348.274 shall be allowed for any cash investments in qualified securities for any year beginning after December 31, 2019. The total amount of tax credits allocated under this section shall not exceed six million dollars per year.

(4) At the beginning of each calendar year, the department shall equally designate the tax credits available during that year to each regional SBTDC. At the beginning of each calendar quarter, the department shall allocate to each regional SBTDC one-fourth of the total tax credits designated to such regional SBTDC for the calendar year such that the regional SBTDC can allocate tax credits among the qualified Missouri businesses. The department shall then issue tax credits to qualified investors for cash investments in such qualified Missouri businesses during that calendar quarter.

(5) At the end of each calendar quarter, each regional SBTDC shall report to the department any unallocated tax credits for the preceding quarter. Such report shall meet the requirements set forth in section 348.274. The department shall aggregate all such tax credits and reallocate them equally among the regional SBTDCs as soon as possible during the next consecutive calendar quarter. Each regional SBTDC shall receive such reallocation in addition to the new allocation of designated tax credits for such quarter.

(6) During the fourth calendar quarter, a regional SBTDC in need of additional tax credits for transactions closing in the fourth calendar quarter may request that another regional SBTDC with unallocated tax credits permit such unallocated tax credits to be allocated by the requesting SBTDC. No regional SBTDC shall be required to grant such request. When a granting SBTDC transfers the allocation of the unallocated tax credits to a requesting SBTDC under this subdivision, the granting SBTDC shall provide to the requesting SBTDC a written confirmation authorizing such transfer, the granting SBTDC shall include a copy of such written confirmation in its reports provided under section 348.274, and the requesting SBTDC shall include a copy of such written confirmation in its reports provided under section 348.274.

5. (1) Before an investor may be entitled to receive tax credits under this section and section 348.274, such investor shall have made a cash investment in a qualified security of a qualified Missouri business. The business shall have been approved by a regional SBTDC as a qualified Missouri business before the date on which the cash investment was made. To be designated as a qualified Missouri business, a business shall make application to a regional SBTDC in accordance with the provisions of this section.

(2) The application by a business to a regional SBTDC shall be in the form and substance as required by the department, but shall include at least the following:

- (a) The name of the business and certified copies of the organizational documents of the business;
- (b) A business plan, including a description of the business and the management, product, market, and financial plan of the business;
- (c) A statement of the potential economic impact of the enterprise, including the number, location, and types of jobs expected to be created;
- (d) A description of the qualified securities to be issued, the consideration to be paid for the qualified securities, and the amount of any tax credits requested;
- (e) A statement of the amount, timing, and projected use of the proceeds to be raised from the proposed sale of qualified securities; and
- (f) Such other information as the regional SBTDC or the department may reasonably request.

(3) The designation of a business as a qualified Missouri business shall be made by the regional SBTDC, and such designation shall be renewed annually. A business shall be so designated if the regional SBTDC determines, based upon the application submitted by the business and any additional investigation the regional SBTDC shall make, that such business meets the criteria established by the department. Such criteria shall include at least the following:

(a) The business shall not have had annual gross revenues of more than five million dollars in the most recent tax year of the business;

(b) Businesses that are not bioscience businesses shall have been in operation for less than five years, and bioscience businesses shall have been in operation for less than ten years;

(c) The ability of investors in the business to receive tax credits for cash investments in qualified securities of the business is beneficial, because funding otherwise available for the business is not available on commercially reasonable terms;

(d) The business shall not have ownership interests including, but not limited to, common or preferred shares of stock, that can be traded via a public stock exchange before the date that a qualifying investment is made;

(e) The business shall not be engaged primarily in any one or more of the following enterprises:

a. The business of banking, savings and loan or lending institutions, credit or finance, or financial brokerage or investments;

b. The provision of professional services, such as legal, accounting, or engineering services;

c. Governmental, charitable, religious, or trade organizations;

d. The ownership, development brokerage, sales, or leasing of real estate;

e. Insurance;

f. Construction or construction management or contracting;

g. Business consulting or brokerage;

h. Any business engaged primarily as a passive business, having irregular or noncontinuous operations, or deriving substantially all of the income of the business from passive investments that generate interest, dividends, royalties, or capital gains, or any business arrangements the effect of which is to immunize an investor from risk of loss;

i. Any activity that is in violation of the law;

j. Any business raising money primarily to purchase real estate, land, or fixtures; and

k. Any gambling related business;

(f) The business has a reasonable chance of success;

(g) The business has the reasonable potential to create measurable employment within the region, this state, or both;

(h) The business has an innovative and proprietary technology, product, or service;

(i) The existing owners of the business and other founders have made or are committed to make a substantial financial and time commitment to the business;

(j) The securities to be issued and purchased are qualified securities;

(k) The business has the reasonable potential to address the needs and opportunities specific to the region or this state, or both;

(l) The business has made binding commitments to the regional SBTDC for adequate reporting of financial data, including a requirement for an annual report, or, if required by the regional SBTDC, an annual audit of the financial and operational records of the business, the right of access to the financial records of the business, and the right of the regional SBTDC to record and publish normal and customary data and information related to the issuance of tax credits that are not otherwise determined to be trade or business secrets;

(m) The business shall satisfy all other requirements of this section and section 348.274; and

(n) This section and all referenced sections herein are subject to the provisions of section 196.1127.

(4) Notwithstanding the requirements of subdivision (3) of this subsection, a business may be considered as a qualified Missouri business under the provisions of this section and section 348.274 if such business falls within a standard industrial classification code established by the department.

(5) A qualified Missouri business shall have the burden of proof to demonstrate to the regional SBTDC the qualifications of the business under this section.

6. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section and section 348.274 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

348.274. 1. (1) Each regional SBTDC is authorized to allocate tax credits to qualified Missouri businesses. The department is authorized to issue tax credits to qualified investors in such qualified Missouri

businesses. Such tax credits shall be allocated to those qualified Missouri businesses which, as determined by the regional SBTDC, are most likely to provide the greatest economic benefit to the region, the state, or both. The regional SBTDC may allocate, and the department may issue, whole or partial tax credits based on the regional SBTDC's assessment of the qualified Missouri businesses. The regional SBTDC may consider numerous factors in such assessment, including but not limited to, the quality and experience of the management team, the size of the estimated market opportunity, the risk from current or future competition, the ability to defend intellectual property, the quality and utility of the business model, and the quality and reasonableness of financial projections for the business.

(2) Each qualified Missouri business for which a regional SBTDC has allocated tax credits such that the department can issue tax credits to the qualified investors of such qualified Missouri business shall submit to the regional SBTDC a report before such tax credits are issued. The regional SBTDC shall provide copies of this report to the department. Such report shall include the following:

(a) The name, address, and taxpayer identification number of each investor who has made cash investment in the qualified securities of the qualified Missouri business;

(b) Proof of such investment, including copies of the securities purchase agreements and cancelled checks or wire transfer receipts; and

(c) Any additional information as the regional SBTDC may reasonably require under this section and section 348.273.

2. (1) The state of Missouri shall not be held liable for any damages to any investor that makes an investment in any qualified security of a qualified Missouri business, any business that applies to be designated as a qualified Missouri business and is turned down, or any investor that makes an investment in a business that applies to be designated as a qualified Missouri business and is turned down.

(2) Each qualified Missouri business shall have the obligation to notify the regional SBTDC that allocated tax credits to the qualified Missouri business and the department in a timely manner of any changes in the qualifications of the business or in the eligibility of investors to claim a tax credit for cash investment in a qualified security.

(3) The department shall provide the information specified in subdivision (3) of subsection 4 of this section to the department of revenue on an annual basis. The department shall conduct an annual review of the activities undertaken under this section and section 348.273 to ensure that tax credits issued under this section and section 348.273 are issued in compliance with the provisions of this section and section 348.273 or rules and regulations promulgated by each regional SBTDC or the department with respect to this section and section 348.273.

(4) If the department determines that a business is not in substantial compliance with the requirements of this section and section 348.273 to maintain its designation, the department, by written notice, shall inform the business that such business will lose its designation as a qualified Missouri business one hundred twenty days from the date of mailing of the notice unless such business corrects the deficiencies and is once again in compliance with the requirements for designation.

(5) At the end of the one hundred twenty-day period, if the qualified Missouri business is still not in substantial compliance, the department shall send a notice of loss of designation to the business, each regional SBTDC, the director of the department of revenue and to all known investors in the business.

(6) A business shall lose its designation as a qualified Missouri business under this section and section 348.273 by moving its operations outside Missouri within ten years after receiving financial assistance under this section and section 348.273.

(7) In the event that a business loses its designation as a qualified Missouri business, such business shall be precluded from being issued any additional tax credits with respect to the business, shall be precluded from being approved as a qualified Missouri business and shall repay any financial assistance to the regional SBTDC, in an amount to be determined by the regional SBTDC. Each qualified Missouri business that loses its designation as a qualified Missouri business shall enter into a repayment agreement with the regional SBTDC specifying the terms of such repayment obligation.

(8) Investors in a qualified Missouri business shall be entitled to keep all of the tax credits properly issued to such investors under this section and section 348.273.

(9) The portions of documents and other materials submitted to any regional SBTDC or the department that contain trade secrets shall be kept confidential and shall be maintained in a secured environment by the regional SBTDC and the department, as applicable. For the purposes of this section and section 348.273, "trade secrets" means any customer lists, formula, compound, production data, or compilation of information that will allow individuals within a commercial concern using such information the means to fabricate, produce, or

compound an article of trade or perform any service having commercial value, which gives the user an opportunity to obtain a business advantage over competitors who do not know or use such service.

(10) Each regional SBTDC and the department may prepare and adopt procedures concerning the performance of the duties placed upon each respective entity by this section and section 348.273.

3. Any qualified investor who makes a cash investment in a qualified security of a qualified Missouri business may transfer the tax credits such qualified investor may receive under subsection 4 of section 348.273 to any natural person. Such transferee may claim the tax credit against the transferee's Missouri income tax liability as provided in subdivision (1) of subsection 4 of section 348.273, subject to all restrictions and limitations set forth in this section and section 348.273. Only the full credit for any one investment shall be transferred and this interest shall only be transferred one time. Documentation of any tax credit transfer under this section shall be provided by the qualified investor in the manner required by the department.

4. (1) Each qualified Missouri business for which tax credits have been issued under this section and section 348.273 shall report to the applicable regional SBTDC on an annual basis, on or before February first. The regional SBTDC shall provide copies of the reports to the department. Such reports shall include the following:

(a) The name, address, and taxpayer identification number of each investor who has made cash investment in the qualified securities of the qualified Missouri business and has received tax credits for this investment during the preceding year;

(b) The amounts of these cash investments by each investor and a description of the qualified securities issued in consideration of such cash investments; and

(c) Any additional information as the regional SBTDC or the department may reasonably require under this section and section 348.273.

(2) Each regional SBTDC shall report quarterly to the department on the allocation of the tax credits in the preceding calendar quarter. Such reports shall include:

(a) The amount of applications the regional SBTDC received;

(b) The number and ratio of successful applications to unsuccessful applications;

(c) The amount of tax credits allocated but not issued in the previous quarter, including what percentage was allocated to individuals and what percentage was allocated to investment firms;

(d) The amount of unallocated tax credits; and

(e) Such other information as reasonably agreed upon by each regional SBTDC and the department.

(3) The department shall also report annually to the governor, the president pro tempore of the senate, and the speaker of the house of representatives, on or before April first, on the allocation and issuance of the tax credits. Such reports shall include:

(a) The amount of tax credits issued in the previous fiscal year, including what percentage was issued to individuals and what percentage was issued to investment firms;

(b) The types of businesses that benefited from the tax credits;

(c) The amount of allocated but unissued tax credits and the information about the unissued tax credits set forth in subdivision (2) of this subsection;

(d) Any aggregate job creation or capital investment in the region that resulted from the use of the tax credits for a period of five years beginning from the date on which the tax credits were awarded;

(e) The manner in which the purpose of this section and section 348.273 has been carried out with regard to the region;

(f) The total cash investments made for the purchase of qualified securities of qualified Missouri businesses within the region during the preceding year and cumulatively since the effective date of this section and section 348.273;

(g) An estimate of jobs created and jobs preserved by cash investments made in qualified Missouri businesses within the region;

(h) An estimate of the multiplier effect on the economy of the region of the cash investments made under this section and section 348.273;

(i) Information regarding what businesses derived benefit from the tax credits remained in the region, what businesses ceased business, what businesses were purchased, and what businesses may have moved out-of-region or out-of-state and why.

(4) Any violation of the reporting requirements of this subsection by a qualified Missouri business may be grounds for the loss of designation of such qualified Missouri business, and such business that loses its designation as a qualified Missouri business shall be subject to the restrictions upon loss of designation set forth in subsection 2 of this section.

5. Notwithstanding sections 23.250 to 23.298 of the Missouri sunset act, sections 348.273 and 348.274 shall expire on December 31, 2019."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Torpey, **House Amendment No. 6** was adopted.

Representative Zerr offered **House Amendment No. 7**.

House Amendment No. 7

AMEND House Committee Substitute for Senate Bill No. 112, Page 1, In the Title, Line 1, by inserting after "RSMo," the following:

"and section 135.630 as truly agreed to and finally passed by house committee substitute for senate substitute for senate committee substitute for senate bills nos. 20, 15 & 19, ninety-seventh general assembly, first regular session,"; and

Further amend said substitute, Page 1, Section A, Line 1, by inserting after "RSMo," the following:

"and section 135.630 as truly agreed to and finally passed by house committee substitute for senate substitute for senate committee substitute for senate bills nos. 20, 15 & 19, ninety-seventh general assembly, first regular session,"; and

Further amend said substitute, Page 11, Section 99.1205, Line 266, by inserting after all of said line the following:

"135.630. 1. As used in this section, the following terms mean:

- (1) "Contribution", a donation of cash, stock, bonds, or other marketable securities, or real property;
- (2) "Director", the director of the department of social services;
- (3) "Pregnancy resource center", a nonresidential facility located in this state:
 - (a) Established and operating primarily to provide assistance to women with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling, emotional and material support, and other similar services to encourage and assist such women in carrying their pregnancies to term; and
 - (b) Where childbirths are not performed; and
 - (c) Which does not perform, induce, or refer for abortions and which does not hold itself out as performing, inducing, or referring for abortions; and
 - (d) Which provides direct client services at the facility, as opposed to merely providing counseling or referral services by telephone; and
 - (e) Which provides its services at no cost to its clients; and
 - (f) When providing medical services, such medical services must be performed in accordance with Missouri statute; and
 - (g) Which is exempt from income taxation pursuant to the Internal Revenue Code of 1986, as amended;
- (4) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148, and 153, excluding sections 143.191 to 143.265 and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, excluding sections 143.191 to 143.265 and related provisions;
- (5) "Taxpayer", a person, firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, or an individual subject to the state income tax imposed by the provisions of chapter 143, or any charitable organization which is exempt from

federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143.

2. (1) Beginning on the effective date of this act, any contribution to a pregnancy resource center made on or after January 1, 2013, shall be eligible for tax credits as provided by this section;

(2) For all tax years beginning on or after January 1, 2007, a taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal to fifty percent of the amount such taxpayer contributed to a pregnancy resource center.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year for which the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a pregnancy resource center or centers in such taxpayer's taxable year has a value of at least one hundred dollars.

5. The director shall determine, at least annually, which facilities in this state may be classified as pregnancy resource centers. The director may require of a facility seeking to be classified as a pregnancy resource center whatever information which is reasonably necessary to make such a determination. The director shall classify a facility as a pregnancy resource center if such facility meets the definition set forth in subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can determine if a facility has been classified as a pregnancy resource center. Pregnancy resource centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to pregnancy resource centers in any one fiscal year shall not exceed two million **five hundred thousand** dollars. Tax credits shall be issued in the order contributions are received.

7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all facilities classified as pregnancy resource centers. If a pregnancy resource center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those pregnancy resource centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. Each pregnancy resource center shall provide information to the director concerning the identity of each taxpayer making a contribution to the pregnancy resource center who is claiming a tax credit pursuant to this section and the amount of the contribution. The director shall provide the information to the director of revenue. The director shall be subject to the confidentiality and penalty provisions of section 32.057 relating to the disclosure of tax information.

9. Pursuant to section 23.253 of the Missouri sunset act:

(1) The program authorized under this section shall be reauthorized as of the effective date of this act and shall expire on December 31, 2019, unless reauthorized by the general assembly; and

(2) This section shall terminate on September first of the calendar year immediately following the calendar year in which a program authorized under this section is sunset; and

(3) The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits."; and

Further amend said substitute, Page 38, Section 620.1039, Line 70, by inserting after all of said line the following:

"[135.630. 1. As used in this section, the following terms mean:

(1) "Contribution", a donation of cash, stock, bonds, or other marketable securities, or real property;

(2) "Director", the director of the department of social services;

(3) "Pregnancy resource center", a nonresidential facility located in this state:

(a) Established and operating primarily to provide assistance to women with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling, emotional and

material support, and other similar services to encourage and assist such women in carrying their pregnancies to term; and

- (b) Where childbirths are not performed; and
- (c) Which does not perform, induce, or refer for abortions and which does not hold itself out as performing, inducing, or referring for abortions; and
- (d) Which provides direct client services at the facility, as opposed to merely providing counseling or referral services by telephone; and
- (e) Which provides its services at no cost to its clients; and
- (f) When providing medical services, such medical services must be performed in accordance with Missouri statute; and
- (g) Which is exempt from income taxation pursuant to the Internal Revenue Code of 1986, as amended;

(4) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148, and 153, excluding sections 143.191 to 143.265 and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, excluding sections 143.191 to 143.265 and related provisions;

(5) "Taxpayer", a person, firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, or an individual subject to the state income tax imposed by the provisions of chapter 143, or any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143.

2. (1) Beginning on the effective date of this act, any contribution to a pregnancy resource center made on or after January 1, 2013, shall be eligible for tax credits as provided by this section;

(2) For all tax years beginning on or after January 1, 2007, a taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal to fifty percent of the amount such taxpayer contributed to a pregnancy resource center.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year for which the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a pregnancy resource center or centers in such taxpayer's taxable year has a value of at least one hundred dollars.

5. The director shall determine, at least annually, which facilities in this state may be classified as pregnancy resource centers. The director may require of a facility seeking to be classified as a pregnancy resource center whatever information which is reasonably necessary to make such a determination. The director shall classify a facility as a pregnancy resource center if such facility meets the definition set forth in subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can determine if a facility has been classified as a pregnancy resource center. Pregnancy resource centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to pregnancy resource centers in any one fiscal year shall not exceed two million dollars. Tax credits shall be issued in the order contributions are received.

7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all facilities classified as pregnancy resource centers. If a pregnancy resource center fails to use all, or some percentage to be determined by the director,

of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those pregnancy resource centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. Each pregnancy resource center shall provide information to the director concerning the identity of each taxpayer making a contribution to the pregnancy resource center who is claiming a tax credit pursuant to this section and the amount of the contribution. The director shall provide the information to the director of revenue. The director shall be subject to the confidentiality and penalty provisions of section 32.057 relating to the disclosure of tax information.

9. [Notwithstanding any other law to the contrary, any tax credits granted under this section may be assigned, transferred, sold, or otherwise conveyed without consent or approval. Such taxpayer, hereinafter the assignor for purposes of this section, may sell, assign, exchange, or otherwise transfer earned tax credits:

- (1) For no less than seventy-five percent of the par value of such credits; and
- (2) In an amount not to exceed one hundred percent of annual earned credits.

10.] Pursuant to section 23.253 of the Missouri sunset act:

(1) [Any new program authorized under this section shall automatically sunset six years after August 28, 2006, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized,] The program authorized under this section shall [automatically sunset twelve years after the effective date of the reauthorization of this section] **be reauthorized as of the effective date of this act and shall expire on December 31, 2019, unless reauthorized by the general assembly; and**

[(3)] (2) This section shall terminate on September first of the calendar year immediately following the calendar year in which a program authorized under this section is sunset; **and**

(3) The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits.]"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Zerr, **House Amendment No. 7** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 102

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McGaugh	Messenger	Miller
Molendorp	Moon	Morris	Muntzel	Neely

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Neth	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wilson	Wood
Zerr	Mr Speaker			

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Wright

PRESENT: 000

ABSENT WITH LEAVE: 011

Brown	Franklin	Hinson	May	McCaherty
Mims	Parkinson	Rhoads	Smith 120	Webber
Wieland				

On motion of Representative Lauer, **HCS SB 112, as amended**, was adopted.

On motion of Representative Lauer, **HCS SB 112, as amended**, was read the third time and passed by the following vote:

AYES: 120

Allen	Anders	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brown	Burns
Butler	Carpenter	Cierpiot	Colona	Conway 10
Cookson	Cornejo	Cox	Crawford	Cross
Curtis	Davis	Diehl	Dohrman	Dugger
Ellinger	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fraker
Frederick	Funderburk	Gannon	Gardner	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hansen	Harris	Hicks	Higdon	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Johnson	Jones 50	Justus	Kelley 127	Kelly 45
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Mayfield	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Miller
Mitten	Molendorp	Morris	Muntzel	Neely
Neth	Nichols	Norr	Otto	Peters
Pfautsch	Phillips	Pierson	Pike	Redmon
Reiboldt	Remole	Richardson	Riddle	Rizzo

Roorda	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieffer	Shull	Shumake	Solon
Sommer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Wilson	Zerr	Mr Speaker

NOES: 033

Anderson	Brattin	Burlison	Conway 104	Curtman
Dunn	Ellington	Fowler	Frame	Hampton
Hurst	Keeney	Kirkton	Marshall	Meredith
Messenger	Montecillo	Moon	Morgan	Newman
Pace	Pogue	Rehder	Ross	Schieber
Schupp	Smith 85	Spencer	Walton Gray	Webb
White	Wood	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 010

Franklin	Hinson	May	McCaherty	Mims
Parkinson	Rhoads	Smith 120	Webber	Wieland

Representative Johnson declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 118

Allen	Anders	Austin	Barnes	Bernskoetter
Berry	Black	Brown	Burns	Butler
Carpenter	Cierpiot	Colona	Conway 10	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Elmer	English	Englund	Entlicher
Fitzwater	Flanigan	Fowler	Fraker	Frame
Frederick	Gannon	Gatschenberger	Gosen	Guernsey
Haefner	Hansen	Harris	Higdon	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Johnson	Jones 50	Justus	Kelley 127	Kelly 45
Kolkmeyer	Korman	Kratky	LaFaver	Lant
Lauer	Leara	Love	Lynch	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Messenger	Miller	Mitten
Molendorp	Morgan	Morris	Muntzel	Neely
Neth	Nichols	Otto	Pace	Peters
Pfautsch	Phillips	Pierson	Pike	Redmon
Reiboldt	Remole	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schieffer
Schupp	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	White	Wilson
Wood	Zerr	Mr Speaker		

NOES: 028

Anderson	Bahr	Brattin	Burlison	Conway 104
Curtman	Ellington	Fitzpatrick	Gardner	Haahr
Hampton	Hurst	Keeney	Kirkton	Koenig
Marshall	Meredith	Montecillo	Moon	Newman
Norr	Pogue	Rehder	Richardson	Schieber
Smith 85	Webb	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 017

Engler	Franklin	Funderburk	Grisamore	Hicks
Hinson	Lair	Lichtenegger	May	Mims
Parkinson	Rhoads	Riddle	Schatz	Smith 120
Webber	Wieland			

HCS SS SCS SB 241, relating to infrastructure facilities deployment, was taken up by Representative Cierpiot.

Speaker Jones resumed the Chair.

Representative Cierpiot moved that **HCS SS SCS SB 241** be adopted.

Which motion was defeated.

Representative Cierpiot offered **House Amendment No. 1**.

House Amendment No. 1

AMEND Senate Substitute for Senate Committee Substitute for Senate Bill No. 241, Page 1, In the Title, Line 1, by inserting after "RSMo," the following:

"and section 393.150 as truly agreed to and finally passed by senate committee substitute for senate bill no. 240, ninety-seventh general assembly, first regular session,"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting after "RSMo," the following:

"and section 393.150 as truly agreed to and finally passed by senate committee substitute for senate bill no. 240, ninety-seventh general assembly, first regular session,"; and

Further amend said bill, Pages 1 through 24, Sections 67.1830, 67.1836, 67.1838, 67.1842, 67.5090, 67.5092, 67.5094, 67.5096, 67.5098, 67.5100, 67.5102, 67.5103, 67.5104, 389.585, 389.586, 389.587, 389.588, 389.589, and 389.591, by deleting all of said sections from the bill and inserting in lieu thereof the following:

"67.5102. In accordance with the policies of this state to further the deployment of wireless communications infrastructure:

(1) An authority may not institute any moratorium on the permitting, construction, or issuance of approval of new wireless support structures, substantial modifications of wireless support structures, or collocations if such moratorium exceeds six months in length and if the legislative act establishing it fails to state reasonable grounds and good cause for such moratorium. No such moratorium shall affect an already pending application;

(2) To encourage applicants to request construction of new wireless support structures on public lands and to increase local revenues:

(a) An authority may not charge a wireless service provider or wireless infrastructure provider any rental, license, or other fee to locate a wireless support structure on an authority's property in excess of the current market rates for rental or use of similarly situated property. If the applicant and the authority do not agree on the applicable market rate for any such public land and cannot agree on a process by which to derive the applicable market rate for any such public land, then the market rate will be determined by a panel of three certified appraisers licensed under chapter 339, using the following process. Each party will appoint one certified appraiser to the panel, and the two certified appraisers so appointed will appoint a third certified appraiser. Each appraiser will independently appraise the appropriate lease rate, and the market rate shall be set at the mid-point between the highest and lowest market rates among the three independent appraisals, provided the mid-point between the highest and lowest appraisals is greater than or less than ten percent of the appraisal of the third appraiser chosen by the parties' appointed appraisers. In such case, the third appraisal will determine the rate for the lease. The appraisal process shall be concluded within ninety calendar days from the date the applicant first tenders its proposed lease rate to the authority. Each party will bear the cost of its own appointed appraiser, and the parties shall share equally the cost of the third appraiser chosen by the two appointed appraisers. Nothing in this paragraph shall bar an applicant and an authority from agreeing to reasonable, periodic reviews and adjustments of current market rates during the term of a lease or contract to use an authority's property; and

(b) An authority may not offer a lease or contract to use public lands to locate a wireless support structure on an authority's property that is less than fifteen years in duration unless the applicant agrees to accept a lease or contract of less than fifteen years in duration;

(3) Nothing in subsection 2 of this section is intended to limit an authority's lawful exercise of zoning, land use, or planning and permitting authority with respect to applications for new wireless support structures on an authority's property under subsection 1 of section 67.5096."; and

Further amend said bill, Page 24, Section 389.591, Line 9, by inserting after all of said line the following:

"[393.150. 1. Whenever there shall be filed with the commission by any gas corporation, electrical corporation, water corporation or sewer corporation any schedule stating a new rate or charge, or any new form of contract or agreement, or any new rule, regulation or practice relating to any rate, charge or service or to any general privilege or facility, the commission shall have, and it is hereby given, authority, either upon complaint or upon its own initiative without complaint, at once, and if it so orders without answer or other formal pleading by the interested gas corporation, electrical corporation, water corporation or sewer corporation, but upon reasonable notice, to enter upon a hearing concerning the propriety of such rate, charge, form of contract or agreement, rule, regulation or practice, and pending such hearing and the decision thereon, the commission upon filing with such schedule, and delivering to the gas corporation, electrical corporation, water corporation or sewer corporation affected thereby, a statement in writing of its reasons for such suspension, may suspend the operation of such schedule and defer the use of such rate, charge, form of contract or agreement, rule, regulation or practice, but not for a longer period than one hundred and twenty days beyond the time when such rate, charge, form of contract or agreement, rule, regulation or practice would otherwise go into effect; and after full hearing, whether completed before or after the rate, charge, form of contract or agreement, rule, regulation or practice goes into effect, the commission may make such order in reference to such rate, charge, form of contract or agreement, rule, regulation or practice as would be proper in a proceeding initiated after the rate, charge, form of contract or agreement, rule, regulation or practice had become effective.

2. If any such hearing cannot be concluded within the period of suspension, as above stated, the commission may, in its discretion, extend the time of suspension for a further period not exceeding six months. At any hearing involving a rate sought to be increased, the burden of proof to show that the increased rate or proposed increased rate is just and reasonable shall be upon the gas corporation, electrical corporation, water corporation or sewer corporation, and the commission shall give to the hearing and decision of such questions preference over all other questions pending before it and decide the same as speedily as possible.

3. The commission order or decision shall specify the annual amount of net write-offs incurred by the gas corporation in providing service to system sales customers as of the date

revenues, rate base, and expenses were last updated or trued-up in the general rate case proceeding. The gas corporation shall thereafter defer and accumulate for future recovery from or return to customers ninety percent of the net increase or decrease in the annual amount of such net write-offs for system sales customers from the date revenues, rate base, and expenses were last updated or trued-up in the general rate case proceeding until the date revenues, rate base, and expenses are updated or trued-up in the gas corporation's next general rate case proceeding. Subject to a review of the reasonableness and prudence of the gas corporation's collection practices, the amounts so deferred shall be recovered from or returned to system sales customers through a positive or negative rate base adjustment designed to recover or returned such amounts over a period not to exceed five years.]" and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Ellington moved that **SS SCS SB 241** be recommitted to the committee of origin pursuant to Rule 78.

Which motion was defeated by the following vote:

AYES: 042

Butler	Carpenter	Colona	Conway 10	Curtis
Dunn	Ellinger	Ellington	English	Frame
Gardner	Harris	Hodges	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	Marshall	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mitten	Montecillo	Morgan	Newman
Norr	Otto	Pace	Peters	Pierson
Schieffer	Schupp	Smith 85	Swearingen	Walton Gray
Webb	Wright			

NOES: 107

Allen	Anders	Anderson	Austin	Bahr
Barnes	Berry	Black	Brattin	Brown
Burlison	Burns	Cierpiot	Conway 104	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Elmer	Engler
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Funderburk	Gannon	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hubbard	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	McCaherty	McGaugh
Messenger	Molendorp	Moon	Morris	Muntzel
Neely	Neth	Nichols	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Richardson	Riddle	Rizzo
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wilson	Wood
Zerr	Mr Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 014

Bernskoetter	Cookson	Franklin	Frederick	Grisamore
Korman	May	Miller	Mims	Rhoads
Roorda	Smith 120	Webber	Wieland	

Representative Stream assumed the Chair.

Representative Cierpiot moved that **House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 077

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brown	Cierpiot	Cookson
Cornejo	Cox	Crawford	Curtman	Davis
Diehl	Dohrman	Dugger	Engler	English
Englund	Entlicher	Fitzwater	Flanigan	Fowler
Fraker	Frederick	Gannon	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Hinson	Hoskins	Hough	Houghton	Hummel
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Lant	Leara	Lichtenegger	Lynch
McGaugh	Messenger	Molendorp	Muntzel	Neth
Pfausch	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Richardson	Rizzo	Ross
Rowden	Rowland	Schatz	Shull	Shumake
Solon	Swan	Thomson	Torpey	Walker
Wood	Mr Speaker			

NOES: 077

Anders	Black	Brattin	Burlison	Burns
Butler	Carpenter	Colona	Conway 10	Conway 104
Cross	Curtis	Dunn	Ellinger	Ellington
Elmer	Fitzpatrick	Frame	Funderburk	Gardner
Grisamore	Harris	Hicks	Higdon	Hodges
Hubbard	Hurst	Johnson	Kelly 45	Kirkton
Korman	Kratky	LaFaver	Lair	Lauer
Love	Marshall	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mitten
Montecillo	Moon	Morgan	Morris	Neely
Newman	Nichols	Norr	Otto	Pace
Parkinson	Peters	Phillips	Pierson	Riddle
Roorda	Runions	Scharnhorst	Schieber	Schieffer
Schupp	Smith 85	Sommer	Spencer	Stream
Swearingen	Walton Gray	Webb	White	Wilson
Wright	Zerr			

PRESENT: 000

ABSENT WITH LEAVE: 009

Franklin
Rhoads

May
Smith 120

McCaherty
Webber

Miller
Wieland

Mims

SS SCS SB 241 was laid over.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HB 103, as amended**, and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Munzlinger, Kehoe, Libla, LeVota and Justus.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS#2 SCS HB 116**, entitled:

An act to repeal sections 21.760, 29.090, 29.180, 29.190, 29.200, 29.210, 29.230, 29.235, 29.250, 29.260, 29.270, 29.275, 29.340, 50.055, 50.057, 50.622, 50.1030, 56.809, 70.605, 86.900, 86.990, 86.1000, 86.1010, 86.1030, 86.1100, 86.1110, 86.1150, 86.1180, 86.1210, 86.1220, 86.1230, 86.1240, 86.1250, 86.1270, 86.1310, 86.1380, 86.1420, 86.1500, 86.1530, 86.1540, 86.1580, 86.1590, 86.1610, 86.1630, 103.025, 104.190, 104.480, 169.020, and 238.272, RSMo, and to enact in lieu thereof fifty new sections relating to public accounts, with penalty provisions and an emergency clause for a certain section.

With Senate Amendment No. 1, Senate Amendment No. 4, Senate Amendment No. 5 and Senate Amendment No. 6.

Senate Amendment No. 1

AMEND Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 116, Page 118, Section 238.272, Lines 20-21 of said page, by striking the following:

"or three percent of the expenditures made by the transportation district".

Senate Amendment No. 4

AMEND Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 116, Page 19, Section 29.351, Line 5, by inserting immediately after said line, the following:

"33.087. 1. Every department and division of the state that receives any grant of federal funds of one million dollars or more shall document and make the following information easily available to the public on the Missouri accountability portal established in section 37.850:

- (1) Any amount of funds it receives from the federal government;**
- (2) The name of the federal agency disbursing the funds;**
- (3) The purpose for which the funds are being received;**
- (4) The name of any state agency to which any portion of the funds are transferred by the initial receiving department or division, the amount transferred, and the purpose for which those funds are transferred;**
and
- (5) The information provided to the department or division pursuant to subsection 2 of this section.**

2. If a department or division receives a grant of federal funds and transfers a portion of such funds to another department or division, the department or division receiving the transferred funds shall report to the department or division from which the funds were transferred, an accounting of how the transferred funds were used and any statistical impact that can be discerned as a result of such usage.

3. All information referred to in subsection 1 of this section shall be updated within thirty days of any receipt or transfer of funds.

4. The office of administration shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this act, shall be invalid and void.

33.300. The governor, lieutenant governor, attorney general, [state auditor,] state treasurer, and commissioner of administration constitute the board of fund commissioners, of which the governor is president and the state treasurer, secretary. The board shall direct the payment of interest on the state debt, the redemption, issue and cancellation of bonds of the state, and perform all acts required of it by law.

37.850. 1. The commissioner of administration shall maintain the Missouri accountability portal established in executive order 07-24 as a free, Internet-based tool allowing citizens to demand fiscal discipline and responsibility.

2. The Missouri accountability portal shall consist of an easy-to-search database of financial transactions related to the purchase of goods and services and the distribution of funds for state programs; **all bonds issued by any public institution of higher education or political subdivision of this state or its designated authority after August 28, 2013, all obligations issued or incurred pursuant to section 99.820 by any political subdivision of this state or its designated authority, and the revenue stream pledged to repay such bonds or obligations; and all debt incurred by any public charter school.**

3. The Missouri accountability portal shall be updated each state business day and maintained as the primary source of information about the activity of Missouri's government.

4. **Upon the conducting of a withholding or a release of funds, the governor shall submit a report stating all amounts withheld from the state's operating budget for the current fiscal year, as authorized by article IV, section 27 of the Missouri Constitution which shall be:**

- (1) **Conspicuously posted on the accountability portal website;**
- (2) **Searchable by the amounts withheld or released from each individual fund; and**
- (3) **Searchable by the total amount withheld or released from the operating budget.**

5. Every political subdivision of the state, including public institutions of higher education but excluding school districts, shall supply all information described in subsection 2 of this section to the office of administration within seven days of issuing or incurring such corresponding bond or obligation. For all such bonds or obligations issued or incurred prior to the effective date of this act, every such political subdivision and public institution of higher education shall have ninety days to supply such information to the office of administration.

6. Every school district and public charter school shall supply all information described in subsection 2 of this section to the department of elementary and secondary education within seven days of issuing such bond, or incurring such debt. The department of elementary and secondary education shall have forty-eight hours to deliver such information to the office of administration. For all such bonds issued or debt incurred prior to the effective date of this act, every school district and public charter school shall have ninety days to supply such information to the department of elementary and secondary education. The department of elementary and secondary education shall have forty-eight hours to deliver such information to the office of administration."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 5

AMEND Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 116, Page 16, Section 29.235, Line 21, by striking the following:

"For the purposes of this chapter" and inserting in lieu thereof, the following: **"Insofar as necessary to conduct an audit under this chapter"**.

Senate Amendment No. 6

AMEND Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 116, Page 36, Section 70.605, Line 7, by inserting immediately after said line, the following:

"86.200. The following words and phrases as used in sections 86.200 to 86.366, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) "Accumulated contributions", the sum of all mandatory contributions deducted from the compensation of a member and credited to the member's individual account, together with members' interest thereon;

(2) "Actuarial equivalent", a benefit of equal value when computed upon the basis of mortality tables and interest assumptions adopted by the board of trustees;

(3) "Average final compensation":

(a) With respect to a member who earns no creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last three years of creditable service as a police officer, or if the member has had less than three years of creditable service, the average earnable compensation of the member's entire period of creditable service;

(b) With respect to a member who is not participating in the DROP pursuant to section 86.251 on October 1, 2001, who did not participate in the DROP at any time before such date, and who earns any creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last two years of creditable service as a policeman, or if the member has had less than two years of creditable service, then the average earnable compensation of the member's entire period of creditable service;

(c) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer for reasons other than death or disability before earning at least two years of creditable service after such return, the portion of the member's benefit attributable to creditable service earned before DROP entry shall be determined using average final compensation as defined in paragraph (a) of this subdivision; and the portion of the member's benefit attributable to creditable service earned after return to active participation in the system shall be determined using average final compensation as defined in paragraph (b) of this subdivision;

(d) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in the DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer after earning at least two years of creditable service after such return, the member's benefit attributable to all of such member's creditable service shall be determined using the member's average final compensation as defined in paragraph (b) of this subdivision;

(e) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and whose employment as a police officer terminates due to death or disability after such return, the member's benefit attributable to all of such member's creditable service shall be determined using the member's average final compensation as defined in paragraph (b) of this subdivision; and

(f) With respect to the surviving spouse or surviving dependent child of a member who earns any creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last two years of creditable service as a police officer or, if the member has had less than two years of creditable service, the average earnable compensation of the member's entire period of creditable service;

(4) "Beneficiary", any person in receipt of a retirement allowance or other benefit;

(5) "Board of police commissioners", any board of police commissioners, police commissioners and any other officials or boards now or hereafter authorized by law to employ and manage a permanent police force in such cities;

(6) "Board of trustees", the board provided in sections 86.200 to 86.366 to administer the retirement system;

(7) "Creditable service", prior service plus membership service as provided in sections 86.200 to 86.366;

(8) "DROP", the deferred retirement option plan provided for in section 86.251;

(9) "Earnable compensation", the annual salary **established under section 84.160** which a member would earn during one year on the basis of the member's rank or position [as specified in the applicable salary matrix] plus any additional compensation for academic work and shift differential that may be provided by any official or board now or hereafter authorized by law to employ and manage a permanent police force in such cities. Such amount shall include the member's deferrals to a deferred compensation plan pursuant to Section 457 of the Internal Revenue Code or to a cafeteria plan pursuant to Section 125 of the Internal Revenue Code or, effective October 1, 2001, to a transportation fringe benefit program pursuant to Section 132(f)(4) of the Internal Revenue Code. Earnable compensation shall not include a member's additional compensation for overtime, standby time, court time, nonuniform time or unused vacation time. Notwithstanding the foregoing, the earnable compensation taken into account under the plan established pursuant to sections 86.200 to 86.366 with respect to a member who is a noneligible participant, as defined in this subdivision, for any plan year beginning on or after October 1, 1996, shall not exceed the amount of compensation that may be taken into account under Section 401(a)(17) of the Internal Revenue Code, as adjusted for increases in the cost of living, for such plan year. For purposes of this subdivision, a "noneligible participant" is an individual who first becomes a member on or after the first day of the first plan year beginning after the earlier of:

(a) The last day of the plan year that includes August 28, 1995; or

(b) December 31, 1995;

(10) "Internal Revenue Code", the federal Internal Revenue Code of 1986, as amended;

(11) "Mandatory contributions", the contributions required to be deducted from the salary of each member who is not participating in DROP in accordance with section 86.320;

(12) **"Medical board", the board of three physicians of different disciplines appointed by the trustees of the police retirement board and responsible for arranging and passing upon all medical examinations required under the provisions of sections 86.200 to 86.366, which board shall investigate all essential statements and certificates made by or on behalf of a member in connection with an application for disability retirement and shall report in writing to the board of trustees its conclusions and recommendations, which can be based upon the opinion of a single member or that of an outside specialist if one is appointed, upon all the matters referred to such medical board;**

(13) "Member", a member of the retirement system as defined by sections 86.200 to 86.366;

[(13)] (14) "Members' interest", interest on accumulated contributions at such rate as may be set from time to time by the board of trustees;

[(14)] (15) "Membership service", service as a policeman rendered since last becoming a member, except in the case of a member who has served in the armed forces of the United States and has subsequently been reinstated as a policeman, in which case "membership service" means service as a policeman rendered since last becoming a member prior to entering such armed service;

[(15)] (16) "Plan year" or "limitation year", the twelve consecutive-month period beginning each October first and ending each September thirtieth;

[(16)] (17) "Policeman" or "police officer", any member of the police force of such cities who holds a rank in such police force;

[(17)] (18) "Prior service", all service as a policeman rendered prior to the date the system becomes operative or prior to membership service which is creditable in accordance with the provisions of sections 86.200 to 86.366;

[(18)] (19) "Reserve officer", any member of the police reserve force of such cities, armed or unarmed, who works less than full time, without compensation, and who, by his or her assigned function or as implied by his or her uniform, performs duties associated with those of a police officer and who currently receives a service retirement as provided by sections 86.200 to 86.366;

[(19)] (20) "Retirement allowance", annual payments for life as provided by sections 86.200 to 86.366 which shall be payable in equal monthly installments or any benefits in lieu thereof granted to a member upon termination of employment as a police officer and actual retirement;

[(20)] (21) "Retirement system", the police retirement system of the cities as defined in sections 86.200 to 86.366;

[(21)] (22) "Surviving spouse", the surviving spouse of a member who was the member's spouse at the time of the member's death.

86.257. 1. Upon the application of [a member in service or of] the board of police commissioners **or any successor body**, any member who has completed ten or more years of creditable service **or upon the police retirement system created by sections 86.200 to 86.366 first attaining, after the effective date of this act, a funded ratio, as defined in section 105.660 and as determined by the system's annual actuarial valuation, of at least eighty percent,**

a member who has completed five or more years of creditable service and who has become permanently unable to perform the duties of a police officer as the result of an injury or illness not exclusively caused or induced by the actual performance of his or her official duties or by his or her own negligence shall be retired by the board of [trustees of the police retirement system] **police commissioners or any successor body** upon certification by the medical [director] **board** of the police retirement system and approval by the board of trustees of the police retirement system that the member is mentally or physically unable to perform the duties of a police officer, that the inability is permanent or likely to become permanent, and that the member should be retired.

2. Once each year during the first five years following such member's retirement, and at least once in every three-year period thereafter, the board of trustees may, and upon the member's application shall, require any nonduty disability beneficiary who has not yet attained sixty years of age to undergo a medical examination at a place designated by the medical [director] **board** or such physicians as the medical [director] **board** appoints. If any nonduty disability beneficiary who has not attained sixty years of age refuses to submit to a medical examination, his or her nonduty disability pension may be discontinued until his or her withdrawal of such refusal, and if his or her refusal continues for one year, all rights in and to such pension may be revoked by the board of trustees.

3. If the medical [director] **board** certifies to the board of trustees that a nonduty disability beneficiary is able to perform the duties of a police officer, and if the board of trustees concurs on the report, then such beneficiary's nonduty disability pension shall cease.

4. If upon cessation of a disability pension under subsection 3 of this section, the former disability beneficiary is restored to active service, he or she shall again become a member, and he or she shall contribute thereafter at the same rate as other members. Upon his or her subsequent retirement, he or she shall be credited with all of his or her active retirement, but not including any time during which the former disability beneficiary received a disability pension under this section.

86.263. 1. Any member **in active service** who is permanently unable to perform the **full and unrestricted** duties of a police officer as the natural, proximate, and exclusive result of an accident occurring within the actual performance of duty at some definite time and place, through no negligence on the member's part, shall[, upon application,] be retired **by the board of police commissioners or any successor body** upon certification by [the medical director of the police retirement system and approval by the board of trustees of the police retirement system] **one or more physicians of the medical board** that the member is mentally or physically unable to perform the **full and unrestricted** duties of a police officer [and], that the inability is permanent or [reasonably] likely to become permanent, **and that the member should be retired. The inability to perform the "full and unrestricted duties of a police officer" means the member is unable to perform all the essential job functions for the position of police officer as established by the board of police commissioners or any successor body.**

2. No member shall be approved for retirement under the provisions of subsection 1 of this section unless the application was made and submitted to the board of [trustees of the police retirement system] **police commissioners or any successor body** no later than five years following the date of accident, provided, that if the accident was reported within five years of the date of the accident and an examination made of the member within thirty days of the date of accident by a health care provider whose services were provided through the board of police commissioners with subsequent examinations made as requested, then an application made more than five years following the date of the accident shall be considered timely.

3. Once each year during the first five years following a member's retirement, and at least once in every three-year period thereafter, the board of trustees may require any disability beneficiary who has not yet attained sixty years of age to undergo a medical examination or medical examinations at a place designated by the medical [director] **board** or such physicians as the medical [director] **board** appoints. If any disability beneficiary who has not attained sixty years of age refuses to submit to a medical examination, his or her disability pension may be discontinued **by the board of trustees of the police retirement system** until his or her withdrawal of such refusal, and if his or her refusal continues for one year, all rights in and to such pension may be revoked by the board of trustees.

4. If the medical [director] **board** certifies to the board of trustees that a disability beneficiary is able to perform the duties of a police officer, [and if the board of trustees concurs with the medical director's determination,] then such beneficiary's disability pension shall cease.

5. If upon cessation of a disability pension under subsection 4 of this section, the former disability beneficiary is restored to active service, he or she shall again become a member, and he or she shall contribute thereafter at the same rate as other members. Upon his or her subsequent retirement, he or she shall be credited with all of his or her active service time as a member including the service time prior to receiving disability retirement, but not including any time during which the former disability beneficiary received a disability pension under this section.

6. If upon cessation of a disability pension under subsection 4 of this section, the former disability beneficiary is not restored to active service, such former disability beneficiary shall be entitled to the retirement benefit to which such former disability beneficiary would have been entitled if such former disability beneficiary had terminated service for any reason other than dishonesty or being convicted of a felony at the time of such cessation of such former disability beneficiary's disability pension. For purposes of such retirement benefits, such former disability beneficiary shall be credited with all of the former disability beneficiary's active service time as a member, but not including any time during which the former disability beneficiary received a disability beneficiary pension under this section."; and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 148**, entitled:

An act to amend chapter 452, RSMo, by adding thereto one new section relating to child custody and visitation for military personnel.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS HB 336**, entitled:

An act to repeal sections 84.480, 84.510, 84.830, 86.200, 86.257, 86.263, 99.845, 190.100, 321.015, and 321.322, RSMo, and to enact in lieu thereof twelve new sections relating to emergency services.

With Senate Amendment No. 1 and Senate Amendment No. 2.

Senate Amendment No. 1

AMEND Senate Substitute for House Bill No. 336, Page 45, Section 321.015, Line 15 of said page, by inserting after all of said line the following:

"321.210. On the first Tuesday in April after the expiration of at least two full calendar years from the date of the election of the first board of directors, and on the first Tuesday in April every two years thereafter, an election for members of the board of directors shall be held in the district. Nominations shall be filed at the headquarters of the fire protection district in which a majority of the district is located by paying a [ten-dollar] filing fee **up to the amount of a candidate for state representative as set forth under section 115.357** and filing a statement under oath that he possesses the required qualifications. The candidate receiving the most votes shall be elected. Any new member of the board shall qualify in the same manner as the members of the first board qualify."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND Senate Substitute for House Bill No. 336, Page 49, Section 321.322, Line 7 of said page, by inserting after all of said line the following:

"Section 1. Notwithstanding any other provision of law to the contrary, the department of insurance, financial institutions and professional registration shall exercise its authority and responsibility over health

insurance product form filings filed by health carriers that provide coverage for emergency and nonemergency services, consumer complaints, and investigations in compliance with state law, regardless as to how a health insurance product may be sold or marketed in this state or to residents of this state.

Section B. Because of the need to ensure that the Department of Insurance, Financial Institutions and Professional Registration has the regulatory authority to oversee the marketing of health insurance products in this state, the enactment of section 1 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 1 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 611**, entitled:

An act to repeal sections 285.300, 285.515, 288.030, 288.050, 288.100, and 288.380, RSMo, and to enact in lieu thereof six new sections relating to employment, with penalty provisions.

With Senate Amendment No. 1 and Senate Amendment No. 2.

Senate Amendment No. 1

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 611, Pages 2-3, Section 285.515, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 611, Page 7, Section 288.030, Line 166, by inserting immediately after said line the following:

"288.040. 1. A claimant who is unemployed and has been determined to be an insured worker shall be eligible for benefits for any week only if the deputy finds that:

(1) The claimant has registered for work at and thereafter has continued to report at an employment office in accordance with such regulations as the division may prescribe;

(2) The claimant is able to work and is available for work. No person shall be deemed available for work unless such person has been and is actively and earnestly seeking work. Upon the filing of an initial or renewed claim, and prior to the filing of each weekly claim thereafter, the deputy shall notify each claimant of the number of work search contacts required to constitute an active search for work. No person shall be considered not available for work, pursuant to this subdivision, solely because he or she is a substitute teacher or is on jury duty. A claimant shall not be determined to be ineligible pursuant to this subdivision because of not actively and earnestly seeking work if:

(a) The claimant is participating in training approved pursuant to Section 236 of the Trade Act of 1974, as amended, (19 U.S.C.A. Sec. 2296, as amended);

(b) The claimant is temporarily unemployed through no fault of his or her own and has a definite recall date within eight weeks of his or her first day of unemployment; however, upon application of the employer responsible for the claimant's unemployment, such eight-week period may be extended not to exceed a total of sixteen weeks at the discretion of the director;

(3) The claimant has reported [in person] to an office of the division as directed by the deputy, but at least once every four weeks, except that a claimant shall be exempted from the reporting requirement of this subdivision if:

- (a) The claimant is claiming benefits in accordance with division regulations dealing with partial or temporary total unemployment; or
- (b) The claimant is temporarily unemployed through no fault of his or her own and has a definite recall date within eight weeks of his or her first day of unemployment; or
- (c) [The claimant resides in a county with an unemployment rate, as published by the division, of ten percent or more and in which the county seat is more than forty miles from the nearest division office;
- (d)] The director of the division of employment security has determined that the claimant belongs to a group or class of workers whose opportunities for reemployment will not be enhanced by reporting [in person], or is prevented from reporting due to emergency conditions that limit access by the general public to an office that serves the area where the claimant resides, but only during the time such circumstances exist.

Ineligibility pursuant to this subdivision shall begin on the first day of the week which the claimant was scheduled to claim and shall end on the last day of the week preceding the week during which the claimant does report [in person] to the division's office;

(4) Prior to the first week of a period of total or partial unemployment for which the claimant claims benefits he or she has been totally or partially unemployed for a waiting period of one week. No more than one waiting week will be required in any benefit year. During calendar year 2008 and each calendar year thereafter, the one-week waiting period shall become compensable once his or her remaining balance on the claim is equal to or less than the compensable amount for the waiting period. No week shall be counted as a week of total or partial unemployment for the purposes of this subsection unless it occurs within the benefit year which includes the week with respect to which the claimant claims benefits;

(5) The claimant has made a claim for benefits within fourteen days from the last day of the week being claimed. The fourteen-day period may, for good cause, be extended to twenty-eight days;

(6) The claimant has reported to an employment office to participate in a reemployment assessment and reemployment services as directed by the deputy or designated staff of an employment office, unless the deputy determines that good cause exists for the claimant's failure to participate in such reemployment assessment and reemployment services. For purposes of this section, "reemployment services" may include, but not be limited to, the following:

- (a) Providing an orientation to employment office services;
- (b) Providing job search assistance; and
- (c) Providing labor market statistics or analysis;

Ineligibility under this subdivision shall begin on the first day of the week which the claimant was scheduled to report for the reemployment assessment or reemployment services and shall end on the last day of the week preceding the week during which the claimant does report in person to the employment office for such reemployment assessment or reemployment services;

(7) The claimant is participating in reemployment services, such as job search assistance services, as directed by the deputy if the claimant has been determined to be likely to exhaust regular benefits and to need reemployment services pursuant to a profiling system established by the division, unless the deputy determines that:

- (a) The individual has completed such reemployment services; or
- (b) There is justifiable cause for the claimant's failure to participate in such reemployment services.

2. A claimant shall be ineligible for waiting week credit or benefits for any week for which the deputy finds he or she is or has been suspended by his or her most recent employer for misconduct connected with his or her work. Suspensions of four weeks or more shall be treated as discharges.

3. (1) Benefits based on "service in employment", [defined] **described** in subsections 7 and 8 of section 288.034, shall be payable in the same amount, on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this law; except that:

(a) With respect to service performed in an instructional, research, or principal administrative capacity for an educational institution, benefits shall not be paid based on such services for any week of unemployment commencing during the period between two successive academic years or terms, or during a similar period between two regular but not successive terms, or during a period of paid sabbatical leave provided for in the individual's contract, to any individual if such individual performs such services in the first of such academic years (or terms) and if there is a contract or a reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms;

(b) With respect to services performed in any capacity (other than instructional, research, or principal administrative capacity) for an educational institution, benefits shall not be paid on the basis of such services to any individual for any week which commences during a period between two successive academic years or terms if such

individual performs such services in the first of such academic years or terms and there is a contract or a reasonable assurance that such individual will perform such services in the second of such academic years or terms;

(c) With respect to services described in paragraphs (a) and (b) of this subdivision, benefits shall not be paid on the basis of such services to any individual for any week which commences during an established and customary vacation period or holiday recess if such individual performed such services in the period immediately before such vacation period or holiday recess, and there is reasonable assurance that such individual will perform such services immediately following such vacation period or holiday recess;

(d) With respect to services described in paragraphs (a) and (b) of this subdivision, benefits payable on the basis of services in any such capacity shall be denied as specified in paragraphs (a), (b), and (c) of this subdivision to any individual who performed such services at an educational institution while in the employ of an educational service agency, and for this purpose the term "educational service agency" means a governmental agency or governmental entity which is established and operated exclusively for the purpose of providing such services to one or more educational institutions.

(2) If compensation is denied for any week pursuant to paragraph (b) or (d) of subdivision (1) of this subsection to any individual performing services at an educational institution in any capacity (other than instructional, research or principal administrative capacity), and such individual was not offered an opportunity to perform such services for the second of such academic years or terms, such individual shall be entitled to a retroactive payment of the compensation for each week for which the individual filed a timely claim for compensation and for which compensation was denied solely by reason of paragraph (b) or (d) of subdivision (1) of this subsection.

4. (1) A claimant shall be ineligible for waiting week credit, benefits or shared work benefits for any week for which he or she is receiving or has received remuneration exceeding his or her weekly benefit amount or shared work benefit amount in the form of:

(a) Compensation for temporary partial disability pursuant to the workers' compensation law of any state or pursuant to a similar law of the United States;

(b) A governmental or other pension, retirement or retired pay, annuity, or other similar periodic payment which is based on the previous work of such claimant to the extent that such payment is provided from funds provided by a base period or chargeable employer pursuant to a plan maintained or contributed to by such employer; but, except for such payments made pursuant to the Social Security Act or the Railroad Retirement Act of 1974 (or the corresponding provisions of prior law), the provisions of this paragraph shall not apply if the services performed for such employer by the claimant after the beginning of the base period (or remuneration for such services) do not affect eligibility for or increase the amount of such pension, retirement or retired pay, annuity or similar payment.

(2) If the remuneration referred to in this subsection is less than the benefits which would otherwise be due, the claimant shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration, and, if such benefit is not a multiple of one dollar, such amount shall be lowered to the next multiple of one dollar.

(3) Notwithstanding the provisions of subdivisions (1) and (2) of this subsection, if a claimant has contributed in any way to the Social Security Act or the Railroad Retirement Act of 1974, or the corresponding provisions of prior law, no part of the payments received pursuant to such federal law shall be deductible from the amount of benefits received pursuant to this chapter.

5. A claimant shall be ineligible for waiting week credit or benefits for any week for which or a part of which he or she has received or is seeking unemployment benefits pursuant to an unemployment insurance law of another state or the United States; provided, that if it be finally determined that the claimant is not entitled to such unemployment benefits, such ineligibility shall not apply.

6. (1) A claimant shall be ineligible for waiting week credit or benefits for any week for which the deputy finds that such claimant's total or partial unemployment is due to a stoppage of work which exists because of a labor dispute in the factory, establishment or other premises in which such claimant is or was last employed. In the event the claimant secures other employment from which he or she is separated during the existence of the labor dispute, the claimant must have obtained bona fide employment as a permanent employee for at least the major part of each of two weeks in such subsequent employment to terminate his or her ineligibility. If, in any case, separate branches of work which are commonly conducted as separate businesses at separate premises are conducted in separate departments of the same premises, each such department shall for the purposes of this subsection be deemed to be a separate factory, establishment or other premises. This subsection shall not apply if it is shown to the satisfaction of the deputy that:

(a) The claimant is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and

(b) The claimant does not belong to a grade or class of workers of which, immediately preceding the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute.

(2) "Stoppage of work" as used in this subsection means a substantial diminution of the activities, production or services at the establishment, plant, factory or premises of the employing unit. This definition shall not apply to a strike where the employees in the bargaining unit who initiated the strike are participating in the strike. Such employees shall not be eligible for waiting week credit or benefits during the period when the strike is in effect, regardless of diminution, unless the employer has been found guilty of an unfair labor practice by the National Labor Relations Board or a federal court of law for an act or actions preceding or during the strike.

7. On or after January 1, 1978, benefits shall not be paid to any individual on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, for any week which commences during the period between two successive sport seasons (or similar periods) if such individual performed such services in the first of such seasons (or similar periods) and there is a reasonable assurance that such individual will perform such services in the later of such seasons (or similar periods).

8. Benefits shall not be payable on the basis of services performed by an alien, unless such alien is an individual who was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services, or was permanently residing in the United States under color of law at the time such services were performed (including an alien who was lawfully present in the United States as a result of the application of the provisions of Section 212(d)(5) of the Immigration and Nationality Act).

(1) Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits.

(2) In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of such individual's alien status shall be made except upon a preponderance of the evidence.

9. A claimant shall be ineligible for waiting week credit or benefits for any week such claimant has an outstanding penalty which was assessed based upon an overpayment of benefits, as provided for in subsection 9 of section 288.380.

10. The directors of the division of employment security and the division of workforce development shall submit to the governor, the speaker of the house of representatives, and the president pro tem of the senate no later than October 15, 2006, a report outlining their recommendations for how to improve work search verification and claimant reemployment activities. The recommendations shall include, but not limited to how to best utilize "greathires.org", and how to reduce the average duration of unemployment insurance claims. Each calendar year thereafter, the directors shall submit a report containing their recommendations on these issues by December thirty-first of each year.

11. For purposes of this section, a claimant may satisfy reporting requirements provided under this section by reporting by internet communication or any other means deemed acceptable by the division of employment security."; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 12, as amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 24, as amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SB 73, as amended**, and has taken up and passed **HCS SB 73, as amended by the Conference Committee Report**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 75, as amended**, and has taken up and passed **HCS SB 75, as amended**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 100, as amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SCS SB 282, as amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SB 342, as amended**: Senators Parson, Kehoe, Cunningham, McKenna and LeVota.

HOUSE BILLS WITH SENATE AMENDMENTS

SS HB 336, as amended, relating to a first responder political activity, was taken up by Representative Hinson.

Representative Hinson moved that the House refuse to adopt **SS HB 336, as amended**, and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

BILLS CARRYING REQUEST MESSAGES

HCS SCS SB 282, as amended, relating to traffic offenses, was taken up by Representative Hough.

Representative Hough moved that the House refuse to recede from its position on **HCS SCS SB 282, as amended**, and request the Senate take up and adopt **HCS SCS SB 282, as amended**, and take up and pass **HCS SCS SB 282, as amended**.

Which motion was adopted.

HCS SB 12, as amended, relating to judicial procedures, was taken up by Representative Jones (50).

Representative Jones (50) moved that the House refuse to recede from its position on **HCS SB 12, as amended**, and grant the Senate a conference.

Which motion was adopted.

HCS SB 100, as amended, relating to judicial procedures, was taken up by Representative Cox.

Representative Cox moved that the House refuse to recede from its position on **HCS SB 100, as amended**, and grant the Senate a conference.

Which motion was adopted.

HCS SB 24, as amended, relating to political subdivisions, was taken up by Representative Hinson.

Representative Hinson moved that the House refuse to recede from its position on **HCS SB 24, as amended**, and grant the Senate a conference.

Which motion was adopted.

Speaker Jones resumed the Chair.

BILLS IN CONFERENCE

CCR SS SCS HB 307, as amended, relating to fire protection district boards, was taken up by Representative Riddle.

On motion of Representative Riddle, **CCR SS SCS HB 307, as amended**, was adopted by the following vote:

AYES: 124

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Butler	Carpenter	Cierpiot
Colona	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Ellinger	Ellington	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeier	Korman	Kratky
Lair	Lant	Lauer	Lichtenegger	Love
Lynch	Marshall	Mayfield	McCaherty	McDonald
McGaugh	Messenger	Molendorp	Morgan	Morris
Muntzel	Neely	Newman	Norr	Parkinson
Pfautsch	Phillips	Pierson	Pike	Redmon
Rehder	Reiboldt	Remole	Richardson	Riddle
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Shull	Shumake	Solon

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Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	White	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 025

Burns	Curtis	Frame	Hummel	Hurst
LaFaver	McCann Beatty	McKenna	McNeil	Meredith
Mitten	Montecillo	Moon	Nichols	Otto
Pace	Peters	Pogue	Rizzo	Roorda
Schieffer	Schupp	Smith 85	Walton Gray	Webb

PRESENT: 000

ABSENT WITH LEAVE: 014

Conway 10	Dunn	Franklin	Gardner	Leara
May	McManus	Miller	Mims	Neth
Rhoads	Smith 120	Webber	Wieland	

On motion of Representative Riddle, **CCS SS SCS HB 307** was third read and passed by the following vote:

AYES: 120

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Butler	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Ellington	Elmer	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frederick	Gannon	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	Lair	Lant	Lauer	Lichtenegger
Love	Lynch	Mayfield	McCaherty	McDonald
McGaugh	Meredith	Messenger	Molendorp	Morgan
Muntzel	Neely	Newman	Norr	Parkinson
Peters	Pfautsch	Phillips	Pierson	Pike
Redmon	Rehder	Reiboldt	Remole	Richardson
Riddle	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	White
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 026

Burns	Carpenter	Curtis	Frame	Hummel
Hurst	LaFaver	Marshall	McCann Beatty	McKenna
McNeil	Mitten	Montecillo	Moon	Morris

Nichols	Otto	Pace	Pogue	Rizzo
Roorda	Schieffer	Schupp	Smith 85	Walton Gray
Webb				

PRESENT: 000

ABSENT WITH LEAVE: 017

Dunn	Ellinger	Engler	Franklin	Funderburk
Gardner	Grisamore	Leara	May	McManus
Miller	Mims	Neth	Rhoads	Smith 120
Webber	Wieland			

Speaker Jones declared the bill passed.

APPOINTMENT OF CONFERENCE COMMITTEES

The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:

SCS HB 103: Representatives Kelly (127), Richardson and Rizzo

HCS SB 12: Representatives Jones (50), Haahr and Kelly (45)

HCS SB 24: Representatives Hinson, Jones (50) and Rizzo

HCS SB 100: Representatives Cox, Elmer and Kelly (45)

BILLS IN CONFERENCE

CCR SCS SB 36, with House Amendment No. 1, relating to juvenile offenders, was taken up by Representative Hicks.

On motion of Representative Hicks, **CCR SCS SB 36, with House Amendment No. 1**, was adopted by the following vote:

AYES: 145

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frederick	Gannon	Gardner	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Lichtenegger	Love	Lynch	Marshall
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger

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Mitten	Molendorp	Montecillo	Moon	Morgan
Morris	Muntzel	Neely	Newman	Nichols
Norr	Otto	Pace	Parkinson	Peters
Pfautsch	Phillips	Pierson	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Richardson
Riddle	Rizzo	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 85	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	White
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 018

Cox	Engler	Frame	Franklin	Funderburk
Grisamore	Hinson	Leara	May	Miller
Mims	Neth	Rhoads	Roorda	Smith 120
Webb	Webber	Wieland		

On motion of Representative Hicks, **CCS SCS SB 36** was truly agreed to and finally passed by the following vote:

AYES: 149

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Frederick	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Lichtenegger	Love	Lynch	Marshall	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Mitten
Molendorp	Montecillo	Moon	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Parkinson	Peters	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Richardson	Riddle
Rizzo	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 85	Solon	Sommer

Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	White	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 014

Cox	Engler	Franklin	Leara	May
Miller	Mims	Morgan	Rhoads	Roorda
Smith 120	Webb	Webber	Wieland	

Speaker Jones declared the bill passed.

THIRD READING OF SENATE BILL

HCS SCS SB 89, relating to health care facility administration, was taken up by Representative Jones (50).

Representative Jones (50) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 89, Page 1, In the Title, Line 1, by inserting after "RSMo," the following:

"and section 191.237 as truly agreed to and finally passed by senate committee substitute for house committee substitute for house bill no. 986, ninety-seventh general assembly, first regular session,"; and

Further amend said bill and page, In the Title, Lines 2 and 3, by deleting all of said lines and inserting in lieu thereof the phrase "relating to health care, with an emergency clause for a certain section"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting after "RSMo," the following:

"and section 191.237 as truly agreed to and finally passed by senate committee substitute for house committee substitute for house bill no. 986, ninety-seventh general assembly, first regular session,"; and

Further amend said bill, Pages 1 through 5, Section 96.229, by removing said section from the bill; and

Further amend said bill, Page 5, Section 96.229, Line 125, by inserting after all of said line the following:

"191.237. 1. No law or rule promulgated by an agency of the state of Missouri may impose a fine or penalty against a health care provider, hospital, or health care system for failing to participate in any particular health information organization.

2. **A health information organization shall not restrict the exchange of state agency data or standards-based clinical summaries for patients for federal Health Insurance Portability and Accountability Act (HIPAA) allowable uses. Charges for such service shall not exceed the cost of the actual technology connection or recurring maintenance thereof.**

3. As used in this section, the following terms shall mean:

(1) "Fine or penalty", any civil or criminal penalty or fine, tax, salary or wage withholding, or surcharge established by law or by rule promulgated by a state agency pursuant to chapter 536;

(2) "Health care system", any public or private entity whose function or purpose is the management of, processing of, or enrollment of individuals for or payment for, in full or in part, health care services or health care data or health care information for its participants;

(3) "Health information organization", an organization that oversees and governs the exchange of health-related information among organizations according to nationally recognized standards."; and

Further amend said bill, Page 5, Section 198.345, Line 10, by inserting after all of said line the following:

"[191.237. 1. No law or rule promulgated by an agency of the state of Missouri may impose a fine or penalty against a health care provider, hospital, or health care system for failing to participate in any particular health information organization.

2. **No health information organization may impose connection fees or recurring connection fees on another health information organization for the purpose of exchanging standards-based clinical summaries for patients or for sharing information of an agency of the state of Missouri.**

3. As used in this section, the following terms shall mean:

(1) "Fine or penalty", any civil or criminal penalty or fine, tax, salary or wage withholding, or surcharge established by law or by rule promulgated by a state agency pursuant to chapter 536;

(2) "Health care system", any public or private entity whose function or purpose is the management of, processing of, or enrollment of individuals for or payment for, in full or in part, health care services or health care data or health care information for its participants;

(3) "Health information organization", an organization that oversees and governs the exchange of health-related information among organizations according to nationally recognized standards.]"

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Jones (50), **House Amendment No. 1** was adopted.

On motion of Representative Jones (50), **HCS SCS SB 89, as amended**, was adopted.

On motion of Representative Jones (50), **HCS SCS SB 89, as amended**, was read the third time and passed by the following vote:

AYES: 126

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Elmer
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Frederick	Gannon
Gardner	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Lichtenegger	Love
Lynch	Mayfield	McCaherty	McDonald	McGaugh
McKenna	McManus	Meredith	Messenger	Molendorp
Montecillo	Moon	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Parkinson

Peters	Pfautsch	Phillips	Pike	Redmon
Reiboldt	Remole	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Schupp	Shull	Shumake	Solon	Sommer
Spencer	Stream	Thomson	Torpey	Walker
Walton Gray	White	Wilson	Wood	Zerr
Mr Speaker				

NOES: 001

Marshall

PRESENT: 000

ABSENT WITH LEAVE: 036

Anders	Carpenter	Ellinger	Ellington	Engler
English	Franklin	Funderburk	Higdon	Hinson
Leara	May	McCann Beatty	McNeil	Miller
Mims	Mitten	Morgan	Morris	Pace
Pierson	Pogue	Rehder	Rhoads	Rizzo
Roorda	Runions	Schieffer	Smith 85	Smith 120
Swan	Swearingen	Webb	Webber	Wieland
Wright				

Speaker Jones declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 008

Bahr	Grisamore	Jones 50	Muntzel	Parkinson
Richardson	Ross	Schatz		

NOES: 128

Allen	Anders	Anderson	Austin	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Cierpiot	Colona
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtis	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Elmer	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Frederick	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Justus
Keeney	Kelly 45	Kirkton	Koenig	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Lichtenegger	Love	Lynch	Marshall
Mayfield	McCaherty	McDonald	McGaugh	McKenna
McManus	Meredith	Messenger	Mitten	Molendorp
Montecillo	Moon	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Peters
Pfautsch	Phillips	Pike	Redmon	Rehder
Reiboldt	Remole	Riddle	Rizzo	Rowden

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Rowland	Runions	Scharnhorst	Schieber	Schieffer
Schupp	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	White	Wilson
Wood	Zerr	Mr Speaker		

PRESENT: 001

Conway 10

ABSENT WITH LEAVE: 026

Carpenter	Ellinger	Ellington	Engler	English
Franklin	Higdon	Kelley 127	Leara	May
McCann Beatty	McNeil	Miller	Mims	Morgan
Morris	Pierson	Pogue	Rhoads	Roorda
Smith 85	Smith 120	Webb	Webber	Wieland
Wright				

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HJR 16**, entitled:

Joint resolution submitting to the qualified voters of Missouri an amendment to article I of the Constitution of Missouri, and adopting one new section relating to admissibility of evidence.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SB 12, as amended**: Senators Schaefer, Dixon, Schmitt, Justus and Keaveny.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SB 24, as amended**: Senators Parson, Kehoe, Romine, Walsh and LeVota.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SB 100, as amended**: Senators Keaveny, Dixon, Schaefer, Schmitt and Justus.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SS SCS SB 114, as amended**: Senators Schmitt, Schaefer, Parson, McKenna and Holsman.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS HB 336, as amended**, and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Silvey, Schmitt, Kehoe, Justus and Holsman.

APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

SS HB 336: Representatives Hinson, Hough and Montecillo

RECESS

Representative Diehl moved that the House stand in recess pending the receipt of messages and the distribution of specified conference reports, or until 1:00 a.m., whichever is earlier, and then stand adjourned until Friday, May 17, 2013, pursuant to Rule 1. The specified reports are for: **SB 24, SB 224, SB 342, SB 12, SB 100, SB 114, SB 45, HB 103, HB 698 and HB 336.**

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 128**, entitled:

An act to repeal sections 52.230 and 52.240, RSMo, and to enact in lieu thereof two new sections relating to property tax bills.

With Senate Amendment No. 1 and Senate Amendment No. 2.

Senate Amendment No. 1

AMEND House Committee Substitute for House Bill No. 128, Page 1, Section Title, Line 3, by striking "property tax bills" and inserting in lieu thereof the following:

"taxation"; and

Further amend said bill, Page 2, Section 52.240, Line 27, by inserting immediately after said line the following:

"143.451. 1. Missouri taxable income of a corporation shall include all income derived from sources within this state.

2. A corporation described in subdivision (1) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income from sources within this state, including that from the transaction of business in this state and that from the transaction of business partly done in this state and partly done in another state or states. However:

(1) Where income results from a transaction partially in this state and partially in another state or states, and income and deductions of the portion in the state cannot be segregated, then such portions of income and deductions shall be allocated in this state and the other state or states as will distribute to this state a portion based upon the portion of the transaction in this state and the portion in such other state or states.

(2) The taxpayer may elect to compute the portion of income from all sources in this state in the following manner, **or the manner set forth in subdivision (3) of this subsection:**

(a) The income from all sources shall be determined as provided, excluding therefrom the figures for the operation of any bridge connecting this state with another state.

(b) The amount of sales which are transactions wholly in this state shall be added to one-half of the amount of sales which are transactions partly within this state and partly without this state, and the amount thus obtained shall be divided by the total sales or in cases where sales do not express the volume of business, the amount of business transacted wholly in this state shall be added to one-half of the amount of business transacted partly in this state and partly outside this state and the amount thus obtained shall be divided by the total amount of business transacted, and the net income shall be multiplied by the fraction thus obtained, to determine the proportion of income to be used to arrive at the amount of Missouri taxable income. The investment or reinvestment of its own funds, or sale of any such investment or reinvestment, shall not be considered as sales or other business transacted for the determination of said fraction.

[(3)] (c) For the purposes of this [section] **subdivision**, a transaction involving the sale of tangible property is:

[(a)] a. "Wholly in this state" if both the seller's shipping point and the purchaser's destination point are in this state;

[(b)] b. "Partly within this state and partly without this state" if the seller's shipping point is in this state and the purchaser's destination point is outside this state, or the seller's shipping point is outside this state and the purchaser's destination point is in this state;

[(c)] c. Not "wholly in this state" or not "partly within this state and partly without this state" only if both the seller's shipping point and the purchaser's destination point are outside this state[;].

(d) For purposes of this subdivision:

a. The purchaser's destination point shall be determined without regard to the FOB point or other conditions of the sale[;]; and

b. The seller's shipping point is determined without regard to the location of the seller's principle office or place of business.

(3) The taxpayer may elect to compute the portion of income from all sources in this state in the following manner:

(a) The income from all sources shall be determined as provided, excluding therefrom the figures for the operation of any bridge connecting this state with another state;

(b) The amount of sales which are transactions in this state shall be divided by the total sales, and the net income shall be multiplied by the fraction thus obtained, to determine the proportion of income to be used to arrive at the amount of Missouri taxable income. The investment or reinvestment of its own funds, or sale of any such investment or reinvestment, shall not be considered as sales or other business transacted for the determination of said fraction;

(c) For the purposes of this subdivision, a transaction involving the sale of tangible property is:

a. "In this state" if the purchaser's destination point is in this state;

b. Not "in this state" if the purchaser's destination point is outside this state;

(d) For purposes of this subdivision, the purchaser's destination point shall be determined without regard to the FOB point or other conditions of the sale and shall not be in this state if the purchaser received the tangible personal property from the seller in this state for delivery to the purchaser's location outside this state.

(4) For purposes of this subsection, the following words shall, unless the context otherwise requires, have the following meaning:

(a) "Administration services" include, but are not limited to, clerical, fund or shareholder accounting, participant record keeping, transfer agency, bookkeeping, data processing, custodial, internal auditing, legal and tax services performed for an investment company;

(b) "Affiliate", the meaning as set forth in 15 U.S.C. Section 80a-2(a)(3)(C), as may be amended from time to time;

(c) "Distribution services" include, but are not limited to, the services of advertising, servicing, marketing, underwriting or selling shares of an investment company, but, in the case of advertising, servicing or marketing shares, only where such service is performed by a person who is, or in the case of a closed end company, was, either engaged in the services of underwriting or selling investment company shares or affiliated with a person that is engaged in the service of underwriting or selling investment company shares. In the case of an open end company, such service of underwriting or selling shares must be performed pursuant to a contract entered into pursuant to 15 U.S.C. Section 80a-15(b), as from time to time amended;

(d) "Investment company", any person registered under the federal Investment Company Act of 1940, as amended from time to time, (the act) or a company which would be required to register as an investment company under the act except that such person is exempt to such registration pursuant to Section 80a-3(c)(1) of the act;

(e) "Investment funds service corporation" includes any corporation or S corporation doing business in the state which derives more than fifty percent of its gross income in the ordinary course of business from the provision directly or indirectly of management, distribution or administration services to or on behalf of an investment company or from trustees, sponsors and participants of employee benefit plans which have accounts in an investment company. An investment funds service corporation shall include any corporation or S corporation providing management services as an investment advisory firm registered under Section 203 of the Investment Advisors Act of 1940, as amended from time to time, regardless of the percentage of gross revenues consisting of fees from management services provided to or on behalf of an investment company;

(f) "Management services" include but are not limited to, the rendering of investment advice directly or indirectly to an investment company making determinations as to when sales and purchases of securities are to be made on behalf of the investment company, or the selling or purchasing of securities constituting assets of an investment company, and related activities, but only where such activity or activities are performed:

a. Pursuant to a contract with the investment company entered into pursuant to 15 U.S.C. Section 80a-15(a), as from time to time amended;

b. For a person that has entered into such contract with the investment company; or

c. For a person that is affiliated with a person that has entered into such contract with an investment company;

(g) "Qualifying sales", gross income derived from the provision directly or indirectly of management, distribution or administration services to or on behalf of an investment company or from trustees, sponsors and participants of employee benefit plans which have accounts in an investment company. For purposes of this section, gross income is defined as that amount of income earned from qualifying sources without deduction of expenses related to the generation of such income;

(h) "Residence", presumptively the fund shareholder's mailing address on the records of the investment company. If, however, the investment company or the investment funds service corporation has actual knowledge that the fund shareholder's primary residence or principal place of business is different than the fund shareholder's mailing address such presumption shall not control. To the extent an investment funds service corporation does not have access to the records of the investment company, the investment funds service corporation may employ reasonable methods to determine the investment company fund shareholder's residence.

(5) Notwithstanding other provisions of law to the contrary, qualifying sales of an investment funds service corporation, or S corporation, shall be considered wholly in this state only to the extent that the fund shareholders of the investment companies, to which the investment funds service corporation, or S corporation, provide services, are resided in this state. Wholly in this state qualifying sales of an investment funds service corporation, or S corporation, shall be determined as follows:

(a) By multiplying the investment funds service corporation's total dollar amount of qualifying sales from services provided to each investment company by a fraction, the numerator of which shall be the average of the number of shares owned by the investment company's fund shareholders resided in this state at the beginning of and at the end of the investment company's taxable year that ends with or within the investment funds service corporation's taxable year, and the denominator of which shall be the average of the number of shares owned by the investment company's fund shareholders everywhere at the beginning of and at the end of the investment company's taxable year that ends with or within the investment funds service corporation's taxable year;

(b) A separate computation shall be made to determine the wholly in this state qualifying sales from each investment company. The qualifying sales for each investment company shall be multiplied by the respective percentage of each fund, as calculated pursuant to paragraph (a) of this subdivision. The product of this equation shall result in the wholly in this state qualifying sales. The qualifying sales for each investment company which are not wholly in this state will be considered wholly without this state;

(c) To the extent an investment funds service corporation has sales which are not qualifying sales, those nonqualified sales shall be apportioned to this state based on the methodology utilized by the investment funds service corporation without regard to this subdivision.

3. Any corporation described in subdivision (1) of subsection 1 of section 143.441 organized in this state or granted a permit to operate in this state for the transportation or care of passengers shall report its gross earnings within the state on intrastate business and shall also report its gross earnings on all interstate business done in this state which report shall be subject to inquiry for the purpose of determining the amount of income to be included in Missouri taxable income. The previous sentence shall not apply to a railroad.

4. A corporation described in subdivision (2) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income arising from all sources in this state and all income from each transportation service wholly within this state, from each service where the only lines of such corporation used are those in this state, and such proportion of revenue from each service where the facilities of such corporation in this state and in another state or states are used, as the mileage used over the lines of such corporation in the state shall bear to the total mileage used over the lines of such corporation. The taxpayer may elect to compute the portion of income from all sources within this state in the following manner:

(1) The income from all sources shall be determined as provided;

(2) The amount of investment of such corporation on December thirty-first of each year in this state in fixed transportation facilities, real estate and improvements, plus the value on December thirty-first of each year of any fixed transportation facilities, real estate and improvements in this state leased from any other railroad shall be divided by the sum of the total amount of investment of such corporation on December thirty-first of each year in fixed transportation facilities, real estate and improvements, plus the value on December thirty-first of each year, of any fixed transportation facilities, real estate and improvements leased from any other railroad. Where any fixed transportation facilities, real estate or improvements are leased by more than one railroad, such portion of the value shall be used by each railroad as the rental paid by each shall bear to the rental paid by all lessees. The income shall be multiplied by the fraction thus obtained to determine the proportion to be used to arrive at the amount of Missouri taxable income.

5. A corporation described in subdivision (3) of subsection 1 of section 143.441 shall include in its Missouri taxable income one-half of the net income from the operation of a bridge between this and another state. If any such bridge is owned or operated by a railroad corporation or corporations, or by a corporation owning a railroad corporation using such bridge, then the figures for operation of such bridge may be included in the return of such railroad or railroads; or if such bridge is owned or operated by any other corporation which may now or hereafter be required to file an income tax return, one-half of the income or loss to such corporation from such bridge may be included in such return by adding or subtracting same to or from another net income or loss shown by the return.

6. A corporation described in subdivision (4) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income arising from all sources within this state. Income shall include revenue from each telephonic or telegraphic service rendered wholly within this state; from each service rendered for which the only facilities of such corporation used are those in this state; and from each service rendered over the facilities of such corporation in this state and in other state or states, such proportion of such revenue as the mileage involved in this state shall bear to the total mileage involved over the lines of said company in all states. The taxpayer may elect to compute the portion of income from all sources within this state in the following manner:

(1) The income from all sources shall be determined as provided;

(2) The amount of investment of such corporation on December thirty-first of each year in this state in telephonic or telegraphic facilities, real estate and improvements thereon, shall be divided by the amount of the total investment of such corporation on December thirty-first of each year in telephonic or telegraphic facilities, real estate and improvements. The income of the taxpayer shall be multiplied by fraction thus obtained to determine the proportion to be used to arrive at the amount of Missouri taxable income.

7. From the income determined in subsections 2, 3, 4, 5 and 6 of this section to be from all sources within this state shall be deducted such of the deductions for expenses in determining Missouri taxable income as were incurred in this state to produce such income and all losses actually sustained in this state in the business of the corporation.

8. If a corporation derives only part of its income from sources within Missouri, its Missouri taxable income shall only reflect the effect of the following listed deductions to the extent applicable to Missouri. The deductions are: (a) its deduction for federal income taxes pursuant to section 143.171, and (b) the effect on Missouri taxable income of the deduction for net operating loss allowed by Section 172 of the Internal Revenue Code. The extent applicable to Missouri shall be determined by multiplying the amount that would otherwise affect Missouri taxable income by the ratio for the year of the Missouri taxable income of the corporation for the year divided by the Missouri taxable income for the year as though the corporation had derived all of its income from sources within Missouri. For the purpose of the preceding sentence, Missouri taxable income shall not reflect the listed deductions.

9. Any investment funds service corporation organized as a corporation or S corporation which has any shareholders resided in this state shall be subject to Missouri income tax as provided in this chapter."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND House Committee Substitute for House Bill No. 128, Page 2, Section 52.240, Line 27, by inserting after all of said line the following:

"99.845. 1. A municipality, either at the time a redevelopment project is approved or, in the event a municipality has undertaken acts establishing a redevelopment plan and redevelopment project and has designated a redevelopment area after the passage and approval of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by passing an ordinance providing that after the total equalized assessed valuation of the taxable real property in a redevelopment project exceeds the certified total initial equalized assessed valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such redevelopment project by taxing districts and tax rates determined in the manner provided in subsection 2 of section 99.855 each year after the effective date of the ordinance until redevelopment costs have been paid shall be divided as follows:

(1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

(2) (a) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable. The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula provided for in section 163.031 until such time as all redevelopment costs have been paid as provided for in this section and section 99.850;

(b) Notwithstanding any provisions of this section to the contrary, for purposes of determining the limitation on indebtedness of local government pursuant to article VI, section 26(b) of the Missouri Constitution, the current equalized assessed value of the property in an area selected for redevelopment attributable to the increase above the total initial equalized assessed valuation shall be included in the value of taxable tangible property as shown on the last completed assessment for state or county purposes;

(c) The county assessor shall include the current assessed value of all property within the taxing district in the aggregate valuation of assessed property entered upon the assessor's book and verified pursuant to section 137.245, and such value shall be utilized for the purpose of the debt limitation on local government pursuant to article VI, section 26(b) of the Missouri Constitution;

(3) For purposes of this section, "levies upon taxable real property in such redevelopment project by taxing districts" shall not include the blind pension fund tax levied under the authority of article III, section 38(b) of the Missouri Constitution, or the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of section 6 of article X of the Missouri Constitution, except in redevelopment project areas in which tax increment financing has been adopted by ordinance pursuant to a plan approved by vote of the governing body of the municipality taken after August 13, 1982, and before January 1, 1998.

2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing districts, which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains

in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section 94.660, for the purpose of public transportation, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Any provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of other municipal revenues to the special allocation fund shall be and remain enforceable.

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, taxes levied for the purpose of public transportation pursuant to section 94.660, **taxes imposed on sales pursuant to subsection 2 of section 67.1712 for the purpose of operating and maintaining a metropolitan park and recreation district**, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, [or] any sales tax imposed by a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, for the purpose of sports stadium improvement or levied by such county under section 238.410 for the purpose of the county transit authority operating transportation facilities, **or for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 28, 2013, taxes imposed on sales pursuant to section 650.399 for the purpose of emergency communication systems**, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund.

4. Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance and which have complied with subsections 4 to 12 of this section, in addition to the payments in lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues, as defined in subsection 8 of this section, estimated for the businesses within the project area and identified by the municipality in the application required by subsection 10 of this section, over and above the amount of such taxes reported by businesses within the project area as identified by the municipality in their application prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, may be available for appropriation by the general assembly as provided in subsection 10 of this section to the department of economic development supplemental tax increment financing fund, from the general revenue fund, for distribution to the treasurer or other designated financial officer of the municipality with approved plans or projects.

5. The treasurer or other designated financial officer of the municipality with approved plans or projects shall deposit such funds in a separate segregated account within the special allocation fund established pursuant to section 99.805.

6. No transfer from the general revenue fund to the Missouri supplemental tax increment financing fund shall be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any state revenues prior to an appropriation being made for that project. For all redevelopment plans or projects adopted or approved after December 23, 1997, appropriations from the new state revenues shall not be distributed from the Missouri supplemental tax increment financing fund into the special allocation fund unless the municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs while tax increment financing remains in effect. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.

7. In order for the redevelopment plan or project to be eligible to receive the revenue described in subsection 4 of this section, the municipality shall comply with the requirements of subsection 10 of this section prior to the time the project or plan is adopted or approved by ordinance. The director of the department of economic development and the commissioner of the office of administration may waive the requirement that the municipality's application be submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or project's approval by ordinance.

8. For purposes of this section, "new state revenues" means:

(1) The incremental increase in the general revenue portion of state sales tax revenues received pursuant to section 144.020, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. In no event shall the incremental increase include any amounts attributable to retail sales unless the municipality or authority has proven to the Missouri development finance board and the department of economic development and such entities have made a finding that the sales tax increment attributable to retail sales is from new sources which did not exist in the state during the baseline year. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10 of this section; or

(2) The state income tax withheld on behalf of new employees by the employer pursuant to section 143.221 at the business located within the project as identified by the municipality. The state income tax withholding allowed by this section shall be the municipality's estimate of the amount of state income tax withheld by the employer within the redevelopment area for new employees who fill new jobs directly created by the tax increment financing project.

9. Subsection 4 of this section shall apply only to blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time of approval of the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old; and

(1) Suffered from generally declining population or property taxes over the twenty-year period immediately preceding the area's designation as a project area by ordinance; or

(2) Was a historic hotel located in a county of the first classification without a charter form of government with a population according to the most recent federal decennial census in excess of one hundred fifty thousand and containing a portion of a city with a population according to the most recent federal decennial census in excess of three hundred fifty thousand.

10. The initial appropriation of up to fifty percent of the new state revenues authorized pursuant to subsections 4 and 5 of this section shall not be made to or distributed by the department of economic development to a municipality until all of the following conditions have been satisfied:

(1) The director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee have approved a tax increment financing application made by the municipality for the appropriation of the new state revenues. The municipality shall include in the application the following items in addition to the items in section 99.810:

(a) The tax increment financing district or redevelopment area, including the businesses identified within the redevelopment area;

(b) The base year of state sales tax revenues or the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the project area prior to approval of the redevelopment project;

(c) The estimate of the incremental increase in the general revenue portion of state sales tax revenue or the estimate for the state income tax withheld by the employer on behalf of new employees expected to fill new jobs created within the redevelopment area after redevelopment;

(d) The official statement of any bond issue pursuant to this subsection after December 23, 1997;

(e) An affidavit that is signed by the developer or developers attesting that the provisions of subdivision (1) of subsection 1 of section 99.810 have been met and specifying that the redevelopment area would not be reasonably anticipated to be developed without the appropriation of the new state revenues;

(f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal impact on the state of Missouri; and

(g) The statement of election between the use of the incremental increase of the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;

(h) The name, street and mailing address, and phone number of the mayor or chief executive officer of the municipality;

(i) The street address of the development site;

(j) The three-digit North American Industry Classification System number or numbers characterizing the development project;

(k) The estimated development project costs;

(l) The anticipated sources of funds to pay such development project costs;

(m) Evidence of the commitments to finance such development project costs;

- (n) The anticipated type and term of the sources of funds to pay such development project costs;
 - (o) The anticipated type and terms of the obligations to be issued;
 - (p) The most recent equalized assessed valuation of the property within the development project area;
 - (q) An estimate as to the equalized assessed valuation after the development project area is developed in accordance with a development plan;
 - (r) The general land uses to apply in the development area;
 - (s) The total number of individuals employed in the development area, broken down by full-time, part-time, and temporary positions;
 - (t) The total number of full-time equivalent positions in the development area;
 - (u) The current gross wages, state income tax withholdings, and federal income tax withholdings for individuals employed in the development area;
 - (v) The total number of individuals employed in this state by the corporate parent of any business benefitting from public expenditures in the development area, and all subsidiaries thereof, as of December thirty-first of the prior fiscal year, broken down by full-time, part-time, and temporary positions;
 - (w) The number of new jobs to be created by any business benefitting from public expenditures in the development area, broken down by full-time, part-time, and temporary positions;
 - (x) The average hourly wage to be paid to all current and new employees at the project site, broken down by full-time, part-time, and temporary positions;
 - (y) For project sites located in a metropolitan statistical area, as defined by the federal Office of Management and Budget, the average hourly wage paid to nonmanagerial employees in this state for the industries involved at the project, as established by the United States Bureau of Labor Statistics;
 - (z) For project sites located outside of metropolitan statistical areas, the average weekly wage paid to nonmanagerial employees in the county for industries involved at the project, as established by the United States Department of Commerce;
 - (aa) A list of other community and economic benefits to result from the project;
 - (bb) A list of all development subsidies that any business benefitting from public expenditures in the development area has previously received for the project, and the name of any other granting body from which such subsidies are sought;
 - (cc) A list of all other public investments made or to be made by this state or units of local government to support infrastructure or other needs generated by the project for which the funding pursuant to this section is being sought;
 - (dd) A statement as to whether the development project may reduce employment at any other site, within or without the state, resulting from automation, merger, acquisition, corporate restructuring, relocation, or other business activity;
 - (ee) A statement as to whether or not the project involves the relocation of work from another address and if so, the number of jobs to be relocated and the address from which they are to be relocated;
 - (ff) A list of competing businesses in the county containing the development area and in each contiguous county;
 - (gg) A market study for the development area;
 - (hh) A certification by the chief officer of the applicant as to the accuracy of the development plan;
- (2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;
- (3) The appropriation shall be either a portion of the estimate of the incremental increase in the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the estimate of the state income tax withheld by the employer on behalf of new employees who fill new jobs created in the redevelopment area as indicated in the municipality's application, approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. At no time shall the annual amount of the new state revenues approved for disbursements from the Missouri supplemental tax increment financing fund exceed thirty-two million dollars;

(4) Redevelopment plans and projects receiving new state revenues shall have a duration of up to fifteen years, unless prior approval for a longer term is given by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee; except that, in no case shall the duration exceed twenty-three years.

11. In addition to the areas authorized in subsection 9 of this section, the funding authorized pursuant to subsection 4 of this section shall also be available in a federally approved levee district, where construction of a levee begins after December 23, 1997, and which is contained within a county of the first classification without a charter form of government with a population between fifty thousand and one hundred thousand inhabitants which contains all or part of a city with a population in excess of four hundred thousand or more inhabitants.

12. There is hereby established within the state treasury a special fund to be known as the "Missouri Supplemental Tax Increment Financing Fund", to be administered by the department of economic development. The department shall annually distribute from the Missouri supplemental tax increment financing fund the amount of the new state revenues as appropriated as provided in the provisions of subsections 4 and 5 of this section if and only if the conditions of subsection 10 of this section are met. The fund shall also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. Moneys in the Missouri supplemental tax increment financing fund shall be disbursed per project pursuant to state appropriations.

13. Redevelopment project costs may include, at the prerogative of the state, the portion of salaries and expenses of the department of economic development and the department of revenue reasonably allocable to each redevelopment project approved for disbursements from the Missouri supplemental tax increment financing fund for the ongoing administrative functions associated with such redevelopment project. Such amounts shall be recovered from new state revenues deposited into the Missouri supplemental tax increment financing fund created under this section.

14. For redevelopment plans or projects approved by ordinance that result in net new jobs from the relocation of a national headquarters from another state to the area of the redevelopment project, the economic activity taxes and new state tax revenues shall not be based on a calculation of the incremental increase in taxes as compared to the base year or prior calendar year for such redevelopment project, rather the incremental increase shall be the amount of total taxes generated from the net new jobs brought in by the national headquarters from another state. In no event shall this subsection be construed to allow a redevelopment project to receive an appropriation in excess of up to fifty percent of the new state revenues."; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SS SCS HB 307**, as **amended**, and has taken up and passed **CCS SS SCS HB 307**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 722**, entitled:

An act to repeal sections 86.200, 86.257, and 86.263, RSMo, and to enact in lieu thereof three new sections relating to police retirement.

In which the concurrence of the House is respectfully requested.

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 103**

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 103, with Senate Amendment Nos. 1, 2, 5, and Senate Substitute Amendment No. 1 for Senate Amendment No. 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 103, as amended;
2. That the House recede from its position on House Bill No. 103;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 103, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Mike Kelley
/s/ Todd Richardson
/s/ John Rizzo

FOR THE SENATE:

/s/ Brian Munzlinger
/s/ Mike Kehoe
/s/ Doug Libla
/s/ Paul LeVota
/s/ Jolie Justus

**CONFERENCE COMMITTEE REPORT
ON
SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 117**

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 117, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 117;
2. That the House recede from its position on House Committee Substitute for House Bill No. 117;

3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 117, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Tony Dugger
/s/ Sandy Crawford
/s/ Pat Conway

FOR THE SENATE:

/s/ Jay Wasson
/s/ Mike Cunningham
/s/ Bob Dixon
/s/ Joseph Keavney

**CONFERENCE COMMITTEE REPORT
ON
SENATE SUBSTITUTE
FOR
HOUSE BILL NO. 336**

The Conference Committee appointed on Senate Substitute for House Bill No. 336, with Senate Amendment Nos. 1 & 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for House Bill No. 336, as amended;
2. That the House recede from its position on House Bill No. 336;
3. That the attached Conference Committee Substitute for Senate Substitute for House Bill No. 336, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Dave Hinson
/s/ Lincoln Hough
/s/ Genise Montecillo

FOR THE SENATE:

/s/ Ryan Silvey
/s/ Eric Schmitt
/s/ Mike Kehoe
/s/ Jolie Justus
/s/ Jason Holsman

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE NO. 2
FOR
HOUSE BILL NO. 698**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 698, with Senate Amendment No. 1 to Senate Amendment No. 1 and Senate Amendment No. 1 as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 698, as amended;
2. That the House recede from its position on House Committee Substitute No. 2 for House Bill No. 698;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 698, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Anne Zerr
/s/ Caleb Jones
/s/ Michele Kratky

FOR THE SENATE:

/s/ Eric Schmitt
/s/ Ron Richard
/s/ Will Kraus
/s/ Jolie Justus
/s/ Ryan McKenna

**CONFERENCE COMMITTEE REPORT
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 12**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 12, with House Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 9 and 10, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 12, as amended;
2. That the Senate recede from its position on Senate Bill No. 12;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 12 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Kurt Schaefer
/s/ Bob Dixon
/s/ Eric Schmitt

FOR THE HOUSE:

/s/ Caleb Jones
/s/ Elijah Haahr
/s/ Chris Kelly

**CONFERENCE COMMITTEE REPORT
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 24**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 24, with House Amendment Nos. 1 and 2, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3 as amended, House Amendment No. 1 to House Amendment No. 4, House Amendment No. 4 as amended, House Amendment No. 1 to House Amendment No. 5, House Amendment No. 5 as amended, House Amendment Nos. 6, 7, 8, and 9, House Amendment No. 1 to House Amendment No. 10, House Amendment No. 10 as amended, House Amendment Nos. 11, 12, and 13, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 24, as amended;
2. That the Senate recede from its position on Senate Bill No. 24;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 24 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Mike Parson
/s/ Mike Kehoe
/s/ Gina Walsh
/s/ Paul LeVota

FOR THE HOUSE:

/s/ Dave Hinson
/s/ Caleb Jones, 50th
/s/ John Rizzo

**CONFERENCE COMMITTEE REPORT
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 51**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 51, with House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2 as amended, House Amendment Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 51, as amended;
2. That the Senate recede from its position on Senate Bill No. 51;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 51 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Brian Munzlinger
/s/ Mike Kehoe
/s/ Doug Libla
/s/ Paul LeVota

FOR THE HOUSE:

/s/ Casey Guernsey
/s/ Lyndall Fraker
/s/ Courtney Curtis

**CONFERENCE COMMITTEE REPORT
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 73**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 73, with House Amendment Nos. 1 and 2, House Amendment No. 1 to House Amendment No. 4 and House Amendment No. 4 as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Amendment No. 1, House Amendment No. 1 to House Amendment No. 4, and House Amendment No. 4 as amended to House Committee Substitute for Senate Bill No. 73, as amended;
2. That the Senate recede from its position on House Amendment Nos. 2 to House Committee Substitute for Senate Bill No. 73;

3. That the attached Conference Committee Amendment No. 1 to House Committee Substitute for Senate Bill No. 73, be adopted.
4. That House Committee Substitute for Senate Bill No. 73, with House Amendment No. 2 and Conference Committee Amendment No. 1, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Kurt Schaefer
/s/ Dan Brown
/s/ Bob Dixon
/s/ Jason Holsman

FOR THE HOUSE:

/s/ Robert Cornejo
/s/ Elijah Haahr
/s/ Vicki Englund

Conference Committee Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 73, Page 2, Section 304.152, Line 10, by inserting after all of said line the following:

"307.075. 1. Every motor vehicle and every motor-drawn vehicle shall be equipped with at least two rear lamps, not less than fifteen inches or more than seventy-two inches above the ground upon which the vehicle stands, which when lighted will exhibit a red light plainly visible from a distance of five hundred feet to the rear. Either such rear lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration marker and render it clearly legible from a distance of fifty feet to the rear. When the rear registration marker is illuminated by an electric lamp other than the required rear lamps, all such lamps shall be turned on or off only by the same control switch at all times.

2. Every motorcycle registered in this state, when operated on a highway, shall also carry at the rear, either as part of the rear lamp or separately, at least one approved red reflector, which shall be of such size and characteristics and so maintained as to be visible during the times when lighted lamps are required from all distances within three hundred feet to fifty feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps. **A motorcycle may be equipped with a means of varying the brightness of the vehicle's brake light for a duration of not more than five seconds upon application of the vehicle's brakes.**

3. Every new passenger car, new commercial motor vehicle, motor-drawn vehicle and omnibus with a capacity of more than six passengers registered in this state after January 1, 1966, when operated on a highway, shall also carry at the rear at least two approved red reflectors, at least one at each side, so designed, mounted on the vehicle and maintained as to be visible during the times when lighted lamps are required from all distances within five hundred to fifty feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps. Every such reflector shall meet the requirements of this chapter and shall be mounted upon the vehicle at a height not to exceed sixty inches nor less than fifteen inches above the surface upon which the vehicle stands.

4. Any person who knowingly operates a motor vehicle without the lamps required in this section in operable condition is guilty of an infraction."; and

Further amend the title and enacting clause accordingly.

**CONFERENCE COMMITTEE REPORT
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 100**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 100, with House Amendment Nos. 1, 3, 4, 5, 6 and 7, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 100, as amended;
2. That the Senate recede from its position on Senate Bill No. 100;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 100 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Joseph Keaveny
/s/ Bob Dixon
/s/ Kurt Schaefer
/s/ Eric Schmitt
/s/ Jolie Justus

FOR THE HOUSE:

/s/ Kevin Elmer
/s/ Chris Kelly

**CONFERENCE COMMITTEE REPORT
ON
SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 114**

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for Senate Bill No. 114, with House Amendment No. 1 to House Amendment No. 1 and House Amendment No. 1, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 114, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 114;

3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 114 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Eric Schmitt
/s/ Mike Parson
/s/ Ryan McKenna
/s/ Jason Holsman

FOR THE HOUSE:

/s/ Caleb Jones
/s/ Todd Richardson
/s/ Jacob Hummel

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 224**

The Conference Committee appointed on Senate Committee Substitute for Senate Bill No. 224, with House Amendment Nos. 1, 2, 3, and 4, House Substitute Amendment No. 1 for House Amendment No. 5, House Amendment Nos. 6, 7 and 8, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Committee Substitute for Senate Bill No. 224, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 224;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 224, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Shalonn "Kiki" Curls
/s/ Ryan Silvey
/s/ Wayne Wallingford
/s/ David Pearce
/s/ Jason Holsman

FOR THE HOUSE:

/s/ Noel Torpey
/s/ John McCaherty
/s/ John Rizzo

**CONFERENCE COMMITTEE REPORT
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 256**

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 256, with House Amendment Nos. 1, 2, & 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 256, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 256;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 256 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Ryan Silvey
/s/ Gary Romine
/s/ David Sater
/s/ Jolie Justus
/s/ Joseph Keaveny

FOR THE HOUSE:

/s/ Noel Torpey
/s/ Dave Hinson
/s/ Kevin McManus

**CONFERENCE COMMITTEE REPORT
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 342**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 342, with House Amendment No. 1 to House Amendment No. 1, House Amendment No. 1 as amended, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2 as amended, House Amendment Nos. 3, 4, 5, 6 and 7, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 342, as amended;
2. That the Senate recede from its position on Senate Bill No. 342;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 342 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Mike Parson
/s/ Mike Kehoe
/s/ Mike Cunningham
/s/ Paul LeVota

FOR THE HOUSE:

/s/ Casey Guernsey
/s/ Joe Don McGaugh
/s/ Chris Kelly

ADJOURNMENT

Pursuant to the motion by Representative Diehl, the House adjourned until 10:00 a.m., Friday, May 17, 2013.

CORRECTION TO THE HOUSE JOURNAL

Correct House Journal, Sixty-eighth Day, Tuesday, May 14, 2013, Page 2487, Line 32, by deleting the words “Smith 120”; and

Further correct said journal and page, Line 41, by inserting after the word “Otto”, the words “Smith 120”.

COMMITTEE HEARINGS

DOWNSIZING STATE GOVERNMENT

Friday, May 17, 2013, 8:00 AM, House Hearing Room 4.

Public hearing will be held: HB 512

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

SEVENTY-FIRST DAY, FRIDAY, MAY 17, 2013

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HJR 19 - Bahr
- 2 HCS HJR 15 - Brattin
- 3 HCS HJR 35 - Jones (50)
- 4 HCS HJR 23 - Hinson

HOUSE BILLS FOR PERFECTION

- 1 HB 227 - Zerr
- 2 HB 423 - Zerr
- 3 HB 578, as amended - Funderburk
- 4 HCS HB 221 - Leara

- 5 HCS HB 701 - Molendorp
- 6 HB 255 - Torpey
- 7 HB 242 - Ellington
- 8 HB 503, as amended, HA 1 HA 3, and HA 3, pending - McCaherty
- 9 HB 448 - Webb
- 10 HCS HB 234 - Gatschenberger
- 11 HB 616 - Bahr
- 12 HB 185 - Kirkton
- 13 HCS HB 641 - Korman
- 14 HCS HB 402 - Shumake
- 15 HCS HB 83 - Reiboldt
- 16 HCS HB 132 - Stream
- 17 HCS HB 1041 - Swan
- 18 HCS HBs 309 & 73 - Solon
- 19 HCS HB 350 - Frederick
- 20 HCS HB 464 - Higdon
- 21 HCS HB 484 - Lauer
- 22 HCS HB 564 - McGaugh
- 23 HCS HB 604 - Phillips
- 24 HCS HB 608 - Frederick
- 25 HCS HB 685 - Burlison
- 26 HB 745 - Thomson
- 27 HCS HB 783 - Diehl
- 28 HCS HB 814 - Fraker
- 29 HCS HB 830 - Jones (50)
- 30 HB 863 - Allen
- 31 HCS HB 930 - Flanigan
- 32 HB 411 - Muntzel
- 33 HB 447 - Diehl
- 34 HB 467 - Lichtenegger
- 35 HB 827 - Redmon
- 36 HB 915 - Bahr
- 37 HCS HB 975 - Richardson
- 38 HCS HB 198 - Funderburk
- 39 HB 385 - Burlison
- 40 HCS HBs 77, 91 & 95 - Burlison
- 41 HCS HB 398 - Riddle
- 42 HCS#2 HB 927 - Reiboldt
- 43 HCS HB 749 - Cross

HOUSE BILLS FOR THIRD READING

- 1 HB 201 - Torpey
- 2 HCS HBs 521 & 579, (Fiscal Review 3/27/13) - Koenig
- 3 HCS HB 470 - Barnes

- 4 HCS#2 HB 178 - Koenig
- 5 HB 162 - Sommer
- 6 HCS HB 458 - Scharnhorst

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 11 - Walton Gray
- 2 HCR 21 - Black
- 3 HCR 32 - Schatz

SENATE JOINT RESOLUTIONS FOR THIRD READING

SCS SJR 14 - Jones (50)

SENATE BILLS FOR THIRD READING

- 1 HCS SCS SB 88 - Frederick
- 2 SS SCS SB 241 - Cierpiot
- 3 HCS SB 18, E.C. - Cox
- 4 SCS SB 87 - Bahr
- 5 SCS SB 178 - Kirkton
- 6 HCS SS SB 245 - Mitten
- 7 HCS SCS SBs 317 & 319 - Gosen
- 8 HCS SS SB 401, E.C. - Molendorp
- 9 SB 138 - Gatschenberger
- 10 SB 218 - McKenna
- 11 SB 170 - Smith (85)
- 12 SS SB 366, E.C. - Flanigan
- 13 SS SCS SB 121 - Jones (50)
- 14 HCS SS SCS SB 210, E.C. - Bahr
- 15 HCS SB 294 - Funderburk
- 16 HCS SCS SB 258 - Neth
- 17 HCS SB 275 - Funderburk

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 SCS HCS HB 351, as amended, E.C. - Frederick
- 2 SS HCS HB 58, E.C. - Molendorp
- 3 SCS HB 322 - Gosen
- 4 SCS HB 533, as amended - Riddle
- 5 SS SCS HB 142, as amended - Dugger
- 6 SS SCS HCS HB 345 - Cierpiot
- 7 SCS HB 196, E.C. - Lauer
- 8 SS SCS HB 428 - Schatz
- 9 SCS HB 148 - Davis

BILLS CARRYING REQUEST MESSAGES

- 1 SB 77, HA 1(request House recede/take up and pass SB 77) - Allen
- 2 HCS SS SB 282, as amended (House refuse to recede/request Senate to take up and pass
HCS SCS SB 282, a.a.) - Hough

BILLS IN CONFERENCE

- 1 CCR SCS HCS#2 HB 698, as amended, E.C. - Zerr
- 2 CCR HCS SS SB SB 262, as amended (exceed differences), E.C. - Molendorp
- 3 CCR HCS SCS SB 157 and SB 102, as amended - Phillips
- 4 CCR HCS SCS SB 17, as amended (Senate exceed differences on HA 5) - Thomson
- 5 CCR#2 HCS SCS SB 9, as amended - Guernsey
- 6 CCR HCS SB 43, as amended, E.C. - Kolkmeier
- 7 CCR#2 SCS HCS HB 1035, as amended, E.C. - Kelley (127)
- 8 CCR HCS SCS SB 42, as amended - Jones (50)
- 9 HCS SB 90, as amended - Dugger
- 10 CCR SCS SB 33, HA 1, HA 2, HA 3, HA 4, HA 5, HA 6 - Grisamore
- 11 HCS SB 41, as amended - Hough
- 12 CCR SB 327, HA 1 - Haahr
- 13 CCR HCS HBs 256, 33 & 305, SA 2 , SA 3 (exceed differences), E.C. - Jones (50)
- 14 SS HCS HB 199, as amended (House exceed differences), E.C. - Dugger
- 15 CCR#2 HCS SB 330, as amended - Burlison
- 16 HCS SCS SB 45, as amended - Hough
- 17 CCR HCS SB 161, as amended - Stream
- 18 CCR HCS SB 127, as amended - Lichtenegger
- 19 CCR SCS SB 248, HA 1, HA 2 - Fraker
- 20 CCR SS SCS HCS HBs 374 & 434, as amended - Elmer
- 21 CCR HCS SB 51, as amended, E.C. - Guernsey
- 22 CCR SS SCS SB 114, HA 1, as amended, E.C. - Jones (50)
- 23 CCR HCS SCS SB 256, as amended - Torpey
- 24 CCR HCS SCS SB 224, HA 1, 2, 3, ,4, HSA 1 for HA 5, 6, 7, 8 - Rizzo
- 25 CCR HCS SB 73 - Cornejo
- 26 HCS SB 57, as amended - Engler
- 27 CCR SS SCS HCS HB 117 - Dugger
- 28 CCR HCS SB 342, as amended - Guernsey
- 29 CCR SCS HB 103, as amended, E.C. - Kelley (127)
- 30 CCR HCS SB 12, as amended, E.C. - Jones (50)
- 31 CCR HCS SB 100, as amended - Cox
- 32 CCR HCS SB 24, as amended, E.C. - Hinson
- 33 CCR SS HB 336, as amended, E.C. - Hinson

SENATE CONCURRENT RESOLUTIONS

- 1 SCS SCR 5 - Frederick
- 2 SS SCR 15 - Wieland

HOUSE REMONSTRANCES

HRM 1 - Marshall

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

SEVENTY-FIRST DAY, FRIDAY, MAY 17, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

In God is my salvation and my glory; the rock of my strength and my refuge is in God. (Psalm 62:7)

O God of us all, ever new and ancient, we know of no better way to begin this last day of session than by again lifting our hearts to You in prayer and by pledging to You the desire of our hearts to serve You by devoting ourselves to the welfare of our state and to the well-being of each Missourian with these final debates and votes.

Bless all assembled here representing our good citizens. We are grateful for the new friendships formed and old relationships renewed. We are grateful too for all the legislation offered, votes taken, reconciliations accepted and prayers answered both in public and private ways.

We asked You to be with us each day O God, and You were, even when we could not sense Your power. We thank You for all who have cooperated with us over the last five months - our spouses, our families, our staffs and all the unsung heroes and heroines of our great Missouri House of Representatives, which is the pride of our people.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Hunter Houghton.

The Journal of the seventieth day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 3334 through House Resolution No. 3381

BILLS IN CONFERENCE

CCR#2 SCS HCS HB 1035, as amended, relating to political subdivisions, was taken up by Representative Kelley (127).

On motion of Representative Kelley (127), **CCR#2 SCS HCS HB 1035, as amended**, was adopted by the following vote:

AYES: 137

Allen	Anders	Anderson	Austin	Bahr
Barnes	Brattin	Brown	Burlison	Burns
Butler	Carpenter	Cierpiot	Colona	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Dunn	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gosen	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	May	Mayfield	McCaherty
McCann Beatty	McGaugh	McManus	McNeil	Meredith
Messenger	Miller	Montecillo	Moon	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Peters
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shumake	Smith 120	Solon	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Webb	White	Wieland	Wilson
Wood	Mr Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 026

Bernskoetter	Berry	Black	Curtis	Ellinger
Ellington	Gardner	Gatschenberger	Grisamore	Hodges
LaFaver	McDonald	McKenna	Mims	Mitten
Molendorp	Parkinson	Pierson	Roorda	Shull
Smith 85	Sommer	Walton Gray	Webber	Wright
Zerr				

On motion of Representative Kelley (127), **CCS#2 SCS HCS HB 1035** was read the third time and passed by the following vote:

AYES: 144

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeier	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Montecillo	Moon	Morgan
Morris	Muntzel	Neely	Neth	Newman
Norr	Otto	Pace	Peters	Pfautsch
Phillips	Pierson	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	Walton Gray	Webb	White	Wieland
Wilson	Wood	Wright	Mr Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 019

Berry	Curtis	Ellington	Fowler	Gardner
Gatschenberger	Grisamore	Hodges	May	McKenna
Molendorp	Nichols	Parkinson	Pike	Roorda
Smith 85	Swearingen	Webber	Zerr	

Speaker Jones declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 144

Anders	Anderson	Austin	Bahr	Barnes
Bernskoetter	Black	Brattin	Brown	Burlison
Burns	Butler	Carpenter	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeier	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Montecillo	Moon	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Peters
Pfautsch	Phillips	Pierson	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schupp	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	White	Wieland
Wilson	Wood	Wright	Mr Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 019

Allen	Berry	Curtis	Ellington	Franklin
Gardner	Grisamore	Hodges	May	McKenna
Molendorp	Parkinson	Roorda	Schieffer	Shull
Smith 85	Webb	Webber	Zerr	

CCR SS HB 336, as amended, relating to emergency services, was taken up by Representative Hinson.

On motion of Representative Hinson, **CCR SS HB 336, as amended**, was adopted by the following vote:

AYES: 146

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Dohrman	Dugger	Dunn	Ellinger	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Frederick	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Montecillo	Moon	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Pace	Peters	Pfautsch
Phillips	Pierson	Pike	Redmon	Rehder
Reiboldt	Remole	Rhoads	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webb	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 002

Marshall	Pogue
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PRESENT: 000

ABSENT WITH LEAVE: 015

Berry	Curtis	Diehl	Ellington	Franklin
Funderburk	Hodges	May	McKenna	McManus
Molendorp	Parkinson	Richardson	Smith 85	Webber

On motion of Representative Hinson, **CCS SS HB 336** was read the third time and passed by the following vote:

AYES: 150

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Ellington	Elmer	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Love
Lynch	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Peters	Pfautsch	Phillips	Pierson
Pike	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 003

Marshall	Pogue	Smith 85
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PRESENT: 000

ABSENT WITH LEAVE: 010

Berry	Curtis	Engler	Grisamore	Hodges
Lichtenegger	McKenna	Molendorp	Parkinson	Webber

Speaker Jones declared the bill passed.

CCR SCS HCS#2 HB 698, as amended, relating to tax incentives and tax credits, was taken up by Representative Zerr.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 101

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Higdon	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Lynch	McCaherty
McGaugh	Messenger	Miller	Moon	Morris
Muntzel	Neely	Neth	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 045

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Dunn	Ellinger	English
Englund	Frame	Gardner	Harris	Hodges
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McManus
McNeil	Meredith	Mims	Montecillo	Morgan
Newman	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Swearingen	Walton Gray	Wright

PRESENT: 000

ABSENT WITH LEAVE: 017

Berry	Curtis	Ellington	Funderburk	Hicks
Hinson	Love	Marshall	McDonald	McKenna
Mitten	Molendorp	Nichols	Parkinson	Stream
Webb	Webber			

On motion of Representative Zerr, **CCR SCS HCS#2 HB 698, as amended**, was adopted by the following vote:

AYES: 124

Allen	Anders	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brown	Burns
Carpenter	Cierpiot	Colona	Conway 10	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Davis	Diehl	Dohrman	Dugger	Dunn
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fraker	Franklin
Frederick	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Haahr	Haefner	Harris	Hicks
Higdon	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Johnson	Jones 50	Justus
Kelley 127	Kelly 45	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Morris	Muntzel
Neely	Neth	Norr	Otto	Pace
Peters	Pfautsch	Phillips	Pierson	Pike
Redmon	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Rowden	Rowland
Runions	Scharnhorst	Schatz	Shull	Shumake
Smith 85	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	Walton Gray
Wieland	Wood	Zerr	Mr Speaker	

NOES: 030

Anderson	Brattin	Burlison	Conway 104	Curtman
Ellinger	Fowler	Frame	Guernsey	Hampton
Hurst	Keeney	Kirkton	Marshall	Montecillo
Moon	Morgan	Newman	Nichols	Pogue
Rehder	Ross	Schieber	Schieffer	Schupp
Smith 120	Swearingen	White	Wilson	Wright

PRESENT: 000

ABSENT WITH LEAVE: 009

Butler	Ellington	Funderburk	Hansen	Hinson
Molendorp	Parkinson	Webb	Webber	

On motion of Representative Zerr, **CCS SCS HCS#2 HB 698** was read the third time and passed by the following vote:

AYES: 122

Allen	Anders	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brown	Burns
Butler	Carpenter	Cierpiot	Colona	Conway 10
Cookson	Cornejo	Cox	Crawford	Cross
Curtis	Davis	Diehl	Dohrman	Dugger
Dunn	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fraker
Franklin	Frederick	Gannon	Gardner	Gatschenberger
Gosen	Grisamore	Haahr	Haefner	Hansen
Harris	Hicks	Higdon	Hoskins	Hough
Houghton	Hubbard	Hummel	Johnson	Jones 50
Justus	Kelley 127	Kelly 45	Koenig	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Morris	Muntzel
Neely	Neth	Norr	Otto	Pace
Peters	Pfautsch	Phillips	Pierson	Pike
Redmon	Reiboldt	Rhoads	Richardson	Riddle
Rizzo	Roorda	Rowden	Rowland	Runions
Scharnhorst	Schatz	Shull	Shumake	Smith 85
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	Walton Gray	Wieland
Zerr	Mr Speaker			

NOES: 032

Anderson	Brattin	Burlison	Conway 104	Curtman
Ellinger	Fowler	Frame	Guernsey	Hampton
Hodges	Hurst	Keeney	Kirkton	Marshall
Montecillo	Moon	Morgan	Newman	Nichols
Rehder	Remole	Ross	Schieber	Schieffer
Schupp	Smith 120	Swearingen	White	Wilson
Wood	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 009

Ellington	Funderburk	Hinson	McManus	Molendorp
Parkinson	Pogue	Webb	Webber	

Speaker Jones declared the bill passed.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 101

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Cierpiot	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Gannon	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	McCaherty	McGaugh	Messenger	Moon
Morris	Muntzel	Neth	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schieber	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 049

Anders	Burns	Butler	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	English
Englund	Frame	Gardner	Harris	Hodges
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	Marshall	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Walton Gray	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 013

Diehl	Ellington	Funderburk	Grisamore	Hinson
Miller	Molendorp	Neely	Parkinson	Schatz
Swearingen	Webb	Webber		

The emergency clause was defeated by the following vote:

AYES: 003

Dohrman Schatz Walker

NOES: 153

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeyer
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Peters	Pfautsch	Phillips	Pierson
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schieber	Schieffer	Schupp	Shull
Shumake	Smith 85	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walton Gray	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

PRESENT: 000

ABSENT WITH LEAVE: 007

Hinson	Korman	Molendorp	Parkinson	Swearingen
Webb	Webber			

CCR SS SCS HCS HB 117, relating to initiative and referendum petitions, was taken up by Representative Dugger.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Molendorp	Moon	Morris	Muntzel
Neely	Neth	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Wright

PRESENT: 000

ABSENT WITH LEAVE: 009

Funderburk	Hinson	Justus	Kelly 45	Pace
Parkinson	Richardson	Riddle	Webber	

On motion of Representative Dugger, **CCR SS SCS HCS HB 117** was adopted by the following vote:

AYES: 148

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeyer
Korman	Kratky	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Montecillo	Moon	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Pfautsch	Phillips	Pierson
Pike	Redmon	Rehder	Reiboldt	Remole
Rhoads	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 010

Carpenter	Curtis	Frame	Gardner	Hummel
LaFaver	Peters	Pogue	Smith 85	Webb

PRESENT: 000

ABSENT WITH LEAVE: 005

Ellington	Funderburk	Parkinson	Richardson	Webber
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On motion of Representative Dugger, **CCS SS SCS HCS HB 117** was read the third time and passed by the following vote:

AYES: 147

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Cierpiot
Colona	Conway 10	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Peters	Pfautsch	Phillips	Pierson
Pike	Redmon	Rehder	Reiboldt	Remole
Rhoads	Riddle	Rizzo	Roorda	Ross
Rowden	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 009

Carpenter	Curtis	Ellington	Frame	Gardner
Hummel	Pogue	Smith 85	Webb	

PRESENT: 000

ABSENT WITH LEAVE: 007

Conway 104	Funderburk	Hicks	Parkinson	Richardson
Rowland	Webber			

Speaker Jones declared the bill passed.

CCR SS SCS HCS HBs 374 & 434, as amended, relating to judicial procedures, was taken up by Representative Elmer.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 101

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Gannon	Gatschenberger	Gosen	Grisamore	Haahr
Haefner	Hampton	Hansen	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
McCaherty	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Pike	Redmon	Rehder
Reiboldt	Remole	Rhoads	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr				

NOES: 048

Black	Burns	Butler	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hubbard	Hummel	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 014

Anders	Brattin	Davis	Funderburk	Guernsey
Hodges	Kelly 45	Marshall	Mims	Phillips
Pogue	Richardson	Webber	Mr Speaker	

On motion of Representative Elmer, **CCR SS SCS HCS HBs 374 & 434, as amended**, was adopted by the following vote:

AYES: 151

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Moon
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Parkinson
Pfautsch	Phillips	Pierson	Pike	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 009

Butler	Ellinger	Ellington	Gardner	Pace
Peters	Smith 85	Walton Gray	Webb	

PRESENT: 000

ABSENT WITH LEAVE: 003

Funderburk	Pogue	Webber
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On motion of Representative Elmer, **CCS SS SCS HCS HBs 374 & 434** was read the third time and passed by the following vote:

AYES: 150

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Love
Lynch	Marshall	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Molendorp	Montecillo	Moon	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Parkinson	Pfautsch
Phillips	Pierson	Pike	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 009

Butler	Ellinger	Ellington	Gardner	Pace
Peters	Smith 85	Walton Gray	Webb	

PRESENT: 000

ABSENT WITH LEAVE: 004

Funderburk	Lichtenegger	Pogue	Webber
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Speaker Jones declared the bill passed.

CCR HCS HBs 256, 33 & 305, with Senate Amendment No. 2 and Senate Amendment No. 3, relating to public safety, was taken up by Representative Jones (50).

On motion of Representative Jones (50), **CCR HCS HBs 256, 33 & 305, with Senate Amendment No. 2 and Senate Amendment No. 3** was adopted by the following vote:

AYES: 160

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Molendorp	Montecillo	Moon	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Pace	Parkinson	Peters
Pfausch	Phillips	Pierson	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Smith 85	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 003

Funderburk	Lair	Webber
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On motion of Representative Jones (50), **CCS HCS HBs 256, 33 & 305** was read the third time and passed by the following vote:

AYES: 160

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Gannon	Gardner	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Molendorp	Montecillo	Moon	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Pace	Parkinson	Peters
Pfautsch	Phillips	Pierson	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Smith 85	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 003

Cross Funderburk Webber

Speaker Jones declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 159

Allen	Anders	Anderson	Austin	Bahr
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeier
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Molendorp	Montecillo	Moon	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Pace	Parkinson	Peters
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 85
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webb	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 002

Ellington	Pierson
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PRESENT: 000

ABSENT WITH LEAVE: 002

Barnes	Webber
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CCR SCS SB 33, with House Amendment No. 1, House Amendment No. 2, House Amendment No. 3, House Amendment No. 4, House Amendment No. 5 and House Amendment No. 6, relating to individuals with mental disabilities, was taken up by Representative Grisamore.

On motion of Representative Grisamore, **CCR SCS SB 33, with House Amendment No. 1, House Amendment No. 2, House Amendment No. 3, House Amendment No. 4, House Amendment No. 5 and House Amendment No. 6** was adopted by the following vote:

AYES: 159

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Molendorp	Montecillo	Moon	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Pace	Parkinson	Peters
Pfautsch	Phillips	Pierson	Pike	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 85
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webb	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 004

Frame	Jones 50	Pogue	Webber
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On motion of Representative Grisamore, **CCS SCS SB 33** was truly agreed to and finally passed by the following vote:

AYES: 157

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Gannon
Gardner	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Montecillo	Moon	Morgan	Morris	Muntzel
Neth	Newman	Nichols	Norr	Otto
Pace	Parkinson	Peters	Pfautsch	Phillips
Pierson	Pike	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 85	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 001

Curtman

PRESENT: 000

ABSENT WITH LEAVE: 005

Frederick	Funderburk	Neely	Pogue	Webber
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Speaker Jones declared the bill passed.

CCR SCS HB 103, as amended, relating to transportation, was taken up by Representative Kelley (127).

On motion of Representative Kelley (127), **CCR SCS HB 103, as amended**, was adopted by the following vote:

AYES: 151

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brown
Burns	Carpenter	Cierpiot	Colona	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtis	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Elmer
Engler	English	Englund	Entlicher	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Molendorp	Montecillo	Moon	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Pace	Parkinson	Peters
Pfausch	Phillips	Pierson	Pike	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Webb	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 007

Burlison	Butler	Ellington	Fitzpatrick	Gardner
Smith 85	Walton Gray			

PRESENT: 000

ABSENT WITH LEAVE: 005

Brattin	Grisamore	Pogue	Schatz	Webber
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On motion of Representative Kelley (127), **CCS SCS HB 103** was read the third time and passed by the following vote:

AYES: 146

Allen	Anders	Anderson	Austin	Bahr
Bernskoetter	Berry	Black	Brattin	Brown
Burns	Carpenter	Cierpiot	Colona	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtis	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Elmer
Engler	English	Englund	Entlicher	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Funderburk	Gannon	Gatschenberger	Gosen	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeier	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Parkinson	Pfautsch	Phillips	Pierson	Pike
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schieber
Schieffer	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Webb	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 014

Barnes	Burlison	Butler	Ellington	Fitzpatrick
Frederick	Gardner	Marshall	Moon	Peters
Pogue	Schupp	Smith 85	Walton Gray	

PRESENT: 000

ABSENT WITH LEAVE: 003

Grisamore	Schatz	Webber
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Speaker Jones declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 119

Anders	Anderson	Austin	Bahr	Bernskoetter
Black	Brattin	Brown	Burlison	Carpenter
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Ellinger	Elmer
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Franklin	Funderburk	Gannon
Gatschenberger	Gosen	Guernsey	Haefner	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
Mayfield	McCaherty	McGaugh	McKenna	Meredith
Messenger	Mims	Molendorp	Moon	Morris
Muntzel	Neely	Newman	Nichols	Norr
Parkinson	Pfautsch	Phillips	Pike	Redmon
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieffer	Schupp	Shull	Shumake
Smith 85	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	Wieland
Wood	Wright	Zerr	Mr Speaker	

NOES: 039

Barnes	Berry	Burns	Butler	Colona
Conway 10	Dunn	Ellington	Engler	English
Frame	Frederick	Gardner	Haahr	Hampton
Hummel	May	McCann Beatty	McDonald	McManus
McNeil	Mitten	Montecillo	Morgan	Neth
Otto	Pace	Peters	Pierson	Pogue
Rizzo	Roorda	Schieber	Smith 120	Swearingen
Walton Gray	Webb	White	Wilson	

PRESENT: 000

ABSENT WITH LEAVE: 005

Allen	Grisamore	Miller	Rehder	Webber
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CCR SB 327, with House Amendment No. 1, relating to the supervision of criminal offenders, was taken up by Representative Haahr.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Molendorp	Moon	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Schatz	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Swearingen	Walton Gray	Webb
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 008

Grisamore	Guernsey	Kelly 45	Lauer	Scharnhorst
Smith 120	Stream	Webber		

On motion of Representative Haahr, **CCR SB 327, with House Amendment No. 1**, was adopted by the following vote:

AYES: 160

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gardner	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeier	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Molendorp	Montecillo	Moon	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Parkinson
Peters	Pfautsch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Smith 85	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 003

Grisamore	Scharnhorst	Webber
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On motion of Representative Haahr, **CCS SB 327** was truly agreed to and finally passed by the following vote:

AYES: 159

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gardner	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Molendorp	Montecillo	Moon	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Parkinson
Peters	Pfautsch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webb	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 004

Grisamore	Scharnhorst	Smith 85	Webber
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Speaker Jones declared the bill passed.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SS HCR 25**.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 301**, entitled:

An act to repeal sections 632.480, 632.498 and 632.505, RSMo, and to enact in lieu thereof three new sections relating to civil commitment of sexually violent predators, with an emergency clause.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 1 to Senate Amendment No. 4, and Senate Amendment No. 4, as amended.

Senate Amendment No. 1

AMEND Senate Committee Substitute for House Bill No. 301, Page 1, Section 632.480, Line 1, by striking "1."; and

Further amend said bill and section, Page 2, Lines 30 to 36, by striking said lines; and

Further amend said bill, Page 8, Section 632.505, Line 164, by inserting after all of said line the following:

"Section 1. It is the intent of the legislature to reject and abrogate earlier case law interpretations on the meaning of or definition of "sexually violent offense" to include, but not be limited to, holdings in: Robertson v. State, 392 S.W.3d 1 (Mo. App. W.D., 2012); and State ex rel. Whitaker v. Satterfield, 386 S.W.3d 893 (Mo. App. S.D., 2012) and all cases citing, interpreting, applying, or following those cases. It is the intent of the legislature to apply these provisions retroactively."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND Senate Committee Substitute for House Bill No. 301, Page 1, Section Title, Line 3 of the Title, by striking "civil commitment of" and inserting in lieu thereof the following: "

Further amend said bill, Page 1, Section A, Line 3, by inserting immediately after said line the following:

"160.261. 1. The local board of education of each school district shall clearly establish a written policy of discipline, including the district's determination on the use of corporal punishment and the procedures in which punishment will be applied. A written copy of the district's discipline policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning of each school year and also made available in the office of the superintendent of such district, during normal business hours, for public inspection. All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties, including but not limited to approved methods of dealing with acts of school violence, disciplining students with disabilities and instruction in the necessity and requirements for confidentiality.

2. The policy shall require school administrators to report acts of school violence to all teachers at the attendance center and, in addition, to other school district employees with a need to know. For the purposes of this chapter or chapter 167, "need to know" is defined as school personnel who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties. As used in this section, the phrase "act of school violence" or "violent behavior" means the exertion of physical force by a student with the intent to do serious physical injury as defined in subdivision (6) of section 565.002

to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. The policy shall at a minimum require school administrators to report, as soon as reasonably practical, to the appropriate law enforcement agency any of the following crimes, or any act which if committed by an adult would be one of the following crimes:

- (1) First degree murder under section 565.020;
- (2) Second degree murder under section 565.021;
- (3) Kidnapping under section 565.110;
- (4) First degree assault under section 565.050;
- (5) [Forcible] Rape **in the first degree** under section 566.030;
- (6) [Forcible] Sodomy **in the first degree** under section 566.060;
- (7) Burglary in the first degree under section 569.160;
- (8) Burglary in the second degree under section 569.170;
- (9) Robbery in the first degree under section 569.020;
- (10) Distribution of drugs under section 195.211;
- (11) Distribution of drugs to a minor under section 195.212;
- (12) Arson in the first degree under section 569.040;
- (13) Voluntary manslaughter under section 565.023;
- (14) Involuntary manslaughter under section 565.024;
- (15) Second degree assault under section 565.060;
- (16) [Sexual assault] **Rape in the second degree** under section [566.040] **566.031**;
- (17) Felonious restraint under section 565.120;
- (18) Property damage in the first degree under section 569.100;
- (19) The possession of a weapon under chapter 571;
- (20) Child molestation in the first degree pursuant to section 566.067;
- (21) [Deviate sexual assault] **Sodomy in the second degree** pursuant to section [566.070] **566.061**;
- (22) Sexual misconduct involving a child pursuant to section 566.083;
- (23) Sexual abuse **in the first degree** pursuant to section 566.100;
- (24) Harassment under section 565.090; or
- (25) Stalking under section 565.225; committed on school property, including but not limited to actions on any

school bus in service on behalf of the district or while involved in school activities. The policy shall require that any portion of a student's individualized education program that is related to demonstrated or potentially violent behavior shall be provided to any teacher and other school district employees who are directly responsible for the student's education or who otherwise interact with the student on an educational basis while acting within the scope of their assigned duties. The policy shall also contain the consequences of failure to obey standards of conduct set by the local board of education, and the importance of the standards to the maintenance of an atmosphere where orderly learning is possible and encouraged.

3. The policy shall provide that any student who is on suspension for any of the offenses listed in subsection 2 of this section or any act of violence or drug-related activity defined by school district policy as a serious violation of school discipline pursuant to subsection 9 of this section shall have as a condition of his or her suspension the requirement that such student is not allowed, while on such suspension, to be within one thousand feet of any school property in the school district where such student attended school or any activity of that district, regardless of whether or not the activity takes place on district property unless:

- (1) Such student is under the direct supervision of the student's parent, legal guardian, or custodian and the superintendent or the superintendent's designee has authorized the student to be on school property;
- (2) Such student is under the direct supervision of another adult designated by the student's parent, legal guardian, or custodian, in advance, in writing, to the principal of the school which suspended the student and the superintendent or the superintendent's designee has authorized the student to be on school property;
- (3) Such student is enrolled in and attending an alternative school that is located within one thousand feet of a public school in the school district where such student attended school; or
- (4) Such student resides within one thousand feet of any public school in the school district where such student attended school in which case such student may be on the property of his or her residence without direct adult supervision.

4. Any student who violates the condition of suspension required pursuant to subsection 3 of this section may be subject to expulsion or further suspension pursuant to the provisions of sections 167.161, 167.164, and 167.171. In making this determination consideration shall be given to whether the student poses a threat to the safety of any child or school employee and whether such student's unsupervised presence within one thousand feet of the school is disruptive to the educational process or undermines the effectiveness of the school's disciplinary policy. Removal of

any pupil who is a student with a disability is subject to state and federal procedural rights. This section shall not limit a school district's ability to:

(1) Prohibit all students who are suspended from being on school property or attending an activity while on suspension;

(2) Discipline students for off-campus conduct that negatively affects the educational environment to the extent allowed by law.

5. The policy shall provide for a suspension for a period of not less than one year, or expulsion, for a student who is determined to have brought a weapon to school, including but not limited to the school playground or the school parking lot, brought a weapon on a school bus or brought a weapon to a school activity whether on or off of the school property in violation of district policy, except that:

(1) The superintendent or, in a school district with no high school, the principal of the school which such child attends may modify such suspension on a case-by-case basis; and

(2) This section shall not prevent the school district from providing educational services in an alternative setting to a student suspended under the provisions of this section.

6. For the purpose of this section, the term "weapon" shall mean a firearm as defined under 18 U.S.C. 921 and the following items, as defined in section 571.010: a blackjack, a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except that this section shall not be construed to prohibit a school board from adopting a policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for educational purposes so long as the firearm is unloaded. The local board of education shall define weapon in the discipline policy. Such definition shall include the weapons defined in this subsection but may also include other weapons.

7. All school district personnel responsible for the care and supervision of students are authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any property of the school, on any school bus going to or returning from school, during school-sponsored activities, or during intermission or recess periods.

8. Teachers and other authorized district personnel in public schools responsible for the care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by the school district, shall not be civilly liable when acting in conformity with the established policies developed by each board, including but not limited to policies of student discipline or when reporting to his or her supervisor or other person as mandated by state law acts of school violence or threatened acts of school violence, within the course and scope of the duties of the teacher, authorized district personnel or volunteer, when such individual is acting in conformity with the established policies developed by the board. Nothing in this section shall be construed to create a new cause of action against such school district, or to relieve the school district from liability for the negligent acts of such persons.

9. Each school board shall define in its discipline policy acts of violence and any other acts that constitute a serious violation of that policy. "Acts of violence" as defined by school boards shall include but not be limited to exertion of physical force by a student with the intent to do serious bodily harm to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. School districts shall for each student enrolled in the school district compile and maintain records of any serious violation of the district's discipline policy. Such records shall be made available to teachers and other school district employees with a need to know while acting within the scope of their assigned duties, and shall be provided as required in section 167.020 to any school district in which the student subsequently attempts to enroll.

10. Spanking, when administered by certificated personnel and in the presence of a witness who is an employee of the school district, or the use of reasonable force to protect persons or property, when administered by personnel of a school district in a reasonable manner in accordance with the local board of education's written policy of discipline, is not abuse within the meaning of chapter 210. The provisions of sections 210.110 to 210.165 notwithstanding, the children's division shall not have jurisdiction over or investigate any report of alleged child abuse arising out of or related to the use of reasonable force to protect persons or property when administered by personnel of a school district or any spanking administered in a reasonable manner by any certificated school personnel in the presence of a witness who is an employee of the school district pursuant to a written policy of discipline established by the board of education of the school district, as long as no allegation of sexual misconduct arises from the spanking or use of force.

11. If a student reports alleged sexual misconduct on the part of a teacher or other school employee to a person employed in a school facility who is required to report such misconduct to the children's division under section 210.115, such person and the superintendent of the school district shall forward the allegation to the children's division within twenty-four hours of receiving the information. Reports made to the children's division under this subsection shall be investigated by the division in accordance with the provisions of sections 210.145 to 210.153 and shall not be investigated by the school district under subsections 12 to 20 of this section for purposes of determining whether the allegations should or should not be substantiated. The district may investigate the allegations for the purpose of making any decision regarding the employment of the accused employee.

12. Upon receipt of any reports of child abuse by the children's division other than reports provided under subsection 11 of this section, pursuant to sections 210.110 to 210.165 which allegedly involve personnel of a school district, the children's division shall notify the superintendent of schools of the district or, if the person named in the alleged incident is the superintendent of schools, the president of the school board of the school district where the alleged incident occurred.

13. If, after an initial investigation, the superintendent of schools or the president of the school board finds that the report involves an alleged incident of child abuse other than the administration of a spanking by certificated school personnel or the use of reasonable force to protect persons or property when administered by school personnel pursuant to a written policy of discipline or that the report was made for the sole purpose of harassing a public school employee, the superintendent of schools or the president of the school board shall immediately refer the matter back to the children's division and take no further action. In all matters referred back to the children's division, the division shall treat the report in the same manner as other reports of alleged child abuse received by the division.

14. If the report pertains to an alleged incident which arose out of or is related to a spanking administered by certificated personnel or the use of reasonable force to protect persons or property when administered by personnel of a school district pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, a notification of the reported child abuse shall be sent by the superintendent of schools or the president of the school board to the law enforcement in the county in which the alleged incident occurred.

15. The report shall be jointly investigated by the law enforcement officer and the superintendent of schools or, if the subject of the report is the superintendent of schools, by a law enforcement officer and the president of the school board or such president's designee.

16. The investigation shall begin no later than forty-eight hours after notification from the children's division is received, and shall consist of, but need not be limited to, interviewing and recording statements of the child and the child's parents or guardian within two working days after the start of the investigation, of the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident.

17. The law enforcement officer and the investigating school district personnel shall issue separate reports of their findings and recommendations after the conclusion of the investigation to the school board of the school district within seven days after receiving notice from the children's division.

18. The reports shall contain a statement of conclusion as to whether the report of alleged child abuse is substantiated or is unsubstantiated.

19. The school board shall consider the separate reports referred to in subsection 17 of this section and shall issue its findings and conclusions and the action to be taken, if any, within seven days after receiving the last of the two reports. The findings and conclusions shall be made in substantially the following form:

(1) The report of the alleged child abuse is unsubstantiated. The law enforcement officer and the investigating school board personnel agree that there was not a preponderance of evidence to substantiate that abuse occurred;

(2) The report of the alleged child abuse is substantiated. The law enforcement officer and the investigating school district personnel agree that the preponderance of evidence is sufficient to support a finding that the alleged incident of child abuse did occur;

(3) The issue involved in the alleged incident of child abuse is unresolved. The law enforcement officer and the investigating school personnel are unable to agree on their findings and conclusions on the alleged incident.

20. The findings and conclusions of the school board under subsection 19 of this section shall be sent to the children's division. If the findings and conclusions of the school board are that the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the case closed, and no record shall be entered in the children's division central registry. If the findings and conclusions of the school board are that the report of the alleged child abuse is substantiated, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school district and shall include the information in the division's central registry. If the findings and conclusions of the school board are that the issue involved in the alleged incident of child abuse is unresolved, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school board, however, the incident and the names of the parties allegedly involved shall not be entered into the central registry of the children's division unless and until the alleged child abuse is substantiated by a court of competent jurisdiction.

21. Any superintendent of schools, president of a school board or such person's designee or law enforcement officer who knowingly falsifies any report of any matter pursuant to this section or who knowingly withholds any information relative to any investigation or report pursuant to this section is guilty of a class A misdemeanor.

22. In order to ensure the safety of all students, should a student be expelled for bringing a weapon to school, violent behavior, or for an act of school violence, that student shall not, for the purposes of the accreditation process of the Missouri school improvement plan, be considered a dropout or be included in the calculation of that district's educational persistence ratio.

167.115. 1. Notwithstanding any provision of chapter 211 or chapter 610 to the contrary, the juvenile officer, sheriff, chief of police or other appropriate law enforcement authority shall, as soon as reasonably practical, notify the superintendent, or the superintendent's designee, of the school district in which the pupil is enrolled when a petition is filed pursuant to subsection 1 of section 211.031 alleging that the pupil has committed one of the following acts:

- (1) First degree murder under section 565.020;
- (2) Second degree murder under section 565.021;
- (3) Kidnapping under section 565.110;
- (4) First degree assault under section 565.050;
- (5) Forcible rape under section 566.030 **as it existed prior to August 28, 2013, or rape in the first degree under section 566.030;**
- (6) Forcible sodomy under section 566.060 **as it existed prior to August 28, 2013, or sodomy in the first degree under section 566.060;**
- (7) Burglary in the first degree under section 569.160;
- (8) Robbery in the first degree under section 569.020;
- (9) Distribution of drugs under section 195.211;
- (10) Distribution of drugs to a minor under section 195.212;
- (11) Arson in the first degree under section 569.040;
- (12) Voluntary manslaughter under section 565.023;
- (13) Involuntary manslaughter under section 565.024;
- (14) Second degree assault under section 565.060;
- (15) Sexual assault under section 566.040 **as it existed prior to August 28, 2013, or rape in the second degree under section 566.031;**
- (16) Felonious restraint under section 565.120;
- (17) Property damage in the first degree under section 569.100;
- (18) The possession of a weapon under chapter 571;
- (19) Child molestation in the first degree pursuant to section 566.067;
- (20) Deviate sexual assault pursuant to section 566.070 **as it existed prior to August 28, 2013, or sodomy in the second degree under section 566.061;**
- (21) Sexual misconduct involving a child pursuant to section 566.083; or
- (22) Sexual abuse pursuant to section 566.100 **as it existed prior to August 28, 2013, or sexual abuse in the first degree under section 566.100.**

2. The notification shall be made orally or in writing, in a timely manner, no later than five days following the filing of the petition. If the report is made orally, written notice shall follow in a timely manner. The notification shall include a complete description of the conduct the pupil is alleged to have committed and the dates the conduct occurred but shall not include the name of any victim. Upon the disposition of any such case, the juvenile office or prosecuting attorney or their designee shall send a second notification to the superintendent providing the disposition of the case, including a brief summary of the relevant finding of facts, no later than five days following the disposition of the case.

3. The superintendent or the designee of the superintendent shall report such information to teachers and other school district employees with a need to know while acting within the scope of their assigned duties. Any information received by school district officials pursuant to this section shall be received in confidence and used for the limited purpose of assuring that good order and discipline is maintained in the school. This information shall not be used as the sole basis for not providing educational services to a public school pupil.

4. The superintendent shall notify the appropriate division of the juvenile or family court upon any pupil's suspension for more than ten days or expulsion of any pupil that the school district is aware is under the jurisdiction of the court.

5. The superintendent or the superintendent's designee may be called to serve in a consultant capacity at any dispositional proceedings pursuant to section 211.031 which may involve reference to a pupil's academic treatment plan.

6. Upon the transfer of any pupil described in this section to any other school district in this state, the superintendent or the superintendent's designee shall forward the written notification given to the superintendent pursuant to subsection 2 of this section to the superintendent of the new school district in which the pupil has enrolled. Such written notification shall be required again in the event of any subsequent transfer by the pupil.

7. As used in this section, the terms "school" and "school district" shall include any charter, private or parochial school or school district, and the term "superintendent" shall include the principal or equivalent chief school officer in the cases of charter, private or parochial schools.

8. The superintendent or the designee of the superintendent or other school employee who, in good faith, reports information in accordance with the terms of this section and section 160.261 shall not be civilly liable for providing such information.

167.171. 1. The school board in any district, by general rule and for the causes provided in section 167.161, may authorize the summary suspension of pupils by principals of schools for a period not to exceed ten school days and by the superintendent of schools for a period not to exceed one hundred and eighty school days. In case of a suspension by the superintendent for more than ten school days, the pupil, the pupil's parents or others having such pupil's custodial care may appeal the decision of the superintendent to the board or to a committee of board members appointed by the president of the board which shall have full authority to act in lieu of the board. Any suspension by a principal shall be immediately reported to the superintendent who may revoke the suspension at any time. In event of an appeal to the board, the superintendent shall promptly transmit to it a full report in writing of the facts relating to the suspension, the action taken by the superintendent and the reasons therefor and the board, upon request, shall grant a hearing to the appealing party to be conducted as provided in section 167.161.

2. No pupil shall be suspended unless:

- (1) The pupil shall be given oral or written notice of the charges against such pupil;
- (2) If the pupil denies the charges, such pupil shall be given an oral or written explanation of the facts which form the basis of the proposed suspension;
- (3) The pupil shall be given an opportunity to present such pupil's version of the incident; and
- (4) In the event of a suspension for more than ten school days, where the pupil gives notice that such pupil wishes to appeal the suspension to the board, the suspension shall be stayed until the board renders its decision, unless in the judgment of the superintendent of schools, or of the district superintendent, the pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, in which case the pupil may be immediately removed from school, and the notice and hearing shall follow as soon as practicable.

3. No school board shall readmit or enroll a pupil properly suspended for more than ten consecutive school days for an act of school violence as defined in subsection 2 of section 160.261 regardless of whether or not such act was committed at a public school or at a private school in this state, provided that such act shall have resulted in the suspension or expulsion of such pupil in the case of a private school, or otherwise permit such pupil to attend school without first holding a conference to review the conduct that resulted in the expulsion or suspension and any remedial actions needed to prevent any future occurrences of such or related conduct. The conference shall include the appropriate school officials including any teacher employed in that school or district directly involved with the conduct that resulted in the suspension or expulsion, the pupil, the parent or guardian of the pupil or any agency having legal jurisdiction, care, custody or control of the pupil. The school board shall notify in writing the parents or guardians and all other parties of the time, place, and agenda of any such conference. Failure of any party to attend this conference shall not preclude holding the conference. Notwithstanding any provision of this subsection to the contrary, no pupil shall be readmitted or enrolled to a regular program of instruction if:

- (1) Such pupil has been convicted of; or
- (2) An indictment or information has been filed alleging that the pupil has committed one of the acts enumerated in subdivision (4) of this subsection to which there has been no final judgment; or
- (3) A petition has been filed pursuant to section 211.091 alleging that the pupil has committed one of the acts enumerated in subdivision (4) of this subsection to which there has been no final judgment; or
- (4) The pupil has been adjudicated to have committed an act which if committed by an adult would be one of the following:
 - (a) First degree murder under section 565.020;
 - (b) Second degree murder under section 565.021;
 - (c) First degree assault under section 565.050;
 - (d) Forcible rape under section 566.030 **as it existed prior to August 28, 2013, or rape in the first degree under section 566.030;**
 - (e) Forcible sodomy under section 566.060 **as it existed prior to August 28, 2013, or sodomy in the first degree under section 566.060;**
 - (f) Statutory rape under section 566.032;
 - (g) Statutory sodomy under section 566.062;
 - (h) Robbery in the first degree under section 569.020;
 - (i) Distribution of drugs to a minor under section 195.212;
 - (j) Arson in the first degree under section 569.040;
 - (k) Kidnapping, when classified as a class A felony under section 565.110. Nothing in this subsection shall prohibit the readmittance or enrollment of any pupil if a petition has been dismissed, or when a pupil has been acquitted or adjudicated not to have committed any of the above acts. This subsection shall not apply to a student with a disability, as identified under state eligibility criteria, who is convicted or adjudicated guilty as a result of an action related to the student's disability. Nothing in this subsection shall be construed to prohibit a school district which provides an

alternative education program from enrolling a pupil in an alternative education program if the district determines such enrollment is appropriate.

4. If a pupil is attempting to enroll in a school district during a suspension or expulsion from another in-state or out-of-state school district including a private, charter or parochial school or school district, a conference with the superintendent or the superintendent's designee may be held at the request of the parent, court-appointed legal guardian, someone acting as a parent as defined by rule in the case of a special education student, or the pupil to consider if the conduct of the pupil would have resulted in a suspension or expulsion in the district in which the pupil is enrolling. Upon a determination by the superintendent or the superintendent's designee that such conduct would have resulted in a suspension or expulsion in the district in which the pupil is enrolling or attempting to enroll, the school district may make such suspension or expulsion from another school or district effective in the district in which the pupil is enrolling or attempting to enroll. Upon a determination by the superintendent or the superintendent's designee that such conduct would not have resulted in a suspension or expulsion in the district in which the student is enrolling or attempting to enroll, the school district shall not make such suspension or expulsion effective in its district in which the student is enrolling or attempting to enroll.

168.071. 1. The state board of education may refuse to issue or renew a certificate, or may, upon hearing, discipline the holder of a certificate of license to teach for the following causes:

(1) A certificate holder or applicant for a certificate has pleaded to or been found guilty of a felony or crime involving moral turpitude under the laws of this state, any other state, of the United States, or any other country, whether or not sentence is imposed;

(2) The certification was obtained through use of fraud, deception, misrepresentation or bribery;

(3) There is evidence of incompetence, immorality, or neglect of duty by the certificate holder;

(4) A certificate holder has been subject to disciplinary action relating to certification issued by another state, territory, federal agency, or country upon grounds for which discipline is authorized in this section; or

(5) If charges are filed by the local board of education, based upon the annulling of a written contract with the local board of education, for reasons other than election to the general assembly, without the consent of the majority of the members of the board that is a party to the contract.

2. A public school district may file charges seeking the discipline of a holder of a certificate of license to teach based upon any cause or combination of causes outlined in subsection 1 of this section, including annulment of a written contract. Charges shall be in writing, specify the basis for the charges, and be signed by the chief administrative officer of the district, or by the president of the board of education as authorized by a majority of the board of education. The board of education may also petition the office of the attorney general to file charges on behalf of the school district for any cause other than annulment of contract, with acceptance of the petition at the discretion of the attorney general.

3. The department of elementary and secondary education may file charges seeking the discipline of a holder of a certificate of license to teach based upon any cause or combination of causes outlined in subsection 1 of this section, other than annulment of contract. Charges shall be in writing, specify the basis for the charges, and be signed by legal counsel representing the department of elementary and secondary education.

4. If the underlying conduct or actions which are the basis for charges filed pursuant to this section are also the subject of a pending criminal charge against the person holding such certificate, the certificate holder may request, in writing, a delayed hearing on advice of counsel under the fifth amendment of the Constitution of the United States. Based upon such a request, no hearing shall be held until after a trial has been completed on this criminal charge.

5. The certificate holder shall be given not less than thirty days' notice of any hearing held pursuant to this section.

6. Other provisions of this section notwithstanding, the certificate of license to teach shall be revoked or, in the case of an applicant, a certificate shall not be issued, if the certificate holder or applicant has pleaded guilty to or been found guilty of any of the following offenses established pursuant to Missouri law or offenses of a similar nature established under the laws of any other state or of the United States, or any other country, whether or not the sentence is imposed:

(1) Any dangerous felony as defined in section 556.061, or murder in the first degree under section 565.020;

(2) Any of the following sexual offenses: **rape in the first degree** under section 566.030; **forcible rape under section 566.030 as it existed prior to August 28, 2013; rape as it existed prior to August 13, 1980;** statutory rape in the first degree under section 566.032; statutory rape in the second degree under section 566.034; **rape in the second degree under section 566.031;** sexual assault under section 566.040 **as it existed prior to August 28, 2013; sodomy in the first degree under section 566.060;** forcible sodomy under section 566.060 **as it existed prior to August 28, 2013; sodomy as it existed prior to January 1, 1995;** statutory sodomy in the first degree under section 566.062; statutory sodomy in the second degree under section 566.064; child molestation in the first degree under section 566.067; child molestation in the second degree under section 566.068; **sodomy in the second degree under section 566.061;**

deviate sexual assault under section 566.070 **as it existed prior to August 28, 2013**; sexual misconduct involving a child under section 566.083; sexual contact with a student while on public school property under section 566.086; **sexual misconduct in the first degree under section 566.093**; sexual misconduct in the first degree under section 566.090 **as it existed prior to August 28, 2013**; **sexual misconduct in the second degree under section 566.095**; sexual misconduct in the second degree under section 566.093 **as it existed prior to August 28, 2013**; sexual misconduct in the third degree under section 566.095 **as it existed prior to August 28, 2013**; **sexual abuse in the first degree under section 566.100**; sexual abuse under section 566.100 **as it existed prior to August 28, 2013**; **sexual abuse in the second degree under section 566.101**; enticement of a child under section 566.151; or attempting to entice a child;

(3) Any of the following offenses against the family and related offenses: incest under section 568.020; abandonment of child in the first degree under section 568.030; abandonment of child in the second degree under section 568.032; endangering the welfare of a child in the first degree under section 568.045; abuse of a child under section 568.060; child used in a sexual performance under section 568.080; promoting sexual performance by a child under section 568.090; or trafficking in children under section 568.175; and

(4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree under section 573.020; promoting obscenity in the second degree when the penalty is enhanced to a class D felony under section 573.030; promoting child pornography in the first degree under section 573.025; promoting child pornography in the second degree under section 573.035; possession of child pornography under section 573.037; furnishing pornographic materials to minors under section 573.040; or coercing acceptance of obscene material under section 573.065.

7. When a certificate holder pleads guilty or is found guilty of any offense that would authorize the state board of education to seek discipline against that holder's certificate of license to teach, the local board of education or the department of elementary and secondary education shall immediately provide written notice to the state board of education and the attorney general regarding the plea of guilty or finding of guilty.

8. The certificate holder whose certificate was revoked pursuant to subsection 6 of this section may appeal such revocation to the state board of education. Notice of this appeal must be received by the commissioner of education within ninety days of notice of revocation pursuant to this subsection. Failure of the certificate holder to notify the commissioner of the intent to appeal waives all rights to appeal the revocation. Upon notice of the certificate holder's intent to appeal, an appeal hearing shall be held by a hearing officer designated by the commissioner of education, with the final decision made by the state board of education, based upon the record of that hearing. The certificate holder shall be given not less than thirty days' notice of the hearing, and an opportunity to be heard by the hearing officer, together with witnesses.

9. In the case of any certificate holder who has surrendered or failed to renew his or her certificate of license to teach, the state board of education may refuse to issue or renew, or may suspend or revoke, such certificate for any of the reasons contained in this section.

10. In those cases where the charges filed pursuant to this section are based upon an allegation of misconduct involving a minor child, the hearing officer may accept into the record the sworn testimony of the minor child relating to the misconduct received in any court or administrative hearing.

11. Hearings, appeals or other matters involving certificate holders, licensees or applicants pursuant to this section may be informally resolved by consent agreement or agreed settlement or voluntary surrender of the certificate of license pursuant to the rules promulgated by the state board of education.

12. The final decision of the state board of education is subject to judicial review pursuant to sections 536.100 to 536.140.

13. A certificate of license to teach to an individual who has been convicted of a felony or crime involving moral turpitude, whether or not sentence is imposed, shall be issued only upon motion of the state board of education adopted by a unanimous affirmative vote of those members present and voting.

188.023. Any licensed health care professional who delivers a baby or performs an abortion, who has prima facie evidence that a patient has been the victim of statutory rape in the first degree or statutory rape in the second degree, or if the patient is under the age of eighteen, that he or she has been a victim of sexual abuse, including [forcible rape, sexual assault] **rape in the first or second degree**, or incest, shall be required to report such offenses in the same manner as provided for by section 210.115.

211.071. 1. If a petition alleges that a child between the ages of twelve and seventeen has committed an offense which would be considered a felony if committed by an adult, the court may, upon its own motion or upon motion by the juvenile officer, the child or the child's custodian, order a hearing and may, in its discretion, dismiss the petition and such child may be transferred to the court of general jurisdiction and prosecuted under the general law; except that if a petition alleges that any child has committed an offense which would be considered first degree murder

under section 565.020, second degree murder under section 565.021, first degree assault under section 565.050, forcible rape under section 566.030 **as it existed prior to August 28, 2013, rape in the first degree under section 566.030**, forcible sodomy under section 566.060 **as it existed prior to August 28, 2013, sodomy in the first degree under section 566.060**, first degree robbery under section 569.020, or distribution of drugs under section 195.211, or has committed two or more prior unrelated offenses which would be felonies if committed by an adult, the court shall order a hearing, and may in its discretion, dismiss the petition and transfer the child to a court of general jurisdiction for prosecution under the general law.

2. Upon apprehension and arrest, jurisdiction over the criminal offense allegedly committed by any person between seventeen and twenty-one years of age over whom the juvenile court has retained continuing jurisdiction shall automatically terminate and that offense shall be dealt with in the court of general jurisdiction as provided in section 211.041.

3. Knowing and willful age misrepresentation by a juvenile subject shall not affect any action or proceeding which occurs based upon the misrepresentation. Any evidence obtained during the period of time in which a child misrepresents his or her age may be used against the child and will be subject only to rules of evidence applicable in adult proceedings.

4. Written notification of a transfer hearing shall be given to the juvenile and his or her custodian in the same manner as provided in sections 211.101 and 211.111. Notice of the hearing may be waived by the custodian. Notice shall contain a statement that the purpose of the hearing is to determine whether the child is a proper subject to be dealt with under the provisions of this chapter, and that if the court finds that the child is not a proper subject to be dealt with under the provisions of this chapter, the petition will be dismissed to allow for prosecution of the child under the general law.

5. The juvenile officer may consult with the office of prosecuting attorney concerning any offense for which the child could be certified as an adult under this section. The prosecuting or circuit attorney shall have access to police reports, reports of the juvenile or deputy juvenile officer, statements of witnesses and all other records or reports relating to the offense alleged to have been committed by the child. The prosecuting or circuit attorney shall have access to the disposition records of the child when the child has been adjudicated pursuant to subdivision (3) of subsection 1 of section 211.031. The prosecuting attorney shall not divulge any information regarding the child and the offense until the juvenile court at a judicial hearing has determined that the child is not a proper subject to be dealt with under the provisions of this chapter.

6. A written report shall be prepared in accordance with this chapter developing fully all available information relevant to the criteria which shall be considered by the court in determining whether the child is a proper subject to be dealt with under the provisions of this chapter and whether there are reasonable prospects of rehabilitation within the juvenile justice system. These criteria shall include but not be limited to:

- (1) The seriousness of the offense alleged and whether the protection of the community requires transfer to the court of general jurisdiction;
- (2) Whether the offense alleged involved viciousness, force and violence;
- (3) Whether the offense alleged was against persons or property with greater weight being given to the offense against persons, especially if personal injury resulted;
- (4) Whether the offense alleged is a part of a repetitive pattern of offenses which indicates that the child may be beyond rehabilitation under the juvenile code;
- (5) The record and history of the child, including experience with the juvenile justice system, other courts, supervision, commitments to juvenile institutions and other placements;
- (6) The sophistication and maturity of the child as determined by consideration of his home and environmental situation, emotional condition and pattern of living;
- (7) The age of the child;
- (8) The program and facilities available to the juvenile court in considering disposition;
- (9) Whether or not the child can benefit from the treatment or rehabilitative programs available to the juvenile court; and
- (10) Racial disparity in certification.

7. If the court dismisses the petition to permit the child to be prosecuted under the general law, the court shall enter a dismissal order containing:

- (1) Findings showing that the court had jurisdiction of the cause and of the parties;
- (2) Findings showing that the child was represented by counsel;
- (3) Findings showing that the hearing was held in the presence of the child and his counsel; and
- (4) Findings showing the reasons underlying the court's decision to transfer jurisdiction.

8. A copy of the petition and order of the dismissal shall be sent to the prosecuting attorney.

9. When a petition has been dismissed thereby permitting a child to be prosecuted under the general law, the jurisdiction of the juvenile court over that child is forever terminated, except as provided in subsection 10 of this section, for an act that would be a violation of a state law or municipal ordinance.

10. If a petition has been dismissed thereby permitting a child to be prosecuted under the general law and the child is found not guilty by a court of general jurisdiction, the juvenile court shall have jurisdiction over any later offense committed by that child which would be considered a misdemeanor or felony if committed by an adult, subject to the certification provisions of this section.

11. If the court does not dismiss the petition to permit the child to be prosecuted under the general law, it shall set a date for the hearing upon the petition as provided in section 211.171.

211.447. 1. Any information that could justify the filing of a petition to terminate parental rights may be referred to the juvenile officer by any person. The juvenile officer shall make a preliminary inquiry and if it does not appear to the juvenile officer that a petition should be filed, such officer shall so notify the informant in writing within thirty days of the referral. Such notification shall include the reasons that the petition will not be filed. Thereupon, the informant may bring the matter directly to the attention of the judge of the juvenile court by presenting the information in writing, and if it appears to the judge that the information could justify the filing of a petition, the judge may order the juvenile officer to take further action, including making a further preliminary inquiry or filing a petition.

2. Except as provided for in subsection 4 of this section, a petition to terminate the parental rights of the child's parent or parents shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, when:

(1) Information available to the juvenile officer or the division establishes that the child has been in foster care for at least fifteen of the most recent twenty-two months; or

(2) A court of competent jurisdiction has determined the child to be an abandoned infant. For purposes of this subdivision, an "infant" means any child one year of age or under at the time of filing of the petition. The court may find that an infant has been abandoned if:

(a) The parent has left the child under circumstances that the identity of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child; or

(b) The parent has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so; or

(3) A court of competent jurisdiction has determined that the parent has:

(a) Committed murder of another child of the parent; or

(b) Committed voluntary manslaughter of another child of the parent; or

(c) Aided or abetted, attempted, conspired or solicited to commit such a murder or voluntary manslaughter;

or

(d) Committed a felony assault that resulted in serious bodily injury to the child or to another child of the parent.

3. A termination of parental rights petition shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, within sixty days of the judicial determinations required in subsection 2 of this section, except as provided in subsection 4 of this section. Failure to comply with this requirement shall not deprive the court of jurisdiction to adjudicate a petition for termination of parental rights which is filed outside of sixty days.

4. If grounds exist for termination of parental rights pursuant to subsection 2 of this section, the juvenile officer or the division may, but is not required to, file a petition to terminate the parental rights of the child's parent or parents if:

(1) The child is being cared for by a relative; or

(2) There exists a compelling reason for determining that filing such a petition would not be in the best interest of the child, as documented in the permanency plan which shall be made available for court review; or

(3) The family of the child has not been provided such services as provided for in section 211.183.

5. The juvenile officer or the division may file a petition to terminate the parental rights of the child's parent when it appears that one or more of the following grounds for termination exist:

(1) The child has been abandoned. For purposes of this subdivision a "child" means any child over one year of age at the time of filing of the petition. The court shall find that the child has been abandoned if, for a period of six months or longer:

(a) The parent has left the child under such circumstances that the identity of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child; or

(b) The parent has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so;

(2) The child has been abused or neglected. In determining whether to terminate parental rights pursuant to this subdivision, the court shall consider and make findings on the following conditions or acts of the parent:

(a) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(b) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control of the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control;

(c) A severe act or recurrent acts of physical, emotional or sexual abuse toward the child or any child in the family by the parent, including an act of incest, or by another under circumstances that indicate that the parent knew or should have known that such acts were being committed toward the child or any child in the family; or

(d) Repeated or continuous failure by the parent, although physically or financially able, to provide the child with adequate food, clothing, shelter, or education as defined by law, or other care and control necessary for the child's physical, mental, or emotional health and development. Nothing in this subdivision shall be construed to permit discrimination on the basis of disability or disease;

(3) The child has been under the jurisdiction of the juvenile court for a period of one year, and the court finds that the conditions which led to the assumption of jurisdiction still persist, or conditions of a potentially harmful nature continue to exist, that there is little likelihood that those conditions will be remedied at an early date so that the child can be returned to the parent in the near future, or the continuation of the parent-child relationship greatly diminishes the child's prospects for early integration into a stable and permanent home. In determining whether to terminate parental rights under this subdivision, the court shall consider and make findings on the following:

(a) The terms of a social service plan entered into by the parent and the division and the extent to which the parties have made progress in complying with those terms;

(b) The success or failure of the efforts of the juvenile officer, the division or other agency to aid the parent on a continuing basis in adjusting his circumstances or conduct to provide a proper home for the child;

(c) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(d) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control over the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control; or

(4) The parent has been found guilty or pled guilty to a felony violation of chapter 566 when the child or any child in the family was a victim, or a violation of section 568.020 when the child or any child in the family was a victim. As used in this subdivision, a "child" means any person who was under eighteen years of age at the time of the crime and who resided with such parent or was related within the third degree of consanguinity or affinity to such parent; or

(5) The child was conceived and born as a result of an act of forcible rape **or rape in the first degree**. When the biological father has pled guilty to, or is convicted of, the forcible rape **or rape in the first degree** of the birth mother, such a plea or conviction shall be conclusive evidence supporting the termination of the biological father's parental rights; or

(6) The parent is unfit to be a party to the parent and child relationship because of a consistent pattern of committing a specific abuse, including but not limited to abuses as defined in section 455.010, child abuse or drug abuse before the child or of specific conditions directly relating to the parent and child relationship either of which are determined by the court to be of a duration or nature that renders the parent unable, for the reasonably foreseeable future, to care appropriately for the ongoing physical, mental or emotional needs of the child. It is presumed that a parent is unfit to be a party to the parent-child relationship upon a showing that within a three-year period immediately prior to the termination adjudication, the parent's parental rights to one or more other children were involuntarily terminated pursuant to subsection 2 or 4 of this section or subdivisions (1), (2), (3) or (4) of subsection 5 of this section or similar laws of other states.

6. The juvenile court may terminate the rights of a parent to a child upon a petition filed by the juvenile officer or the division, or in adoption cases, by a prospective parent, if the court finds that the termination is in the best interest of the child and when it appears by clear, cogent and convincing evidence that grounds exist for termination pursuant to subsection 2, 4 or 5 of this section.

7. When considering whether to terminate the parent-child relationship pursuant to subsection 2 or 4 of this section or subdivision (1), (2), (3) or (4) of subsection 5 of this section, the court shall evaluate and make findings on the following factors, when appropriate and applicable to the case:

(1) The emotional ties to the birth parent;

(2) The extent to which the parent has maintained regular visitation or other contact with the child;

(3) The extent of payment by the parent for the cost of care and maintenance of the child when financially able to do so including the time that the child is in the custody of the division or other child-placing agency;

(4) Whether additional services would be likely to bring about lasting parental adjustment enabling a return of the child to the parent within an ascertainable period of time;

(5) The parent's disinterest in or lack of commitment to the child;

(6) The conviction of the parent of a felony offense that the court finds is of such a nature that the child will be deprived of a stable home for a period of years; provided, however, that incarceration in and of itself shall not be grounds for termination of parental rights;

(7) Deliberate acts of the parent or acts of another of which the parent knew or should have known that subjects the child to a substantial risk of physical or mental harm.

8. The court may attach little or no weight to infrequent visitations, communications, or contributions. It is irrelevant in a termination proceeding that the maintenance of the parent-child relationship may serve as an inducement for the parent's rehabilitation.

9. In actions for adoption pursuant to chapter 453, the court may hear and determine the issues raised in a petition for adoption containing a prayer for termination of parental rights filed with the same effect as a petition permitted pursuant to subsection 2, 4, or 5 of this section.

10. The disability or disease of a parent shall not constitute a basis for a determination that a child is a child in need of care, for the removal of custody of a child from the parent, or for the termination of parental rights without a specific showing that there is a causal relation between the disability or disease and harm to the child.

217.010. As used in this chapter and chapter 558, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Administrative segregation unit", a cell for the segregation of offenders from the general population of a facility for relatively extensive periods of time;

(2) "Board", the board of probation and parole;

(3) "Chief administrative officer", the institutional head of any correctional facility or his designee;

(4) "Correctional center", any premises or institution where incarceration, evaluation, care, treatment, or rehabilitation is provided to persons who are under the department's authority;

(5) "Department", the department of corrections of the state of Missouri;

(6) "Director", the director of the department of corrections or his designee;

(7) "Disciplinary segregation", a cell for the segregation of offenders from the general population of a correctional center because the offender has been found to have committed a violation of a division or facility rule and other available means are inadequate to regulate the offender's behavior;

(8) "Division", a statutorily created agency within the department or an agency created by the departmental organizational plan;

(9) "Division director", the director of a division of the department or his designee;

(10) "Local volunteer community board", a board of qualified local community volunteers selected by the court for the purpose of working in partnership with the court and the department of corrections in a reparative probation program;

(11) "Nonviolent offender", any offender who is convicted of a crime other than murder in the first or second degree, involuntary manslaughter, kidnapping, **rape in the first degree**, forcible rape, **sodomy in the first degree**, forcible sodomy, robbery in the first degree or assault in the first degree;

(12) "Offender", a person under supervision or an inmate in the custody of the department;

(13) "Probation", a procedure under which a defendant found guilty of a crime upon verdict or plea is released by the court without imprisonment, subject to conditions imposed by the court and subject to the supervision of the board;

(14) "Volunteer", any person who, of his own free will, performs any assigned duties for the department or its divisions with no monetary or material compensation.

339.100. 1. The commission may, upon its own motion, and shall upon receipt of a written complaint filed by any person, investigate any real estate-related activity of a licensee licensed under sections 339.010 to 339.180 and sections 339.710 to 339.860 or an individual or entity acting as or representing themselves as a real estate licensee. In conducting such investigation, if the questioned activity or written complaint involves an affiliated licensee, the commission may forward a copy of the information received to the affiliated licensee's designated broker. The commission shall have the power to hold an investigatory hearing to determine whether there is a probability of a violation of sections 339.010 to 339.180 and sections 339.710 to 339.860. The commission shall have the power to issue a subpoena to compel the production of records and papers bearing on the complaint. The commission shall have the

power to issue a subpoena and to compel any person in this state to come before the commission to offer testimony or any material specified in the subpoena. Subpoenas and subpoenas duces tecum issued pursuant to this section shall be served in the same manner as subpoenas in a criminal case. The fees and mileage of witnesses shall be the same as that allowed in the circuit court in civil cases.

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by the provisions of chapter 621 against any person or entity licensed under this chapter or any licensee who has failed to renew or has surrendered his or her individual or entity license for any one or any combination of the following acts:

(1) Failure to maintain and deposit in a special account, separate and apart from his or her personal or other business accounts, all moneys belonging to others entrusted to him or her while acting as a real estate broker or as the temporary custodian of the funds of others, until the transaction involved is consummated or terminated, unless all parties having an interest in the funds have agreed otherwise in writing;

(2) Making substantial misrepresentations or false promises or suppression, concealment or omission of material facts in the conduct of his or her business or pursuing a flagrant and continued course of misrepresentation through agents, salespersons, advertising or otherwise in any transaction;

(3) Failing within a reasonable time to account for or to remit any moneys, valuable documents or other property, coming into his or her possession, which belongs to others;

(4) Representing to any lender, guaranteeing agency, or any other interested party, either verbally or through the preparation of false documents, an amount in excess of the true and actual sale price of the real estate or terms differing from those actually agreed upon;

(5) Failure to timely deliver a duplicate original of any and all instruments to any party or parties executing the same where the instruments have been prepared by the licensee or under his or her supervision or are within his or her control, including, but not limited to, the instruments relating to the employment of the licensee or to any matter pertaining to the consummation of a lease, listing agreement or the purchase, sale, exchange or lease of property, or any type of real estate transaction in which he or she may participate as a licensee;

(6) Acting for more than one party in a transaction without the knowledge of all parties for whom he or she acts, or accepting a commission or valuable consideration for services from more than one party in a real estate transaction without the knowledge of all parties to the transaction;

(7) Paying a commission or valuable consideration to any person for acts or services performed in violation of sections 339.010 to 339.180 and sections 339.710 to 339.860;

(8) Guaranteeing or having authorized or permitted any licensee to guarantee future profits which may result from the resale of real property;

(9) Having been finally adjudicated and been found guilty of the violation of any state or federal statute which governs the sale or rental of real property or the conduct of the real estate business as defined in subsection 1 of section 339.010;

(10) Obtaining a certificate or registration of authority, permit or license for himself or herself or anyone else by false or fraudulent representation, fraud or deceit;

(11) Representing a real estate broker other than the broker with whom associated without the express written consent of the broker with whom associated;

(12) Accepting a commission or valuable consideration for the performance of any of the acts referred to in section 339.010 from any person except the broker with whom associated at the time the commission or valuable consideration was earned;

(13) Using prizes, money, gifts or other valuable consideration as inducement to secure customers or clients to purchase, lease, sell or list property when the awarding of such prizes, money, gifts or other valuable consideration is conditioned upon the purchase, lease, sale or listing; or soliciting, selling or offering for sale real property by offering free lots, or conducting lotteries or contests, or offering prizes for the purpose of influencing a purchaser or prospective purchaser of real property;

(14) Placing a sign on or advertising any property offering it for sale or rent without the written consent of the owner or his or her duly authorized agent;

(15) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of sections 339.010 to 339.180 and sections 339.710 to 339.860, or of any lawful rule adopted pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860;

(16) Committing any act which would otherwise be grounds for the commission to refuse to issue a license under section 339.040;

(17) Failure to timely inform seller of all written offers unless otherwise instructed in writing by the seller;

(18) Been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of this state or any other state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an

essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(19) Any other conduct which constitutes untrustworthy, improper or fraudulent business dealings, demonstrates bad faith or incompetence, misconduct, or gross negligence;

(20) Disciplinary action against the holder of a license or other right to practice any profession regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 granted by another state, territory, federal agency, or country upon grounds for which revocation, suspension, or probation is authorized in this state;

(21) Been found by a court of competent jurisdiction of having used any controlled substance, as defined in chapter 195, to the extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by sections 339.010 to 339.180 and sections 339.710 to 339.860;

(22) Been finally adjudged insane or incompetent by a court of competent jurisdiction;

(23) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 who is not registered and currently eligible to practice under sections 339.010 to 339.180 and sections 339.710 to 339.860;

(24) Use of any advertisement or solicitation which is knowingly false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(25) Making any material misstatement, misrepresentation, or omission with regard to any application for licensure or license renewal. As used in this section, "material" means important information about which the commission should be informed and which may influence a licensing decision;

(26) Engaging in, committing, or assisting any person in engaging in or committing mortgage fraud, as defined in section 443.930.

3. After the filing of such complaint, the proceedings will be conducted in accordance with the provisions of law relating to the administrative hearing commission. A finding of the administrative hearing commissioner that the licensee has performed or attempted to perform one or more of the foregoing acts shall be grounds for the suspension or revocation of his license by the commission, or the placing of the licensee on probation on such terms and conditions as the real estate commission shall deem appropriate, or the imposition of a civil penalty by the commission not to exceed two thousand five hundred dollars for each offense. Each day of a continued violation shall constitute a separate offense.

4. The commission may prepare a digest of the decisions of the administrative hearing commission which concern complaints against licensed brokers or salespersons and cause such digests to be mailed to all licensees periodically. Such digests may also contain reports as to new or changed rules adopted by the commission and other information of significance to licensees.

5. Notwithstanding other provisions of this section, a broker or salesperson's license shall be revoked, or in the case of an applicant, shall not be issued, if the licensee or applicant has pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any of the following offenses or offenses of a similar nature established under the laws of this, any other state, the United States, or any other country, notwithstanding whether sentence is imposed:

(1) Any dangerous felony as defined under section 556.061 or murder in the first degree;

(2) Any of the following sexual offenses: **rape in the first degree, forcible rape, rape**, statutory rape in the first degree, statutory rape in the second degree, **rape in the second degree**, sexual assault, **sodomy in the first degree**, forcible sodomy, statutory sodomy in the first degree, statutory sodomy in the second degree, child molestation in the first degree, child molestation in the second degree, **sodomy in the second degree**, deviate sexual assault, sexual misconduct involving a child, sexual misconduct in the first degree **under section 566.090 as it existed prior to August 28, 2013**, sexual abuse **under section 566.100 as it existed prior to August 28, 2013**, **sexual abuse in the first or second degree**, enticement of a child, or attempting to entice a child;

(3) Any of the following offenses against the family and related offenses: incest, abandonment of a child in the first degree, abandonment of a child in the second degree, endangering the welfare of a child in the first degree, abuse of a child, using a child in a sexual performance, promoting sexual performance by a child, or trafficking in children;

(4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree, promoting obscenity in the second degree when the penalty is enhanced to a class D felony, promoting child pornography in the first degree, promoting child pornography in the second degree, possession of child pornography in the first degree, possession of child pornography in the second degree, furnishing child pornography to a minor, furnishing pornographic materials to minors, or coercing acceptance of obscene material; and

(5) Mortgage fraud as defined in section 570.310.

6. A person whose license was revoked under subsection 5 of this section may appeal such revocation to the administrative hearing commission. Notice of such appeal must be received by the administrative hearing commission within ninety days of mailing, by certified mail, the notice of revocation. Failure of a person whose license was revoked

to notify the administrative hearing commission of his or her intent to appeal waives all rights to appeal the revocation. Upon notice of such person's intent to appeal, a hearing shall be held before the administrative hearing commission.

556.036. 1. A prosecution for murder, **rape in the first degree**, forcible rape, **attempted rape in the first degree**, attempted forcible rape, **sodomy in the first degree**, forcible sodomy, **attempted sodomy in the first degree**, attempted forcible sodomy, or any class A felony may be commenced at any time.

2. Except as otherwise provided in this section, prosecutions for other offenses must be commenced within the following periods of limitation:

- (1) For any felony, three years, except as provided in subdivision (4) of this subsection;
- (2) For any misdemeanor, one year;
- (3) For any infraction, six months;
- (4) For any violation of section 569.040, when classified as a class B felony, or any violation of section 569.050 or 569.055, five years.

3. If the period prescribed in subsection 2 of this section has expired, a prosecution may nevertheless be commenced for:

(1) Any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself or herself not a party to the offense, but in no case shall this provision extend the period of limitation by more than three years. As used in this subdivision, the term "person who has a legal duty to represent an aggrieved party" shall mean the attorney general or the prosecuting or circuit attorney having jurisdiction pursuant to section 407.553, for purposes of offenses committed pursuant to sections 407.511 to 407.556; and

(2) Any offense based upon misconduct in office by a public officer or employee at any time when the defendant is in public office or employment or within two years thereafter, but in no case shall this provision extend the period of limitation by more than three years; and

(3) Any offense based upon an intentional and willful fraudulent claim of child support arrearage to a public servant in the performance of his or her duties within one year after discovery of the offense, but in no case shall this provision extend the period of limitation by more than three years.

4. An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed.

5. A prosecution is commenced for a misdemeanor or infraction when the information is filed and for a felony when the complaint or indictment is filed.

6. The period of limitation does not run:

(1) During any time when the accused is absent from the state, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years; or

(2) During any time when the accused is concealing himself from justice either within or without this state;

or

(3) During any time when a prosecution against the accused for the offense is pending in this state; or

(4) During any time when the accused is found to lack mental fitness to proceed pursuant to section 552.020.

556.037. Notwithstanding the provisions of section 556.036, prosecutions for unlawful sexual offenses involving a person eighteen years of age or under must be commenced within thirty years after the victim reaches the age of eighteen unless the prosecutions are for **rape in the first degree**, forcible rape, **attempted rape in the first degree**, attempted forcible rape, **sodomy in the first degree**, forcible sodomy, kidnapping, **attempted sodomy in the first degree**, or attempted forcible sodomy in which case such prosecutions may be commenced at any time.

556.061. In this code, unless the context requires a different definition, the following shall apply:

(1) "Affirmative defense" has the meaning specified in section 556.056;

(2) "Burden of injecting the issue" has the meaning specified in section 556.051;

(3) "Commercial film and photographic print processor", any person who develops exposed photographic film into negatives, slides or prints, or who makes prints from negatives or slides, for compensation. The term commercial film and photographic print processor shall include all employees of such persons but shall not include a person who develops film or makes prints for a public agency;

(4) "Confinement":

(a) A person is in confinement when such person is held in a place of confinement pursuant to arrest or order of a court, and remains in confinement until:

a. A court orders the person's release; or

- b. The person is released on bail, bond, or recognizance, personal or otherwise; or
- c. A public servant having the legal power and duty to confine the person authorizes his release without guard and without condition that he return to confinement;
- (b) A person is not in confinement if:
 - a. The person is on probation or parole, temporary or otherwise; or
 - b. The person is under sentence to serve a term of confinement which is not continuous, or is serving a sentence under a work-release program, and in either such case is not being held in a place of confinement or is not being held under guard by a person having the legal power and duty to transport the person to or from a place of confinement;
- (5) "Consent": consent or lack of consent may be expressed or implied. Assent does not constitute consent if:
 - (a) It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or
 - (b) It is given by a person who by reason of youth, mental disease or defect, [or] intoxication, **a drug-induced state, or any other reason** is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or
 - (c) It is induced by force, duress or deception;
- (6) "Criminal negligence" has the meaning specified in section 562.016;
- (7) "Custody", a person is in custody when the person has been arrested but has not been delivered to a place of confinement;
- (8) "Dangerous felony" means the felonies of arson in the first degree, assault in the first degree, **attempted rape in the first degree if physical injury results**, attempted forcible rape if physical injury results, **attempted sodomy in the first degree if physical injury results**, attempted forcible sodomy if physical injury results, **rape in the first degree**, forcible rape, **sodomy in the first degree**, forcible sodomy, kidnapping, murder in the second degree, assault of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, statutory rape in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, statutory sodomy in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, and, abuse of a child [pursuant to subdivision (2) of subsection 3 of] **if the child dies as a result of injuries sustained from conduct chargeable under** section 568.060, child kidnapping, and parental kidnapping committed by detaining or concealing the whereabouts of the child for not less than one hundred twenty days under section 565.153;
- (9) "Dangerous instrument" means any instrument, article or substance, which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury;
- (10) "Deadly weapon" means any firearm, loaded or unloaded, or any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged, or a switchblade knife, dagger, billy, blackjack or metal knuckles;
- (11) "Felony" has the meaning specified in section 556.016;
- (12) "Forcible compulsion" means either:
 - (a) Physical force that overcomes reasonable resistance; or
 - (b) A threat, express or implied, that places a person in reasonable fear of death, serious physical injury or kidnapping of such person or another person;
- (13) "Incapacitated" means that physical or mental condition, temporary or permanent, in which a person is unconscious, unable to appraise the nature of such person's conduct, or unable to communicate unwillingness to an act[. A person is not incapacitated with respect to an act committed upon such person if he or she became unconscious, unable to appraise the nature of such person's conduct or unable to communicate unwillingness to an act, after consenting to the act];
- (14) "Infraction" has the meaning specified in section 556.021;
- (15) "Inhabitable structure" has the meaning specified in section 569.010;
- (16) "Knowingly" has the meaning specified in section 562.016;
- (17) "Law enforcement officer" means any public servant having both the power and duty to make arrests for violations of the laws of this state, and federal law enforcement officers authorized to carry firearms and to make arrests for violations of the laws of the United States;
- (18) "Misdemeanor" has the meaning specified in section 556.016;
- (19) "Offense" means any felony, misdemeanor or infraction;
- (20) "Physical injury" means physical pain, illness, or any impairment of physical condition;
- (21) "Place of confinement" means any building or facility and the grounds thereof wherein a court is legally authorized to order that a person charged with or convicted of a crime be held;
- (22) "Possess" or "possessed" means having actual or constructive possession of an object with knowledge of its presence. A person has actual possession if such person has the object on his or her person or within easy reach and

convenient control. A person has constructive possession if such person has the power and the intention at a given time to exercise dominion or control over the object either directly or through another person or persons. Possession may also be sole or joint. If one person alone has possession of an object, possession is sole. If two or more persons share possession of an object, possession is joint;

(23) "Public servant" means any person employed in any way by a government of this state who is compensated by the government by reason of such person's employment, any person appointed to a position with any government of this state, or any person elected to a position with any government of this state. It includes, but is not limited to, legislators, jurors, members of the judiciary and law enforcement officers. It does not include witnesses;

(24) "Purposely" has the meaning specified in section 562.016;

(25) "Recklessly" has the meaning specified in section 562.016;

(26) "Ritual" or "ceremony" means an act or series of acts performed by two or more persons as part of an established or prescribed pattern of activity;

(27) "Serious emotional injury", an injury that creates a substantial risk of temporary or permanent medical or psychological damage, manifested by impairment of a behavioral, cognitive or physical condition. Serious emotional injury shall be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty;

(28) "Serious physical injury" means physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body;

(29) "Sexual conduct" means acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification;

(30) "Sexual contact" means any touching of the genitals or anus of any person, or the breast of any female person, or any such touching through the clothing, for the purpose of arousing or gratifying sexual desire of any person;

(31) "Sexual performance", any performance, or part thereof, which includes sexual conduct by a child who is less than seventeen years of age;

(32) "Voluntary act" has the meaning specified in section 562.011.

558.018. 1. The court shall sentence a person [who has pleaded guilty to or] **to an extended term of imprisonment if it finds the defendant is a persistent sexual offender and** has been found guilty of [the felony of forcible rape, statutory rape in the first degree, forcible sodomy, statutory sodomy in the first degree or an attempt to commit any of the crimes designated in this subsection to an extended term of imprisonment if it finds the defendant is a persistent sexual offender] **attempting to commit or committing the following offenses:**

(1) **Statutory rape in the first degree or statutory sodomy in the first degree;**

(2) **Rape in the first degree or sodomy in the first degree attempted or committed on or after August 28, 2013;**

(3) **Forcible rape committed or attempted any time during the period of August 13, 1980 to August 27, 2013;**

(4) **Forcible sodomy committed or attempted any time during the period of January 1, 1995 to August 27, 2013;**

(5) **Rape committed or attempted before August 13, 1980;**

(6) **Sodomy committed or attempted before January 1, 1995.**

2. A "persistent sexual offender" is one who has previously [pleaded guilty to or has been found guilty of the felony of forcible rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the first degree or an attempt to commit any of the crimes designated in this subsection] **been found guilty of attempting to commit or committing any of the offenses listed in subsection 1 of this section.**

3. The term of imprisonment for one found to be a persistent sexual offender shall be imprisonment for life without eligibility for probation or parole. Subsection 4 of section 558.019 shall not apply to any person imprisoned under this subsection, and "imprisonment for life" shall mean imprisonment for the duration of the person's natural life.

4. The court shall sentence a person [who has pleaded guilty to or has] **to an extended term of imprisonment as provided for in this section if it finds the defendant is a predatory sexual offender and** has been found guilty of [the felony of forcible rape, statutory rape in the first degree, forcible sodomy, statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes or] **committing or attempting to commit any of the offenses listed in subsection 1 of this section or committing** child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony to an extended term of imprisonment as provided for in this section if it finds the defendant is a predatory sexual offender.

5. For purposes of this section, a "predatory sexual offender" is a person who:

(1) Has previously [pleaded guilty to or has] been found guilty of [the felony of forcible rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes or] **committing or attempting to commit any of the offenses listed in subsection 1 of this section, or committing** child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony; or

(2) Has previously committed an act which would constitute an offense listed in subsection 4 of this section, whether or not the act resulted in a conviction; or

(3) Has committed an act or acts against more than one victim which would constitute an offense or offenses listed in subsection 4 of this section, whether or not the defendant was charged with an additional offense or offenses as a result of such act or acts.

6. A person found to be a predatory sexual offender shall be imprisoned for life with eligibility for parole, however subsection 4 of section 558.019 shall not apply to persons found to be predatory sexual offenders for the purposes of determining the minimum prison term or the length of sentence as defined or used in such subsection. Notwithstanding any other provision of law, in no event shall a person found to be a predatory sexual offender receive a final discharge from parole.

7. Notwithstanding any other provision of law, the court shall set the minimum time required to be served before a predatory sexual offender is eligible for parole, conditional release or other early release by the department of corrections. The minimum time to be served by a person found to be a predatory sexual offender who:

(1) Has previously [pleaded guilty to or has] been found guilty of [the felony of forcible rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes and pleads guilty to or is found guilty of the felony of forcible rape, statutory rape in the first degree, forcible sodomy, statutory sodomy in the first degree or an attempt to commit any of the preceding crimes] **committing or attempting to commit any of the offenses listed in subsection 1 of this section and is found guilty of committing or attempting to commit any of the offenses listed in subsection 1 of this section** shall be any number of years but not less than thirty years;

(2) Has previously pleaded guilty to or has been found guilty of child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony and [pleads guilty to or] is found guilty of attempting to commit or committing [forcible rape, statutory rape in the first degree, forcible sodomy or statutory sodomy in the first degree] **any of the offenses listed in subsection 1 of this section** shall be any number of years but not less than fifteen years;

(3) Has previously [pleaded guilty to or has] been found guilty of [the felony of forcible rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes and pleads guilty to or is found guilty of] **committing or attempting to commit any of the offenses listed in subsection 1 of this section, or committing** child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony shall be any number of years but not less than fifteen years;

(4) Has previously pleaded guilty to or has been found guilty of child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony, and pleads guilty to or is found guilty of child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony shall be any number of years but not less than fifteen years;

(5) Is found to be a predatory sexual offender pursuant to subdivision (2) or (3) of subsection 5 of this section shall be any number of years within the range to which the person could have been sentenced pursuant to the applicable law if the person was not found to be a predatory sexual offender.

8. Notwithstanding any provision of law to the contrary, the department of corrections, or any division thereof, may not furlough an individual found to be and sentenced as a persistent sexual offender or a predatory sexual offender.

558.026. 1. Multiple sentences of imprisonment shall run concurrently unless the court specifies that they shall run consecutively; except [that,] in the case of multiple sentences of imprisonment imposed for [the felony of rape, forcible rape, sodomy, forcible sodomy or] **any offense committed during or at the same time as, or multiple offenses of, the following felonies:**

(1) **Rape in the first degree, forcible rape, or rape;**

(2) **Statutory rape in the first degree;**

(3) **Sodomy in the first degree, forcible sodomy, or sodomy;**

(4) **Statutory sodomy in the first degree; or**

(5) An attempt to commit any of the [aforesaid and for other offenses committed during or at the same time as that rape, forcible rape, sodomy, forcible sodomy or an attempt to commit any of the aforesaid, the sentences of imprisonment imposed for the other offenses may run concurrently, but] **felonies listed in this subsection.**

In such case, the sentence of imprisonment imposed for [the felony of rape, forcible rape, sodomy, forcible sodomy] **any felony listed in this subsection** or an attempt to commit any of the aforesaid shall run consecutively to the other sentences. **The sentences imposed for any other offense may run concurrently.**

2. If a person who is on probation, parole or conditional release is sentenced to a term of imprisonment for an offense committed after the granting of probation or parole or after the start of his conditional release term, the court shall direct the manner in which the sentence or sentences imposed by the court shall run with respect to any resulting probation, parole or conditional release revocation term or terms. If the subsequent sentence to imprisonment is in another jurisdiction, the court shall specify how any resulting probation, parole or conditional release revocation term or terms shall run with respect to the foreign sentence of imprisonment.

3. A court may cause any sentence it imposes to run concurrently with a sentence an individual is serving or is to serve in another state or in a federal correctional center. If the Missouri sentence is served in another state or in a federal correctional center, subsection 4 of section 558.011 and section 217.690 shall apply as if the individual were serving his sentence within the department of corrections of the state of Missouri, except that a personal hearing before the board of probation and parole shall not be required for parole consideration.

559.115. 1. Neither probation nor parole shall be granted by the circuit court between the time the transcript on appeal from the offender's conviction has been filed in appellate court and the disposition of the appeal by such court.

2. Unless otherwise prohibited by subsection [5] **8** of this section, a circuit court only upon its own motion and not that of the state or the offender shall have the power to grant probation to an offender anytime up to one hundred twenty days after such offender has been delivered to the department of corrections but not thereafter. The court may request information and a recommendation from the department concerning the offender and such offender's behavior during the period of incarceration. Except as provided in this section, the court may place the offender on probation in a program created pursuant to section 217.777, or may place the offender on probation with any other conditions authorized by law.

3. The court may recommend placement of an offender in a department of corrections one hundred twenty-day program under this [section] **subsection** or order such placement under subsection 4 of section 559.036. Upon the recommendation or order of the court, the department of corrections shall assess each offender to determine the appropriate **one hundred twenty-day** program in which to place the offender, [including] **which may include placement in the shock incarceration program** or institutional treatment **program**. When the court recommends and receives placement of an offender in a department of corrections one hundred twenty-day program, the offender shall be released on probation if the department of corrections determines that the offender has successfully completed the program except as follows. Upon successful completion of a [treatment] program **under this subsection**, the board of probation and parole shall advise the sentencing court of an offender's probationary release date thirty days prior to release. [The court shall release the offender unless such release constitutes an abuse of discretion. If the court determined that there is an abuse of discretion, the court may order the execution of the offender's sentence only after conducting a hearing on the matter within ninety to one hundred twenty days of the offender's sentence. If the court does not respond when an offender successfully completes the program, the offender shall be released on probation. Upon successful completion of a shock incarceration program, the board of probation and parole shall advise the sentencing court of an offender's probationary release date thirty days prior to release.] The court shall follow the recommendation of the department unless the court determines that probation is not appropriate. If the court determines that probation is not appropriate, the court may order the execution of the offender's sentence only after conducting a hearing on the matter within ninety to one hundred twenty days [of the offender's sentence. If the department determines that an offender is not successful in a program, then after one hundred days of incarceration the circuit court shall receive from] **from the date the offender was delivered to the department of corrections. If the department determines the offender has not successfully completed a one hundred twenty-day program under this subsection, the offender shall be removed from the program and the court shall be advised of the removal.** The department [of corrections a] **shall** report on the offender's participation in the program and [department] **may provide** recommendations for terms and conditions of an offender's probation. The court shall then [release the offender on probation or order the offender to remain in the department to serve the sentence imposed] **have the power to grant probation or order the execution of the offender's sentence.**

4. **If the court is advised that an offender is not eligible for placement in a one hundred twenty-day program under subsection 3 of this section, the court shall consider other authorized dispositions.** If the department of corrections one hundred twenty-day program **under subsection 3 of this section** is full, the court may place the offender in a private program approved by the department of corrections or the court, the expenses of such program to be paid by the offender, or in an available program offered by another organization. If the offender is convicted of a class C or class D nonviolent felony, the court may order probation while awaiting appointment to treatment.

5. Except when the offender has been found to be a predatory sexual offender pursuant to section 558.018, the court shall request [that the offender be placed in the sexual offender assessment unit of the department of corrections] **the department of corrections to conduct a sexual offender assessment** if the defendant has pleaded guilty to or has been found guilty of sexual abuse when classified as a class B felony. **Upon completion of the assessment, the department shall provide to the court a report on the offender and may provide recommendations for terms and conditions of an offender's probation. The assessment shall not be considered a one hundred twenty-day program as provided under subsection 3 of this section. The process for granting probation to an offender who has completed the assessment shall be as provided under subsections 2 and 6 of this section.**

6. Unless the offender is being granted probation pursuant to successful completion of a one hundred twenty-day program the circuit court shall notify the state in writing when the court intends to grant probation to the offender pursuant to the provisions of this section. The state may, in writing, request a hearing within ten days of receipt of the court's notification that the court intends to grant probation. Upon the state's request for a hearing, the court shall grant a hearing as soon as reasonably possible. If the state does not respond to the court's notice in writing within ten days, the court may proceed upon its own motion to grant probation.

7. An offender's first incarceration [for one hundred twenty days for participation in a department of corrections program] **under this section** prior to release on probation shall not be considered a previous prison commitment for the purpose of determining a minimum prison term under the provisions of section 558.019.

8. Notwithstanding any other provision of law, probation may not be granted pursuant to this section to offenders who have been convicted of murder in the second degree pursuant to section 565.021; forcible rape pursuant to section 566.030 **as it existed prior to August 28, 2013; rape in the first degree under section 566.030**; forcible sodomy pursuant to section 566.060 **as it existed prior to August 28, 2013; sodomy in the first degree under section 566.060**; statutory rape in the first degree pursuant to section 566.032; statutory sodomy in the first degree pursuant to section 566.062; child molestation in the first degree pursuant to section 566.067 when classified as a class A felony; abuse of a child pursuant to section 568.060 when classified as a class A felony; an offender who has been found to be a predatory sexual offender pursuant to section 558.018; or any offense in which there exists a statutory prohibition against either probation or parole.

559.117. 1. The director of the department of corrections is authorized to establish, as a three-year pilot program, a mental health assessment process.

2. Only upon a motion filed by the prosecutor in a criminal case, the judge who is hearing the criminal case in a participating county may request that an offender be placed in the department of corrections for one hundred twenty days for a mental health assessment and for treatment if it appears that the offender has a mental disorder or mental illness such that the offender may qualify for probation including community psychiatric rehabilitation (CPR) programs and such probation is appropriate and not inconsistent with public safety. Before the judge rules upon the motion, the victim shall be given notice of such motion and the opportunity to be heard. Upon recommendation of the court, the department shall determine the offender's eligibility for the mental health assessment process.

3. Following this assessment and treatment period, an assessment report shall be sent to the sentencing court and the sentencing court may, if appropriate, release the offender on probation. The offender shall be supervised on probation by a state probation and parole officer, who shall work cooperatively with the department of mental health to enroll eligible offenders in community psychiatric rehabilitation (CPR) programs.

4. Notwithstanding any other provision of law, probation shall not be granted under this section to offenders who:

- (1) Have been found guilty of, or plead guilty to, murder in the second degree under section 565.021;
- (2) Have been found guilty of, or plead guilty to, **rape in the first degree under section 566.030 or forcible rape under section 566.030 as it existed prior to August 28, 2013;**
- (3) Have been found guilty of, or plead guilty to, statutory rape in the first degree under section 566.032;
- (4) Have been found guilty of, or plead guilty to, **sodomy in the first degree under section 566.060 or forcible sodomy under section 566.060 as it existed prior to August 28, 2013;**
- (5) Have been found guilty of, or plead guilty to, statutory sodomy in the first degree under section 566.062;
- (6) Have been found guilty of, or plead guilty to, child molestation in the first degree under section 566.067 when classified as a class A felony;
- (7) Have been found to be a predatory sexual offender under section 558.018; or
- (8) Have been found guilty of, or plead guilty to, any offense for which there exists a statutory prohibition against either probation or parole.

5. At the end of the three-year pilot, the director of the department of corrections and the director of the department of mental health shall jointly submit recommendations to the governor and to the general assembly by December 31, 2015, on whether to expand the process statewide.

566.020. 1. [Whenever in this chapter the criminality of conduct depends upon a victim's being incapacitated, no crime is committed if the actor reasonably believed that the victim was not incapacitated and reasonably believed that the victim consented to the act. The defendant shall have the burden of injecting the issue of belief as to capacity and consent.

2.] Whenever in this chapter the criminality of conduct depends upon a child being thirteen years of age or younger, it is no defense that the defendant believed the child to be older.

[3.] 2. Whenever in this chapter the criminality of conduct depends upon a child being under seventeen years of age, it is an affirmative defense that the defendant reasonably believed that the child was seventeen years of age or older.

[4.] 3. Consent is not an affirmative defense to any offense under chapter 566 if the alleged victim is less than twelve years of age.

566.030. 1. A person commits the [crime] **offense of [forcible] rape in the first degree** if [such person] **he or she** has sexual intercourse with another person **who is incapacitated, incapable of consent, or lacks the capacity to consent, or** by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.

2. [Forcible] **The offense of rape in the first degree** or an attempt to commit [forcible] **rape in the first degree** is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless:

(1) In the course thereof the actor inflicts serious physical injury or displays a deadly weapon or dangerous instrument in a threatening manner or subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person, in which case the authorized term of imprisonment is life imprisonment or a term of years not less than fifteen years;

(2) The victim is a child less than twelve years of age, in which case the required term of imprisonment is life imprisonment without eligibility for probation or parole until the [defendant] **offender** has served not less than thirty years of such sentence or unless the [defendant] **offender** has reached the age of seventy-five years and has served at least fifteen years of such sentence, unless such [forcible] **rape in the first degree** is described under subdivision (3) of this subsection; or

(3) The victim is a child less than twelve years of age and such [forcible] **rape in the first degree or attempt to commit rape in the first degree** was outrageously or wantonly vile, horrible or inhumane, in that it involved torture or depravity of mind, in which case the required term of imprisonment is life imprisonment without eligibility for probation, parole or conditional release.

3. Subsection 4 of section 558.019 shall not apply to the sentence of a person who has [pleaded guilty to or has] been found guilty of [forcible] **rape in the first degree or attempt to commit rape in the first degree** when the victim is [under the age of] **less than twelve years of age**, and "life imprisonment" shall mean imprisonment for the duration of a person's natural life for the purposes of this section.

4. No person found guilty of [or pleading guilty to forcible] **rape in the first degree** or an attempt to commit [forcible] **rape in the first degree** shall be granted a suspended imposition of sentence or suspended execution of sentence.

[566.040.] **566.031.** 1. A person commits the [crime] **offense of [sexual assault] rape in the second degree** if he **or she** has sexual intercourse with another person knowing that he **or she** does so without that person's consent.

2. [Sexual assault] **The offense of rape in the second degree** is a class C felony.

566.060. 1. A person commits the [crime] **offense of [forcible] sodomy in the first degree** if [such person] **he or she** has deviate sexual intercourse with another person **who is incapacitated, incapable of consent, or lacks the capacity to consent, or** by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.

2. [Forcible] **The offense of sodomy in the first degree** or an attempt to commit [forcible] **sodomy in the first degree** is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless:

(1) In the course thereof the actor inflicts serious physical injury or displays a deadly weapon or dangerous instrument in a threatening manner or subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person, in which case the authorized term of imprisonment is life imprisonment or a term of years not less than ten years; or

(2) The victim is a child less than twelve years [of age] **old**, in which case the required term of imprisonment is life imprisonment without eligibility for probation or parole until the [defendant] **offender** has served not less than thirty years of such sentence or unless the [defendant] **offender** has reached the age of seventy-five years and has served at least fifteen years of such sentence, unless such [forcible] sodomy **in the first degree** is described under subdivision (3) of this subsection; or

(3) The victim is a child less than twelve years of age and such [forcible] sodomy **in the first degree or attempt to commit sodomy in the first degree** was outrageously or wantonly vile, horrible or inhumane, in that it involved torture or depravity of mind, in which case the required term of imprisonment is life imprisonment without eligibility for probation, parole or conditional release.

3. Subsection 4 of section 558.019 shall not apply to the sentence of a person who has [pleaded guilty to or has] been found guilty of [forcible] sodomy **in the first degree or an attempt to commit sodomy in the first degree** when the victim is [under the age of] **less than twelve years of age**, and "life imprisonment" shall mean imprisonment for the duration of a person's natural life for the purposes of this section.

4. No person found guilty of [or pleading guilty to forcible] sodomy **in the first degree** or an attempt to commit [forcible] sodomy **in the first degree** shall be granted a suspended imposition of sentence or suspended execution of sentence.

[566.070.] **566.061.** 1. A person commits the [crime of deviate sexual assault] **offense of sodomy in the second degree** if he **or she** has deviate sexual intercourse with another person knowing that he **or she** does so without that person's consent.

2. [Deviate sexual assault] **The offense of sodomy in the second degree** is a class C felony.

566.093. 1. A person commits the [crime] **offense** of sexual misconduct in the [second] **first degree** if such person:

(1) Exposes his or her genitals under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm;

(2) Has sexual contact in the presence of a third person or persons under circumstances in which he or she knows that such conduct is likely to cause affront or alarm; or

(3) Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person.

2. **The offense of** sexual misconduct in the [second] **first degree** is a class B misdemeanor unless the [actor] **person** has previously been [convicted] **found guilty** of an offense under this chapter, in which case it is a class A misdemeanor.

566.095. 1. A person commits the [crime] **offense** of sexual misconduct in the [third] **second degree** if he **or she** solicits or requests another person to engage in sexual conduct under circumstances in which he **or she** knows that [his requests] **such request** or solicitation is likely to cause affront or alarm.

2. **The offense of** sexual misconduct in the [third] **second degree** is a class C misdemeanor.

566.100. 1. A person commits the [crime] **offense** of sexual abuse **in the first degree** if he **or she** subjects another person to sexual contact **when that person is incapacitated, incapable of consent, or lacks the capacity to consent, or** by the use of forcible compulsion.

2. **The offense of** sexual abuse **in the first degree** is a class C felony unless in the course thereof the actor inflicts serious physical injury or displays a deadly weapon or dangerous instrument in a threatening manner or subjects the victim to sexual contact with more than one person or the victim is less than fourteen years of age, in which case [the crime] **it** is a class B felony.

[566.090.] **566.101.** 1. A person commits the [crime] **offense** of sexual [misconduct] **abuse** in the [first] **second degree** if [such person] **he or she** purposely subjects another person to sexual contact without that person's consent.

2. **The offense of** sexual [misconduct] **abuse** in the [first] **second degree** is a class A misdemeanor, unless the actor has previously been convicted of an offense under this chapter or unless in the course thereof the actor displays a deadly weapon in a threatening manner or the offense is committed as a part of a ritual or ceremony, in which case it is a class D felony.

566.224. No prosecuting or circuit attorney, peace officer, governmental official, or employee of a law enforcement agency shall request or require a victim of **rape in the second degree under section 566.031**, sexual assault under section 566.040 **as it existed prior to August 28, 2013**, **rape in the first degree under section 566.030**, or

forcible rape under section 566.030 **as it existed prior to August 28, 2013** to submit to any polygraph test or psychological stress evaluator exam as a condition for proceeding with a criminal investigation of such crime.

566.226. 1. After August 28, 2007, any information contained in any court record, whether written or published on the internet, that could be used to identify or locate any victim of sexual assault, domestic assault, stalking, **rape in the first or second degree**, or forcible rape shall be closed and redacted from such record prior to disclosure to the public. Identifying information shall include the name, home or temporary address, telephone number, Social Security number or physical characteristics.

2. If the court determines that a person or entity who is requesting identifying information of a victim has a legitimate interest in obtaining such information, the court may allow access to the information, but only if the court determines that disclosure to the person or entity would not compromise the welfare or safety of such victim.

3. Notwithstanding the provisions of subsection 1 of this section, the judge presiding over a sexual assault, domestic assault, stalking, [or] forcible rape, **or rape in the first or second degree** case shall have the discretion to publicly disclose identifying information regarding the defendant which could be used to identify or locate the victim of the crime. The victim may provide a statement to the court regarding whether he or she desires such information to remain closed. When making the decision to disclose such information, the judge shall consider the welfare and safety of the victim and any statement to the court received from the victim regarding the disclosure.

589.015. As used in sections 589.010 to 589.040:

(1) The term "center" shall mean the state center for the prevention and control of sexual assault established pursuant to section 589.030;

(2) The term "sexual assault" shall include:

(a) The acts of rape **in the first or second degree**, forcible rape, **rape**, statutory rape in the first degree, statutory rape in the second degree, sexual assault, sodomy **in the first or second degree**, forcible sodomy, **sodomy**, statutory sodomy in the first degree, statutory sodomy in the second degree, child molestation in the first degree, child molestation in the second degree, deviate sexual assault, sexual misconduct and sexual abuse, or attempts to commit any of the aforesaid, as these acts are defined in chapter 566;

(b) The act of incest, as this act is defined in section 568.020;

(c) The act of abuse of a child, as defined in subdivision (1) of subsection 1 of section 568.060, which involves sexual contact, and as defined in subdivision (2) of subsection 1 of section 568.060;

(d) The act of use of a child in a sexual performance as defined in section 568.080; and

(e) The act of enticement of a child, as defined in section 566.151, or any attempt to commit such act.

590.700. 1. As used in this section, the following terms shall mean:

(1) "Custodial interrogation", the questioning of a person under arrest, who is no longer at the scene of the crime, by a member of a law enforcement agency along with the answers and other statements of the person questioned. "Custodial interrogation" shall not include:

(a) A situation in which a person voluntarily agrees to meet with a member of a law enforcement agency;

(b) A detention by a law enforcement agency that has not risen to the level of an arrest;

(c) Questioning that is routinely asked during the processing of the arrest of the suspect;

(d) Questioning pursuant to an alcohol influence report;

(e) Questioning during the transportation of a suspect;

(2) "Recorded" and "recording", any form of audiotape, videotape, motion picture, or digital recording.

2. All custodial interrogations of persons suspected of committing or attempting to commit murder in the first degree, murder in the second degree, assault in the first degree, assault of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, arson in the first degree, **rape in the first degree**, forcible rape, **sodomy in the first degree**, forcible sodomy, kidnapping, statutory rape in the first degree, statutory sodomy in the first degree, child abuse, or child kidnapping shall be recorded when feasible.

3. Law enforcement agencies may record an interrogation in any circumstance with or without the knowledge or consent of a suspect, but they shall not be required to record an interrogation under subsection 2 of this section:

(1) If the suspect requests that the interrogation not be recorded;

(2) If the interrogation occurs outside the state of Missouri;

(3) If exigent public safety circumstances prevent recording;

(4) To the extent the suspect makes spontaneous statements;

(5) If the recording equipment fails; or

(6) If recording equipment is not available at the location where the interrogation takes place.

4. Each law enforcement agency shall adopt a written policy to record custodial interrogations of persons suspected of committing or attempting to commit the felony crimes described in subsection 2 of this section.

5. If a law enforcement agency fails to comply with the provisions of this section, the governor may withhold any state funds appropriated to the noncompliant law enforcement agency if the governor finds that the agency did not act in good faith in attempting to comply with the provisions of this section.

6. Nothing in this section shall be construed as a ground to exclude evidence, and a violation of this section shall not have impact other than that provided for in subsection 5 of this section. Compliance or noncompliance with this section shall not be admitted as evidence, argued, referenced, considered or questioned during a criminal trial.

7. Nothing contained in this section shall be construed to authorize, create, or imply a private cause of action."; and

Further amend said bill, Page 1, Section 632.480, Line 11, by inserting immediately after "felonies of" the following:

"rape in the first degree,"; and

Further amend Line 12, by inserting immediately after "degree," the following:

"sodomy in the first degree,"; and

Further amend Line 14, by inserting immediately after "first degree," the following:

"rape in the second degree,"; and

Further amend Line 15, by inserting immediately after "first degree," the following:

"sodomy in the second degree,"; and

Further amend said bill, Page 8, Section B, Line 2, by inserting immediately after "offenses" the following:

"and to protect children"; and

Further amend said line, by striking "section 632.480 of section A" and inserting in lieu thereof the following:

"sections 556.061, 568.060, and 632.480"; and

Further amend Lines 5-6, by striking "section 632.480 of section A" and inserting in lieu thereof the following:

"sections 556.061, 568.060, and 632.480"; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 3

AMEND Senate Committee Substitute for House Bill No. 301, Page 1, Section Title, Line 3, by striking the words "civil commitment of sexually violent predators" and inserting in lieu thereof the following:

"sex offenders"; and

Further amend said bill and page, Section A, Line 3, by inserting after all of said line the following:

"43.650. 1. The patrol shall, subject to appropriation, maintain a [web page] **website** on the internet which shall be open to the public and shall include a registered sexual offender search capability.

2. The registered sexual offender search shall make it possible for any person using the internet to search for and find the information specified in subsection 4 of this section, if known, on offenders registered in this state pursuant

to sections 589.400 to 589.425, except that only persons who have been convicted of, found guilty of or plead guilty to committing, attempting to commit, or conspiring to commit sexual offenses shall be included on this website.

3. The registered sexual offender search shall include the capability to search for sexual offenders by name, zip code, and by typing in an address and specifying a search within a certain number of miles radius from that address.

4. Only the information listed in this subsection shall be provided to the public in the registered sexual offender search:

- (1) The name and any known aliases of the offender;
- (2) The date of birth and any known alias dates of birth of the offender;
- (3) A physical description of the offender;
- (4) The residence, temporary, work, and school addresses of the offender, including the street address, city, county, state, and zip code;
- (5) Any photographs of the offender;
- (6) A physical description of the offender's vehicles, including the year, make, model, color, and license plate number;
- (7) The nature and dates of all offenses qualifying the offender to register;
- (8) The date on which the offender was released from the department of mental health, prison, or jail, or placed on parole, supervised release, or probation for the offenses qualifying the offender to register;
- (9) Compliance status of the offender with the provisions of section 589.400 to 589.425; and
- (10) Any online identifiers, as defined in section 43.651, used by the person. Such online identifiers shall not be included in the general profile of an offender on the [web page] **website** and shall only be available to a member of the public by a search using the specific online identifier to determine if a match exists with a registered offender.

5. Beginning August 28, 2013, no offender's information whose offense was committed in the state of Missouri, or in any other state, when such offender was a juvenile shall be listed on the website. Effective August 28, 2013, any offender currently on the website who was required to register as a sex offender under section 589.400, based on an offense that occurred when such offender was a juvenile shall be immediately removed from the website. For purposes of this subsection, "juvenile" shall mean any person under eighteen years of age.

589.400. 1. Sections 589.400 to 589.425 shall apply to:

(1) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a felony offense of chapter 566, including sexual trafficking of a child and sexual trafficking of a child under the age of twelve, or any offense of chapter 566 where the victim is a minor, unless such person is [exempted] **exempt** from registering under subsection [8] **9** of this section; or

(2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit one or more of the following offenses: kidnapping when the victim was a child and the defendant was not a parent or guardian of the child; abuse of a child under section 568.060 when such abuse is sexual in nature; felonious restraint when the victim was a child and the defendant is not a parent or guardian of the child; sexual contact or sexual intercourse with a resident of a nursing home, under section 565.200; endangering the welfare of a child under section 568.045 when the endangerment is sexual in nature; genital mutilation of a female child, under section 568.065; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; sexual exploitation of a minor; promoting child pornography in the first degree; promoting child pornography in the second degree; possession of child pornography; furnishing pornographic material to minors; public display of explicit sexual material; coercing acceptance of obscene material; promoting obscenity in the first degree; promoting pornography for minors or obscenity in the second degree; incest; use of a child in a sexual performance; or promoting sexual performance by a child; or

(3) Any person who, since July 1, 1979, has been committed to the department of mental health as a criminal sexual psychopath; or

(4) Any person who, since July 1, 1979, has been found not guilty as a result of mental disease or defect of any offense listed in subdivision (1) or (2) of this subsection; or

(5) Any juvenile certified as an adult and transferred to a court of general jurisdiction who has been convicted of, found guilty of, or has pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a felony under chapter 566 which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense;

(6) Any juvenile fourteen years of age or older at the time of the offense who has been adjudicated for an offense which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense;

(7) Any person who is a resident of this state who has, since July 1, 1979, or is hereafter convicted of, been found guilty of, or pled guilty to or nolo contendere in any other state, or foreign country, or under federal, tribal, or military jurisdiction to committing, attempting to commit, or conspiring to commit an offense which, if committed in this state, would be a violation of chapter 566, or a felony violation of any offense listed in subdivision (2) of this subsection or has been or is required to register in another state or has been or is required to register under tribal, federal, or military law **unless such person's name has been removed from the registry pursuant to subsection 4 of this section and such person has not been found guilty of a subsequent offense requiring registration under this section**; or

(8) Any person who has been or is required to register in another state or has been or is required to register under tribal, federal, or military law and who works or attends an educational institution, whether public or private in nature, including any secondary school, trade school, professional school, or institution of higher education on a full-time or on a part-time basis or has a temporary residence in Missouri **unless such person's name has been removed from the registry pursuant to subsection 4 of this section and such person has not been found guilty of a subsequent offense requiring registration under this section**. "Part-time" in this subdivision means for more than seven days in any twelve-month period.

2. Any person to whom sections 589.400 to 589.425 apply shall, within three days of conviction, release from incarceration, or placement upon probation, register with the chief law enforcement official of the county or city not within a county in which such person resides unless such person has already registered in that county for the same offense. Any person to whom sections 589.400 to 589.425 apply if not currently registered in their county of residence shall register with the chief law enforcement official of such county or city not within a county within three days. The chief law enforcement official shall forward a copy of the registration form required by section 589.407 to a city, town, village, or campus law enforcement agency located within the county of the chief law enforcement official, if so requested. Such request may ask the chief law enforcement official to forward copies of all registration forms filed with such official. The chief law enforcement official may forward a copy of such registration form to any city, town, village, or campus law enforcement agency, if so requested.

3. The registration requirements of sections 589.400 through 589.425 are lifetime registration requirements unless:

- (1) All offenses requiring registration are reversed, vacated or set aside;
- (2) The registrant is pardoned of the offenses requiring registration;
- (3) The registrant is no longer required to register and his or her name shall be removed from the registry under the provisions of subsection 6 of this section; or
- (4) The registrant may petition the court for removal or exemption from the registry under subsection [7 or 8] 4, 8, or 9 of this section and the court orders the removal or exemption of such person from the registry.

4. **Any person on the sexual offender registry under subdivision (5) or (6) of subsection 1 of this section may file a petition for removal from the registry after five years have passed from the later of the date the offender was found guilty of the offense that requires registration or the date the person was released from custody for such offense. The petition may be filed in the circuit court in the county in which the person was found guilty of the offense, or, if the offense was adjudicated outside the state, the person may file a petition in the circuit court in the county in which the person resides after such person has been a resident of Missouri for at least five years prior to filing the petition. The court shall grant the petition and enter an order directing the removal of the petitioner's name and information from the sexual offender registry unless it finds that the petitioner, in this state or any other state, territory, the District of Columbia, foreign country, or federal, tribal, or military jurisdiction:**

- (1) **Has been adjudicated of, or has charges pending, for failure to register;**
- (2) **Has been adjudicated of, or has charges pending for, any additional offense which would require registration as a sexual offender under this section, or section 211.425, and which occurred after the date such person initially registered as a sexual offender;**
- (3) **Has not successfully completed any required period of supervised release, probation, or parole; or**
- (4) **If the petitioner's offense was adjudicated outside the state, such person has not been a resident of Missouri for at least five years prior to filing the petition.**

If the petition was not granted solely because the petitioner had charges pending for failure to register or an additional offense that would require registration and such charges are subsequently dismissed or the petitioner is acquitted of the pending charges, the person may file a new petition at any time after the dismissal or acquittal of the pending charges. If the denial is based on a finding of guilt for an offense that would require registration under this section, or section 211.425, no successive petition shall be filed. If the denial is based on a finding of guilt for failure to register, the person may file a new petition after five years have passed from the date the

person was found guilty for failure to register. If the denial is based on the petitioner not completing a required period of supervised release, probation, or parole and the petitioner subsequently completes the period of supervised release, probation, or parole, then the person may file a new petition at any time after completing such period of release, probation, or parole. If the petition is denied because the petitioner's offense was adjudicated outside the state and the petitioner has not been a resident of Missouri for at least five years prior to filing the petition, such person may file a new petition at any time after residing in the state for the required five-year period. Beginning August 28, 2013, information regarding any person whose offense was committed in Missouri, or in any other state, when such person was under eighteen years of age shall be immediately removed from the highway patrol's website created under section 43.650 and any local law enforcement website allowed under section 589.402 regardless of whether such person has a petition granted under this subsection.

5. For processing an initial sex offender registration the chief law enforcement officer of the county or city not within a county may charge the offender registering a fee of up to ten dollars.

[5.] 6. For processing any change in registration required pursuant to section 589.414 the chief law enforcement official of the county or city not within a county may charge the person changing their registration a fee of five dollars for each change made after the initial registration.

[6.] 7. Any person currently on the sexual offender registry for being convicted of, found guilty of, or pleading guilty or nolo contendere to committing, attempting to commit, or conspiring to commit, felonious restraint when the victim was a child and he or she was the parent or guardian of the child, nonsexual child abuse that was committed under section 568.060, or kidnapping when the victim was a child and he or she was the parent or guardian of the child shall be removed from the registry. However, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register under sections 589.400 to 589.425.

[7.] 8. Any person currently on the sexual offender registry for having been convicted of, found guilty of, or having pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit promoting prostitution in the second degree, promoting prostitution in the third degree, public display of explicit sexual material, statutory rape in the second degree, and no physical force or threat of physical force was used in the commission of the crime may file a petition in the civil division of the circuit court in the county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit the offense or offenses for the removal of his or her name from the sexual offender registry after ten years have passed from the date he or she was required to register.

[8.] 9. Effective August 28, 2009, any person on the sexual offender registry for having been convicted of, found guilty of, or having pled guilty or nolo contendere to an offense included under subsection 1 of this section may file a petition after two years have passed from the date the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses in the civil division of the circuit court in the county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses for removal of his or her name from the registry if such person was nineteen years of age or younger and the victim was thirteen years of age or older at the time of the offense and no physical force or threat of physical force was used in the commission of the offense, unless such person meets the qualifications of this subsection, and such person was eighteen years of age or younger at the time of the offense, and is convicted or found guilty of or pleads guilty or nolo contendere to a violation of section 566.068, 566.090, 566.093, or 566.095 when such offense is a misdemeanor, in which case, such person may immediately file a petition to remove or exempt his or her name from the registry upon his or her conviction or finding or pleading of guilty or nolo contendere to such offense.

[9.] 10. (1) The court may grant such relief under subsection [7] 8 or [8] 9 of this section if such person demonstrates to the court that he or she has complied with the provisions of this section and is not a current or potential threat to public safety. The prosecuting attorney in the circuit court in which the petition is filed must be given notice, by the person seeking removal or exemption from the registry, of the petition to present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. Failure of the person seeking removal or exemption from the registry to notify the prosecuting attorney of the petition shall result in an automatic denial of such person's petition. If the prosecuting attorney is notified of the petition he or she shall make reasonable efforts to notify the victim of the crime for which the person was required to register of the petition and the dates and times of any hearings or other proceedings in connection with that petition.

(2) If the petition is denied, such person shall wait at least twelve months before petitioning the court again. If the court finds that the petitioner is entitled to relief, which removes or exempts such person's name from the registry, a certified copy of the written findings or order shall be forwarded by the court to the chief law enforcement official having jurisdiction over the offender and to the Missouri state highway patrol in order to have such person's name removed or exempted from the registry.

[10.] 11. Any nonresident worker or nonresident student shall register for the duration of such person's employment or attendance at any school of higher education and is not entitled to relief under the provisions of

subsection [9] 10 of this section. Any registered offender from another state who has a temporary residence in this state and resides more than seven days in a twelve-month period shall register for the duration of such person's temporary residency and is not entitled to the provisions of subsection [9] 10 of this section.

[11.] 12. Any person whose name is removed or exempted from the sexual offender registry under subsection [7] 8 or [8] 9 of this section shall no longer be required to fulfill the registration requirements of sections 589.400 to 589.425, unless such person is required to register for committing another offense after being removed from the registry.

589.402. 1. The chief law enforcement officer of the county or city not within a county may maintain a [web page] **website** on the internet, which shall be open to the public and shall include a registered sexual offender search capability.

2. The registered sexual offender search shall make it possible for any person using the internet to search for and find the information specified in subsection 3 of this section, if known, on offenders registered in this state pursuant to sections 589.400 to 589.425, except that only persons who have been convicted of, found guilty of, or plead guilty to committing, attempting to commit, or conspiring to commit sexual offenses shall be included on this website.

3. Only the information listed in this subsection shall be provided to the public in the registered sexual offender search:

- (1) The name and any known aliases of the offender;
- (2) The date of birth and any known alias dates of birth of the offender;
- (3) A physical description of the offender;
- (4) The residence, temporary, work, and school addresses of the offender, including the street address, city, county, state, and zip code;
- (5) Any photographs of the offender;
- (6) A physical description of the offender's vehicles, including the year, make, model, color, and license plate number;
- (7) The nature and dates of all offenses qualifying the offender to register;
- (8) The date on which the offender was released from the department of mental health, prison, or jail, or placed on parole, supervised release, or probation for the offenses qualifying the offender to register;
- (9) Compliance status of the offender with the provisions of sections 589.400 to 589.425; and
- (10) Any online identifiers, as defined in section 43.651, used by the person. Such online identifiers shall not be included in the general profile of an offender on the [web page] **website** and shall only be available to a member of the public by a search using the specific online identifier to determine if a match exists with a registered offender.

4. The chief law enforcement officer of any county or city not within a county may publish in any newspaper distributed in the county or city not within a county the sexual offender information provided under subsection 3 of this section for any offender residing in the county or city not within a county.

5. Beginning August 28, 2013, no offender's information whose offense was committed in the state of Missouri, or in any other state, when such offender was a juvenile shall be listed on the website. Effective August 28, 2013, any offender currently on the website who was required to register as a sex offender under section 589.400, based on an offense that occurred when such offender was a juvenile shall be immediately removed from the website. For purposes of this subsection, "juvenile" shall mean any person under eighteen years of age."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 1
to
Senate Amendment No. 4*

AMEND Senate Amendment No. 4 to Senate Committee Substitute for House Bill No. 301, Page 1, Section 217.738, Line 8, by inserting after "appropriated" the following:

", subject to appropriations,".

Senate Amendment No. 4

AMEND Senate Committee Substitute for House Bill No. 301, Page 1, Section A, Line 2, by inserting after all of said line the following:

"217.738. 1. There is hereby established, within the department of corrections, a prisoner re-entry program to serve those male and female prisoners who have served their full sentences without early release and are locating upon release to a city not within a county.

2. Moneys for such program shall be appropriated to the department of corrections, which shall transfer the funds from its budget to the city of St. Louis's Department of Health and Human Services, which shall administer the fund. The city shall be responsible for the issuance of a request for proposals for re-entry services to organizations with demonstrated experience in providing re-entry services, including facilitating connections to providers of housing and employment services and physical health, mental health, substance abuse, and other social services. The city and the selected contractor shall be jointly responsible to the department of corrections for ensuring that such services are provided, and they shall provide to the department all data and records necessary to oversee and measure the effectiveness of the program.

3. The director of the department of corrections is authorized to promulgate rules and regulations and to enter into such contracts as are necessary and proper for the implementation of the program.

4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 112, as amended**, and requests the House to recede from its position and take up and pass **SB 112**.

BILLS IN CONFERENCE

CCR HCS SS SB 262, as amended, relating to health insurance, was taken up by Representative Molendorp.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen

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Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McGaugh	Messenger	Molendorp
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfausch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Roorda	Runions
Schieffer	Schupp	Smith 85	Swearingen	Walton Gray
Webb	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 007

Cross	Grisamore	Kolkmeier	McCaherty	Miller
Stream	Webber			

On motion of Representative Molendorp, **CCR HCS SS SB 262, as amended**, was adopted by the following vote:

AYES: 124

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brown	Burlison
Butler	Cierpiot	Colona	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Elmer	Engler	English	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Koenig	Kolkmeier	Korman
Kratky	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	McCann Beatty	McGaugh
McKenna	Meredith	Messenger	Miller	Mims

Molendorp	Moon	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pierson
Pike	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieffer	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Webb	White	Wieland
Wood	Wright	Zerr	Mr Speaker	

NOES: 032

Anders	Burns	Carpenter	Curtis	Ellinger
Ellington	Englund	Hurst	Kirkton	LaFaver
Marshall	May	Mayfield	McDonald	McManus
McNeil	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pogue	Runions	Schieber	Schupp	Smith 85
Walton Gray	Wilson			

PRESENT: 000

ABSENT WITH LEAVE: 007

Brattin	Cross	Gardner	Grisamore	McCaherty
Shull	Webber			

On motion of Representative Molendorp, **CCS HCS SS SB 262** was truly agreed to and finally passed by the following vote:

AYES: 128

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Butler	Cierpiot	Colona	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Dunn	Elmer	Engler	English
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hummel	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Koenig
Kolkmeier	Korman	Kratky	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
May	McCann Beatty	McGaugh	McKenna	Messenger
Miller	Mims	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Pace	Parkinson
Pfautsch	Phillips	Pierson	Pike	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieffer	Shull
Shumake	Smith 120	Solon	Sommer	Spencer

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Stream	Swan	Swearingen	Thomson	Torpey
Walker	Webb	White	Wieland	Wood
Wright	Zerr	Mr Speaker		

NOES: 032

Anders	Burns	Carpenter	Curtis	Ellinger
Ellington	Englund	Gardner	Hurst	Kirkton
LaFaver	Marshall	Mayfield	McDonald	McManus
McNeil	Meredith	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Peters
Pogue	Runions	Schieber	Schupp	Smith 85
Walton Gray	Wilson			

PRESENT: 000

ABSENT WITH LEAVE: 003

Grisamore	McCaherty	Webber
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Speaker Jones declared the bill passed.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 106

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McGaugh	Messenger
Miller	Molendorp	Moon	Morris	Muntzel
Neth	Parkinson	Pfausch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45

Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Roorda	Runions
Schieffer	Schupp	Smith 85	Swearingen	Walton Gray
Webb	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 005

Brown	Grisamore	McCaherty	Neely	Webber
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The emergency clause was adopted by the following vote:

AYES: 130

Allen	Anders	Anderson	Austin	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Butler	Cierpiot	Colona	Conway 10
Conway 104	Cornejo	Cox	Crawford	Cross
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Kolkmeyer
Korman	Kratky	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	McCaherty
McCann Beatty	McDonald	McGaugh	McManus	McNeil
Messenger	Miller	Mims	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Norr
Parkinson	Peters	Pfautsch	Phillips	Pierson
Pike	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieffer	Schupp	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Webb	White
Wieland	Wood	Wright	Zerr	Mr Speaker

NOES: 028

Bahr	Burns	Carpenter	Curtis	Curtman
English	Englund	Gardner	Hummel	Koenig
LaFaver	Marshall	Mayfield	McKenna	Meredith
Mitten	Montecillo	Morgan	Newman	Nichols
Otto	Pace	Pogue	Roorda	Schieber
Smith 85	Walton Gray	Wilson		

PRESENT: 000

ABSENT WITH LEAVE: 005

Cookson

Grisamore

May

Shull

Webber

CCR HCS SCS SB 157 and SB 102, as amended, relating to the disposition of personal property, was taken up by Representative Phillips.

Speaker Pro Tem Smith assumed the Chair.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 107

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Moon	Morris	Muntzel
Neely	Neth	Parkinson	Pfausch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Roorda	Runions
Schieffer	Schupp	Smith 85	Swearingen	Walton Gray
Webb				

PRESENT: 000

ABSENT WITH LEAVE: 005

Grisamore	Lichtenegger	Molendorp	Webber	Wright
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On motion of Representative Phillips, **CCR HCS SCS SB 157 and SB 102, as amended**,
was adopted by the following vote:

AYES: 155

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Montecillo	Moon	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Parkinson
Peters	Pfautsch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 005

Butler	Ellington	Marshall	May	Smith 85
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PRESENT: 000

ABSENT WITH LEAVE: 003

Grisamore	Molendorp	Webber
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On motion of Representative Phillips, **CCS HCS SCS SB 157 and SB 102** was truly agreed to and finally passed by the following vote:

AYES: 151

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Miller	Mims	Mitten	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Parkinson	Pfautsch	Phillips	Pierson
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webb	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 008

Butler	Ellington	Gardner	Higdon	Marshall
May	Peters	Smith 85		

PRESENT: 000

ABSENT WITH LEAVE: 004

Grisamore	Messenger	Molendorp	Webber
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Speaker Pro Tem Smith declared the bill passed.

CCR#2 HCS SB 330, as amended, relating to professional licenses, was taken up by Representative Burlison.

On motion of Representative Burlison, **CCR#2 HCS SB 330, as amended**, was adopted by the following vote:

AYES: 152

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Gannon
Gatschenberger	Gosen	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeier	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Montecillo	Moon	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Pace	Parkinson	Peters
Pfautsch	Phillips	Pierson	Pike	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Schatz	Schieffer	Schupp
Shull	Shumake	Smith 85	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 003

Marshall	Pogue	Schieber
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PRESENT: 000

ABSENT WITH LEAVE: 008

Ellinger	Fitzwater	Funderburk	Gardner	Grisamore
Molendorp	Scharnhorst	Webber		

On motion of Representative Burlison, **CCS#2 HCS SB 330** was truly agreed to and finally passed by the following vote:

AYES: 154

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelly 45
Kirkton	Koenig	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Moon
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Parkinson	Peters	Pfautsch	Phillips	Pierson
Pike	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Schatz
Schieffer	Schupp	Shull	Shumake	Smith 85
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webb	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 004

Gardner	Marshall	Pogue	Schieber
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PRESENT: 000

ABSENT WITH LEAVE: 005

Diehl	Grisamore	Kelley 127	Scharnhorst	Webber
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Speaker Pro Tem Smith declared the bill passed.

CCR HCS SCS SB 17, as amended, relating to education, was taken up by Representative Thomson.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 105

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeier	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	Messenger	Miller
Molendorp	Moon	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Swearingen	Walton Gray	Webb
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 007

Diehl	Ellinger	Grisamore	Hinson	McGaugh
Pogue	Webber			

On motion of Representative Thomson, **CCR HCS SCS SB 17, as amended**, was adopted by the following vote:

AYES: 151

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Dohrman	Dugger	Dunn
Ellinger	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hodges	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeier	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Lichtenegger	Love
Lynch	Marshall	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Molendorp	Montecillo	Moon	Morgan
Morris	Muntzel	Neely	Neth	Nichols
Norr	Otto	Pace	Parkinson	Peters
Pfautsch	Phillips	Pierson	Pike	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
White	Wieland	Wilson	Wood	Wright
Mr Speaker				

NOES: 003

Leara	Newman	Smith 85
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PRESENT: 000

ABSENT WITH LEAVE: 009

Diehl	Ellington	Grisamore	Hinson	Justus
Pogue	Rowden	Webber	Zerr	

On motion of Representative Thomson, **CCS HCS SCS SB 17** was truly agreed to and finally passed by the following vote:

AYES: 152

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Dohrman	Dugger	Dunn	Ellinger
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Guernsey	Haahr
Haefner	Hansen	Harris	Hicks	Higdon
Hodges	Hoskins	Hough	Houghton	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Lichtenegger	Love	Lynch	Marshall
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Montecillo	Moon	Morgan	Morris	Muntzel
Neely	Neth	Nichols	Norr	Otto
Pace	Parkinson	Peters	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 004

Curtis	Leara	Newman	Smith 85
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PRESENT: 000

ABSENT WITH LEAVE: 007

Diehl	Gardner	Grisamore	Hampton	Hinson
Hubbard	Webber			

Speaker Pro Tem Smith declared the bill passed.

CCR#2 HCS SCS SB 9, as amended, relating to agriculture, was taken up by Representative Guernsey.

On motion of Representative Guernsey, **CCR#2 HCS SCS SB 9, as amended**, was adopted by the following vote:

AYES: 135

Anders	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Cierpiot	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Curtman	Davis
Dohrman	Dugger	Dunn	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hubbard	Hurst	Johnson
Jones 50	Justus	Keeney	Kelly 45	Kirkton
Koenig	Kolkmeier	Korman	Kratky	Lair
Lant	Lauer	Lichtenegger	Love	Lynch
May	Mayfield	McCaherty	McDonald	McGaugh
McKenna	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Moon	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Parkinson	Peters	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Smith 85	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Webb	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 020

Burns	Butler	Carpenter	Colona	Curtis
Ellington	Gardner	Hummel	LaFaver	Leara
Marshall	McCann Beatty	McManus	Montecillo	Otto
Pace	Rizzo	Roorda	Runions	Walton Gray

PRESENT: 000

ABSENT WITH LEAVE: 008

Allen	Cross	Diehl	Ellinger	Grisamore
Hodges	Kelley 127	Webber		

On motion of Representative Guernsey, **CCS#2 HCS SCS SB 9** was truly agreed to and finally passed by the following vote:

AYES: 133

Anders	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brown	Burlison
Cierpiot	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Davis	Dohrman
Dugger	Dunn	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Fowler
Fraker	Frame	Franklin	Frederick	Gannon
Gatschenberger	Gosen	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hubbard
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Kolkmeyer	Korman
Kratky	Lair	Lant	Lauer	Lichtenegger
Love	Lynch	May	Mayfield	McCaherty
McDonald	McGaugh	McKenna	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Moon	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Parkinson	Peters	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 85
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Webb	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 021

Brattin	Burns	Butler	Carpenter	Colona
Curtis	Curtman	Ellington	Gardner	Hummel
Koenig	LaFaver	Leara	Marshall	McCann Beatty
McManus	Montecillo	Rizzo	Roorda	Runions
Walton Gray				

PRESENT: 000

ABSENT WITH LEAVE: 009

Allen	Diehl	Ellinger	Flanigan	Funderburk
Grisamore	Hodges	Scharnhorst	Webber	

Speaker Pro Tem Smith declared the bill passed.

CCR HCS SB 43, as amended, relating to transportation, was taken up by Representative Kolkmeier.

On motion of Representative Kolkmeier, **CCR HCS SB 43, as amended**, was adopted by the following vote:

AYES: 143

Anders	Anderson	Austin	Bahr	Barnes
Bernskoetter	Black	Brattin	Burlison	Burns
Butler	Carpenter	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Dohrman	Dugger	Dunn
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Gannon	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hoskins	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeier	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Mims	Mitten	Molendorp	Montecillo	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Parkinson
Peters	Pfautsch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	White	Wieland
Wilson	Zerr	Mr Speaker		

NOES: 005

Ellington	Gardner	Marshall	Moon	Smith 85
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PRESENT: 000

ABSENT WITH LEAVE: 015

Allen	Berry	Brown	Cierpiot	Colona
Diehl	Ellinger	Funderburk	Grisamore	Hodges
Hough	Miller	Webber	Wood	Wright

On motion of Representative Kolkmeier, **CCS HCS SB 43** was truly agreed to and finally passed by the following vote:

AYES: 146

Anders	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Dohrman	Dugger	Dunn	Ellinger	Elmer
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hoskins	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeier	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Mims	Mitten
Molendorp	Montecillo	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Parkinson	Peters	Pfautsch
Phillips	Pierson	Pike	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
White	Wieland	Wilson	Wright	Zerr
Mr Speaker				

NOES: 006

Ellington	Gardner	Marshall	Moon	Pogue
Smith 85				

PRESENT: 000

ABSENT WITH LEAVE: 011

Allen	Colona	Diehl	Engler	Grisamore
Hinson	Hodges	Hough	Miller	Webber
Wood				

Speaker Pro Tem Smith declared the bill passed.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Anderson	Austin	Bahr	Barnes	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Franklin	Frederick	Gannon
Gatschenberger	Gosen	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hoskins
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Reiboldt
Remole	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Zerr	Mr Speaker

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Wright

PRESENT: 000

ABSENT WITH LEAVE: 013

Allen	Diehl	Fraker	Funderburk	Grisamore
Hinson	Hodges	Hough	Hubbard	Rehder
Rhoads	Webber	Wood		

The emergency clause was adopted by the following vote:

AYES: 143

Anders	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Dohrman	Dugger	Dunn	Ellinger
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Fowler	Fraker	Frame
Franklin	Frederick	Gannon	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hoskins	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Molendorp	Moon	Morgan	Morris
Muntzel	Neely	Neth	Nichols	Otto
Pace	Parkinson	Peters	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Schatz	Schieber	Schieffer	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Webb	White	Wieland	Wilson
Wright	Zerr	Mr Speaker		

NOES: 009

Ellington	Gardner	Marshall	Montecillo	Newman
Norr	Schupp	Smith 85	Walton Gray	

PRESENT: 000

ABSENT WITH LEAVE: 011

Allen	Diehl	Flanigan	Funderburk	Grisamore
Hinson	Hodges	Hough	Scharnhorst	Webber
Wood				

CCR HCS SCS SB 42, as amended, relating to law enforcement agencies, was taken up by Representative Jones (50).

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 098

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Crawford
Cross	Curtman	Davis	Dohrman	Dugger
Elmer	Engler	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Franklin	Frederick	Gannon
Gatschenberger	Gosen	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	Messenger
Miller	Molendorp	Moon	Morris	Muntzel
Neely	Neth	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Schatz	Schieber	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Zerr	Mr Speaker		

NOES: 048

Anders	Black	Burns	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Gardner	Harris	Hubbard
Hummel	Kelly 45	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Walton Gray	Webb	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 017

Butler	Cox	Diehl	Entlicher	Frame
Funderburk	Grisamore	Hinson	Hodges	Lair
McGaugh	Parkinson	Reiboldt	Scharnhorst	Swearingen
Webber	Wood			

On motion of Representative Jones (50), **CCR HCS SCS SB 42, as amended**, was adopted by the following vote:

AYES: 125

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Gannon	Gatschenberger	Gosen	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hoskins	Hough	Houghton	Hubbard
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Koenig	Kolkmeyer	Korman
Kratky	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Mayfield	McCaherty
McDonald	McKenna	McManus	Messenger	Miller
Molendorp	Moon	Morris	Muntzel	Neely
Neth	Norr	Pace	Parkinson	Peters
Pfautsch	Phillips	Pike	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Roorda	Ross	Rowden	Rowland	Schatz
Schieber	Schieffer	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	White
Wieland	Wilson	Wright	Zerr	Mr Speaker

NOES: 030

Butler	Carpenter	Curtis	Dunn	Ellinger
Ellington	Gardner	Hummel	Kirkton	LaFaver
Marshall	May	McCann Beatty	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Otto	Pierson	Pogue	Rizzo
Runions	Schupp	Smith 85	Walton Gray	Webb

PRESENT: 000

ABSENT WITH LEAVE: 008

Funderburk	Grisamore	Hinson	Hodges	McGaugh
Scharnhorst	Webber	Wood		

On motion of Representative Jones (50), **CCS HCS SCS SB 42** was truly agreed to and finally passed by the following vote:

AYES: 122

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Gannon	Gosen	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Higdon	Hoskins
Hough	Houghton	Hubbard	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Koenig	Kolkmeyer	Korman	Kratky	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Mayfield	McCaherty	McDonald	McGaugh
McKenna	McManus	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth
Norr	Pace	Parkinson	Pfautsch	Phillips
Pike	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Roorda	Ross
Rowden	Rowland	Schatz	Schieber	Schieffer
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swearingen	Thomson	Torpey
Walker	White	Wieland	Wilson	Wright
Zerr	Mr Speaker			

NOES: 031

Butler	Carpenter	Curtis	Dunn	Ellinger
Ellington	Gardner	Hummel	Kirkton	LaFaver
Marshall	May	McCann Beatty	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Otto	Peters	Pierson	Pogue
Rizzo	Runions	Schupp	Smith 85	Walton Gray
Webb				

PRESENT: 000

ABSENT WITH LEAVE: 010

Funderburk	Gatschenberger	Grisamore	Hicks	Hinson
Hodges	Scharnhorst	Swan	Webber	Wood

Speaker Pro Tem Smith declared the bill passed.

CCR HCS SB 161, as amended, relating to health insurance, was taken up by Representative Stream.

On motion of Representative Stream, **CCR HCS SB 161, as amended**, was adopted by the following vote:

AYES: 139

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Cierpiot
Colona	Cookson	Cornejo	Cox	Crawford
Cross	Curtis	Curtman	Davis	Diehl
Dohrman	Dunn	Ellinger	Ellington	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gardner
Gatschenberger	Gosen	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeier	Korman	Kratky	LaFaver
Lair	Lichtenegger	Love	Lynch	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Molendorp	Montecillo	Moon
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Peters	Pfausch	Phillips	Pierson	Pike
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Schieffer	Schupp
Shull	Shumake	Smith 85	Smith 120	Solon
Sommer	Spencer	Stream	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webb	White
Wieland	Wilson	Wright	Mr Speaker	

NOES: 003

Marshall	Pogue	Schieber
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PRESENT: 000

ABSENT WITH LEAVE: 021

Carpenter	Conway 10	Conway 104	Dugger	Grisamore
Hicks	Higdon	Hinson	Hodges	Jones 50
Lant	Lauer	Leara	Mitten	Parkinson
Scharnhorst	Schatz	Swan	Webber	Wood
Zerr				

On motion of Representative Stream, **CCS HCS SB 161** was truly agreed to and finally passed by the following vote:

AYES: 138

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Fowler
Fraker	Frame	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Guernsey	Haahr	Haefner
Harris	Hicks	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Lichtenegger	Love	Lynch
May	Mayfield	McCaherty	McCann Beatty	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Mims	Mitten	Molendorp	Montecillo	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Peters
Phillips	Pierson	Pike	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Schatz	Schieffer	Schupp	Shull
Shumake	Smith 85	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webb	White
Wieland	Wright	Mr Speaker		

NOES: 004

Marshall	Moon	Pogue	Schieber
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PRESENT: 000

ABSENT WITH LEAVE: 021

Conway 104	Flanigan	Franklin	Gardner	Grisamore
Hampton	Hansen	Higdon	Hinson	Hodges
Justus	Leara	McDonald	Miller	Parkinson
Pfautsch	Scharnhorst	Webber	Wilson	Wood
Zerr				

Speaker Pro Tem Smith declared the bill passed.

CCR HCS SB 127, as amended, relating to public assistance benefits, was taken up by Representative Lichtenegger.

On motion of Representative Lichtenegger, **CCR HCS SB 127, as amended**, was adopted by the following vote:

AYES: 135

Allen	Anders	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brown	Burlison
Burns	Butler	Cierpiot	Colona	Conway 10
Cookson	Cornejo	Cox	Crawford	Cross
Curtis	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Fowler
Fraker	Frame	Franklin	Frederick	Gardner
Gatschenberger	Gosen	Guernsey	Haahr	Haefner
Harris	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Montecillo	Moon	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Peters	Pfautsch	Phillips
Pierson	Pike	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Rowland	Runions	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 85
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webber	White	Wieland	Wright

NOES: 005

Brattin	Curtman	Koenig	Marshall	Pogue
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PRESENT: 000

ABSENT WITH LEAVE: 023

Anderson	Carpenter	Conway 104	Ellington	Flanigan
Funderburk	Gannon	Grisamore	Hampton	Hansen
Hicks	Higdon	Hinson	Hodges	Parkinson
Ross	Rowden	Scharnhorst	Webb	Wilson
Wood	Zerr	Mr Speaker		

On motion of Representative Lichtenegger, **CCS HCS SB 127** was truly agreed to and finally passed by the following vote:

AYES: 132

Allen	Anders	Austin	Barnes	Bernskoetter
Berry	Black	Brown	Burlison	Burns
Butler	Carpenter	Cierpiot	Colona	Conway 10
Cookson	Cornejo	Cox	Crawford	Cross
Curtis	Davis	Dohrman	Dugger	Dunn
Ellinger	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Gannon
Gardner	Gatschenberger	Gosen	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hoskins
Hough	Houghton	Hummel	Hurst	Johnson
Justus	Keeney	Kelley 127	Kirkton	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Montecillo	Morgan	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Peters	Pfautsch	Phillips	Pike	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Rowland	Runions	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 85
Smith 120	Solon	Sommer	Spencer	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	White	Wieland	Wright
Zerr	Mr Speaker			

NOES: 008

Bahr	Brattin	Curtman	Koenig	Marshall
Moon	Parkinson	Pogue		

PRESENT: 000

ABSENT WITH LEAVE: 023

Anderson	Conway 104	Diehl	Ellington	Funderburk
Grisamore	Hicks	Higdon	Hinson	Hodges
Hubbard	Jones 50	Kelly 45	Morris	Pierson
Redmon	Rehder	Ross	Rowden	Scharnhorst
Stream	Wilson	Wood		

Speaker Pro Tem Smith declared the bill passed.

CCR SCS SB 248, with House Amendment No. 1 and House Amendment No. 2, relating to property taxes, was taken up by Representative Fraker.

On motion of Representative Fraker, **CCR SCS SB 248, with House Amendment No. 1 and House Amendment No. 2** was adopted by the following vote:

AYES: 144

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Cookson	Cox
Crawford	Curtis	Curtman	Davis	Dugger
Dunn	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Frederick
Gannon	Gardner	Gatschenberger	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hoskins
Hough	Houghton	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Moon
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Peters	Pfautsch	Pierson	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 85
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webb	Webber	White	Wieland
Wilson	Wright	Zerr	Mr Speaker	

NOES: 001

Marshall

PRESENT: 000

ABSENT WITH LEAVE: 018

Conway 104	Cornejo	Cross	Diehl	Dohrman
Franklin	Funderburk	Gosen	Grisamore	Hicks
Higdon	Hinson	Hodges	Hubbard	Parkinson
Phillips	Scharnhorst	Wood		

On motion of Representative Fraker, **CCS SCS SB 248** was truly agreed to and finally passed by the following vote:

AYES: 136

Allen	Anders	Anderson	Austin	Bahr
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Conway 10	Cookson	Cox	Crawford	Curtis
Curtman	Davis	Dugger	Dunn	Ellinger
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Frederick	Gannon	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
May	Mayfield	McCaherty	McCann Beatty	McGaugh
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Morgan
Morris	Muntzel	Neth	Newman	Nichols
Norr	Otto	Pace	Peters	Pfautsch
Phillips	Pierson	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 85	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wright	Zerr
Mr Speaker				

NOES: 003

Marshall	McKenna	Moon
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PRESENT: 000

ABSENT WITH LEAVE: 024

Barnes	Colona	Conway 104	Cornejo	Cross
Diehl	Dohrman	Franklin	Funderburk	Gardner
Grisamore	Hicks	Higdon	Hinson	Hodges
Jones 50	Kolkmeyer	McDonald	Neely	Parkinson
Pike	Scharnhorst	Wilson	Wood	

Speaker Pro Tem Smith declared the bill passed.

CCR HCS SCS SB 256, as amended, relating to child abuse and neglect, was taken up by Representative Torpey.

On motion of Representative Torpey, **CCR HCS SCS SB 256, as amended**, was adopted by the following vote:

AYES: 134

Allen	Anders	Anderson	Austin	Bahr
Barnes	Berry	Black	Brattin	Brown
Burlison	Burns	Carpenter	Cierpiot	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Curtman	Davis	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Fowler
Fraker	Frame	Franklin	Frederick	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lauer	Lichtenegger	Love
Lynch	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Messenger	Miller	Mims	Mitten	Moon
Morgan	Morris	Muntzel	Neely	Neth
Nichols	Norr	Pace	Peters	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Shull	Shumake	Smith 85	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webber
White	Wright	Zerr	Mr Speaker	

NOES: 011

Butler	Colona	Curtis	Gardner	Marshall
Meredith	Montecillo	Newman	Otto	Schupp
Webb				

PRESENT: 000

ABSENT WITH LEAVE: 018

Bernskoetter	Cross	Diehl	Flanigan	Funderburk
Gannon	Grisamore	Hodges	Jones 50	Justus
Lant	Leara	Molendorp	Parkinson	Richardson
Wieland	Wilson	Wood		

On motion of Representative Torpey, **CCS HCS SCS SB 256** was truly agreed to and finally passed by the following vote:

AYES: 138

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Carpenter	Cierpiot
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Curtman	Davis	Dohrman	Dugger
Dunn	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lant	Leara	Lichtenegger
Love	Lynch	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Messenger	Miller	Mims	Moon
Morgan	Morris	Muntzel	Neely	Neth
Nichols	Norr	Pace	Parkinson	Peters
Pfautsch	Phillips	Pierson	Pike	Pogue
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Shull	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Webber	White	Wieland
Wilson	Wright	Mr Speaker		

NOES: 014

Butler	Colona	Curtis	Gardner	Marshall
Meredith	Mitten	Montecillo	Newman	Otto
Schupp	Smith 85	Walton Gray	Webb	

PRESENT: 000

ABSENT WITH LEAVE: 011

Cross	Diehl	Flanigan	Grisamore	Hodges
Lauer	Molendorp	Redmon	Shumake	Wood
Zerr				

Speaker Pro Tem Smith declared the bill passed.

CCR HCS SB 73, relating to judicial procedures, was taken up by Representative Cornejo.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 090

Allen	Anderson	Austin	Bahr	Barnes
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Curtman	Dohrman	Dugger	Elmer	Engler
Entlicher	Fitzpatrick	Fitzwater	Fowler	Fraker
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Higdon	Hinson	Hoskins	Houghton	Hurst
Johnson	Justus	Koenig	Kolkmeyer	Korman
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCahtery	McGaugh	Messenger
Miller	Moon	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Swan	Thomson	Torpey
Walker	Wieland	Wilson	Wood	Mr Speaker

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Harris
Hummel	Kelly 45	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 023

Bernskoetter	Cross	Davis	Diehl	Flanigan
Franklin	Gardner	Grisamore	Hicks	Hodges
Hough	Hubbard	Jones 50	Keeney	Kelley 127
Lair	Molendorp	Morris	Pike	Richardson
Stream	White	Zerr		

On motion of Representative Cornejo, **CCR HCS SB 73** was adopted by the following vote:

AYES: 132

Anders	Anderson	Austin	Bahr	Barnes
Berry	Black	Brattin	Brown	Burlison
Burns	Carpenter	Cierpiot	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Dohrman	Dugger	Dunn
Elmer	Engler	English	Englund	Entlicher
Fitzwater	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Hinson	Hoskins	Houghton
Hubbard	Hurst	Johnson	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeyer
Korman	Kratky	LaFaver	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
May	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	Meredith	Messenger	Miller
Mims	Mitten	Moon	Morgan	Morris
Muntzel	Neely	Neth	Nichols	Pace
Parkinson	Pfautsch	Phillips	Pierson	Pike
Redmon	Rehder	Reiboldt	Remole	Rhoads
Riddle	Rizzo	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webb	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 018

Butler	Colona	Curtis	Ellinger	Ellington
Higdon	Hummel	Mayfield	McNeil	Montecillo
Newman	Norr	Otto	Peters	Pogue
Roorda	Schupp	Smith 85		

PRESENT: 001

Fitzpatrick

ABSENT WITH LEAVE: 012

Allen	Bernskoetter	Diehl	Flanigan	Gardner
Grisamore	Hodges	Hough	Jones 50	Lair
Molendorp	Richardson			

On motion of Representative Cornejo, **HCS SB 73, as amended by the Conference Committee Report**, was truly agreed to and finally passed by the following vote:

AYES: 131

Anders	Anderson	Austin	Bahr	Barnes
Berry	Black	Brattin	Brown	Burlison
Burns	Carpenter	Cierpiot	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Dohrman	Dugger	Dunn
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Fowler	Fraker	Frame
Franklin	Funderburk	Gannon	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Hinson	Hoskins	Hough
Houghton	Hubbard	Hurst	Johnson	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Korman	Kratky	LaFaver	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
May	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	Meredith	Messenger	Miller
Mims	Mitten	Moon	Muntzel	Neely
Neth	Nichols	Norr	Pace	Parkinson
Peters	Pfautsch	Phillips	Pierson	Pike
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Webb	Webber
White	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 018

Butler	Colona	Curtis	Ellinger	Ellington
Higdon	Hummel	Mayfield	McNeil	Montecillo
Newman	Otto	Pogue	Roorda	Schupp
Smith 85	Walton Gray	Wieland		

PRESENT: 000

ABSENT WITH LEAVE: 014

Allen	Bernskoetter	Diehl	Flanigan	Frederick
Gardner	Grisamore	Hodges	Jones 50	Kolkmeier
Lair	Molendorp	Morgan	Morris	

Speaker Pro Tem Smith declared the bill passed.

HOUSE BILLS WITH SENATE AMENDMENTS

SCS HCS HB 351, as amended, relating to health care providers, was taken up by Representative Frederick.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 090

Allen	Anderson	Austin	Barnes	Bernskoetter
Berry	Brown	Burlison	Cierpiot	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Fowler	Fraker	Franklin	Frederick	Funderburk
Gannon	Haahr	Haefner	Hansen	Hicks
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Lant	Lauer	Leara	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Molendorp	Moon	Morris	Muntzel
Neth	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Remole	Rhoads	Riddle
Ross	Rowden	Rowland	Schatz	Schieber
Shull	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wood	Zerr	Mr Speaker

NOES: 043

Anders	Black	Burns	Butler	Carpenter
Colona	Dunn	Ellinger	English	Englund
Gardner	Harris	Hubbard	Hummel	Kirkton
Kratky	LaFaver	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 030

Bahr	Brattin	Conway 10	Curtis	Ellington
Flanigan	Frame	Gatschenberger	Gosen	Grisamore
Guernsey	Hampton	Higdon	Hodges	Kelly 45
Kolkmeier	Korman	Lair	Lichtenegger	May
Neely	Parkinson	Reiboldt	Richardson	Roorda
Scharnhorst	Shumake	Webb	Webber	Wilson

On motion of Representative Frederick, **SCS HCS HB 351, as amended**, was adopted by the following vote:

AYES: 131

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brown
Burlison	Burns	Carpenter	Cierpiot	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtis	Curtman	Davis	Diehl	Dohrman
Dugger	Ellinger	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Flanigan	Fowler
Fraker	Franklin	Frederick	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Guernsey	Haahr
Haefner	Hansen	Harris	Hicks	Hinson
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Jones 50	Justus	Keeney	Kelley 127
Kirkton	Koenig	Kolkmeyer	Kratky	LaFaver
Lant	Lauer	Leara	Love	Lynch
Mayfield	McCaherty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mitten	Molendorp	Moon	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Pace	Peters	Pfautsch
Phillips	Pierson	Pike	Redmon	Rehder
Reiboldt	Remole	Rhoads	Riddle	Rizzo
Ross	Rowden	Rowland	Runions	Schatz
Schieber	Schieffer	Schupp	Shull	Smith 85
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	White	Wieland	Wood	Wright
Mr Speaker				

NOES: 008

Butler	Colona	Dunn	Johnson	McCann Beatty
Mims	Montecillo	Pogue		

PRESENT: 000

ABSENT WITH LEAVE: 024

Brattin	Conway 10	Ellington	Fitzwater	Frame
Grisamore	Hampton	Higdon	Hodges	Kelly 45
Korman	Lair	Lichtenegger	Marshall	May
Parkinson	Richardson	Roorda	Scharnhorst	Shumake
Webb	Webber	Wilson	Zerr	

On motion of Representative Frederick, **SCS HCS HB 351, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 137

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brown
Burlison	Burns	Carpenter	Cierpiot	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtis	Curtman	Davis	Diehl
Dohrman	Dugger	Ellinger	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hansen	Harris
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Jones 50
Justus	Keeney	Kelley 127	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	Mayfield	McCaherty	McDonald	McGaugh
McKenna	McNeil	Meredith	Messenger	Miller
Mitten	Molendorp	Moon	Morgan	Morris
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Pfautsch	Phillips	Pierson
Pike	Redmon	Reiboldt	Remole	Rhoads
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 85
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Walker	Walton Gray
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 009

Butler	Colona	Dunn	Johnson	McCann Beatty
Mims	Montecillo	Pogue	Torpey	

PRESENT: 000

ABSENT WITH LEAVE: 017

Brattin	Ellington	Frame	Grisamore	Hampton
Hodges	Kelly 45	Lair	May	McManus
Muntzel	Parkinson	Peters	Rehder	Richardson
Webb	Webber			

Speaker Pro Tem Smith declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 137

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Carpenter	Cierpiot
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Ellinger	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Guernsey
Haahr	Haefner	Hansen	Harris	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeier	Korman	Kratky	LaFaver
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Mayfield	McCahterty	McDonald	McGaugh
McKenna	McManus	Meredith	Messenger	Miller
Mitten	Molendorp	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Peters	Pfausch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Riddle	Rizzo
Roorda	Ross	Rowland	Runions	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Smith 85	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Wright	Mr Speaker			

NOES: 010

Butler	Colona	Curtis	Dunn	Gardner
Marshall	McCann Beatty	McNeil	Montecillo	Walton Gray

PRESENT: 000

ABSENT WITH LEAVE: 016

Ellington	Frame	Grisamore	Hampton	Hodges
Lair	May	Mims	Moon	Parkinson
Richardson	Rowden	Scharnhorst	Webb	Webber
Zerr				

SS HCS HB 58, relating to portable electronics insurance, was taken up by Representative Molendorp.

On motion of Representative Molendorp, **SS HCS HB 58** was adopted by the following vote:

AYES: 144

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Guernsey
Haahr	Haefner	Hansen	Harris	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Kolkmeyer	Korman	Kratky	LaFaver	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Mayfield	McCann Beatty	McDonald	McGaugh	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Molendorp	Montecillo	Moon	Morgan
Muntzel	Neely	Neth	Newman	Nichols
Otto	Pace	Peters	Pfausch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 85	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	White
Wieland	Wilson	Wood	Wright	

NOES: 002

Burlison Marshall

PRESENT: 000

ABSENT WITH LEAVE: 017

Ellington	Grisamore	Hampton	Hodges	Koenig
Lair	May	McCaherty	McKenna	Morris
Norr	Parkinson	Richardson	Webb	Webber
Zerr	Mr Speaker			

On motion of Representative Molendorp, **SS HCS HB 58** was truly agreed to and finally passed by the following vote:

AYES: 147

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Elmer	Engler	English	Englund
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Guernsey	Haahr
Haefner	Hansen	Harris	Higdon	Hinson
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeyer
Korman	Kratky	LaFaver	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Peters
Pfautsch	Phillips	Pierson	Pike	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 85	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 004

Burlison	Marshall	Moon	Pogue
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PRESENT: 000

ABSENT WITH LEAVE: 012

Ellington	Entlicher	Grisamore	Hampton	Hicks
Hodges	Lair	May	Parkinson	Scharnhorst
Webb	Webber			

Speaker Pro Tem Smith declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 150

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	English	Englund
Entlicher	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Gannon	Gardner
Gatschenberger	Gosen	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Montecillo	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Peters	Pfausch	Phillips	Pierson
Pike	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Smith 85	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 006

Burlison	Engler	Fitzpatrick	Marshall	Moon
Pogue				

PRESENT: 000

ABSENT WITH LEAVE: 007

Funderburk	Grisamore	Hodges	May	Parkinson
Webb	Webber			

SCS HB 322, relating to motor vehicle insurance policies, was taken up by Representative Gosen.

On motion of Representative Gosen, **SCS HB 322** was adopted by the following vote:

AYES: 153

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Gannon	Gardner	Gatschenberger	Gosen	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Parkinson	Peters	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Riddle	Rizzo
Roorda	Rowden	Rowland	Runions	Scharnhorst
Schieber	Schieffer	Schupp	Shull	Shumake
Smith 85	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	White	Wieland	Wilson
Wood	Wright	Mr Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Cross	Funderburk	Grisamore	Hodges	Richardson
Ross	Schatz	Webb	Webber	Zerr

On motion of Representative Gosen, **SCS HB 322** was truly agreed to and finally passed by the following vote:

AYES: 149

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Frame	Franklin	Frederick	Gannon	Gardner
Gatschenberger	Gosen	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Montecillo	Moon	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Peters	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Reiboldt
Remole	Rhoads	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shumake
Smith 85	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 014

Brattin	Ellington	Fraker	Funderburk	Grisamore
Hodges	Korman	McKenna	Parkinson	Rehder
Richardson	Shull	Webb	Webber	

Speaker Pro Tem Smith declared the bill passed.

SCS HB 533, as amended, relating to firearms, was taken up by Representative Riddle.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Allen	Anderson	Bahr	Barnes	Bernskoetter
Berry	Brown	Burlison	Cierpiot	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Gannon	Gatschenberger	Gosen	Guernsey	Haahr
Haefner	Hampton	Hansen	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller
Molendorp	Moon	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Riddle	Ross	Rowden	Rowland
Schatz	Schieber	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Wright

PRESENT: 000

ABSENT WITH LEAVE: 009

Austin	Brattin	Curtis	Funderburk	Grisamore
Hodges	Richardson	Scharnhorst	Webber	

On motion of Representative Riddle, SCS **HB 533, as amended**, was adopted by the following vote:

AYES: 126

Allen	Anders	Anderson	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Carpenter	Cierpiot	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtis	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Gannon	Gosen	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hubbard
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Kratky
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	Mayfield	McCaherty
McGaugh	McKenna	McManus	Messenger	Miller
Molendorp	Montecillo	Moon	Morris	Muntzel
Neth	Nichols	Norr	Parkinson	Pfausch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Roorda	Ross	Rowden	Rowland	Schatz
Schieber	Schieffer	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 029

Butler	Colona	Dunn	Ellinger	Ellington
Gardner	Hummel	Kelly 45	Kirkton	LaFaver
May	McCann Beatty	McDonald	McNeil	Meredith
Mims	Mitten	Morgan	Newman	Otto
Pace	Peters	Pierson	Rizzo	Runions
Schupp	Smith 85	Walton Gray	Webb	

PRESENT: 000

ABSENT WITH LEAVE: 008

Austin	Funderburk	Gatschenberger	Grisamore	Hodges
Neely	Scharnhorst	Webber		

On motion of Representative Riddle, **SCS HB 533, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 125

Allen	Anders	Anderson	Bahr	Barnes
Bernskoetter	Berry	Black	Brown	Burlison
Burns	Carpenter	Cierpiot	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtis	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Fowler	Fraker
Frame	Franklin	Frederick	Gannon	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hubbard	Hurst	Johnson
Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Kratky	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
Mayfield	McCaherty	McGaugh	McKenna	McManus
Messenger	Miller	Molendorp	Montecillo	Moon
Morris	Muntzel	Neely	Neth	Nichols
Norr	Otto	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Roorda
Ross	Rowden	Rowland	Schatz	Schieber
Schieffer	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 027

Butler	Colona	Dunn	Ellinger	Ellington
Gardner	Hummel	Kirkton	LaFaver	May
McCann Beatty	McDonald	McNeil	Meredith	Mims
Mitten	Morgan	Newman	Pace	Peters
Pierson	Rizzo	Runions	Schupp	Smith 85
Walton Gray	Webb			

PRESENT: 000

ABSENT WITH LEAVE: 011

Austin	Brattin	Flanigan	Funderburk	Gatschenberger
Grisamore	Hodges	Jones 50	Kelly 45	Scharnhorst
Webber				

Speaker Pro Tem Smith declared the bill passed.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 110**, entitled:

An act to repeal sections 473.730, 473.733, and 473.737, RSMo, and to enact in lieu thereof four new sections relating to the selection of public officials, with an emergency clause for a certain section.

With Senate Amendment No. 1, Senate Amendment No. 2 and Senate Amendment No. 3.

Senate Amendment No. 1

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 110, Page 1, Section 26.226, Line 13, by inserting after all of said line the following:

"115.607. 1. No person shall be elected or shall serve as a member of a county committee who is not, for one year next before the person's election, both a registered voter of and a resident of the county and the committee district from which the person is elected if such district shall have been so long established, and if not, then of the district or districts from which the same shall have been taken. Except as provided in subsections 2, 3, 4, 5, and 6 of this section, the membership of a county committee of each established political party shall consist of a man and a woman elected from each township or ward in the county.

2. In each county of the first classification containing the major portion of a city which has over three hundred thousand inhabitants, [two members of the committee, a man and a woman, shall be elected from each ward in the city. Any township entirely contained in the city shall have no additional representation on the county committee. The election authority for the county shall, not later than six months after the decennial census has been reported to the President of the United States, divide the most populous township outside the city into eight subdistricts of contiguous and compact territory and as nearly equal in population as practicable. The subdistricts shall be numbered from one upward consecutively, which numbers shall, insofar as practicable, be retained upon reapportionment. Two members of the county committee, a man and a woman, shall be elected from each such subdistrict. Six members of the committee, three men and three women, shall be elected from the second and third most populous townships outside the city. Four members of the committee, two men and two women, shall be elected from the other townships outside the city] **members of the committee shall be elected from the districts of each state representative that are in any way contained in the county in the following manner: within six months after each legislative reapportionment, each portion of a legislative district contained in the county shall constitute a single committee district. Two men and two women shall be elected from each committee district formed from a legislative district that is wholly contained in the county as members of the committee, two men and two women shall be elected from each committee district formed from a legislative district that is predominantly contained in the county as members of the committee, and one man and one woman shall be elected from each committee district formed from a legislative district that is partially but not predominantly contained in the county as members of the committee.**

3. [In any city which has over three hundred thousand inhabitants, the major portion of which is located in a county with a charter form of government, for the portion of the city located within such county and notwithstanding section 82.110, it shall be the duty of the election authority, not later than six months after the decennial census has been reported to the President of the United States, to divide such cities into not less than twenty-four nor more than twenty-five wards after each decennial census. Wards shall be so divided that the number of inhabitants in any ward shall not exceed any other ward of the city and within the same county, by more than five percent, measured by the number of the inhabitants determined at the preceding decennial census.

4.] In each county of the first classification containing a portion, but not the major portion, of a city which has over three hundred thousand inhabitants, ten members of the committee, five men and five women, shall be elected from the district of each state representative wholly contained in the county in the following manner: within six months after each legislative reapportionment, the election authority shall divide each legislative district wholly contained in the county into five committee districts of contiguous territory as compact and as nearly equal in population as may be; two members of the committee, a man and a woman, shall be elected from each committee district. The election authority shall divide the area of the county located within legislative districts not wholly contained in the county into similar committee districts; two members of the committee, a man and a woman, shall be elected from each committee district.

[5.] 4. In each city not situated in a county, two members of the committee, a man and a woman, shall be elected from each ward.

[6.] 5. In all counties with a charter form of government and a population of over nine hundred thousand inhabitants, the county committee persons shall be elected from each township. Within ninety days after August 28, 2002, and within six months after each decennial census has been reported to the President of the United States, the election authority shall divide the county into twenty-eight compact and contiguous townships containing populations as nearly equal in population to each other as is practical.

[7.] 6. If any election authority has failed to adopt a reapportionment plan by the deadline set forth in this section, the county commission, sitting as a reapportionment commission, shall within sixty days after the deadline, adopt a reapportionment plan. Changes of township, ward, or precinct lines shall not affect the terms of office of incumbent party committee members elected from districts as constituted at the time of their election."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 110, Page 1, Section 26.226, Lines 1-13, by striking all of said section from the bill and inserting in lieu thereof the following:

"26.226. In case of death, resignation, removal from office, conviction after impeachment, or vacancy from any cause in the office of lieutenant governor, the governor shall, within thirty days, issue a writ of election to fill the vacancy for the remainder of the term in which such vacancy occurred and until the successor is elected, commissioned, and qualified. Such election shall be held at the next general election. The candidates for the election shall be nominated and placed on the ballot in accordance with the provisions of sections 115.305 to 115.405. In the case of impeachment, the office shall remain vacant until such impeachment is determined. If acquitted, the lieutenant governor shall be reinstated in office. During any period of time when the office of lieutenant governor is vacant, the chief administrative assistant of the vacating lieutenant governor shall perform all ministerial duties during the period of such vacancy, provided however, that any duties of the lieutenant governor as president of the senate shall be performed by the president pro tempore of the senate during the period of such vacancy."

Senate Amendment No. 3

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 110, Page 1, Section 26.226, Line 13, by inserting immediately after said line the following:

"115.027. 1. Each board of election commissioners shall be composed of four members, appointed by the governor with the advice and consent of the senate. Two commissioners on each board shall be members of one major political party, and two commissioners on each board shall be members of the other major political party. In no case shall more than two commissioners on a board be members of the same political party. When appointing commissioners, the governor shall designate one commissioner on each board to be chairman of the board and one commissioner on each board to be secretary of the board. The chairman and secretary of a board shall not be members of the same political party.

2. In jurisdictions with boards of election commissioners as the election authority, the governor may appoint to the board one representative from each established political party. The representative shall not be a member of the board for purposes of subsection 1 of this section. The state chair of each established political party shall submit a list of no more than four names from which the governor shall select the representative for that party. The representative shall not have voting status, and shall not be compensated, but shall be allowed to participate in discussions and be informed of any meeting of the board.

3. The governor shall not make any appointment, during the legislative interim, to the board of election commissioners in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants."; and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 152**, entitled:

An act to repeal section 162.215, RSMo, and to enact in lieu thereof two new sections relating to school officers.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HB 215**, entitled:

An act to repeal sections 43.518, 160.261, 167.115, 167.171, 168.071, 188.023, 211.071, 211.447, 217.010, 217.345, 217.703, 339.100, 375.1312, 544.455, 556.036, 556.037, 556.061, 557.011, 558.018, 558.026, 559.036, 559.100, 559.105, 559.115, 559.117, 566.020, 566.030, 566.040, 566.060, 566.070, 566.090, 566.093, 566.095, 566.100, 566.224, 566.226, 570.120, 573.037, 589.015, 590.700, 595.220, 600.011, 600.040, 600.042, 600.048, 632.480, 632.498, and 632.505, RSMo, and to enact in lieu thereof fifty-two new sections relating to criminal procedures, with penalty provisions, and an emergency clause for certain sections.

With Senate Amendment No. 1.

Senate Amendment No. 1

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 215, Page 59, Section 375.1312, Line 25 of said page, by inserting after all of said line the following:

"455.010. As used in this chapter, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Abuse" includes but is not limited to the occurrence of any of the following acts, attempts or threats against a person who may be protected pursuant to this chapter, except abuse shall not include abuse inflicted on a child by accidental means by an adult household member or discipline of a child, including spanking, in a reasonable manner:

(a) "Assault", purposely or knowingly placing or attempting to place another in fear of physical harm;

(b) "Battery", purposely or knowingly causing physical harm to another with or without a deadly weapon;

(c) "Coercion", compelling another by force or threat of force to engage in conduct from which the latter has a right to abstain or to abstain from conduct in which the person has a right to engage;

(d) "Harassment", engaging in a purposeful or knowing course of conduct involving more than one incident that alarms or causes distress to an adult or child and serves no legitimate purpose. The course of conduct must be such as would cause a reasonable adult or child to suffer substantial emotional distress and must actually cause substantial emotional distress to the petitioner or child. Such conduct might include, but is not limited to:

a. Following another about in a public place or places;

b. Peering in the window or lingering outside the residence of another; but does not include constitutionally protected activity;

(e) "Sexual assault", causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, or duress;

(f) "Unlawful imprisonment", holding, confining, detaining or abducting another person against that person's will;

(2) "Adult", any person seventeen years of age or older or otherwise emancipated;

(3) "Child", any person under seventeen years of age unless otherwise emancipated;

(4) "Court", the circuit or associate circuit judge or a family court commissioner;

(5) "Domestic violence", abuse or stalking **committed by a family or household member**, as [both] **such** terms are defined in this section;

(6) "Ex parte order of protection", an order of protection issued by the court before the respondent has received notice of the petition or an opportunity to be heard on it;

(7) "Family" or "household member", spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether they have been married or have resided together at any time;

(8) "Full order of protection", an order of protection issued after a hearing on the record where the respondent has received notice of the proceedings and has had an opportunity to be heard;

(9) "Order of protection", either an ex parte order of protection or a full order of protection;

(10) "Pending", exists or for which a hearing date has been set;

(11) "Petitioner", a family or household member who has been a victim of domestic violence, or any person who has been the victim of stalking, or a person filing on behalf of a child pursuant to section 455.503 who has filed a verified petition pursuant to the provisions of section 455.020 or section 455.505;

(12) "Respondent", the family or household member alleged to have committed an act of domestic violence, or person alleged to have committed an act of stalking, against whom a verified petition has been filed or a person served on behalf of a child pursuant to section 455.503;

(13) "Stalking" is when any person purposely and repeatedly engages in an unwanted course of conduct that causes alarm to another person when it is reasonable in that person's situation to have been alarmed by the conduct. As used in this subdivision:

(a) "Alarm" means to cause fear of danger of physical harm;

(b) "Course of conduct" means a pattern of conduct composed of repeated acts over a period of time, however short, that serves no legitimate purpose. Such conduct may include, but is not limited to, following the other person or unwanted communication or unwanted contact; and

(c) "Repeated" means two or more incidents evidencing a continuity of purpose.

455.015. The petition shall be filed in the county where the petitioner resides, where the alleged incident of [abuse] **domestic violence** occurred, or where the respondent may be served.

455.020. 1. Any [adult] **person** who has been subject to domestic violence by a present or former family or household member, or who has been the victim of stalking, may seek relief under sections 455.010 to 455.085 by filing a verified petition alleging such domestic violence or stalking by the respondent.

2. [An adult's] **A person's** right to relief under sections 455.010 to 455.085 shall not be affected by [his] **the person** leaving the residence or household to avoid domestic violence.

3. Any protection order issued pursuant to sections 455.010 to 455.085 shall be effective throughout the state in all cities and counties.

455.030. 1. When the court is unavailable after business hours or on holidays or weekends, a verified petition for protection from [abuse] **domestic violence** or a motion for hearing on violation of any order of protection under sections 455.010 to 455.085 may be filed before any available court in the city or county having jurisdiction to hear the petition pursuant to the guidelines developed pursuant to subsection 4 of this section. An ex parte order may be granted pursuant to section 455.035.

2. All papers in connection with the filing of a petition or the granting of an ex parte order of protection or a motion for a hearing on a violation of an order of protection under this section shall be certified by such court or the clerk within the next regular business day to the circuit court having jurisdiction to hear the petition.

3. A petitioner seeking a protection order shall not be required to reveal any current address or place of residence except to the court in camera for the purpose of determining jurisdiction and venue. The petitioner may be required to provide a mailing address unless the petitioner alleges that he or she would be endangered by such disclosure, or that other family or household members would be endangered by such disclosure. Effective January 1, 2004, a petitioner shall not be required to provide his or her Social Security number on any petition or document filed in connection with a protection order; except that, the court may require that a petitioner's Social Security number be retained on a confidential case sheet or other confidential record maintained in conjunction with the administration of the case.

4. The supreme court shall develop guidelines which ensure that a verified petition may be filed on holidays, evenings and weekends.

455.032. In addition to any other jurisdictional grounds provided by law, a court shall have jurisdiction to enter an order of protection restraining or enjoining the respondent from [abusing, threatening to abuse] **committing or threatening to commit domestic violence, stalking**, molesting or disturbing the peace of petitioner, pursuant to sections 455.010 to 455.085, if the petitioner is present, whether permanently or on a temporary basis within the state of Missouri and if the respondent's actions constituting [abuse] **domestic violence** have occurred, have been attempted or have been or are threatened within the state of Missouri. For purposes of this section, if the petitioner has been the subject of [abuse] **domestic violence** within or outside of the state of Missouri, such evidence shall be admissible to demonstrate the need for protection in Missouri.

455.035. 1. Upon the filing of a verified petition pursuant to sections 455.010 to 455.085 and for good cause shown in the petition, the court may immediately issue an ex parte order of protection. An immediate and present danger of [abuse] **domestic violence** to the petitioner **or the child on whose behalf the petition is filed** shall constitute good cause for purposes of this section. An ex parte order of protection entered by the court shall take effect when entered and shall remain in effect until there is valid service of process and a hearing is held on the motion. **The court shall deny the ex parte order and dismiss the petition if the petitioner is not authorized to seek relief pursuant to section 455.020.**

2. Failure to serve an ex parte order of protection on the respondent shall not affect the validity or enforceability of such order. If the respondent is less than seventeen years of age, unless otherwise emancipated, service of process shall be made upon a **custodial** parent or guardian of the respondent, or upon a guardian ad litem appointed by the court, **requiring that the person appear and bring the respondent before the court at the time and place stated.**

3. If an ex parte order is entered and [the allegations in the petition would give rise to jurisdiction under section 211.031 because] the respondent is less than seventeen years of age, the court shall transfer the case to juvenile court for a hearing on a full order of protection. The court shall appoint a guardian ad litem for any such respondent not represented by a parent or guardian.

455.040. 1. Not later than fifteen days after the filing of a petition [pursuant to sections 455.010 to 455.085] **that meets the requirements of section 455.020**, a hearing shall be held unless the court deems, for good cause shown, that a continuance should be granted. At the hearing, if the petitioner has proved the allegation of [abuse] **domestic violence** or stalking by a preponderance of the evidence, **and the respondent cannot show that his or her actions alleged to constitute abuse were otherwise justified under the law**, the court shall issue a full order of protection for a period of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year. Upon motion by the petitioner, and after a hearing by the court, the full order of protection may be renewed for a period of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year from the expiration date of the originally issued full order of protection. The court may, upon finding that it is in the best interest of the parties, include a provision that any full order of protection for one year shall automatically renew unless the respondent requests a hearing by thirty days prior to the expiration of the order. If for good cause a hearing cannot be held on the motion to renew or the objection to an automatic renewal of the full order of protection prior to the expiration date of the originally issued full order of protection, an ex parte order of protection may be issued until a hearing is held on the motion. When an automatic renewal is not authorized, upon motion by the petitioner, and after a hearing by the court, the second full order of protection may be renewed for an additional period of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year. For purposes of this subsection, a finding by the court of a subsequent act of [abuse] **domestic violence or stalking** is not required for a renewal order of protection.

2. The court shall cause a copy of the petition and notice of the date set for the hearing on such petition and any ex parte order of protection to be served upon the respondent as provided by law or by any sheriff or police officer at least three days prior to such hearing. [Such notice shall be served at the earliest time, and service of such notice shall take priority over service in other actions, except those of a similar emergency nature.] The court shall cause a copy of any full order of protection to be served upon or mailed by certified mail to the respondent at the respondent's last known address. **Notice of an ex parte or full order of protection shall be served at the earliest time, and service of such notice shall take priority over service in other actions, except those of a similar emergency nature.** Failure to serve or mail a copy of the full order of protection to the respondent shall not affect the validity or enforceability of a full order of protection.

3. A copy of any order of protection granted pursuant to sections 455.010 to 455.085 shall be issued to the petitioner and to the local law enforcement agency in the jurisdiction where the petitioner resides. The clerk shall also issue a copy of any order of protection to the local law enforcement agency responsible for maintaining the Missouri uniform law enforcement system or any other comparable law enforcement system the same day the order is granted.

The law enforcement agency responsible for maintaining MULES shall, for purposes of verification, within twenty-four hours from the time the order is granted, enter information contained in the order including but not limited to any orders regarding child custody or visitation and all specifics as to times and dates of custody or visitation that are provided in the order. A notice of expiration or of termination of any order of protection or any change in child custody or visitation within that order shall be issued to the local law enforcement agency and to the law enforcement agency responsible for maintaining MULES or any other comparable law enforcement system. The law enforcement agency responsible for maintaining the applicable law enforcement system shall enter such information in the system within twenty-four hours of receipt of information evidencing such expiration or termination. The information contained in an order of protection may be entered in the Missouri uniform law enforcement system or comparable law enforcement system using a direct automated data transfer from the court automated system to the law enforcement system.

4. The court shall cause a copy of any objection filed by the respondent and notice of the date set for the hearing on such objection to an automatic renewal of a full order of protection for a period of one year to be personally served upon the petitioner by personal process server as provided by law or by a sheriff or police officer at least three days prior to such hearing. Such service of process shall be served at the earliest time and shall take priority over service in other actions except those of a similar emergency nature.

455.045. Any ex parte order of protection granted pursuant to sections 455.010 to 455.085 shall be to protect the petitioner from [abuse] **domestic violence** or stalking and may include:

- (1) Restraining the respondent from [abusing, threatening to abuse] **committing or threatening to commit domestic violence**, molesting, stalking or disturbing the peace of the petitioner;
- (2) Restraining the respondent from entering the premises of the dwelling unit of petitioner when the dwelling unit is:
 - (a) Jointly owned, leased or rented or jointly occupied by both parties; or
 - (b) Owned, leased, rented or occupied by petitioner individually; or
 - (c) Jointly owned, leased or rented by petitioner and a person other than respondent; provided, however, no spouse shall be denied relief pursuant to this section by reason of the absence of a property interest in the dwelling unit; or
 - (d) Jointly occupied by the petitioner and a person other than the respondent; provided that the respondent has no property interest in the dwelling unit;
- (3) Restraining the respondent from communicating with the petitioner in any manner or through any medium;
- (4) A temporary order of custody of minor children where appropriate.

455.050. 1. Any full or ex parte order of protection granted pursuant to sections 455.010 to 455.085 shall be to protect the petitioner from domestic violence and may include such terms as the court reasonably deems necessary to ensure the petitioner's safety, including but not limited to:

- (1) Temporarily enjoining the respondent from [abusing, threatening to abuse] **committing or threatening to commit domestic violence**, molesting, stalking or disturbing the peace of the petitioner;
- (2) Temporarily enjoining the respondent from entering the premises of the dwelling unit of the petitioner when the dwelling unit is:
 - (a) Jointly owned, leased or rented or jointly occupied by both parties; or
 - (b) Owned, leased, rented or occupied by petitioner individually; or
 - (c) Jointly owned, leased, rented or occupied by petitioner and a person other than respondent; provided, however, no spouse shall be denied relief pursuant to this section by reason of the absence of a property interest in the dwelling unit; or
 - (d) Jointly occupied by the petitioner and a person other than respondent; provided that the respondent has no property interest in the dwelling unit; or
- (3) Temporarily enjoining the respondent from communicating with the petitioner in any manner or through any medium.

2. Mutual orders of protection are prohibited unless both parties have properly filed written petitions and proper service has been made in accordance with sections 455.010 to 455.085.

3. When the court has, after a hearing for any full order of protection, issued an order of protection, it may, in addition:

- (1) Award custody of any minor child born to or adopted by the parties when the court has jurisdiction over such child and no prior order regarding custody is pending or has been made, and the best interests of the child require such order be issued;
- (2) Establish a visitation schedule that is in the best interests of the child;
- (3) Award child support in accordance with supreme court rule 88.01 and chapter 452;

(4) Award maintenance to petitioner when petitioner and respondent are lawfully married in accordance with chapter 452;

(5) Order respondent to make or to continue to make rent or mortgage payments on a residence occupied by the petitioner if the respondent is found to have a duty to support the petitioner or other dependent household members;

(6) Order the respondent to pay the petitioner's rent at a residence other than the one previously shared by the parties if the respondent is found to have a duty to support the petitioner and the petitioner requests alternative housing;

(7) Order that the petitioner be given temporary possession of specified personal property, such as automobiles, checkbooks, keys, and other personal effects;

(8) Prohibit the respondent from transferring, encumbering, or otherwise disposing of specified property mutually owned or leased by the parties;

(9) Order the respondent to participate in a court-approved counseling program designed to help batterers stop violent behavior or to participate in a substance abuse treatment program;

(10) Order the respondent to pay a reasonable fee for housing and other services that have been provided or that are being provided to the petitioner by a shelter for victims of domestic violence;

(11) Order the respondent to pay court costs;

(12) Order the respondent to pay the cost of medical treatment and services that have been provided or that are being provided to the petitioner as a result of injuries sustained to the petitioner by an act of domestic violence committed by the respondent.

4. A verified petition seeking orders for maintenance, support, custody, visitation, payment of rent, payment of monetary compensation, possession of personal property, prohibiting the transfer, encumbrance, or disposal of property, or payment for services of a shelter for victims of domestic violence, shall contain allegations relating to those orders and shall pray for the orders desired.

5. In making an award of custody, the court shall consider all relevant factors including the presumption that the best interests of the child will be served by placing the child in the custody and care of the nonabusive parent, unless there is evidence that both parents have engaged in abusive behavior, in which case the court shall not consider this presumption but may appoint a guardian ad litem or a court-appointed special advocate to represent the children in accordance with chapter 452 and shall consider all other factors in accordance with chapter 452.

6. The court shall grant to the noncustodial parent rights to visitation with any minor child born to or adopted by the parties, unless the court finds, after hearing, that visitation would endanger the child's physical health, impair the child's emotional development or would otherwise conflict with the best interests of the child, or that no visitation can be arranged which would sufficiently protect the custodial parent from further [abuse] **domestic violence**. The court may appoint a guardian ad litem or court-appointed special advocate to represent the minor child in accordance with chapter 452 whenever the custodial parent alleges that visitation with the noncustodial parent will damage the minor child.

7. The court shall make an order requiring the noncustodial party to pay an amount reasonable and necessary for the support of any child to whom the party owes a duty of support when no prior order of support is outstanding and after all relevant factors have been considered, in accordance with Missouri supreme court rule 88.01 and chapter 452.

8. The court may grant a maintenance order to a party for a period of time, not to exceed one hundred eighty days. Any maintenance ordered by the court shall be in accordance with chapter 452.

455.060. 1. After notice and hearing, the court may modify an order of protection at any time, upon subsequent motion filed by the guardian ad litem, the court-appointed special advocate or by either party together with an affidavit showing a change in circumstances sufficient to warrant the modification. All full orders of protection shall be final orders and appealable and shall be for a fixed period of time as provided in section 455.040.

2. Any order for child support, custody, temporary custody, visitation or maintenance entered under sections 455.010 to 455.085 shall terminate prior to the time fixed in the order upon the issuance of a subsequent order pursuant to chapter 452 or any other Missouri statute.

3. No order entered pursuant to sections 455.010 to 455.085 shall be res judicata to any subsequent proceeding, including, but not limited to, any action brought under chapter 452[, RSMo 1978, as amended].

4. All provisions of an order of protection shall terminate upon entry of a decree of dissolution of marriage or legal separation except as to those provisions which require the respondent to participate in a court-approved counseling program or enjoin the respondent from [abusing, molesting, stalking or disturbing the peace of] **committing an act of domestic violence against** the petitioner and which enjoin the respondent from entering the premises of the dwelling unit of the petitioner as described in the order of protection when the petitioner continues to reside in that dwelling unit unless the respondent is awarded possession of the dwelling unit pursuant to a decree of dissolution of marriage or legal separation.

5. Any order of protection or order for child support, custody, temporary custody, visitation or maintenance entered under sections 455.010 to 455.085 shall terminate upon the order of the court granting a motion to terminate the order of protection by the petitioner. [The court shall set the motion to dismiss for hearing and both parties shall have an opportunity to be heard.] Prior to terminating any order of protection, the court may [examine the circumstances of the motion to dismiss and may] inquire of the petitioner or others in order to [assist the court in determining if] **determine whether the** dismissal is voluntary.

6. The order of protection may not change the custody of children when an action for dissolution of marriage has been filed or the custody has previously been awarded by a court of competent jurisdiction.

455.080. 1. Law enforcement agencies may establish procedures to ensure that dispatchers and officers at the scene of an alleged incident of [abuse] **domestic violence or stalking** or violation of an order of protection can be informed of any recorded prior incident of [abuse] **domestic violence or stalking** involving the abused party and can verify the effective dates and terms of any recorded order of protection.

2. The law enforcement agency shall apply the same standard for response to an alleged incident of [abuse] **domestic violence or stalking** or a violation of any order of protection as applied to any like offense involving strangers, except as otherwise provided by law. Law enforcement agencies shall not assign lower priority to calls involving alleged incidents of [abuse] **domestic violence or stalking** or violation of protection orders than is assigned in responding to offenses involving strangers. Existence of any of the following factors shall be interpreted as indicating a need for immediate response:

- (1) The caller indicates that violence is imminent or in progress; or
- (2) A protection order is in effect; or
- (3) The caller indicates that incidents of domestic violence have occurred previously between the parties.

3. Law enforcement agencies may establish domestic crisis teams or, if the agency has fewer than five officers whose responsibility it is to respond to calls of this nature, individual officers trained in methods of dealing with [family and household quarrels] **domestic violence**. Such teams or individuals may be supplemented by social workers, ministers or other persons trained in counseling or crisis intervention. When an alleged incident of [family or household abuse] **domestic violence** is reported, the agency may dispatch a crisis team or specially trained officer, if available, to the scene of the incident.

4. The officer at the scene of an alleged incident of [abuse] **domestic violence or stalking** shall inform the abused party of available judicial remedies for relief from [adult abuse] **domestic violence** and of available shelters for victims of domestic violence.

5. Law enforcement officials at the scene shall provide or arrange transportation for the abused party to a medical facility for treatment of injuries or to a place of shelter or safety.

455.085. 1. When a law enforcement officer has probable cause to believe a party has committed a violation of law amounting to [abuse or assault] **domestic violence**, as defined in section 455.010, against a family or household member, the officer may arrest the offending party whether or not the violation occurred in the presence of the arresting officer. When the officer declines to make arrest pursuant to this subsection, the officer shall make a written report of the incident completely describing the offending party, giving the victim's name, time, address, reason why no arrest was made and any other pertinent information. Any law enforcement officer subsequently called to the same address within a twelve-hour period, who shall find probable cause to believe the same offender has again committed a violation as stated in this subsection against the same or any other family or household member, shall arrest the offending party for this subsequent offense. The primary report of nonarrest in the preceding twelve-hour period may be considered as evidence of the defendant's intent in the violation for which arrest occurred. The refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.

2. When a law enforcement officer has probable cause to believe that a party, against whom a protective order has been entered and who has notice of such order entered, has committed an act of abuse in violation of such order, the officer shall arrest the offending party-respondent whether or not the violation occurred in the presence of the arresting officer. Refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.

3. When an officer makes an arrest [he], **the officer** is not required to arrest two parties involved in an assault when both parties claim to have been assaulted. The arresting officer shall attempt to identify and shall arrest the party [he] **the officer** believes is the primary physical aggressor. The term "primary physical aggressor" is defined as the most significant, rather than the first, aggressor. The law enforcement officer shall consider any or all of the following in determining the primary physical aggressor:

- (1) The intent of the law to protect victims [of domestic violence] from continuing [abuse] **domestic violence**;
- (2) The comparative extent of injuries inflicted or serious threats creating fear of physical injury;

(3) The history of domestic violence between the persons involved.

No law enforcement officer investigating an incident of [abuse] **domestic violence** shall threaten the arrest of all parties for the purpose of discouraging requests or law enforcement intervention by any party. Where complaints are received from two or more opposing parties, the officer shall evaluate each complaint separately to determine whether [he] **the officer** should seek a warrant for an arrest.

4. In an arrest in which a law enforcement officer acted in good faith reliance on this section, the arresting and assisting law enforcement officers and their employing entities and superiors shall be immune from liability in any civil action alleging false arrest, false imprisonment or malicious prosecution.

5. When a person against whom an order of protection has been entered fails to surrender custody of minor children to the person to whom custody was awarded in an order of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor children over to the care and custody of the party to whom such care and custody was awarded.

6. The same procedures, including those designed to protect constitutional rights, shall be applied to the respondent as those applied to any individual detained in police custody.

7. A violation of the terms and conditions, with regard to [abuse] **domestic violence**, stalking, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of an ex parte order of protection of which the respondent has notice, shall be a class A misdemeanor unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior pleas of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict.

8. A violation of the terms and conditions, with regard to [abuse] **domestic violence**, stalking, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of a full order of protection shall be a class A misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior plea of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of the sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict. For the purposes of this subsection, in addition to the notice provided by actual service of the order, a party is deemed to have notice of an order of protection if the law enforcement officer responding to a call of a reported incident of [abuse] **domestic violence, stalking**, or violation of an order of protection presented a copy of the order of protection to the respondent.

9. Good faith attempts to effect a reconciliation of a marriage shall not be deemed tampering with a witness or victim tampering under section 575.270.

10. Nothing in this section shall be interpreted as creating a private cause of action for damages to enforce the provisions set forth herein.

455.503. 1. A petition for an order of protection for a child shall be filed in the county where the child resides, where the alleged incident of [abuse] **domestic violence or stalking** occurred, or where the respondent may be served.

2. Such petition may be filed by any of the following:

- (1) A parent or guardian of the victim;
- (2) A guardian ad litem or court-appointed special advocate appointed for the victim; or
- (3) The juvenile officer.

455.505. 1. An order of protection for a child who has been subject to domestic violence by a present or former [adult] household member or person stalking the child may be sought under sections 455.500 to 455.538 by the filing of a verified petition alleging such domestic violence **or stalking** by the respondent.

2. A child's right to relief under sections 455.500 to 455.538 shall not be affected by [his] **the child's** leaving the residence or household to avoid domestic violence.

3. Any protection order issued pursuant to sections 455.500 to 455.538 shall be effective throughout the state in all cities and counties.

455.513. 1. Upon the filing of a verified petition under sections 455.500 to 455.538, for good cause shown in the petition, and upon finding that no prior order regarding custody is pending or has been made or that the respondent is less than seventeen years of age, the court may immediately issue an ex parte order of protection. An immediate and present danger of [abuse] **domestic violence or stalking** to a child shall constitute good cause for purposes of this section. An ex parte order of protection entered by the court shall be in effect until the time of the hearing. **The court shall deny the ex parte order and dismiss the petition if the petitioner is not authorized to seek relief pursuant to section 455.505.**

2. Upon the entry of the ex parte order of protection, the court shall enter its order appointing a guardian ad litem or court-appointed special advocate to represent the child victim.

3. If the allegations in the petition would give rise to jurisdiction under section 211.031, the court may direct the children's division to conduct an investigation and to provide appropriate services. The division shall submit a written investigative report to the court and to the juvenile officer within thirty days of being ordered to do so. The report shall be made available to the parties and the guardian ad litem or court-appointed special advocate.

4. If [an ex parte order is entered and] the allegations in the petition would give rise to jurisdiction under section 211.031 because the respondent is less than seventeen years of age, the court **may issue an ex parte order and** shall transfer the case to juvenile court for a hearing on a full order of protection. Service of process shall be made pursuant to section 455.035.

455.520. 1. Any ex parte order of protection granted under sections 455.500 to 455.538 shall be to protect the victim from domestic violence **or stalking** and may include such terms as the court reasonably deems necessary to ensure the [petitioner's] **victim's** safety, including but not limited to:

- (1) Restraining the respondent from [abusing, threatening to abuse] **committing or threatening to commit domestic violence, stalking**, molesting, or disturbing the peace of the victim;
- (2) Restraining the respondent from entering the family home of the victim except as specifically authorized by the court;
- (3) Restraining the respondent from communicating with the victim in any manner or through any medium, except as specifically authorized by the court;
- (4) A temporary order of custody of minor children.

2. No ex parte order of protection excluding the respondent from the family home shall be issued unless the court finds that:

- (1) The order is in the best interests of the child or children remaining in the home;
- (2) The verified allegations of domestic violence present a substantial risk to the child or children unless the respondent is excluded; and
- (3) A remaining adult family or household member is able to care adequately for the child or children in the absence of the excluded party.

455.523. 1. Any full order of protection granted under sections 455.500 to 455.538 shall be to protect the victim from domestic violence and **stalking** may include such terms as the court reasonably deems necessary to ensure the petitioner's safety, including but not limited to:

- (1) Temporarily enjoining the respondent from [abusing] **committing domestic violence**, threatening to [abuse] **commit domestic violence, stalking**, molesting, or disturbing the peace of the victim;
- (2) Temporarily enjoining the respondent from entering the family home of the victim, except as specifically authorized by the court;
- (3) Temporarily enjoining the respondent from communicating with the victim in any manner or through any medium, except as specifically authorized by the court.

2. When the court has, after hearing for any full order of protection, issued an order of protection, it may, in addition:

- (1) Award custody of any minor child born to or adopted by the parties when the court has jurisdiction over such child and no prior order regarding custody is pending or has been made, and the best interests of the child require such order be issued;
- (2) Award visitation;
- (3) Award child support in accordance with supreme court rule 88.01 and chapter 452;
- (4) Award maintenance to petitioner when petitioner and respondent are lawfully married in accordance with chapter 452;

(5) Order respondent to make or to continue to make rent or mortgage payments on a residence occupied by the victim if the respondent is found to have a duty to support the victim or other dependent household members;

(6) Order the respondent to participate in a court-approved counseling program designed to help [child abusers] stop violent behavior or to treat substance abuse;

(7) Order the respondent to pay, to the extent that he or she is able, the costs of his or her treatment, together with the treatment costs incurred by the victim;

(8) Order the respondent to pay a reasonable fee for housing and other services that have been provided or that are being provided to the victim by a shelter for victims of domestic violence.

455.538. 1. When a law enforcement officer has probable cause to believe that a party, against whom a protective order for a child has been entered, has committed an act [of abuse] in violation of that order, [he] **the officer** shall have the authority to arrest the respondent whether or not the violation occurred in the presence of the arresting officer.

2. When a person, against whom an order of protection for a child has been entered, fails to surrender custody of minor children to the person to whom custody was awarded in an order of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor children over to the care and custody of the party to whom such care and custody was awarded.

3. The same procedures, including those designed to protect constitutional rights, shall be applied to the respondent as those applied to any individual detained in police custody.

4. (1) Violation of the terms and conditions of an ex parte or full order of protection with regard to [abuse] **domestic violence, stalking**, child custody, communication initiated by the respondent, or entrance upon the premises of the victim's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of which the respondent has notice, shall be a class A misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence of a prior plea of guilty or finding of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of a prior plea of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict.

(2) For purposes of this subsection, in addition to the notice provided by actual service of the order, a party is deemed to have notice of an order of protection for a child if the law enforcement officer responding to a call of a reported incident of [abuse] **domestic violence or stalking** or violation of an order of protection for a child presents a copy of the order of protection to the respondent.

5. The fact that an act by a respondent is a violation of a valid order of protection for a child shall not preclude prosecution of the respondent for other crimes arising out of the incident in which the protection order is alleged to have been violated.

527.290. 1. Public notice of such a change of name shall be given at least three times in a newspaper published in the county where such person is residing, within twenty days after the order of court is made, and if no newspaper is published in [his] **the person's** or any adjacent county, then such notice shall be given in a newspaper published in the City of St. Louis, or at the seat of government.

2. Public notice of such name change through publication as required in subsection 1 of this section shall not be required, **and any system operated by the judiciary that is designed to provide public case information electronically shall not post the name change**, if the petitioner is:

(1) The victim of a crime, the underlying factual basis of which is found by the court on the record to include an act of domestic violence, as defined in section 455.010;

(2) The victim of child abuse, as defined in section 210.110; or

(3) The victim of [abuse] **domestic violence** by a family or household member, as defined in section 455.010."; and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HBs 404 & 614**, entitled:

An act to repeal sections 287.067 and 287.243, RSMo, and to enact in lieu thereof two new sections relating to workers' compensation.

With Senate Amendment No. 1.

Senate Amendment No. 1

AMEND House Committee Substitute for House Bill Nos. 404 & 614, Page 1, Section 287.067, Line 9, by inserting after "injury" the following:

"or death"; and

Further amend said bill, Pages 2 to 6, Section 287.243, by striking all of said section from the bill and inserting in lieu thereof the following:

"287.975. 1. The advisory organization shall file with the director every pure premium rate, every manual of rating rules, every rating schedule and every change or amendment, or modification of any of the foregoing, proposed for use in this state no more than thirty days after it is distributed to members, subscribers or others.

2. The advisory organization which makes a uniform classification system for use in setting rates in this state shall collect data for two years after January 1, 1994, on the payroll differential between employers within the construction group of code classifications, including, but not limited to, payroll costs of the employer and number of hours worked by all employees of the employer engaged in construction work. Such data shall be transferred to the department of insurance, financial institutions and professional registration in a form prescribed by the director of the department of insurance, financial institutions and professional registration, and the department shall compile the data and develop a formula to equalize premium rates for employers within the construction group of code classifications based on such payroll differential within three years after the data is submitted by the advisory organization.

3. The formula to equalize premium rates for employers within the construction group of code classifications established under subsection 2 of this section shall be the formula in effect on January 1, 1999. This subsection shall become effective on January 1, 2014."; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 1035**, as **amended**, and has taken up and passed **CCS SCS HCS HB 1035**.

Emergency clause adopted.

HOUSE BILLS WITH SENATE AMENDMENTS

SS SCS HB 142, as amended, relating to utilities, was taken up by Representative Dugger.

On motion of Representative Dugger, **SS SCS HB 142, as amended**, was adopted by the following vote:

AYES: 142

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brown
Burlison	Burns	Carpenter	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Fowler	Franklin
Frederick	Funderburk	Gannon	Gardner	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hoskins	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Kelley 127	Kelly 45
Koenig	Kolkmeyer	Kratky	LaFaver	Lair
Lant	Lauer	Lichtenegger	Love	Lynch
Marshall	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Mims	Montecillo	Moon
Morgan	Morris	Muntzel	Neely	Neth
Nichols	Norr	Otto	Pace	Peters
Pfautsch	Phillips	Pierson	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Schatz	Schieber
Schieffer	Schupp	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 006

Butler	Kirkton	Korman	Mitten	Newman
Smith 85				

PRESENT: 000

ABSENT WITH LEAVE: 015

Brattin	Flanigan	Fraker	Frame	Grisamore
Hodges	Hough	Keeney	Leara	Miller
Molendorp	Parkinson	Scharnhorst	Shull	Webber

On motion of Representative Dugger, **SS SCS HB 142, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 147

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dunn	Ellinger
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Higdon	Hinson	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kirkton	Koenig
Kolkmeyer	Kratky	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	May
Mayfield	McCaherty	McCann Beatty	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Montecillo	Moon	Morgan
Morris	Muntzel	Neely	Nichols	Norr
Otto	Pace	Peters	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webb	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 004

Butler	Korman	Newman	Smith 85
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PRESENT: 000

ABSENT WITH LEAVE: 012

Dugger	Grisamore	Hicks	Hodges	Kelly 45
LaFaver	Lair	McDonald	Molendorp	Neth
Parkinson	Scharnhorst			

Speaker Pro Tem Smith declared the bill passed.

SS SCS HCS HB 345, relating to telecommunications, was taken up by Representative Cierpiot.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCahtery	McGaugh	Messenger	Miller
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Schatz	Schieber	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 008

Barnes	Flanigan	Grisamore	Hinson	Hodges
Molendorp	Scharnhorst	Swearingen		

On motion of Representative Cierpiot, **SS SCS HCS HB 345** was adopted by the following vote:

AYES: 143

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellington
Elmer	Engler	English	Englund	Fitzpatrick
Fitzwater	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Koenig	Kolkmeier	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	May	Mayfield
McCaherty	McCann Beatty	McDonald	McKenna	McNeil
Meredith	Messenger	Miller	Mims	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Neth	Nichols	Norr	Otto	Pace
Parkinson	Peters	Pfautsch	Phillips	Pierson
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Schatz	Schieffer	Shull	Shumake	Smith 85
Smith 120	Solon	Sommer	Stream	Swan
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 014

Anders	Curtis	Ellinger	Entlicher	Gardner
Kirkton	Korman	McGaugh	McManus	Mitten
Newman	Schieber	Schupp	Spencer	

PRESENT: 000

ABSENT WITH LEAVE: 006

Flanigan	Grisamore	Hodges	Molendorp	Scharnhorst
Swearingen				

On motion of Representative Cierpiot, **SS SCS HCS HB 345** was truly agreed to and finally passed by the following vote:

AYES: 143

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellington
Elmer	Engler	English	Englund	Fitzpatrick
Fitzwater	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Koenig	Kolkmeyer	Kratky	LaFaver
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	May	Mayfield	McCaherty
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Neth	Nichols	Norr	Pace	Parkinson
Peters	Pfautsch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieffer	Shull	Shumake	Smith 85
Smith 120	Solon	Sommer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	White	Wieland	Wood
Wright	Zerr	Mr Speaker		

NOES: 013

Curtis	Ellinger	Entlicher	Gardner	Kirkton
Korman	McGaugh	Mitten	Newman	Schieber
Schupp	Spencer	Wilson		

PRESENT: 000

ABSENT WITH LEAVE: 007

Conway 10	Flanigan	Grisamore	Hodges	Lair
Molendorp	Otto			

Speaker Pro Tem Smith declared the bill passed.

SCS HB 196, relating to job training programs, was taken up by Representative Lauer.

On motion of Representative Lauer, **SCS HB 196** was adopted by the following vote:

AYES: 139

Allen	Anders	Austin	Barnes	Bernskoetter
Berry	Black	Brown	Burns	Butler
Carpenter	Cierpiot	Colona	Conway 10	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Davis	Diehl	Dohrman	Dunn	Ellinger
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzwater	Fowler	Fraker	Frame
Frederick	Funderburk	Gannon	Gardner	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Kelley 127
Kelly 45	Kirkton	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Mims
Mitten	Montecillo	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Parkinson	Peters	Pfautsch
Phillips	Pierson	Pike	Redmon	Rehder
Reiboldt	Remole	Richardson	Riddle	Rizzo
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieffer	Schupp	Shull	Shumake	Smith 85
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webb	Webber	White	Wieland
Wood	Wright	Zerr	Mr Speaker	

NOES: 015

Anderson	Bahr	Brattin	Burlison	Conway 104
Curtman	Fitzpatrick	Keeney	Koenig	Marshall
Moon	Pogue	Ross	Schieber	Wilson

PRESENT: 000

ABSENT WITH LEAVE: 009

Dugger	Flanigan	Franklin	Grisamore	Hodges
Miller	Molendorp	Rhoads	Roorda	

On motion of Representative Lauer, **SCS HB 196** was truly agreed to and finally passed by the following vote:

AYES: 138

Allen	Anders	Austin	Barnes	Bernskoetter
Berry	Black	Brown	Burns	Butler
Carpenter	Cierpiot	Colona	Conway 10	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Fitzwater	Fraker	Frame	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Kelley 127	Kelly 45	Kirkton
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Molendorp	Montecillo	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Parkinson	Peters	Pfautsch
Phillips	Pierson	Pike	Redmon	Rehder
Reiboldt	Remole	Richardson	Riddle	Rizzo
Roorda	Rowden	Rowland	Runions	Schatz
Schieffer	Schupp	Shull	Shumake	Smith 85
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	White	Wieland	Wood
Wright	Zerr	Mr Speaker		

NOES: 017

Anderson	Bahr	Brattin	Burlison	Conway 104
Curtman	Fitzpatrick	Fowler	Keeney	Koenig
Marshall	Moon	Pogue	Ross	Schieber
Smith 120	Wilson			

PRESENT: 000

ABSENT WITH LEAVE: 008

Entlicher	Flanigan	Franklin	Gardner	Grisamore
Hodges	Rhoads	Scharnhorst		

Speaker Pro Tem Smith declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 129

Allen	Anders	Austin	Barnes	Bernskoetter
Black	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Elmer
Engler	English	Englund	Entlicher	Fitzwater
Fowler	Fraker	Frame	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Higdon
Hinson	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Justus	Kelley 127
Kelly 45	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Messenger	Miller	Mims	Molendorp
Montecillo	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Pace
Parkinson	Peters	Pfautsch	Phillips	Pierson
Pike	Redmon	Rehder	Reiboldt	Remole
Rhoads	Riddle	Rizzo	Roorda	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieffer
Schupp	Shull	Shumake	Smith 85	Solon
Sommer	Spencer	Swan	Thomson	Torpey
Walker	Webb	Webber	White	Wieland
Wood	Wright	Zerr	Mr Speaker	

NOES: 022

Anderson	Bahr	Burlison	Conway 104	Curtman
Ellington	Fitzpatrick	Gardner	Keeney	Kirkton
Koenig	Marshall	Meredith	Mitten	Moon
Otto	Pogue	Ross	Schieber	Smith 120
Walton Gray	Wilson			

PRESENT: 000

ABSENT WITH LEAVE: 012

Berry	Brattin	Brown	Flanigan	Franklin
Grisamore	Hicks	Hodges	Jones 50	Richardson
Stream	Swearingen			

SS SCS HB 428, relating to registration and licensing of motor vehicles, was taken up by Representative Schatz.

On motion of Representative Schatz, **SS SCS HB 428** was adopted by the following vote:

AYES: 151

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fowler	Fraker
Frame	Frederick	Funderburk	Gannon	Gardner
Gatschenberger	Gosen	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Montecillo	Moon
Morgan	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Parkinson
Peters	Pfautsch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Smith 85	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 001

Marshall

PRESENT: 000

ABSENT WITH LEAVE: 011

Brattin	Fitzwater	Flanigan	Franklin	Grisamore
Hodges	Jones 50	May	Molendorp	Morris
Scharnhorst				

On motion of Representative Schatz, **SS SCS HB 428** was truly agreed to and finally passed by the following vote:

AYES: 151

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Mayfield	McCaherty	McCann Beatty	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Montecillo	Moon
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Pace	Parkinson
Peters	Pfautsch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Smith 85	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 001

Marshall

PRESENT: 000

ABSENT WITH LEAVE: 011

Brattin	Flanigan	Gosen	Grisamore	Hodges
Jones 50	May	McDonald	Molendorp	Otto
Scharnhorst				

Speaker Pro Tem Smith declared the bill passed.

SCS HB 148, relating to child custody for military personnel, was taken up by Representative Davis.

Speaker Jones resumed the Chair.

On motion of Representative Davis, **SCS HB 148** was adopted by the following vote:

AYES: 155

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Fowler
Fraker	Franklin	Frederick	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Montecillo	Moon	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Pace	Parkinson	Peters
Pfautsch	Phillips	Pierson	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Smith 85	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	Webber	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Brattin	Flanigan	Frame	Grisamore	Hodges
Jones 50	Molendorp	Wright		

On motion of Representative Davis, **SCS HB 148** was truly agreed to and finally passed by the following vote:

AYES: 154

Allen	Anders	Anderson	Austin	Bahr
Bernskoetter	Berry	Black	Brown	Burlison
Burns	Butler	Carpenter	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeier	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Montecillo	Moon	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Pace	Parkinson	Peters
Pfautsch	Phillips	Pierson	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 85
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webb	Webber	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Barnes	Brattin	Flanigan	Grisamore	Hodges
Jones 50	Molendorp	Schatz	Wright	

Speaker Jones declared the bill passed.

SS SCS HCS HB 175, relating to collection of local government funds, was taken up by Representative Crawford.

On motion of Representative Crawford, **SS SCS HCS HB 175** was adopted by the following vote:

AYES: 145

Allen	Anders	Anderson	Austin	Bahr
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Curtman	Davis	Diehl	Dohrman
Dugger	Dunn	Ellinger	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hoskins
Houghton	Hubbard	Hurst	Johnson	Jones 50
Justus	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mitten	Molendorp
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Parkinson	Peters	Pfautsch	Phillips	Pierson
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 011

Colona	Curtis	Ellington	Gardner	Marshall
Mims	Montecillo	Moon	Smith 85	Walton Gray
Webb				

PRESENT: 000

ABSENT WITH LEAVE: 007

Barnes	Cross	Grisamore	Hodges	Hough
Hummel	Keeney			

On motion of Representative Crawford, **SS SCS HCS HB 175** was truly agreed to and finally passed by the following vote:

AYES: 150

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mitten	Molendorp	Moon
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Parkinson	Peters	Pfautsch	Phillips	Pierson
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 010

Colona	Curtis	Ellington	Gardner	Marshall
Mims	Montecillo	Smith 85	Walton Gray	Webb

PRESENT: 000

ABSENT WITH LEAVE: 003

Cross	Grisamore	Hodges
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Speaker Jones declared the bill passed.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 349**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SB 100, as amended**, and has taken up and passed **CCS HCS SB 100**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS SB 224, as amended**, and has taken up and passed **CCS SCS SB 224**.

SENATE CONCURRENT RESOLUTIONS

SS SCR 15, relating to a lead industry study, was taken up by Representative Wieland.

On motion of Representative Wieland, **SS SCR 15** was adopted by the following vote:

AYES: 154

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Molendorp	Montecillo	Moon	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Pace	Parkinson	Peters
Pfausch	Phillips	Pierson	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 005

Colona Curtis Gardner Mitten Smith 85

PRESENT: 000

ABSENT WITH LEAVE: 004

Cross Grisamore Hodges Scharnhorst

HOUSE BILLS WITH SENATE AMENDMENTS

SCS HCS HB 611, as amended, relating to employment, was taken up by Representative Lant.

On motion of Representative Lant, **SCS HCS HB 611, as amended**, was adopted by the following vote:

AYES: 157

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lant	Leara	Lichtenegger
Love	Lynch	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Molendorp	Montecillo	Moon	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Parkinson
Peters	Pfautsch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Smith 85	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webb	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

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NOES: 001

Marshall

PRESENT: 000

ABSENT WITH LEAVE: 005

Cross	Flanigan	Grisamore	Hodges	Lauer
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On motion of Representative Lant, **SCS HCS HB 611, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 140

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Cierpiot	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellington	Elmer	Engler	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Gannon
Gatschenberger	Gosen	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hubbard
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Leara
Lichtenegger	Love	Lynch	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	Meredith	Messenger	Miller	Mims
Molendorp	Montecillo	Moon	Morgan	Morris
Muntzel	Neely	Neth	Newman	Otto
Pace	Parkinson	Peters	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Webb	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 018

Butler	Carpenter	Colona	Curtis	Ellinger
English	Gardner	Hummel	Kirkton	Marshall
McNeil	Mitten	Nichols	Norr	Roorda
Schupp	Smith 85	Walton Gray		

PRESENT: 000

ABSENT WITH LEAVE: 005

Cross	Funderburk	Grisamore	Hodges	Lauer
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Speaker Jones declared the bill passed.

SS#2 SCS HB 116, as amended, relating to public accounts, was taken up by Representative Dugger.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Anderson	Austin	Bahr	Barnes	Bernskoetter
Berry	Brown	Burlison	Cierpiot	Conway 104
Cookson	Cornejo	Cox	Crawford	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	Entlicher	Fitzpatrick	Fitzwater	Fowler
Fraker	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Guernsey	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Schatz	Schieber	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Mr Speaker

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellington
English	Englund	Frame	Gardner	Harris
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Otto
Pace	Peters	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 014

Allen	Brattin	Cross	Ellinger	Flanigan
Grisamore	Haahr	Hodges	Kelley 127	McDonald
Norr	Reiboldt	Scharnhorst	Zerr	

On motion of Representative Dugger, **SS#2 SCS HB 116, as amended**, was adopted by the following vote:

AYES: 152

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Curtis	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gardner
Gatschenberger	Gosen	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kirkton	Koenig	Kolkmeyer
Korman	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Moon	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Parkinson	Peters	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 85	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Mr Speaker			

NOES: 005

Colona	Frame	Kratky	Montecillo	Roorda
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PRESENT: 000

ABSENT WITH LEAVE: 006

Brattin	Cross	Grisamore	Hodges	Kelly 45
Zerr				

On motion of Representative Dugger, **SS#2 SCS HB 116, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 150

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Curtis	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Ellington	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kirkton	Koenig	Kolkmeier	Korman	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Moon	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Parkinson
Peters	Pfautsch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Smith 85	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 007

Colona	Ellinger	Frame	Kratky	Montecillo
Roorda	Webb			

PRESENT: 000

ABSENT WITH LEAVE: 006

Brattin	Cross	Flanigan	Grisamore	Hodges
Kelly 45				

Speaker Jones declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 064

Allen	Anderson	Bahr	Barnes	Bernskoetter
Brown	Burlison	Cierpiot	Cox	Crawford
Cross	Davis	Diehl	Dohrman	Dugger
Elmer	Entlicher	Fitzwater	Fraker	Franklin
Frederick	Funderburk	Gatschenberger	Guernsey	Hoskins
Houghton	Hubbard	Johnson	Jones 50	Justus
Keeney	Kelly 45	Koenig	Kolkmeyer	Korman
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Lynch	McCann Beatty	Miller	Molendorp
Pfautsch	Pike	Pogue	Redmon	Rehder
Reiboldt	Rizzo	Ross	Rowland	Scharnhorst
Smith 120	Solon	Spencer	Stream	Swan
Thomson	Walker	White	Mr Speaker	

NOES: 091

Anders	Austin	Berry	Black	Burns
Butler	Carpenter	Colona	Conway 10	Conway 104
Cookson	Cornejo	Curtis	Dunn	Ellinger
Ellington	Engler	English	Englund	Fitzpatrick
Fowler	Frame	Gannon	Gardner	Gosen
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hough	Hurst
Kirkton	Kratky	Love	Marshall	May
Mayfield	McCaherty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Mims
Mitten	Montecillo	Moon	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Pace	Parkinson	Peters
Phillips	Pierson	Remole	Rhoads	Richardson
Riddle	Roorda	Rowden	Runions	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 85
Sommer	Swearingen	Torpey	Walton Gray	Webb
Webber	Wieland	Wilson	Wood	Wright
Zerr				

PRESENT: 001

Hummel

ABSENT WITH LEAVE: 007

Brattin	Curtman	Flanigan	Grisamore	Hodges
Kelley 127	Schatz			

SCS HJR 16, relating to admissibility of evidence, was taken up by Representative McCaherty.

On motion of Representative McCaherty, **SCS HJR 16** was adopted by the following vote:

AYES: 135

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Funderburk
Gannon	Gatschenberger	Gosen	Guernsey	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kirkton	Koenig	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Messenger
Miller	Molendorp	Montecillo	Moon	Morris
Muntzel	Neely	Newman	Norr	Otto
Peters	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Shull	Shumake	Smith 120
Solon	Sommer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Webber	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 021

Butler	Curtis	Dunn	Ellinger	Ellington
Gardner	Haahr	Kelly 45	Meredith	Mims
Mitten	Morgan	Nichols	Pace	Pierson
Schupp	Smith 85	Spencer	Walton Gray	Webb
White				

PRESENT: 000

ABSENT WITH LEAVE: 007

Carpenter	Frederick	Grisamore	Hodges	Kolkmeier
Neth	Parkinson			

On motion of Representative McCaherty, **SCS HJR 16** was truly agreed to and finally passed by the following vote:

AYES: 131

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Cierpiot	Conway 10
Conway 104	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Dohrman	Dugger	Elmer
Engler	English	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Guernsey	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	Messenger	Miller	Molendorp	Montecillo
Moon	Morris	Muntzel	Neely	Newman
Otto	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Shull	Shumake
Smith 120	Solon	Sommer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Webber
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 026

Butler	Colona	Curtis	Dunn	Ellinger
Ellington	Englund	Gardner	Haahr	Kelly 45
McNeil	Meredith	Mims	Mitten	Morgan
Nichols	Norr	Pace	Peters	Pierson
Schupp	Smith 85	Spencer	Walton Gray	Webb
White				

PRESENT: 000

ABSENT WITH LEAVE: 006

Carpenter	Cookson	Diehl	Grisamore	Hodges
Neth				

Speaker Jones declared the bill passed.

HCS HB 128, with Senate Amendment No. 1 and Senate Amendment No. 2, relating to property tax bills, was taken up by Representative Sommer.

On motion of Representative Sommer, the House concurred in **Senate Amendment No. 1 and Senate Amendment No. 2** by the following vote:

AYES: 107

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Cierpiot	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Elmer	Engler
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Guernsey	Haahr
Haefner	Hampton	Hansen	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
May	Mayfield	McCaherty	McGaugh	Messenger
Molendorp	Moon	Morris	Muntzel	Neely
Pfautsch	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wilson	Wood
Zerr	Mr Speaker			

NOES: 045

Anders	Burns	Butler	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Frame	Gardner	Harris	Hummel
Kelly 45	Kirkton	Kratky	LaFaver	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Walton Gray	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 011

Grisamore	Hodges	Hubbard	Korman	Miller
Mitten	Neth	Parkinson	Phillips	Webb
Wieland				

On motion of Representative Sommer, **HCS HB 128, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 107

Anderson	Austin	Bahr	Barnes	Bernskoetter
Berry	Black	Brattin	Brown	Burlison
Cierpiot	Cookson	Cornejo	Cox	Crawford
Cross	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hubbard	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	May	Mayfield
McCaherty	McGaugh	Messenger	Miller	Moon
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wilson	Wood
Zerr	Mr Speaker			

NOES: 045

Anders	Burns	Butler	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Frame	Gardner	Harris	Hummel
Kelly 45	Kirkton	Kratky	LaFaver	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Walton Gray	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 011

Allen	Conway 104	Curtman	Grisamore	Hodges
Korman	Mitten	Molendorp	Shull	Webb
Wieland				

Speaker Jones declared the bill passed.

SCS HCS HB 722, relating to police retirement, was taken up by Representative Leara.

On motion of Representative Leara, **SCS HCS HB 722** was adopted by the following vote:

AYES: 157

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gardner	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeyer
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Montecillo	Moon	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Parkinson	Peters	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 85	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webber	White	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Grisamore	Hodges	Korman	Rhoads	Webb
Wieland				

On motion of Representative Leara, **SCS HCS HB 722** was truly agreed to and finally passed by the following vote:

AYES: 154

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Parkinson	Peters	Pfautsch	Pierson
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Smith 85	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webber	White	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Cross	Flanigan	Grisamore	Hodges	Phillips
Rhoads	Scharnhorst	Webb	Wieland	

Speaker Jones declared the bill passed.

THIRD READING OF SENATE BILLS

SB 170, relating to votes of public governmental bodies, was taken up by Representative Smith (85).

On motion of Representative Smith (85), **SB 170** was truly agreed to and finally passed by the following vote:

AYES: 142

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brown	Burlison
Burns	Butler	Carpenter	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Curtis	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gardner
Gatschenberger	Gosen	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
May	Mayfield	McCaherty	McCann Beatty	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Montecillo	Moon
Morgan	Morris	Muntzel	Neely	Neth
Nichols	Norr	Pace	Parkinson	Peters
Pfautsch	Phillips	Pierson	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Riddle
Rizzo	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieffer	Schupp	Shull	Shumake
Smith 85	Smith 120	Solon	Sommer	Stream
Swan	Thomson	Torpey	Walker	Walton Gray
Webber	White	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 008

Ellington	Marshall	McDonald	Newman	Otto
Roorda	Schieber	Spencer		

PRESENT: 000

ABSENT WITH LEAVE: 013

Anders	Brattin	Cross	Grisamore	Hodges
LaFaver	Molendorp	Rhoads	Richardson	Ross
Swearingen	Webb	Wieland		

Speaker Jones declared the bill passed.

HCS SS SCS SB 210, relating to the Common Core State Standards, was taken up by Representative Bahr.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 096

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Engler	Entlicher	Fitzwater	Flanigan
Fowler	Fraker	Franklin	Funderburk	Gannon
Gatschenberger	Gosen	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeier	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller
Moon	Morris	Muntzel	Neely	Neth
Pfautsch	Phillips	Pike	Pogue	Redmon
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wilson	Wood	Zerr
Mr Speaker				

NOES: 047

Black	Burns	Butler	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellington	English
Englund	Frame	Harris	Hubbard	Hummel
Kelly 45	Kirkton	Kratky	LaFaver	May
Mayfield	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 020

Anders	Dugger	Ellinger	Elmer	Fitzpatrick
Frederick	Gardner	Grisamore	Hinson	Hodges
Hoskins	Hough	Korman	Molendorp	Parkinson
Rehder	Smith 120	Webb	Webber	Wieland

On motion of Representative Bahr, **HCS SS SCS SB 210** was adopted.

On motion of Representative Bahr, **HCS SS SCS SB 210** was read the third time and passed by the following vote:

AYES: 123

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Butler	Carpenter	Cierpiot	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Funderburk	Gannon	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hoskins	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	Mayfield	McCaherty	McGaugh
McKenna	McNeil	Messenger	Miller	Molendorp
Moon	Morgan	Morris	Muntzel	Neely
Neth	Norr	Pfausch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wilson
Wood	Zerr	Mr Speaker		

NOES: 028

Burns	Conway 10	Curtis	Dunn	Ellinger
Ellington	Hubbard	Hummel	Kelly 45	May
McCann Beatty	McDonald	McManus	Meredith	Mims
Mitten	Montecillo	Newman	Nichols	Otto
Pace	Peters	Pierson	Rizzo	Smith 85
Swearingen	Walton Gray	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 012

Anders	Colona	Frederick	Gardner	Grisamore
Hodges	Hough	Parkinson	Smith 120	Webb
Webber	Wieland			

Speaker Jones declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 104

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Cierpiot	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Elmer	Engler
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Franklin	Funderburk	Gannon	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Houghton	Hubbard	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	McCaherty	McGaugh	Messenger
Miller	Molendorp	Moon	Morris	Muntzel
Neely	Neth	Parkinson	Pfausch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Solon	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wilson	Wood	Zerr	Mr Speaker	

NOES: 036

Burns	Butler	Conway 10	Curtis	Dunn
Ellinger	Ellington	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	Lair	Marshall	May
McCann Beatty	McDonald	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Newman	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Runions	Schupp	Smith 85	Swearingen	Walton Gray
Wright				

PRESENT: 011

Carpenter	English	Englund	Frame	Harris
Mayfield	McKenna	Morgan	Peters	Roorda
Schieffer				

ABSENT WITH LEAVE: 012

Anders	Colona	Frederick	Gardner	Grisamore
Hodges	Hough	Smith 120	Sommer	Webb
Webber	Wieland			

HCS SCS SB 258, relating to the board of directors of the Kansas City school district, was taken up by Representative Neth.

Representative Neth moved that **HCS SCS SB 258** be adopted.

Which motion was defeated.

On motion of Representative Neth, **SCS SB 258** was truly agreed to and finally passed by the following vote:

AYES: 125

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Black	Brattin	Brown	Burlison
Burns	Carpenter	Cierpiot	Colona	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Funderburk	Gannon	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hoskins	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kirkton	Koenig
Kolkmeier	Korman	LaFaver	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Mayfield
McCann Beatty	McDonald	McGaugh	McKenna	McManus
Meredith	Messenger	Miller	Mitten	Molendorp
Montecillo	Moon	Morgan	Morris	Muntzel
Neely	Neth	Otto	Pace	Parkinson
Pfautsch	Phillips	Pike	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Webber
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 021

Butler	Curtis	Dunn	Ellinger	Ellington
English	Gardner	Lair	Marshall	May
McNeil	Mims	Newman	Nichols	Norr
Peters	Pierson	Pogue	Runions	Schupp
Walton Gray				

PRESENT: 001

Kratky

ABSENT WITH LEAVE: 016

Anders	Barnes	Cross	Frederick	Grisamore
Hinson	Hodges	Hough	Kelly 45	McCahterty
Schieffer	Smith 85	Smith 120	Webb	White
Wieland				

Speaker Jones declared the bill passed.

SS SCS SB 121, relating to liquor control, was taken up by Representative Jones (50).

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 099

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Conway 104	Cookson	Cornejo	Cox	Crawford
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Funderburk
Gannon	Gatschenberger	Gosen	Guernsey	Haahr
Hampton	Hansen	Hicks	Higdon	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wilson	Wood	Zerr	Mr Speaker	

NOES: 048

Black	Burns	Butler	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schupp	Swearingen
Walton Gray	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 016

Anders	Cierpiot	Cross	Frederick	Grisamore
Haefner	Hinson	Hodges	McCaherty	Neth
Parkinson	Schieffer	Smith 85	Smith 120	Webb
Wieland				

On motion of Representative Jones (50), **SS SCS SB 121** was truly agreed to and finally passed by the following vote:

AYES: 140

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Curtis	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Gannon	Gardner	Gatschenberger	Gosen
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	Mayfield	McCann Beatty	McDonald
McGaugh	McKenna	McManus	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Parkinson	Peters	Pfautsch	Phillips
Pierson	Pike	Redmon	Rehder	Rhoads
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schieber	Schieffer
Schupp	Shull	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webber	White
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 010

Curtman	Guernsey	Johnson	May	McNeil
Pogue	Reiboldt	Remole	Richardson	Shumake

PRESENT: 001

Ellington

ABSENT WITH LEAVE: 012

Anders	Cross	Frederick	Funderburk	Grisamore
Hinson	Hodges	McCaherty	Schatz	Smith 85
Webb	Wieland			

Speaker Jones declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 120

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Burns	Butler	Carpenter	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Curtis	Curtman	Davis	Diehl
Dohrman	Dunn	Ellinger	Elmer	Engler
English	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Funderburk
Gannon	Gosen	Haahr	Haefner	Hansen
Harris	Hicks	Higdon	Hough	Houghton
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kolkmeier	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Mayfield
McCann Beatty	McDonald	McGaugh	McKenna	McManus
Messenger	Miller	Mims	Molendorp	Montecillo
Moon	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Parkinson	Pfautsch
Phillips	Pierson	Pike	Redmon	Rehder
Rhoads	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieffer
Shull	Smith 120	Solon	Sommer	Stream
Swan	Thomson	Torpey	Walker	Webber
White	Wood	Wright	Zerr	Mr Speaker

NOES: 028

Black	Dugger	Ellington	Englund	Gardner
Guernsey	Hampton	Kirkton	Koenig	Marshall
May	McNeil	Meredith	Mitten	Morgan
Otto	Pace	Peters	Pogue	Reiboldt
Remole	Richardson	Schieber	Schupp	Shumake
Swearingen	Walton Gray	Wilson		

PRESENT: 000

ABSENT WITH LEAVE: 015

Anders	Cross	Frederick	Gatschenberger	Grisamore
Hinson	Hodges	Hoskins	Hubbard	McCaherty
Riddle	Smith 85	Spencer	Webb	Wieland

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HB 103, as amended**, and has taken up and passed **CCS SCS HB 103**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SS SCS HCS HB 117**, and has taken up and passed **CCS SS SCS HCS HB 117**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS HBs 256, 33 & 305, as amended**, and has taken up and passed **CCS HCS HBs 256, 33 & 305**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SS HB 336, as amended**, and has taken up and passed **CCS SS HB 336**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SS SCS HCS HBs 374 & 434, as amended**, and has taken up and passed **CCS SS SCS HCS HBs 374 & 434**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 505**, entitled:

An act to repeal sections 37.710, 160.261, 160.262, 162.068, 162.069, 210.115, 556.061, 568.060, and 595.220, RSMo, and to enact in lieu thereof nine new sections relating to child abuse and neglect, with penalty provisions and an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

HOUSE BILLS WITH SENATE AMENDMENTS

SCS HCS HB 986, as amended, relating to public assistance, was taken up by Representative Barnes.

On motion of Representative Barnes, **SCS HCS HB 986, as amended**, was adopted by the following vote:

AYES: 149

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Gannon	Gardner
Gatschenberger	Gosen	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kirkton	Koenig	Kolkmeier
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Lichtenegger	Love	Lynch	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Parkinson	Peters	Pfautsch	Phillips
Pierson	Pike	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Webb	Webber	White
Wood	Wright	Zerr	Mr Speaker	

NOES: 005

Curtman	Marshall	Pogue	Walton Gray	Wilson
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PRESENT: 000

ABSENT WITH LEAVE: 009

Anders	Frederick	Funderburk	Grisamore	Hodges
Kelly 45	Leara	Smith 85	Wieland	

On motion of Representative Barnes, **SCS HCS HB 986, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 148

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Gannon	Gardner
Gatschenberger	Gosen	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Lichtenegger	Love	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Morgan	Morris	Muntzel	Neely	Neth
Nichols	Norr	Otto	Pace	Parkinson
Peters	Pfautsch	Pierson	Pike	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	White	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 003

Marshall	Moon	Pogue
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PRESENT: 000

ABSENT WITH LEAVE: 012

Anders	Curtman	Frederick	Funderburk	Grisamore
Hodges	Leara	Lynch	Newman	Phillips
Smith 85	Wieland			

Speaker Jones declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 152

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Molendorp	Montecillo	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Otto	Pace	Parkinson	Peters
Pfautsch	Phillips	Pierson	Pike	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 003

Curtman	Moon	Pogue
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PRESENT: 000

ABSENT WITH LEAVE: 008

Anders	Frederick	Grisamore	Hodges	Marshall
Scharnhorst	Smith 85	Wieland		

THIRD READING OF SENATE JOINT RESOLUTION

SCS SJR 14, relating to the right to keep and bear arms, was taken up by Representative Jones (50).

Representative Brattin offered **House Amendment No. 1**.

House Amendment No. 1

AMEND Senate Committee Substitute for Senate Joint Resolution No. 14, Page 1, Section 23, Line 4, by inserting after the period on said line, ".", the following:

"The right of every citizen to possess, purchase, reload, or manufacture ammunition and to possess, purchase, or manufacture mechanical parts or other articles essential to the proper functioning of arms shall not be infringed or the amounts limited."; and

Further amend said bill, page, and section, Line 7, by inserting after the period, ".", on said line, the following:

"Nothing in this section shall be construed to invalidate acts of the General Assembly, which create criminal penalties for the unlawful use of firearms."; and

Further amend said resolution, Page 2, Section B, Lines 5-8, by deleting all of said lines and inserting in lieu thereof, the following:

"Shall the Missouri Constitution be amended to include a declaration that the right to keep and bear arms is a unalienable right, that the state government is obligated to uphold that right, and that every citizen is guaranteed the right to possess, purchase, and manufacture firearms, parts, and ammunition?"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 097

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Fowler	Fraker	Funderburk	Gatschenberger
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Smith 120

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Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wilson
Wood	Mr Speaker			

NOES: 046

Black	Burns	Butler	Carpenter	Colona
Curtis	Dunn	Ellinger	Ellington	English
Englund	Frame	Harris	Hubbard	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 020

Anders	Cierpiot	Conway 10	Flanigan	Franklin
Frederick	Gannon	Gardner	Gosen	Grisamore
Hinson	Hodges	Hummel	Kelley 127	Kelly 45
Love	Parkinson	Smith 85	Wieland	Zerr

On motion of Representative Brattin, **House Amendment No. 1** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fowler	Fraker	Franklin	Funderburk	Gannon
Gatschenberger	Gosen	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Molendorp	Moon	Morris	Muntzel
Neely	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wilson	Wood	Zerr	Mr Speaker

NOES: 048

Black	Burns	Butler	Carpenter	Colona
Curtis	Dunn	Ellinger	Ellington	Englund
Frame	Gardner	Harris	Hubbard	Hummel
Kelly 45	Kirkton	Kratky	LaFaver	May
Mayfield	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 015

Anders	Cierpiot	Conway 10	English	Fitzwater
Flanigan	Frederick	Grisamore	Guernsey	Hinson
Hodges	Justus	Neth	Smith 85	Wieland

On motion of Representative Jones (50), **SCS SJR 14, as amended**, was read the third time and passed by the following vote:

AYES: 115

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Cierpiot	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Ellington	Elmer
Engler	Entlicher	Fitzpatrick	Flanigan	Fowler
Fraker	Frame	Franklin	Funderburk	Gannon
Gatschenberger	Gosen	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hubbard
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeier	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	Mayfield	McCaherty	McGaugh
McKenna	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Roorda	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Schieffer	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Wilson	Wood	Zerr	Mr Speaker

NOES: 038

Burns	Butler	Carpenter	Colona	Curtis
Dunn	Ellinger	Englund	Gardner	Hummel
Kelly 45	Kirkton	LaFaver	May	McCann Beatty
McDonald	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols

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Norr	Otto	Pace	Peters	Pierson
Rizzo	Runions	Schupp	Walton Gray	Webb
Webber	White	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 010

Anders	Conway 10	English	Fitzwater	Frederick
Grisamore	Hodges	Kratky	Smith 85	Wieland

Speaker Jones declared the bill passed.

HOUSE BILLS WITH SENATE AMENDMENTS

SS SCS HCS HB 215, as amended, relating to criminal procedures, was taken up by Representative Cox.

On motion of Representative Cox, **SS SCS HCS HB 215, as amended**, was adopted by the following vote:

AYES: 133

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Burns	Cierpiot	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Elmer
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Gannon	Gosen	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Webber	White	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 018

Black	Butler	Carpenter	Colona	Curtis
Ellinger	Ellington	Gardner	May	Mitten
Montecillo	Morgan	Pace	Peters	Pierson
Schupp	Walton Gray	Webb		

PRESENT: 001

Conway 10

ABSENT WITH LEAVE: 011

Anders	Engler	Funderburk	Gatschenberger	Grisamore
Guernsey	Hodges	Lair	Richardson	Smith 85
Wieland				

On motion of Representative Cox, **SS SCS HCS HB 215, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 136

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Burns	Cierpiot	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Gannon	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Harris	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Molendorp	Moon	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Webber
White	Wilson	Wood	Wright	Zerr
Mr Speaker				

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NOES: 018

Black	Butler	Carpenter	Colona	Curtis
Ellinger	Ellington	Gardner	May	Mitten
Montecillo	Morgan	Pace	Peters	Pierson
Schupp	Walton Gray	Webb		

PRESENT: 000

ABSENT WITH LEAVE: 009

Anders	Funderburk	Grisamore	Hansen	Hodges
Lair	Richardson	Smith 85	Wieland	

Speaker Jones declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 127

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Burns	Cierpiot	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Gannon	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Koenig	Kolkmeier	Korman	Kratky
LaFaver	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Mayfield	McCaherty	McCann Beatty
McGaugh	McKenna	McManus	Meredith	Messenger
Miller	Mims	Molendorp	Morris	Muntzel
Neely	Nichols	Otto	Parkinson	Pfausch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schieber	Schieffer	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Webber	White	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 026

Black	Butler	Carpenter	Colona	Curtis
Ellinger	Ellington	Gardner	Hubbard	Kirkton
Marshall	May	McDonald	McNeil	Mitten
Montecillo	Moon	Morgan	Newman	Norr
Pace	Peters	Pierson	Schupp	Walton Gray
Webb				

PRESENT: 000

ABSENT WITH LEAVE: 010

Anders	Funderburk	Grisamore	Hodges	Lair
Neth	Richardson	Schatz	Smith 85	Wieland

SS HB 184, relating to taxation, was taken up by Representative Cox.

On motion of Representative Cox, **SS HB 184** was adopted by the following vote:

AYES: 098

Allen	Austin	Barnes	Bernskoetter	Black
Brown	Burns	Cierpiot	Colona	Conway 10
Cookson	Cornejo	Cox	Crawford	Cross
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	Englund	Entlicher	Fitzwater	Flanigan
Fraker	Franklin	Frederick	Gannon	Gatschenberger
Gosen	Haefner	Hampton	Hansen	Harris
Higdon	Hinson	Hoskins	Hough	Houghton
Hubbard	Jones 50	Justus	Kelley 127	Kolkmeyer
Korman	Kratky	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Mayfield
McCaherty	McGaugh	McKenna	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Morris
Muntzel	Neth	Nichols	Norr	Pfautsch
Phillips	Pike	Redmon	Reiboldt	Rhoads
Richardson	Riddle	Rizzo	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieffer	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	Webb
Wood	Zerr	Mr Speaker		

NOES: 058

Anderson	Bahr	Berry	Brattin	Burlison
Butler	Carpenter	Conway 104	Curtis	Curtman
Dunn	Ellinger	Ellington	English	Fitzpatrick
Fowler	Frame	Gardner	Guernsey	Haahr
Hicks	Hummel	Hurst	Johnson	Keeney
Kelly 45	Kirkton	Koenig	LaFaver	Marshall
May	McCann Beatty	McDonald	McManus	McNeil
Meredith	Moon	Morgan	Newman	Otto
Pace	Parkinson	Peters	Pierson	Pogue
Rehder	Remole	Roorda	Ross	Schieber
Schupp	Smith 120	Swearingen	Walton Gray	Webber
White	Wilson	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 007

Anders	Funderburk	Grisamore	Hodges	Neely
Smith 85	Wieland			

On motion of Representative Cox, **SS HB 184** was truly agreed to and finally passed by the following vote:

AYES: 098

Allen	Austin	Barnes	Bernskoetter	Black
Brown	Burns	Butler	Cierpiot	Colona
Cookson	Cornejo	Cox	Crawford	Cross
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	Englund	Entlicher	Fitzwater	Flanigan
Fraker	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Haefner	Hampton	Hansen
Harris	Higdon	Hinson	Hoskins	Hough
Houghton	Hubbard	Jones 50	Justus	Kelley 127
Kolkmeyer	Korman	Kratky	Lair	Lant
Leara	Lichtenegger	Love	Lynch	Mayfield
McCaherty	McGaugh	McKenna	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Morris
Muntzel	Neely	Neth	Nichols	Norr
Pfautsch	Pike	Pogue	Redmon	Reiboldt
Rhoads	Richardson	Riddle	Rizzo	Rowden
Rowland	Runions	Scharnhorst	Schatz	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	Webb
Wood	Zerr	Mr Speaker		

NOES: 059

Anderson	Bahr	Berry	Brattin	Burlison
Carpenter	Conway 10	Conway 104	Curtis	Curtman
Dunn	Ellinger	Ellington	English	Fitzpatrick
Fowler	Frame	Gardner	Guernsey	Haahr
Hicks	Hummel	Hurst	Johnson	Keeney
Kelly 45	Kirkton	Koenig	LaFaver	Marshall
May	McCann Beatty	McDonald	McManus	McNeil
Meredith	Moon	Morgan	Newman	Otto
Pace	Parkinson	Peters	Phillips	Pierson
Rehder	Remole	Roorda	Ross	Schieber
Schieffer	Schupp	Smith 120	Swearingen	Walton Gray
Webber	White	Wilson	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 006

Anders	Grisamore	Hodges	Lauer	Smith 85
Wieland				

Speaker Jones declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 092

Allen	Austin	Barnes	Bernskoetter	Black
Brown	Burns	Cierpiot	Colona	Cookson
Cox	Crawford	Cross	Davis	Diehl
Dohrman	Dugger	Elmer	Englund	Entlicher
Fitzwater	Flanigan	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Haefner
Hansen	Higdon	Hinson	Hoskins	Hough
Houghton	Hubbard	Hummel	Jones 50	Justus
Kelley 127	Kolkmeier	Korman	Kratky	LaFaver
Lair	Lant	Leara	Lichtenegger	Love
Lynch	Mayfield	McCaherty	McCann Beatty	McGaugh
McKenna	McManus	Messenger	Miller	Mims
Molendorp	Montecillo	Morris	Muntzel	Neely
Nichols	Pfausch	Pike	Redmon	Reiboldt
Rhoads	Richardson	Riddle	Rizzo	Ross
Rowden	Rowland	Scharnhorst	Schatz	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	Webb	White
Wood	Mr Speaker			

NOES: 063

Anderson	Bahr	Berry	Brattin	Burlison
Butler	Carpenter	Conway 10	Conway 104	Cornejo
Curtis	Curtman	Dunn	Ellington	English
Fitzpatrick	Fowler	Frame	Gardner	Guernsey
Haahr	Hampton	Harris	Hicks	Hurst
Johnson	Keeney	Kelly 45	Kirkton	Koenig
Marshall	May	McDonald	McNeil	Meredith
Mitten	Moon	Morgan	Neth	Newman
Norr	Otto	Pace	Parkinson	Peters
Phillips	Pierson	Pogue	Rehder	Remole
Roorda	Runions	Schieber	Schieffer	Schupp
Shull	Smith 120	Swearingen	Walton Gray	Webber
Wilson	Wright	Zerr		

PRESENT: 000

ABSENT WITH LEAVE: 008

Anders	Ellinger	Engler	Grisamore	Hodges
Lauer	Smith 85	Wieland		

Representative Keeney assumed the Chair.

SCS HB 301, as amended, relating to sexually violent predators, was taken up by Representative Engler.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Crawford
Cross	Curtman	Davis	Dohrman	Dugger
Engler	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Franklin	Frederick	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeier	Korman	Lair	Lant	Lauer
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Moon	Morris
Muntzel	Neely	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Schatz	Schieber	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wilson	Wood	Zerr	Mr Speaker

NOES: 049

Black	Burns	Butler	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 014

Anders	Cox	Diehl	Elmer	Fraker
Funderburk	Hodges	Leara	McManus	Molendorp
Neth	Scharnhorst	Smith 85	Wieland	

On motion of Representative Engler, **SCS HB 301, as amended**, was adopted by the following vote:

AYES: 153

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Dohrman	Dugger	Dunn	Ellinger
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Gannon
Gardner	Gatschenberger	Gosen	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Lichtenegger	Love
Lynch	Marshall	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Montecillo	Moon	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Parkinson	Peters	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	White	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Anders	Diehl	Funderburk	Grisamore	Hodges
Leara	McManus	Molendorp	Smith 85	Wieland

On motion of Representative Engler, **SCS HB 301, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 150

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Dohrman	Dugger	Dunn	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Gannon	Gardner
Gatschenberger	Gosen	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeyer
Kratky	LaFaver	Lair	Lant	Lauer
Lichtenegger	Love	Lynch	Marshall	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Montecillo	Moon	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Parkinson
Peters	Pfautsch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	Webber	White
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 013

Anders	Diehl	Ellinger	Funderburk	Grisamore
Hodges	Jones 50	Korman	Leara	McManus
Molendorp	Smith 85	Wieland		

Representative Keeney declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 152

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Gannon
Gardner	Gatschenberger	Gosen	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Higdon
Hinson	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeier
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Lichtenegger	Love	Lynch	Marshall
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Parkinson	Peters	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Anders	Ellinger	Funderburk	Grisamore	Hicks
Hodges	Jones 50	Leara	McManus	Smith 85
Wieland				

SCS HB 152, relating to school officers, was taken up by Representative Solon.

On motion of Representative Solon, **SCS HB 152** was adopted by the following vote:

AYES: 126

Allen	Anderson	Austin	Bahr	Barnes
Berry	Black	Brattin	Brown	Burlison
Butler	Cierpiot	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Engler	Englund
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Gannon	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Higdon	Hoskins	Hough	Houghton
Hubbard	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Love	Lynch	Marshall
May	McCaherty	McCann Beatty	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Montecillo	Moon	Morris	Muntzel	Neely
Neth	Nichols	Norr	Otto	Pace
Peters	Pfautsch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Schieffer	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Webb	Webber
White	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 019

Burns	Carpenter	Colona	Conway 10	Curtis
Dunn	Ellington	Frame	Gardner	Hummel
Mayfield	Mims	Mitten	Morgan	Newman
Roorda	Runions	Schupp	Walton Gray	

PRESENT: 000

ABSENT WITH LEAVE: 018

Anders	Bernskoetter	Ellinger	Elmer	English
Entlicher	Funderburk	Grisamore	Hicks	Hinson
Hodges	Leara	Lichtenegger	McDonald	Molendorp
Parkinson	Smith 85	Wieland		

On motion of Representative Solon, **SCS HB 152** was truly agreed to and finally passed by the following vote:

AYES: 124

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Butler	Cierpiot	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Englund	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Franklin	Frederick	Gannon	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hoskins
Hough	Houghton	Hubbard	Hurst	Johnson
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeier	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Lichtenegger	Love
Lynch	Marshall	McCaherty	McCann Beatty	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Montecillo	Moon	Morris	Muntzel
Neely	Neth	Nichols	Norr	Otto
Pace	Peters	Pfausch	Phillips	Pike
Pogue	Rehder	Reiboldt	Remole	Richardson
Riddle	Rizzo	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Schieffer	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Webb	Webber	White	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 022

Burns	Carpenter	Colona	Conway 10	Curtis
Dunn	Ellinger	Ellington	Frame	Gardner
Hummel	May	Mayfield	McDonald	Mitten
Morgan	Newman	Pierson	Roorda	Runions
Schupp	Walton Gray			

PRESENT: 000

ABSENT WITH LEAVE: 017

Anders	Engler	English	Entlicher	Funderburk
Gatschenberger	Hinson	Hodges	Jones 50	Leara
Mims	Molendorp	Parkinson	Redmon	Rhoads
Smith 85	Wieland			

Representative Keeney declared the bill passed.

HCS HBs 404 & 614, with Senate Amendment No. 1, relating to workers' compensation, was taken up by Representative Conway (104).

On motion of Representative Conway (104), the House concurred in **Senate Amendment No. 1** by the following vote:

AYES: 149

Allen	Anderson	Austin	Bahr	Barnes
Berry	Black	Brattin	Burlison	Burns
Butler	Carpenter	Cierpiot	Colona	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtis	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Ellington
Elmer	Engler	English	Englund	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Gannon	Gardner	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Love	Lynch	Marshall
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Montecillo	Moon	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Peters	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 120	Solon	Sommer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	Webber	White
Wood	Wright	Zerr	Mr Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 014

Anders	Bernskoetter	Brown	Entlicher	Funderburk
Hodges	Jones 50	Lichtenegger	Parkinson	Scharnhorst
Smith 85	Spencer	Wieland	Wilson	

On motion of Representative Conway (104), **HCS HBs 404 & 614, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 148

Allen	Anderson	Austin	Bahr	Barnes
Berry	Black	Brattin	Burlison	Burns
Butler	Carpenter	Cierpiot	Colona	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtis	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Ellington
Elmer	Engler	English	Englund	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Gannon	Gardner	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Harris	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeier	Korman
Kratky	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Montecillo	Moon
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Peters	Pfautsch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webb	Webber	White	Wood
Wright	Zerr	Mr Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 015

Anders	Bernskoetter	Brown	Entlicher	Funderburk
Hansen	Hodges	Jones 50	LaFaver	Molendorp
Parkinson	Scharnhorst	Smith 85	Wieland	Wilson

Representative Keeney declared the bill passed.

SS HCR 25, relating to the establishment of the Joint Interim Committee on St. Louis Metropolitan Statistical Area Governance and Taxation, was taken up by Representative Allen.

On motion of Representative Allen, **SS HCR 25** was adopted by the following vote:

AYES: 142

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Burlison
Burns	Butler	Carpenter	Cierpiot	Colona
Conway 10	Cookson	Cornejo	Cox	Crawford
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellinger	Ellington	Engler	English
Englund	Entlicher	Fitzwater	Flanigan	Fowler
Fraker	Frame	Frederick	Gannon	Gardner
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeier	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Montecillo	Moon	Morgan	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Parkinson	Peters	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Schieber
Schieffer	Schupp	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Torpey	Walker	Walton Gray	Webb
Webber	White	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 001

Curtis

PRESENT: 000

ABSENT WITH LEAVE: 020

Anders	Brown	Conway 104	Cross	Elmer
Fitzpatrick	Franklin	Funderburk	Hodges	Hubbard
Korman	Molendorp	Morris	Muntzel	Pierson
Scharnhorst	Schatz	Smith 85	Thomson	Wieland

SCS HCS HB 505, relating to child abuse and neglect, was taken up by Representative Haefner.

On motion of Representative Haefner, **SCS HCS HB 505** was adopted by the following vote:

AYES: 148

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Burlison
Burns	Butler	Cierpiot	Colona	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Curtis	Curtman	Davis	Diehl	Dohrman
Dunn	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fraker	Frame	Franklin	Frederick
Gannon	Gardner	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Montecillo	Moon	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Parkinson
Peters	Pfautsch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	White	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 015

Anders	Brown	Carpenter	Cross	Dugger
Fowler	Funderburk	Hinson	Hodges	Jones 50
Molendorp	Scharnhorst	Smith 85	Swearingen	Wieland

On motion of Representative Haefner, **SCS HCS HB 505** was truly agreed to and finally passed by the following vote:

AYES: 149

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Franklin	Frederick	Gannon	Gardner
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hoskins	Hough	Houghton	Hubbard
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kirkton	Koenig	Kolkmeier	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Parkinson	Peters	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	Webber	White
Wilson	Wright	Zerr	Mr Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 014

Anders	Cross	Frame	Funderburk	Hinson
Hodges	Hummel	Kelly 45	Molendorp	Riddle
Scharnhorst	Smith 85	Wieland	Wood	

Representative Keeney declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 145

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Curtis	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Ellington	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Fowler	Fraker	Franklin	Frederick
Gannon	Gardner	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeier	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Parkinson	Peters	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webb	Webber
White	Wilson	Wright	Zerr	Mr Speaker

NOES: 002

Colona Ellinger

PRESENT: 000

ABSENT WITH LEAVE: 016

Anders	Cross	Flanigan	Frame	Funderburk
Hicks	Higdon	Hinson	Hodges	Hoskins
Jones 50	Molendorp	Scharnhorst	Smith 85	Wieland
Wood				

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HB 28**, entitled:

An act to repeal sections 43.543, 49.266, 60.185, 60.195, 60.301, 60.321, 60.451, 60.510, 60.530, 60.540, 60.550, 60.560, 60.570, 60.580, 60.590, 60.595, 60.600, 60.610, 60.620, 60.653, 60.670, 236.410, 253.090, 253.180, 253.185, 256.117, 258.010, 258.020, 258.030, 258.060, 258.070, 258.080, 260.200, 260.205, 260.235, 260.249, 260.262, 260.365, 260.379, 260.380, 260.390, 260.395, 260.434, 260.475, 261.023, 444.772, 621.250, 640.010, 640.012, 640.017,

640.075, 640.715, 640.725, 643.079, 644.051, 644.052, and 644.054, RSMo, and to enact in lieu thereof sixty-three new sections relating to the environment, with penalty provisions and an emergency clause for certain sections.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 278**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 675**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SB 51, as amended**, and has taken up and passed **CCS HCS SB 51**.

Emergency clause adopted.

BILLS IN CONFERENCE

CCR SCS SB 224, with House Amendment No. 1, House Amendment No. 2, House Amendment No. 3, House Amendment No. 4, House Substitute Amendment No. 1 for House Amendment No. 5, House Amendment No. 6, House Amendment No. 7 and House Amendment No. 8, relating to public safety, was taken up by Representative Rizzo.

On motion of Representative Rizzo, **CCR SCS SB 224, with House Amendment No. 1, House Amendment No. 2, House Amendment No. 3, House Amendment No. 4, House Substitute Amendment No. 1 for House Amendment No. 5, House Amendment No. 6, House Amendment No. 7 and House Amendment No. 8**, was adopted by the following vote:

AYES: 140

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Carpenter	Cierpiot	Colona	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Curtis	Curtman	Davis	Diehl	Dohrman
Dugger	Dunn	Ellinger	Ellington	Elmer
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Frederick
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hoskins	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Love	Lynch	Marshall
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Mims	Mitten	Montecillo	Moon
Morgan	Morris	Muntzel	Neely	Newman

Nichols	Norr	Otto	Pace	Parkinson
Peters	Pfautsch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Rizzo	Rowden	Rowland
Runions	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	Walton Gray	Webb	Webber	White
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 002

Butler Roorda

PRESENT: 000

ABSENT WITH LEAVE: 021

Anders	Burns	Cross	Engler	Franklin
Hicks	Higdon	Hinson	Hodges	Hough
Korman	Lichtenegger	Miller	Molendorp	Neth
Riddle	Ross	Scharnhorst	Smith 85	Swearingen
Wieland				

On motion of Representative Rizzo, **CCS SCS SB 224** was truly agreed to and finally passed by the following vote:

AYES: 133

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brown	Burlison
Carpenter	Colona	Conway 10	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Diehl
Dohrman	Dunn	Ellinger	Ellington	Elmer
Engler	English	Englund	Fitzpatrick	Fitzwater
Fowler	Fraker	Frame	Frederick	Funderburk
Gannon	Gardner	Gatschenberger	Gosen	Guernsey
Haahr	Hampton	Hansen	Harris	Hicks
Higdon	Hoskins	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeier
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	Meredith	Messenger
Miller	Mims	Mitten	Montecillo	Moon
Morgan	Morris	Muntzel	Newman	Nichols
Norr	Otto	Pace	Peters	Pfautsch
Phillips	Pierson	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Riddle
Rizzo	Rowden	Rowland	Runions	Schatz
Schieber	Schieffer	Schupp	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	White	Wilson	Wood
Wright	Zerr	Mr Speaker		

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NOES: 002

Butler Roorda

PRESENT: 000

ABSENT WITH LEAVE: 028

Anders	Brattin	Burns	Cierpiot	Conway 104
Cookson	Davis	Dugger	Entlicher	Flanigan
Franklin	Grisamore	Haefner	Hinson	Hodges
Hough	Korman	McNeil	Molendorp	Neely
Neth	Parkinson	Richardson	Ross	Scharnhorst
Shull	Smith 85	Wieland		

Representative Keeney declared the bill passed.

CCR HCS SB 100, as amended, relating to judicial procedures, was taken up by Representative Cox.

On motion of Representative Cox, **CCR HCS SB 100, as amended**, was adopted by the following vote:

AYES: 131

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Cierpiot	Colona	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dugger	Dunn
Engler	English	Englund	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Marshall
May	Mayfield	McCann Beatty	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Mims
Mitten	Montecillo	Moon	Morgan	Morris
Muntzel	Neely	Newman	Nichols	Norr
Otto	Peters	Pfautsch	Phillips	Pierson
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Ross	Rowden	Rowland	Runions	Schatz
Schieber	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Webb	Webber
White	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 008

Butler	Curtis	Ellington	Gardner	McDonald
Pace	Schupp	Walton Gray		

PRESENT: 001

Conway 10

ABSENT WITH LEAVE: 023

Anders	Carpenter	Dohrman	Ellinger	Elmer
Entlicher	Frame	Franklin	Higdon	Hinson
Hodges	Korman	Lynch	McCaherty	Miller
Molendorp	Neth	Parkinson	Roorda	Scharnhorst
Schieffer	Smith 85	Wieland		

On motion of Representative Cox, **CCS HCS SB 100** was truly agreed to and finally passed by the following vote:

AYES: 132

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Cierpiot	Colona	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Elmer	Engler	English	Englund
Fitzpatrick	Flanigan	Fraker	Frame	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kirkton
Koenig	Kolkmeyer	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Love	Lynch
Marshall	May	Mayfield	McCaherty	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Mims	Mitten	Montecillo	Moon	Morgan
Morris	Muntzel	Neely	Newman	Nichols
Norr	Otto	Peters	Pfautsch	Phillips
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Schatz	Schieber	Schieffer	Shull	Shumake
Smith 120	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Webber	White	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 009

Butler	Carpenter	Curtis	Ellington	Gardner
McDonald	Pace	Schupp	Walton Gray	

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PRESENT: 001

Conway 10

ABSENT WITH LEAVE: 021

Anders	Ellinger	Entlicher	Fitzwater	Fowler
Franklin	Hinson	Hodges	Kelly 45	Korman
Lichtenegger	McCann Beatty	Miller	Molendorp	Neth
Parkinson	Richardson	Scharnhorst	Smith 85	Webb
Wieland				

Representative Keeney declared the bill passed.

CCR HCS SB 51, as amended, relating to motor vehicles, was taken up by Representative Guernsey.

On motion of Representative Guernsey, **CCR HCS SB 51, as amended**, was adopted by the following vote:

AYES: 101

Austin	Barnes	Bernskoetter	Berry	Black
Brown	Cierpiot	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Davis
Diehl	Dohrman	Dunn	Elmer	Engler
English	Englund	Entlicher	Fitzwater	Flanigan
Fowler	Fraker	Frame	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Guernsey	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hoskins	Houghton	Hubbard	Hummel	Hurst
Justus	Keeney	Kelley 127	Kirkton	Kolkmeyer
Korman	LaFaver	Lair	Lant	Lauer
Leara	Love	Lynch	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McManus
Messenger	Miller	Mims	Morris	Muntzel
Neely	Nichols	Norr	Pfautsch	Pike
Redmon	Rehder	Reiboldt	Rhoads	Riddle
Rizzo	Rowland	Runions	Schieffer	Schupp
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wood	Wright	Zerr
Mr Speaker				

NOES: 041

Anderson	Bahr	Brattin	Burlison	Burns
Butler	Carpenter	Colona	Conway 10	Curtman
Ellington	Fitzpatrick	Gardner	Haahr	Johnson
Kelly 45	Koenig	Kratky	Marshall	May
McNeil	Meredith	Mitten	Montecillo	Moon
Morgan	Newman	Otto	Pace	Peters
Pierson	Pogue	Remole	Roorda	Rowden
Schatz	Schieber	Swearingen	Walton Gray	Webb
Wilson				

PRESENT: 000

ABSENT WITH LEAVE: 021

Allen	Anders	Dugger	Ellinger	Franklin
Grisamore	Hinson	Hodges	Hough	Jones 50
Lichtenegger	Molendorp	Neth	Parkinson	Phillips
Richardson	Ross	Scharnhorst	Smith 85	Webber
Wieland				

On motion of Representative Guernsey, **CCS HCS SB 51** was truly agreed to and finally passed by the following vote:

AYES: 097

Allen	Barnes	Bernskoetter	Berry	Black
Brown	Cierpiot	Conway 10	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Davis
Diehl	Dohrman	Dunn	Elmer	Engler
Englund	Fitzwater	Flanigan	Fowler	Fraker
Frame	Frederick	Funderburk	Gannon	Gosen
Grisamore	Guernsey	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hoskins	Houghton
Hubbard	Hummel	Hurst	Jones 50	Keeney
Kelley 127	Kelly 45	Kirkton	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Love
Lynch	Mayfield	McCaherty	McGaugh	Messenger
Miller	Mims	Morris	Muntzel	Neely
Nichols	Norr	Peters	Pfautsch	Pierson
Pike	Redmon	Rehder	Reiboldt	Rhoads
Riddle	Runions	Scharnhorst	Schieffer	Schupp
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	Webber	White	Wood	Wright
Zerr	Mr Speaker			

NOES: 044

Anderson	Austin	Bahr	Burlison	Burns
Butler	Carpenter	Colona	Conway 104	Curtman
Ellington	English	Fitzpatrick	Haahr	Johnson
Koenig	Kratky	LaFaver	Marshall	May
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mitten	Montecillo	Moon	Morgan
Newman	Otto	Pace	Pogue	Remole
Rizzo	Roorda	Rowden	Schatz	Schieber
Swearingen	Walton Gray	Webb	Wilson	

PRESENT: 000

ABSENT WITH LEAVE: 022

Anders	Brattin	Dugger	Ellinger	Entlicher
Franklin	Gardner	Gatschenberger	Hinson	Hodges
Hough	Justus	Lichtenegger	Molendorp	Neth
Parkinson	Phillips	Richardson	Ross	Rowland
Smith 85	Wieland			

Representative Keeney declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 082

Allen	Berry	Black	Brown	Cierpiot
Cookson	Cornejo	Cox	Crawford	Cross
Curtis	Davis	Diehl	Dohrman	Elmer
Engler	Englund	Entlicher	Fitzwater	Flanigan
Fowler	Fraker	Franklin	Frederick	Gannon
Gatschenberger	Gosen	Grisamore	Guernsey	Haefner
Hampton	Hansen	Hicks	Hoskins	Houghton
Hubbard	Hummel	Hurst	Jones 50	Justus
Keeney	Kelley 127	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Mayfield	McCaherty	McGaugh	Messenger	Miller
Morris	Muntzel	Neely	Nichols	Pfautsch
Pike	Redmon	Rehder	Reiboldt	Rhoads
Richardson	Riddle	Rowland	Runions	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
Wood	Zerr			

NOES: 059

Anderson	Austin	Bahr	Barnes	Brattin
Burlison	Burns	Butler	Carpenter	Colona
Conway 10	Conway 104	Curtman	Dunn	Ellington
English	Fitzpatrick	Frame	Haahr	Harris
Higdon	Johnson	Kelly 45	Kirkton	Koenig
Kratky	LaFaver	Marshall	May	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Moon	Morgan
Newman	Norr	Otto	Pace	Parkinson
Pierson	Pogue	Remole	Rizzo	Roorda
Schatz	Schieber	Schupp	Swearingen	Walton Gray
Webb	White	Wilson	Wright	

PRESENT: 001

Peters

ABSENT WITH LEAVE: 021

Anders	Bernskoetter	Dugger	Ellinger	Funderburk
Gardner	Hinson	Hodges	Hough	Lynch
Molendorp	Neth	Phillips	Ross	Rowden
Scharnhorst	Schieffer	Smith 85	Webber	Wieland
Mr Speaker				

HOUSE BILLS WITH SENATE AMENDMENTS

SCS HCS HB 110, as amended, relating to the selection of public officials, was taken up by Representative Smith (120).

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 097

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Davis	Dohrman	Elmer
Engler	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Grisamore	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hoskins
Hough	Houghton	Hurst	Johnson	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Moon	Morris	Neely	Neth
Parkinson	Pfautsch	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Schatz
Schieber	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wilson	Wood
Zerr	Mr Speaker			

NOES: 047

Black	Burns	Butler	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hummel	Kelly 45	Kirkton	LaFaver	May
Mayfield	McCann Beatty	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Roorda	Runions
Schieffer	Schupp	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 019

Anders	Curtman	Diehl	Dugger	Entlicher
Guernsey	Hinson	Hodges	Hubbard	Jones 50
Kratky	Lauer	McDonald	Molendorp	Muntzel
Phillips	Scharnhorst	Smith 85	Wieland	

On motion of Representative Smith (120), **SCS HCS HB 110, as amended**, was adopted by the following vote:

AYES: 100

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Hoskins	Hough	Houghton	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeier	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	McCaherty
McGaugh	Messenger	Miller	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wilson	Wood	Zerr	Mr Speaker

NOES: 054

Black	Burns	Butler	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Higdon	Hubbard	Hummel	Hurst	Kelly 45
Kirkton	Kratky	LaFaver	Marshall	May
Mayfield	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Roorda
Runions	Schieber	Schieffer	Schupp	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 009

Anders	Dugger	Flanigan	Hinson	Hodges
Molendorp	Phillips	Smith 85	Wieland	

Speaker Jones resumed the Chair.

On motion of Representative Smith (120), **SCS HCS HB 110, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 100

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Hoskins	Hough	Houghton	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeier	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	McCaherty
McGaugh	Messenger	Miller	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wilson	Wood	Zerr	Mr Speaker

NOES: 054

Black	Burns	Butler	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Higdon	Hubbard	Hummel	Hurst	Kelly 45
Kirkton	Kratky	LaFaver	Marshall	May
Mayfield	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Roorda
Runions	Schieber	Schieffer	Schupp	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 009

Anders	Dugger	Franklin	Hinson	Hodges
Molendorp	Phillips	Smith 85	Wieland	

Speaker Jones declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 101

Allen	Anderson	Austin	Barnes	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gosen	Grisamore	Guernsey
Haefner	Hampton	Hansen	Hicks	Higdon
Hoskins	Hough	Houghton	Hubbard	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
McCaherty	McGaugh	Messenger	Miller	Morris
Muntzel	Neely	Neth	Parkinson	Pfausch
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wilson	Wood	Zerr
Mr Speaker				

NOES: 051

Bahr	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Haahr	Harris	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	Marshall	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Roorda	Runions
Schieffer	Schupp	Swearingen	Walton Gray	Webb
Wright				

PRESENT: 001

Moon

ABSENT WITH LEAVE: 010

Anders	Dugger	Gatschenberger	Hinson	Hodges
Molendorp	Phillips	Smith 85	Webber	Wieland

BILLS CARRYING REQUEST MESSAGES

SB 77, with House Amendment No. 1, relating to neighborhood youth development programs, was taken up by Representative Allen.

Representative Allen moved that the House recede from its position on **House Amendment No. 1 to SB 77**, and truly agree to and finally pass **SB 77**.

Which motion was adopted by the following vote:

AYES: 143

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dunn	Ellinger	Elmer
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gardner	Gatschenberger
Gosen	Grisamore	Haahr	Haefner	Hampton
Hansen	Harris	Higdon	Hoskins	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kirkton	Koenig
Kolkmeyer	Korman	LaFaver	Lair	Lant
Lauer	Leara	Love	Lynch	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGough
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Montecillo	Moon
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Parkinson	Peters	Pfautsch	Pierson	Pike
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieffer	Schupp	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	White	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 004

Conway 10	Kratky	Marshall	Pogue
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PRESENT: 001

Ellington

ABSENT WITH LEAVE: 015

Anders	Dugger	Engler	Guernsey	Hicks
Hinson	Hodges	Hough	Kelly 45	Lichtenegger
Molendorp	Phillips	Schieber	Smith 85	Wieland

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS HCS HB 320**, entitled:

An act to repeal sections 213.010, 213.030, 213.040, 213.045, 213.050, 213.055, 213.065, 213.070, and 213.101, RSMo, and to enact in lieu thereof nine new sections relating to unlawful discriminatory practices.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SB 342, as amended**, and has taken up and passed **CCS HCS SB 342**.

HOUSE BILLS WITH SENATE AMENDMENTS

SS SCS HCS HB 28, relating to the environment, was taken up by Representative Lichtenegger.

On motion of Representative Lichtenegger, **SS SCS HCS HB 28** was adopted by the following vote:

AYES: 151

Anderson	Austin	Bahr	Barnes	Bernskoetter
Berry	Black	Brattin	Brown	Burlison
Burns	Butler	Carpenter	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dunn	Ellinger	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hoskins	Hough	Houghton
Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	May	Mayfield
McCaherty	McDonald	McGaugh	McKenna	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Montecillo	Moon	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Parkinson	Peters	Pfautsch
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson

Torpey	Walker	Walton Gray	Webb	Webber
White	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Allen	Anders	Dugger	Hinson	Hodges
McCann Beatty	McManus	Molendorp	Phillips	Runions
Smith 85	Wieland			

On motion of Representative Lichtenegger, **SS SCS HCS HB 28** was truly agreed to and finally passed by the following vote:

AYES: 138

Anderson	Austin	Bahr	Barnes	Bernskoetter
Berry	Black	Brattin	Burlison	Burns
Butler	Carpenter	Cierpiot	Colona	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtis	Curtman	Davis	Diehl	Dohrman
Dunn	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fraker
Frame	Franklin	Frederick	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Higdon	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Koenig	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	May	Mayfield	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Parkinson	Pfautsch	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webb	Webber	White	Wood
Wright	Zerr	Mr Speaker		

NOES: 004

Ellington	Gardner	Kirkton	Mitten
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PRESENT: 001

Conway 10

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ABSENT WITH LEAVE: 020

Allen	Anders	Brown	Dugger	Ellinger
Fowler	Funderburk	Harris	Hicks	Hinson
Hodges	Kolkmeyer	McCaherty	Molendorp	Peters
Phillips	Smith 85	Swan	Wieland	Wilson

Speaker Jones declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 145

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dunn	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Montecillo	Moon	Morgan
Morris	Muntzel	Neely	Neth	Newman
Norr	Otto	Pace	Parkinson	Pfautsch
Pierson	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	Walton Gray	Webb	White
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 005

Ellinger	Ellington	Gardner	May	Peters
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PRESENT: 001

Conway 10

ABSENT WITH LEAVE: 012

Anders	Dugger	Funderburk	Hinson	Hodges
Molendorp	Nichols	Phillips	Smith 85	Swearingen
Webber	Wieland			

BILLS IN CONFERENCE

CCR HCS SB 342, as amended, relating to agriculture, was taken up by Representative Guernsey.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 093

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Gannon	Gosen	Grisamore	Guernsey
Haahr	Hampton	Hansen	Hicks	Higdon
Hoskins	Hough	Houghton	Hubbard	Hurst
Johnson	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Love	Lynch	Marshall	McCaherty	McGaugh
Miller	Moon	Morris	Muntzel	Neth
Pfautsch	Pike	Pogue	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Swan	Thomson	Torpey	Walker
White	Zerr	Mr Speaker		

NOES: 045

Black	Burns	Butler	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
Englund	Frame	Gardner	Harris	Hummel
Kelly 45	Kirkton	Kratky	LaFaver	May
Mayfield	McCann Beatty	McDonald	McKenna	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Rizzo	Roorda	Runions	Schieffer
Schupp	Stream	Swearingen	Walton Gray	Wright

PRESENT: 000

ABSENT WITH LEAVE: 025

Anders	Dugger	English	Funderburk	Gatschenberger
Haefner	Hinson	Hodges	Jones 50	Leara
Lichtenegger	McManus	Messenger	Molendorp	Neely
Parkinson	Phillips	Pierson	Redmon	Smith 85
Webb	Webber	Wieland	Wilson	Wood

On motion of Representative Guernsey, **CCR HCS SB 342, as amended**, was adopted by the following vote:

AYES: 101

Allen	Austin	Barnes	Bernskoetter	Berry
Black	Brown	Burlison	Cierpiot	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Davis	Diehl	Dohrman	Dunn	Elmer
Engler	Entlicher	Fitzwater	Flanigan	Fowler
Fraker	Franklin	Frederick	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Kolkmeyer	Korman	Lair	Lant
Lauer	Lichtenegger	Love	Lynch	McCann Beatty
McGaugh	McManus	McNeil	Messenger	Miller
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Pierson	Pike	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieffer	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	Wilson	Wood	Zerr
Mr Speaker				

NOES: 046

Anderson	Bahr	Brattin	Burns	Butler
Colona	Conway 10	Curtis	Curtman	Ellinger
Ellington	English	Englund	Fitzpatrick	Frame
Gardner	Harris	Kirkton	Koenig	LaFaver
Leara	Marshall	Mayfield	McCaherty	McKenna
Meredith	Mims	Mitten	Montecillo	Moon
Morgan	Newman	Nichols	Norr	Pace
Peters	Pogue	Roorda	Runions	Schieber
Schupp	Swearingen	Walton Gray	Webber	White
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 016

Anders	Carpenter	Dugger	Funderburk	Gannon
Hodges	Kratky	May	McDonald	Molendorp
Otto	Phillips	Redmon	Smith 85	Webb
Wieland				

On motion of Representative Guernsey, **CCS HCS SB 342** was truly agreed to and finally passed by the following vote:

AYES: 103

Allen	Austin	Barnes	Bernskoetter	Berry
Black	Brown	Burlison	Cierpiot	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Davis	Diehl	Dohrman	Dunn	Elmer
Engler	Entlicher	Fitzwater	Flanigan	Fowler
Fraker	Franklin	Frederick	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kolkmeier	Korman	Lair	Lant	Lauer
Lichtenegger	Love	Lynch	McCaherty	McCann Beatty
McGaugh	McManus	McNeil	Messenger	Miller
Morris	Muntzel	Neely	Neth	Parkinson
Pfausch	Pike	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Rizzo	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieffer
Schupp	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	Webb	White	Wilson
Wood	Zerr	Mr Speaker		

NOES: 050

Anderson	Bahr	Brattin	Burns	Butler
Carpenter	Colona	Conway 10	Curtis	Curtman
Ellinger	Ellington	English	Englund	Fitzpatrick
Frame	Gardner	Haahr	Harris	Kirkton
Koenig	Kratky	LaFaver	Leara	Marshall
May	Mayfield	McDonald	McKenna	Meredith
Mims	Mitten	Montecillo	Moon	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Pogue	Roorda	Runions
Schieber	Swearingen	Walton Gray	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 010

Anders	Dugger	Funderburk	Hodges	Kelly 45
Molendorp	Phillips	Redmon	Smith 85	Wieland

Speaker Jones declared the bill passed.

HOUSE BILLS WITH SENATE AMENDMENTS

SS#2 SCS HB 116, as amended, relating to public accounts, was again taken up by Representative Diehl.

Representative Roorda, having voted on the prevailing side, moved that the vote by which the emergency clause on **SS#2 SCS HB 116, as amended**, was defeated, be reconsidered.

Which motion was adopted by the following vote:

AYES: 133

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Conway 10	Conway 104	Cornejo	Cox	Cross
Curtman	Davis	Diehl	Dohrman	Dunn
Ellinger	Elmer	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Gardner	Gatschenberger
Gosen	Grisamore	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeier
Korman	Kratky	LaFaver	Lair	Lant
Leara	Lichtenegger	Love	May	Mayfield
McCaherty	McDonald	McGaugh	McManus	Meredith
Messenger	Miller	Mims	Mitten	Montecillo
Moon	Morris	Muntzel	Neth	Newman
Norr	Otto	Pace	Parkinson	Peters
Pfausch	Pierson	Pike	Pogue	Rehder
Reiboldt	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	White	Wood
Wright	Zerr	Mr Speaker		

NOES: 005

Ellington	Marshall	McKenna	Remole	Wilson
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PRESENT: 000

ABSENT WITH LEAVE: 025

Anders	Colona	Cookson	Crawford	Curtis
Dugger	Engler	Funderburk	Gannon	Guernsey
Hodges	Lauer	Lynch	McCann Beatty	McNeil
Molendorp	Morgan	Neely	Nichols	Phillips
Redmon	Smith 85	Swan	Webber	Wieland

The emergency clause was adopted by the following vote:

AYES: 145

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Curtman	Davis	Diehl
Dohrman	Dunn	Ellinger	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Gardner	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Montecillo	Moon	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Parkinson
Peters	Pfautsch	Pierson	Pike	Pogue
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swearingen	Torpey
Walker	Walton Gray	Webb	Webber	White
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 003

Curtis	Ellington	Marshall
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PRESENT: 000

ABSENT WITH LEAVE: 015

Anders	Cross	Dugger	Fitzwater	Funderburk
Gannon	Hodges	Molendorp	Phillips	Redmon
Rowden	Smith 85	Swan	Thomson	Wieland

WITHDRAWAL OF HOUSE BILL

May 15, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
201 W. Capitol Avenue, Rm 113
Jefferson City, MO 65101

Dear Adam,

Because of the limited time remaining in session of the Missouri House, we will not be able to fully hear, discuss and debate a bill I introduced, **House Bill No. 1025**. I therefore respectfully request this bill be withdrawn.

Thank you for your assistance. Please let me know if you have any questions or concerns.

Sincerely,

/s/ Bart Korman
State Representative
District 42

REFERRAL OF HOUSE RESOLUTIONS

The following House Resolutions were referred to the Committee indicated:

HR 508 - Local Government
HR 2594 - General Laws

REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

The following House Concurrent Resolutions were referred to the Committee indicated:

HCR 6 - Government Oversight and Accountability
HCR 22 - Crime Prevention and Public Safety
HCR 24 - International Trade
HCR 26 - Tourism and Natural Resources
HCR 27 - Crime Prevention and Public Safety
HCR 31 - Health Insurance
HCR 36 - General Laws
HCR 37 - General Laws

REFERRAL OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were referred to the Committee indicated:

- HJR 9** - Elementary and Secondary Education
- HJR 31** - Downsizing State Government
- HJR 34** - General Laws
- HJR 36** - Tourism and Natural Resources
- HJR 37** - Ways and Means
- HJR 38** - Transportation
- HJR 39** - Local Government
- HJR 40** - Local Government

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

- HB 39** - Elections
- HB 40** - Crime Prevention and Public Safety
- HB 41** - Elections
- HB 80** - Economic Development
- HB 88** - Judiciary
- HB 93** - Retirement
- HB 115** - Workforce Development and Workplace Safety
- HB 120** - Elementary and Secondary Education
- HB 135** - General Laws
- HB 139** - General Laws
- HB 143** - Utilities
- HB 146** - Crime Prevention and Public Safety
- HB 147** - Ways and Means
- HB 153** - Crime Prevention and Public Safety
- HB 155** - Crime Prevention and Public Safety
- HB 165** - Special Standing Committee on Small Business
- HB 167** - Special Standing Committee on Corrections
- HB 171** - Health Care Policy
- HB 172** - Health Insurance
- HB 173** - Health Care Policy
- HB 174** - Crime Prevention and Public Safety
- HB 190** - Health Care Policy
- HB 192** - Ways and Means
- HB 193** - Elections
- HB 207** - Financial Institutions
- HB 225** - Crime Prevention and Public Safety
- HB 232** - Elections
- HB 237** - Financial Institutions
- HB 239** - Crime Prevention and Public Safety
- HB 240** - Special Standing Committee on Urban Issues

- HB 244** - Agri-Business
- HB 246** - Ways and Means
- HB 249** - Financial Institutions
- HB 250** - General Laws
- HB 260** - Insurance Policy
- HB 266** - Crime Prevention and Public Safety
- HB 267** - Financial Institutions
- HB 268** - Judiciary
- HB 269** - General Laws
- HB 270** - Special Standing Committee on Corrections
- HB 271** - Financial Institutions
- HB 272** - Crime Prevention and Public Safety
- HB 273** - Judiciary
- HB 286** - Workforce Development and Workplace Safety
- HB 289** - Elections
- HB 310** - Retirement
- HB 317** - Health Care Policy
- HB 323** - Judiciary
- HB 327** - Government Oversight and Accountability
- HB 347** - Professional Registration and Licensing
- HB 355** - Tourism and Natural Resources
- HB 357** - Workforce Development and Workplace Safety
- HB 360** - Children, Families, and Persons with Disabilities
- HB 361** - Judiciary
- HB 365** - Crime Prevention and Public Safety
- HB 366** - Elementary and Secondary Education
- HB 367** - Workforce Development and Workplace Safety
- HB 368** - Children, Families, and Persons with Disabilities
- HB 369** - Economic Development
- HB 395** - General Laws
- HB 405** - Downsizing State Government
- HB 408** - Professional Registration and Licensing
- HB 417** - Local Government
- HB 426** - Financial Institutions
- HB 454** - Health Care Policy
- HB 456** - Veterans
- HB 459** - Economic Development
- HB 466** - Workforce Development and Workplace Safety
- HB 474** - General Laws
- HB 475** - Retirement
- HB 476** - Transportation
- HB 477** - Elementary and Secondary Education
- HB 482** - Veterans
- HB 483** - Professional Registration and Licensing
- HB 490** - Judiciary
- HB 491** - Crime Prevention and Public Safety
- HB 492** - General Laws

HB 497 - Judiciary
HB 506 - Health Care Policy
HB 514 - Professional Registration and Licensing
HB 516 - Children, Families, and Persons with Disabilities
HB 517 - Children, Families, and Persons with Disabilities
HB 518 - Health Care Policy
HB 519 - Crime Prevention and Public Safety
HB 520 - Workforce Development and Workplace Safety
HB 523 - Local Government
HB 529 - Children, Families, and Persons with Disabilities
HB 530 - Local Government
HB 534 - General Laws
HB 537 - Tourism and Natural Resources
HB 538 - Judiciary
HB 546 - Ways and Means
HB 547 - Judiciary
HB 548 - Economic Development
HB 550 - Crime Prevention and Public Safety
HB 553 - Budget
HB 554 - Judiciary
HB 558 - Judiciary
HB 559 - General Laws
HB 560 - Special Standing Committee on Corrections
HB 562 - Elementary and Secondary Education
HB 563 - Elementary and Secondary Education
HB 569 - Workforce Development and Workplace Safety
HB 572 - Children, Families, and Persons with Disabilities
HB 573 - Higher Education
HB 576 - Judiciary
HB 582 - General Laws
HB 584 - Judiciary
HB 592 - Crime Prevention and Public Safety
HB 605 - Elections
HB 615 - Judiciary
HB 618 - Tourism and Natural Resources
HB 619 - Judiciary
HB 624 - Crime Prevention and Public Safety
HB 629 - Higher Education
HB 633 - General Laws
HB 636 - Workforce Development and Workplace Safety
HB 644 - Judiciary
HB 645 - Veterans
HB 646 - Elections
HB 647 - Crime Prevention and Public Safety
HB 648 - Health Care Policy
HB 657 - Ways and Means
HB 659 - Professional Registration and Licensing

- HB 660** - Elections
- HB 661** - Elections
- HB 662** - Special Standing Committee on Corrections
- HB 663** - Insurance Policy
- HB 664** - Judiciary
- HB 665** - Local Government
- HB 666** - Judiciary
- HB 672** - Transportation
- HB 676** - Professional Registration and Licensing
- HB 677** - Workforce Development and Workplace Safety
- HB 678** - Special Standing Committee on Corrections
- HB 680** - General Laws
- HB 682** - Elections
- HB 683** - Ways and Means
- HB 684** - Transportation
- HB 686** - Elections
- HB 687** - Insurance Policy
- HB 688** - Crime Prevention and Public Safety
- HB 694** - Crime Prevention and Public Safety
- HB 704** - Tourism and Natural Resources
- HB 705** - Health Care Policy
- HB 706** - Workforce Development and Workplace Safety
- HB 728** - Crime Prevention and Public Safety
- HB 731** - Health Care Policy
- HB 752** - Judiciary
- HB 753** - Judiciary
- HB 761** - Local Government
- HB 763** - General Laws
- HB 766** - Health Insurance
- HB 767** - Economic Development
- HB 768** - Elections
- HB 769** - Elections
- HB 772** - Retirement
- HB 777** - Health Care Policy
- HB 778** - Special Standing Committee on Corrections
- HB 779** - Utilities
- HB 780** - Financial Institutions
- HB 786** - Local Government
- HB 790** - Elementary and Secondary Education
- HB 791** - Elementary and Secondary Education
- HB 792** - Health Care Policy
- HB 793** - Economic Development
- HB 798** - Local Government
- HB 807** - Special Standing Committee on Corrections
- HB 815** - Crime Prevention and Public Safety
- HB 816** - General Laws
- HB 822** - Health Care Policy

- HB 823** - Ways and Means
- HB 825** - Crime Prevention and Public Safety
- HB 826** - Health Care Policy
- HB 839** - Government Oversight and Accountability
- HB 843** - Ways and Means
- HB 845** - Judiciary
- HB 858** - Elementary and Secondary Education
- HB 864** - Ways and Means
- HB 867** - Health Care Policy
- HB 868** - Financial Institutions
- HB 870** - Transportation
- HB 873** - Higher Education
- HB 877** - Emerging Issues in Agriculture
- HB 882** - Judiciary
- HB 883** - Financial Institutions
- HB 884** - Judiciary
- HB 889** - Elementary and Secondary Education
- HB 892** - Judiciary
- HB 893** - Ways and Means
- HB 894** - Ways and Means
- HB 895** - Ways and Means
- HB 896** - Government Oversight and Accountability
- HB 898** - Ways and Means
- HB 899** - Health Insurance
- HB 900** - Government Oversight and Accountability
- HB 901** - Utilities
- HB 902** - Agriculture Policy
- HB 903** - Children, Families, and Persons with Disabilities
- HB 904** - Elementary and Secondary Education
- HB 905** - Ways and Means
- HB 906** - Government Oversight and Accountability
- HB 907** - Ways and Means
- HB 908** - Government Oversight and Accountability
- HB 910** - General Laws
- HB 916** - Special Standing Committee on Small Business
- HB 918** - Veterans
- HB 919** - Judiciary
- HB 920** - Elementary and Secondary Education
- HB 922** - Professional Registration and Licensing
- HB 933** - Elementary and Secondary Education
- HB 934** - Economic Development
- HB 935** - Financial Institutions
- HB 937** - Government Oversight and Accountability
- HB 938** - Local Government
- HB 939** - Children, Families, and Persons with Disabilities
- HB 940** - Local Government
- HB 941** - Retirement

- HB 943** - Judiciary
- HB 945** - Judiciary
- HB 946** - Special Standing Committee on Corrections
- HB 965** - Tourism and Natural Resources
- HB 971** - Agriculture Policy
- HB 972** - Higher Education
- HB 973** - Children, Families, and Persons with Disabilities
- HB 974** - Government Oversight and Accountability
- HB 976** - Crime Prevention and Public Safety
- HB 977** - Government Oversight and Accountability
- HB 978** - Ways and Means
- HB 980** - Local Government
- HB 981** - Crime Prevention and Public Safety
- HB 982** - Tourism and Natural Resources
- HB 983** - Health Insurance
- HB 984** - Utilities
- HB 989** - Local Government
- HB 993** - Judiciary
- HB 994** - Judiciary
- HB 995** - Health Care Policy
- HB 996** - Children, Families, and Persons with Disabilities
- HB 997** - Crime Prevention and Public Safety
- HB 998** - Economic Development
- HB 999** - Ways and Means
- HB 1002** - Insurance Policy
- HB 1003** - Crime Prevention and Public Safety
- HB 1004** - Professional Registration and Licensing
- HB 1005** - Crime Prevention and Public Safety
- HB 1007** - Agriculture Policy
- HB 1008** - Elementary and Secondary Education
- HB 1009** - Local Government
- HB 1010** - Elementary and Secondary Education
- HB 1012** - Government Oversight and Accountability
- HB 1013** - Ways and Means
- HB 1018** - Transportation
- HB 1019** - Special Standing Committee on Urban Issues
- HB 1020** - Workforce Development and Workplace Safety
- HB 1027** - Special Standing Committee on Corrections
- HB 1037** - Judiciary
- HB 1039** - Government Oversight and Accountability
- HB 1040** - Elementary and Secondary Education

REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The following Senate Concurrent Resolutions were referred to the Committee indicated:

- SCR 3** - Special Standing Committee on Emerging Issues in Health Care
- SCR 4** - Elementary and Secondary Education

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

- SB 142** - Judiciary
- SCS SB 164** - General Laws
- SCS SBs 176 & 192** - Transportation
- SCS SB 226** - Health Care Policy
- SCS SB 378** - Higher Education
- SCS SB 411** - Transportation
- SS SCS SB 437** - Higher Education

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 432**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 702**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 715**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SCS SB 89, as amended**, and has taken up and passed **HCS SCS SB 89, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SS SB 282, as amended**, and has taken up and passed **HCS SS SB 282**.

The Benediction was given by Representative John McCaherty.

Father, as we stand before You this evening, there are many things as well as many people that we need to thank. Mostly we thank You for Your guidance throughout this process. There is no aspect of this job that we are able to accomplish without the help, wisdom, and guidance from You and those with whom You have surrounded us with.

We thank You for our constituents who have trusted us to make decisions on their behalf, our leadership, our colleagues, even the press that fills our galleries reminding us of the freedoms of speech we enjoy as a nation; we truly live in the greatest Nation on earth. We also cannot forget to thank You for our families who have sacrificed in order for us to come and serve here in this chamber.

There have been many issues dealt with this session, and we ask that You would guide each decision that it would serve for the good of our people, and for Your glory. As we leave this place continue to guide us, keep us safe, and allow us the time to revive, regroup, and reignite the fire within ourselves that makes us love the work we do. Father, we ask all of this in Your name.

And the House says, "Amen."

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 12:00 p.m., Wednesday, May 22, 2013.

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

SEVENTY-SECOND DAY, WEDNESDAY, MAY 22, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by D. Adam Crumbliss, Chief Clerk

Lord Our God:

What can happen in two years? As 161 lives were lost and a town destroyed, humanity seeks You, and I ask what can happen in two years?

Humanity seeks You as our travel to the heavens through the Space Shuttle program concluded. We seek You as the Higgs-Boson is recreated for the first time by human hands. Humanity seeks You as snowstorms bring the most advanced civilizations to a standstill. We seek You as an Arab spring rises and old dictatorships give way to new fledgling governments. We seek You as humanity surpasses seven billion but our capacities are unable to end hunger or prevent the casualties of a Japanese nuclear catastrophe. Humanity seeks You as earthquakes, bombings, hurricanes and collisions cease the lives of thousands. We seek You as nations witness the transitions of democratically-elected leaders with hesitancy, both foreign and domestic. Humanity seeks You as we search for common purpose through Olympic sport, a Diamond Jubilee, and the first solar-powered transcontinental flight. Humanity seeks You as we explore new depths in our worldly home at Challenger Deep. We seek You as a 35-year old Voyager 1 reaches the end of our solar system and passes into interstellar space. We seek You as the Mayan calendar reaches its natural end all the while our planet avoids cosmically-near collision with asteroids. Humanity seeks You as the Papal leadership transitions from one to another, as Benedict gives way to Francis. We seek You as we learn new things like sequestration and Benghazi, even as the Dow Jones surpasses 15,000. Humanity seeks You as the peaceful armistice of Korea is brought to an abrupt end and weapons of destruction are exercised.

Nearly two years to the day, another small God-fearing town was ripped to shreds by the winds of change, and I humbly ask again today what can happen in two years?

Lord, You spared my family that fateful day two years ago and I answer—the miracle of Your love has happened in these two years. Lord our God, You have restored Joplin and rebuilt a community. You have reminded the masses of our capacity to love. You have brought together a new hope; and on the eagles' wings of Joplin, You have brought us closer together. Though the flight has just begun, we soar higher together because of Your grace. We have all suffered loss and in You we abide. The school of life is hard, but our hope is high.

Thank You God for what can happen in only two years. Amen.

The Pledge of Allegiance to the flag was recited.

SIGNING OF HOUSE JOINT RESOLUTIONS

All other business of the House was suspended while **CCS#2 SS HCS HJR 11 & 7** and **SCS HJR 16** were read at length and, there being no objection, were signed by the Speaker to the end that the same may become law.

Having been duly signed in open session of the Senate, **CCS#2 SS HCS HJR 11 & 7** and **SCS HJR 16** were delivered to the Secretary of State by the Chief Clerk of the House.

SIGNING OF HOUSE BILLS

All other business of the House was suspended while **SCS HCS HB 1, CCS SCS HCS HB 2, CCS SCS HCS HB 3, CCS SCS HCS HB 4, CCS SCS HCS HB 5, CCS SCS HCS HB 6, CCS SCS HCS HB 7, CCS SCS HCS HB 8, CCS SCS HCS HB 9, CCS SCS HCS HB 10, CCS SCS HCS HB 11, CCS SCS HCS HB 12, SCS HCS HB 13, SCS HCS HB 17, SCS HB 18, SS SCS HCS HB 19, SS SCS HCS HB 28, SS#2 HB 34, SS HCS HB 58, HB 68, CCS SS SCS HCS HB 117, HB 133, SS SCS HB 142, SCS HB 148, HCS HB 159, SS SCS HCS HB 175, SCS HB 196, HB 212, SCS HCS HB 233, HCS HB 235, HB 278, SCS HB 301, SCS HCS HBs 303 & 304, CCS SS SCS HB 307, SS HCS HB 315, HB 316, SCS HB 329, SS HB 331, CCS SS HB 336, HB 339, SS SCS HCS HB 345, HCS HB 349, HB 400, HCS HB 418, SS SCS HB 428, HB 432, SCS HCS HB 436, HCS HBs 446 & 211, HB 451, HB 478, SCS HB 498, HB 510, SS SCS HB 542, HCS HB 656, HB 673, HCS HB 675, HB 702, HB 715 and SCS HCS HB 722** were read at length and, there being no objection, were signed by the Speaker to the end that the same may become law.

Having been duly signed in open session of the Senate, **SCS HCS HB 1, CCS SCS HCS HB 2, CCS SCS HCS HB 3, CCS SCS HCS HB 4, CCS SCS HCS HB 5, CCS SCS HCS HB 6, CCS SCS HCS HB 7, CCS SCS HCS HB 8, CCS SCS HCS HB 9, CCS SCS HCS HB 10, CCS SCS HCS HB 11, CCS SCS HCS HB 12, SCS HCS HB 13, SCS HCS HB 17, SCS HB 18, SS SCS HCS HB 19, SS SCS HCS HB 28, SS#2 HB 34, SS HCS HB 58, HB 68, CCS SS SCS HCS HB 117, HB 133, SS SCS HB 142, SCS HB 148, HCS HB 159, SS SCS HCS HB 175, SCS HB 196, HB 212, SCS HCS HB 233, HCS HB 235, HB 278, SCS HB 301, SCS HCS HBs 303 & 304, CCS SS SCS HB 307, SS HCS HB 315, HB 316, SCS HB 329, SS HB 331, CCS SS HB 336, HB 339, SS SCS HCS HB 345, HCS HB 349, HB 400, HCS HB 418, SS SCS HB 428, HB 432, SCS HCS HB 436, HCS HBs 446 & 211, HB 451, HB 478, SCS HB 498, HB 510, SS SCS HB 542, HCS HB 656, HB 673, HCS HB 675, HB 702, HB 715 and SCS HCS HB 722** were delivered to the Governor by the Chief Clerk of the House.

SIGNING OF SENATE BILLS

All other business of the House was suspended while **CCS#2 HCS SCS SB 9, SS SB 28, SS SCS SB 29, CCS SCS SB 33, CCS HCS SS SB 34, SB 35, CCS SCS SB 36, CCS HCS SCS SB 42, SCS SB 47, SB 58, SCS SB 69, SB 72, HCS SB 73, SB 77, HCS SCS SB 89, CCS HCS SB 100, CCS SCS SB 106, HCS SB 110, HCS SS SCS SB 116, CCS HCS SCS SB 117, HCS SCS SB 118, SS SCS SB 121, SS SCS SB 125, SCS SB 126, CCS HCS SB 127, SS SCS SB 129,**

HCS SB 148, CCS HCS SCS SB 157 & SB 102, SS SCS SB 159, CCS HCS SB 161, SB 170, HCS SCS SB 186, HCS SB 188, SB 197, HCS SB 205, SB 208, SB 216, CCS SCS SB 224, HCS SCS SB 229, SB 230, SB 236, CCS SCS SB 248, SS SB 251, HCS SS SB 252, SCS SB 254, CCS HCS SCS SB 256, SB 257, SCS SB 258, SB 265, SS SB 267, HCS SS SB 282, CCS SB 327, CCS#2 HCS SB 330, CCS HCS SB 342, SS SB 357 and SCS SB 381 were read at length and, there being no objection, were signed by the Speaker to the end that the same may become law.

The following members' presence was noted: Curtis, Dugger, Fitzwater, Franklin, Gosen, Grisamore, Korman, Lynch, Miller, Muntzel, Roorda, Scharnhorst, Shull, Spencer and Wood.

ADJOURNMENT

On motion of Speaker Jones, the House adjourned until 9:00 a.m., Thursday, May 30, 2013.

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

SEVENTY-THIRD DAY, THURSDAY, MAY 30, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

There was a moment of silent prayer.

The Pledge of Allegiance to the flag was recited.

SIGNING OF HOUSE BILLS

All other business of the House was suspended while **CCS SCS HB 103, SCS HCS HB 110, SS#2 SCS HB 116, HCS HB 128, SCS HB 152, SS HB 184, SS SCS HCS HB 215, SS HB 253, CCS HCS HBs 256, 33 & 305, SCS HB 322, SCS HCS HB 351, CCS SS SCS HCS HBs 374 & 434, HCS HBs 404 & 614, SCS HCS HB 505, SCS HB 533, SCS HCS HB 611, SS SCS HB 650, SCS HCS HB 986 and CCS#2 SCS HCS HB 1035** were read at length and, there being no objection, were signed by the Speaker to the end that the same may become law.

Having been duly signed in open session of the Senate, **CCS SCS HB 103, SCS HCS HB 110, SS#2 SCS HB 116, HCS HB 128, SCS HB 152, SS HB 184, SS SCS HCS HB 215, SS HB 253, CCS HCS HBs 256, 33 & 305, SCS HB 322, SCS HCS HB 351, CCS SS SCS HCS HBs 374 & 434, HCS HBs 404 & 614, SCS HCS HB 505, SCS HB 533, SCS HCS HB 611, SS SCS HB 650, SCS HCS HB 986 and CCS#2 SCS HCS HB 1035** were delivered to the Governor by the Chief Clerk of the House.

SIGNING OF SENATE BILLS

All other business of the House was suspended while **CCS HCS SS#2 SCS SB 1, CCS HCS SCS SB 17, CCS HCS SB 23, CCS HCS SB 43, CCS HCS SB 51, HCS SB 75, HCS SB 99, SCS SB 240 and CCS HCS SS SB 262** were read at length and, there being no objection, were signed by the Speaker to the end that the same may become law.

The following members' presence was noted: Franklin, Grisamore, Hicks, McGaugh, Miller, Muntzel, Redmon, Scharnhorst, Wieland and Wood.

ADJOURNMENT

On motion of Speaker Jones, the House of Representatives, 97th General Assembly, convened in the First Regular Session on January 9, 2013, adjourned as of midnight, May 30, 2013, in accordance with the Constitution.

TIMOTHY W. JONES
Speaker of the House

D. ADAM CRUMBLISS
Chief Clerk of the House

JOURNAL OF THE HOUSE

VETO SESSION

First Regular Session, 97th GENERAL ASSEMBLY

WEDNESDAY, SEPTEMBER 11, 2013

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicky, Chaplain.

You have need of patience, so that you may do the will of God and receive the promise. (Hebrews 10:36)

O God of us all, in this quiet moment of prayer we come with humble and contrite hearts acknowledging our dependence upon You and praying that with You we may live through this critical veto session with courage and with faith. Give to us an inner greatness of spirit, an interior graciousness of heart, and a deep gentleness of mind that we may be more than a match for the challenges of these hours. Make us more patient with each other and understanding, for we do not know the battles other members are fighting nor the experiences they are facing.

We also pray for the men and women defending our freedom with their lives as we recall the horrible terror of a dozen years ago. Grant unto them strength in need, help in danger, healing in body, and courage of mind and heart. May their sacrifices not be vain. With them may we unite in proclaiming the life of liberty and the fruits of freedom now and forever. May God bless and protect the United States of America.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Ryan Mott and Maxwell Reed Jones.

A moment of silence was observed in recognition of September 11, 2001.

NOMINATION OF SPEAKER PRO TEM

Representative Gannon nominated Representative Denny Hoskins as Speaker Pro Tem of the House.

Representative Riddle seconded the nomination.

Representative Diehl moved that nominations cease and that Representative Hoskins be elected by acclamation.

Which motion was adopted.

The following committee was appointed to escort Representative Hoskins to the dais: Representatives Torpey, Keeney, Hinson, Hough, Dohrman, Redmon, Cierpiot, Zerr, Guernsey, Fraker, Ellington, Webb, Pace, and Kelly (45).

OATH OF OFFICE

Representative Hoskins subscribed to the oath of office which was administered by the Honorable Mary Rhodes Russell, Chief Justice of the Supreme Court of the State of Missouri.

Speaker Pro Tem Hoskins assumed the Chair and addressed the House.

ADDRESS BY SPEAKER PRO TEM DENNY HOSKINS

I first want to say thank you to my constituents for electing to me to be here and my House colleagues for selecting me as your new Speaker Pro Tem. It is an honor to serve my fellow state representatives and the citizens of the great State of Missouri in this position.

I also want to introduce my parents, Barry and Donna Hoskins, my son Cole, and my daughter Amelia. They sacrifice time with their dad so I can be here working with all of you towards a better Missouri.

I look forward to working with every House member on both sides of the aisle, as well as Speaker Tim Jones, Majority Floor Leader John Diehl and Minority Floor Leader Jake Hummel as we try to grow Missouri jobs, while adequately funding education and social service programs. Although we lead in different ways, each of us is a leader in our Districts and for the State of Missouri. I look forward to bringing my own brand of leadership to the General Assembly.

One of my strengths as a leader is thinking outside of the box. Not too long ago, I was at a groundbreaking ceremony at the University of Central Missouri. While talking with Dean Sluder, I saw a Professor, notorious for trying to make a scene, chomping at the bit to talk to me. This Professor has had previous run-ins with several elected officials, including my friend and former Democrat State Representative Joe Aull. Dean Sluder and I finished our conversation, and the Professor quickly approached. It was like the parting of the Red Sea; everyone scattered as the Professor confronted me and started yelling. I listened intently as the Professor screamed, tried to make a scene, and get me to do something out of character. Finally, I couldn't take any more of his loud, obnoxious behavior, so I reached out to him and said, "Professor, I need a hug". I hugged him for what seemed like hours, although in reality it was only several seconds. When I let go, he didn't say a word, just turned around and walked away. Again, sometimes a good leader has to think outside of the box.

Another strength I have is standing up for my beliefs and trying to do the right thing, even when it may not be the easiest option. Some of you may be struggling with the decisions you have to make today. As we have spent the interim back in our districts, meeting constituents, we've heard their voices loud and clear—Help us find jobs! Help keep jobs here in Missouri, so we can afford to educate our children, take care of our elderly, and provide for our most vulnerable!

When companies leave Missouri and go to other states, such as the one on our western border, we lose Missouri jobs and tax dollars Missouri families pay to fund vital programs such as education and social services—where the jobs go, the tax dollars follow. Missouri can ill afford for more jobs to bleed to neighboring states. We need a plan to ensure we remain competitive with other states and not place an increasing financial tax burden on companies and individuals who loyally remain in Missouri.

As your Speaker Pro Tem, I am excited about the responsibility and trust you have placed in me to help lead the General Assembly toward common sense solutions, ensuring Missouri is on the path to job growth and prosperity.

Thank you again for the opportunity to serve you in this new leadership role.

Speaker Jones resumed the Chair.

HOUSE RESOLUTION

Representative Diehl offered **HR 1**, which was read.

HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-seventh General Assembly, First Regular Session, inform the Governor and the Senate that the House is duly convened and is now in session in the 2013 Constitutional Veto Session and ready for consideration of business.

On motion of Representative Diehl, **HR 1** was adopted.

MESSAGE FROM THE SENATE

Mr Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SR 1**.

SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate that the Secretary of the Senate inform the House of Representatives that the Senate is duly convened and is now in session as provided by Article III, Section 32 of the Constitution and is ready for the consideration of its business.

MESSAGES FROM THE GOVERNOR

June 28, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 7** entitled:

“AN ACT”

To appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Section 7.018

I hereby veto \$25,000 General Revenue for the maintenance of a community improvement district in Springfield. Community improvement districts are separate, local entities formed to use a variety of local funding options to provide local infrastructure, improvements and services. The formation and operation of community improvement districts is a local issue and state funds should not be used to support such entities.

Said section is vetoed in its entirety from \$25,000 to \$0 General Revenue.
Section 7.090

I hereby veto \$80,000 Missouri Arts Council Trust Fund for the Blues in Schools Program. This appropriation attempts to bypass the well-established process that is in place to ensure accountability and fairness in selecting recipients of Missouri Arts Council grants.

For the Blues in Schools Program
From \$80,000 to \$0 Missouri Arts Council Trust Fund
From \$9,670,975 to \$9,590,975 in total from Missouri Arts Council Trust Fund
From \$12,943,461 to \$12,863,461 in total for the section.

On June 28, 2013 I approved said **Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 7** except for those items specifically vetoed and not approved.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

June 28, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 10** entitled:

“AN ACT”

To appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Section 10.215

I hereby veto \$30,000 General Revenue Fund for Boone County Legal Fees. These funds are unable to be expended because they do not qualify under Section 56.700, RSMo.

For distribution through the Office of Administration to counties pursuant to Section 56.700, RSMo, from \$162,550 to \$132,550 General Revenue Fund.

From \$742,550 to \$712,550 in total from General Revenue Fund.
From \$742,550 to \$712,550 in total for the section.

On June 28, 2013 I approved said **Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 10** except for those items specifically vetoed and not approved.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

June 28, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 19** entitled:

“AN ACT”

To appropriate money for purposes for the several departments and offices of state government; for planning and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions; and to transfer money among certain funds to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the fiscal period beginning July 1, 2013 and ending June 30, 2015.

Section 19.006

I hereby veto \$1,000,000 Fair Share Fund for the reconstruction of the Pike-Lincoln Technical Center. Section 149.015.7, RSMo, states that, “Such moneys in the fair share fund shall be transferred monthly to the state school moneys fund and distributed to the school districts in this state as provided in Section 163.031.” Section 163.031 is the state Foundation Formula.

Said section is vetoed in its entirety from \$1,000,000 to \$0 Fair Share Fund.

On June 28, 2013 I approved said **Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 19** except for those items specifically vetoed and not approved.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

July 12, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Senate Committee Substitute for House Committee Substitute for House Bill No. 110** entitled:

“AN ACT”

To repeal sections 115.027, 115.607, 473.730, 473.733, and 473.737, RSMo, and to enact in lieu thereof six new sections relating to the selection of public officials.

I disapprove of **Senate Committee Substitute for House Committee Substitute for House Bill No. 110**. My reasons for disapproval are as follows:

Senate Committee Substitute for House Committee Substitute for House Bill No. 110 establishes a process to be followed when a vacancy occurs in the office of lieutenant governor. However, Senate Committee Substitute for House Committee Substitute for House Bill No. 110 designs an ill-conceived process warranting my disapproval.

The lieutenant governor is a constitutional statewide officer. He serves as president of the senate and, upon a vacancy in the office of governor, becomes governor. The lieutenant governor serves on the Board of Public Buildings, Board of Fund Commissioners, Missouri Development Finance Board, Tourism Commission, Missouri Housing Development Commission, in addition to many others. Several of these boards issue bonds, distribute tax credits and otherwise incur debt on behalf of the state.

Under Senate Committee Substitute for House Committee Substitute for House Bill No. 110, when a vacancy occurs in the office of lieutenant governor, “the governor shall, within thirty days [of the vacancy], issue a writ of election to fill the vacancy for the remainder of the term in which such vacancy occurred...” That election would occur at the next general election.

During any period when a vacancy exists in the office of lieutenant governor, Senate Committee Substitute for House Committee Substitute for House Bill No. 110 states that the “chief administrative assistant of the vacating lieutenant governor shall perform all ministerial duties during the period of such vacancy.” The term “chief administrative assistant” is not defined in the legislation nor is there any process by which that person is to be identified or formally appointed to assume those duties. Instead, under the legislation, a nebulously described staffer of the exiting lieutenant governor would, by operation of law, assume the position until the next general election. Moreover, the legislation makes no provision in the event the “chief administrative assistant” is unwilling to serve or for replacing that person should he or she fail to fulfill those duties until the next general election. A statewide official, elected by the voters, should not be succeeded – even on a temporary and perhaps limited basis – by an individual who happens to hold an undefined, unelected staff position at the time of the vacancy. This is true if the vacancy occurs under benign circumstances but is even more problematic if the vacancy arises following a criminal investigation involving the office (and perhaps the “chief administrative assistant”) or is the result of an impeachment.

It is noted that the term “chief administrative assistant” is also found in Article IV, Section 11(c) of the Missouri Constitution. That provision provides that when a state officer, other than the lieutenant governor, is acting as governor, that officer’s regular elective office is not deemed vacant and the duties of that office are to be performed by the official’s “chief administrative assistant.” The term “chief administrative assistant” is not defined in the constitution. However, in an Article IV, Section 11(c) situation, the elected official serving as acting governor continues to hold his office, can identify and designate his chief administrative assistant and provide direction to that individual in the performance of the duties. None of that control would exist with a vacancy in the office of lieutenant governor under Senate Committee Substitute for House Committee Substitute for House Bill No. 110.

It is also concerning that the term “ministerial duties” is not defined in Senate Committee Substitute for House Committee Substitute for House Bill No. 110. Thus, the limits of the power of this staff member who would be acting

as lieutenant governor, without oversight or supervision, are unknown except that, according to the legislation, the staff member may not discharge the lieutenant governor's duties as president of the senate. As a result, it is left unresolved whether the staff member – who is neither elected nor appointed – would serve as a voting member on the various boards and commissions on which the lieutenant governor serves and thus be vested with the power to authorize bonds and other debt of the state. A staff member, anointed by happenstance to handle duties of a statewide elected official, should not be so empowered.

As mentioned above, Senate Committee Substitute for House Committee Substitute for House Bill No. 110 requires the president pro tempore to perform the duties of president of the senate when the office of lieutenant governor is vacant.

As directed by Article IV, Section 10 of the Missouri Constitution, in his role as president of the senate, the lieutenant governor has the duty to “cast the deciding vote on equal division in the [state] senate.” Senate Committee Substitute for House Committee Substitute for House Bill No. 110 dubiously assumes that a constitutional duty of the lieutenant governor can be so informally transferred to the president pro tempore, but even setting aside that infirmity, the delegation made by this legislation would apparently permit the president pro tempore to vote twice when a senate vote is tied.

Senate Committee Substitute for House Committee Substitute for House Bill No. 110 will also deprive voters of an important role in the process of filling a vacancy in the office of lieutenant governor. Under the bill, the governor is mandated, within thirty days of a vacancy, to issue a writ of election and that election shall be held at the “next general election.” There is no authority for the setting or conducting of a primary election. Thus, the nominee of each party will be selected not by the voters but rather by a narrow cast of party officials. If a statewide office is to be filled by election, the voters should have a meaningful role in determining their parties' candidates. Senate Committee Substitute for House Committee Substitute for House Bill No. 110 denies voters that opportunity.

Finally, Senate Committee Substitute for House Committee Substitute for House Bill No. 110 requires that the governor issue a writ of election regardless of when the vacancy occurs during the lieutenant governor's term. This causes a particularly odd result when the vacancy happens in the last two years of the lieutenant governor's term. In that situation, the election to fill the vacancy for the remainder of the term will happen at the same election that the voters will be electing the next lieutenant governor. The winner of the election to fill the vacancy will serve approximately two months - from the date the election is certified until early January - when the next lieutenant governor, elected on the same ballot, will be inaugurated. An election to select an individual to serve in office for such a short period of time is of extremely limited purpose and having the office of lieutenant governor appear twice on the same ballot would lead to voter confusion.

Empowering an undefined staff member of the vacating lieutenant governor or crafting a process that improperly transfers constitutional duties and requires unnecessary and confusing elections is a process that cannot receive my approval.

In accordance with the above stated reasons for disapproval, I am returning **Senate Committee Substitute for House Committee Substitute for House Bill No. 110** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

June 5, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Senate Substitute for House Bill No. 253** entitled:

“AN ACT”

To repeal sections 32.087, 66.601, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1713, 67.1775, 67.1959, 67.1971, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 143.011, 143.021, 143.071, 143.151, 143.221, 144.010, 144.014, 144.030, 144.032, 144.043, 144.049, 144.054, 144.069, 144.070, 144.080, 144.083, 144.100, 144.140, 144.210, 144.285, 144.517, 144.526, 144.605, 144.655, 144.710, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015, 221.407, 238.235, 238.410, 644.032, RSMo, and to enact in lieu thereof seventy-nine new sections relating to taxation, with penalty provisions, effective dates for certain sections, and an emergency clause.

I disapprove of **Senate Substitute for House Bill No. 253**. My reasons for disapproval are as follows:

Senate Substitute for House Bill No. 253 is an ill-conceived, fiscally irresponsible experiment that would inject far-reaching uncertainty into our economy, undermine our state’s fiscal health, and jeopardize basic funding for education and vital public services. At the same time, the legislation would increase taxes on prescription drugs and college textbooks, provide special treatment for some businesses while discriminating against others, and make our tax code less economically efficient and less fair. For these reasons and to protect the long-term economic prosperity of our state, Senate Substitute for House Bill No. 253 does not receive my approval.

Over the past four and a half years, we have balanced our state budget and made strategic investments in economic development. We have enacted targeted tax cuts for small businesses that create good jobs, and we are eliminating the outdated franchise tax on employers and the income tax on military pensions for our veterans. But along with these targeted tax cuts, we have maintained steady, fiscal discipline by reducing spending to ensure balanced budgets. Not only has this protected our spotless AAA credit rating, Missouri families and businesses are reaping the benefits as our economy continues to grow. Our exports over the past two years set an all-time record, and the most recent jobs report showed Missouri employers added another 12,000 jobs, while our unemployment rate dropped to 6.6 percent—the forty-fourth consecutive month it has been at or below the national average. In every corner of our state, businesses large and small are deciding to invest and expand in Missouri because of our stable, predictable business climate and our skilled, productive workforce.

Senate Substitute for House Bill No. 253 would veer Missouri irretrievably off this steady course and abandon our strong tradition of fiscal discipline. With a premise based on unproven assumptions, careless drafting, and an utter disregard for long-term consequences, Senate Substitute for House Bill No. 253 would irreparably damage vital public services, including the very educational system that provides the skilled, productive workforce employers demand.

I. Missouri Is Already a Low Tax State

Like most Missourians, I support keeping taxes low and predictable. Indeed, I am proud that, with or without Senate Substitute for House Bill No. 253, Missouri will continue to have among the lowest taxes in the nation. In a September 2011 report, the State Auditor recognized that Missouri has the seventh-lowest state taxes as a percentage of personal income. In 2012, the Federation of Tax Administrators ranked Missouri the fifth-lowest in per capita state taxes in the country, representing a lower tax burden than all of our surrounding states. Moreover, a 2012 report by Ernst & Young and the Council on State Taxation ranked Missouri’s effective business tax rate as the eighth-lowest in the country. Not only are Missouri taxes among the lowest in the nation, our low tax climate is stable and predictable. This encourages businesses to grow and invest here with certainty that their tax burden will not constantly shift on the whim of policymakers testing out the latest fad. This stability also gives businesses and consumers the confidence that they will

not see higher property taxes or sales taxes to stave off cuts to education and vital public services when risky experiments with the income tax fail to live up to their billing.

II. The Fiscal Note Dramatically Understates the Cost of the Bill

The cost of Senate Substitute for House Bill No. 253 would be far greater than that estimated by the fiscal note. Although the fiscal note for the Senate Substitute assumes a cost of between \$492 and \$692 million annually when fully-phased in—a considerable amount—the bill’s true cost would exceed \$800 million annually. The fiscal note estimate failed to account for the full cost of the business income exemption because it only considered “self-employment income” reported on the federal 1040 form even though additional business income would also be exempt. In addition, the fiscal note estimate of \$344 to \$544 million annually in new sales tax revenue from enactment of the Federal Marketplace Fairness Act (FMFA) greatly exceeds even the highest estimate of \$210 million in published studies on the issue. When taking into account the drafting errors in the FMFA provision of Senate Substitute for House Bill No. 253, discussed more fully below, Missouri could see an immediate \$1.2 billion revenue loss in a single year. Perhaps even more significant than the overall cost of this experiment is the inability to undo the downward spiral Senate Substitute for House Bill No. 253 would set in motion, which could swallow even basic funding for the priorities Missourians share.

III. The Bill Would Irreparably Harm Education and Vital Public Services

Although Missourians expect to have low and predictable taxes, they also want good jobs, quality schools, and safe and healthy communities, and they are not willing to gamble these priorities on unproven experiments. With our taxes already among the lowest in the nation, the additional reductions called for by Senate Substitute for House Bill No. 253 would leave a gaping budget hole for decades to come, requiring cuts of such magnitude that meeting even our basic obligations for K-12 education, for our colleges and universities, for public safety and for other vital services would be out of reach.

The level of reductions necessary to accommodate Senate Substitute for House Bill No. 253 would be the equivalent of closing all of our state prisons, eliminating entirely the Department of Mental Health, or cutting all funding to our colleges and universities. Senate Substitute for House Bill No. 253 would undermine the very foundation of our long-term economic growth and our strongest economic development tool—our educational system. This bill could decimate vital public services like scholarships for high school seniors to attend college, affordable child care for Missouri working families, assistance for foster parents to provide abused and neglected children a loving home, the chance for children with severe disabilities to meet their full potential, home-delivered meals and transportation to doctor’s appointments for needy seniors, and the safety of Missourians, with fewer patrolmen and more violent criminals on our streets. This is the Missouri our children would inherit if Senate Substitute for House Bill No. 253 became law and foisted upon them with full force this fiscally irresponsible folly.

IV. The Bill Would Increase Taxes on Prescription Drugs

In addition to its staggering long-term consequences, the problems with Senate Substitute for House Bill No. 253 stemming from its careless and haphazard drafting would begin wreaking havoc immediately. One need look no further for evidence than its elimination of the long-standing sales tax exemption on prescription drugs. With this provision alone, the General Assembly has voted to impose a \$200 million tax increase on Missourians in need of prescription medication—Missourians who are suffering from cancer, from heart disease, and from other life-threatening conditions. In place since 1979, but eliminated in an instant, this exemption may have gone unnoticed by some members of the legislature in their haste to get this bill to my desk, but it will surely be noticed by the sick Missourians forced to pay the bill.

V. The Bill Would Increase Taxes on Textbooks

Senate Substitute for House Bill No. 253 would also add to the tax burden of Missouri families by eliminating the state sales tax exemption for college textbooks. This would increase the cost of college for Missouri students, when other provisions of the bill would reduce revenue available to fund our colleges and universities.

VI. The Bill's Revenue Triggers Do Not Apply To Two of the Most Costly Provisions

In response to concerns about the bill's overall cost and its impact on education and vital public services, proponents of Senate Substitute for House Bill No. 253 have pointed to various revenue "triggers" that must occur before tax reductions in the bill can take effect. Proponents claim that these triggers would protect against shortfalls because revenue collections would have to grow by more than \$100 million before taxes are cut. In other words, if state revenues do not grow enough, then no additional taxes are cut. This is simply not true. Two of the most expensive provisions in the bill—the tax reduction tied to enactment of the Federal Marketplace Fairness Act (FMFA) and the business income exemption—are not tied to any revenue trigger whatsoever and will begin reducing revenues regardless of whether revenue collections are going up or going down.

a. The Business Income Exemption Would Take Effect During Fiscal Year 2014

Senate Substitute for House Bill No. 253's exemption for pass-through entity business income is not subject to any trigger whatsoever and therefore would begin impacting education and vital public services in the fiscal year that will begin July 1, 2013. This provision alone would cost \$230 million annually by the fifth year and will occur regardless of whether revenue collections are going up or going down.

b. The FMFA Provision is Not Tied to Any Revenue and Applies Retroactively

Extremely troubling is Senate Substitute for House Bill No. 253's provision that would reduce the maximum income tax rate by .5% immediately upon enactment of the Federal Marketplace Fairness Act (FMFA). This immediate drop in the tax rate would force an estimated \$300 million cut to education and vital public services, regardless of whether revenues are otherwise increasing or decreasing, since this trigger has no tie to revenue collections whatsoever. While proponents of Senate Substitute for House Bill No. 253 estimate that the FMFA might ultimately generate additional sales tax revenue, any additional revenue from the FMFA would not occur simply upon federal passage of the FMFA; instead, Missouri would also have to meet all of the requirements of the FMFA, which could not occur until 2015 at the earliest, if at all. This means that while there would be an immediate loss of an estimated \$300 million annually upon enactment of the FMFA, any additional revenue to offset this decline could be years away.

Even more troubling are the drafting problems in this provision that allow the reduction in tax rates to apply retroactively to prior tax years. Specifically, the change in Section 143.011.2, RSMo, would require a .5% reduction to the maximum tax rate upon enactment of the FMFA for all tax tables in Section 143.011.1, RSMo. Intentional or not, the effect of this change to all tax tables in Section 143.011.1, RSMo, could enable taxpayers to seek refunds of taxes previously paid for up to three prior tax years (due to the three year statute of limitations for filing amended returns). All told, this could obligate the state to pay out tax refunds of approximately \$300 million per year for taxes paid during the last three tax years—for an additional fiscal impact of \$900 million—all coming in the same year as the immediate approximately \$300 million loss described above.

With both of the above issues, this single provision of Senate Substitute for House Bill No. 253, could reduce funding for education and vital public services by as much as \$1.2 billion in Fiscal Year 2014 if the FMFA were to pass this year. This significant additional cost is not reflected in the bill's fiscal note.

VII. The So-Called Revenue "Triggers" Provide Only A False Sense of Security

Even for provisions of the bill where revenue triggers would apply, they provide little protection from cuts to education and vital public services.

a. The Triggers Fail to Prevent Cuts During an Economic Downturn

The revenue triggers are drafted to allow for permanent changes in the tax code based on a prior year's increase in revenue collections. This is fiscally irresponsible because it could result in a reduction in tax rates even during the depths of an economic recession. For example, if Senate Substitute for House Bill No. 253 had been in effect at the time, the more than \$100 million revenue collection increase in Fiscal Year 2008 would have triggered tax rate reductions in Fiscal

Year 2009. This would have meant that tax rates would have been reduced despite the fact that there was a \$553 million reduction in revenue in Fiscal Year 2009 due to the economic recession. Had Senate Substitute for House Bill No. 253 been in effect, steep cuts to education and vital public services could not have been avoided, as the tax reductions would have continued blindly with no way to turn off the experiment once it had begun.

b. The Triggers Ignore Tax Refunds

The revenue triggers are drafted based on overall revenue “collections” and therefore fail to factor in tax refunds. This will further reduce available revenue because a significant amount of tax refunds would reduce any increase in collection to the point that very little new revenue would remain to offset the fiscal impact of the tax reduction triggered. Looking at actual historical collection data, there are a number of years where revenue *collections* may have increased by \$100 million, but the *actual revenue* available after refunds did not. For example, in Fiscal Year 2000, revenue collections increased by \$221 million, but, after refunds, actual revenues were up by only \$6 million. Nevertheless, if Senate Substitute for House Bill No. 253 were in effect at that time, tax reductions would have occurred despite the fact that the cost of the reductions would far exceed actual revenue available.

VIII. The Bill Rewards Economically Inefficient Activity

The business income exemption within Senate Substitute for House Bill No. 253 is fraught with problems that will reward tax avoidance activities even if they are economically inefficient.

First, the critical term “business income” is not adequately defined, which, in addition to enabling the cost of this exemption to be underrepresented in the bill’s fiscal note, would provide a strong incentive for creative accounting to game this new exemption by classifying as much income as possible as exempt, even to the point of forming a “business” simply to gain the new tax exemption. This rewards tax avoidance activity without concomitant economic activity and thereby makes our tax code less efficient.

Second, the exemption provides preferential treatment to select Missouri businesses, while discriminating against the majority of others based solely on the paperwork the businesses filed to organize. Businesses organized as “pass-through entities”—e.g. certain LLCs, partnerships—would see half their income exempt within five years, while the majority of business would see just a few tenths of a percent shaved off their tax rate over the next decade. Preferential tax treatment for selected businesses would create a perverse incentive for businesses to restructure solely for tax avoidance and not for economic efficiency. This kind of manipulation through the tax code unduly interferes with the free market by incentivizing economically inefficient behavior. There is simply no principled economic justification for the tax code to pick winners and losers based solely on elevating the form of a business’s organizational structure over its economic substance.

IX. The Bill Would Create Uncertainty For Existing Investments

Not only would the business income exemption lead to economically inefficient activity, the other reductions in Senate Substitute for House Bill No. 253 could undermine business confidence in investments that have relied on previously-authorized state incentives based on retained withholding tax. Reduced withholdings for employees as a result of a lowered personal income tax would lessen the value of such incentives and impact debt service on financing long-ago secured. Injecting this uncertainty into our economy at a time when our stable, predictable business climate and rock-solid fiscal discipline are paying dividends would undermine confidence in the investments businesses have already made and jeopardize our ability to effectively compete for additional investments in the future.

X. The Bill Would Make Our Tax Code Less Fair

Ultimately, one of the most striking aspects of Senate Substitute for House Bill No. 253 is its lack of fundamental fairness. No legislation that gives two individual taxpayers with identical incomes—one who owns a business and one who works at one—such drastically different tax exemptions can be called fair. No legislation that would gut K-12 education in exchange for letting LLC shareholders call half of their income exempt can be called fair. No legislation that would give the lobbyists who helped write the bill a 50% tax cut, while shaving just .5% off his mechanic’s tax rate over the next decade can be called fair.

In accordance with the above stated reasons for disapproval, I am returning **Senate Substitute for House Bill No. 253** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

July 1, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **House Bill No. 278** entitled:

“AN ACT”

To amend chapter 9, RSMo, by adding thereto one new section relating to federal holidays.

I disapprove of **House Bill No. 278**. My reasons for disapproval are as follows:

House Bill No. 278 would prohibit governmental entities from regulating activities relating to “federal holidays.” The legislation would cover a wide scope of activities falling within the undefined terms of “practice” and “celebration.” House Bill No. 278 constitutes a direct assault on local government authority and curtails the flexibility that cities and counties need to address pressing public health and safety concerns. Indeed, House Bill No. 278 does not contain a public safety exception. As a result, local governments would be hampered in their efforts to enforce existing fireworks ordinances around July 4th. More troubling, House Bill No. 278 would greatly frustrate a ban on fireworks imposed during a period of severe fire risk. During 2012, as much of Missouri experienced drought conditions and large fires put Missourians and their property in peril, many jurisdictions prudently passed fireworks bans. If House Bill No. 278 were to become law, individuals would be permitted to circumvent such bans by simply claiming the fireworks were being used to celebrate July 4th or other federal holiday. Restricting local control in such a manner is harmful to public safety and cannot receive my approval.

The problems with House Bill No. 278 go beyond issues related to public safety. Indeed, under the broad language of the bill, public sector employees at the state and local level could demand leave from work in order to celebrate any federal holiday. This could cause staffing shortages for essential governmental functions including twenty-four hour institutions such as veterans homes, mental health facilities and county jails.

It also deserves noting that House Bill No. 278 is not limited to federal holidays celebrated in Missouri. For instance, in addition to the annual federal holidays, 5 U.S.C. 6103 also establishes January 20th in years when a president is inaugurated as a federal holiday in the District of Columbia and certain parts of Maryland and Virginia. Although presumably beyond its intent, the fact that House Bill No. 278 would grant sanctuary from reasonable restrictions to an individual celebrating an event occurring more than 800 miles from Missouri confirms the challenges created by this legislation.

In accordance with the above stated reasons for disapproval, I am returning **House Bill No. 278** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

July 3, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Senate Committee Substitute for House Bill No. 301** entitled:

“AN ACT”

To repeal sections 43.650, 160.261, 167.115, 167.171, 168.071, 188.023, 211.071, 211.447, 217.010, 339.100, 556.036, 556.037, 556.061, 558.018, 558.026, 559.115, 559.117, 566.020, 566.030, 566.031, 566.040, 566.060, 566.061, 566.070, 566.090, 566.093, 566.095, 566.100, 566.101, 566.224, 566.226, 589.015, 589.400, 589.402, 590.700, 632.480, 632.498 and 632.505, RSMo, and to enact in lieu thereof thirty-seven new sections relating to sex offenders, with penalty provisions for certain sections and with an emergency clause for certain sections.

I disapprove of **Senate Committee Substitute for House Bill No. 301**. My reasons for disapproval are as follows:

Senate Committee Substitute for House Bill No. 301 contains several worthwhile provisions that have been approved as part of other legislation, but it also includes broadly crafted provisions that would reduce public safety and fail to protect the rights of victims, and therefore must be met with my objection.

Senate Committee Substitute for House Bill No. 301 would prevent any individual who committed a sex offense as a juvenile (under 18) from being placed on either the state or county sexual offender notification website, and would further require the immediate removal of the estimated 560 such sex offenders who are currently on the state and county sexual offender websites.

This language is considerably overbroad because it would grant this relief to juvenile sex offenders regardless of the sexual offense for which they were convicted, to include forcible rape, forcible sodomy, and child molestation. Moreover, the bill would deprive victims of sex offenses the opportunity to be heard before an offender is removed from the very websites that are designed to protect victims and other members of the public.

The bill would also allow this class of offenders, after five years from the later of when the offender was found guilty or the end of sentence, to petition a court for removal from the state sexual offender registry. The court would be required to grant the petition unless such person has been adjudicated of, or has charges pending for, failure to register or any additional offense which would require registration. This petition process eliminates judicial discretion and precludes a court from considering factors that could help inform whether those eligible for removal under this bill could be removed without jeopardizing public safety, such as whether the individual successfully completed any court required treatment. In addition, and similar to the process for removing juvenile sex offenders from the public notification websites, victims would not have an opportunity to object.

Senate Committee Substitute for House Bill No. 301 does not strike the appropriate balance between providing this relief to a limited class of juvenile sex offenders and the need to ensure public safety. Instead, the bill would reverse the significant steps that Missouri has taken to protect the rights of victims and would undermine the important public safety functions provided by the sexual offender registry and public notification websites, and for these reasons Senate Committee Substitute for House Bill No. 301 receives my disapproval.

In accordance with the above stated reasons for disapproval, I am returning **Senate Committee Substitute for House Bill No. 301** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

July 2, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Senate Committee Substitute for House Bill No. 329** entitled:

“AN ACT”

To repeal sections 208.010, 361.160, 408.140, 408.590, 408.592, 408.600, and 513.430, RSMo, and to enact in lieu thereof six new sections relating to financial institutions.

I disapprove of **Senate Committee Substitute for House Bill No. 329**. My reasons for disapproval are as follows:

Senate Committee Substitute for House Bill No. 329 would increase the fees that payday, title and consumer installment lenders can charge consumers. Current law limits origination fees to 5% of the principal up to \$75, but this bill would increase the fee to 10% of the principal up to \$75. This fee increase would most impact those consumers, often of limited means, seeking to take out short-term loans of under \$1,500. Because the fee could be charged each time the loan is rewritten, the increased cost to consumers could be substantial. Missourians need payday loan reform, not the expansion and higher fees provided in Senate Committee Substitute for House Bill No. 329, which will do nothing to help consumers trapped in a spiral of debt.

In addition, Senate Committee Substitute for House Bill No. 329 would authorize funds to be placed in a “personal funeral trust account” at a financial institution to be held in trust and used for funeral services. The bill specifies that no contract with any cemetery, funeral establishment or any provider or seller shall be required when a personal funeral trust account is established. This differs from the highly specific preneed funeral contract requirements established in Chapter 436 by House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1 (2009), which was enacted as a result of the work by the legislature’s Interim Committee for Pre-Need Funeral Service Plans. This interim committee was formed in the wake of the 2008 collapse of Missouri’s largest preneed funeral plan seller, National Prearranged Services, Inc. (NPS), to develop policy recommendations to protect consumers from abuses like those perpetrated by NPS. Senate Committee Substitute for House Bill No. 329 could enable funeral licensees to enter into non-contractual preneed financial arrangements that would not be required to comply with Chapter 436, thereby creating a loophole in the strong consumer protections enacted in the wake of the NPS collapse. At the very least, this provision could create confusion among the public and funeral licensees as to whether or not a preneed funeral contract is required when a funeral licensee is named as the beneficiary of a personal funeral trust account.

In accordance with the above stated reasons for disapproval, I am returning **Senate Committee Substitute for House Bill No. 329** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

July 3, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **House Bill No. 339** entitled:

“AN ACT”

To amend chapter 303, RSMo, by adding thereto one new section relating to the forfeiture of collecting noneconomic damages for failing to comply with the motor vehicle financial responsibility law.

I disapprove of **House Bill No. 339**. My reasons for disapproval are as follows:

House Bill No. 339 would prohibit an “uninsured motorist” from having a cause of action or “otherwise collect[ing] for noneconomic loss” arising out of a motor vehicle accident if the uninsured motorist attempts to recover damages from a motorist who is in compliance with motor vehicle financial responsibility requirements. House Bill No. 339 cannot receive my approval because it is riddled with ambiguity that will generate excessive litigation over how and to whom its provisions would apply.

Significantly, House Bill No. 339 does not adequately define the term “uninsured motorist,” which is the very crux of the bill. An “uninsured motorist” is defined as “[a]n uninsured driver who is the owner of the vehicle; [a]n uninsured permissive driver of the vehicle; and [a]ny uninsured nonpermissive driver,” yet there is no definition of “uninsured.” Given the magnitude of barring an individual’s access to the courts, it is unacceptable to leave this key term open to interpretation.

The above ambiguity is exacerbated by the uncertainty as to whether House Bill No. 339 would bar an uninsured motorist from a cause of action in its entirety or simply from recovering a category of damages. Under Section 303.390.1 of the bill, an “uninsured motorist shall waive the ability to have a cause of action or otherwise collect for noneconomic loss,” which presumably contemplates that in some instances the motorist would be barred from bringing a cause of action altogether. Yet, Section 303.390.4 of the bill states that “[n]othing in this section shall be construed to preclude recovery against an alleged tort-feasor of benefits provided or economic loss coverage.” In addition, Section 303.390.3 of the bill provides for a reduction in damages equal to the portion of an award representing compensation for noneconomic losses. Read in conjunction, Sections 1, 3 and 4 of the proposed Section 303.390 presumably contemplate an action solely for “economic loss,” but that is far from clear.

It is also unclear as to how the exceptions to the waiver under Section 303.390.1 of House Bill No. 339 would work procedurally. Section 303.390.1 of the bill provides that the waiver does not apply “if it can be proven [sic]” that the other motorist was under the influence of drugs or alcohol, was convicted of involuntary manslaughter or assault in the second degree, and caused the accident in whole or in part. The foregoing are questions of fact, but the bill does not specify who is to be the finder of these facts. Although factual determinations are typically reserved to juries, under Section 303.390.3(2) of the bill, the trier of fact is prohibited from being informed of “such waiver.” If waiver is a legal determination, then that would be the province of the judge, yet that is not addressed in the bill.

In accordance with the above stated reasons for disapproval, I am returning **House Bill No. 339** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

July 5, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Senate Committee Substitute for House Committee Substitute for House Bill No. 436** entitled:

“AN ACT”

To repeal sections 21.750, 571.030, 571.101, 571.107, 571.117, and 590.010, RSMo, and to enact in lieu thereof fourteen new sections relating to firearms, with a penalty provision.

I disapprove of **Senate Committee Substitute for House Committee Substitute for House Bill No. 436**. My reasons for disapproval are as follows:

Senate Committee Substitute for House Committee Substitute for House Bill No. 436 violates the Supremacy Clause of the United States Constitution as well as an individual's free exercise of speech protected by both the federal and state constitutions.

I. Violates the Supremacy Clause of the United States Constitution

Senate Committee Substitute for House Committee Substitute for House Bill No. 436 violates the Constitution of the United States, Article VI, Clause 2, commonly referred to as the Supremacy Clause. A conflicts-of-law provision, the Supremacy Clause was designed to provide a mechanism to enforce federal acts and to resolve discord between state and federal laws that touch upon the same subject, giving precedence to the laws of the nation over those of the respective states.

At the time of the Constitutional Convention, the framers proposed a number of ideas to resolve conflict between state and federal law, including the Virginia Plan where Congress would have been given the direct power to "negative" or veto state laws. Ultimately, however, the Supremacy Clause was adopted – an idea derived from Alexander Hamilton's Federalist Paper No. 33 and James Madison's Federalist Paper No. 44, but proposed for inclusion in the Constitution by Anti-Federalist Luther Martin. It states:

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Supremacy Clause becomes relevant when a state law conflicts with a federal statute, or when it is impossible to comply with both state and federal law, or, as in the particular case of Senate Committee Substitute for House Committee Substitute for House Bill No. 436, when a state law "stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress." *Hines v. Davidowitz*, 312 U.S. 52 (1941), see also *Crosby v. National Foreign Trade Council*, 530 U.S. 363 (2000). By seeking to declare certain federal acts null and void, Senate Committee Substitute for House Committee Substitute for House Bill No. 436 seeks to turn the hierarchy of our national framework of laws on its head in clear violation of Article VI of the U.S. Constitution.

In addition, Senate Committee Substitute for House Committee Substitute for House Bill No. 436 would deprive a federal agent of his or her authority to enforce certain federal acts within the state; indeed it would make such conduct a crime. The lineage of cases prohibiting this type of legislation dates back to 1819, when Chief Justice John Marshall, writing for a unanimous U.S. Supreme Court in *McCulloch v. Maryland*, solidified the principle that the Supremacy Clause prevents states from regulating, interfering with, or controlling federal instrumentalities. 17 U.S. 316 (4 Wheat.). Decades later, in *Tennessee v. Davis*, the Court reiterated this position: "No state government can exclude [a federal agency] from the exercise of any authority conferred upon it by the Constitution" (100 U.S. 257 (1879)). And, in 1890, the Court ruled that a state does not have criminal jurisdiction over a federal agent who commits an act in the performance of his official functions. *In re Neagle*, 135 U.S. 1.

Notwithstanding *McCulloch* and its progeny, states have, from time to time, attempted to resurrect the pre-Civil War concept of nullification, an argument that individual states, either through legislation or state court ruling, can decide for themselves if a federal law is constitutional, all in an effort to distance a state from the reach of Congress. Counted among such efforts is now Senate Committee Substitute for House Committee Substitute for House Bill No. 436, which seeks to not only prevent federal agents from performing their sworn duties within Missouri, but to exempt Missouri from a number of named and unnamed federal acts.

Of course, an individual state is not empowered to determine which federal laws it will comply with, nor is it empowered to declare a federal act to be unconstitutional. Under Article III of the U.S. Constitution, the authority to declare a federal act unconstitutional is within the sole province of the federal courts. See *Cohens v. Virginia*, 19 U.S. 264 (1821);

see also *Cooper v. Aaron*, 358 U.S. 1 (1958). Notably, the federal acts targeted in the bill for nullification have not been deemed unconstitutional by a federal court.

The doctrine of supremacy is as logically sound as it is legally well-established. Consider how our nation's efforts during the Second World War might have been frustrated if, following the passage of the Burke-Wadsworth Act, individual states could have exempted their citizens from selective service, or how one state's economic prosperity might have been diminished if one or more contiguous states opted out of the Federal Highways Act of 1956, thereby making it more difficult to bring goods and services to market.

Still, nullification advocates often reference the Kentucky and Virginia Resolutions of 1798 and 1799, in which Thomas Jefferson and James Madison asserted a state's right to nullify the Alien and Sedition Acts (though the respective states chose not to assert that right). Jefferson and Madison argued that states must have the final word because the Constitution had not expressly established an ultimate authority on constitutional matters. However, a few years later in *Marbury v. Madison*, the Supreme Court unanimously held that: "It is emphatically the province and duty of the judicial department to say what the law is." 5 U.S. 137 (1803).

Nonetheless, from the 1820s throughout the 2000s, nullification attempts periodically surfaced, but consistently failed. Shortly after *McCulloch*, the Ohio legislature passed a resolution rejecting Chief Justice Marshall's ruling and then legislatively imposed a tax on the federal bank. In response, the U.S. Supreme Court, in *Osborn v. Bank of the United States*, held that Ohio's tax was "repugnant to a law of the United States . . . and therefore void." 22 U.S. (9 Wheat.) 738 (1824).

More than a century later in *Cooper v. Aaron*, the Supreme Court, relying on the Supremacy Clause, rejected attempts by the state of Arkansas to ignore its direction to desegregate schools in *Brown v. Board of Education*, stating that nullification was not "a constitutional doctrine . . . [but] illegal defiance of constitutional authority." 358 U.S. 1 (1958). At the time of the *Brown* decision, the Missouri Constitution of 1945 contained a provision that required separate schools based on race (Art. IX, Sec. 1). However, Missouri properly recognized the legal authority of the United States Supreme Court and, soon after *Brown*, Attorney General John M. Dalton declared that the State Constitution and any statutes requiring segregation were "superseded by the decision of the Supreme Court of the United States and are, therefore, unenforceable" Daugherty, B.J. & Bolton, C.C. With all deliberate speed: Implementing *Brown v. Board of Education*, 179. University of Arkansas Press, 2008. Also, the state board of education adopted a resolution stating its intent to implement *Brown*, and Governor Phil M. Donnelly joined by stating that Missouri would follow *Brown*'s requirements.

Even recently, efforts to nullify federal law have continued without success. The Supreme Court of Montana, swayed by the unique character of its state, mimicked Ohio's defiance of *McCulloch* in upholding a state law that limited political contributions by corporations, despite the U.S. Supreme Court's ruling to the contrary in *Citizens United v. Federal Election Commission*. 558 U.S. 310 (2010). The U.S. Supreme Court, confronted with the question of whether *Citizens United* applied to state law, unequivocally affirmed the long-standing supremacy doctrine by stating: "There can be no serious doubt that it does." *American Trade Partnership, Inc. v. Bullock*, 132 S.Ct. 2490 (2012).

II. Violates the Free Exercise of Speech Protected by the State and Federal Constitutions

Senate Committee Substitute for House Committee Substitute for House Bill No. 436 would also infringe upon an individual's freedom of speech protected by the federal and state Constitutions by making it a crime to publish the name or other information of someone who owns a firearm.

There is no shortage of unacceptable scenarios that could result from this provision. As one example, newspapers around the state annually publish photos of proud young Missourians who harvest their first turkey or deer. Under this bill, doing so would be a crime. Also, and somewhat ironically, a reporter who prints a photo of a local rally being held in support of gun rights could face up to a year in jail or a thousand dollar fine, or both.

In addition, a reporter would be precluded from writing or tweeting the name of a burglary victim who had his or her firearm stolen, or even from doing a story on a candidate in an upcoming General Assembly election if that candidate

owns a firearm. Presumably, a reporter could not even attach her name to any story if she is herself a gun owner. Moreover, there is nothing in the bill's broad prohibitive language that would prevent criminal charges if a firearm owner is mentioned in court records or police reports, or even by a private citizen on a social networking site. Such a list of examples is conceivably endless. That said, and putting aside the perplexing paradox of seeking to protect one constitutional right by so significantly diminishing another, curtailing speech in such a manner clearly violates the free exercise of speech protected by the state and federal constitutions.

Conclusion

In light of Article VI, Clause 2, of the U.S. Constitution, the guarantee of an individual's freedom of speech contained in both the federal and state Constitutions, as well as the vast and enduring case law affirming the supremacy doctrine and invalidating the concept of nullification, it can safely be determined that Senate Committee Substitute for House Committee Substitute for House Bill No. 436 is, in multiple respects, constitutionally impermissible.

In accordance with the above stated reasons for disapproval, I am returning **Senate Committee Substitute for House Committee Substitute for House Bill No. 436** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

July 2, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Senate Committee Substitute for House Committee Substitute for House Bill No. 611** entitled:

“AN ACT”

To repeal sections 285.300, 288.030, 288.040, 288.050, 288.100, and 288.380, RSMo, and to enact in lieu thereof six new sections relating to employment, with penalty provisions.

I disapprove of **Senate Committee Substitute for House Committee Substitute for House Bill No. 611**. My reasons for disapproval are as follows:

This bill greatly expands the types of “misconduct” that can serve to disqualify terminated employees from receiving unemployment benefits. It is important to note that this is not a bill that changes whether or not employees may be terminated. Missouri employers can terminate employees for any reason (as long as it is not a legally impermissible reason such as race or gender). This bill does not in any way affect employers’ ability to do so.

Under current law, individuals may be denied unemployment benefits if they engaged in “misconduct” as defined in section 288.030.1(23) RSMo. The bill would expand the definition of misconduct to include activities occurring outside the workplace and outside of work hours. This bill would also broaden the definition of misconduct to include, among other things, “violation of an employer’s no-call, no-show policy” and “violation of an employer’s rule.”

The bill goes too far when it denies unemployment benefits in these circumstances. What employees do on their own time should not be used as a basis for denying unemployment benefits, except in the narrow circumstances already set forth in law. And employers should not be encouraged to adopt unreasonable rules to use as a basis for denying unemployment benefits.

Under the bill, the following situations would result in denial of unemployment benefits:

- An employer has a rule that all employees dress appropriately, both during work hours and during non-work hours. The office manager, while conducting the routine patrol of employees' social media presence that would be encouraged and rewarded by this bill, finds a picture of a female employee participating in a charity dance contest. He deems the costume she is wearing inappropriate and fires her. Under the bill, she would also be denied unemployment benefits.
- An employer requires employees to play on, or show up and cheer for, the company softball team every Wednesday evening after work. An employee who is a single mother of three needs to be home to take care of her children, so she does not to participate and is fired. Under the bill, she would also be denied unemployment benefits.
- An employer has a rule that salespeople should conduct themselves professionally at all times. A salesperson is overheard at his child's soccer game saying negative things about his boss. He does not identify his boss by name, but the person overhearing the comment knows where he works and who he reports to. When word gets back to the boss, he fires the employee for "unprofessional behavior." Under the bill, he would also be denied unemployment benefits.
- A mother has to rush her daughter to the emergency room but in the rush forgets to call her employer. She therefore violates the employer's "no-call, no show" policy and is fired. Under the bill, she would also be denied unemployment benefits.

In all of these instances, Missouri law already allows the employer to terminate the employee. However, this legislation goes a step further, also disqualifying the employees from receiving unemployment benefits while they look for other jobs.

The bill also creates nonconformity with federal law that could cost Missouri employers hundreds of millions of dollars. The unemployment benefits program is a federal program administered by states, subject to federal laws. By denying unemployment benefits for conduct occurring outside the workplace, Senate Committee Substitute for House Committee Substitute for House Bill No. 611 would place Missouri's unemployment laws at odds with federal law,¹ potentially jeopardizing the Federal Unemployment Tax Act (FUTA) credits Missouri employers receive, costing them an estimated \$859 million per year.

Unemployment benefits provide modest, temporary, but important assistance to individuals who become unemployed through no fault of their own. Not every Missourian is entitled to receive these benefits upon separation from work; in 2012, only 38 percent of Missourians who applied for unemployment actually received benefits. While not affecting an employer's ability to fire an employee, this bill would improperly deny Missourians unemployment benefits.

In accordance with the above stated reasons for disapproval, I am returning **Senate Committee Substitute for House Committee Substitute for House Bill No. 611** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

¹ Under the Federal Unemployment Tax Act, "[c]ompensation shall not be denied to any individual ... for any cause other than discharge for misconduct connected with his work." 26 U.S.C. 3304(a)(10).

July 12, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Senate Substitute for Senate Committee Substitute for House Bill No. 650** entitled:

“AN ACT”

To repeal sections 43.543, 60.185, 60.195, 60.301, 60.321, 60.451, 60.510, 60.530, 60.540, 60.550, 60.560, 60.570, 60.580, 60.590, 60.595, 60.600, 60.610, 60.620, 60.653, 60.670, 236.410, 253.090, 253.180, 253.185, 256.117, 258.010, 258.020, 258.030, 258.060, 258.070, 258.080, 260.200, 260.205, 260.235, 260.249, 260.262, 260.365, 260.379, 260.380, 260.390, 260.395, 260.434, 260.475, 261.023, 444.772, 621.250, 640.010, 640.012, 640.017, 640.075, 640.715, 640.725, 643.079, 644.051, 644.052, and 644.054, RSMo, and to enact in lieu thereof sixty-three new sections relating to the department of natural resources, with penalty provisions and an emergency clause for certain sections.

I disapprove of **Senate Substitute for Senate Committee Substitute for House Bill No. 650**. My reasons for disapproval are as follows:

Senate Substitute for Senate Committee Substitute for House Bill No. 650 contains a host of provisions that have been approved as part of other legislation, with the exception of the proposed Section 640.236, RSMo, which would exempt a select class of entities from punitive damages in certain instances and limit such damages in all other instances.

Current law establishes limitations on punitive damages at the greater of five hundred thousand dollars or five times the net amount of the judgment awarded against any one defendant (Sec. 510.265, RSMo). Senate Substitute for Senate Committee Substitute for House Bill No. 650, however, would exempt any civil action related to “underground hard rock mining or hard rock milling sites that ceased operations prior to January 1, 1975” from the existing limits on punitive damages. In these cases, defendants would not be subject to any punitive damages if they can show any evidence that they “have made or are making good faith efforts to remediate such sites.” If the defendant is unable to make such a showing, the amount of punitive damages that may be awarded would still be significantly reduced from what is currently available under existing Missouri law.

This effort to reduce the existing scope of damages is particularly egregious because Senate Substitute for Senate Committee Substitute for House Bill No. 650 seeks to apply the reduction retrospectively, not only against injuries that have already been sustained, but against actions that have already been filed. And it would do so after a judgment for damages has already been ordered against an entity that would be protected by this legislation, and on facts similar to those alleged in various other pending actions. If this provision became law, it could result in considerable inequities among individuals who may have been harmed by the same defendants under similar circumstances simply because certain parties were not as fast to the courthouse. Contrary to the damage limits imposed by this provision, citizens should have fair and unfettered access to the courts; they should be able to consult with counsel and be advised of the full scope of available remedies prior to commencing an action without having the proverbial goal posts moved after the fact.

Retrospectively attempting to decrease the liability exposure for a few select entities is not only inappropriate, it is legally impermissible. The State Constitution, Article I, Section 13, provides that “no . . . law . . . retrospective in its operation . . . can be enacted.” A law is retrospective in operation if it takes away or impairs vested or substantial rights acquired under existing laws or imposes new obligations, duties, or disabilities with respect to past transactions.” *Hess v. Chase Manhattan Bank*, 220 S.W.3d 758, 769 (Mo. banc 2007). In addition to this legal infirmity, enabling companies to legislate around liability would set a dangerous precedent.

In addition to these objections, the “fixed class” of beneficiaries created by Senate Substitute for Senate Committee Substitute for House Bill No. 650 would result in a special law prohibited by Article III, Section 40(30) of the Missouri Constitution, because a general law could be made applicable. Missouri courts have long recognized that a general law relates to “persons or things as a class,” whereas “a statute which relates to particular persons or things of a class is

special.” *Reals v. Courson*, 349 Mo. 1193 (1942); see also *City of Springfield v. Sprint Spectrum, L.P.*, 203 S.W.3d 177 (2006). Senate Substitute for Senate Committee Substitute for House Bill No. 650 would not benefit all defendants, or all defendants engaged in mining, or even a particular type of mining, but rather only those defendants that dealt in underground hard rock mining or hard rock milling sites that ceased operations prior to January 1, 1975. Because so few entities exist within these parameters, it can only be said that the limitation on punitive damages contained in Senate Substitute for Senate Committee Substitute for House Bill No. 650 would violate the constitutional prohibition against the enactment of special laws.

In accordance with the above stated reasons for disapproval, I am returning **Senate Substitute for Senate Committee Substitute for House Bill No. 650** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

July 12, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Conference Committee Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1035** entitled:

“AN ACT”

To repeal sections 33.080, 67.457, 67.463, 67.469, 71.011, 99.845, 137.073, 137.090, 137.095, 137.115, 137.720, 138.431, 238.272, 360.045, and 374.150, RSMo, and to enact in lieu thereof seventeen new sections relating to political subdivisions, with an emergency clause for certain sections and an existing penalty provision.

I disapprove of **Conference Committee Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1035**. My reasons for disapproval are as follows:

Conference Committee Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1035 contains a number of worthwhile provisions, many of which have become law with my action on other pieces of legislation. However, Conference Committee Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1035 cannot receive my approval because it would deprive voters of their right to be heard before their property is annexed into a city.

Conference Committee Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1035 would authorize a city to annex an area by simply adopting an ordinance to do so, without an election by the people being annexed or a declaratory judgment from a court. Because this provision was not in any introduced bill and received no public hearing, individuals living in areas that could be annexed through this new procedure were given no opportunity to weigh in during the legislative process, just as they would have no opportunity to be heard during the annexation process if Conference Committee Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1035 were to become law.

In accordance with the above stated reasons for disapproval, I am returning **Conference Committee Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1035** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

HOUSE BILLS VETOED FROM THE FIRST REGULAR SESSION

The Speaker read the following House Bills vetoed from the First Regular Session: **CCS SCS HCS HB 7, CCS SCS HCS HB 10** and **SS SCS HCS HB 19**.

SS SCS HCS HB 19, relating to appropriations, was taken up by Representative Kelly (45).

Representative Kelly (45) moved that **Section 19.006** of **SS SCS HCS HB 19** be passed, the objections of the Governor thereto notwithstanding.

Which motion was adopted by the following vote:

AYES: 112

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hubbard	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
McCaherty	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfausch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Schamhorst	Schatz	Schieber	Schieffer	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 047

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Englund	Fowler	Frame	Gardner	Harris
Hodges	Hummel	Kirkton	Kratky	LaFaver
Marshall	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo
Roorda	Runions	Schupp	Smith	Swearingen
Walton Gray	Webb			

PRESENT: 001

English

ABSENT WITH
LEAVE: 002

Ellington Newman

VACANCIES: 001

The Speaker read the following House Bills vetoed from the First Regular Session: **SCS HCS HB 110** and **SS HB 253**.

SS HB 253, relating to taxation, was taken up by Representative Berry.

Representative Berry moved that **SS HB 253** be passed, the objections of the Governor thereto notwithstanding.

Speaker Pro Tem Hoskins resumed the Chair.

Speaker Jones resumed the Chair.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 109

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Schamhorst	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45

Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH
LEAVE: 001

Newman

VACANCIES: 001

Representative Berry again moved that **SS HB 253** be passed, the objections of the Governor thereto notwithstanding.

Which motion was defeated by the following vote:

AYES: 094

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Fitzpatrick
Flanigan	Franklin	Frederick	Funderburk	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Miller	Molendorp	Moon	Muntzel
Neely	Neth	Parkinson	Pike	Pogue
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Scharnhorst	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Torpey	White
Wieland	Wilson	Zerr	Mr Speaker	

NOES: 067

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Entlicher	Fitzwater
Fowler	Fraker	Frame	Gannon	Gardner
Hampton	Harris	Hodges	Hubbard	Hummel
Kelly 45	Kirkton	Kratky	LaFaver	May
Mayfield	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Messenger	Mims	Mitten
Montecillo	Morgan	Morris	Nichols	Norr
Otto	Pace	Peters	Pfautsch	Phillips
Pierson	Redmon	Rizzo	Roorda	Rowland
Runions	Schieffer	Schupp	Smith	Swearingen
Thomson	Walker	Walton Gray	Webb	Webber
Wood	Wright			

PRESENT: 000

ABSENT WITH
LEAVE: 001

Newman

VACANCIES: 001

The Speaker read the following House Bill vetoed from the First Regular Session:
HB 278.

HB 278, relating to federal holidays, was taken up by Representative Brattin.

Representative Brattin moved that **HB 278** be passed, the objections of the Governor thereto notwithstanding.

Which motion was adopted by the following vote:

AYES: 114

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Cierpiot	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Elmer	Engler
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeier	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Roorda	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Schieffer	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 045

Anders	Burns	Butler	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	English
Englund	Gardner	Hodges	Hubbard	Hummel
Kelly 45	Kirkton	Kratky	LaFaver	May
Mayfield	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Nichols	Norr	Otto	Pace
Peters	Rizzo	Runions	Schupp	Smith
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH
LEAVE: 003

Ellington Newman Pierson

VACANCIES: 001

The Speaker read the following House Bill vetoed from the First Regular Session:
SCS HB 301.

SCS HB 301, relating to sex offenders, was taken up by Representative Engler.

Representative Engler moved that **SCS HB 301** be passed, the objections of the Governor thereto notwithstanding.

Speaker Pro Tem Hoskins resumed the Chair.

The motion to pass **SCS HB 301**, the objections of the Governor thereto notwithstanding, was withdrawn.

The Speaker Pro Tem read the following House Bill vetoed from the First Regular Session: **SCS HB 329.**

SCS HB 329, relating to financial institutions, was taken up by Representative Dugger.

Speaker Jones resumed the Chair.

Representative Dugger moved that **SCS HB 329** be passed, the objections of the Governor thereto notwithstanding.

Which motion was adopted by the following vote:

AYES: 109

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfausch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Schamhorst	Schatz	Schieber	Shull	Shumake

Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH
LEAVE: 002

Curtis	Newman
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VACANCIES: 001

The Speaker read the following House Bill vetoed from the First Regular Session:
HB 339.

HB 339, relating to the forfeiture of collecting noneconomic damages for failing to comply with the motor vehicle financial responsibility law, was taken up by Representative Wieland.

Representative Wieland moved that **HB 339** be passed, the objections of the Governor thereto notwithstanding.

Which motion was adopted by the following vote:

AYES: 109

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Black	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	English
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hubbard	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
McCaherty	McGaugh	McKenna	Messenger	Miller
Molendorp	Moon	Morris	Muntzel	Neely
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Schamhorst	Schatz	Schieber	Schieffer	Shull
Shumake	Solon	Sommer	Spencer	Stream

Swan	Thomson	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	
NOES: 051				
Anders	Barnes	Burns	Butler	Carpenter
Colona	Curtis	Dunn	Ellinger	Ellington
Englund	Fowler	Frame	Gardner	Haahr
Hodges	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	Marshall	May	Mayfield	McCann Beatty
McDonald	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Neth	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schupp	Smith
Swearingen	Torpey	Walton Gray	Webb	Webber
Wright				

PRESENT: 001

Conway 10

ABSENT WITH
LEAVE: 001

Newman

VACANCIES: 001

The Speaker read the following House Bill vetoed from the First Regular Session:
SCS HCS HB 436.

SCS HCS HB 436, relating to firearms, was taken up by Representative Funderburk.

Representative Funderburk moved that **SCS HCS HB 436** be passed, the objections of the Governor thereto notwithstanding.

Representative Keeney assumed the Chair.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 109

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth

Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Schamhorst	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH
LEAVE: 001

Newman

VACANCIES: 001

Representative Funderburk again moved that **SCS HCS HB 436** be passed, the objections of the Governor thereto notwithstanding.

Which motion was adopted by the following vote:

AYES: 109

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Schamhorst	Schatz	Schieber	Schieffer	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 049

Anders	Barnes	Black	Burns	Butler
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Carpenter	Colona	Conway 10	Curtis	Dunn
Ellinger	Ellington	English	Englund	Gardner
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo
Runions	Schupp	Smith	Swearingen	Torpey
Walton Gray	Webb	Webber	Wright	

PRESENT: 003

Higdon	Mayfield	Roorda
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ABSENT WITH
LEAVE: 001

Newman

VACANCIES: 001

Speaker Jones resumed the Chair.

The Speaker read the following House Bill vetoed from the First Regular Session:
SCS HCS HB 611.

SCS HCS HB 611, relating to employment, was taken up by Representative Lant.

Representative Lant moved that **SCS HCS HB 611** be passed, the objections of the Governor thereto notwithstanding.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 107

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Entlicher	Fitzpatrick
Fitzwater	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfausch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH
LEAVE: 004

Engler	Flanigan	Kelly 45	Newman
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VACANCIES: 001

Representative Lant again moved that **SCS HCS HB 611** be passed, the objections of the Governor thereto notwithstanding.

Which motion was defeated by the following vote:

AYES: 107

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	McCaherty
McGaugh	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 054

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	Marshall	May
Mayfield	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Nichols	Norr	Otto	Pace

Peters	Pierson	Rizzo	Roorda	Runions
Schieffer	Schupp	Smith	Solon	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH
LEAVE: 001

Newman

VACANCIES: 1

The Speaker read the following House Bill vetoed from the First Regular Session:
SS SCS HB 650.

SS SCS HB 650, relating to the department of natural resources, was taken up by Representative Ross.

Representative Ross moved that **SS SCS HB 650** be passed, the objections of the Governor thereto notwithstanding.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

Ayes: 109

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Nichols
Norr	Otto	Pace	Peters	Pierson

Rizzo	Roorda	Runions	Schieffer	Schupp
Smith	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH
LEAVE:

Kelly 45	Newman
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VACANCIES: 001

Representative Ross again moved that **SS SCS HB 650** be passed, the objections of the Governor thereto notwithstanding.

Which motion was adopted by the following vote:

AYES: 110

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Black	Brattin	Brown	Burlison
Butler	Cierpiot	Conway 104	Cookson	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	English
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Guernsey	Haefner	Hampton
Hansen	Harris	Hicks	Hinson	Hoskins
Hough	Houghton	Hubbard	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	McCaherty
McGaugh	McKenna	Meredith	Messenger	Miller
Molendorp	Montecillo	Moon	Morris	Muntzel
Neely	Neth	Parkinson	Pfausch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Roorda
Ross	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Sommer	Spencer	Stream
Swan	Thomson	Walker	Webb	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 050

Anders	Barnes	Burns	Carpenter	Colona
Conway 10	Cornejo	Curtis	Dunn	Ellinger
Ellington	Englund	Frame	Gardner	Grisamore
Haahr	Hodges	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	Marshall	May	Mayfield
McCann Beatty	McDonald	McManus	McNeil	Mims
Mitten	Morgan	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Rowden
Runions	Schieffer	Schupp	Smith	Solon
Swearingen	Torpey	Walton Gray	Webber	Wright

PRESENT: 001

Higdon

ABSENT WITH
LEAVE: 001

Newman

VACANCIES: 001

The Speaker read the following House Bill vetoed from the First Regular Session:
CCS#2 SCS HCS HB 1035.

CCS#2 SCS HCS HB 1035, relating to political subdivisions, was taken up by Representative Kelley (127).

Representative Kelley (127) moved that **CCS#2 SCS HCS HB 1035** be passed, the objections of the Governor thereto notwithstanding.

Which motion was adopted by the following vote:

AYES: 117

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Ellington	Elmer
Engler	English	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Mayfield	McCaherty
McGaugh	Messenger	Miller	Molendorp	Montecillo
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfausch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Roorda	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Webber	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 044

Anders	Black	Burns	Butler	Carpenter
Colona	Curtis	Dunn	Ellinger	Englund
Gardner	Harris	Hodges	Hubbard	Hummel
Kelly 45	Kirkton	Kratky	LaFaver	Marshall
May	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Morgan
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Runions	Schieffer	Schupp
Smith	Walton Gray	Webb	Wright	

PRESENT: 000

ABSENT WITH
LEAVE: 001

Newman

VACANCIES: 001

On motion of Representative Diehl, the House recessed until 8:45 p.m.

EVENING SESSION

The hour of recess having expired, the House was called to order by Speaker Jones.

HOUSE RESOLUTION

Representative Diehl offered **HR 2**, which was read.

HOUSE RESOLUTION NO. 2

BE IT RESOLVED by the House of Representatives, that the Chief Clerk of the House of Representatives inform the Senate that the House, having been duly convened as provided by Section 32, Article III of the Constitution, made no motions to override the Governor's vetoes on **CCS SCS HCS HB 7**, **CCS SCS HCS HB 10** and **SCS HCS HB 110** when the bills were called by the Speaker.

On motion of Representative Diehl, **HR 2** was adopted.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has passed **SS SCS HCS HB 19**, the objections of the Governor thereto notwithstanding.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that attached is a certified copy of the roll call on **SS SCS HCS HB 19**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has passed **HB 278**, the objections of the Governor thereto notwithstanding.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that attached is a certified copy of the roll call on **HB 278**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has passed **SCS HB 329**, the objections of the Governor thereto notwithstanding.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that attached is a certified copy of the roll call on **SCS HB 329**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has passed **HB 339**, the objections of the Governor thereto notwithstanding.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that attached is a certified copy of the roll call on **HB 339**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has passed **CCS#2 HCS SCS SB 9**, the objections of the Governor thereto notwithstanding.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that attached is a certified copy of the roll call on **CCS#2 HCS SCS SB 9**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has passed **SS SB 28**, the objections of the Governor thereto notwithstanding.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that attached is a certified copy of the roll call on **SS SB 28**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has passed **CCS HCS SS SB 34**, the objections of the Governor thereto notwithstanding.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that attached is a certified copy of the roll call on **CCS HCS SS SB 34**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has passed **HCS SB 110**, the objections of the Governor thereto notwithstanding.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that attached is a certified copy of the roll call on **HCS SB 110**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has passed **SS SCS SB 129**, the objections of the Governor thereto notwithstanding.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that attached is a certified copy of the roll call on **SS SCS SB 129**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has passed **SB 170**, the objections of the Governor thereto notwithstanding.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that attached is a certified copy of the roll call on **SB 170**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has passed **SB 265**, the objections of the Governor thereto notwithstanding.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that attached is a certified copy of the roll call on **SB 265**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has passed **SS SB 267**, the objections of the Governor thereto notwithstanding.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that attached is a certified copy of the roll call on **SS SB 267**.

SENATE BILLS VETOED FROM THE FIRST REGULAR SESSION

The Speaker read the following Senate Bill vetoed from the First Regular Session: **CCS#2 HCS SCS SB 9**.

CCS#2 HCS SCS SB 9, relating to agriculture, was taken up by Representative Guernsey.

Representative Guernsey moved that **CCS#2 HCS SCS SB 9** be passed, the objections of the Governor thereto notwithstanding.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 108

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH
LEAVE: 004

Conway 10	Franklin	McKenna	Newman
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VACANCIES: 001

Representative Guernsey again moved that **CCS#2 HCS SCS SB 9** be passed, the objections of the Governor thereto notwithstanding.

Which motion was adopted by the following vote:

AYES: 111

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hubbard	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeier	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
McCaherty	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Schieffer
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	Marshall	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Nichols	Norr	Otto	Pace	Peters
Rizzo	Roorda	Runions	Schupp	Smith
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH
LEAVE: 001

Newman

VACANCIES: 001

The Speaker read the following Senate Bill vetoed from the First Regular Session:
CCS HCS SS SB 34.

CCS HCS SS SB 34, relating to workers' compensation, was taken up by Representative Fraker.

Representative Fraker moved that **CCS HCS SS SB 34** be passed, the objections of the Governor thereto notwithstanding.

Which motion was defeated by the following vote:

AYES: 090

Allen	Anderson	Austin	Bahr	Bernskoetter
Brattin	Brown	Burlison	Cierpiot	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	Entlicher	Fitzwater	Flanigan	Fowler
Fraker	Franklin	Frederick	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	McGaugh	Messenger
Miller	Morris	Muntzel	Neely	Parkinson
Pfautsch	Phillips	Pike	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowland	Schatz	Shull	Shumake
Spencer	Stream	Swan	Thomson	Walker
White	Wieland	Wilson	Wood	Mr Speaker

NOES: 071

Anders	Barnes	Berry	Black	Burns
Butler	Carpenter	Colona	Conway 10	Curtis
Curtman	Dunn	Ellinger	Ellington	English
Englund	Fitzpatrick	Frame	Funderburk	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Korman	Kratky	LaFaver	Marshall
May	Mayfield	McCaherty	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Molendorp	Montecillo	Moon	Morgan
Neth	Nichols	Norr	Otto	Pace
Peters	Pierson	Pogue	Rizzo	Roorda
Rowden	Runions	Scharnhorst	Schieber	Schieffer
Schupp	Smith	Solon	Sommer	Swearingen
Torpey	Walton Gray	Webb	Webber	Wright
Zerr				

PRESENT: 000

ABSENT WITH
LEAVE: 001

Newman

VACANCIES: 001

The Speaker read the following Senate Bill vetoed from the First Regular Session:
HCS SB 110.

HCS SB 110, relating to custody and visitation for military personnel, was taken up by Representative Davis.

Representative Davis moved that **HCS SB 110** be passed, the objections of the Governor thereto notwithstanding.

Which motion was adopted by the following vote:

AYES: 109

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH
LEAVE: 001

Newman

VACANCIES: 001

The Speaker read the following Senate Bill vetoed from the First Regular Session:
SS SCS SB 129.

SS SCS SB 129, relating to volunteer health services, was taken up by Representative Burlison.

Representative Burlison moved that **SS SCS SB 129** be passed, the objections of the Governor thereto notwithstanding.

Representative Keeney resumed the Chair.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 106

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH
LEAVE: 004

Hough	Molendorp	Newman	Rhoads
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VACANCIES: 001

Representative Burlison again moved that **SS SCS SB 129** be passed, the objections of the Governor thereto notwithstanding.

Which motion was defeated by the following vote:

AYES: 108

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl

Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	McCaherty
McGaugh	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Norr
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 053

Anders	Barnes	Black	Burns	Butler
Carpenter	Colona	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	Marshall	May
Mayfield	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Nichols	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Scharnhorst
Schieffer	Schupp	Smith	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH
LEAVE: 001

Newman

VACANCIES: 001

Representative Keeney read the following Senate Bill vetoed from the First Regular Session: **SB 170**.

SB 170, relating to the votes of public governmental bodies, was taken up by Representative Berry.

Representative Berry moved that **SB 170** be passed, the objections of the Governor thereto notwithstanding.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 109

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl

Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfausch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH
LEAVE: 002

McManus Newman

VACANCIES: 001

Representative Berry again moved that **SB 170** be passed, the objections of the Governor thereto notwithstanding.

Which motion was adopted by the following vote:

AYES: 125

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Brattin	Brown
Burlison	Butler	Cierpiot	Conway 10	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hubbard	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Kratky	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	McCaherty	McCann Beatty	McGaugh	McKenna
Meredith	Messenger	Miller	Mims	Molendorp

Montecillo	Moon	Morris	Muntzel	Neely
Neth	Parkinson	Peters	Pfautsch	Phillips
Pierson	Pike	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Shull
Shumake	Smith	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webb	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 032

Black	Burns	Carpenter	Colona	Conway 104
Cookson	Curtis	Haefner	Harris	Hodges
Hummel	Kelly 45	Kirkton	LaFaver	Marshall
May	Mayfield	McDonald	McManus	McNeil
Mitten	Morgan	Nichols	Norr	Pogue
Rizzo	Roorda	Runions	Schieber	Schieffer
Schupp	Solon			

PRESENT: 004

Ellington	Gardner	Otto	Pace
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ABSENT WITH
LEAVE: 001

Newman

VACANCIES: 001

Representative Keeney read the following Senate Bill vetoed from the First Regular Session: **SB 265**.

SB 265, relating to private property rights, was taken up by Representative Rowland.

Representative Rowland moved that **SB 265** be passed, the objections of the Governor thereto notwithstanding.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 106

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeier	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch

Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH
LEAVE: 004

Elmer	Hinson	Newman	Richardson
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VACANCIES: 001

Representative Rowland again moved that **SB 265** be passed, the objections of the Governor thereto notwithstanding.

Which motion was defeated by the following vote:

AYES: 107

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeier	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 053

Anders	Barnes	Black	Burns	Butler
Carpenter	Colona	Conway 10	Curtis	Dunn

Ellinger	English	Englund	Frame	Gardner
Harris	Hodges	Hough	Hubbard	Hummel
Kelly 45	Kirkton	Kratky	LaFaver	May
Mayfield	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Roorda	Runions
Schieffer	Schupp	Smith	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 001

Ellington

ABSENT WITH
LEAVE: 001

Newman

VACANCIES: 001

Representative Keeney read the following Senate Bill vetoed from the First Regular Session: **SS SB 267**.

SS SB 267, relating to the laws of other countries, was taken up by Representative Curtman.

Representative Curtman moved that **SS SB 267** be passed, the objections of the Governor thereto notwithstanding.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 109

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH
LEAVE: 001

Newman

VACANCIES: 001

Representative Curtman again moved that **SS SB 267** be passed, the objections of the Governor thereto notwithstanding.

Which motion was defeated by the following vote:

AYES: 108

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Roorda	Ross	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 053

Anders	Barnes	Black	Burns	Butler
Carpenter	Colona	Conway 10	Curtis	Dunn
Ellinger	Ellington	English	Englund	Gardner
Harris	Hodges	Hough	Hubbard	Hummel
Kelly 45	Kirkton	Kratky	LaFaver	May
Mayfield	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Rowden	Runions
Schieffer	Schupp	Smith	Swearingen	Walton Gray

Webb Webber Wright

PRESENT: 000

ABSENT WITH
LEAVE: 001

Newman

VACANCIES: 001

MOTION

Representative Scharnhorst, having voted on the prevailing side, moved that the vote by which **SS SCS SB 129** was defeated, be reconsidered.

Representative Roorda raised a point of order that final action was taken on **SS SCS SB 129**.

Representative Keeney requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

Representative Scharnhorst again moved that the vote by which **SS SCS SB 129** was defeated, be reconsidered.

Which motion was adopted by the following vote:

AYES: 109

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45

Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH
LEAVE: 001

Newman

VACANCIES: 001

Speaker Jones resumed the Chair.

SENATE BILLS VETOED FROM THE FIRST REGULAR SESSION

SS SCS SB 129, relating to volunteer health services, was again taken up by Representative Burlison.

Representative Burlison moved that **SS SCS SB 129** be passed, the objections of the Governor thereto notwithstanding.

Which motion was adopted by the following vote:

AYES: 109

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	McCaherty
McGaugh	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Norr
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Schamhorst	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 052

Anders	Barnes	Black	Burns	Butler
Carpenter	Colona	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	Marshall	May
Mayfield	McCann Beatty	McDonald	McKenna	McManus

McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Nichols	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH
LEAVE: 001

Newman

VACANCIES: 001

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has passed **SS SCS HB 650**, the objections of the Governor thereto notwithstanding.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the attached is a certified copy of the roll call on **SS SCS HB 650**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has passed **CCS#2 SCS HCS HB 1035**, the objections of the Governor thereto notwithstanding.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the attached is a certified copy of the roll call on **CCS#2 SCS HCS HB 1035**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SR 9**.

SENATE RESOLUTION NO. 9

BE IT RESOLVED by the Senate that the Secretary of the Senate inform the House of Representatives that the Senate, having been duly convened as provided by Article III, Section 32 of the Constitution, made no motion to override the Governor's veto of Conference Committee Substitute for House Committee Substitute for Senate Bill No. 43; Conference Committee Substitute for House Committee Substitute for Senate Bill No. 51; Senate Bill No. 60; House Committee Substitute for Senate Bill No. 73; Senate Bill No. 77; Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 224; Senate Committee Substitute for Senate Bill No. 240; Conference Committee Substitute for House Committee Substitute for Senate Bill No. 342 and Senate Bill No. 350 when the bills were called by the President.

ADJOURNMENT

On motion of Representative Diehl, the Veto Session of the Ninety-seventh General Assembly, First Regular Session, adjourned sine die pursuant to the Constitution.

TIMOTHY W. JONES
Speaker of the House

D. ADAM CRUMBLISS
Chief Clerk of the House

12/2

(1-4)

12/3

(5-6)

12/4

(7-10)

12/5

(11-14)

12/6

(15-23)

Journal of the House

NINETY-SEVENTH GENERAL ASSEMBLY
of the
STATE OF MISSOURI
FIRST EXTRAORDINARY SESSION

FIRST DAY, MONDAY, DECEMBER 2, 2013

Speaker Jones in the Chair.

Prayer by Representative Stream.

Words from our Heavenly Father:

Walk peacefully with Me through this day. You are wondering how you will cope with all that is expected of you. You must traverse this day like any other: one step at a time. Instead of mentally rehearsing how you will do this or that, keep your mind on My Presence and on taking the next step. The more demanding your day, the more help you can expect from Me. This is a training opportunity, since I designed you for deep dependence on your Shepherd-King. Challenging times wake you up and amplify your awareness of needing My help.

When you don't know what to do, wait while I open the way before you. Trust that I know what I'm doing, and be ready to follow My lead. *I will give strength to you, and I will bless you with Peace.* (Exodus 33:14; Deuteronomy 33:25; Hebrews 13:20-21; Psalm 29:11)

Amen.

The Pledge of Allegiance to the flag was recited.

MESSAGE FROM THE GOVERNOR

The following Proclamation was received from His Excellency, Governor Jeremiah W. (Jay) Nixon.

PROCLAMATION

WHEREAS, aerospace manufacturing and the supplier industry that aerospace manufacturing supports are vital to our State's economy; and

WHEREAS, the State of Missouri has a long history in aerospace manufacturing and is home to a skilled workforce to produce aircraft now and for generations to come; and

WHEREAS, the aerospace industry is critical to our State's economy, with aerospace manufacturers and suppliers located in communities throughout the State; and

WHEREAS, the development of new aerospace manufacturing opportunities within the State of Missouri is vital to continuing Missouri's leadership in the aerospace industry; and

WHEREAS, in order to compete for next-generation aerospace manufacturing opportunities, Missouri's economic development programs must be expanded to accommodate projects involving significant job creation and large capital investment; and

WHEREAS, Article IV, Section 9 of the Missouri Constitution authorizes the Governor on extraordinary occasions to convene the General Assembly by proclamation, wherein he shall state specifically each matter on which action is deemed necessary; and

WHEREAS, the need for expanding certain existing economic development programs in order for the State of Missouri to compete for aerospace manufacturing projects is an extraordinary occasion envisioned by Article IV, Section 9 of the Missouri Constitution.

NOW THEREFORE, on the extraordinary occasion that exists in the State of Missouri:

I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, pursuant to the authority vested in me as Governor by the Constitution of the State of Missouri, do, by this Proclamation, convene the Ninety-Seventh General Assembly of the State of Missouri in the First Extra Session of the First Regular Session; and

I HEREBY call upon the Senators and Representatives of said General Assembly to meet in the State Capitol in the City of Jefferson at the hour of 4:00 p.m., Central Standard Time, on December 2, 2013; and

I HEREBY state that the action of said General Assembly is deemed necessary concerning each matter specifically designated and limited hereinafter as follows:

- To enact legislation authorizing large-scale aerospace projects to be funded under the Missouri Works Program (Sections 620.2000 to 620.2020, RSMo), Missouri Business Use Incentives for Large-Scale Development Act (BUILD) (Sections 100.700 to 100.850, RSMo), Missouri Works Training Program (Sections 620.800 to 620.809, RSMo), and the Real Property Tax Increment Allocation Redevelopment Act (Sections 99.800 to 99.865, RSMo) within a distinct annual funding cap established for such aerospace projects.
- To allow the Senate to consider appointments to boards, commissions, departments, and divisions that require advice and consent of the Senate.

Such additional and other matters as may be recommended by the Governor by special message to the General Assembly after it shall have been convened.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 29th day of November, 2013.

/s/ Jeremiah W. (Jay) Nixon
Governor

ATTEST:

/s/ Jason Kander
Secretary of State

INTRODUCTION OF HOUSE BILL

The following House Bill was read the first time and copies ordered printed:

HB 1, introduced by Representative Zerr, relating to economic development for aerospace projects.

MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SR 1**.

SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate of the Ninety-seventh General Assembly, First Regular Session, that the Secretary of Senate inform the House of Representatives that the Senate is duly convened in the First Extra Session of the First Regular Session and is ready for consideration of its business.

COMMUNICATION

December 2, 2013

Adam Crumbliss
Chief Clerk, Missouri House of Representatives
State Capitol, Room 317 A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

Pursuant to RSMo. 21.090, I hereby submit my resignation, effective immediately, as state representative for the 67th District.

Sincerely,

/s/ Steve Webb
67th District

The following members' presence was noted: Anderson, Austin, Bahr, Barnes, Berry, Black, Brattin, Brown, Burlison, Burns, Butler, Cierpiot, Conway (10), Cookson, Cornejo, Cox, Crawford, Cross, Curtis, Curtman, Davis, Diehl, Dohrman, Dugger, Dunn, Ellinger, Ellington, Elmer, Engler, English, Entlicher, Fitzpatrick, Fitzwater, Flanigan, Fowler, Fraker, Frame, Franklin, Funderburk, Gannon, Gardner, Gatschenberger, Gosen, Grisamore, Guernsey, Haahr, Haefner, Hansen, Harris, Hicks, Higdon, Hinson, Hoskins, Hough, Houghton, Hubbard, Hummel, Hurst, Johnson, Jones (50), Justus, Keeney, Kelley (127), Kolkmeier, Korman, Lair, Lant, Lauer, Leara, Love, Lynch, Marshall, Mayfield, McCann Beatty, McGaugh, McKenna, Meredith, Messenger, Miller, Mims, Mitten, Montecillo, Moon, Morris, Muntzel, Neely, Neth, Norr, Otto, Peters, Pfautsch, Phillips, Pike, Pogue, Redmon, Reiboldt, Rhoads, Riddle, Rizzo, Roorda, Ross, Rowden, Rowland, Scharnhorst, Schatz, Schieffer, Shull, Shumake, Smith, Sommer, Spencer, Swan, Swearingen, Thomson, Torpey, Walker, White, Wieland, Wilson, Wood and Zerr.

ADJOURNMENT

On motion of Representative Jones (110), the House adjourned until 10:00 a.m., Tuesday, December 3, 2013.

COMMITTEE HEARINGS

ECONOMIC DEVELOPMENT

Tuesday, December 3, 2013, Upon Adjournment of the Senate Jobs, Economic Development and Local Government Committee Hearing or 7:00 PM, whichever is later, House Hearing Room 3.

Public hearing and possible executive session to be held on legislation relating to the Governor's proclamation on aerospace industry job creation.

JOINT COMMITTEE ON CHILD ABUSE AND NEGLECT

Wednesday, December 4, 2013, 9:30 AM, Senate Conference Room 1.

This will be a work session of the full committee. No public testimony will be taken at this meeting.

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Tuesday, December 10, 2013, 8:00 AM, House Hearing Room 7.

Business meeting. Some portions of the meeting may be closed pursuant to Section 610.021.

HOUSE CALENDAR

SECOND DAY, TUESDAY, DECEMBER 3, 2013

HOUSE BILLS FOR SECOND READING

HB 1 - Zerr

JOURNAL OF THE HOUSE

First Extraordinary Session, 97th GENERAL ASSEMBLY

SECOND DAY, TUESDAY, DECEMBER 3, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

There was a moment of silent prayer.

The Pledge of Allegiance to the flag was recited.

SECOND READING OF HOUSE BILL

The following House Bill was read the second time:

HB 1, relating to economic development for aerospace projects.

REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

HB 1 - Economic Development

The following members' presence was noted: Austin, Barnes, Berry, Black, Brown, Burns, Butler, Carpenter, Cierpiot, Colona, Conway (10), Cookson, Cornejo, Curtis, Curtman, Dunn, Ellinger, Ellington, English, Englund, Fitzwater, Flanigan, Fraker, Frame, Funderburk, Grisamore, Haahr, Haefner, Hansen, Harris, Hicks, Higdon, Hubbard, Hummel, Hurst, Kelley (127), Kratky, LaFaver, Lair, Lant, Lauer, Lynch, Marshall, Mayfield, McCann Beatty, McKenna, Miller, Mims, Mitten, Montecillo, Muntzel, Neth, Norr, Otto, Peters, Pike, Pogue, Reiboldt, Rhoads, Richardson, Riddle, Rizzo, Roorda, Rowden, Rowland, Runions, Scharnhorst, Schieffer, Shull, Smith, Sommer, Spencer, Swearingen, Torpey, White, Wieland, Wood and Zerr.

ADJOURNMENT

On motion of Representative Jones (110), the House adjourned until 10:00 a.m., Wednesday, December 4, 2013.

COMMITTEE HEARINGS

BUDGET

Monday, December 9, 2013, 8:00 AM, House Hearing Room 3.

Budget Transparency

ECONOMIC DEVELOPMENT

Wednesday, December 4, 2013, 7:30 PM, House Hearing Room 3.

Executive session will be held: HB 1

JOINT COMMITTEE ON CHILD ABUSE AND NEGLECT

Wednesday, December 4, 2013, Upon Morning Recess or adjournment, Senate Conference Room 1.

This will be a work session of the full committee. No public testimony will be taken at this meeting.

AMENDED

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Tuesday, December 10, 2013, 8:00 AM, House Hearing Room 7.

Business meeting. Some portions of the meeting may be closed pursuant to Section 610.021.

MISSOURI ORAL CHEMOTHERAPY PARITY INTERIM COMMITTEE

Wednesday, December 11, 2013, 11:00 AM, House Hearing Room 6.

RULES

Wednesday, December 4, 2013, 8:00 PM, House Hearing Room 7.

Public hearing will be held: HB 1

Executive session will be held: HB 1

JOURNAL OF THE HOUSE

First Extraordinary Session, 97th GENERAL ASSEMBLY

THIRD DAY, WEDNESDAY, DECEMBER 4, 2013

The House met pursuant to adjournment.

Representative Flanigan in the Chair.

There was a moment of silent prayer.

The Pledge of Allegiance to the flag was recited.

COMMITTEE REPORTS

Committee on Economic Development, Chairman Zerr reporting:

Mr. Speaker: Your Committee on Economic Development, to which was referred **HB 1**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Riddle reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1**, begs leave to report it has examined the same and recommends that it **Do Pass**.

INTRODUCTION OF HOUSE BILL

The following House Bill was read the first time and copies ordered printed:

HB 2, introduced by Representative Curtis, relating to economic incentives.

MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 1**, entitled:

An act to amend chapter 620, RSMo, by adding thereto one new section relating to aerospace industry job creation, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

COMMUNICATION

December 3, 2013

Mr. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
201 W. Capitol Avenue
Jefferson City, MO 65101

Re: Possible Personal Interest in Legislation

Dear Mr. Crumbliss:

Pursuant to Section 105.461, RSMo, I am hereby filing a written report of a possible personal interest in legislation on which the House of Representatives may vote during the legislative session. I am an employee of The Boeing Company, an aerospace engineering and manufacturing firm that has locations within the state of Missouri.

In compliance with Section 105.461, RSMo, please publish this letter in the Journal of the House.

Thank you for your attention to this matter.

Sincerely,

/s/ Doug Funderburk
State Representative
District 103

The following members' presence was noted: Barnes, Black, Burns, Butler, Carpenter, Cierpiot, Colona, Conway (10), Cox, Curtis, Dunn, Ellinger, Ellington, Elmer, English, Englund, Fitzwater, Fraker, Frame, Gardner, Gosen, Grisamore, Guernsey, Harris, Hubbard, Hummel, Jones (50), Jones (110), Justus, Kelley (127), Kirkton, Kolkmeier, Kratky, LaFaver, Lair, Lant, Lauer, Leara, May, Mayfield, McCann Beatty, McDonald, McKenna, McNeil, Mims, Mitten, Montecillo, Muntzel, Norr, Otto, Peters, Pierson, Pogue, Reiboldt, Riddle, Rizzo, Rowden, Runions, Scharnhorst, Schieffer, Shumake, Smith, Swearingen, Torpey, Wilson, Wood and Zerr.

ADJOURNMENT

On motion of Representative Flanigan, the House adjourned until 10:00 a.m., Thursday, December 5, 2013.

COMMITTEE HEARINGS

APPROPRIATIONS - INFRASTRUCTURE AND JOB CREATION

Wednesday, December 18, 2013, 10:00 AM, Negro Leagues Baseball Museum, 1616 E 18th St., Kansas City, MO.

Public testimony and discussion on bond legislation for 2014 session.

APPROPRIATIONS - INFRASTRUCTURE AND JOB CREATION

Wednesday, December 18, 2013, 2:00 PM, Missouri Western University, Blum Student Union Room 220, 4525 Downs Dr., St. Joseph, MO.

Public testimony and discussion on bond legislation for 2014 session.

BUDGET

Monday, December 9, 2013, 8:00 AM, House Hearing Room 3.

Budget Transparency

ECONOMIC DEVELOPMENT

Thursday, December 5, 2013, 12:00 PM, House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Public hearing and possible executive session to be held on SCS SB 1, pending referral.

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Tuesday, December 10, 2013, 8:00 AM, House Hearing Room 7.

Business meeting. Some portions of the meeting may be closed pursuant to Section 610.021.

MISSOURI ORAL CHEMOTHERAPY PARITY INTERIM COMMITTEE

Wednesday, December 11, 2013, 11:00 AM, House Hearing Room 6.

RULES

Thursday, December 5, 2013, 1:00 PM or thirty minutes following adjournment of the House Committee on Economic Development, whichever is later, House Hearing Room 7.

Executive session for SB 1

HOUSE CALENDAR

FOURTH DAY, THURSDAY, DECEMBER 5, 2013

HOUSE BILLS FOR SECOND READING

HB 2

HOUSE BILLS FOR PERFECTION

HCS HB 1 - Zerr

SENATE BILLS FOR SECOND READING

SCS SB 1

JOURNAL OF THE HOUSE

First Extraordinary Session, 97th GENERAL ASSEMBLY

FOURTH DAY, THURSDAY, DECEMBER 5, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Timothy W. Jones, Speaker of the Missouri House of Representatives.

Words from our Heavenly Father:

Let My presence override everything you experience. Like a luminous veil of Light, I hover over you and everything around you. I am training you to stay conscious of Me in each situation you encounter.

When the patriarch Jacob ran away from his enraged brother, he went to sleep on a stone pillow in a land that seemed desolate. But after dreaming about heaven and angels and promises of My Presence, he awoke and exclaimed: "Surely the Lord is in this place, and I was not aware of it." His discovery was not only for him but for all who seek Me. Whenever you feel distant from Me, say: "Surely the Lord is in this place!" Then, ask Me to give you awareness of My Presence. This is a prayer that I delight to answer. (*Psalm 31:20; Genesis 28:11-16*)

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

SECOND READING OF HOUSE BILL

The following House Bill was read the second time:

HB 2, relating to economic incentives.

SECOND READING OF SENATE BILL

The following Senate Bill was read the second time:

SCS SB 1, relating to aerospace industry job creation.

REFERRAL OF SENATE BILL

The following Senate Bill was referred to the Committee indicated:

SCS SB 1 - Economic Development

COMMITTEE REPORTS

Committee on Economic Development, Chairman Zerr reporting:

Mr. Speaker: Your Committee on Economic Development, to which was referred **SCS SB 1**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Riddle reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 1**, begs leave to report it has examined the same and recommends that it **Do Pass**.

SUPPLEMENTAL CALENDAR

THURSDAY, DECEMBER 5, 2013

SENATE BILLS FOR THIRD READING

SCS SB 1, E.C. - Zerr

COMMITTEE CHANGES

December 5, 2013

The Honorable Timothy Jones, Speaker
Missouri House of Representatives
201 W. Capitol Avenue, Room 308
Jefferson City, Missouri 65101

Dear Mr. Speaker:

I would like to notify you of the following changes to the current Issue Development Standing Committees:

- Representative Ron Hicks removed from the Issue Development Standing Committee on Workers Freedom effective December 4, 2013.

Sincerely,

/s/ Representative Dwight Scharnhorst
Administration and Accounts Chair
District 98

December 5, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, Missouri 65101

Dear Mr. Crumbliss:

The Speaker hereby appoints Representative Mike Moon and Representative Kurt Bahr to the Committee on Professional Registration and Licensing.

If you have any questions, please let me know.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

The following members' presence was noted: Anderson, Austin, Bahr, Barnes, Berry, Black, Brown, Burns, Butler, Carpenter, Cierpiot, Colona, Conway (10), Cookson, Cornejo, Cox, Crawford, Cross, Curtis, Davis, Diehl, Dohrman, Dugger, Dunn, Ellinger, Ellington, Elmer, Engler, English, Englund, Entlicher, Fitzwater, Flanigan, Fraker, Frame, Funderburk, Gannon, Gardner, Gatschenberger, Gosen, Grisamore, Guernsey, Haahr, Haefner, Hampton, Hansen, Harris, Higdon, Hodges, Houghton, Hummel, Hurst, Johnson, Jones (50), Justus, Kelley (127), Kirkton, Kratky, LaFaver, Lair, Lant, Lauer, Leara, Lynch, May, Mayfield, McCaherty, McCann Beatty, McDonald, McKenna, McNeil, Meredith, Miller, Mims, Mitten, Molendorp, Montecillo, Morgan, Morris, Muntzel, Nichols, Norr, Otto, Pace, Peters, Pfautsch, Pierson, Pike, Pogue, Redmon, Reiboldt, Remole, Rhoads, Richardson, Riddle, Rizzo, Roorda, Rowden, Rowland, Runions, Scharnhorst, Schieber, Schupp, Shull, Smith, Solon, Sommer, Swan, Swearingen, Thomson, Torpey, Walker, Walton Gray, White, Wieland, Wilson, Wood and Zerr.

ADJOURNMENT

On motion of Representative Jones (110), the House adjourned until 9:00 a.m., Friday, December 6, 2013.

COMMITTEE HEARINGS

APPROPRIATIONS - INFRASTRUCTURE AND JOB CREATION

Wednesday, December 18, 2013, 10:00 AM, Negro Leagues Baseball Museum, 1616 E. 18th St., Kansas City, MO.

Public testimony and discussion on bond legislation for 2014 session.

APPROPRIATIONS - INFRASTRUCTURE AND JOB CREATION

Wednesday, December 18, 2013, 2:00 PM, Missouri Western University, Blum Student Union Room 220, 4525 Downs Dr., St. Joseph, MO.

Public testimony and discussion on bond legislation for 2014 session.

BUDGET

Monday, December 9, 2013, 8:00 AM, House Hearing Room 3.

Budget Transparency - Department of Elementary and Secondary Education, Office of Administration, Department of Social Services (Medicaid), Insurance

AMENDED

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Tuesday, December 10, 2013, 8:00 AM, House Hearing Room 7.

Business meeting. Some portions of the meeting may be closed pursuant to Section 610.021.

MISSOURI ORAL CHEMOTHERAPY PARITY INTERIM COMMITTEE

Wednesday, December 11, 2013, 11:00 AM, House Hearing Room 6.

HOUSE CALENDAR

FIFTH DAY, FRIDAY, DECEMBER 6, 2013

HOUSE BILLS FOR PERFECTION

HCS HB 1 - Zerr

SENATE BILLS FOR THIRD READING

SCS SB 1, E.C. - Zerr

JOURNAL OF THE HOUSE

First Extraordinary Session, 97th GENERAL ASSEMBLY

FIFTH DAY, FRIDAY, DECEMBER 6, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

Trust in the Lord with all thine heart; and lean not unto thine own understanding. (Proverbs 3:5)

Eternal God, unfailing source of light and life, we thank You for Your presence which gives power to Your people and courage to Your representatives. With You may we find strength in the time of trouble, deliverance in the hour of temptation, and serenity in the moment when we wrestle with worry.

Teach us to love You with all our hearts and our fellow citizens as ourselves on this St. Nicholas Day. Give us such a measure of Your spirit that we may be used by You to usher in a greater day for our state and a better day for all.

We lift up to You the memory of the late President Nelson Mandela of South Africa who taught us all a lesson of national reconciliation and unity despite personal pain and suffering. May all peoples in all countries let this example burn into their hearts!

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Journals of the first, second, third and fourth days were approved as printed.

HOUSE RESOLUTION

Representative Diehl offered **House Resolution No. 1**, which was read.

HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-seventh General Assembly, First Regular Session, inform the Senate that the House duly convened in the First Extraordinary Session of the First Regular Session on Monday, December 2, 2013, and is convened in full session and ready for consideration of its business.

On motion of Representative Diehl, **House Resolution No. 1** was adopted.

THIRD READING OF SENATE BILL

SCS SB 1, relating to aerospace industry job creation, was taken up by Representative Zerr.

Speaker Pro Tem Hoskins assumed the Chair.

Speaker Jones resumed the Chair.

SCS SB 1 was laid over.

MESSAGE FROM THE SENATE

December 6, 2013

Mr. Speaker: I hereby transmit to you the “Corrected” Perfected **Senate Committee Substitute for Senate Bill No. 1** as third read and finally passed by the Senate on Wednesday, December 4, 2013 as such action is reflected in the Senate Journal for that day.

Respectfully submitted,

/s/ Terry L. Spieler
Secretary of the Senate

A corrected copy of **SCS SB 1** was distributed on the members’ desks.

HOUSE RESOLUTION

Representatives Diehl and Hummel offered **House Resolution No. 2**, which was read.

HOUSE RESOLUTION NO. 2

WHEREAS, Senate Committee Substitute for Senate Bill No. 1 as perfected and third read by the Missouri Senate during the First Extraordinary Session of the Ninety-Seventh General Assembly was received by the Missouri House of Representatives on December 4, 2013, with the title “relating to aerospace industry job creation, with an emergency clause”; and

WHEREAS, the Missouri House of Representatives first read Senate Committee Substitute for Senate Bill No. 1 as perfected and third read by the Missouri Senate during the First Extraordinary Session of the Ninety-Seventh General Assembly by title and number on December 4, 2013; and

WHEREAS, the Missouri House of Representatives second read Senate Committee Substitute for Senate Bill No. 1 as perfected and third read by the Missouri Senate during the First Extraordinary Session of the Ninety-Seventh General Assembly by title and number on December 5, 2013; and

WHEREAS, the Secretary of the Senate delivered a message on December 6, 2013, to the Missouri House of Representatives including a corrected copy of Senate Committee Substitute for Senate Bill No. 1 as perfected and third read by the Missouri Senate during the First Extraordinary Session of the Ninety-Seventh General Assembly; and

WHEREAS, the Missouri Senate acknowledges that the proper language of Senate Amendment No. 5 for Senate Committee Substitute for Senate Bill No. 1 was properly printed in the Journal of the Missouri Senate for the Third Day of the First Extraordinary Session of the Ninety-Seventh General Assembly on Pages 30 through 32 on Wednesday, December 4, 2013; and

WHEREAS, by printing a corrected copy of Senate Committee Substitute for Senate Bill No. 1 as perfected and third read by the Missouri Senate during the First Extraordinary Session of the Ninety-Seventh General Assembly, the Senate has properly enrolled a bill correctly encompassing the language contained within Senate Amendment No. 5 as adopted by the Senate as a body on December 4, 2013:

NOW THEREFORE BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninety-seventh General Assembly, acknowledge that the corrected Senate Committee Substitute for Senate Bill No. 1 as perfected and third read by the Senate and as first read and second read by the Missouri House of Representatives during the First Extraordinary Session of the Ninety-Seventh General Assembly accurately reflects the proposed statutory language; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution to be delivered to the President Pro Tem of the Missouri Senate and Governor of the State of Missouri.

On motion of Representative Diehl, **House Resolution No. 2** was adopted.

THIRD READING OF SENATE BILL

SCS SB 1, relating to aerospace industry job creation, was again taken up by Representative Zerr.

On motion of Representative Zerr, **SCS SB 1** was truly agreed to and finally passed by the following vote:

Ayes: 127

Allen	Anders	Austin	Bernskoetter	Berry
Black	Brown	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Cookson	Comejo
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Funderburk	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hummel	Hurst	Jones 50
Justus	Kelley 127	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McNeil	Meredith	Miller	Mims	Mitten
Molendorp	Montecillo	Morgan	Morris	Muntzel
Neth	Nichols	Norr	Otto	Pace
Peters	Pfautsch	Phillips	Pierson	Pike
Redmon	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieffer	Schupp

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Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Wieland	Wood	Wright
Zerr	Mr Speaker			

Noes: 20

Anderson	Bahr	Barnes	Brattin	Burlison
Cox	Ellington	Elmer	Guernsey	Johnson
Keeney	Kirkton	Marshall	Pogue	Rehder
Ross	Schieber	Webber	White	Wilson

Present: 2

Parkinson	Smith
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Absent with Leave: 12

Conway 104	Franklin	Frederick	Hodges	Hubbard
Kelly 45	Koenig	McManus	Messenger	Moon
Neely	Newman			

Vacancies: 2

Speaker Jones declared the bill passed.

The emergency clause was adopted by the following vote:

Ayes: 127

Allen	Anders	Austin	Bernskoetter	Berry
Black	Brown	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Cookson	Comejo
Crawford	Cross	Curtis	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hummel	Hurst	Jones 50	Justus
Kelley 127	Kolkmeier	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	May	Mayfield	McCaherty
McCann Beatty	McDonald	McGaugh	McKenna	McNeil
Meredith	Miller	Mims	Mitten	Molendorp
Montecillo	Morgan	Morris	Muntzel	Neth
Nichols	Norr	Otto	Pace	Peters
Pfautsch	Phillips	Pierson	Pike	Redmon
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieffer	Schupp
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Wieland	Wood	Wright
Zerr	Mr Speaker			

Noes: 19

Anderson	Bahr	Barnes	Brattin	Burlison
Cox	Ellington	Elmer	Guernsey	Johnson
Keeney	Kirkton	Marshall	Pogue	Rehder
Schieber	Webber	White	Wilson	

Present: 3

Gardner	Parkinson	Smith
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Absent with Leave: 12

Conway 104	Curtman	Franklin	Hodges	Hubbard
Kelly 45	Koenig	McManus	Messenger	Moon
Neely	Newman			

Vacancies: 2

RECESS

On motion of Representative Diehl, the House recessed until such time that **SCS SB 1** is signed and then stand adjourned.

The hour of recess having expired, the House was called to order by Speaker Jones.

SIGNING OF SENATE BILL

All other business of the House was suspended while **SCS SB 1** was read at length and was signed by the Speaker to the end that the same may become law.

Representative Bahr offered an objection to **SCS SB 1**, which was appended to the bill.

CONSTITUTIONAL OBJECTION

Mr. Speaker:

My honor and duty to my sworn oath to support and defend the Missouri state Constitution compels me to raise a constitutional objection to Senate Bill 1. It is my opinion that the bill is unconstitutional for the following reasons:

1. SB 1 violates Article I, Section 2 of the Missouri Constitution by denying equal protection under the laws of Missouri through its treatment of Missouri businesses and other taxpayers differently based on the geographic region and industries they serve.

2. SB 1 further violates Article I, Section 2 of the Missouri Constitution by providing a competitive advantage to some citizens through state supplied subsidies for the development of new enterprises at the expense of citizens who have already made investments in competing projects. The result is state sponsored diminution of their property and the state's failure to "give security" to the "gains of their own industry".

3. SB 1 further violates Article I, Section 2 of the Missouri Constitution by providing preferential and unequal treatment to some citizens, who would receive state supplied subsidies for the development of new enterprises, over

other citizens who might otherwise seek development of new enterprises in competition with them in an open and free marketplace.

4. SB 1 violates Article III, Section 36 of the Missouri Constitution, because it has the effect of “divert[ing]” money from the treasury independent of the appropriation process.

5. SB 1 violates Article III, Section 38(a) of the Missouri Constitution, which states that “The general assembly shall have no power to grant public money or property, or lend or authorize the lending of public credit, to any private person, association or corporation...”

The potential for public benefit does not remediate the fatal flaws in this bill, for as the Missouri Supreme Court pointed out in 1987, “Accordingly, in our application of Article III, Section 38(a) of the Missouri Constitution, we have held grants with a primarily private effect to be unconstitutional, despite the possible beneficial impact upon the economy of the locality and of the state.” *Curchin v. Missouri Indus. Development Bd.*, 722 SW 2d 930 (Mo: Supreme Court 1987)

6. SB 1 violates Missouri Constitution's Article III, Section 40 prohibition of “special laws” in several ways, notably those in Section 40(30) which forbids the General Assembly from passing a local or special law where a general law can be made

Article I, Section 2 of the Missouri Constitution provides guidance for all that the state would task itself with – it defines the role of Missouri government, what it calls its “principal office”. That section was brought forward from our 1875 constitution and it was explained eloquently when introduced to the body of delegates during the 1875 Constitutional Convention:

“It [in the Bill of Rights] is then declared that the main office of government is the security of life, liberty and property - the protection of those things - not protection in the sense in which capital is employed in thousands of industries in order to render bloated one or two in some favored locality - not protection in that sense, but equal protection to all, so that every man may sit secure under the shadow of his own vine and fig tree, and have none to make him afraid.” Debates of the Missouri Constitutional Convention, 1875 – Volume I, P. 430 at 24 (emph. added)

As a duly elected Representative of the great state of Missouri, I have taken an oath to support and defend the Constitution from which these principles emanate. While I have a responsibility to consider guidance from the Courts, I also have a personal responsibility to understand our Constitution and apply my understanding in the execution of my duties. In the present instance, both the preponderance of guidance from the courts and my understanding are in agreement.

Accordingly, I conclude that Senate Bill 1 is unconstitutional for the above-stated reasons and should not be agreed to or passed by this body and in the event it is finally passed by both houses of the legislature, should not be signed by the governor.

Respectfully,

/s/ Rep. Kurt M. Bahr
District 102

REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

HB 2 - Economic Development

COMMITTEE CHANGES

December 6, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby appoint Representative Mike Moon to the Committee on Appropriations – Agriculture and Natural Resources.

If you have any questions regarding this communication, please contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

December 6, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

The Speaker hereby appoints Representative Bart Korman to the Committee on Budget.

If you have any questions, please let me know.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

December 6, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby remove Representative Noel Torpey from the Committee on Fiscal Review and appoint Representative Scott Fitzpatrick.

If you have any questions regarding this communication, please let me know.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

December 6, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

The Speaker hereby appoints Representative Mike Moon to the Committee on Higher Education.

If you have any questions, please contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

December 6, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby remove Representative Bart Korman from the Committee on Professional Registration and Licensing and appoint Representative Kathy Swan.

If you have any questions, please let me know.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

The following member's presence was noted: Hodges.

ADJOURNMENT

Speaker Jones declared the House of Representatives of the Ninety-seventh General Assembly, convened in the First Extraordinary Session of the First Regular Session on December 2, 2013, adjourned.

TIMOTHY W. JONES
Speaker of the House

D. ADAM CRUMBLISS
Chief Clerk of the House